



FAYETTEVILLE CITY COUNCIL
AGENDA
FEBRUARY 27, 2012
7:00 P.M.
CITY HALL COUNCIL CHAMBER

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 CONSENT

5.1 Approve Meeting Minutes:

January 3, 2012 - Work Session
January 9, 2012 - Discussion of Agenda Items
January 9, 2012 - Regular Meeting
January 18, 2012 - Agenda Briefing
January 23, 2012 - Discussion of Agenda Items
January 23, 2012 - Regular Meeting

5.2 Community Development - Resolution authorizing the transfer of real property to Fayetteville State University located at 916 and 918 Washington Drive.

5.3 Case No. P12-01F. Rezoning from SF-10 Single Family District to NC Neighborhood Commercial District, or a more restrictive district, on property located at 906 Hope Mills Rd. Containing 0.24 acres more or less and being the property of Nancy Karyo.

5.4 Case No. P12-02F. Rezoning from HI Heavy Industrial District to CC Community Commercial District, or a more restrictive district, on property located at 4420 Murchison Rd. Containing 1.41 acres more or less and being the property of Agnes Hubbard.

5.5 Case No. P12-03F. Initial zoning from R10 Residential District in Cumberland County's jurisdiction to SF-10 Single Family Residential District, or a more restrictive district, on property located at W Summer Chase Dr. Containing 53.62 acres more or less and being the property of Brolanco Corporation, Don B. Broadwell, Sr, President.

- 5.6 Adopt Resolution to Accept a Report of Unpaid Taxes for 2011 and Direct the Advertisement of Tax Liens
- 5.7 Special Revenue Fund Project Ordinance 2012-12 (Parks and Recreation - Return and Restore Program)
- 5.8 Special Revenue Fund Project Ordinance 2012-13 (PSN - Law Enforcement Training Consortium)
- 5.9 Request for Legal Representation in the Matter of *Matthew F. Bases v. Vernia Murchison*, Superior Court Case No. 12 CVS 34
- 5.10 Resolution Designating Various Banks and Savings and Loan Associations as Official Depositories of City Funds
- 5.11 Adopt Resolution to Declare City Foreclosed Property Surplus, Sale by Sealed Bid, and Award and Accept Highest Bid
- 5.12 Resolution to sell surplus 1994 HME Boardman Fire Pumper and 1994 Emergency One Sentry Rescue Truck through public auction.

6.0 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.

- 6.1 Quasi-Judicial Public Hearing - Appeal of a required street connection from a new 32 lot subdivision to an existing neighborhood (Arrans Lake West) via Lakewell Circle.
Presenter(s): Scott Shuford, Development Services Director
- 6.2 P11-52F Rezoning from SF-15 Single Family District to MR-5/C Mixed Residential Conditional District, or a more restrictive district, on property located at 7015 Fillyaw Road. Containing 15.14 acres more or less and being the property of James McKethan, Robert McKethan and Kenneth McKethan Jr. **(Appeal of a Zoning Commission Denial)**
Presenter(s): Craig Harmon, AICP, CZO - Planner II
- 6.3 Case No. P12-04F. Special Use Permit for a Major Utility, on property located at 8880 Cliffdale Rd. Containing 1.9 acres more or less and being the property of Lumbee River EMC.
Presenter(s): Craig Harmon, AICP, CZO - Planner II

7.0 OTHER ITEMS OF BUSINESS

- 7.1 City of Fayetteville 2011 Annual Report to the Community
Presenter(s): Dale Iman, City Manager

7.2 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

Presenter(s): Robert T. Hurst, Jr., Council Member, District 5

7.3 Consideration of the Rental Action Management Program, RAMP, Ordinance

Presenter(s): Kristoff Bauer, Asst. City Manager

7.4 Uninhabitable Structures Demolition Recommendations

- 973 Comet Circle
- 200 Duke Street

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

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly Statement of Taxes for January 2012

9.0 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

February 27, 2012 - 7:00 PM

COMMUNITY CHANNEL 7

COUNCIL MEETING WILL BE RE-AIRED

February 29, 2012 - 10:00 PM

COMMUNITY CHANNEL 7

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

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Pamela Megill, City Clerk
DATE: February 27, 2012
RE: **Approve Meeting Minutes:**

January 3, 2012 - Work Session
January 9, 2012 - Discussion of Agenda Items
January 9, 2012 - Regular Meeting
January 18, 2012 - Agenda Briefing
January 23, 2012 - Discussion of Agenda Items
January 23, 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:

010312 WKS
010912 Discussion of Items
010912 Regular Meeting
011812 Agenda Briefing
012312 Regular Meeting
012312 Discussion of Items

DRAFT

FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
JANUARY 3, 2012
5:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Leonard, Assistant City Attorney
Tom Bergamine, Chief of Police
Patricia Bradley, Police Attorney
John Kuhls, Human Resources Development Director
Michael Gibson, Parks and Recreation Director
Victor Sharpe, Community Development Director
Jerry Dietzen, Environmental Services Director
Rebecca Rogers-Carter, Management Services Manager
Chris Franks, LSV Partnership
Leslie Mazingo, the Ferguson Group
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 Darrell J. Haire.

3.0 APPROVAL OF AGENDA

Approval of the agenda was by consensus with a show of hands.

4.0 OTHER ITEMS OF BUSINESS

4.1 Update/Overview of Fayetteville 250th Celebration

Mr. Michael Gibson, Parks and Recreation Director, presented this item with a power point presentation. Mr. Gibson provided the Council members with a proposal for funding several events to celebrate the 250th year anniversary of the City. He stated it was estimated there would be a 65 to 70 percent return on an investment of \$180,000.00 for the celebrations. He stated the estimate was based on revenues from ticket sales, vending fees, and possible private sponsorship.

Mayor Chavonne stated \$50,000.00 had been allocated in this year's budget for the celebration.

Mr. Gibson stated the City would be organizing and coordinating the event with Ms. Carrie King, Dogwood Festival Director.

A discussion period ensued on the type of events and funding for the celebration.

4.2 Update from LSV Partnerships on Substation(s).

Mr. Chris Franks, LSV Partnership, presented this item with a power point presentation. Mr. Franks provided the Council members

DRAFT

with a handout entitled "Fayetteville Police Department Substation Study" dated January 3, 2012. He stated LSV Partnerships had reviewed a number of development options and site locations based on discussions with department and municipal staff and reviews of other municipalities in order to illustrate potential solutions. He stated other locations and options could become available over time and should be seen as opportunities to enhance the intent of the study. He stated the options presented in the report were intended to illustrate the requirements of Police Substations for the Fayetteville Police Department in general terms and for general sites. He stated the space requirements of the Fayetteville Police Department had grown beyond the capacity of their existing facilities. He stated the buildings were not expandable, and certain inherent site deficiencies would hamper efficient service and operations. He stated the image of the buildings, especially the current Cross Creek Substation, presented to the public were institutional and not indicative of the Police Department's Mission Statement and its efforts to establish the Fayetteville District Policing Team. He stated substation facilities should be full-service police stations designed to be cost effective to build and maintain, and durable enough to function 24 hours per day, 365 days per year. He stated high quality materials and a design that reflected an appropriate architectural character for the City would demand a significant financial investment for the City, however the payback in increased police efficiency, staff morale, and community convenience would be obvious. He stated an effort to relieve the overcrowded conditions and efficient operations would need to happen eventually. He stated the least expensive approach would be to take advantage of the current lower real estate prices and historically low interest rates before the market began to recover.

A question and answer period ensued.

Mr. Franks listed the following three proposed options:

Option A: New Building - This option proposes construction of a new building on an undeveloped or previously developed site. This requires the acquisition of the site through purchase, testing the site for suitable soils, bringing in utilities, developing ingress and egress drives and other development requirements.

Option B: Renovation of Existing Building - This option proposes the purchase of an existing suitable structure and site of proper size and location. The building would be renovated to meet the program requirements. Construction costs could vary greatly due to the unknown condition of the existing structure.

Option C: Lease of Existing Building - If funding for purchase options were temporarily unavailable, Option C proposes leasing a suitable building and renovating it to meet program requirements. This option does have several added benefits.

The question and answer period continued regarding the best option to proceed with.

Consensus of Council was to direct staff to bring this item back for further discussion at the annual retreat.

4.3 Calendar 2012 Federal Legislative Agenda Preliminary Draft

Ms. Rebecca Rogers-Carter, Management Services Manager, presented this item and introduced Ms. Leslie Mazingo from The Ferguson Group. Ms. Rogers-Carter stated the City, Cumberland County, and the Fayetteville-Cumberland County Chamber of Commerce had partnered with The Ferguson Group to develop a community-wide federal legislative agenda for calendar year 2012. She stated the partnership had returned more than \$46,613,900.00 in federal assistance to the community since its inception in 2005. She stated in order to continue the successful efforts, the partners met November 30, 2011,

DRAFT

in a series of meetings with City and County department heads to discuss community federal advocacy needs with The Ferguson Group lobbyists, Ms. Leslie Mazingo and Ms. Debra Bryant. She stated during the day-long conference, time was allocated for City Council members and County Commissioners to meet with the lobbyists. She stated based on the sessions with elected officials and local government staff, The Ferguson Group developed a preliminary draft of the Calendar Year 2012 Federal Legislative Agenda for Council's review and discussion. She stated the agenda was based on projects and issues which the partners identified as community priorities and which the lobbyists thought federal grants could be successfully secured.

Ms. Leslie Mazingo, the Ferguson Group, explained this year's process and The Ferguson Group's shift to providing competitive grant services.

A question and answer period ensued.

Ms. Mazingo informed the City Council that she had provided the same presentation to the County Commissioners at a meeting earlier in the day.

Consensus of the City Council was to place this item on a future City Council regular meeting agenda.

4.4 Police - Consent Search Update

Mr. Tom Bergamine, Chief of Police, presented this item and stated 126 in-car cameras were currently installed and being used on the road. He stated 19 cameras were on hand to be installed in the new Dodge Chargers to be delivered in January 2012. He stated grant funding was providing for the purchase of 24 cameras to be shipped in January 2012. He further stated as of the end of the second quarter of 2012, they would have 170 cameras installed and operational. He also stated a request for use of federal forfeiture money was being drafted to purchase an additional 9 in-car cameras which would bring the total to 179. He stated Operating Procedure No. 3.5, Securing, Searching and Transporting Arrested Persons, was updated and became effective January 1, 2012. He reported the Police Attorney had provided training on the policy and documentation changes for all sworn personnel during the fourth quarter 2011 training. He stated the revised policy and instructions for completing the RMS Field Contact Module (record keeping) were disseminated via the electronic policy module on December 20, 2011. He stated effective January 1, 2012, when consent searches were requested during a traffic stop, officers would be required to document the request in the "Field Contact" module in RMS. He stated in addition to the information required by the State (Traffic Stop Report), the module would capture the traffic stop location, date and time, whether consent was given or not, and the factor of reasonable suspicion that the request was based upon. He stated using the module would allow for the data to be captured in a format that could be mapped (location) by the Crime Analysis Unit. He concluded his update by providing a report of traffic stop reporting validations and distributing a copy of the 120-day "Types of Searches by Initial Reason for Stop" report to the Mayor and Council members.

A discussion period ensued regarding the consent search policy.

Mayor Chavonne stated he believed the collective will of the Council had changed regarding the consent search policy.

Mayor Pro Tem Arp stated there was an ongoing public perception of the consent searches that was damaging to the Police Department, and suggested the Department take a "stand down" and review the policy.

MOTION: Mayor Pro Tem Arp moved to implement a 120-day moratorium on consent searches effective February 1, 2012, during

DRAFT

which an identified and specific number of tasks would be completed.

SECOND: Council Member Haire

Mayor Pro Tem Arp then recommended the following action plan:

STEP 1

ACTION: Identify an organization external to the Fayetteville Police Department to review all traffic stop policies, procedures, and standards of conduct. Review the Fayetteville Police Department Accreditation Process to identify training areas. Review audit findings and determine if the issues identified were also identified in the audit for corrective action. Review and analyze all data collected to determine if biased-based policing has occurred and if so, determine if it is a departmental problem or the result of individual officers. Immediately implement acceptable CALEA Accreditation training standards and identify specific and measurable goals to ensure the conduct of traffic stops (Self-assessment and External assessment) meet the standards.

GOAL: Initiate Self-Assessment and External Assessment. Conduct Code of Conduct training during this period for officers and the department to establish an organizational culture where any biased based policing is immediately detected and corrected. Include citizen representative(s) for input into training elements design and delivery.

STEP 2

ACTION: Complete purchase and installation of cameras into patrol vehicles, collect audio and video data, and utilize that new technology to monitor the activities of all traffic stops and conduct additional assessment as necessary.

GOAL: Provide the ability to record audio and video every time a traffic stop takes place to provide evidence of illegal/improper activity and to protect officers against false complaints of misconduct. Fully Mission Capable cameras should be required for all traffic patrol operations.

STEP 3

ACTION: Develop a reliable and valid police-citizen contact data collection and reporting system method to collect and analyze data in a timely and cost effective fashion which would be minimally disruptive to the daily responsibilities of our officers.

GOAL: Establish system to analyze and track the police-citizen contact data to include time, date, reason and location of consent search requests and probable cause searches. Provide an objective and impartial analysis of the data of our officer-initiated traffic stops to identify trends (trend analysis) and institute corrective actions as necessary to meet established metrics for conduct of officers and public safety. Data shall be reportable on a monthly, quarterly, and annual basis. Identify an outside agency or organization to help design a reporting system and help ensure accurate and timely information and analysis is provided.

STEP 4

ACTION: Review, revise, and implement changes to the current Citizen and Employee Complaint process that increases citizen and employee confidence in goals, objectives, policies, and practices of the FPD. Ensure all complaints are investigated thoroughly and criticism is made an integral part of the department's

DRAFT

analysis of day-to-day services. Working with the external organization identified in Step 1, fully explore an external review process for citizen complaints.

GOAL: Develop and implement a plan for internal reviews of complaints and resolutions on a regular basis. Fully explore an external review process for citizen complaints (by an organization external to the Fayetteville Police Department such as a modified Ethics Commission).

Mayor Pro Tem Arp stated the City Manager would be charged with working with the Fayetteville Police Department during the 120-day period to ensure the action items were completed. He stated assuming the actions were completed in a satisfactory manner, consent searches would be re-instated in 120 days. He stated City Council would identify Council representatives to work with the City Manager and keep the City Council informed.

Council Member Applewhite inquired of Ms. Karen McDonald, City Attorney, as to when she received a copy of the proposed moratorium, and inquired if she had reviewed the document. Ms. McDonald responded she received a copy of the final document at 4:30 p.m. today, and had not had an opportunity to review it. She acknowledged she had seen and reviewed a draft earlier that day.

Council Member Applewhite inquired of Mr. Dale Iman, City Manager, as to when he had first been notified of the proposed moratorium. Mr. Iman responded the week of December 15, 2011, the Mayor had shared with him that the Council had an interest in the proposed moratorium, and a conference call had taken place on December 28, 2011, between the Mayor, Mayor Pro Tem, City Attorney, and himself.

Council Member Applewhite inquired of Chief Bergamine as to when he was provided a copy of the proposed moratorium. Chief Bergamine responded he had received a copy several minutes before the meeting began.

MOTION: Council Member Bates moved to go into closed session for consultation with the City Attorney.
SECOND: Council Member Applewhite
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Crisp)

The regular session recessed at 7:34 p.m. The regular session reconvened at 7:41 p.m.

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

A discussion period ensued on consent searches and the public perception of the Police Department handling of the issue.

Chief Bergamine stated he and the Police Department would do whatever the City Council directed and that he would not embarrass himself, the department or the City.

Mayor Chavonne asked for an informal vote on a motion to bring the item back to the Council at a later date, therefore allowing the City Manager, City Attorney, and Chief of Police a reasonable period of time to review the proposed moratorium. The consensus of Council was to bring the item back to Council at a later date with Council Member Applewhite in opposition.

4.5 Community Development - Substantial Amendment of the 2011-2012 Community Development Annual Action Plan for funding the construction of a neighborhood resource center by Fayetteville

DRAFT

Metropolitan Housing Authority in the HOPE VI Revitalization Project area

Mr. Victor Sharpe, Community Development Director, presented this item. Mr. Sharpe stated the City of Fayetteville had committed \$937,500.00 of Community Development Block Grant (CDBG) funds to the Fayetteville Metropolitan Housing Authority (FMHA) over a five-year period as part of its commitment to the Old Wilmington Road HOPE VI Revitalization Project. He stated currently the funds had been approved for the acquisition of land to construct single-family affordable housing. He stated FMHA had determined that the entire amount allocated was not needed for land acquisition in meeting their five-year deadline for completing the project. He stated to date the City had approved and budgeted \$749,000.00 as part of the funding for the acquisition of land for single-family housing development. He stated the remaining \$188,500.00 was scheduled to be budgeted for the 2012-2013 program year. He stated FMHA had requested to use the current budgeted amount of \$749,000.00 for the construction of the neighborhood resource center that would be rebuilt on Old Wilmington Road. He stated the remaining amount of \$188,500.00 proposed for next year's budget would be used for acquisition of land to continue the construction of single-family affordable housing. He stated the Fayetteville Redevelopment Commission considered this item on December 14, 2011, and recommended approval of the substantial amendment. He stated the budgeted CDBG funds would need to be expended as soon as possible to assure that they meet the required timeframe for expending the funds. He stated the amendment would allow a change in the use of Community Development Block Grant funds already committed to the Old Wilmington Road HOPE VI Revitalization Project. He concluded his presentation by stating the item would be placed on the City Council's January 23, 2012, agenda for a public hearing.

A brief question and answer period ensued.

Consensus of the City Council was to hold a public hearing on January 23, 2012.

4.6 Proposed Outsourcing of Environmental Services Waste Collection

Mr. Doug Hewett, Assistant City Manager, presented this item and stated in February 2011, the City Council tasked City staff with investigating potential savings in outsourcing a portion of the City's garbage collection. He stated the competition with the private sector could sometimes increase government efficiency, although privatization also had risks. He stated the government's role of protecting the public health, safety, and wellbeing would make it necessary to ensure that privatization does not place those services beyond the control of the public's representation (elected officials). He stated the City undertook a thorough analysis to determine the effects of outsourcing a portion of the City's garbage collection. He stated staff developed a Request for Proposal (RFP) from local vendors for the collection of 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 for waste collection. He stated the current contract with the City holds with Waste Management for curbside recycling was used as a template to ensure similar language and service standards. He stated performance requirements and service quality was established. He stated also included in the RFP were elements of policy from other local municipalities that have investigated outsourcing for their garbage collection services. He stated research with other municipalities indicated that the best practice for beginning an outsourcing program should involve only a portion of the City's service, to allow the City to maintain control. He stated therefore, the RFP was 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. He stated all of

DRAFT

the vendors submitted proposals with a base first year cost per household, and a Consumer Price Index (CPI) inflation allowance that would be assessed each June for a period of four additional years, for a total five-year contract. He stated the vendors varying profit structures, retirement and benefit plans, and economies of scale offer explanation of the substantial differences in the submitted proposals. He stated the highest proposal was from Inland Service Corporation with \$9.49 cost per household per household per month (CPHHPM) for the first year. He stated the lowest proposal was submitted by Waste Management of Carolinas, Inc., at \$3.99 CPHHPM for the first year. He stated City staff developed a thorough cost analysis of the Environmental Services curbside waste collection program to determine the City's current CPHHPM for consideration and comparison with the outside bidders and to determine the human and financial impact for the Department should outsourcing be approved. He stated the analysis determined that the CPHHPM under the City's current service delivery structure which utilizes both the semi-automated and fully-automated trucks was \$3.59. He stated City-wide indirect costs were not included in CPHHPM (i.e., Finance, HRD, CMO cost allocation). He stated Environmental Services administration costs were not included in the CPHHPM Summary. 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 entered into an agreement with the lowest bidder, the annual cost would be \$718,200.00. He stated the City would then reduce equipment and staff accordingly ("go away costs"), 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 (\$684,000.00). He stated total resources needed above the current General Fund appropriation would be \$34,200.00.

Mr. Hewett stated an additional impact of outsourcing was the City's entire service route plan for garbage collection would be revised, potentially changing all residents' service days. He stated considerable advertisement would be needed to notify all City residents of the change in service, resulting in additional costs to the City and an increase the demand on the City's Call Center. He stated an estimate for \$25,000.00 in advertising was based on FY 08 route change advertising.

Mr. Hewett stated the RFP was issued on September 26, 2011. He stated the pre-bid conference was held on October 6, 2011. He stated the proposals were due October 20, 2011, with a possible bid award from the City Council on January 9 or 23, 2011.

Mr. Hewett stated staff's recommended action was to not outsource a quarter of the City's residential garbage collection routes, but continue to evaluate services for efficiency.

A discussion period ensued.

Consensus of City Council was to direct staff to not outsource environmental services waste collection and continue to evaluate City operations for efficiency.

Mr. Hewett stated this item would be placed on the January 9, 2012, City Council meeting agenda for an official vote of the Council.

4.7 Deleting Having a Primary Election

Council Member Haire presented this item and stated he would like to propose eliminating the primary election.

A brief discussion followed on election expenses and the typical low percentage of registered voters that actually voted and participated in the election process.

DRAFT

Mayor Chavonne cautioned that eliminating the primary election could be perceived as giving the incumbent protection over an unknown candidate.

Council Member Bates stated it was an advantage rather than a protection.

Council Member Applewhite stated the Department of Justice would have to be consulted regarding the impact on minority voting.

All Council members were in favor of directing the legal department to conduct research and provide input on the item.

4.8 Bulky Item Pick Up Policy

Council Member Bates presented this item and stated he wanted to request that staff reinstate the prior bulky item pick up policy. He stated that many citizens were not calling in for bulky item pick up for fear of being charged a fee. He stated his concern was to have the neighborhoods cleaned up.

Council Member Crisp stated there was a lot of misunderstanding on how the policy operates, despite the amount of information that had been distributed.

Council Member Fowler inquired of Mr. Jerry Dietzen, Environmental Services Director, if the new policy had been implemented due to budget constraints. Mr. Dietzen responded there were several cases of citizens abusing the service. He stated new brochures detailing the program had recently been mailed out.

Consensus of the City Council was to return to the Bulky Item Pick Up pre-policy change, request Mr. Dietzen to revise the policy, and bring the item back before City Council at a later date.

4.9 Mayor Pro Tem Selection Process

Council Member Haire presented this item and provided a handout that listed suggestions for selecting a Mayor Pro Tem. He requested the following suggestions be considered:

1. Every Council member that has a desire to serve as Mayor Pro Tem should have the opportunity.
2. Candidates for Mayor Pro Tem should have served at least two terms of office on the Council.
3. A policy for the selection could be written (similar to the County).
4. Prospective candidates for the Mayor Pro Tem position could be asked to speak before the Council and citizens and state their reasons for seeking the position.

Council Member Haire proposed a committee be formed to draft a Mayor Pro Tem selection process policy. The following Council members voted in favor: Council Members Davy, Fowler, Crisp, Haire, and Applewhite. The following Council members voted in opposition: Council Members Massey, Chavonne, Arp, Hurst, and Bates.

DRAFT

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:18 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

010312

ANTHONY G. CHAVONNE
Mayor

DRAFT

FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD ROOM
JANUARY 9, 2012
6:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen McDonald, City Attorney
Renner Eberlein, Assistant City Attorney
Brian Meyer, Assistant City Attorney
Members of the Press

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

MOTION: Mayor Pro Tem Arp moved to go into closed session for discussion of litigation in the matters of *Gates Four Homeowners Association v. City of Fayetteville and City of Fayetteville v. John Chen* [N.C.G.S. § 143-318(a)(3)].
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

The regular session recessed at 6:00 p.m. The regular session reconvened at 6:35 p.m.

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

Mayor Chavonne reviewed the announcements and then inquired if there were questions or concerns on the consent items. He then proceeded to other items of business.

Mayor Pro Tem Arp advised he planned to pull Item 7.5.

Mayor Chavonne shared with Council what was done during the search of a police chief ten years ago.

Council Members Hurst, Massey, and Haire expressed that citizen involvement would help rebuild trust with citizens.

Mr. Dale Iman, City Manager, stated the goal was to bring the new chief aboard before Chief Bergamine departed. He advised he had already solicited RFPs from firms. He also explained the process that was used for Chief Bergamine. He stated at that time the firm was in the process of seeking citizen feedback when the search was discontinued due to overwhelming support for Chief Bergamine.

Council Member Applewhite inquired whether Council had interest in a public hearing regarding the consent search moratorium and explained that it would take eight votes to add to the agenda which was why she was asking before the meeting.

DRAFT

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

010912

DRAFT

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JANUARY 9, 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
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Patricia Bradley, Police Attorney
Jerry Dietzen, Environmental Services
Brad Whited, Airport Director
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
John Kuhls, Human Resource Development Director
David Nash, Planner II
Steve Blanchard, PWC
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 Terry Alston, Pastor of the Abundant Faith Fellowship Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 776 from Fort Bragg.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Applewhite moved to add an item to the agenda, discussion of a public hearing on the consent searches moratorium.

SECOND: Council Member Fowler

VOTE: FAILED by a vote of 4 in favor (Council Members Applewhite, Fowler, Haire, and Massey) to 6 in opposition

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

5.1 City of Fayetteville American Heart Association and United Way Campaigns.

Mr. Dale Iman, City Manager, presented a plaque and recognized Ms. Kelly Nicot, Senior Financial Analyst, for her efforts and success as the United Way's employee Campaign Manager. He stated the campaign raised \$82,848.61.

DRAFT

Mr. Iman presented a plaque and recognized Ms. Kecia Parker, Real Estate Manager, for her efforts and success as the American Heart Association Employee Campaign Manager. He stated the campaign raised \$5,260.62.

Council Member Hurst recognized Terry Sanford High School's AP Government Class along with their teacher, Mr. Kevin Hight, and Principal, David Haggerty.

Council Member Davy announced a job fair would be held on January 12, 2012, at 6:00 p.m. at the Friendship Baptist Church.

Council Member Haire announced a candlelight vigil would be held on January 12, 2012, at 739 Blue Street. He also announced the Martin Luther King Parade would take place on January 14, 2011, and begin at the County Courthouse at 11:30 a.m.

6.0 PUBLIC FORUM

Ms. Denise Williams, 1907H United Drive, Fayetteville, NC 28301, expressed concerns regarding PWC late fees and rate increases and cited additional complaints regarding the operations, rules, and regulations of PWC.

Mr. Roosevelt Odom, Fayetteville, NC, through an interpreter, stated the item pertaining to a facility for the deaf and hearing impaired would be addressed at a future Council meeting. He announced the Fayetteville-Cumberland Advisory Council for People with Disabilities would be presenting "In-Depth Look: Deaf Culture" by Jeff Greer. He stated the event would take place on January 18, 2012, from 6:00 to 8:00 p.m. at the Kiwanis Recreation Center, 352 Devers Street.

Mr. Jim Nance, 6518 Stone Mountain Farm Road, Fayetteville, NC 28311, expressed concerns for the homeless, especially during the cold winter months, and stated the Salvation Army lacked sufficient shelters.

Retired Colonel Chet Oehme, Penninke & Huff Property Management, expressed strong support for the RAMP program, and stated he had been working with Mr. Doug Hewett, Assistant City Manager, and thanked him for his hard work. He suggested a six-month trial period if the RAMP program was implemented.

Mr. Iman Eronomy Mohammed Smith, 2700 Murchison Road, Fayetteville, NC 28301, expressed concerns for the homeless in Fayetteville who were in need of immediate help. He also stated he was an advocate for human rights and stated the next Police Chief should be African American.

Mr. Anthony Castillo, 1804 Waterfall Way, Spring Lake, NC 28390, thanked Police Chief Tom Bergamine and Assistant City Manager Doug Hewett and stated he was sorry to see them both leave. He also spoke in favor of the RAMP program.

7.0 CONSENT

MOTION: Mayor Pro Tem Arp moved to approve the consent agenda with the exception of Item 7.5 for discussion.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

7.1 Approve meeting minutes:

- November 14, 2011 - Regular Meeting
- November 28, 2011 - Agenda Item Discussion
- December 5, 2011 - Special Meeting

DRAFT

7.2 Budget Ordinance Amendment 2012-7 (Emergency Telephone System Fund).

The amendment appropriated \$266,405.00 from fund balance in the Emergency Telephone System Fund for the purchase of needed consoles for dispatch equipment.

7.3 Finance - Tax refunds of greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
BB&T Equipment Finance Corporation	2007-2010	Listed in Cumberland County in Error	\$358.47
TOTAL			<u>\$358.47</u>

7.4 Surplus of a 1994 HME Boardman Fire Pumper and a 1994 Emergency One Sentry Rescue Truck.

7.5 Pulled for discussion by Mayor Pro Tem Arp.

7.6 PWC - Bid recommendation to award contract for Annexation Phase V, Project IV, Area 10 East - Arran Hills/Arran Park, to Billy Bill Grading Company, Fayetteville, NC, lowest responsive, responsible bidder, in the amount of \$3,233,584.80.

Bids were received as follows:

Billy Bill Grading Company (Fayetteville, NC)	\$3,233,584.80
State Utility Contractors (Monroe, NC)	\$3,598,679.29
Triangle Grading & Paving (Burlington, NC)	\$4,104,059.67

7.7 PWC - Bid recommendation to award contract for interactive voice response system to Centurion, Inc., Oldsmar, FL, lowest evaluated bidder, in the amount of \$109,607.00.

Bids were received as follows:

Centurion, Inc. (Oldsmar, FL)	\$109,607.00
Milsoft Utility Solutions (Abilene, TX)	\$124,473.00
Vocantas (Ottawa, Ontario, Canada)	\$218,867.00
Micro Automation (Centerville, VA)	\$390,436.00
Century Link (Fayetteville, NC)	\$629,317.13
GetAbby (Pittsburgh, PA)	\$798,257.00
*DiRad Technologies (Clifton Park, NY)	\$57,695.00

* Upon review of the proposal by DiRad Technologies, the lowest apparent bidder, it was determined that DiRad had no prior experience with utility customers, which was of considerable concern to the evaluation team. Centurion is the provider of the current Interactive Voice Response System and staff feels that our familiarity with the system should result in an easier transition to an upgraded IVR system and also require less effort during integration to the new CIS software system.

7.8 PWC - Contract award for NavIgate Project.

The Public Works Commission requested Council approve contract award to Infosys/Oracle in the amount not to exceed \$14.5 million for the NavIgate Project which was a comprehensive IT project to replace Finance, Customer Service, and Work and Asset Management Systems.

7.9 PWC - Fourth addendum with New Cingular Wireless PCS, LLC.

DRAFT

- 7.10 PWC - Bid recommendation to award contract for Annexation Phase V, Project IV, Area 11 South - Arran Hills, to State Utility Contractors, Monroe, NC, in the amount of \$2,996,602.50.

Bids were received as follows:

State Utility Contractors (Monroe, NC)	\$2,996,602.50
Triangle Grading & Paving (Burlington, NC)	\$3,193,798.25
ES&J Enterprises (Autryville, NC)	\$3,233,121.70
*Billy Bill Grading (Fayetteville, NC)	\$2,599,846.90

- * Plans and specifications were requested by eight contractors with five responding. Ralph Hodge Construction, Wilson, NC, submitted the apparent low bid, however, upon review of their bid submittal it was determined that they failed to submit any of the technical evaluation information required in the bid documents. Additionally, Ralph Hodge Construction failed to complete and submit any of the SDBE Compliance Forms and Affidavits, therefore, the bid by Ralph Hodge was determined to be non-responsive. After disqualification of the bid from Ralph Hodge, staff evaluated the next low bidder, Billy Bill Grading Company. Due to the fact that Billy Bill Grading was being recommended for Area 10 East, staff had concerns as to whether Billy Bill Grading had sufficient resources to handle two concurrent projects of this size. Subsequently, discussions were held with Billy Bill and by mutual agreement it was determined to be in the best interest of PWC to award the project to the next bidder, State Utility Contractors. Staff reviewed State Utility Contractors' evaluation information and determined that they were sufficiently qualified to perform the work.

- 7.11 PWC - Bid recommendation to award contract for underground primary power cable to Stuart C. Irby, Rocky Mount, NC, lowest evaluated bidder in the amount of \$431,000.00.

Bids were received as follows:

Stuart C. Irby (Rocky Mount, NC)	\$431,000.00
HD Supply Utilities, Ltd. (Wake Forest, NC)	\$447,000.00
Shealy Electrical (Greenville, SC)	\$484,000.00
WESCO (Raleigh, NC)	\$542,000.00

- 7.12 Award contract for the purchase and installation of a refurbished passenger boarding bridge, PC air unit, and ground power unit to serve Gate B4 at the Fayetteville Regional Airport to Ameribridge Services, Indianapolis, IN, in the amount of \$305,421.00.

Bids were received as follows:

*Ameribridge Services (Indianapolis, IN)	\$369,411.00
JBT Aero Tech Jetway Systems (Ogden, UT)	\$570,279.00

- * Following receipt of bids, consultants for the City performed a full evaluation of the equipment being offered and in turn were able to negotiate with the low bidder to bring the cost of the equipment within the City's budgeted amount. As a result of those negotiations the best and final offer from Ameribridge was \$305,421.00.

- 7.5 Recommendation to reject all proposals for outsourcing of Environmental Services waste collection.

Mayor Pro Tem Arp pulled this item for discussion. He stated the item was not meeting the intent of Council's proposed recommendation of rejection and suggested that they go back with the information that they have and make sure that the RFP was in line with what the Council was looking for, specifically that it was an apples-to-apples comparison between the City's services and the services offered by the public vendors. He stated he was also asked whether this was a sealed bid process and if so, was the City's bid sealed as well. He stated

DRAFT

he would ask whether they included the cost of environmental services personnel benefits to include pensions and whether the cost was inclusive of the maintenance on the vehicles.

MOTION: Mayor Pro Tem Arp moved to direct staff to go back and revisit the issue and make sure that they were doing a competitive analysis of the services for the City, the City versus a private vendor.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (10-0)

8.0 PUBLIC HEARINGS

8.1 Public hearing to consider a petition requesting annexation for a contiguous area known as Fairfield Farms (Sections 4, 5, and 6) (Petition submitted by Brolanco Corporation).

Mr. David Nash, Planner II, presented this item with a power point presentation. He provided background information and stated the area requested for annexation was in the Fayetteville Municipal Influence Area (MIA). He stated the area was in the MIA, and PWC water and sewer were needed and would be installed. The owner submitted an annexation petition which was received on November 21, 2011. He stated the area was reviewed by the City operating departments and PWC. He stated the Fire Department reported the area was currently covered by the City for fire and EMS services through an annual contract with the County. He stated the main entrance to the property was 2.44 miles from City Station #19. He stated the Fire Department noted that responses to the area could be longer due to there being only one way in and out from Ramsey Street. He stated the Police Department reported it would be able to serve the area by incorporating it into existing patrol zone #12. He stated the Environmental Services Department reported it would either adjust existing collection routes to serve the area and/or add it to a contract area for collection. He stated the PWC Water and Sewer Division reported the developer would be responsible for extending sewer and water from the adjoining sections of Fairfield Farms. He stated the developer would also be responsible for installing fire hydrants on the new water mains. He stated the PWC Electrical Division reported electrical service and street lighting would be provided to the area by South River EMC rather than by PWC. He stated the developer submitted a Zero Lot Line preliminary plan to the City which was based on the then-current development standards. He stated staff recommended an effective date of January 9, 2012.

A brief discussion period ensued.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:50 p.m.

Mr. Jimmy Kizer, Engineer for the Brolanco Corporation, 115 Broadfoot Avenue, Fayetteville, NC 28305, appeared in favor and expressed support for the annexation, stating that portions of the subdivision were already in the city.

There being no one further to speak, the public hearing closed at 7:58 p.m.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA [FAIRFIELD FARMS (SECTIONS 4, 5, AND 6) (PIN 0531-66-5019)]. ANNEXATION ORDINANCE NO. 2012-01-536.

MOTION: Council Member Massey moved to approve the annexation with an effective date of January 9, 2012.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

DRAFT

9.0 OTHER ITEMS OF BUSINESS

9.1 Consideration of the Rental Action Management Program (RAMP) Ordinance.

Mr. Doug Hewett, Assistant City Manager, presented this item with a power point presentation. He provided background information on the PROP program and Senate Bill 683. He stated the PROP program was repealed by Council as a result of Senate Bill 683 and staff was directed to go back to the drawing board. He stated staff looked for a program that was compliant with North Carolina law as well as containing some of the goals in the earlier PROP program and developed the RAMP program. He stated the RAMP program was based on a similar program in Charlotte. He stated if a person owned residential rental property in the City and the property was not the site of repeated code violations which were listed in the ordinance, or the site of serious criminal activity as defined by the ordinance, then RAMP in no way would have any impact on the properties or tenants. He stated RAMP was designed as was PROP that unless you have code violations or criminal activity on your property, it would not impact you at all. He stated there were two ways in which properties could enter RAMP; one was criminal activity and the other was code violations. He stated once into RAMP, there were a number of ways that properties could get out. He provided an overview of the RAMP program in regards to criminal activity, social disorder, and code violations on rental properties. He provided the personnel requirements to run RAMP and stated it was estimated it would have a one-time start up cost of \$242,000.00. He stated some indirect costs were not included such as legal, information technology, human resources, collections, and finance as some of those costs were difficult to capture.

A question and answer period ensued.

MOTION: Mayor Pro Tem Arp moved to take no action tonight, but to direct City staff to conduct additional research in regards to legislative and remaining inquiries impacting RAMP and bring the findings back to Council on February 27, 2012, with a finalized implementation schedule and total cost avoidance calculations.

FRIENDLY AMENDMENT:

Mayor Chavonne made a friendly amendment to include consultation with the State delegation.

Mayor Pro Tem Arp accepted the friendly amendment.

SECOND: Council Member Fowler

VOTE: PASSED by a vote of 7 in favor and 3 in opposition (Council Members Applewhite, Hurst, and Bates)

10.0 ADMINISTRATIVE REPORTS

10.1 Monthly statement of taxes for November 2011.

2011 Taxes	\$22,263,512.92
2011 Vehicle	364,299.47
2011 Taxes Revit	14,707.70
2011 Vehicle Revit	472.93
2011 FVT	43,245.41
2011 Transit	43,245.47
2011 Storm Water	471,245.56
2011 Fay Storm Water.....	942,491.24
2011 Fay Recycle Fee	1,242,909.72
2011 Annex.....	0.00
2010 Taxes	35,468.84
2010 Vehicle	52,598.51
2010 Taxes Revit	49.79
2010 Vehicle Revit	16.98

DRAFT

2010 FVT	8,071.91
2010 Transit	8,071.89
2010 Storm Water	878.96
2010 Fay Storm Water.....	1,757.93
2010 Fay Recycle Fee	2,134.01
2010 Annex.....	0.00
2009 Taxes	4,000.44
2009 Vehicle	2,223.70
2009 Taxes Revit	0.00
2009 Vehicle Revit	0.00
2009 FVT	496.11
2009 Transit	496.13
2009 Storm Water	112.33
2009 Fay Storm Water.....	224.65
2009 Fay Recycle Fee	355.70
2009 Annex.....	33.08
2008 Taxes	2,121.99
2008 Vehicle	773.51
2008 Taxes Revit	0.00
2008 Vehicle Revit	0.00
2008 FVT	204.05
2008 Transit	139.05
2008 Storm Water	77.96
2008 Fay Storm Water	125.97
2008 Fay Recycle	52.44
2008 Annex.....	0.00
2007 and Prior Taxes	4,172.23
2007 and Prior Vehicle	1,219.40
2007 and Prior Taxes Revit	0.00
2007 and Prior Vehicle Revit	0.00
2007 and Prior FVT	269.98
2007 and Prior Storm Water	84.00
2007 and Prior Fay Storm Water	48.00
2007 and Prior Annex.....	0.00
Interest	15,186.61
Revit Interest	6.05
Storm Water Interest	161.28
Fay Storm Water Interest	246.73
Annex Interest	6.12
Fay Recycle Interest	271.30
Fay Transit Interest	1,066.43
Total Tax and Interest	\$25,529,354.48

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

010912

DRAFT

FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JANUARY 18, 2012
4:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 4:15 p.m.); Robert A. Massey, Jr. (District 3) (arrived at 4:55 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: Dale Iman, City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Scott Shuford, Development Services Director
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
Bart Swanson, Housing and Code Enforcement Division Manager
Frank Lewis, Senior Code Enforcement Administrator
Members of the Press

Mayor Chavonne called the meeting to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's January 23, 2012, agenda:

CONSENT ITEMS:

P11-63F. Initial zoning from Planned Neighborhood Development and R10 Residential Districts in Cumberland County's jurisdiction to SF-10 Single-Family Residential District, or a more restrictive district, on property located on Meadowcroft Drive. Containing 28.25 acres more or less and being the property of The Methodist University, Inc.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was recently annexed by petition and explained the City's policy was to initially zone newly annexed property to the closest equivalent zoning in the County. He stated since no straight PND equivalent existed in the UDO, the Zoning Commission and staff recommended approval of the initial zoning to SF-10.

P11-64F. Initial zoning from Planned Neighborhood Development District in Cumberland County's jurisdiction to SF-10 Single-Family Residential District, or a more restrictive district, on property located at Longview Drive Extension. Containing 37.55 acres more or less and being the property of The Methodist University, Inc.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was recently annexed by petition and explained the City's policy was to initially zone newly annexed property to the closest equivalent zoning in the County. He stated since no straight PND equivalent existed in the UDO, the Zoning Commission and staff recommended approval of the initial zoning to SF-10.

P11-65F. Initial zoning from Rural Residential District in Cumberland County's jurisdiction to SF-15 Single-Family Residential District, or a more restrictive district, on property located on Baywood Road. Containing 16.7 acres more or less and being the property of Pierre

DRAFT

Bellerice, Wanda Fernandez, Robert and Sarah Harris, Tiara Penebacker, Raymond and Wendy Morasse, Baywood Point LLC, and Savvy Homes LLC.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was recently annexed by petition and explained the City's policy was to initially zone newly annexed property to the closest equivalent zoning in the County. He stated since no straight RR zero lot line equivalent existed in the UDO, the Zoning Commission and staff recommended approval of the initial zoning to SF-15.

P11-66F. Initial zoning from RR Rural Residential District in Cumberland County's jurisdiction to AR Agricultural Residential District, or a more restrictive district, on property located at 468 N. Plymouth Street. Containing 16.77 acres more or less and being the property of The Household of Faith World Outreach Center.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was recently annexed by petition and explained the City's policy was to initially zone newly annexed property to the closest equivalent zoning in the County. He stated the County zoning was RR and the Zoning Commission and staff recommended approval of the initial zoning to AR which was the closest zoning district in the City.

P11-67F. Initial zoning from C(P) Commercial District in Cumberland County's jurisdiction to LC Limited Commercial District, or a more restrictive district, on property located at 2765 Gillespie Street. Containing 1.22 acres more or less and being the property of Manilal Patel and Manuben Patel.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was recently annexed by petition and explained the City's policy was to initially zone newly annexed property to the closest equivalent zoning in the County. He stated the County zoning was C(P) and the Zoning Commission and staff recommended approval of the initial zoning to LC which was the closest zoning district in the City.

P11-68F. Initial zoning from M(P) Industrial District in Cumberland County's jurisdiction to CC Community Commercial District, or a more restrictive district, on property located at 3130 Gillespie Street. Containing 13.3 acres more or less and being the property of Freedom Christian Academy, Inc.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was recently annexed by petition and explained the City's policy was to initially zone newly annexed property to the closest equivalent zoning in the County. He stated the County zoning was M(R) and the Zoning Commission and staff recommended approval of the initial zoning to CC.

PUBLIC HEARINGS:

P11-69F. The issuing of a Special Use Permit for Office Use within 100 feet of a residence, on property located at 3410 Village Drive. Containing 0.47 acres more or less and being the property of Michael Leke.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses,

DRAFT

current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated a new office building was planned for the property and the proposed use and plans met all of the building, setback, and landscaping requirements of the Hospital Area Overlay (HAO). He stated the adjoining neighbor to the east spoke in opposition at the Zoning Commission public hearing. He stated a Special Use Permit would be approved only upon a finding that all of the following standards were met:

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

He stated the Zoning Commission and staff recommended approval based on the site plan; preliminary conditions of approval by the Technical Review Committee; and (1) the proposal meeting the building requirements of the HAO, (2) only one side of the property remaining a residential use; and (3) being consistent with both the Land Use Plan and the HAO plan.

P11-62F. Rezoning from SF-10 Single-Family District to Neighborhood Commercial District, or a more restrictive district, on property located at 669 Country Club Drive. Containing 0.96 acres more or less and being the property of Beulah Quick and Paula Quick Hall.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the owner was requesting the rezoning to convert the property to commercial use. He stated while there was a Neighborhood Commercial district beside and across Country Club Drive from the property, the City's Land Use Plan was calling for the property to the west (the bank) to be the cutoff point for commercial development on the south side of Country Club Road. He stated traffic volume and turning moves on and off of Country Club would be chief concerns of City staff. He stated if Council rezoned the property, staff would suggest that an Office & Institutional (OI) district would be more appropriate than NC. He stated the Zoning Commission recommended approval to a more restrictive OI district based on (1) there being access to a major thoroughfare, (2) the location being relative to existing commercial and office uses, and (3) OI being a good buffer between commercial and residential uses. He stated staff recommended denial of NC district based on (1) the Land Use Plan calling for residential and identifying a commercial boundary to discourage the

DRAFT

"stripping" of a portion of the corridor, (2) the amount of commercial already in the area, (3) the property being bordered on two sides by residential, and (4) traffic volume and turning movements.

Consideration of UDO Text Amendment Set #4 regarding parking, glazing (window area)/door standards and density in the DT district; a new alternative signage plan option; increased height for certain accessory structures; special standards for junk/salvage yards (reestablishing original standards); and other corrections and adjustments for internal consistency.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. She stated the fourth set of amendments would involve more substantive changes and provided an overview of the amendments. She stated the Planning Commission and staff recommended approval of all parts of the ordinance as recommended.

Uninhabitable structures demolition recommendations: 865 Amye Street, 1780 Cardinal Circle, 205 Deep Creek Road, 2683 Eldorado Road, 402 S. Plymouth Street, 1431 Rhone Street

Mr. Frank Lewis, Senior Code Enforcement Administrator, distributed pictures on each structure.

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, then reviewed the history and condition of each structure. He stated staff recommended adoption of the ordinances authorizing demolition of the structures.

MOTION: Council Member Bates moved to go into closed session for consultation with the attorney.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

The regular session recessed at 5:05 p.m. The regular session reconvened at 5:30 p.m.

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

There being no further business, the meeting adjourned at 5:30 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

011812

DRAFT

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JANUARY 23, 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
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering & Infrastructure Director
Victor Sharpe, Community Development Director
Bradley Whited, Airport Director
Scott Schuford, Development Services Director
Rebecca Carter-Rogers, Management Services Manager
Tom Bergamine, Police Chief
Patricia Bradley, Police Attorney
Bradley Chandler, Assistant Police Chief
Michael Gibson, Parks and Recreation Director
Jennifer Lowe, Public Information Officer
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
Bart Swanson, Housing and Code Enforcement Division Manager
Dwight Miller, PWC Chief Finance Officer
Douglas Peters, Chamber of Commerce Economic Development President and CEO
Frank Lewis, Senior Code Enforcement Administrator
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 Reverend Mark Rowden, Savannah Missionary Baptist Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor Chavonne.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Hurst moved to approve the agenda with moving Item 7.1 prior to Item 6.0.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

5.0 CONSENT

MOTION: Council Member Haire moved to approve the consent agenda with the exception of Item 5.16 for discussion.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

DRAFT

5.1 Addition of certain streets to the City of Fayetteville System of Streets.

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

5.2 Resolution appointing a Deputy Tax Collector.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE APPOINTING A DEPUTY TAX COLLECTOR. RESOLUTION NO. R2012-001.

5.3 Resolution designating the Budget and Evaluation Manager as a Deputy Finance Officer.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DESIGNATING THE BUDGET AND EVALUATION MANAGER AS A DEPUTY FINANCE OFFICER. RESOLUTION NO. R2012-002.

5.4 Community Development - Acquisition of a residential lot located at 1420 Rhone Street.

5.5 P11-63F. Initial zoning from Planned Neighborhood Development and R10 Residential Districts in Cumberland County's jurisdiction to SF-10 Single Family Residential District, or a more restrictive district, on property located at Meadowcroft Drive. Containing 28.25 acres more or less and being the property of The Methodist University, Inc.

5.6 P11-64F. Initial zoning from Planned Neighborhood Development District in Cumberland County's jurisdiction to SF-10 Single Family Residential District, or a more restrictive district, on property located at Longview Drive Ext. Containing 37.55 acres more or less and being the property of The Methodist University, Inc.

5.7 P11-65F. Initial zoning from Rural Residential District in Cumberland County's jurisdiction to SF-15 Single Family Residential District, or a more restrictive district, on property located on Baywood Road. Containing 16.7 acres more or less and being the property of Pierre Bellerice, Wanda Fernandez, Robert and Sarah Harris, Tiara Penebacker, Raymond and Wendy Morasse, Baywood Point LLC, and Savvy Homes LLC.

5.8 P11-66F. Initial zoning from RR Rural Residential District in Cumberland County's jurisdiction to AR Agricultural Residential District, or a more restrictive district, on property located at 468 N. Plymouth Street. Containing 16.77 acres more or less and being the property of The Household of Faith World Outreach Center, Inc.

5.9 P11-67F. Initial zoning from C(P) Commercial District in Cumberland County's jurisdiction to LC Limited Commercial District, or a more restrictive district, on property located at 2765 Gillespie Street. Containing 1.22 acres more or less and being the property of Manilalp Patel and Manuben Patel.

5.10 P11-68F. Initial zoning from M(P) Industrial District in Cumberland County's jurisdiction to CC Community Commercial District, or a more restrictive district, on property located at 3130 Gillespie Street. Containing 13.3 acres more or less and being the property of Freedom Christian Academy, Inc.

5.11 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.

DRAFT

RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND
QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY.
RESOLUTION NO. R2012-003.

- 5.12 Finance - Special Revenue Fund Project Ordinance Closeouts 2012-2 through 2012-5 and Capital Project Fund Ordinance Closeouts 2012-1 through 2012-8.

Annually the City closes out several completed projects that are no longer active. The following projects were completed in a previous fiscal year and the revenues and expenditures related to the projects were audited: FY 08 State Homeland Security, 2010 Badges for Baseball, 2010-2011 Take Me Fishing, FY 2009 Assistance to Firefighters, AIP 31 Fire Training Facility Upgrade, Airport Storm Water Improvements, AIP 33 Airfield Lighting Vault Improvements, Airport Land Acquisition, Vegetation Management Project, Airport Fingerprint Machine Replacement, and Rehabilitate Visual Nav.

- 5.13 Bid recommendation to award contract for Annexation Phase V, Project IV, Area 10 West, Arran Hills/Arran Park, to Utilities Plus, Inc., Linden, NC, lowest responsive, responsible bidder in the amount of \$1,665,335.18.

Bids were received as follows:

Utilities Plus, Inc. (Linden, NC)	\$1,665,335.18
R.H. Moore (Murrells Inlet, SC)	\$1,813,329.70
Triangle Grading & Paving (Burlington, NC)	\$1,880,458.88
Southern Asphalt (Conway, SC)	\$1,926,537.59
State Utilities (Monroe, NC)	\$2,101,950.95
ES&J Enterprises (Autryville, NC)	\$2,110,157.95
Billy Bill Grading (Fayetteville, NC)	\$2,371,148.90

- 5.14 Bid recommendation to award contract for Annexation Phase V, Project IV, Area 11 North, Arran Hills/Arran Park, to Southern Asphalt, Conway, SC, lowest responsive, responsible bidder in the amount of \$1,224,613.85.

Bids were received as follows:

Southern Asphalt (Conway, SC)	\$1,224,613.85
Triangle Grading & Paving (Burlington, NC)	\$1,266,112.00
R.H. Moore Company, Inc. (Murrells Inlet, SC)	\$1,353,550.00
Colt Contracting Company (Clinton, NC)	\$1,406,195.60
State Utility Contractors, Inc. (Monroe, NC)	\$1,484,148.55
ES&J Enterprises (Autryville, NC)	\$1,647,210.00

- 5.15 Bid recommendation to award bid for sale of real property located at 4907 Rosehill Road (Lot 63, Section 3, Rosewood Terrace) to Vernell C. Thomas, Fayetteville, NC, highest bidder in the amount of \$26,010.00.

Bids were received as follows:

Vernell C. Thomas (Fayetteville, NC)	\$26,010.00
Cynthia Outen (Fayetteville, NC)	\$25,101.00

- 5.16 Pulled for discussion by Council Member Haire.

- 5.17 Recommendation to approve a resolution accepting and endorsing the Cumberland County 2010 Ten-Year Comprehensive Solid Waste Management Plan.

RESOLUTION ACCEPTING AND ENDORSING THE CUMBERLAND COUNTY SOLID WASTE MANAGEMENT PLAN OF 2010. RESOLUTION NO. R2012-004.

- 5.16 PWC - Financing Team Resolution.

This item was pulled for discussion by Council Member Haire.

DRAFT

Mr. Dwight Miller, PWC Chief Finance Officer, stated the Public Works Commission adopted a resolution approving certain members of the Financing Team for a five-year term and were requesting that City Council adopt a similar resolution. He stated the Financing Team members included the Bond Counsel, Womble Carlyle Sandridge and Rice; the Trustee, The Bank of New York Mellon Trust Company, N.A.; and the Financial Advisor, Davenport and Company. He stated there were several bond issues being anticipated during the next five to seven years and selecting a Financing Team 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.

A brief discussion period ensued.

MOTION: Council Member Massey moved to bring the item back for further information and discussion at the next available work session.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

7.1 Consideration of moratorium on vehicular consent searches.

This item was moved before Item 6.0.

Mr. Dale Iman, City Manager, presented this item. He stated this item was presented at the January work session and Council at that time requested it be brought back tonight for consideration. He stated if the 120-day moratorium were adopted, it would be put in place, and during that time traffic stop consent searches would not be conducted in the City of Fayetteville. He provided a review of the following proposed steps that would be performed during the moratorium:

1. Identify an organization external to the Police Department to review all traffic stop policies, procedures, and standards of conduct. Review the Police Department accreditation process to identify training areas. Review audit findings and determine if the issues identified were also identified in the audit for corrective action. Review and analyze all data collected to determine if biased-based policing has occurred and if so, determine if it is a departmental problem or the result of individual officers. Immediately implement acceptable CALEA Accreditation training standards and identify specific and measurable goals to ensure the conduct of traffic stops (self-assessment and external assessment) meet the standards.
2. Complete purchase and installation of cameras into patrol vehicles, collect audio and video data, and utilize that new technology to monitor the activities of all traffic stops and conduct additional assessment as necessary.
3. Develop a reliable and valid police-citizen contact data collection and reporting system method to collect and analyze data in a timely and cost effective fashion which would be minimally disruptive to the daily responsibilities of the officers.
4. Review, revise, and implement changes to the current citizen and employee complaint process that increases citizen and employee confidence in goals, objectives, policies, and practices of the Fayetteville Police Department. Ensure all complaints are investigated thoroughly and criticism is made an integral part of the Department's analysis of day-to-day services. Working with

DRAFT

the external organization identified in Step 1, fully explore an external review process for citizen complaints.

Mr. Iman stated he reviewed the credentials for several agencies and was prepared to hire the firm of NOBLEE (National Organization of Black Law Enforcement Executives). He stated the lead consultant, Mr. Jimmy L. Wilson, Retired Chief of Police, Washington, D.C., Police Department, would be on site tomorrow. He stated assisting Mr. Wilson would be Assistant Chief Andrew Candidate, a 30-year law enforcement veteran retired from the City of Greensboro, North Carolina, and consultant David Scott, Deputy Chief of Police with 31 years as a law enforcement veteran. He stated it was estimated it would take the firm 45 days to complete the study and estimated to cost \$30,000.00.

Council Member Bates inquired of Mr. Iman as to what the consultants were going to do. Mr. Iman replied the study would focus on traffic stop policies and procedures, compliance with the accreditation process, training needs, compliance with CALEA mandates and corrective actions, all data collected to determine whether biased based policing occurred, whether patterns indicative of biased place practices were department wide or specific to individual officers as specified by Fayetteville at the time of the agreement. He stated there would also be public input and discussions.

Council Member Bates inquired if this was almost the same procedure the Police Department went through to be accredited. Mr. Iman responded in the affirmative.

Council Member Haire inquired of Mr. Iman as to which members of the public would be involved in the study. Mr. Iman responded it would be local leadership, the NAACP, community watch leaders, and other community leaders in general. He stated the consultants would make the personal contacts and conduct the interviews.

Council Member Fowler inquired of Mr. Iman if he knew how many police organizations the group had worked with. Mr. Iman responded the consulting group had been in operation since 1976 and had worked with a number of organizations.

Council Member Massey stated the in the process of dealing with public input, he wanted to make sure they get input from Fayetteville State University, Fayetteville Technical Community College, and Methodist College. He stated he wanted them to be included in the list, especially those with criminal justice programs and things of that nature.

Council Member Applewhite inquired if the moratorium would be for traffic stops only. Mr. Iman replied in the affirmative.

Council Member Applewhite inquired of Ms. Patricia Bradley, Police Attorney, as to whether or not in her opinion the City of Fayetteville could legally implement a moratorium on consent searches. Ms. Bradley responded it was her opinion the Council could not implement a moratorium.

Council Member Applewhite inquired of Chief Bergamine if he could tell her that if they could not legally implement moratoriums, what would be the impact to the Police Department in terms of his personal certification and the certification of the police officers. Chief Bergamine responded it was his opinion that if it were deemed illegal by the courts, then he would lose his certification and those that would obey that order would probably lose theirs too.

Council Member Applewhite requested a legal opinion from Ms. Karen McDonald, City Attorney, on whether or not the City Council could legally implement a moratorium on consent searches. Ms. McDonald responded it was her legal opinion the Council could impose a moratorium. She further acknowledged that Council's action could lead to a lawsuit.

DRAFT

Council Member Crisp expressed his opinion that consent searches may be conducted but were not required.

Mayor Pro Tem Arp stated he was supporting the Police Department and thanked Chief Bergamine and his Department.

Mayor Chavonne stated he would argue the issue was about moratorium, it was about accountability and transparency.

MOTION: Mayor Pro Tem Arp moved to implement a moratorium effective February 1, 2012, or upon initiation of the site visit, on the use of consent searches for a period of 120 days or until completion of the identified and specific task, with a final presentation of the findings at a public meeting of the City Council, whichever occurred first.

SECOND: Council Member Haire

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

Mayor Chavonne called for a recess at 7:40 p.m. He reconvened the meeting at 7:55 p.m.

6.0 PUBLIC HEARINGS

6.1 P11-69F. The issuing of a Special Use Permit for Office Use within 100 feet of a residence, on property located at 3410 Village Drive. Containing 0.47 acres more or less and being the property of Michael Leke.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zoning, and 2010 Land Use Plan. He stated the property was recently annexed by petition and explained the City's policy was to initially zone newly annexed property to the closest equivalent zoning in the County. He stated since no straight PND equivalent existed in the UDO, the Zoning Commission and staff recommended approval of the initial zoning to SF-10.

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 approve.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

6.2 P11-62F. Rezoning from SF-10 Single Family District to Neighborhood Commercial District, or a more restrictive district, on property located at 669 Country Club Drive. Containing 0.96 acres more or less and being the property of Beulah Quick and Paula Quick Hall.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the owner was requesting the rezoning to convert the property to commercial use. He stated while there was a Neighborhood Commercial district beside and across Country Club Drive from the property, the City's Land Use Plan was calling for the property to the west (the bank) to be the cutoff point for commercial development on the south side of Country Club Road. He stated traffic volume and turning moves on and off of Country Club would be chief concerns of City staff. He stated if Council rezoned the property, staff would suggest that an Office & Institutional (OI) district would be more appropriate than NC. He stated the Zoning Commission recommended approval to a more restrictive OI district based on (1) there being access to a major thoroughfare, (2) the location being relative to

DRAFT

existing commercial and office uses, and (3) OI being a good buffer between commercial and residential uses. He stated staff recommended denial of NC district based on (1) the Land Use Plan calling for residential and identifying a commercial boundary to discourage the "stripping" of a portion of the corridor, (2) the amount of commercial already in the area, (3) the property being bordered on two sides by residential, and (4) traffic volume and turning movements.

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

Ms. Paula Quick Hall, 3104 Bucking Road, Durham, NC, representing her mother, the property owner, appeared in favor and provided a power point presentation on the "Melcher-Quick Meeting House". She stated the property was used for renting rooms to various individuals and organizations to provide a meeting place for religious, spiritual, cultural, civic, and educational enrichment.

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

MOTION: Council Member Massey moved to approve the rezoning to a more restrictive OI district.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

6.3 Community Development - Substantial amendment of the 2011-2012 Community Development Annual Action Plan for funding for the construction of a neighborhood resource center by Fayetteville Metropolitan Housing Authority in the HOPE VI Revitalization Project area.

Mr. Victor Sharpe, Community Development Director, presented this item and stated the City of Fayetteville committed \$937,500.00 of Community Development Block Grant (CDBG) funds to the Fayetteville Metropolitan Housing Authority (FMHA) over a five-year period as part of its commitment to the Old Wilmington Road HOPE VI Revitalization Project. He stated the funds were approved for the acquisition of land to construct single-family affordable housing. He stated FMHA determined that the entire amount allocated was not needed for land acquisition in meeting the five-year deadline for completing the project. He stated to date the City approved and budgeted \$749,000.00 as part of the funding for the acquisition of land for single-family housing development. He stated the remaining \$188,500.00 was scheduled to be budgeted for the 2012-2013 program year. He stated FMHA requested to use the current budgeted amount of \$749,000.00 for the construction of the neighborhood resource center that would be rebuilt on Old Wilmington Road. He stated the remaining amount of \$188,500.00 proposed for next year's budget would be used for acquisition of land to continue the construction of single-family affordable housing. He stated the Fayetteville Redevelopment Commission recommended approval of the amendment. He stated the budgeted CDBG funds needed to be expended as soon as possible to assure that they met the required time frame for expending the funds. He stated the amendment would allow a change in the use of CDBG funds committed to the Old Wilmington Road HOPE VI Revitalization Project.

A brief discussion period ensued.

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.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, APPROVING A SUBSTANTIAL AMENDMENT TO THE 2011-2012 COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN FOR FUNDING OF THE CONSTRUCTION OF A NEIGHBORHOOD RESOURCE CENTER BY FAYETTEVILLE METROPOLITAN HOUSING AUTHORITY IN THE HOPE VI PROJECT AREA.
RESOLUTION NO. 2012-005.

DRAFT

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

6.4 Consideration of UDO Text Amendment Set #4 regarding parking, glazing (window area)/door standards and density in the DT district; a new alternative signage plan option; increased height for certain accessory structures; special standards for junk/salvage yards (reestablishing original standards); and other corrections and adjustments for internal consistency.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. She stated the fourth set of amendments would involve more substantive changes and provided an overview of the amendments. She stated the Planning Commission and staff recommended approval of all parts of the ordinance as recommended.

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.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO ADDRESS ERRORS AND CLARIFICATIONS AND TO (1) DELETE THE PARKING REQUIREMENT, REDUCE GLAZING/DOOR STANDARDS, AND REDUCE OR REMOVE THE LIMIT ON RESIDENTIAL DENSITY, ALL IN THE DOWNTOWN DISTRICT; (2) AMEND ARTICLE 5.L, SIGNAGE, TO ADD A SECTION FOR ALTERNATIVE SIGN PLANS FOR LARGER DEVELOPMENTS; AND (3) ALLOW INCREASED HEIGHT AND RELATED ADJUSTMENTS FOR CERTAIN ACCESSORY USES; AND MAKE OTHER MINOR ADJUSTMENTS, CROSS-REFERENCES, AND CORRECTIONS. ORDINANCE NO. S2012-001.

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

7.0 OTHER ITEMS OF BUSINESS

7.1 Consideration of moratorium on vehicular consent searches.

This item was moved before Item 6.0.

7.2

a) Fayetteville Cumberland County Chamber of Commerce Economic Development Report - 2nd Quarter Report.

Mr. Douglas Peters, Chamber of Commerce Economic Development President and CEO, presented this item and stated it had come as no surprise to residents of Fayetteville that their All-America City was proud to be a wonderful place for veterans and their families to live, but that had not meant it was not nice to hear confirmation of that from outside sources. He stated the website of Livability.com had named Fayetteville the No. 1 City in the country for military veterans to live. He stated given the fact that there was a very strong mutual respect between the community and the military in Fayetteville, this was not a surprise. He stated the community continued to thrive because of the relationship that existed, and the ranking helped confirm that the City had truly embraced the strong military connections. He stated coming on the heels of winning the 2011 All-America City honor, Fayetteville had embraced all of the factors that went into the recognition. He presented the Fayetteville Cumberland County Chamber of Commerce Economic Development Report for the second quarter with the aid of a power point presentation and provided handouts to the City Council members.

A brief question and answer period ensued.

DRAFT

b) FY 2012 Strategic Plan's Policy and Management Action Agenda 2nd Quarter Report.

Ms. Rebecca Rogers-Carter, Management Services Manager, presented this item with the aid of a power point presentation and provided the 2nd quarter Strategic Plan Progress Report for FY 2012. She stated the City of Fayetteville used a robust strategic planning process to identify and work on significant community issues. She stated the process involved both the City Council and staff and was updated annually to reflect the changing needs of the community. She stated Fayetteville's Strategic Plan had five main areas which were vision, mission, core values, five-year goals, and annual targets for action that direct the main work efforts of Council and staff. She stated the targets for action cover policy issues for the City Council to address and management issues for City staff. She stated the report provided an update on the activities and successes related to the policy and management targets for action.

A brief discussion period ensued.

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

7.3 Uninhabitable structures demolition recommendations:

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item with the aid of a power point presentation and multiple photographs of each of the properties listed. He stated staff was requesting demolition of six buildings determined to be dangerous or blight. He reviewed the following demolition recommendations:

865 Amye Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on September 21, 2011. He stated the owner did not attend the initial hearing and in a subsequent hearing an order to repair or demolish was issued. He stated to date there were no repairs and the utilities were disconnected in December 2002. He stated in the past 24 months there were two calls for 911 service. He stated there were two code violations with no pending assessments. He stated the low bid for demolition was \$1,340.00.

1780 Cardinal Circle

Mr. Swanson stated the structure was an unfinished residential home. He stated the structure was inspected and condemned as a dangerous structure on June 6, 2011. He stated the owner did not attend the initial hearing and in a subsequent hearing an order to repair or demolish was issued. He stated to date there were no repairs and the utilities were disconnected in April 2005. He stated in the past 24 months there were six calls for 911 service. He stated there were no code violations with no pending assessments. He stated the low bid for demolition was \$960.00.

205 Deep Creek Road

Mr. Swanson stated the structure was a vacant residential home. He stated the structure was inspected and condemned as a blighted structure on August 15, 2011. He stated the owner attended the initial hearing and in a subsequent hearing an order to repair or demolish was issued. He stated to date there were no repairs and the utilities were disconnected in September 2008. He stated in the past 24 months there were seven calls for 911 service. He stated there were two code violations with a pending assessment of \$196.55. He stated the low bid for demolition was \$1,300.00.

DRAFT

2683 Eldorado Road

Mr. Swanson stated the structure was an unfinished residential home. He stated the structure was inspected and condemned as a dangerous structure on June 29, 2011. He stated the owner attended the initial hearing and in a subsequent hearing an order to repair or demolish was issued. He stated to date there was little repair done and the utilities were disconnected in February 2008. In the past 24 months there were no calls for 911 service. He stated there were three code violations with no pending assessments. He stated the low bid for demolition was \$679.00.

402 S. Plymouth Street

Mr. Swanson stated the structure was a vacant residential home. He stated the structure was inspected as a blighted structure on August 31, 2011. He stated the owner did not attend the initial hearing and in a subsequent hearing an order to repair or demolish was issued. He stated to date there were no repairs to the structure and the utilities were disconnected in January 2011. He stated in the past 24 months there was one call for 911 service. He stated there were two code violations with no pending assessments. He stated the low bid for demolition was \$1,400.00.

1431 Rhone Street

Mr. Swanson stated the structure was a vacant residential home. He stated the structure was inspected and condemned as a blighted structure on July 19, 2011. He stated the owners did not attend the initial hearing and in a subsequent hearing an order to repair or demolish was issued. He stated to date there were no repairs and there was no record of utilities to the structure. He stated in the past 24 months there were no calls for 911 service. He stated there was one code violation with a pending assessment of \$723.16. He stated the low bid for demolition was \$1,379.00.

Mr. Swanson stated all the properties were sub-standard and detrimental to the surrounding neighborhood and promoted nuisances and blight. He stated the demolition of the structures would be \$7,118.00 and there would be additional costs for asbestos testing and abatement if needed.

A brief discussion period ensued.

Council Member Applewhite requested conducting research on the possibility of some of the structures cited for demolition being restored and rehabilitated.

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 (865 AMYE STREET). ORDINANCE NO. NS2012-001.

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 (1780 CARDINAL CIRCLE). ORDINANCE NO. NS2012-002.

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 (205 DEEP CREEK ROAD). ORDINANCE NO. NS2012-003.

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

DRAFT

DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (2683 ELDORADO ROAD). ORDINANCE NO. NS2012-004.

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 (402 S. PLYMOUTH STREET). ORDINANCE NO. NS2012-005.

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 (1431 RHONE STREET). ORDINANCE NO. NS2012-006.

MOTION: Council Member Bates moved to approve.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly statement of taxes for December 2011.

2011 Taxes	\$12,216,503.31
2011 Vehicle	369,524.55
2011 Taxes Revit	35,836.00
2011 Vehicle Revit	305.52
2011 FVT	44,372.88
2011 Transit	44,372.87
2011 Storm Water	406,365.68
2011 Fay Storm Water...	812,731.26
2011 Fay Recycle Fee	304,254.34
2011 Annex...	0.00
2010 Taxes	22,830.29
2010 Vehicle	48,969.42
2010 Taxes Revit	34.34
2010 Vehicle Revit	0.37
2010 FVT	7,409.11
2010 Transit	7,409.12
2010 Storm Water	561.23
2010 Fay Storm Water...	1,122.49
2010 Fay Recycle Fee	1,373.92
2010 Annex...	0.00
2009 Taxes	1,687.89
2009 Vehicle	1,725.11
2009 Taxes Revit	2.45
2009 Vehicle Revit	0.00
2009 FVT	415.58
2009 Transit	415.57
2009 Storm Water	73.09
2009 Fay Storm Water...	146.19
2009 Fay Recycle Fee	269.46
2009 Annex...	0.00
2008 Taxes	1,245.96
2008 Vehicle	774.67
2008 Taxes Revit	0.00
2008 Vehicle Revit	0.00
2008 FVT	148.66
2008 Transit	78.65
2008 Storm Water	61.15
2008 Fay Storm Water...	48.00
2008 Fay Recycle	84.00
2008 Annex...	0.00
2007 and Prior Taxes	680.20
2007 and Prior Vehicle	1,342.56

DRAFT

2007 and Prior Taxes Revit	0.00
2007 and Prior Vehicle Revit	0.00
2007 and Prior FVT	364.12
2007 and Prior Storm Water	24.12
2007 and Prior Fay Storm Water	0.00
2007 and Prior Annex.....	21.63

Interest	12,727.07
Revit Interest	7.69
Storm Water Interest	83.90
Fay Storm Water Interest	135.44
Annex Interest	66.40
Fay Recycle Interest	209.69
Fay Transit Interest	1,091.16

Total Tax and Interest \$14,347,907.11

8.2 Revenue and expenditure report for annually budgeted funds for the three-month period ended September 30, 2011.

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:23 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

012312

DRAFT

FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
JANUARY 23, 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) (departed at 6:15 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (arrived at 6:05 p.m.); James W. Arp, Jr. (District 9)

Absent: Wade Fowler (District 8)

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, 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 attorney to preserve the attorney-client privilege.
SECOND: Council Member Arp
VOTE: UNANIMOUS (9-0)

The regular session recessed at 6:00 p.m. The regular session reconvened at 6:15 p.m.

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

Mr. Dale Iman, City Manager, provided information on the Police Chief search and advised they were leaning toward the PERF firm. He stated it was felt the firm was best suited to attract the best candidates. He advised all firms had discouraged an open process. He advised the cost would be \$32,000.00.

Mayor Chavonne then discussed the letter received from the Governor's office that was being signed by mayors across the state regarding cuts to education. There was no consensus of Council to sign the letter.

Mayor Chavonne reviewed the agenda. He advised that given the interest in the moratorium discussion, Item 7.1 would move ahead of Item 6.0.

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

012312

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Victor Sharpe, Community Development Director
DATE: February 27, 2012
RE: **Community Development - Resolution authorizing the transfer of real property to Fayetteville State University located at 916 and 918 Washington Drive.**

THE QUESTION:

Is the transfer of City-owned lots located at 916 and 918 Washington Drive consistent with the recommendations in the Murchison Road Redevelopment for Catalyst Site 2?

RELATIONSHIP TO STRATEGIC PLAN:

More Attractive City - Clean and Beautiful and Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- The City owns two vacant parcels of land at 916 and 918 Washington Drive.
- Fayetteville State University has requested the City to transfer the parcels to them to assist with the redevelopment project at Washington Drive.
- This property is located in catalyst site 2 of the City of Fayetteville Land Use and Economic Development Plan for the Murchison Road Corridor.
- The City is already a partner in the Washington Drive redevelopment efforts with its current ownership of the Washington Drive Jr. High School site and the impending demolition of the school by the City.

ISSUES:

None

BUDGET IMPACT:

Less than \$100 for the cost of recording.

OPTIONS:

- Adopt the resolution authorizing the transfer of title to Fayetteville State University.
- Do not adopt the resolution authorizing the transfer of title to Fayetteville State University.
- Provide additional direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the proposed resolution authorizing the transfer of real property to Fayetteville State University for redevelopment purposes.

ATTACHMENTS:

916 & 918 Washington Drive
Resolution



WASHINGTON DR

CUMBERLAND ST

WASHINGTON DR

BLUE ST

BLUE ST

BRAC

916 & 918 Washington Drive

916 & 918 Washington Drive

916 & 918 Washington Drive

5-2-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE APPROVING
CONVEYANCE OF PROPERTY PURSUANT TO G.S. § 160A-279**

WHEREAS, the City of Fayetteville owns two vacant tracts of land located at 916 and 918 Washington Drive; and

WHEREAS, North Carolina General Statute § 160A-279 authorizes a city to convey real property by private sale to a nonprofit corporation, if the city is authorized by law to appropriate money to the corporation; and

WHEREAS, the City of Fayetteville has negotiated with Fayetteville State University to convey the Washington Drive property described above to Fayetteville State University for the redevelopment activities along Washington Drive; and

WHEREAS, the 916 and 918 Washington Drive tracts are located in Catalyst Site Two of the City of Fayetteville Land Use and Economic Development Plan for the Murchison Road Corridor.

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

1. The City Manager of the City of Fayetteville is authorized to execute all documents necessary to convey fee simple defeasible title to the City-owned property at 916 and 918 Washington Drive, more particularly described as follows:

BEING all of Lots 19 and 20, Block "N"; as shown on a map entitled, "FAYETTEVILLE REDEVELOPMENT COMMISSION MURCHISON ROAD REDEVELOPMENT AREA, SECTION 3, PART 2, PROJECT NCR-90," according to a plat of the same duly recorded in Book of Plats 46, Page 42, Cumberland County Registry, North Carolina.

3. The deed given by the City to the above described parcel shall convey a title in fee simple determinable.

4. The City Clerk shall publish a notice summarizing the contents of this resolution, and the property may be sold at any time after ten working days after publication of the notice.

ADOPTED this 27th day of February, 2012.

CITY OF FAYETTEVILLE

By: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: February 27, 2012
RE: **Case No. P12-01F. Rezoning from SF-10 Single Family District to NC Neighborhood Commercial District, or a more restrictive district, on property located at 906 Hope Mills Rd. Containing 0.24 acres more or less and being the property of Nancy Karyo.**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development.

BACKGROUND:

Owner: Nancy Karyo
Applicant: Nancy Karyo
Requested Action: SF-10 to NC
Property Address: 906 Hope Mills Rd
Council District: 6 (Crisp)
Status of Property: Developed Single Family
Size: 0.24 acres +/-
Existing Land Use: Single Family Residence
Adjoining Land Use & Zoning:
North - NC Neighborhood Commercial
South - NC Neighborhood Commercial
East - SF-10 Residential (across Hope Mills Rd)
West - SF-10 Residential
Letters Mailed: 53
Land Use Plan: Heavy Commercial
Small Area Studies: Hope Mills Road Plan

ISSUES:

This property currently has NC zoning directly adjacent to the north and south. The City's Land Use Plan calls for heavy commercial to the north, south and east of the property and light commercial to the west.

Speakers at Zoning Commission meeting: 1 in favor, None in opposition

Zoning Commission & staff recommend approval of the NC district based on:

1. The property has NC zoning to the north and south.
2. Land Use Plan calls for high density commercial.
3. Land Use Plan calls for low density commercial behind this property.

BUDGET IMPACT:

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

OPTIONS:

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

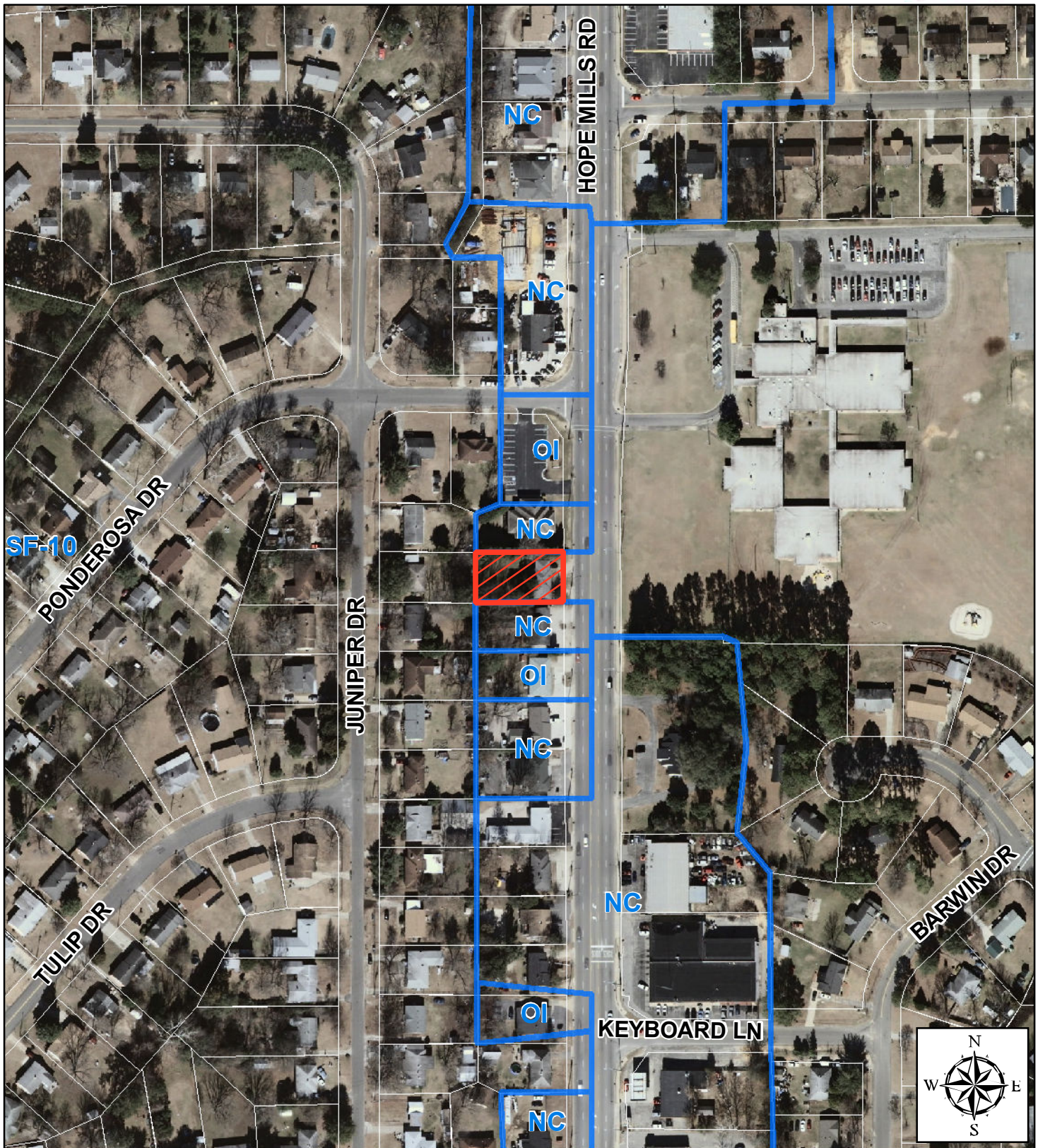
RECOMMENDED ACTION:

Zoning Commission & staff Recommend: That the City Council move to APPROVE the rezoning of this property to Neighborhood Commercial as presented by staff.

ATTACHMENTS:

Zoning Map
Current Landuse
Land Use Plan
Minutes

ZONING COMMISSION
P12-01F



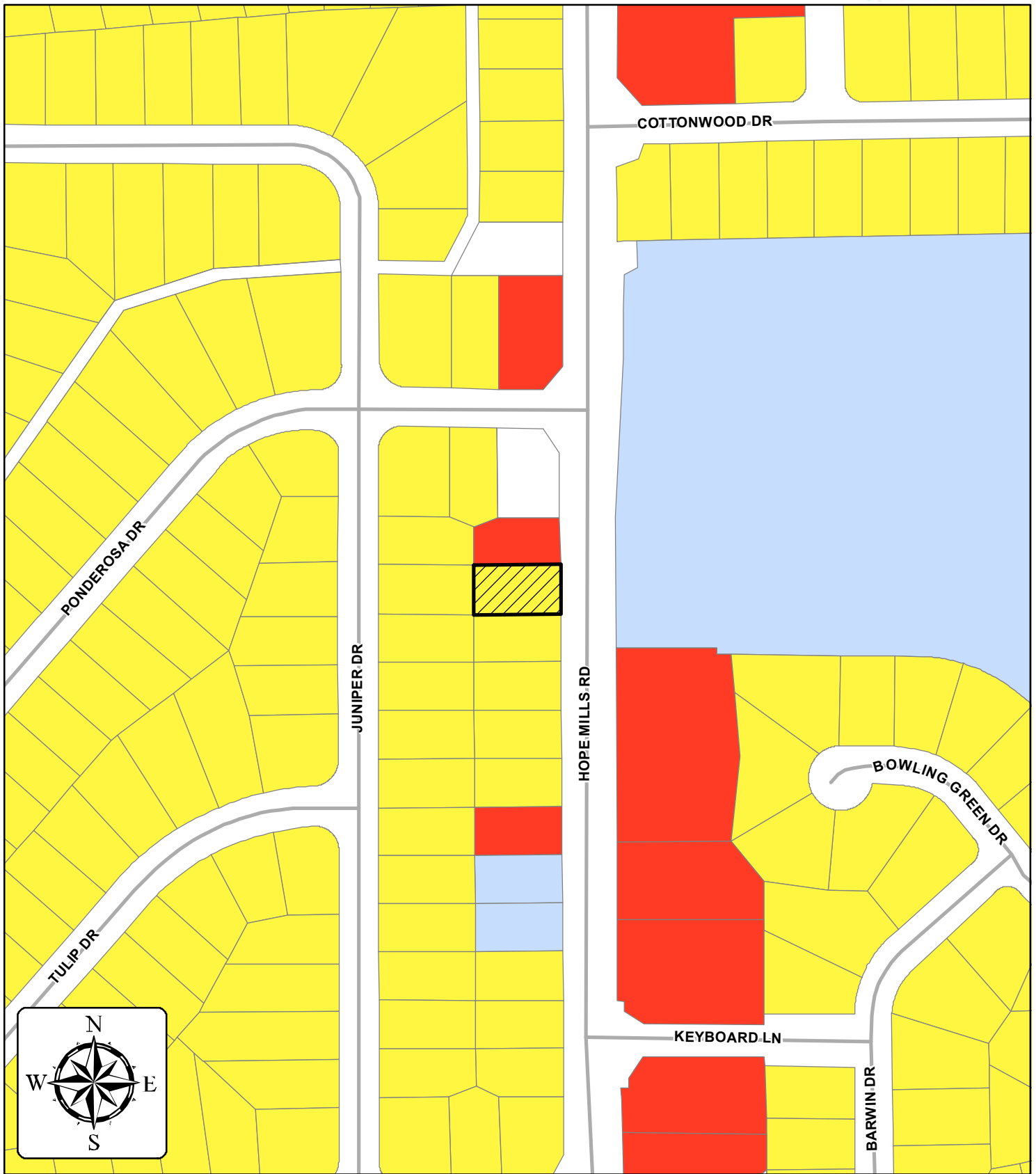
Request: SUP
Location: 906 Hope Mills Rd.
Acreage: +/- 0.24 acres

Zoning Commission: 1/10/2012
City Council: _____
Pin: 0416-16-5579-

Recommendation: _____
Final Action: _____

Current Land Use

P12-01F

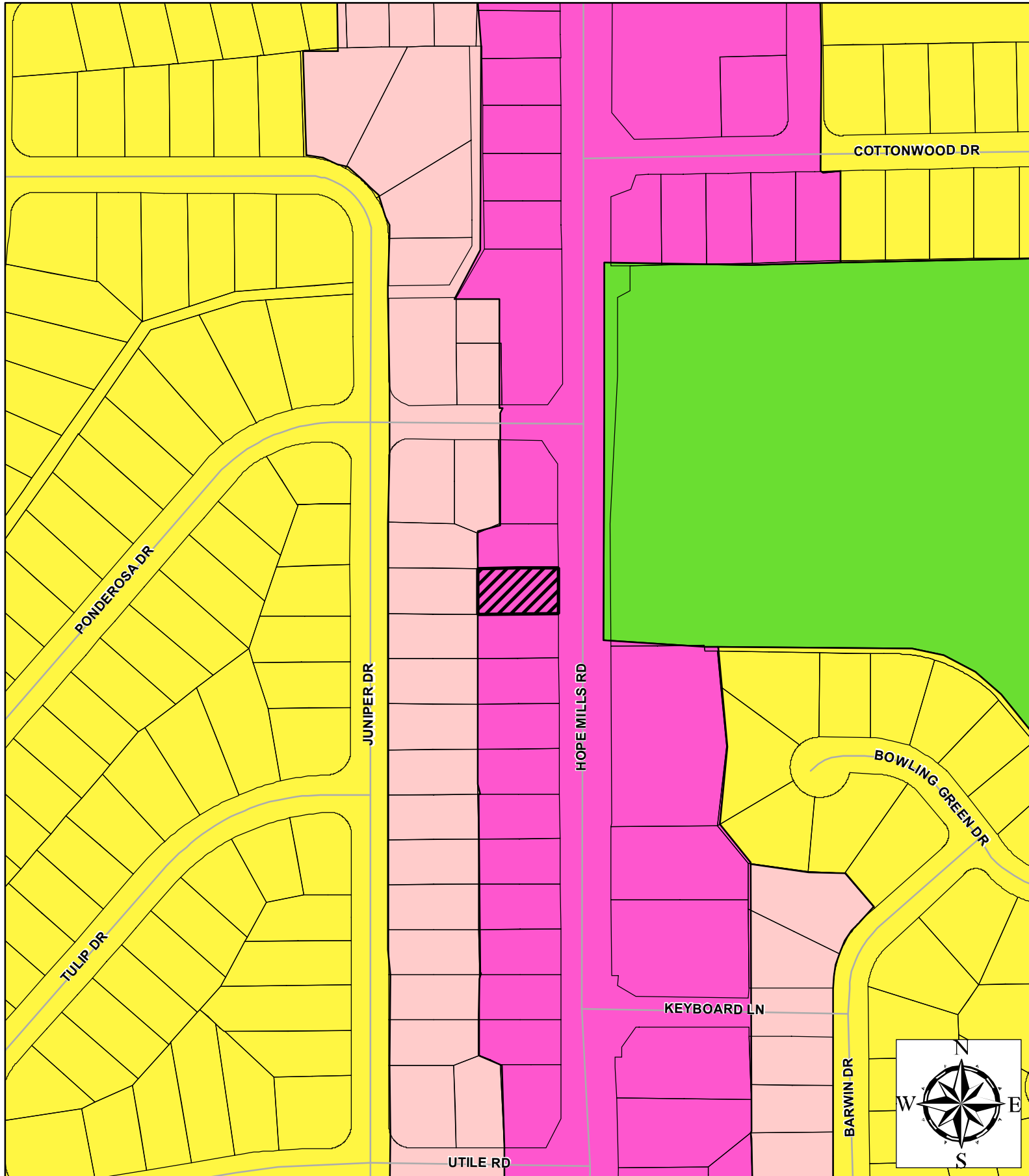


Legend

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

2010 Land Use Plan

Case No. P12-01F



**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION – SPECIAL MEETING
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
JANUARY 24, 2011 @ 6:00 P.M.**

MEMBERS PRESENT

Marshall Isler
Martin Hendricks
Jamie Bashore-Watts
David Baron
Tom Speight (Alt.)

MEMBERS ABSENT

Lockett Tally

OTHERS PRESENT

Karen Hilton, Planning Manager
Mr. Brian Myer, Asst. City Atty
David Steinmetz, Inspections
Craig Harmon, Planner
Scott Shuford, Dir of Dev Services

I. APPROVAL OF AGENDA

A motion was made by Mr. Hendricks to add a 2.5 for the approval of minutes from November 8, 2011 meeting. Vote was taken and approved unanimously.

II. MINUTES FOR DECEMBER 13, 2011 COMMISSION MEETING

A motion to approve the minutes from December 13, 2011, was made by Mr. Hendricks, and seconded by Mrs. Bashore-Watts. A vote was taken and passed unanimously.

A motion to approve the minutes from November 8, 2011, was made by Mr. Hendricks, and Seconded by Mr. Baron. A vote was taken and approved Unanimously

III. PUBLIC HEARINGS

Mr. Isler began by explaining: The zoning commission is charged with the review of applications for rezoning, conditional rezoning and special use permits. We review according to standards put forth in the unified development ordinance and ultimately make recommendations to the city council. The burden of demonstrating that an application complies with applicable standards is on the applicants. Our job is to listen to the testimony from both sides, be objective and fair at all times. Ultimately our goal is to preserve the character and integrity of our neighborhoods. The findings of tonight's hearings, will be voted upon by this commission, and the result and recommendations passed on to the city council. The extent of which any person feels aggrieved or hurt by our recommendation, they have the right to appeal to the city council, within 10 days of the recommendation.

Case No. P12-01F – Rezoning from SF-10 Single Family District to NC Neighborhood Commercial District, or a more restrictive district, on property located at 906 Hope Mills Rd. Containing 0.24 acres ± and being the property of Nancy Karyo.

Mr. Harmon presented the case and provided the staff report.

Staff is recommended approval of the Neighborhood Commercial District, based on the property has the Neighborhood Commercial zoning on both north and south sides of it. The Land Use Plan calls for High Density Commercial along that area of Hope Mills Rd.

With no further questions for staff, Mr. Isler opened the public hearing. The following persons spoke:

In Favor:

Richard Lynch & Nancy Karyo – 906 Hope Mills Rd, Fayetteville, NC 28304
(Here for questions if needed)

In Opposition:

None

Mr. Isler closed the public hearing.

Mr. Harmon again asked if there were any questions for Staff? None were asked.

A motion was made to approve the rezoning request to Neighborhood Commercial, by Mr. Hendricks and Mr. Baron seconded the motion.

Vote taken and approved unanimously.

No Discussion ensued.

Reminder was made to make “Discussion” inquiry after the motioned had been seconded.

A motion was made to Seat Mr. Tom Speight (alternate) by Mr. Hendricks and Seconded by Mr. Baron. With no further discussion, vote was taken and approved Unanimously. Mr. Speight was seated.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: February 27, 2012
RE: **Case No. P12-02F. Rezoning from HI Heavy Industrial District to CC Community Commercial District, or a more restrictive district, on property located at 4420 Murchison Rd. Containing 1.41 acres more or less and being the property of Agnes Hubbard.**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development.

BACKGROUND:

Owner: Agnes Hubbard
Applicant: Agnes Hubbard
Requested Action: HI to CC
Property Address: 4420
Council District: 6 (Crisp)
Status of Property: Developed Commercial
Size: 1.41 acres +/-
Existing Land Use: Auto Repair and Store
Adjoining Land Use & Zoning:
North - CC Community Commercial
South - Skinning Property to South would remain HI, everything else to the South is CC Community Commercial
East - CC Community Commercial
West - CC Community Commercial
Letters Mailed: 25
Land Use Plan: Heavy Commercial
Small Area Studies: Murchison Road Corridor Plan

ISSUES:

These two properties currently have HI (Heavy Industrial) zoning. This was a straight translation zoning (M2-Heavy Manufacturing to HI) during the UDO remapping project. The property fronting Murchison Road has a commercial building on it which is not allowed under HI district. The rear property has an auto repair shop located on it. Although auto repair shops are allowed in the HI, the owner would also like the ability to sell cars on this property as well. That activity is not allowed in the HI district. The property owner is requesting a rezoning to CC Community Commercial which would allow all of the activities the owner is wanting to use her property for.

At the Zoning Commission meeting the applicant requested that only the property at 4420 Murchison Road be rezoned. After reevaluating the proposed uses for the property at 4438, the owner would like for it to remain HI.

Zoning Commission and staff recommend approval of the modified request for the CC district based on:

1. The property is mostly surrounded by CC Zoning currently

2. Land Use Plan calls for high density commercial.

BUDGET IMPACT:

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

OPTIONS:

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

RECOMMENDED ACTION:

Zoning Commission & staff Recommend: That the City Council move to APPROVE the rezoning of the property located at 4420 Murchison Road to Community Commercial as presented by staff.

ATTACHMENTS:

Zoning Map

Current Landuse

Land Use Plan

ZONING COMMISSION
P12-02F



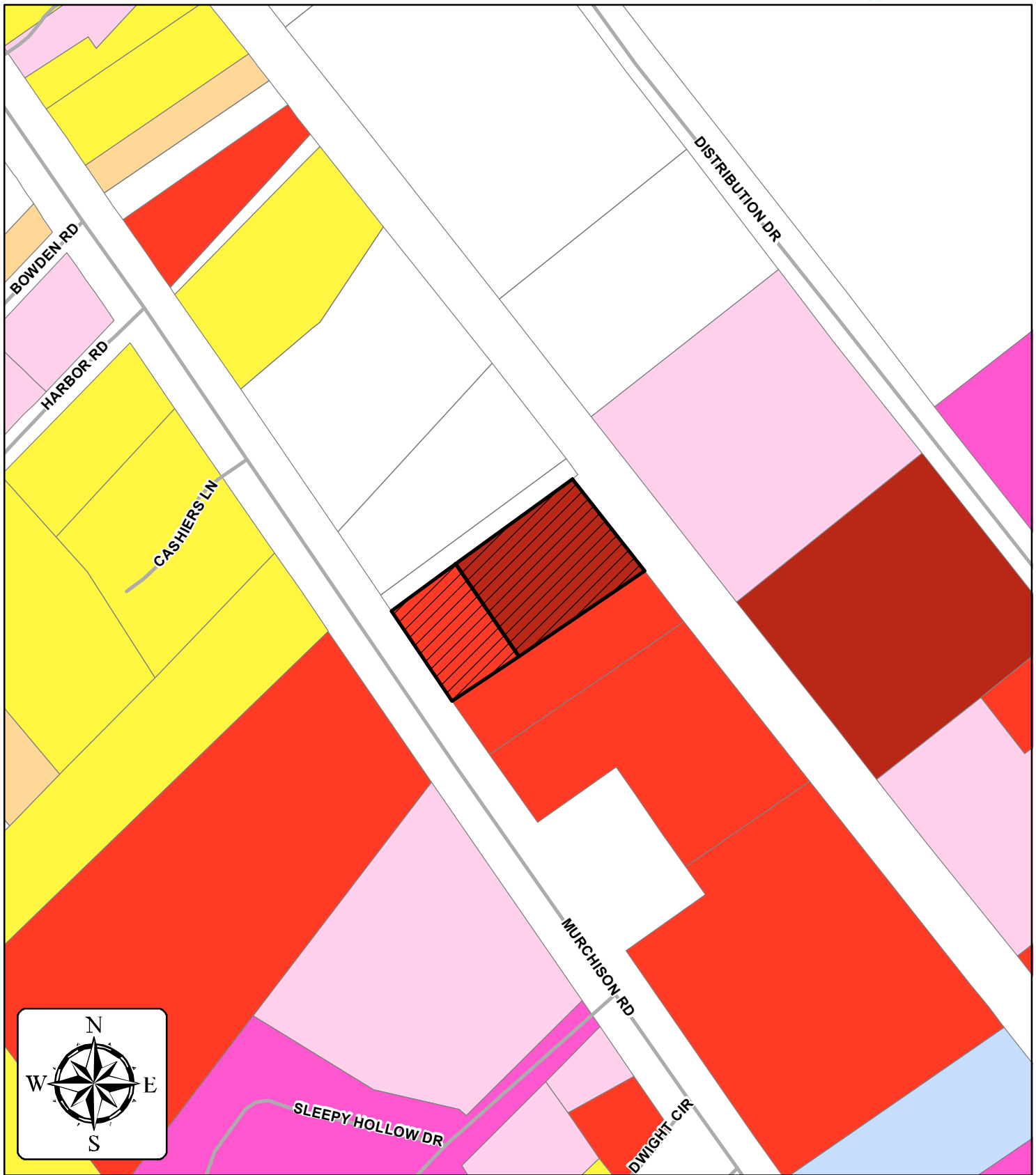
Request: HI to CC
Location: 4420 & 4428 Murchison Rd.
Acreage: +/- 1.41 acres

Zoning Commission: 1/10/2012 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0429-32-6728 & 0429-32-7879

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

Current Land Use

P12-02F

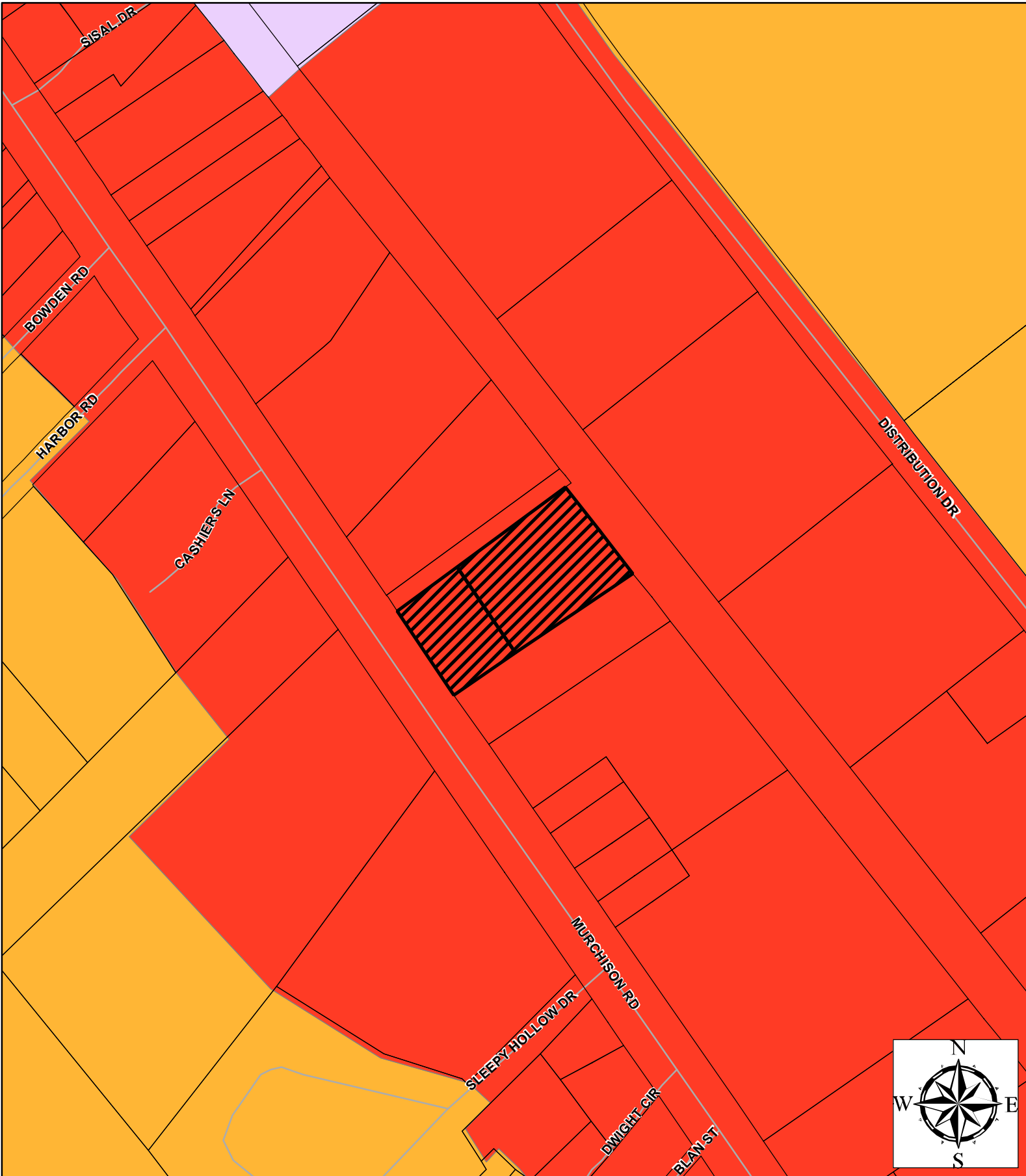


Legend

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

2010 Land Use Plan

Case No. P12-02F



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: February 27, 2012
RE: **Case No. P12-03F. Initial zoning from R10 Residential District in Cumberland County's jurisdiction to SF-10 Single Family Residential District, or a more restrictive district, on property located at W Summer Chase Dr. Containing 53.62 acres more or less and being the property of Brolanco Corporation, Don B. Broadwell, Sr, President.**

THE QUESTION:

Does the initial zoning to Single Family 10 fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Brolanco Corporation, Don B. Broadwell, Sr, President
Applicant: Brolanco Corporation, Don B. Broadwell, Sr, President
Requested Action: R10 (cnty) to SF-10
Property Address: W. Summer Chase, Fairfield Farms Sect. 4, 5 & 6
Council District: 1 (Bates)
Status of Property: Vacant
Size: 28.25 acres +/-
Existing Land Use: Single family development in progress
Adjoining Land Use & Zoning:
North - PND & R10 (cnty) vacant
South - PND
East - SF-10 Single Family
West - PND
Letters Mailed: 52
Land Use Plan: Low density residential
Small Area Studies: 2025 Long Range Transportation Plan - No effect on this property.
Cumberland County's North Fayetteville Plan

ISSUES:

This property has recently been annexed, by petition, into the City and now must go through the initial zoning process. Until recently, the City's policy has been to initially zone newly annexed property to the closest equivalent to what the property was zoned in the County. The current County zoning is R10. The County's R10 district translates to the City's SF-10 district. While this policy was recently revised, staff based it's recommendation to the Zoning Commission on the previous policy and believes that the proposed zoning is appropriate under the revised policy.

Zoning Commission & staff recommend Approval of SF-10 district based on:

1. The City's policy for initial zonings.

BUDGET IMPACT:

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

OPTIONS:

- 1) Approval of rezoning to SF-10 as presented by staff (recommended)
- 2) Approval of rezoning to a more restrictive district;
- 3) Denial of the rezoning request. (property becomes unzoned)

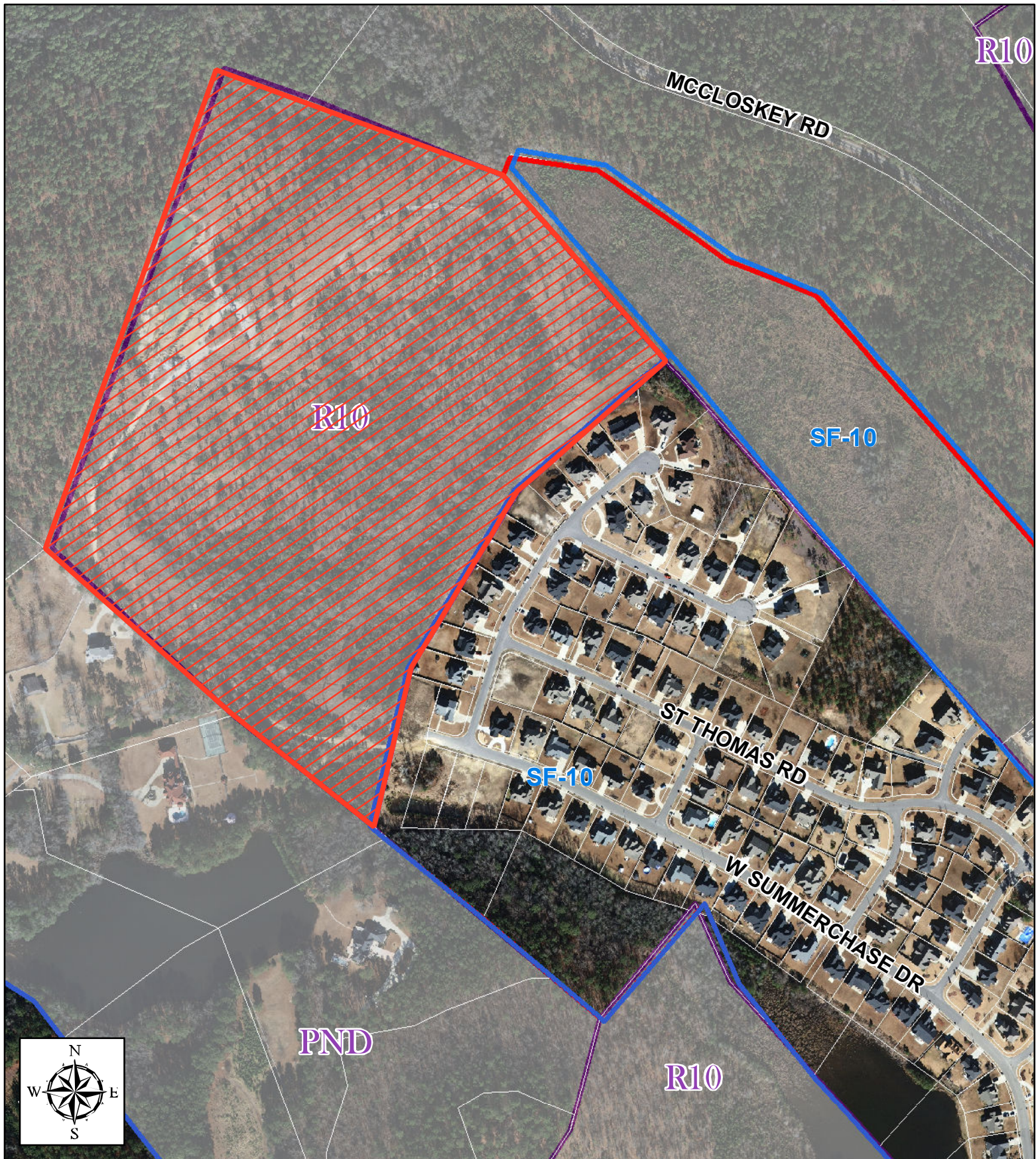
RECOMMENDED ACTION:

Zoning Commission & Staff Recommend: That the City Council move to APPROVE the initial zoning of this property to Single Family 10 as presented by staff.

ATTACHMENTS:

Zoning Map
Current Landuse
Land Use Plan
Minutes

ZONING COMMISSION
P12-03F



Request: R10 (cnty) to SF-10
Location: W Summer Chase, Fairfield Farms
Acreage: +/- 53.62 acres

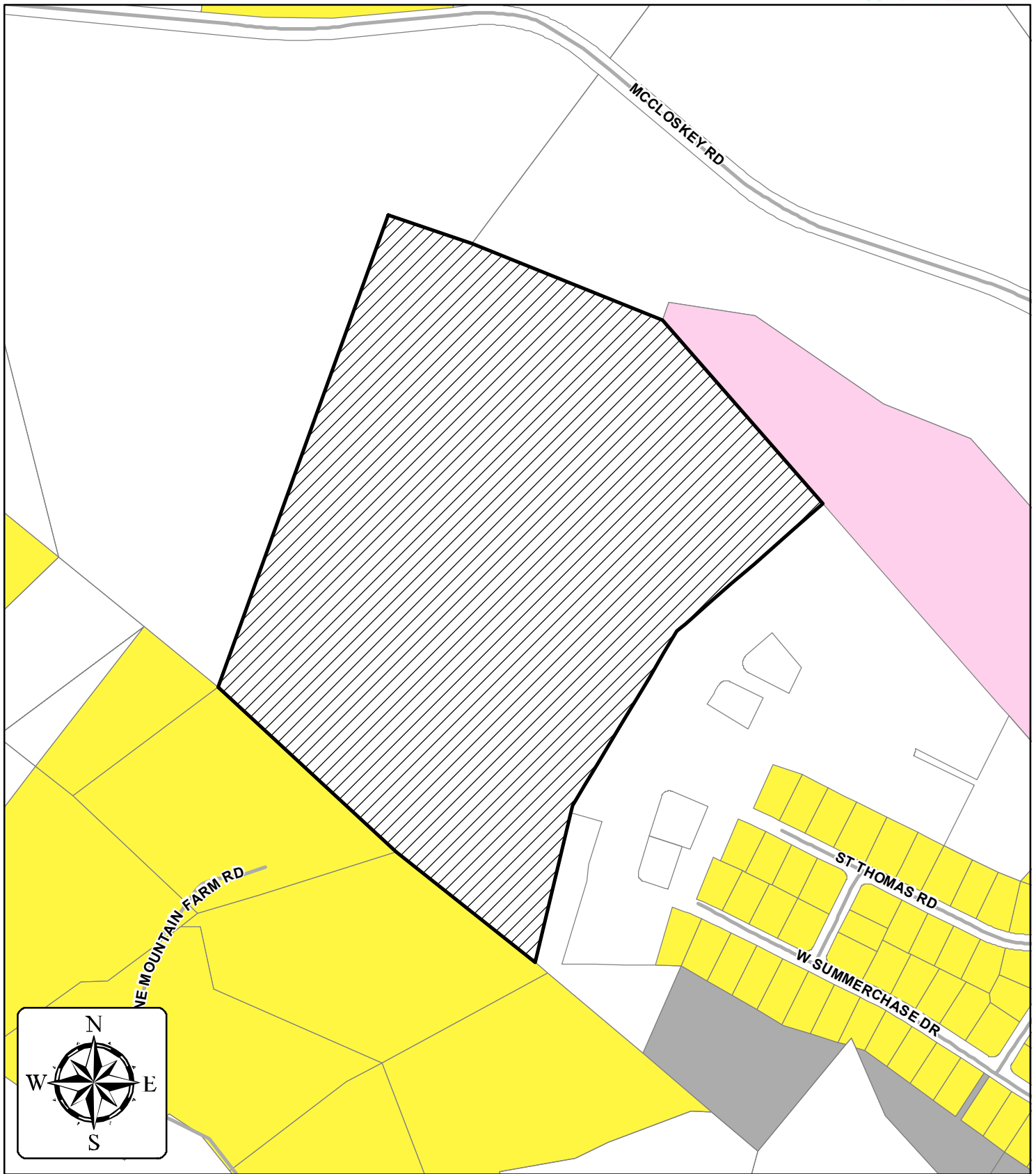
Zoning Commission: 1/10/2012
City Council: _____
Pin: 0429-32-6728 & 0429-32-7879

Recommendation: _____
Final Action: _____

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

Current Land Use

P12-03F

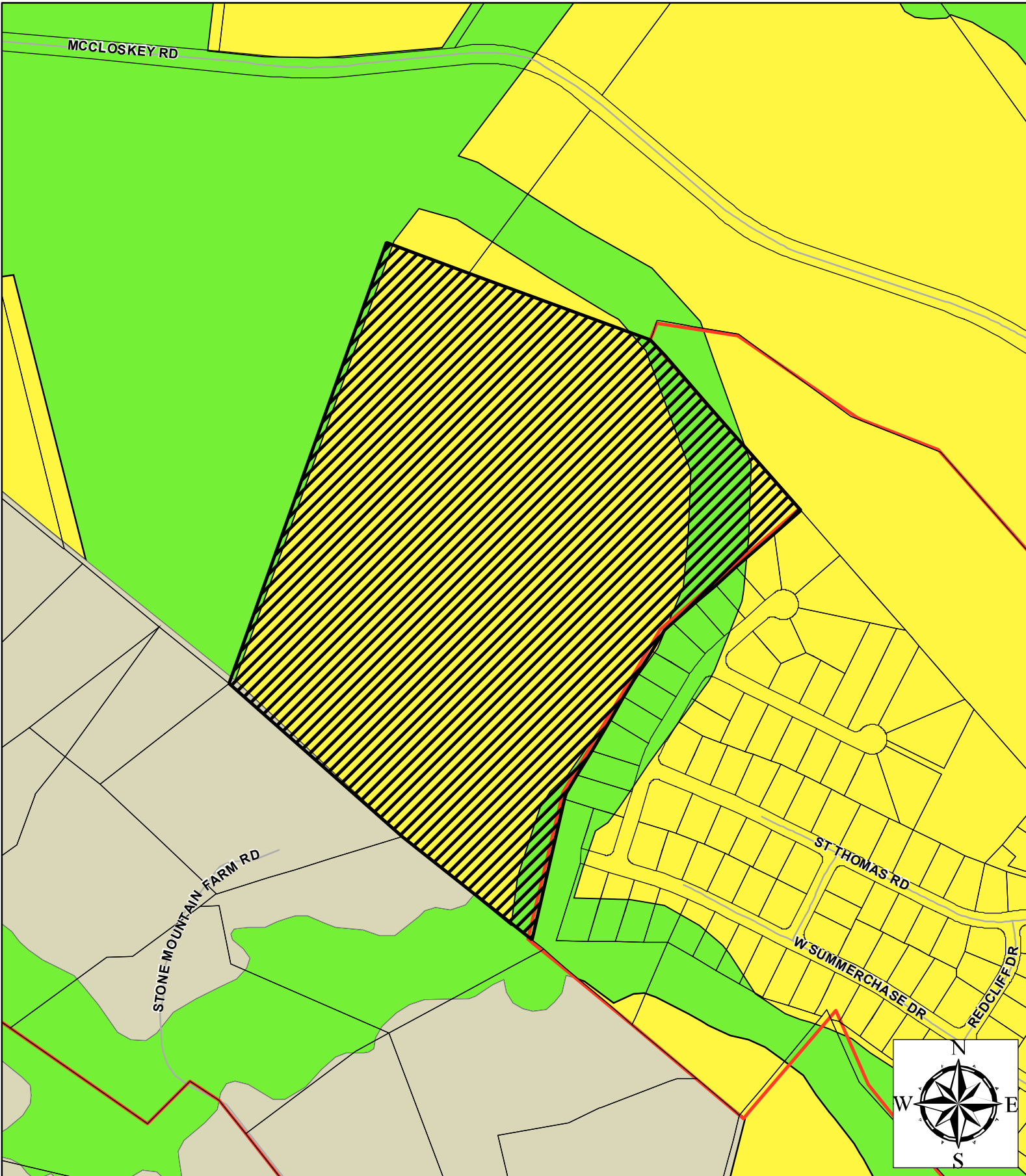


Legend

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

2010 Land Use Plan

Case No. P12-03F



**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION – SPECIAL MEETING
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
JANUARY 24, 2011 @ 6:00 P.M.**

MEMBERS PRESENT

Marshall Isler
Martin Hendricks
Jamie Bashore-Watts
David Baron
Tom Speight (Alt.)

MEMBERS ABSENT

Lockett Tally

OTHERS PRESENT

Karen Hilton, Planning Manager
Mr. Brian Myer, Asst. City Atty
David Steinmetz, Inspections
Craig Harmon, Planner
Scott Shuford, Dir of Dev Services

I. APPROVAL OF AGENDA

A motion was made by Mr. Hendricks to add a 2.5 for the approval of minutes from November 8, 2011 meeting. Vote was taken and approved unanimously.

II. MINUTES FOR DECEMBER 13, 2011 COMMISSION MEETING

A motion to approve the minutes from December 13, 2011, was made by Mr. Hendricks, and seconded by Mrs. Bashore-Watts. A vote was taken and passed unanimously.

A motion to approve the minutes from November 8, 2011, was made by Mr. Hendricks, and Seconded by Mr. Baron. A vote was taken and approved Unanimously

III. PUBLIC HEARINGS

Mr. Isler began by explaining: The zoning commission is charged with the review of applications for rezoning, conditional rezoning and special use permits. We review according to standards put forth in the unified development ordinance and ultimately make recommendations to the city council. The burden of demonstrating that an application complies with applicable standards is on the applicants. Our job is to listen to the testimony from both sides, be objective and fair at all times. Ultimately our goal is to preserve the character and integrity of our neighborhoods. The findings of tonight's hearings, will be voted upon by this commission, and the result and recommendations passed on to the city council. The extent of which any person feels aggrieved or hurt by our recommendation, they have the right to appeal to the city council, within 10 days of the recommendation.

Case No. P12-03F Initial zoning from R10 Residential District in Cumberland County's jurisdiction to SF-10 Single Family Residential District, or a more restrictive district, on property located at W Summer Chase Dr. Containing 53.62 ± acres and being the property of Brolanco Corporation, Don B. Broadwell, Sr. President.

Mr. Harmon presented the case and provided the staff report. He answered questions and heard comments from the Commission concerning the rezoning.

Mr. Harmon asked if there were any questions for staff?

Mr. Isler asked: “is this unplatted raw land? It hasn’t been subdivided? Mr. Harmon’s response: he wasn’t sure if it had been subdivided. If it was it was very recent, and there are plans to develop it.

Mr. Isler asked: “When that planning process takes place, will we deal with things like traffic and such?” Mr. Harmon responded: “yes, and it will go thru the technical review committee for approval”.

Was this a voluntary annexation? Mr. Harmon responded: “Yes it was voluntary”.

Staff recommends approval of the SF-10, based on the city’s policy for initial zoning.

Mr. Isler opened the public hearing. The following persons spoke:

In Favor:

Wesley Crawford – 438 W. Summerchase Dr.

David Ledford, Lincolnton, NC – Lumbee River EMC (Signed up for the wrong case)

Mr. Crawford was concerned about what kind of homes would be put into the new subdivision? Would they be homes of more or less value of what is already there? With the emphasis on traffic flow, how would that be taken care of? He was under the impression that a state park was being offered for that same area, how is the subdivision being developed for that?

In Opposition:

None

Mr. Isler addressed Mr. Crawford, and let him know that his questions should be addressed during the subdivision approval process.

Mr. Isler closed the public hearing.

Mr. Harmon agreed, those issues would be dealt with during the Technical Review Committee, review of the subdivision.

Mr. Isler asked Mr. Harmon to explain the opportunities the community will have to speak on the design, traffic and such issues that Mr. Crawford mentioned. Mr. Harmon explained the process.

A motion was made to approve rezoning request with staff’s recommendation to SF-10, by Mr. Hendricks. The motion was seconded by Mr. Speight.

No discussion ensued.

A vote was taken and approved unanimously.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 27, 2012
RE: **Adopt Resolution to Accept a Report of Unpaid Taxes for 2011 and Direct the Advertisement of Tax Liens**

THE QUESTION:

Council is asked to adopt a resolution to accept the report of unpaid taxes for 2011 and direct the advertisement of tax liens.

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

North Carolina General Statutes 105-369 requires the County Tax Administrator to report to the governing body in February of each year the total amount of unpaid taxes for the current fiscal year that are liens on real property. The purpose of the report is to allow the governing body to order the Tax Collector to advertise the tax liens. The statute requires the advertisement period to occur during the period of March 1st through June 30th.

Please review the attached correspondence from the County Tax Administrator. The detailed report is available in the City Clerk's office for review. The report lists delinquent city and county taxes for all city properties. According to the County Tax Administrator, delinquent ad valorem taxes for the City of Fayetteville and the Downtown Revitalization District as of January 26, 2012 were \$3,069,246.

ISSUES:

None

BUDGET IMPACT:

See background above.

OPTIONS:

1. Adopt the resolution.
2. Do not adopt the resolution.

RECOMMENDED ACTION:

Adopt the resolution to accept the report of unpaid taxes for 2011 and direct the advertisement of tax liens.

ATTACHMENTS:

Resolution for Unpaid Taxes
Correspondence from Tax Administrator

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE
ADVERTISEMENT OF TAX LIENS**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL:

Section 1. The City Council accepts the report of unpaid taxes for the current fiscal year that are liens on real property as submitted by the tax collector.

Section 2. The City Council orders the tax collector to advertise the tax liens pursuant to North Carolina General Statute 105-369.

Section 3. The resolution shall take effect immediately upon its passage

Passed and adopted the 27th day of February, 2012.

CITY OF FAYETTEVILLE

Anthony G. Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



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

January 31, 2012

TO: Anthony G. Chavonne, Mayor
FROM: Aaron Donaldson, Tax Administrator *AD*
RE: Delinquent Taxes for Year 2011 for the City of Fayetteville

BACKGROUND: North Carolina General Statute 105-369 requires the Tax Collector to report unpaid taxes for municipalities for the current fiscal year that are liens on real property by the second Monday in February. The purpose of the reporting is to allow you to order the Tax Collector to advertise the tax liens.

Upon receipt of your order, I will advertise the tax liens by publishing each lien at least one time in one or more of the local newspapers having general circulation in the County. The statute requires that advertisement period to occur during the period of March 1st through June 30th. It is my intention to deliver the list of delinquent taxes to the newspaper in the latter part of March for advertisement in April.

Enclosed please find the list of real property delinquent taxes for your municipality that is required to be posted at the city or town hall of each municipality by North Carolina General Statute 105-369(c).

RECOMMENDATION: Accept the report of unpaid taxes for the current fiscal year that are liens on real property and charge the Collector to advertise the tax liens.

AD/kp

cc: file

Celebrating Our Past....Embracing Our Future

EASTOVER - FALCON - FAYETTEVILLE - GODWIN - HOPE MILLS - LINDEN - SPRING LAKE - STEDMAN - WADE

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 27, 2012
RE: **Special Revenue Fund Project Ordinance 2012-12 (Parks and Recreation - Return and Restore Program)**

THE QUESTION:

The attached special revenue fund project ordinance will appropriate \$10,000 for the Return and Restore program at Parks and Recreation.

RELATIONSHIP TO STRATEGIC PLAN:

Principle C: Leisure Opportunities for All - 2. Leisure facilities, programs and services for all family generations.

BACKGROUND:

- This \$10,000 grant from the National Recreation and Park Association will fund the creation of an outstanding adaptive recreation services program for injured service members and injured veterans by purchasing additional equipment.
- The goal of the program is to serve 100 injured service members or injured veterans through biking and other adaptive programming.
- The attached project ordinance will formally establish the budget for this program.

ISSUES:

None

BUDGET IMPACT:

No local match required.

OPTIONS:

Adopt Special Revenue Fund Project Ordinance 2012-12.

Do not adopt the ordinance and do not proceed with the program.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2012-12.

ATTACHMENTS:

SRO 2012-12 Return and Restore

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2012-12

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

Section 1. The project authorized is for the funding of the "Return and Restore" grant for Parks and Recreation awarded by the National Recreation and Park Association.

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

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

National Recreation and Park Association Grant	<u>\$ 10,000</u>
--	------------------

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

Project Expenditures	<u>\$ 10,000</u>
----------------------	------------------

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

Adopted this 27th day of February, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 27, 2012
RE: **Special Revenue Fund Project Ordinance 2012-13 (PSN - Law Enforcement Training Consortium)**

THE QUESTION:

This ordinance appropriates \$13,000 for the Police Department's Law Enforcement Training Consortium for fiscal year 2012.

RELATIONSHIP TO STRATEGIC PLAN:

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

Objective 1: Consistent improvement in reducing crime rates.

BACKGROUND:

- The funding source for this program is a \$13,000 federal grant award passed through the Division of Governor's Crime Commission of the NC Department of Crime Control and Public Safety. There is no local match requirement.
- This ordinance will appropriate the funds needed to facilitate a three-day training conference for law enforcement officers, providing the necessary training for law enforcement officers to effectively identify various threats and determine those that pose the greatest danger.

ISSUES:

None.

BUDGET IMPACT:

None.

OPTIONS:

- 1) Adopt Special Revenue Fund Project Ordinance 2012-13.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2012-13.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2012-13.

ATTACHMENTS:

SRO 2012-13 PSN-Law Enforcement Training Consortium

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2012-13

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

Section 1. The authorized project is for funding of the Police Department's Law Enforcement Training Consortium from the Project Safe Neighborhoods Grant awarded by the NC Dept. of Crime Control and Public Safety, Division of Governor's Crime Commission.

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

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

Federal Grant passed through the NC Governor's Crime Commission	<u>\$ 13,000</u>
---	------------------

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

Project Expenditures	<u>\$ 13,000</u>
----------------------	------------------

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

Adopted this 27th day of February, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Renner J. Eberlein, Assistant City Attorney
DATE: February 27, 2012
RE: **Request for Legal Representation in the Matter of *Matthew F. Bases v. Vernia Murchison*, Superior Court Case No. 12 CVS 34**

THE QUESTION:

Whether to authorize the request for legal representation.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government – Cost Effective Services Delivery

BACKGROUND:

One of our FAST Bus Operators, Mr. Vernia Murchison has been named as a defendant in a personal injury lawsuit in which Mr. Matthew Bases alleges that Mr. Murchison drove negligently and caused Mr. Bases to run his motorcycle into the back of our bus. Mr. Murchison has asked the City to provide him legal counsel pursuant to N.C.G.S. § 160A-167, which states that the city may provide for the defense of a civil action brought against an employee based on an act allegedly done, or omission allegedly made, in the scope and course of his employment or duty as a City employee.

ISSUES:

None

BUDGET IMPACT:

Unknown at this time, but in-house counsel will be defending this suit should the Council authorize legal representation.

OPTIONS:

1. Authorize the request for legal representation.
2. Reject the request for legal representation.
3. Provide additional direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council authorize the City to provide legal representation for our employee, Vernia Murchison, in the matter of *Matthew F. Bases v. Vernia Murchison*, Superior Court Case No. 12 CVS 34.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 27, 2012
RE: **Resolution Designating Various Banks and Savings and Loan Associations as Official Depositories of City Funds**

THE QUESTION:

Does Council wish to update the list of various banks and savings and loan associations as official depositories of City Funds?

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

- North Carolina General Statute 159-31 states that the governing body of each local government shall designate as its official depository one or more banks, savings and loan associations, or trust companies in the State.
- On February 7, 1994, City Council passed a resolution designating all financial institutions within the corporate City limits as official depositories.
- Since that time, a number of financial institutions have been acquired by other financial institutions, expanded operations or changed their corporate name. The attached resolution updates those changes.

ISSUES:

None

BUDGET IMPACT:

Not applicable.

OPTIONS:

1. Adopt an updated resolution designating official depositories of the City.
2. Do not adopt an updated resolution.

RECOMMENDED ACTION:

Adopt an updated resolution designating official depositories of the City.

ATTACHMENTS:

Resolution for Official Depositories

RESOLUTION

BE IT RESOLVED by the City Council of the City of Fayetteville that pursuant to NCGS 159-31, the following banks are designated as official depositories of the City of Fayetteville:

- a) Bank of America, N.A.
- b) Branch Banking & Trust
- c) Capital Bank
- d) Carter Bank & Trust
- e) Fidelity Bank
- f) First Citizens Bank & Trust Company
- g) First South Bank
- h) Lumbee Guaranty Bank
- i) New Century Bank
- j) Omni National Bank
- k) PNC Bank (previously RBC Bank)
- l) Wells Fargo Bank, NA
- m) Woodforest National Bank

and, the following savings and loan associations in the city are designated as official depositories of the moneys and other funds of the City:

- a) Home Federal Savings and Loan Association

The Chief Financial Officer shall deposit moneys and other funds of the city in said depositories as directed by the City Manager.

ADOPTED this the 27th day of February, 2012.

CITY OF FAYETTEVILLE

Anthony G. Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Gloria B. Wrench, Purchasing Manager
DATE: February 27, 2012
RE: **Adopt Resolution to Declare City Foreclosed Property Surplus, Sale by Sealed Bid, and Award and Accept Highest Bid**

THE QUESTION:

Staff requests Council adopt a Resolution to declare foreclosed property described as Lot 21, Block "C" of Section Thirteen of Lafayette Village, Pin No. 0416-17-01-2874 (5214 Hornbeam Road), surplus to the City's needs; authorize the sale of such property by sealed bid; and award and accept the highest bid for the sale of the property.

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

The Public Works Commission of the City of Fayetteville, through foreclosure of a utility assessment, has taken title deed in the name of the City of Fayetteville to certain property described as Lot 21, Block "C" of Section Thirteen of Lafayette Village, Pin No. 0416-17-01-2874 (5214 Hornbeam Road). In an effort to recoup the Commission's financial interests, including sanitary sewer utility assessment, foreclosure fees, legal fees, taxes, and administrative costs, the Public Works Commission of the City of Fayetteville has declared the property surplus, properly advertised and subsequently received and opened sealed bids in accordance with N.C.G.S. 160A-268 and 143-129. The Public Works Commission requests that the City of Fayetteville join in the sale of the property by adopting the Resolution declaring the property as surplus; authorizing its sale by sealed bid; and award and accept the highest bid in the amount of \$40,151.50.

ISSUES:

None

BUDGET IMPACT:

OPTIONS:

(1) Adopt resolution as requested. (2) Not adopt resolution.

RECOMMENDED ACTION:

Adopt Resolution to Declare City Foreclosed Property Surplus, Sale by Sealed Bid and Award and Accept Highest Bid

ATTACHMENTS:

Hornbeam Road Resolution

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

Resolution R2012_____

**RESOLUTION TO DECLARE CITY FORECLOSED PROPERTY SURPLUS, SALE BY
SEALED BID, AND TO AWARD AND ACCEPT HIGHEST BID**

WHEREAS, the Public Works Commission of the City of Fayetteville through foreclosure of a utility assessment, has taken title deed in the name of the City of Fayetteville to certain property(ies) herein described:

LOT 21, BLOCK "C" OF SECTION THIRTEEN OF LAFAYETTE VILLAGE, PIN No. 0416-17-01-2874 (5214 Hornbeam Road); and

WHEREAS, the Public Works Commission of the City of Fayetteville has a financial interest in the form of a sanitary sewer utility assessment, foreclosure fees, legal fees, taxes and administrative costs; and

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

WHEREAS, North Carolina General Statute § 160A-268 permits the City to sell real property by advertisement and sealed bid; and

WHEREAS, in an effort to recoup said costs, said property has been declared surplus and advertised for public sale by sealed bid in accordance to N.C.G.S. 160A-268 and 143-129 and Public Works Commission of the City of Fayetteville requests that the City of Fayetteville join in the sale of the property by declaring the parcels surplus to the City's needs and to dispose of said property by sealed bid; and

WHEREAS, Public Works Commission has conducted a sale by sealed bid, has advertised and accepted responsible bids, and has unsealed and reviewed the responsible bids; and

WHEREAS, a high bid of \$40,151.50 from a bidder current on all property taxes owed to the County and the City has been received.

NOW THEREFORE, the City Council of the City of Fayetteville hereby declares that the aforesaid real property is surplus to City's needs; accepts the high bid of \$40,151.50 for the aforesaid real property; and authorizes its Manager to sign a deed conveying said property to the approved high bidder.

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 City Council
FROM: Benjamin Major, Fire Chief
DATE: February 27, 2012
RE: **Resolution to sell surplus 1994 HME Boardman Fire Pumper and 1994 Emergency One Sentry Rescue Truck through public auction.**

THE QUESTION:

Will City Council approve the resolution and authorize the sale of a 1994 HME Boardman Fire Pumper and a 1994 Emergency One Sentry Rescue Truck at public auction?

RELATIONSHIP TO STRATEGIC PLAN:

- Greater Tax Base Diversity - Strong Local Economy
- More Efficient Government -
- Effective Service Delivery

BACKGROUND:

Vehicle #94/245, a 1994 HME Boardman Pumper/Fire Engine with VIN 44KFT4289RWZ17759 and vehicle 94/229, a 1994 Emergency One Sentry Rescue Truck with VIN 4ENRAAA85R1004051 have been replaced and approved as surplus vehicles enabling each to be sold.

ISSUES:

N.C.G.S. § 160A-270 permits the City to sell personal property at public auction upon approval of the City Council and after publication of a notice announcing the auction. A request is made for approval through the signature of a resolution to permit vehicle #94/245, the 1994 HME Boardman Pumper/Fire Engine and vehicle 94/229, the 1994 Emergency One Sentry Rescue Truck to be sold at public auction through the www.govdeals.com site.

BUDGET IMPACT:

The anticipated value of each vehicle is over \$30,000. There will be no negative budgetary impact to the City resulting from the sale of either unit.

OPTIONS:

- Sign the resolution authorizing public auction sale of the 1994 HME Pumper/Fire Engine and the 1994 Emergency One Sentry Rescue Truck
- Disapproval of the request to permit public bid and sale of the 1994 HME Pumper/Fire Engine and the 1994 Emergency One Sentry Rescue Truck

RECOMMENDED ACTION:

Sign the resolution authorizing public auction sale of the 1994 HME Pumper/Fire Engine and the 1994 Emergency One Sentry Rescue Truck

ATTACHMENTS:

Resolution Authorizing Sale of Trucks

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

WHEREAS, the City of Fayetteville Fire Department owns personal property described as a 1994 HME Boardman Fire Pumper, #94/245 with VIN 44KFT4289RWZ17759 and a 1994 Emergency One Sentry Rescue Truck, #94/229 with VIN 4ENRAAA85R1004051 that are surplus to their needs; and

WHEREAS, N.C.G.S. § 160A-270 permits the City to sell personal property at public auction upon approval of 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 the personal property described as a 1994 HME Boardman Fire Pumper, #94/245, with VIN 44KFT4289RWZ17759 and a 1994 Emergency One Sentry Rescue Truck, #94/229 with VIN 4ENRAAA85R100405.

2. The auction will be conducted electronically on the website www.govdeals.com, beginning at 12:00 a.m. on Tuesday, February 28, 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 as required by the www.govdeals.com website; and (c) such other terms of the sale as posted on the website www.govdeals.com, which shall state the minimum bid price for the property.

4. Notice shall be published solely by electronic means on the City of Fayetteville's website at <http://www.cityoffayetteville.org>, and on www.govdeals.com in accordance with N.C.G.S. § 160A-270(c).

5. The City reserves the right to withdraw any listed property from the auction at any time before the auction sale of that property.

ADOPTED this the _____ day of _____, 2012.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Marsha Bryant, Planner II
DATE: February 27, 2012
RE: **Quasi-Judicial Public Hearing - Appeal of a required street connection from a new 32 lot subdivision to an existing neighborhood (Arrans Lake West) via Lakewell Circle.**

THE QUESTION:

Based on the evidence presented, should the Technical Review Committee decision to require a street connection from Lakewell Circle stub-out to a new 32 lot subdivision be overturned?

RELATIONSHIP TO STRATEGIC PLAN:

Desirable Neighborhoods

BACKGROUND:

The City's Development Code requires connectivity between neighborhoods but does allow citizens who live in close proximity to appeal the connection to City Council. The required neighborhood meeting was held and the plan for the new subdivision was reviewed and conditionally approved by the Technical Review Committee.

The developer of Arrans Cove, a proposed 32 lot single-family residential subdivision, would like to provide access to this subdivision via Lakewell Circle which is a stub-out street located within Arran Lakes West Subdivision. The developer does not want to provide a connection to Fisher Road. Lakewell Circle connects to Lakeway Drive which feeds traffic out to Fisher Road. Lakeway Drive is the only connection to Fisher Road for the Arran Lakes West 182 lot Subdivision. The proposed subdivision also provides a future connection stub-out to an adjacent 88 acre site. This stub-out would provide future connectivity as the vacant property is developed. The development of the adjacent property would probably result in a connection to Strickland Bridge Road and Fisher Road. NCDOT has indicated that they would prefer not to have a connection from Arrans Cove to Fisher Road as their goal is to limit access points whenever possible.

ISSUES:

Appeals of proposed street connections 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.

Some of the residents within Arran Lakes West do not want the connection of Lakewell Circle to the new subdivision and have appealed the Technical Review Committee decision. They have indicated that they believe the connection will result in additional traffic and unsafe conditions.

AM Peak = 28 total trips (in and out)
PM Peak = 35 total trips (in and out)
24 hours = 330 total trips (in and out)

The developer of the new subdivision, Arrans Cove, does not want a direct connection to Fisher Road and wants to connect to Lakewell Circle and use Lakewell Drive as the access from the subdivision to Fisher Road. They have indicated that they are complying with the Code by providing neighborhood connections and not connecting to Fisher Road.

City staff believes the connection supports the goals of the Development Code's Community Form Section and the Strategic Plan by providing internal circulation between neighborhoods and limiting access points onto a major thoroughfare, thus limiting possible conflict areas. The new subdivision does provide for a future connection which will broaden the circulation network and eventually

improve the dispersement of traffic and provide more travel options for residents and both emergency and public service vehicles in the area. Some benefits of connectivity are: improving traffic congestion by dispersing traffic, improving public service and public safety by providing alternate routes of travel, and decreasing travel distance which can result in fewer traffic accidents.

After reviewing the evidence presented Council must make the following findings of fact:

1. Does the connection comply with the standards and is it in harmony with the general purpose and intent of the Code; *Staff finds that the connection complies with the standards and supports the goals and intent of the Code.*
2. Is the connection compatible with the character of the surrounding area; *Staff finds that Arran Lakes West is a subdivision that was created with one way in and out which is not a design that is supported by the Code or good planning practices in general. By providing this connection it will allow for future connections which will offer alternative routes of travel to the residents who live in Arran Lakes West and Arrans Cove.*
3. Does the connection avoid or minimize any significant adverse impact on the surrounding area; *Staff finds that the new 32 lot subdivision will have a minimal impact on the area as the estimated traffic count is negligible and the majority of the lots in Arran Lakes West are beyond the point of connection.*
4. Does the connection maintain safe ingress and egress and safe road connections and has the public safety and welfare been considered; *Staff finds that allowing this connection is a safer option than providing an additional connection directly onto Fisher Road as there will be more future connections onto Fisher road as larger tracts of adjacent land are developed.*
5. Does the connection allow for protection of property values and the ability of the neighboring lands to develop as permitted; *Staff finds no evidence to indicate that the development of Arrans Cove Subdivision or the connection to Lakewell Circle will diminish the property values in the area and the connection and future connection moves the City in the direction of creating more inter-connected neighborhoods.*

BUDGET IMPACT:

Interconnected neighborhoods provide for more efficient public service routes thus resulting in a cost savings to the City.

OPTIONS:

City Council's Options are:

Option 1: Adopt the findings of fact 1 - 5 as presented by staff and deny the appeal of the street connection. (Recommended)

Option 2: Based upon testimony, find one or more of the findings, 1-5, in the negative and approve the appeal of the proposed street connection. (This will disallow the proposed street connection preventing the development unless and alternative connection can be acquired)

Option 3: Based upon testimony, find one or more of the findings, 1-5, in the negative and send the site plan back to the TRC with direction to require additional connectivity to address the negative finding. (This will allow the proposed street connection, but require the development to develop additional connections to mitigate the impact(s) identified by the findings of fact)

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the findings of fact as presented and deny the appeal of the street connection.

ATTACHMENTS:

New Subdivision Plan (Arrans Cove)

Vicinity Map

Zoning Map

Aerial Map

Neighborhood Meeting Summary

Conditions of Approval for new subdivision

Existing Subdivision Layout (Arran Lakes West)

Picture



576c NOTES

1. EXISTING UNDERGROUND UTILITIES ARE SHOWN ONLY WHERE EXTENSIVE COULD BE USED TO VERIFY LOCATION PRIOR TO CONSTRUCTION FOR DEVIATION OF THE SITE. THE GENERAL CONTRACTOR SHALL VERIFY ALL UTILITY CONDITIONS BEFORE THE LOCATION OF THEIR RESPECTIVE UTILITIES. ALL DAMAGE INCURRED BY THE CONTRACTOR'S UTILITIES SHALL BE REPAIRED AT THE GENERAL CONTRACTOR'S EXPENSE.

2. ASPHALT AND BASE TYPE SHALL BE PER THE DETAIL.

3. DRIVEWAY RAMP SHALL BE PROVIDED BY THE CONTRACTOR AND INSTALLED PER FEDERAL AID AND LOCAL REQUIREMENTS.

4. ALL CURBS SHALL BE BACK OF CURB OR TO THE FACE OF SIDEWALK UNLESS OTHERWISE NOTED.

5. ALL RADI ARE 5' UNLESS OTHERWISE NOTED.

6. ALL SIDEWALKS SHALL BE CONSTRUCTED OFF-SITE IN ACCORDANCE WITH STATE AND LOCAL LAWS AND REGULATIONS.

7. ALL SITE MOVEMENTS SHALL BE INSTALLED PER CITY OF FAYETTEVILLE AND REGULATIONS.

FINAL DRAWING

**ARRAN'S COVE
SUBDIVISION**
ZERO LOT LINE

SITE PLAN

**MOHLER HOMES,
INC.**

7570 Rarld Road
Fayetteville, North Carolina 28504
Phone: (910) 221-9301
Fax: (910) 828-4546

DESIGNED BY:	GEN
DRAWN BY:	GEN
CHECKED BY:	SLDOTT
PROJECT NUMBER:	603

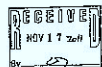
DRAWING SCALE

HORIZONTAL: 1" = 60'

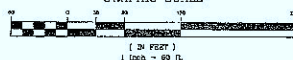
DATE RELEASED
NOVEMBER 18, 2011

SHEET NUMBER

C-2.0



GRAPHIC SCALE



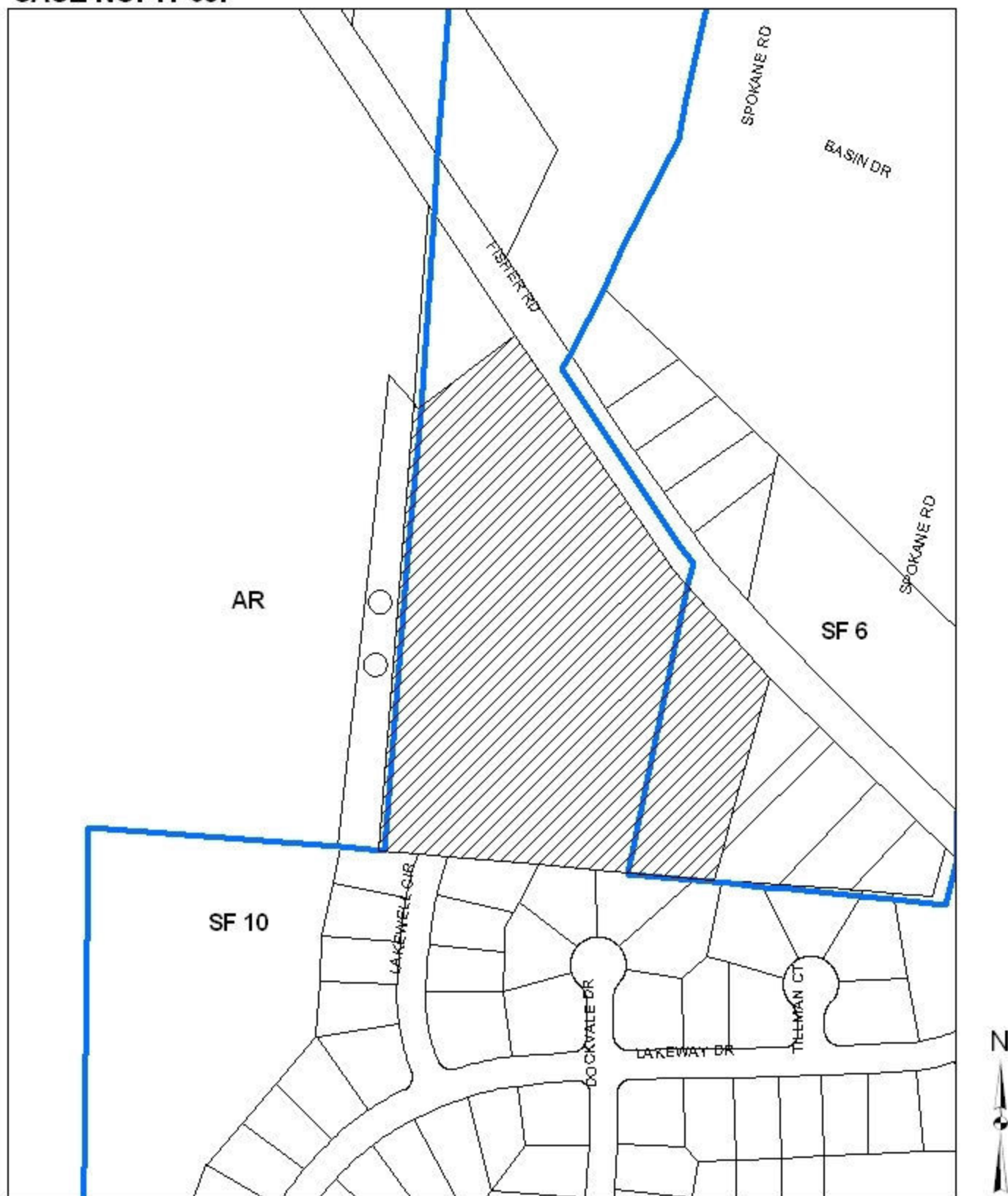
Appeal - Proposed Street Connection Lakewell Circle



Location: Southwestern side of Fisher Road
and the end of Lakewell Circle which is
within Arran Lakes West Subdivision

Pin : 9495-98-1162

**REQUEST: APPEAL OF A PROPOSED STREET CONNECTION
CASE NO. 11-69F**



Request: Appeal of the Proposed Street Connection to Lakewell Circle from a new subdivision
Location: Southwestern side of Fisher Road and Lakewell Circle
PIN: 9495-98-1162

Letters are being sent to all property owners within 500 feet of the proposed street connection.



4D SITE SOLUTIONS, INC.



November 17, 2011

ENGINEERING

LAND
SURVEYING

CONSTRUCTION
LAYOUT

GPS SERVICES

LAND
DEVELOPMENT

Marsha Bryant
City of Fayetteville Planning
433 Hay Street
Fayetteville, NC 28301

RE: Arran's Cove Subdivision
Neighborhood Meeting Summary

Marsha;

Below is a summary of the neighborhood meeting held for Arran's Cove Subdivision on Monday, November 14 at 6 pm in the Lafayette Room at City Hall. The neighborhood meeting is required because of the proposed extension of Lakewell Court.

Attendees

City – Marsha Bryant
Engineer – Scott Brown
Owner – Lorrain Mohler
See sign in sheet for adjoining property owners

The meeting started promptly at 6 pm and ended approximately at 7:15 pm. Ms. Bryant started the meeting off by explaining the purpose of the meeting and providing a brief description of the project and the proposed site plan. Mr. Brown discussed the site plan in more detail. Mr. Brown explained that Arran's Cove is a proposed 32 lot subdivision that will connect and extend Lakewell Court into the project area. There is no proposed connection to Fisher Road. Below is a summary of the items that were discussed with the adjoining property owners.

- Why is there no connection to Fisher Road? Mr. Brown explained that the newly adopted UDO requires that connectivity be provided for new projects and therefore the project is required to connect to Lakewell Court. Since the project has one connection to Lakewell Court, then a separate ingress/egress to Fisher Road was not proposed. NCDOT is also limiting the number of connections allowed for a development. The neighbors as a group did not like the fact that there is no connection to Fisher Road. They suggested placing a connection to Fisher Road and to leave Lakewell Court alone. The below list reasons were cited by the neighbors as to why no connection to Lakewell Court should be allowed.
 - The existing tree buffer between the neighbors and Fisher Road will be destroyed. By removing the buffer, the existing development will now be more exposed to potential thefts. Thefts are already a problem now and this will only make it easier for thieves to come from Fisher Road to access the existing development.
 - There will be loss of lives as a result of added traffic from the 32 proposed lots.
 - Currently all of the children in the neighborhood use Lakewell Court as a place to gather and play. The extension will take this away.
 - The houses in the new development are packed in too tight.
 - Developers are too concerned about making money. Developer is only involved for a short time but the neighbors are the ones who will have to live with the results.

409 CHICAGO
DRIVE

SUITE 112

FAYETTEVILLE
NC 28306

PHONE
910 426-6777

FAX
910 426-5777





4D SITE SOLUTIONS, INC.

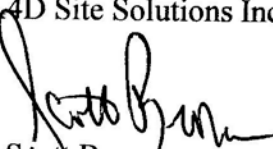


ENGINEERING
LAND
SURVEYING
CONSTRUCTION
LAYOUT
GPS SERVICES
LAND
DEVELOPMENT

- Suggested that the developer construct a nice entrance to Fisher Road and leave Lakewell Court as is.
- Will there be a traffic light for the entrance to Arran Lake West? Mr. Brown stated that there would not be a traffic light required as result of the new development nor would there be any improvements to the existing entrance. Fisher Road is a NCDOT street. NCDOT has already been consulted and stated that no improvements to Fisher Road at the subdivision entrance will be required. Neighbors stated that there is already a traffic problem getting access to Fisher Road and this will only compound the problem. It was stated that a single entrance into the development will create problems with police, fire department and rescue access.
- What is the price point for the new homes? Ms. Mohler stated that the price point for the new homes will be between \$170K and \$190K.
- Who will be responsible for the damage done to the streets in the existing development? Mr. Brown stated that the developer will be required to submit for a truck route permit and that a bond will have to be placed with the city for any damage done to the streets by the construction of the project.
- What are the environmental impacts to the wetlands? Mr. Brown stated that there would be no impacts to the wetlands proposed and that the homeowners would not be allowed to build in the wetlands. The project will be required to comply with the City's storm water ordinance as well as NCDENR requirements.
- Will there be a fence between Arran's Cove and the existing development? Ms. Mohler stated that she does plan to construct a fence around the development including Fisher Road up to lot P1. There would not be a fence along the back of P1.
- What is the separation between the houses from the existing development and the new development? Mr. Brown stated that the rear setback along the existing development property line is 35 feet.

It was evident in the meeting that the neighbors were not in favor of any extension to Lakewell Court. Mr. Brown explained that the UDO requires that the connection be made. Ms. Bryant explained that no official submittal of the development has been submitted to the City for review and that the site plan is proposed at this point. She also explained the process for filing a petition with the City for denying the extension of Lakewell Court. Ms. Bryant also pointed out that there is a future stub along Street A for the adjoining 80+ acre tract that could result in additional traffic through the existing subdivision beyond the proposed 32 lots in Arran's Cove. It was suggested that the developer go back and look at placing a connection to Fisher Road. There was no resolution or agreement reached during the neighborhood meeting.

Sincerely,
4D Site Solutions Inc.


Scott Brown
Professional Engineer

409 CHICAGO
DRIVE

SUITE 112

FAYETTEVILLE
NC 28306

PHONE
910 426-6777

FAX
910 426-5777





433 HAY STREET
FAYETTEVILLE, NC 28301
(910) 433-1612
Page 1 of 5

TECHNICAL REVIEW
COMMITTEE DECISION: 11/23/2011

ZONING COMMISSION
MEETING:

CITY COUNCIL
MEETING:

CASE NO: 11-69F

NAME OF DEVELOPMENT: Arran's Cove Subdivision

LOCATION: Fisher Road and Lakewell Circle

ZONING: SF 10 and SF SF6 Residential Districts

REQUEST: Zero Lot Line Subdivision Review for a 32 lot subdivision

OWNER OR DEVELOPER:
Mohler Investments, LLC
7670 Raeford Road
Fayetteville, NC 28304

ENGINEER OR DESIGNER:
4 D Site Solutions
409 Chicago Drive, Suite 112
Fayetteville, NC 28306

TECHNICAL REVIEW COMMITTEE ACTION	ZONING COMMISSION ACTION	CITY COUNCIL ACTION
X Preliminary Review	Request: _____	Request: _____
<input type="checkbox"/> Final Review	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Revision	<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
<input type="checkbox"/> Resubmit		
X Approved Conditionally		
<input type="checkbox"/> Denied		

ACTIONS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. In accordance with the City Ordinance a neighborhood meeting was required for this development as there is a proposed street connection to an existing subdivision. A neighborhood meeting was held on November 14, 2011. Subdivision plans have been submitted and conditionally approved by the Technical Review Committee. The decision, regarding street connectivity, may be appealed to City Council if 25% or more of those receiving the notice of the neighborhood meeting initiate an appeal within 30 days of the decision of the Technical Review Committee. If appealed City Council shall hold a quasi-judicial public hearing to decide if the proposed connection is approved or denied. The decision of the Technical Review Committee was November 23, 2011; the appeal deadline is January 10, 2012. (This date reflects 30 working days from the date of the decision.) See condition # 19 regarding street connectivity.

2. The Public Works Commission's approval shall be required for water and sewer plans. You may contact the Public Works Commission for information on obtaining water and sewer services. (PWC - Heidi Maly 223-4737) PWC has indicated that Lumbee River EMC will provide electrical service to this development.
3. No permanent structures shall be permitted within any utility or drainage easements.
4. Street address numbers shall be assigned prior to building permits being issued. The Inspections Department shall require that the site address and tax parcel number be provided at the time of building/zoning permit application. The builder shall post the address numbers (minimum 4") in full view of the street immediately upon beginning construction. (Ron Gonzales – Address Dept., 678-7616)
5. Cul-de-sacs shall have a minimum radius of 37 feet. The temporary cul-de-sac shall be removed and street improvements, to include an extension of the sidewalk and driveway improvements to lots 12 and 13 shall be made by the developer of the adjacent property, as it is developed.
6. All uses and applicable setbacks shall be compatible with those permitted in the SF 10 zoning district. The buildings shall comply with the NC Building Code regarding setbacks and /or fire walls. Lots abutting Fisher Road shall not have direct access to Fisher Road. **A no access easement shall be indicated on the final plat.**
7. A Vested Right Certificate is required to obtain a vested right for this proposed plan.
8. If wetlands exist on the property and are to be disturbed, the applicant shall obtain a wetland permit from the U.S. Army Corps of Engineers.
9. The applicant shall be advised that an expert on wetlands should be consulted before proceeding with any development.
10. A final plat shall be submitted to the planning staff for review and approval before recording. The plat shall be recorded prior to any permit application on any structure and/or prior to the sale of any lot or unit in this development. The final plat shall indicate all required right-of-ways and easements. **(There is a \$50.00 fee for each final plat approval. The fee is due at time of final plat submittal.)**
11. The final plat shall be labeled Zero Lot Line. Do not place building envelopes and/or setback notes on the plat unless the developer wants the setbacks restricted as indicated on the plat.
12. The owner's signature shall be on the final plat.
13. Lot numbers shall be indicated on the final plat.
14. All wetland and/or floodplain areas shall be delineated and shown on the final plat.
15. A note shall be on the final plat indicating that the street stub-out or dead-end street shall connect to the adjacent property in the future as the property is developed. A sign shall also be placed in this area. See condition # 33.
16. A detailed driveway permit application shall be submitted to the City Engineering Division for review and approval of each driveway. A driveway permit shall be obtained prior to building permit application. (City Traffic Engineer - Rusty Thompson 433-1153) NOTE: This site plan approval is contingent upon the driveways being approved as shown. If the driveway permit process requires revisions that change the site plan a revised site plan shall be required for review and approval.

17. Street construction and utility plans shall be reviewed by the City Engineering Division and their approval shall be required prior to building permit(s) being issued. (City Engineering – Giselle Rodriguez 433-1303) Streets shall be constructed or a bond issued prior to final plat approval.
18. A truck route permit shall be required during the construction stage of this development.
19. The TRC approves the street layout as proposed. The City Engineering Dept. and NCDOT agree that providing a connection to Fisher Road for this 32 lot subdivision is undesirable based on the following:
 - There is a proposed multi-family residential development across Fisher Road, near this site that will have access to Fisher Road.
 - As the adjacent acreage is developed another access point onto Fisher Road will be needed to serve that development and road improvements to Fisher Road would be required at that time.
 - Not allowing or requiring an access to Fisher Road for this development will limit the number of access points and fewer access points will result in fewer conflict points in this area.
 - Lakewell Circle is a stub-out street that was designed for a future street connection.
20. On public streets, a street lighting plan, in accordance with Chapter 24 – Article X of the code of Ordinances for the City of Fayetteville shall be provided to the Engineering & Infrastructure Department for review and approval prior to installation. Installation shall be completed or a bond issued prior to final plat approval.
21. A final inspection of all infrastructures, by the City Engineering Division, shall be required prior to a final plat and/or Certificate of Occupancy being issued.
22. Storm drainage plans with calculations along with a completed checklist shall be reviewed and approved by the City Engineering Division prior to building permit(s) being issued. Plans shall comply with the City of Fayetteville's Stormwater Ordinance. (City Engineering – Giselle Rodriguez 433-1303)
23. Final plats that include a stormwater pond shall also show the drainage easement/maintenance access to the pond and the reference for the operation & maintenance agreement (responsible party, deed book & page). All the legal documentation regarding the pond is required prior to final plat approval. (City Engineering – Giselle Rodriguez 433-1303)
24. Comments required by the City Engineer Department regarding the Stormwater facility shall be shown on the final plat. All associated infrastructure inspection fees shall be paid prior to final plat approval.
25. The owner(s) of these lots shall obtain detailed instructions on permits required to place a structure on any of these lots from the Inspections Department at 433 Hay Street. The Inspections Department will need a copy of this document and a site plan and/or recorded plat.
26. The applicant shall comply with the City Landscape Ordinances to include placing street trees along Fisher Road.
27. There are Specimen Trees located on the site (3 cedar trees and 4 white oaks). A plan shall be submitted to indicate which of these trees will remain and the proposed replacement plantings of any that will be removed. The proposed removal of any specimen trees and proposed replanting shall be reviewed by the City. The City shall make a determination regarding Specimen Tree mitigation prior to final plan approval. **If Specimen Trees are to be retained a note shall be on the final plat indicating the trees must be protected and maintained.**

CERTIFICATES REQUIRED TO BE PLACED ON THE FINAL PLAT:

28. A final plat where there are Open Space/Common Areas shall contain the following disclosure statement:

“All open space set-asides, planted islands within vehicular use areas, planted medians, or other required landscaping areas shall be maintained in perpetuity by the subdivider or an Owner’s Association.”

29. A final plat where there are Streets and/or Storm Water Facilities, where the improvements have been completed, shall contain the following disclosure statement:

“To whom it may concern, I hereby certify that on this the _____ day of _____, _____, all streets and alleys shown on this plat, in accordance with the approved plans dated _____, have been constructed and storm water facilities have been installed by the subdivider in a manner approved by the City Manager.

30. A final plat where there are Streets and/or Storm Water Facilities, where the improvements have not been completed, shall contain the following disclosure statement:

“To whom it may concern, I hereby certify that a performance guarantee of a satisfactory amount has been posted with the City of Fayetteville by the subdivider, guaranteeing that the streets in this subdivision will be constructed within _____ days from this date, the _____ day of _____, _____, by _____ who is (are) the owner(s), to the full width and to the grade and cross section designated by the City Manager, and the subdivider will install the necessary storm water facilities in accordance with plans approved by the City Manager within _____ days from this same date.”

ACTIONS REQUIRED PRIOR TO FINAL PLAT APPROVAL:

31. The developer shall submit to the Planning Department legal documents specifically designating the use of and responsibility for the common area **through** a Homeowner’s Association for review and approval by the City Attorney prior to the submission of a final plat and before the recording or the sale of any developed lot or unit in this development.

32. Street names shall be approved and all street name signs shall be installed prior to final plat approval. Street signs shall meet the cities street sign specifications. (Addressing Dept. – Ron Gonzales 678-7616)

NOTE: If you wish to contract with the City to make and install street signs, coordinate with Dean Sears, City of Fayetteville Traffic Services (910) 433-1521. He will need a copy of the stamped, approved preliminary.

33. The developer shall place signs at the end of the dead-end streets to indicate that these streets will connect to the adjacent property as it is developed. (The sign shall read: Future Street Connection.)
34. A sidewalk shall be constructed along the property that abuts the public street, this includes Fisher Road. Payment in lieu of construction of a sidewalk may be approved by the City Engineer. (Jeff Riddle, Construction Management (910) 433-1924 or City Engineering – Giselle Rodriguez 433-1303)
35. Sidewalks shall be constructed or a bond issued prior to final plat approval. A sidewalk easement and/or encroachment agreement may be required.

36. The developer shall comply with the City Ordinance for Open Space by providing a minimum of 44,997 square feet of usable open space. **Indicate on the final plan submittal the total square footage of open space to exclude the pond, unless the pond is being constructed as an amenity and if so provide details.** (Contact the County Tax Dept. regarding tax-exempt status of open space area - Diana Lyman (910) 678-7559)
37. The developer shall comply with the City Ordinance for Park Land by making payment in lieu of dedication of park land in the amount of \$7,408.00. Payment shall be required prior to final plat approval.

MISCELLANEOUS ACTIONS REQUIRED:

38. Signage for this development shall be in accordance with applicable sign regulations as set forth in the City Ordinance and the proper permit(s) shall be obtained prior to the installation of any permanent signs on the property.
39. The developer shall be aware that this document is not approval of the size, shape, or location of any signs. The City Inspections Dept. will require additional information at the time of sign permit application.
40. Any revisions to this plan shall require resubmission of ten (10) site plans for review and approval.
41. All erosion and sedimentation regulations shall be observed.
42. The street lighting plan shall be required prior to final site plan approval.
43. Single Family Design standards shall apply.
44. The fence/wall design standards shall apply and a Type B buffer shall be required between the fence and the right-of-way. Compliance shall be shown with final plan submittal.
45. The developer shall dedicate 10 feet of right-of-way and reserve 15 feet of right-of-way along Fisher Road and the metes and bounds for the dedication and reservation shall be shown on the final plat. All building set back lines are to be measured from the dedicated right-of-way line.
46. The developer shall be aware that subsequent application for zoning and building permits constitutes the developers understanding and acceptance of these Conditions of Approval for this development.
47. Lateral access shall be provided to the adjacent tract as it is developed.
48. A pedestrian access shall be provided to Fisher Road.

IF YOU NEED TO DISCUSS ANY CONDITION(S), PLEASE CALL MARSHA BRYANT AT (910) 433-1612.

cc: David Steinmetz, City Inspections Department
Giselle Rodriguez, City Engineering Department
Jeff Riddle, Construction Management
Neil Perry, Traffic Services
Developer and Engineer



PROPOSED STREET
CONNECTION
FOR INFO: 433-1612

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: February 27, 2012
RE: **P11-52F Rezoning from SF-15 Single Family District to MR-5/C Mixed Residential Conditional District, or a more restrictive district, on property located at 7015 Fillyaw Road. Containing 15.14 acres more or less and being the property of James McKethan, Robert McKethan and Kenneth McKethan Jr. (*Appeal of a Zoning Commission Denial*)**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development.

BACKGROUND:

Owner: James McKethan, Robert McKethan and Kenneth McKethan Jr
Applicant: James McKethan, Robert McKethan and Kenneth McKethan Jr
Requested Action: SF-15 to MR-5
Property Address: 7015 Fillyaw Rd
Council District: 4 (Haire)
Status of Property: Developed Single Family
Size: 15.4 acres +/-
Existing Land Use: Single Family Residence
Adjoining Land Use & Zoning:
North - SF-10 Residential & MR-5 Multi-Family Residential
South - SF-10 Residential & SF-6 Multi-Family Residential
East - SF-10 Residential
West - SF-10 Residential
Letters Mailed: 165
Land Use Plan: Low Density Residential.
Small Area Studies: 2025 Long Range Transportation Plan - No effect on this property.

ISSUES:

The owner of this property has requested that the City Council remand this case back to the Zoning Commission to be reheard. Since the Zoning Commission meeting the applicant and their engineer have met with City staff to identify issues that lead to their denial. The applicant would now like to redesign this project based on the concerns that the Zoning Commission and staff have given them.

The owner of this property has submitted a conditional rezoning request to build 120 apartment units on 14.92 acres, where 634 units would normally be allowed under the proposed MR-5 zoning district (44 units allowed under current zoning). This property is surrounded by a mix of uses including SF-10, MR-5 and SF-6. There will be a single point of ingress/egress into the development from Fillyaw Road. The attached site plan designates that 7.18 acres will be set aside as open space (1.49 acres are required). While NCDOT and the City are requiring that turn lanes be constructed for this project, traffic remains a major concern. In advance of the public hearing, some residents have also expressed concern about density and how close and visible the apartments will be from the road. The latter concern could be reduced by more effective screening

on perimeter to SF and using plantings, fencing and building orientation with the other building(s) at the front edge to minimize the sense of scale.

The City's Technical Review Committee has reviewed this project and given conditions of approval (attached) to the developer.

Conditions offered by the applicant include:

1. Attached site plan.
2. Reduction in allowed number of units to 120.

Zoning Commission Speakers: 1 in favor, 3 in opposition

Zoning Commission & staff recommends denial of the MR-5/C district based on:

1. Scale and Location: The uses and zoning district to both sides and across Fillyaw and low density single family residential.
2. Land Use Plan calls for low density residential development.
3. Scale and location: The project is at the minimum setback along Fillyaw Rd.
4. Amount of new traffic at a blind spot on Fillyaw Rd.

*Staff notes that additional conditions or changes to the plan could mitigate some concerns.

BUDGET IMPACT:

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

OPTIONS:

- 1) Approval of rezoning with conditions as offered by the owner;
- 2) Approval of rezoning with additional conditions offered by the applicant;
- 3) Denial of the rezoning request (Recommended).
- 4) Remand the case back to the Zoning Commission (requested by applicant)

RECOMMENDED ACTION:

Zoning Commission & Staff Recommend: That the City Council move to DENY the rezoning of this property to Mixed Residential 5 with conditions as currently offered by the owner.

ATTACHMENTS:

Zoning Map

Current Landuse

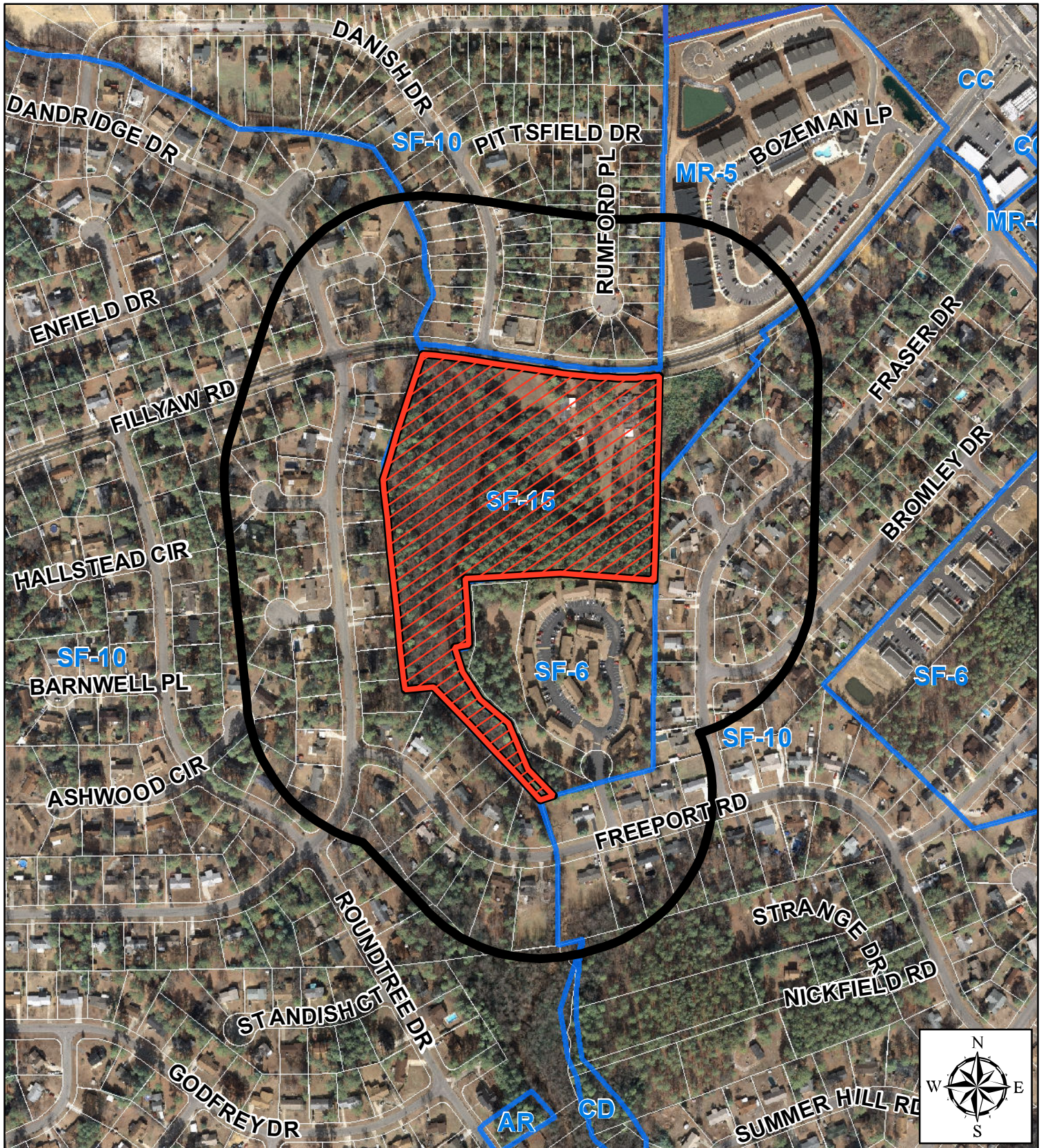
Land Use Plan

Site Plan

TRC Conditions of Approval

Minutes

**ZONING COMMISSION
CASE NO. P11-52F**



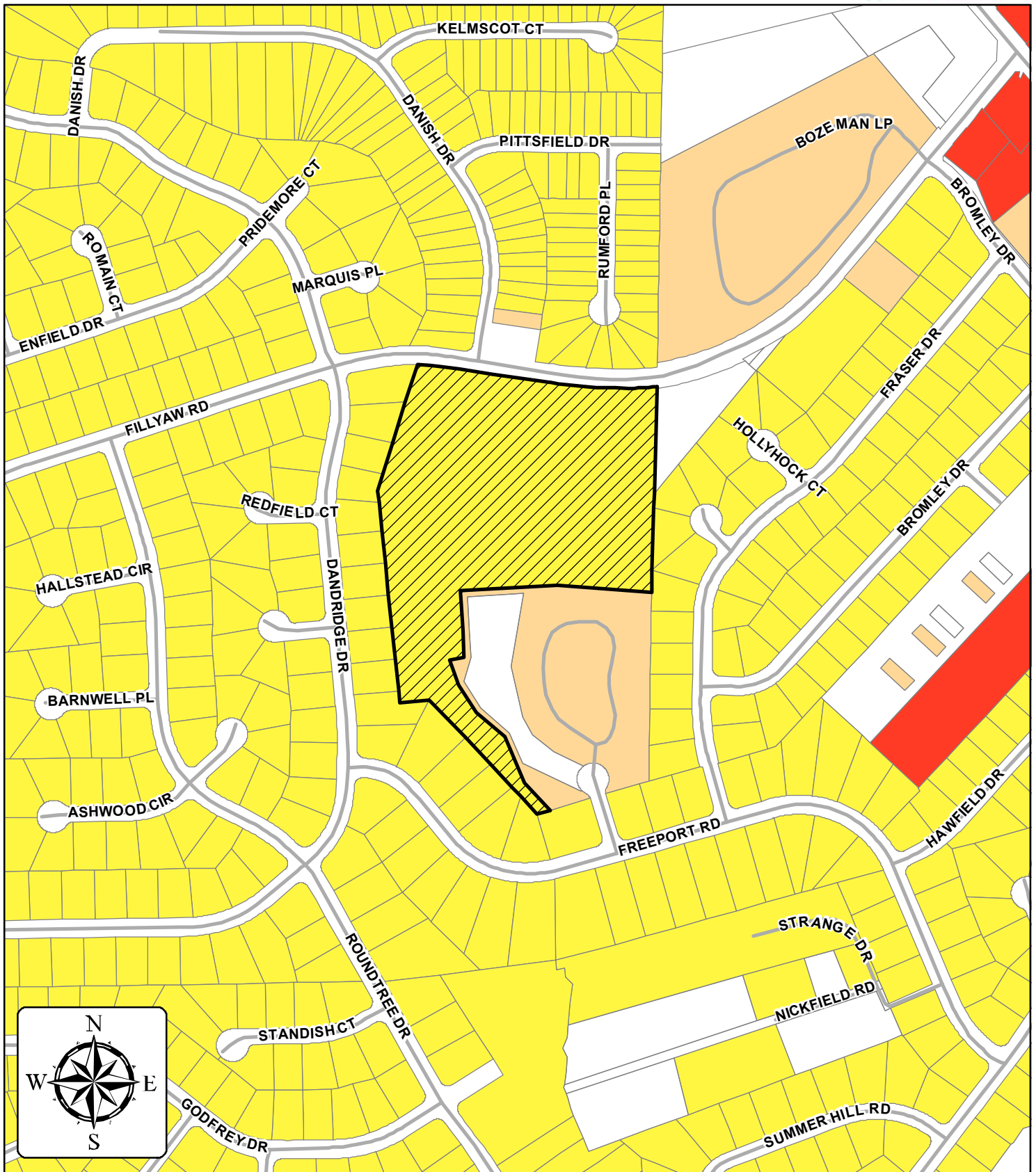
Request: R15 to MR-5/C
Location: 7015 Fillyaw Rd
Acreage: +/- 15.14 acres

Zoning Commission: 08/09/2011
City Council: _____
Pin: 9499-91-8931

Recommendation: _____
Final Action: _____

Current Land Use

P11-52F

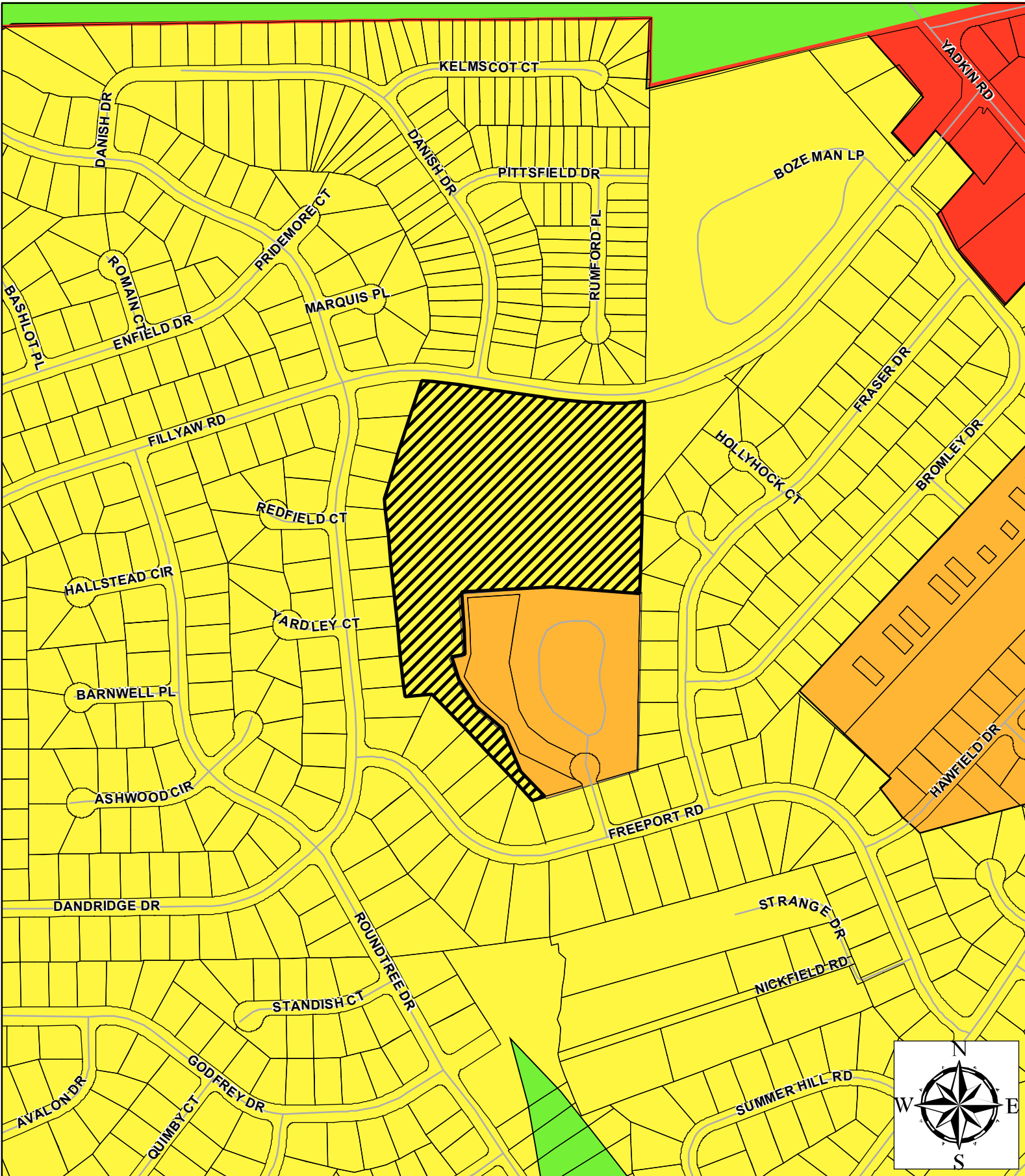


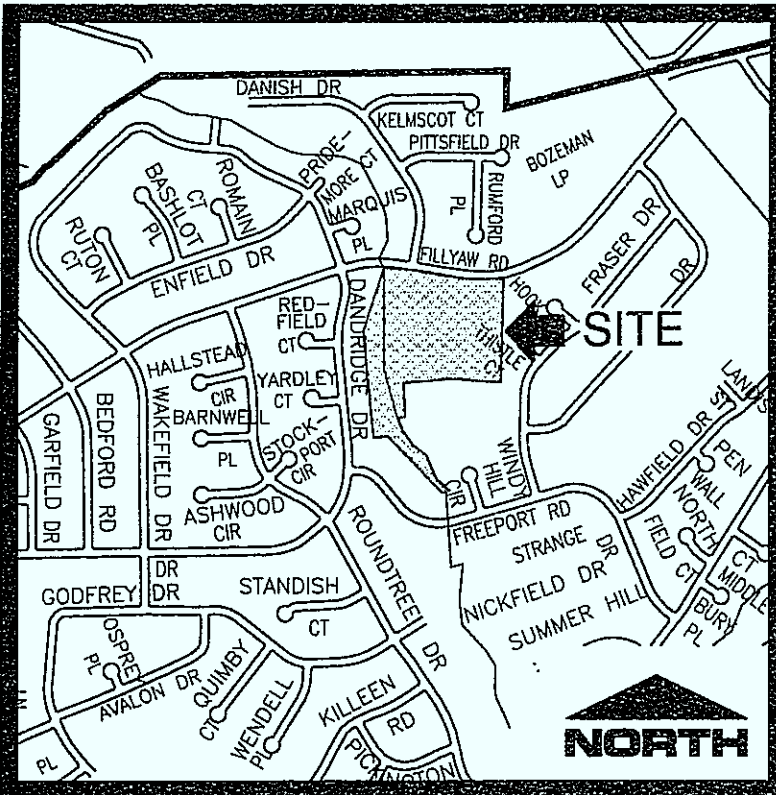
Legend

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

2010 Land Use Plan

Case No. P11-52F





VICINITY MAP
NOT TO SCALE

N/F
VICTOR F. AREVALO & WIFE
PAULA AREVALO
DB 4388, PG 454
LOT 6
PB 44, PG 67
PIN: 0409-01-3657

N/F
ELEANOR J. FOLEY
DB 3566, PG 863
LOT 7
PB 44, PG 67
PIN: 0409-01-4707

N/F
JUAN C. VASQUEZ, JR. &
CRISTY LYNN RANDALL
DB 7182, PG 630
LOT 8
PB 44, PG 67
PIN: 0409-01-3845

N/F
LESLIE A. GRIFFIN & WIFE
ALMA H. GRIFFIN
DB 3477, PG 557
LOT 9
PB 44, PG 67
PIN: 0409-01-3967

N/F
CAROLINIAN PROPERTIES, INC.
DB 6395, PG 489
LOT 1
PB 112, PG 198
PIN: 0409-02-4213

N/F
DEKASCOR PROPERTIES, LLC
DB 6705, PG 213
LOT 2
PB 112, PG 173
PIN: 0409-01-0359

*NOTE: PERIMETER LANDSCAPING BUFFER
2 ACI OF CANOPY TREES
+ 10 ACI OF UNDERSTORY TREES
+ 15 SHRUBS PER 100 LINEAR FEET
SEE SECTION 30-5 PART B OF
FAYETTEVILLE UDO

*NOTE: LIGHTING REQUIREMENTS
LIGHTING REQUIREMENTS SHALL FOLLOW THE
FAYETTEVILLE UDO ACCORDING TO
SECTION 30-5 PART F

*NOTE: SITE LANDSCAPING REQUIREMENTS
8 CALIPER INCHES OF CANOPY TREES (INCLUDING
AT LEAST ONE EVERGREEN TREE) PER ACRE
+ AT LEAST 1 SHRUB PER EACH 5 FEET
OF OUTER BUILDING PERIMETER
SEE SECTION 30-5 PART B OF
FAYETTEVILLE UDO

*CONSTRUCTION IS NOT TO BEGIN UNTIL THE BUILDING
PERMIT HAS BEEN ISSUED BY THE CITY OF FAYETTEVILLE.

MITIGATION OF SPECIMEN TREES

SPECIMEN TREE	EXISTING CALIPER INCHES	PROPOSED CALIPER INCHES
LONGLEAF PINE	187"	63 TREES x 3"=189"
CEDAR	56"	28 TREES x 2"=56"
DOGWOOD	27"	14 TREES x 2"=28"
RED MAPLE	33"	9 TREES x 4"=36"

*NOTE: TREE REPLACEMENT
THE NEW LOCATION FOR THE SPECIMEN TREES WILL
BE SHOWN ON THE FINAL LANDSCAPE PLAN.

*NOTE: STREET TREES
CANOPY TREES SHALL BE PLACED BETWEEN 40' & 50' ON CENTER
UNDERSTORY TREES SHALL BE PLACED BETWEEN 20' & 30' ON CENTER

*NOTE: BUILDING ELEVATION DRAWINGS
BUILDING ELEVATION DRAWINGS WILL BE PROVIDED
FOR THE FINAL SITE PLAN SUBMITTAL

N/F
GLADYS J. STANLEY
DB 2662, PG 551
LOT 7
PB 36, PG 9
PIN: 9499-01-3781

N/F
JAMIE LEANN WHEAT &
JULIE AYRES
DB 8375, PG 586
LOT 6
PB 36, PG 9
PIN: 9499-01-3871

N/F
WARREN A. JOHNSON & WIFE
SUSAN K. JOHNSON
DB 2242, PG 533
LOT 5
PB 36, PG 9
PIN: 9499-01-3961

N/F
DANIEL J. CARNETT & WIFE
KIM BUN CARNETT
DB 5120, PG 805
LOT 4
PB 36, PG 9
PIN: 9499-02-3061

N/F
DONALD L. BOVIN & WIFE/
JULIA A. BOVIN
DB 5131, PG 503
LOT 3
PB 36, PG 9
PIN: 9499-02-3190

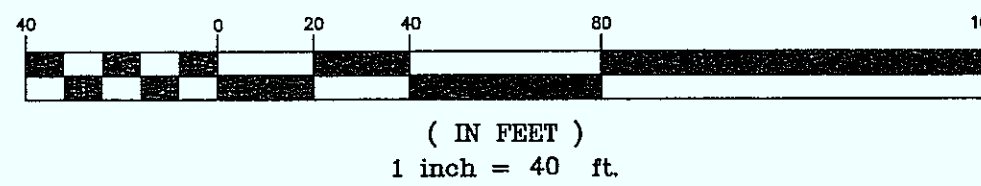
N/F
DAVID L. OGDSEY & WIFE,
CHERYL L. OGDSEY
DB 3846, PG 105
LOT 2
PB 36, PG 9
PIN: 9499-02-4221

N/F
WARREN D. BARKER TRUST
DB 6460, PG 525
LOT 1
PB 36, PG 9
PIN: 9499-02-4332

SITE DATA

DEVELOPER	ATLANTIC PINES, LLC
MAILING ADDRESS	6009 TENBURY COURT RALEIGH, NORTH CAROLINA 27606
CITY, STATE	RALEIGH, NORTH CAROLINA 27606
PIN NUMBER	9499-01-6931
TOWNSHIP	SEVENTY-FIRST
TOTAL SITE ACREAGE	14.92 ACRES
ACREAGE TO BE DEVELOPED	14.92 ACRES
EXISTING ZONING	SF-15
PROPOSED ZONING	MR-5
EXISTING USE	UNDEVELOPED
GENERAL USE	APARTMENT COMPLEX
TOTAL NUMBER OF UNITS	120
DISTURBED/DENUDED AREA	XX,XXX SF XX.X ACRES
OPEN SPACE	
REQUIRED (10% OF TOTAL ACREAGE)	64,992 SF 1.49 ACRES
PROVIDED	312,724 SF 7.18 ACRES
IMPERVIOUS AREA:	
PAVEMENT	69,936 SF 1.61 ACRES
BUILDINGS	65,811 SF 1.51 ACRES
TOTAL	135,747 SF 3.12 ACRES
SETBACKS REQUIRED (SF-15):	
FRONT	30 FT
SIDE (1 STORY)	15 FT
REAR	35 FT
PARKING:	
REQUIRED	216 SPACES
1.8 SP/UNIT	
PROPOSED (INCLUDES HANDICAP SPACES & GARAGES)	216 SPACES
HANDICAP	7
GARAGES	8

GRAPHIC SCALE



429 Chicago Drive - Suite 102
Fayetteville, North Carolina 28306
Phone (910) 426-6777
Fax (910) 426-5777
License Number C-2854

4D SITE
SOLUTIONS, INC.
ARCHITECTURE • ENGINEERING • PLANNING • CONSTRUCTION SERVICES

REVISIONS

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

PROJECT NAME

GATEWAY
PARK
APARTMENTS

SITE PLAN

CLIENT

ATLANTIC
PINES, LLC

6009 Tenbury Court
Raleigh, North Carolina 27606
Phone: (919) 803-3736
Fax: (919) 803-3737

PROJECT INFORMATION

DESIGNED BY:	SEAN
DRAWN BY:	SEAN
CHECKED BY:	CHRIS
PROJECT NUMBER:	560

DRAWING SCALE

HORIZONTAL: 1"=40'

DATE RELEASED

OCTOBER 4, 2011

SHEET NUMBER

C-2.1

City of Fayetteville

North Carolina

DEVELOPMENT SERVICES

433 HAY STREET
FAYETTEVILLE, NC 28301
(910) 433-1612
Page 1 of 4

TECHNICAL REVIEW
COMMITTEE DECISION: 10/19/2011

ZONING COMMISSION
MEETING: Pending

CITY COUNCIL
MEETING: Pending

CASE NO: 11-62F

NAME OF DEVELOPMENT: Gateway Park Apartments

LOCATION: Southern side of Fillyaw Road, East of Dandridge Drive

REQUEST: Site Plan Review – (120 apartment units) **REVISED**

ZONING: SF15 District (Rezoning to MR5/Conditional Zoning Pending)

OWNER OR DEVELOPER:
Diamond Pines, LLC
6009 Tenbury Court
Raleigh, NC 27606

ENGINEER OR DESIGNER:
4 D Site Solutions
409 Chicago Drive, Suite 112
Fayetteville, NC 28306

James McKethan
7015 Fillyaw Road
Fayetteville, NC 28303

TECHNICAL REVIEW COMMITTEE ACTION	ZONING COMMISSION ACTION	CITY COUNCIL ACTION
<input checked="" type="checkbox"/> Preliminary Review	Request: <u>Rezoning</u>	Request: <u>Rezoning</u>
<input type="checkbox"/> Final Review	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Revision	<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
<input type="checkbox"/> Resubmit		
<input checked="" type="checkbox"/> Approved Conditionally		
<input type="checkbox"/> Denied		

ACTIONS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. The Public Works Commission's approval shall be required for water and sewer plans. You may contact the Public Works Commission for information on obtaining water and sewer services. (PWC - Heidi Maly 223-4737) PWC has indicated that Progress Energy will provide electrical service to this property.
2. No permanent structures shall be permitted within any utility or drainage easements.

3. Street address numbers shall be assigned prior to building permits being issued. The Inspections Department shall require that the site address and tax parcel number be provided at the time of building/zoning permit application. The builder shall post the address numbers (minimum 4") in full view of the street immediately upon beginning construction. (Ron Gonzales – Address Dept., 678-7616)
4. All uses and applicable setbacks shall be compatible with those permitted in the MR5 zoning district. The buildings shall comply with the NC Building Code regarding setbacks and /or fire walls.
5. The site shall be developed in accordance with the plan approved through the Conditional Zoning process and with the conditions of that approval.
6. A Vested Right Certificate is required to obtain a vested right for this proposed plan.
7. Approval by N.C. Department of Transportation and City Engineer shall be required for the proposed curbcut(s) and proper driveway permit(s) shall be obtained prior to building permit application. (NCDOT – Richie Hines 486-1496, City Traffic Engineer – Rusty Thompson 433-1153) NOTE: This site plan approval is contingent upon the driveways being approved as shown. If the driveway permits process requires revisions that change the site plan a revised site plan shall be required for review and approval.
8. The City Traffic Engineer has indicated that the proposed driveway width of 36 feet is acceptable and will be allowed to accommodate the additional exit lanes for left and right out lanes.
9. Turn lanes may be required by NCDOT. (NCDOT – Richie Hines 486-1496)
10. Storm drainage plans with calculations along with a completed checklist shall be reviewed and approved by the City Engineering Division prior to building permit(s) being issued. Plans shall comply with the City of Fayetteville's Stormwater Ordinance. (City Engineering – Giselle Rodriguez 433-1303) (Note: An ordinance exemption may be granted at the discretion of the City Engineer based on Section 23-24. Submit a letter from the project engineer to the City Engineering Division stating why you believe this project is exempt from the City's Stormwater Ordinance.)
11. The stormwater pond area shall be constructed as an amenity to the site with a water feature if it is indicated as active open space.

ACTIONS REQUIRED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

12. No certificate of occupancy permit shall be issued until the zoning administrator inspects the site and certifies that the site is developed in accordance with the approved plans and that all items within this document have been satisfied.
13. Parking shall be provided in accordance with the City Ordinance. The parking shall be marked and available for use at the time of the Certificate of Occupancy inspection for the development.
14. All required head to head parking spaces shall be 9 x 20 and parking spaces with overhangs may be 9 x 18.
15. Signage for this development shall be in accordance with applicable sign regulations as set forth in the City Ordinance and the proper permit(s) shall be obtained prior to the installation of any permanent signs on the property.
16. The developer shall be aware that this document is not approval of the size, shape, or location of any signs. The City Inspections Dept. will require additional information at the time of sign permit application.

17. The applicant shall comply with the City Landscape Ordinances to include all applicable site landscaping, VUA landscaping, perimeter landscaping, perimeter buffers, and street trees. The preliminary site plan shall indicate the ability to comply with these requirements. The final site plan shall indicate a more detailed landscape plan. **A Type A landscape buffer shall be required along the property line abutting a single-family residential development.**
18. A sidewalk shall be constructed along the property that abuts a public street. Payment in lieu of construction of a sidewalk may be approved by the City Engineer. (Jeff Riddle, Construction Management (910) 433-1924 or City Engineering – Giselle Rodriguez 433-1303)
19. Sidewalks shall be constructed or a bond issued prior to a Certificate of Occupancy being issued.
20. A sidewalk easement shall be required.
21. The developer shall comply with the City Ordinance for Open Space by providing a minimum of 1.49 acres of usable open space. Forty percent of the required open space (38,768 square feet) shall be for active recreation. (Contact the County Tax Dept. regarding tax-exempt status of open space area - Diana Lyman (910) 678-7559)

MISCELLANEOUS ACTIONS REQUIRED:

22. Any revisions to this plan shall require resubmission of ten (10) site plans for review and approval.
23. Plans for any future development shall be submitted to the Planning Dept. for review and approval.
24. All erosion and sedimentation regulations shall be observed.
25. An Exterior Lighting plan shall be required prior to final site plan approval.
26. Building orientation, façade and design information shall be required prior to final site plan approval. **Details of the buildings shall be submitted to determine compliance with the Multi-Family Design Guidelines, i.e., building size not to exceed 20,000, building length not to exceed 220 feet, location of outdoor activity such as balconies, etc.**
27. There are Specimen Trees located on the site. The trees that are indicated within the tree protection zones shall remain. **The Red Maple shown within the storm water pond area shall also be saved.** The Engineer has indicated that additional Specimen Trees will be saved as site development allows. The City shall evaluate the proposed replacement planting schedule. Upon final site plan approval the city shall indicate if the proposal is acceptable or if revisions shall be required.
28. The developer shall be aware that subsequent application for zoning and building permits constitutes the developers understanding and acceptance of these Conditions of Approval for this development.
29. All exterior portions of the buildings shall be within 150 feet of the fire department access road. The access road shall have a minimum width of 20 feet of clearance. Access roads exceeding 150 feet shall have an approved turnaround. (Roger Sullivan, Fire Dept. – 433-1413) The 150 feet can be extended to 300 feet if buildings have sprinklers.
30. Streets and/or drives in excess of 150 feet shall provide an approved turn-around for emergency vehicles.
31. There should be a sufficient area on site for the required garbage and recycling facility. (Jerry Dietzen 433-1514)

IF YOU NEED TO DISCUSS ANY CONDITION(S), PLEASE CALL MARSHA BRYANT AT (910) 433-1612.

cc: David Steinmetz, City Inspections Department
Giselle Rodriguez, City Engineering Department
Jeff Riddle, Construction Management
Neil Perry, Traffic Services
Developer and Engineer

Preliminary Plan and/or Plat Review – City of Fayetteville
This Subdivision and/or Site Plan, Case No. 11-62 F
was reviewed by the City's Technical Review Committee
on OCT 19 2011 and conditionally approved by the
City of Fayetteville Planning Department. OCT 19 2013
This approval is valid through OCT 31 2011
Marsha B. Bryant
Staff Signature Date

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
DECEMBER 13, 2011 @ 6:00 P.M.**

MEMBERS PRESENT

Marshall Isler
Martin Hendricks
Lockett Tally
Steve Mannell
Jamie Bashore-Watts

MEMBERS ABSENT

OTHERS PRESENT

Karen Hilton, Planning Manager
Mr. Brian Myer, Asst. City Atty
David Steinmetz, Inspections
Craig Harmon, Planner
Scott Shuford, Dir of Dev Services

I. APPROVAL OF AGENDA

Mr. Hendrix wanted to add an agenda item, regarding adding a comparison form in the packets, each month. Mr. Isler said that it could be discussed as item "A" under the "Other" portion of the meeting. A motion to approve the agenda as amended was made by Mr. Hendrix, and second by Mr. Tally. A vote was taken and passed unanimously.

II. MINUTES FOR JUNE 14, 2011 COMMISSION MEETING

Minutes from the last meeting were not available. They will be ready at the next meeting. The reading of the minutes was tabled.

III. PUBLIC HEARINGS

Case No. P11-52F – Rezoning from SF-15 Single Family District to MR-5/C Mixed Residential Conditional District, or a more restrictive district, on property located at 7015 Fillyaw Road. Containing 15.14 acres more or less and being the property of James McKethan, Robert McKethan and Kenneth McKethan Jr.

Mr. Harmon presented the case and provided the staff report. He answered questions and heard comments from the Commission concerning the rezoning.

Staff is recommending denial of the MR-5 conditional district, based on the scale and location uses and zoning district to both sides.

With no further questions for staff, Mr. Isler opened the public hearing. The following persons spoke:

In Favor:

Chris Pusey, 4 D Site Solutions – 409 Chicago Drive, Fayetteville, NC 28306
Steven Strapec, Represents property developer – 6009 Tenbury Ct. Raleigh, NC 27606

In Opposition:

Jackie Tuckey – 7002 Marquis Place, Fayetteville, NC 28303
Emmet Dover – 6463 Freeport Road, Fayetteville, NC 28303 / Left petition containing 20 names.

Daisy Maxwell – 7113 Fillyaw Road, Fayetteville, NC 28303

Speakers addressed their concerns about the property and the proposed rezoning classification.

Mr. Isler closed the public hearing.

Mr. Harmon again answered questions from the board.

A motion was made to deny the rezoning request, by Mr. Hendrix and Ms. Bashore-Watts second the motion.

No Discussion ensued.

Vote taken 4-1 (Mr. Isler)

Mr. Harmon did want to remind the audience that there is a 10 day appeal process or waiting time, and the case can be appealed by next Tuesday after Christmas at 5pm and if so it goes forward to city council in January 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: February 27, 2012
RE: **Case No. P12-04F. Special Use Permit for a Major Utility, on property located at 8880 Cliffdale Rd. Containing 1.9 acres more or less and being the property of Lumbee River EMC.**

THE QUESTION:

Does the expansion of a major utility station requiring a Special Use Permit fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Lumbee River EMC
Applicant: Lumbee River EMC
Requested Action: Special Use Permit for the expansion of a major utility substation
Property Address: 8880 Cliffdale Road,
Council District: 8 (Fowler)
Status of Property: Substation
Size: 1.9 acres +/-
Existing Land Use: Utility Substation
Adjoining Land Use & Zoning:
North - SF-10 single family
South - SF-15 single family
East - AR agricultural residential
West - SF-10 single family
Letters Mailed: 75
Land Use Plan: Low density residential
ISmall Area Studies: 2025 Long Range Transportation Plan - No effect on this property.

ISSUES:

This property has an existing utility substation owned by Lumbee River EMC. Lumbee River would like to expand the facility. Under the UDO a Special Use Permit is required for such an expansion. There is still quite a bit of open area on this property for expansion as can be seen on the attached aerial photo. There is one Use-Specific Standard that is required of Major Utilities in the AR district. That standard is that they be set back at least 100 feet from any lot lines. Since this is an expansion of a utility that was in existence prior to the adoption of the UDO, only the new construction would fall under the UDO standards. All of the proposed expansion is greater than 100 feet from any property line. There are no special buffering standards for utilities and there are no buffering requirements between the AR district and other single family zoning districts. Conditions such as buffering along the existing frontage of Cliffdale Road may be included to soften the existing view.

Conditions: Since the Zoning Commission meeting the applicant has agreed to the following conditions:

- (1) Planting additional evergreen trees to the south portion of the property to help increase the buffer with the adjoining residential use, and
- (2) To plant low growing trees, such as Crepe Myrtles, and ground cover along the road frontage of

the property.

Zoning Commission & staff recommend Approval of the SUP based on the Special Use Permit Standards listed below:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards; **All proposed expansion is 100' or greater from the surrounding lot lines.**
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; **The special use is an existing power substation and is compatible with the surrounding area.**
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; **This special use should have no impact on the surrounding lands regarding any of the above.**
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; **The special use is 100' or more from the surrounding lot lines to minimize these adverse effects.**
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; **The special use avoids deterioration of all of the above.**
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; **The special use provides direct and safe access to Cliffdale Road.**
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and **Since this is only the expansion of an existing utility, there should be little to no impact on neighboring lands.**
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations. **The special use does comply with all regulations.**

BUDGET IMPACT:

No Impact

OPTIONS:

- 1) Approval of SUP as presented by staff
- 2) Approval of SUP with additional conditions of additional landscaping as noted in issues (recommended);
- 3) Denial of the rezoning request.

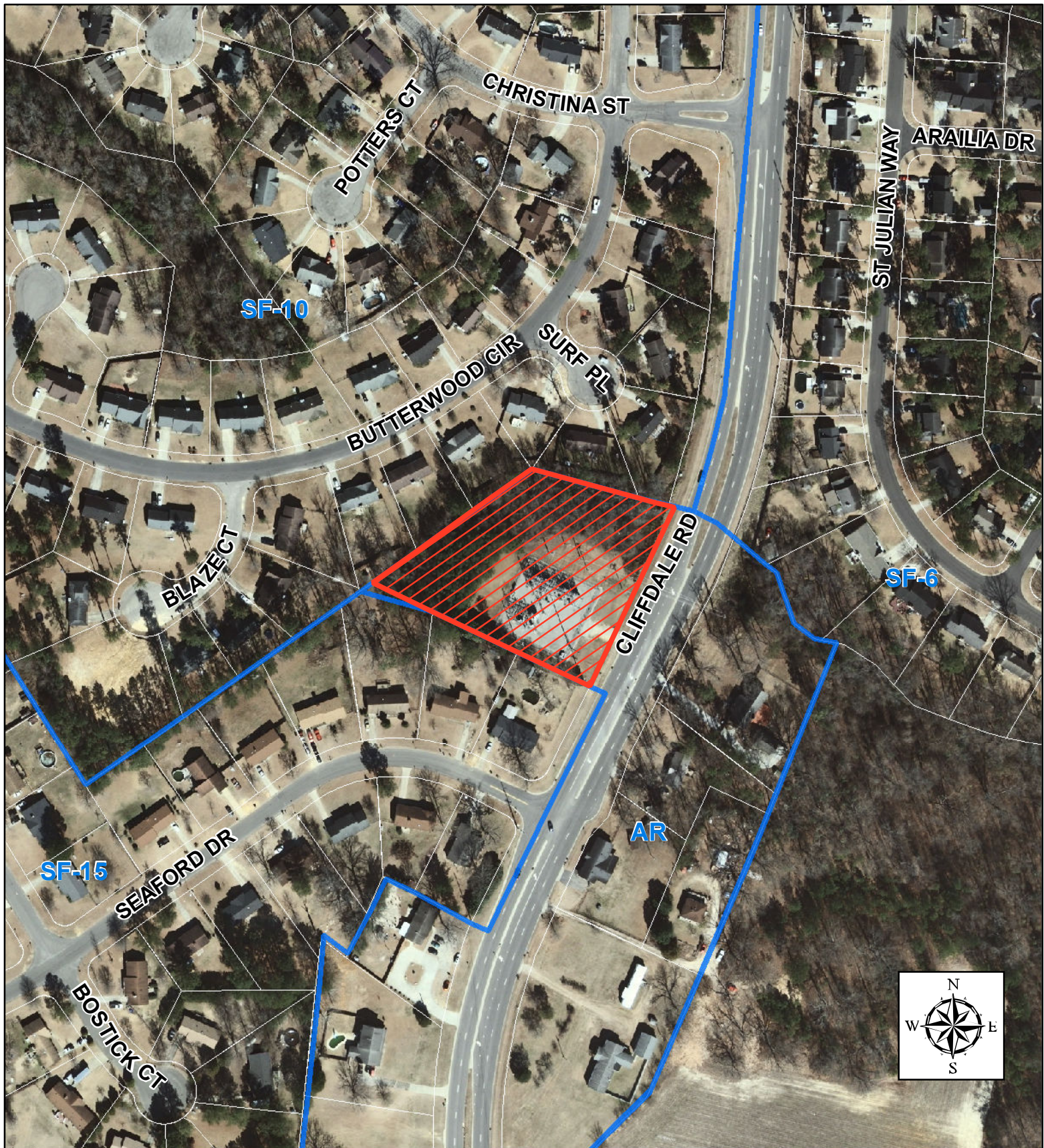
RECOMMENDED ACTION:

Zoning Commission & staff Recommend: That the City Council move to APPROVE the issuance of a Special Use Permit with proposed conditions regarding landscaping based on positive findings to all eight Special Use Permit Standards.

ATTACHMENTS:

Zoning Map
Current Landuse
Land Use Plan

ZONING COMMISSION
P12-04F



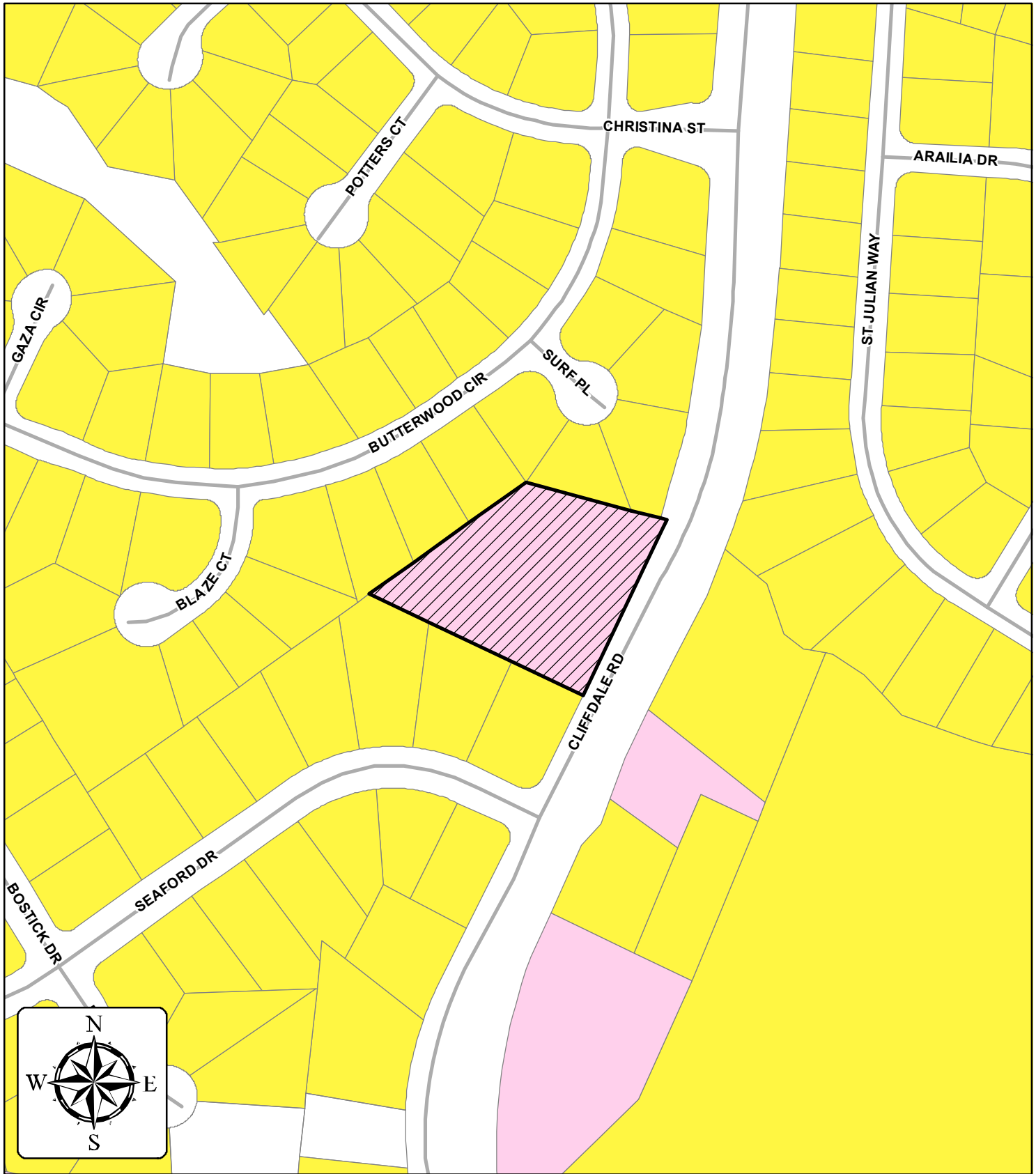
Request: SUP (Utlity in AR)
Location: Kinlaw Rd
Acreage: +/- 1.9 acres

Zoning Commission: 1/110/2012 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 9487-02-7947

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

Current Land Use

P12-04F

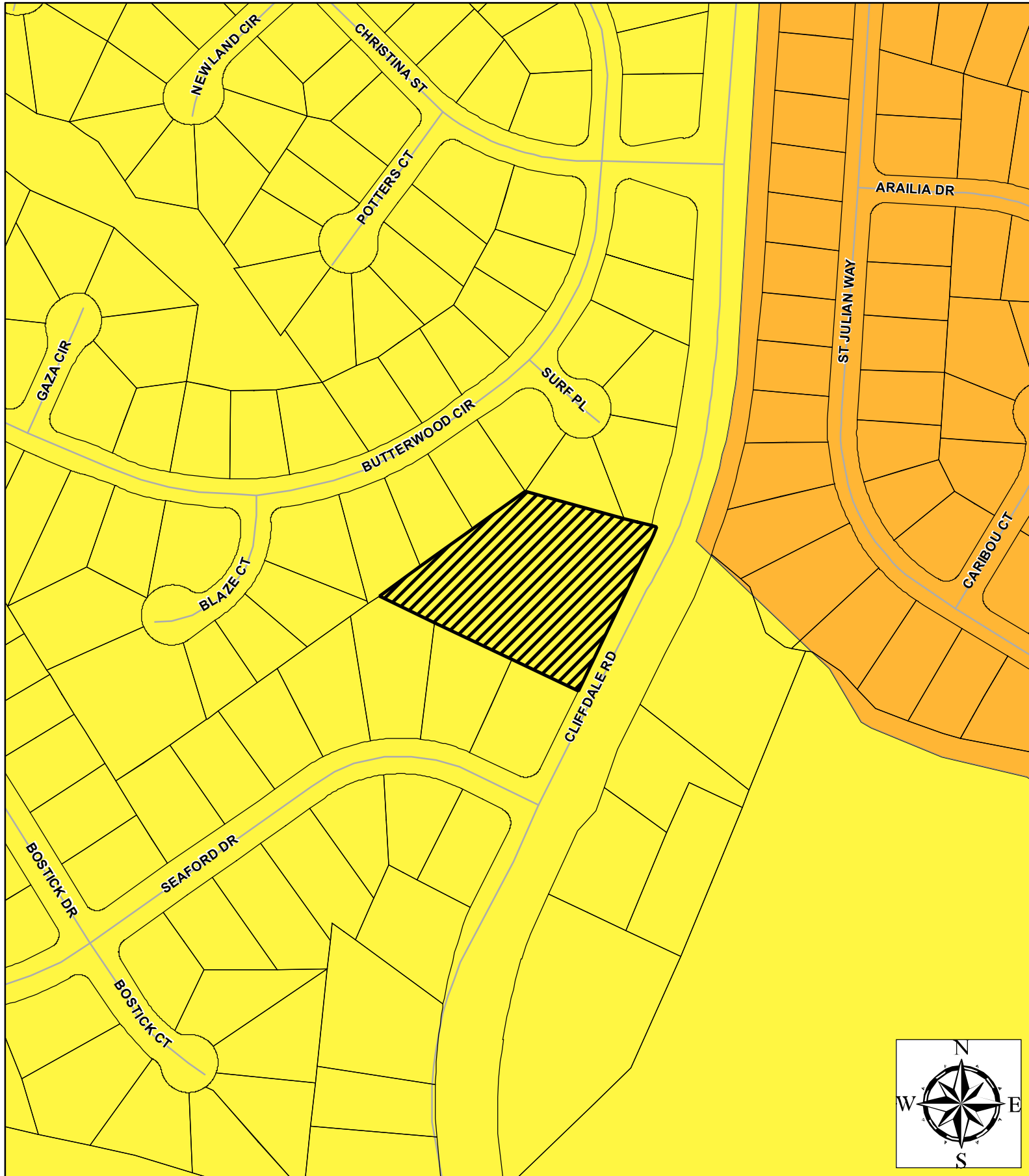


Legend

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

2010 Land Use Plan

Case No. P12-04F



CITY COUNCIL ACTION MEMO

TO: Mayor and City Council Members
FROM: Dale Iman, City Manager
DATE: February 27, 2012
RE: **City of Fayetteville 2011 Annual Report to the Community**

THE QUESTION:

Does the City of Fayetteville 2011 Annual Report to the Community meet the needs of the Council toward telling the City's story and sharing this year's accomplishments in an appealing, readable, informative, print format worthy of distribution?

RELATIONSHIP TO STRATEGIC PLAN:

The report highlights both visually and through narrative significant contributions to the realization of the City's strategic plan during the 2011 calendar year; it reinforces and clarifies Council's vision for our community, which is the foundation of the City's strategic plan.

BACKGROUND:

The goal of this report is to share with the community at large a sense of who the City of Fayetteville is and what successes it has seen in the past year. This publication will be widely distributed via post and hand delivery and it is hoped will be management's and council's go-to leave-behind publication.

ISSUES:

Do the work efforts of the report reflect the overall direction articulated by the City Council in the FY 2011 strategic plan? Does the progress highlighted in the report move the community closer to the desired fifteen-year vision?

BUDGET IMPACT:

None.

OPTIONS:

- 1.) Accept the report as provided with guidance to the City Manager on areas of interest.
- 2.) Request additional information on items presented in this report.
- 3.) Modify or clarify interests in report and strategic plan.

RECOMMENDED ACTION:

Receive and file this report.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Robert T. Hurst, Jr., Council Member, District 5
DATE: February 27, 2012
RE: **Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments**

THE QUESTION:

Do the attached recommendations from the City Council's Appointment Committee meet the City Council's approval?

RELATIONSHIP TO STRATEGIC PLAN:

- Partnership of Citizens - Citizens Volunteering to help the City
- Greater Community Unity - Pride of Fayetteville
- Diverse Culture and Rich Heritage - Diverse people working together with a single vision and common goals

BACKGROUND:

The Appointment Committee met on February 15, 2012 to review applications for the appointments to boards and commissions. The Appointment Committee is scheduled to meet again at 5:30 p.m. on Monday, February 27, 2012. It is from these meetings that the Appointment Committee will provide a list of the recommendations for appointments to the City of Fayetteville boards and commissions. Consistent with the City Council's wishes, the Appointment Committee's recommendations for appointments will be provided to Council prior to the February 27, 2012 Regular City Council meeting.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

1. Approve Appointment Committee recommendations to fill the board and commission vacancies as indicated on the forthcoming attachment.
2. Approve Appointment Committee recommendations to fill some board and commission vacancies and provide further direction.
3. Do not approve Appointment Committee recommendation to fill the boards and commission vacancies and provide further direction.

RECOMMENDED ACTION:

Approve Appointment Committee recommendations for board and commission appointments.

CITY COUNCIL ACTION MEMO

TO: Mayor & City Council
FROM: Kristoff Bauer, Asst. City Manager
DATE: February 27, 2012
RE: **Consideration of the Rental Action Management Program, RAMP, Ordinance**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

On April 26, 2011, the City Council adopted a Probationary Rental Occupancy Permit (PROP) program. This program was designed to allow the City to more closely monitor and regulate rental properties that are the site of repeated or severe code violations or that are the site of certain criminal acts. The program was to be implemented July 1, 2011. On June 18, 2011, however, Senate Bill 683 was ratified by the Legislature effectively invalidating the City's program.

City Council approved rescission/repeal of the PROP ordinance on August 8, 2011. City Council directed staff to revise the PROP program, consistent with state law, and bring back program alternatives as soon as possible.

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

City Council held a public hearing regarding the new proposed program on Monday, December 12 to allow interested stakeholders an opportunity to address Council directly. Following the public hearing, the RAMP ordinance was scheduled for consideration of adoption during the January 9, 2012, Council Meeting. Staff responded to several questions, but Council requested an opportunity to explore the topic further during a future Work Session.

The item was discussed further on February 6, 2012, and staff presented a number of revisions to the program in response to Council feedback, including:

1. Adding a definition for Apartment Complex and excluding these facilities from administrative application of the ordinance.
2. Changed the definition of "Residential Rental Property" to include single family homes, duplexes and triplexes, but specifically exempt apartments.
3. Added Section 14-78, which gives Council the ability to add a property to the RAMP program by ordinance. Problem Apartment Complexes could be added to RAMP through Council action.
4. Removed the property categories and references to the same.
5. Added provision specifying that if a property is determined not to meet the Disorder Threshold, registration is not required.
6. Added an appeal process to the City Council for properties proposed for entry into the program due to criminal activity.

ISSUES:

Based on the feedback from Council, staff has clarified the definition of Apartment Complex to include multiple duplex or similar buildings under common ownership. These complexes are initially excluded from automatic participation in the program. A revised the budget estimate is attached reflecting the reduction of one sworn officer position.

Implementation Schedule***Code Violations – Development Services***

- 1.0 code enforcement officer
- 0.5 office assistant

Months 1-10 (Beginning March 2012)

1. March 2012 begin hiring process for code enforcement officer and office assistant, effective date of hire July 1, 2012.
2. July 2012, Run 1st batch report to identify all properties that have 3+ code enforcement violations and otherwise qualify for the program.
3. Develop and distribute educational materials and warning notices.
4. Sept. 2012, Run 2nd batch report identifying eligible properties and deliver first set of official notifications of entry into the RAMP program and begin enforcement – (October-December 2012).
5. Conduct follow-up inspections as needed to confirm eligibility and measure compliance.

Months 10-16

1. Jan. 2013, evaluate progress during first six months of operation.
2. Report on properties who have entered the program to determine fee collection, workload manageability, effectiveness of tools to identify candidate properties, and effect of program on conditions.
3. Run 3rd batch report to determine if any additional properties have become eligible for entry into the program – (January-March 2013).

Crime – Police

- 1 sworn officer
- 2 crime analysts

Months 1-6:

1. June 2012 begin hiring process for all staff.
2. Identification of residential rental properties
3. Identification of tracking software to be used for monitoring properties in RAMP
4. Development of the Remedial Action Manual

Months 7-12:

1. January 2013 ,official tally of data gathered thus far to identify the top 10% residential rental properties eligible for entry into the program – focusing on the top 8% primarily
2. Set up the mandatory meetings with those in the top 8% to enroll them in RAMP
3. Send out courtesy warning letters to those property owners that have been identified as being in the top 8%-10% that won't be enrolled in RAMP

BUDGET IMPACT:

City Council approved approximately \$132,500 in the FY 2012 budget to fund our earlier version of the Probationary Rental Occupancy Program (PROP). This funding has not been expended. The first year expenditure, estimated at \$470,945 will be included in the FY13 proposed budget.

The estimated cost has been reduced to reflect the removal of Apartment Complexes from the scope of the program. This is also expected to reduce program revenue.

OPTIONS:

1. Take no action, but provide direction to staff;
2. Adopt the ordinance as presented, with an effective date of July 1, 2012 and direct staff to report back to City Council on the implementation schedule/plan;
3. Reject the ordinance as presented and provide direction to staff.

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the ordinance as presented, with an effective date of July 1, 2012

ATTACHMENTS:

RAMP ordinance

RAMP Budget

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

Chapter 14

HOUSING, DWELLINGS AND BUILDINGS

ORDINANCE NUMBER: _____

AMENDING CHAPTER 14

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

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

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

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

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

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

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

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

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

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

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

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

"ARTICLE V. Rental Action Management Program.

Section 14-63. Purpose.

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

Section 14-64. Definitions.

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

Apartment Complex: Any dwelling under common ownership and management containing four (4) or more *Dwelling Units*, as defined by Chapter 14, Section 14-5 of the Fayetteville Code of Ordinances, or a systematically built group of apartment buildings or duplexes under common ownership and maintenance and containing four (4) or more *Dwelling Units*.

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

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

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

Disorder Risk Threshold: The Disorder Activity Count for the Residential Rental Property that is at the 90th percentile of Residential Rental Properties.

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

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

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

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

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

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

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

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

Residential Rental Property: Property that contains a single-family rental dwelling unit for use by residential tenants including but not limited to the following: single-family stand alone homes, duplexes, triplexes, mobile homes, mobile home spaces, townhomes, and condominium unit(s). A single-family rental dwelling unit is hereby defined to include those units available for rent that are currently vacant. The following establishments are exempt from this ordinance unless added to the Rental Action Management program pursuant to an ordinance adopted by the City Council: Bed & Breakfast Inns, Hotels, Motels, Rest Homes, Rooming Houses, Lodging Houses, and Apartment Complexes.

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

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

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

(a) Each Owner of Residential Rental Property that has been found with three (3) or more verified violations in the previous twelve (12) month period, whether those violations have been resolved by corrective action or not, shall register that property by providing the following information to the Development Services Official:

- (1) The address(es) for the Residential Rental Property which shall include the street name(s), number(s) and zip code;

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

(3) The number of units located on the residential property.

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

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

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

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

(f) The Owner of Residential Rental Property that is the site of three (3) verified violations in the previous twelve (12) month period shall be sent a

notice by certified mail to the name and address listed with the Cumberland County's Office of Tax Assessor.

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

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

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

Section 14-67. Notice of Revocation.

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

Section 14-68. Period of Revocation.

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

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

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

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

(3) The number of units located on the residential property.

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

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

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

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

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

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

Section 14-71. Notification of Mandatory Meeting.

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

(b) The notice shall include the following information:

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

Section 14-72. Mandatory Initial Meeting.

(a) Unless otherwise agreed to by the Owner and Police Official, within thirty (30) days after notice has been provided to the Owner that a property falls at or above the Disorder Risk Threshold, a mandatory initial meeting shall be held between the owner and the Police Official. The initial meeting may be held in person or by telephone. In the event there are multiple property Owners, the Owner attending the initial meeting must have power of attorney to execute the remedial action plan on behalf of the other Owners.

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

- (1) The data that established the Disorder Activity Count for that property; and

- (2) Any relevant evidence provided by the Owner that may establish that the property does not fall at or above the Disorder Risk Threshold.

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

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

(e) The Owner of Residential Rental Property that is required to register under this ordinance shall pay a registration fee on or before the Mandatory Meeting in the amount established pursuant to the fee schedule adopted by City Council. This payment shall not be deposited by the City until ten (10) days after the Mandatory Initial Meeting, unless the Police Official's decision to require registration is appealed, in which event the payment will not be deposited until the conclusion of the appeals process.

Section 14-73. Remedial Action Plan and Review.

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

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

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

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

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

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

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

Section 14-75. Notice of Revocation.

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

Section 14-76. Period of Revocation.

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

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

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

Section 14-78. Registration of Residential Rental Property Upon Adoption of Ordinance by City Council.

The City Council, by ordinance, may add any dwelling or Apartment Complex exempted from the definition of "Residential Rental Property" in this ordinance, to the Rental Action Management Program upon finding that existing remedial provisions have been inadequate to abate the detrimental impact on the tenants, the adjacent properties, the dwelling and the neighborhood.

Any property added to the Rental Action Management Program pursuant to an ordinance adopted by City Council shall be required to abide by the conditions set forth in this ordinance.

Section 14-79. Residential Rental Property Review Board.

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

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

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

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

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

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

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

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

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

Section 14-80. Duties and Responsibilities of the Residential Rental Property Review Board.

The Board shall hear appeals from an Owner of Residential Rental Property who is required to register due to disorder activity as defined in this ordinance, and/or whose registration has been revoked.

Section 14-81. Notice of Appeal of Rental Registration Due to Disorder Activity and Notice of Appeal of Revocation.

A Residential Rental Property Owner may appeal a notice of revocation of rental registration to the Board as well as the Police Official's decision to require registration following the Mandatory Initial Meeting. All appeals to the Board must be filed in writing with the City Clerk's office within ten (10) calendar days of the date the notice of revocation is served on the Owner by certified mail or in the case of an appeal of the Police Official's decision to require registration, within ten (10) days of that decision. The Owner shall provide a valid current address for the purpose of all notifications required to be made pursuant to this ordinance. The request must state the reason for the appeal.

Section 14-82. Hearing Procedure and Appeal of Board's Findings.

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

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

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

(d) In the event of an appeal of the Police Official's decision to require registration, the City shall have the burden of proof and must establish by the preponderance of the evidence that the Disorder Activity Count for the property falls at or above the Disorder Risk Threshold. In the event of an appeal of a notice of revocation due to Disorder Activity, the City shall have the burden of proof and must establish by the preponderance of the evidence that the Owner's property is In Need of Remedial Action and the owner has failed to act in good faith to comply with the Remedial Action Plan. In the event of an appeal of a notice of revocation due to code violations, the City shall have the burden of proof and must establish by the preponderance of the evidence that the Owner's property has been issued a notice of violation four (4) or more times in the previous twelve (12) month period. After reviewing the evidence and hearing testimony from the witnesses, the Board shall issue findings of fact and conclusions of law and issue an order either affirming or reversing the decision of the Police Official or Development Services Official.

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

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

Section 14-83. INRA Designation Binding on Subsequent Owner.

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

Section 14-84. Enforcement, Remedies and Penalties.

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

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

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

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

- (1) Refuse or fail to comply with any order of the City to repair a dwelling pursuant to Chapter 14 of the Fayetteville City Code, or

(2) Terminate the utility services of any occupants or otherwise violate the rights of residential tenants under Article 2A, Article 5, or Article 6 Chapter 42 of the General Statutes.

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

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

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

APPENDIX A

UCR Code	Offense Description	Point Value
O110	Homicide	4
O120	Homicide Negligence	4
O300	Robbery	3
O410	Aggravated Assault	3
O410	Aggravated Assault-Officer	3
O410	All Other	3
O510	Burglary - Forcible Entry- Residence	2
O520	Burglary - Non Forcible Entry- Residence	2
O640	Larceny from Motor Vehicle	2
O710	Motor Vehicle Theft-Automobile	2
O720	Motor Vehicle Theft-Truck	2
O730	Motor Vehicle Theft-Bus	2
O740	Motor Vehicle Theft-Recreational Vehicle	2
O790	Motor Vehicle Theft-All Other	2
O810	Assault-Simple Physical	2
O820	All Other- Communicating Threats	1
O830	Psychical Aslt - Sexual Motive	2
O840	Non-Psychical Aslt - Sexual Motive	2
O890	Assault- Physical Officer	2
O890	Simple Assault-All Other	2
1310	Buying / Receiving Stolen Property	2
1330	Possessing / Concealing Stolen Property	2
1530	Possessing / Concealing Weapons	2
1550	Using Weapons (Illegal Discharge)	3
1610	Prostitution	1
1810	Drug/Narcotic Violations	3
1834	Equipment / Paraphernalia - Possessing	1
1990	All Other Gambling	1
2211	Selling / Distributing Tax Paid Liquor	1
2212	Possessing / Concealing Tax Paid Liquor	1
2214	Using / Consuming Tax Paid Liquor	1
2410	Disorderly Conduct	2
2420	Disturbing the Peace	2
2430	Fighting (Affray)	2
2440	Unlawful Assembly	2
2450	Drunk and Disruptive	2
2660	Parole & Probation Violations	3
2680	City Ordinance Violations	1
2690	City Ordinance Violations	1

APPENDIX B

Chapter 6 - Animals and Fowl

Article III - Animals and Fowl within the City Limits

Divison 2. - Dogs

Sec. 6-241. - Sanitary conditions.

Chapter 14 - Housing, Dwellings and Buildings

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

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

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

Sec. 14-33. - Exit standards.

Sec. 14-34. - Structural standards.

Sec. 14-35. - Property maintenance.

Sec. 14-36. - Electrical standards.

Sec. 14-37. - Plumbing standards.

Sec. 14-38. - Heating standards.

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

Chapter 16 - Motor Vehicles and Traffic

Article XII - Abandoned, Junked and Nuisance Vehicles

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

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

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

Chapter 22 - Solid Waste

Article I - In General

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

RRAMP PROGRAM

	Start up costs for 1st yr	FY 2012 full yr	Assumptions
One Time Costs			
Printing, advertising, postage, supplies	10,000		Initial ad campaign and educational program, developing paperwork, engaging service area
Computers	16,596		1 desktop and monitor, two custom built desk tops and ,monitors, 2 Panasonic laptops
Software	75,000		ARCGIS/ESRI, CRYSTAL, MAGNET, Windows 7, Accurint Clear
Radios	5,600		2 analyst field operations
Purchase of vehicles (1)	50,000		No mileage reimbursement- police cruisers
Furniture office set for two Crime Analysts, 1 OAI, 1 inspector	5,000		5 office set-ups, filing,
Subtotal	162,195.59		
One Time Costs Personnel			
Pre-Employment:	788.60		
Books:	361.20		
BLET Training/Cert.:	16068.00		
FPD Prerelease Training:	2472.00		
Clothing/Supply:	1244.14		
Service Weapon/Ammo:	500.00		
Lateral Officer Training:	858.00		
Subtotal	22,292		
Total One Time Costs	184,487.53		
Annual Reoccurring Expenditures (Personnel and Operating)			
Personnel Expenditures			
Inspector		47,574	FY 12 half yr; FY13 Full yr with 2.5 % inflation rate
OA II part time- Inspections		15,095	
Crime Analyst		56,115	
Crime Analyst		56,115	
Police Officer		48,761	
10% Attorney Salary and Benefits		8,808	
Total Personnel Expenditures		232,469	
Operating Expenditures			
Mileage Reimbursement Inspector (1)		4,800	\$400 per month
Fuel Police Cruisers (1)		6,000	
Maintenance Police Cruisers (1)		400	
telephone		3,134	\$30 per month for cell phone for the inspector , 4 landlines for OAI, two analyst and inspector, \$42 cell phone with data plan for analyst(2)
Office Supplies		3,000	
Memberships and Dues Crime Analyst		120	International Association of Crime Analyst (\$25 x2) and Intelligence Analyst Association (\$35 x2)
Memberships and Dues Inspector		35	NC Home Inspector Application fee http://www.ncdoi.com/OSFM/Engineering/HILB/Documents/ApplicationFormsHomeInspector.pdf

			\$5000 per analyst, ESRI level I,II & III ESRI, Cystal Training, RMS record maintenance trainig, Magnet, Alpha Group Training plus \$160 certification application
Annual Training/education for Crime Analyst		10,000	
Annual Training/education for Inspector		5,200	Level I Home Inspector Training, CSI training
Software Maintenance and License		16,300	ESRI license (3x2100), I2 \$5000, Magnet \$5000
Program- Printing		3,000	Program Notices, Forms, Violations Letters
Program- Postage		1,500	Certified postage to 230 participants and follow up communications
Annual Training/education for Police		500	\$500 per officer annually
Total Operating Expenditures		53,989	
Total annual cost for fiscal year (personnel and annual opera		286,458	
Total Program Set up costs, personnel and operating budget		470,945	

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: February 27, 2012
RE: **Uninhabitable Structures Demolition Recommendations**

- **973 Comet Circle**
- **200 Duke Street**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

973 Comet Circle

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on March 8, 2011. A hearing on the condition of the structure was conducted on April 29, 2011, in which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent hearing order to repair or demolish the structure within 60 days was issued and mailed to the owner on May 5, 2011. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since July, 2001. In the past 24 months there have been no calls for 911 service at the property. There have been 7 code violation cases with pending assessments of \$783.06. The low bid for demolition is \$ 1,700.

200 Duke Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a dangerous structure on April 14, 2011. The structure has significant structural damage as a result from a vehicle hitting the front wall of the structure. A hearing on the condition of the structure was conducted on September 7, 2011, in which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent hearing order to repair or demolish the structure within 60 days was issued and mailed to the owner on September 7, 2011. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since November, 2000. In the past 24 months there have been no calls for 911 service at the property. There have been 7 code violation cases with pending assessments of \$4,281. The low bid for demolition is \$3,489.

ISSUES:

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

BUDGET IMPACT:

The demolition of these structures will be \$5,189; there will be additional costs for asbestos testing and abatement if needed.

OPTIONS:

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

RECOMMENDED ACTION:

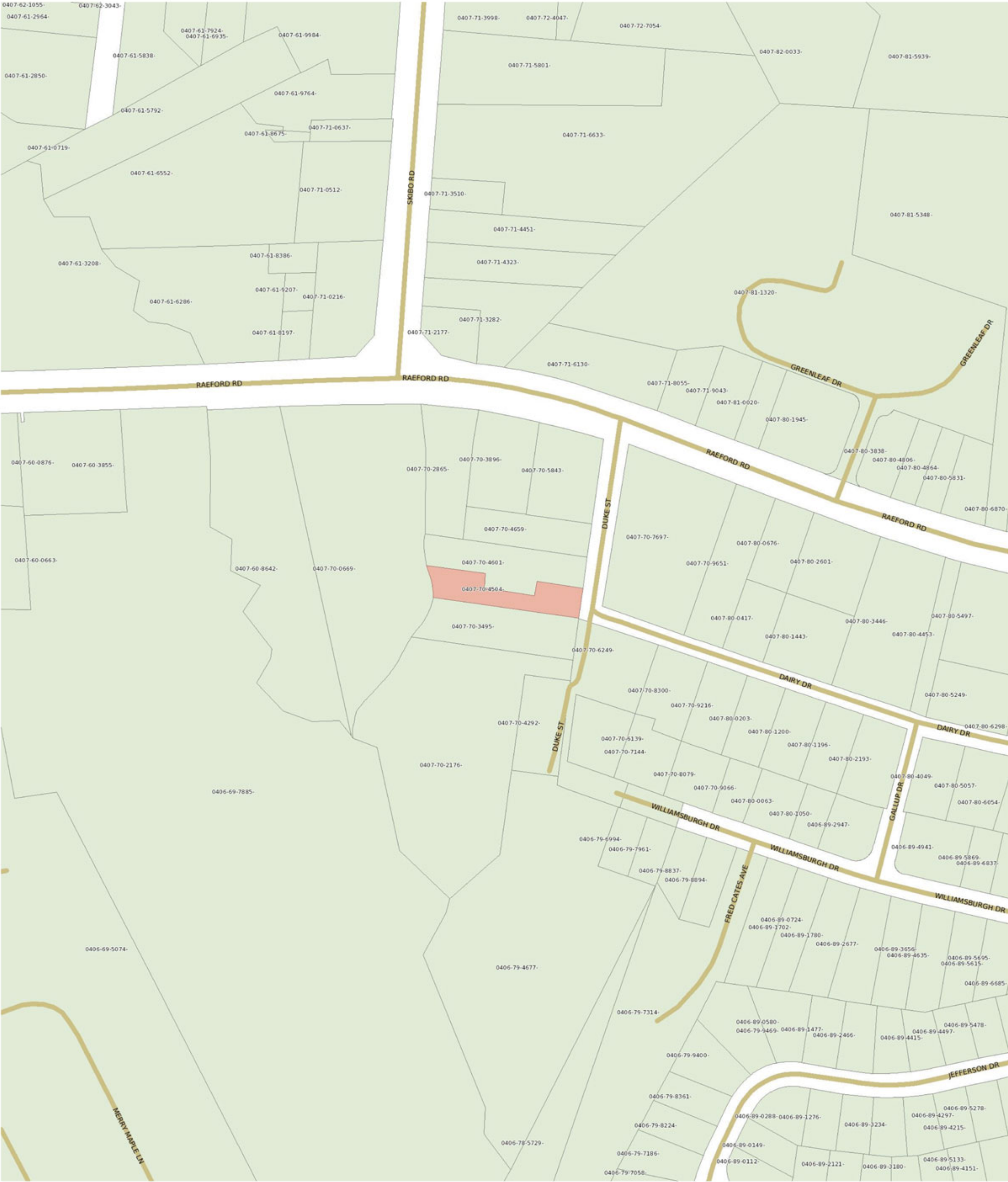
Staff recommends that Council move to adopt the ordinances authorizing demolition of the structures.

ATTACHMENTS:

Aerial Map-- 973 Comet Circle
 Docket-- 973 Comet Circle
 Ordinance-- 973 Comet Circle
 Photo 1-- 973 Comet Circle
 Photo 2-- 973 Comet Circle
 Photo 3-- 973 Comet Circle
 Aerial Map-- 200 Duke Street
 Docket-- 200 Duke Street
 Ordinance-- 200 Duke Street
 Photo 1-- 200 Duke Street
 Photo 2-- 200 Duke Street
 Photo 3-- 200 Duke Street
 Photo 4-- 200 Duke Street
 Photo 5-- 200 Duke Street
 Photo 6-- 200 Duke Street

Current Parcel: 0407-70-4504-

Address: 200 Duke St Fayetteville, NC (0407-70-4504-)



0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 1.0 miles

TO: Mayor
City Council Members
City Manager
City Attorney

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

Location	973 Comet Circle
Property Owner(s)	Thomassenia Finley Las Vegas, Nevada
Date of Inspection	March 8, 2011
Date of Hearing	April 29, 2011
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed May 5, 2011.
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since July 19, 2001.
Police Calls for Service (past 2 yrs)	0

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

This is the 27th day of February, 2012.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

973 Comet Circle
PIN 0407-20-2925

Being all of Lot Number 27, Glenhaven Subdivision, Section II, as per Plat of same recorded in Book of Plats 34, Page 57, Cumberland County, North Carolina Registry.

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

Thomasenia Finley
3204 Navajo Way, Apt D
Las Vegas, NV 89108-1046

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

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,700.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this _27th_____ day of ___February_____, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

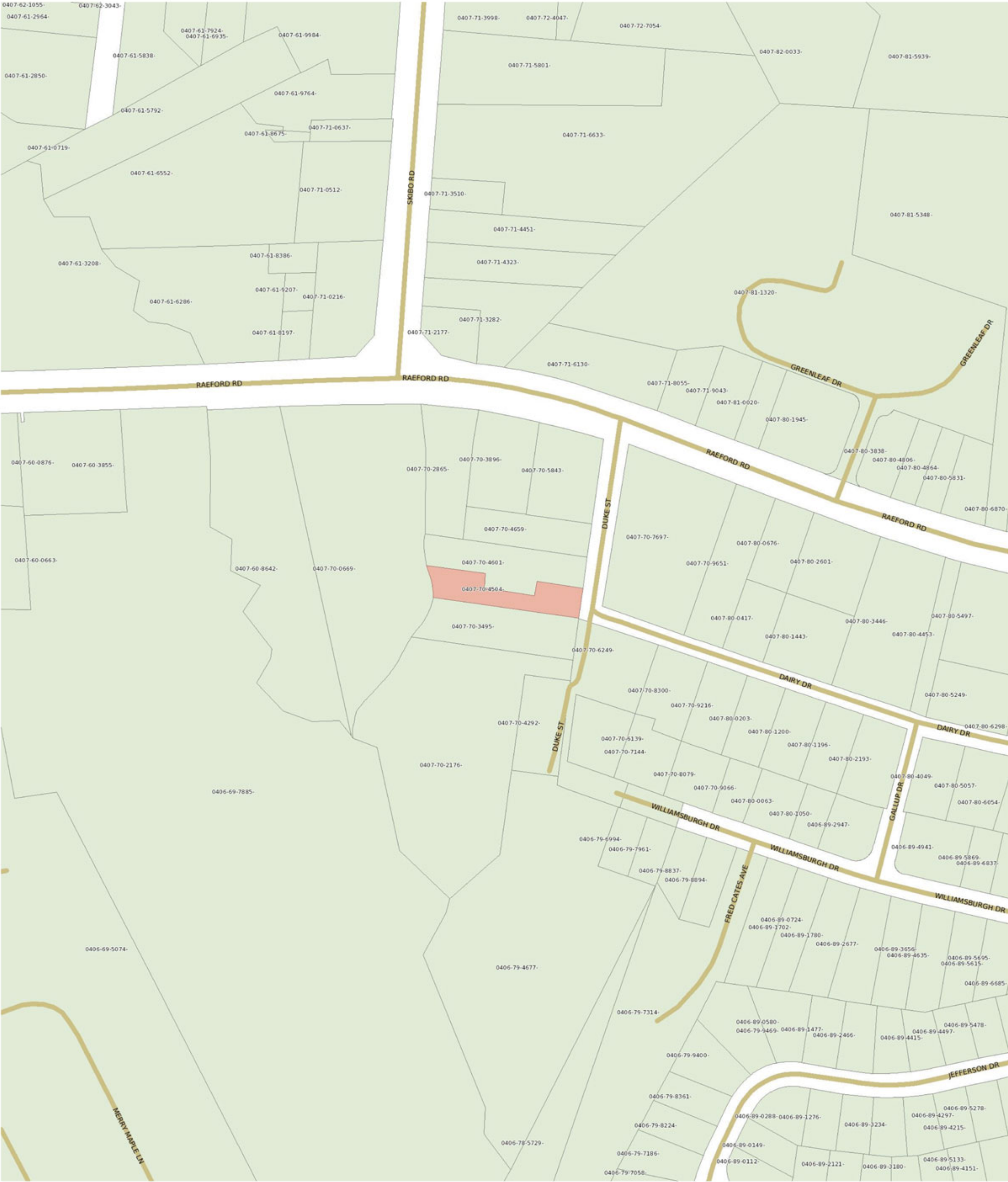






Current Parcel: 0407-70-4504-

Address: 200 Duke St Fayetteville, NC (0407-70-4504-)



0.0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 1.0 miles

TO: Mayor
City Council Members
City Manager
City Attorney

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

Location	200 Duke Street
Property Owner(s)	Roslyn E Astrop Woodbridge, Virginia
Date of Inspection	April 14, 2011
Date of Hearing	September 7, 2011
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed September 7, 2011.
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since November, 2000.
	Hearing was advertised in the Fayetteville Observer August, 2011.
Police Calls for Service (past 2 yrs)	0

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

This is the 27th day of February, 2012.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

200 Duke Street
PIN 0407-70-4504

BEGINNING at an iron pipe in the western right of way margin of Duke Road, same being such South 07 degrees 14 minutes West 424.25 feet from where said margin of Duke Road intersects the centerline of U.S. Highway No. 401 South (Raeford Road 100 foot R.W); thence with the western right of way margin of Duke Road, South 07 degrees 14 minutes West 75.00 feet to an iron pipe; thence North 82 degrees 46 minutes West 379.33 feet to a point in a ditch; thence with the center of said ditch North 00 degrees 30 minutes East 75.52 feet to an iron pipe ; thence South 82 degrees 46 minutes East 125.00 feet to an iron pipe; thence South 82 degrees 46 minutes East 150.07 feet to an iron pipe; thence South 07 degrees 14 minutes West 35.00 feet to an iron pipe; thence South 82 degrees 46 minutes East 125.00 feet to an iron pipe; thence North 07 degrees 14 minutes East 35 feet to an iron pipe; thence 82 degrees 46 minutes East 113.10 feet to the beginning, and being a part of Lots 6 & 7 Gallup Property , IV, Book of Plats 13 Page 63, Cumberland County Registry, North Carolina. Together with improvements located thereon; said property being located at 200 Duke Street, Fayetteville, North Carolina.

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

Roslyn E Astrop
16276 Eagle Flight Circle
Woodbridge, VA 22191-6078

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before November 7, 2011.

- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:
- None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$3,489.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this __27th__ day of __February__, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk













CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Pamela Megill, City Clerk
DATE: February 27, 2012
RE: **Monthly Statement of Taxes for January 2012**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

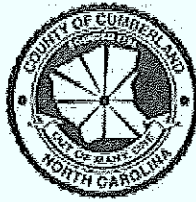
BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS:

Taxes - January 2012



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: February 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 January 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

8 - 1 - 1 - 2

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

FAYETTEVILLE MACC LEDGER 2000-2010

JANUARY 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
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
54,432.44	0.00	747.01	3,594.42	0.00	0.00	544.85	544.85	10.94	21.88	16.39	0.00
44,297.67	0.00	1,203.86	1,626.90	0.00	0.00	252.45	252.45	38.45	76.89	159.75	0.00
22,484.82	0.00	1,051.35	2,138.53	0.00	0.00	330.00	330.00	12.00	24.00	38.00	0.00
42,365.20	0.00	838.99	2,340.42	2.55	0.00	320.00	320.00	15.17	30.33	48.02	0.00
12,396.94	0.00	567.89	1,119.33	0.00	0.00	255.00	255.00	31.89	63.79	101.00	0.00
18,251.82	0.00	222.26	2,111.91	0.00	0.00	280.00	280.00	12.00	24.00	38.00	0.00
5,195.02	0.00	86.25	1,533.79	0.00	0.00	297.09	297.08	0.00	0.00	0.00	0.00
3,190.91	0.00	706.13	2,401.15	0.00	0.00	372.90	372.89	24.00	48.00	76.00	0.00
1,951.57	0.00	(30.37)	4,905.10	0.00	0.00	737.67	737.67	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
3,411.87	0.00	1,137.76	2,712.08	0.00	0.00	395.00	395.00	12.00	24.00	38.00	0.00
1,990.37	0.00	237.16	1,604.86	0.00	0.00	270.00	270.00	0.00	0.00	0.00	0.00
1,969.72	0.00	746.84	1,619.37	0.00	0.00	236.74	236.74	24.00	48.00	76.00	0.00
1,611.39	0.00	4,149.27	1,664.88	0.00	0.00	305.00	305.00	36.00	72.00	114.00	0.00
3,196.24	0.00	293.33	1,445.81	16.47	1.22	255.00	255.00	4.31	8.62	13.65	0.00
1,158.74	0.00	7,164.41	849.69	0.00	0.00	185.00	185.00	48.00	96.00	152.00	0.00
2,065.52	0.00	631.89	1,808.61	0.00	0.00	280.00	280.00	48.00	96.00	152.00	0.00
1,549.69	0.00	644.01	2,068.19	0.00	0.00	292.14	292.13	0.00	0.00	0.00	0.00
2,879.82	0.00	684.26	2,179.57	0.00	0.00	393.26	393.26	59.60	119.21	36.75	0.00
3,768.89	0.00	1,058.05	2,120.44	0.00	0.00	405.00	405.00	13.40	26.80	42.42	0.00
3,594.32	0.00	1,505.50	3,083.72	22.91	0.00	420.00	420.00	36.00	72.00	114.00	0.00
231,762.96	0.00	23,645.85	42,928.77	41.93	1.22	6,827.10	6,827.07	425.76	851.52	1,215.98	0.00

FAYETTEVILLE MACC LEDGER

2000-2010

JANUARY 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
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
5.31	117.38	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	15.02	37.15	0.00
751.49	9.49	0.00	0.00	15.83	15.83	12.00	24.00	38.00	0.00	0.00	45.66	0.00
112.22	61.79	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
36.96	74.61	0.00	0.00	20.00	20.00	0.00	0.00	0.00	0.00	20.39	20.95	0.00
161.51	(104.27)	0.00	0.00	(5.00)	(5.00)	0.00	0.00	0.00	0.00	12.89	(9.99)	0.00
24.94	53.96	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4.41	187.39	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	7.16	(61.45)	0.00
497.32	2.46	0.00	0.00	5.00	5.00	12.00	24.00	38.00	0.00	126.33	6.31	0.00
55.61	90.59	0.00	0.00	34.48	34.48	0.00	0.00	0.00	0.00	18.59	24.99	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
170.09	91.63	0.00	0.00	16.14	16.13	12.00	24.00	38.00	0.00	210.76	28.12	0.00
0.00	41.54	0.00	0.00	5.00	5.00	3.65	7.31	11.57	0.00	40.05	7.00	0.00
445.57	26.49	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	107.33	2.00	0.00
983.33	(7.70)	0.00	0.00	(5.00)	(5.00)	12.00	24.00	38.00	0.00	181.86	(4.79)	0.00
3.15	43.14	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	9.66	65.04	0.00
111.83	(110.22)	0.00	0.00	(5.00)	(5.00)	5.98	11.95	18.92	0.00	87.79	7.95	0.00
353.70	99.11	0.00	0.00	38.90	38.90	36.00	72.00	114.00	0.00	0.00	0.00	0.00
0.00	80.27	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	72.62	0.00
354.70	117.50	0.00	0.00	35.00	35.00	48.00	96.00	0.00	0.00	128.95	42.65	0.00
76.43	181.77	0.00	0.00	20.00	20.00	12.00	24.00	38.00	0.00	0.00	22.81	0.00
0.00	69.31	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	91.37	0.00
4,148.57	1,126.24	0.00	0.00	325.35	325.34	153.63	307.26	334.49	0.00	966.78	398.39	0.00

FAYETTEVILLE MACC LEDGER

2000-2010

JANUARY 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	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	15.00	10.00	0.00	0.00	0.00	0.00	34.78	134.49	0.00	0.00	30.00	0.00
0.00	10.00	5.00	0.00	0.00	0.00	0.00	28.66	198.36	0.00	0.00	15.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	17.69	57.37	0.00	0.00	15.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	123.75	0.00	0.00	10.00	0.00
0.00	0.00	(5.00)	0.00	0.00	0.00	0.00	43.27	27.88	0.00	0.00	15.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9.43	0.00	0.00	5.00	0.00
0.00	(5.00)	(5.00)	0.00	0.00	0.00	0.00	0.00	31.43	0.00	0.00	5.22	0.00
0.00	5.00	5.00	12.00	24.00	42.00	0.00	0.00	99.03	0.00	0.00	25.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	221.47	0.00	0.00	34.40	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	12.00	24.00	42.00	0.00	0.00	70.70	0.00	0.00	10.00	24.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	3.98	0.22	0.00	0.00	4.70	0.00
0.00	0.20	0.20	0.00	0.00	0.00	0.00	292.09	54.24	0.00	0.00	10.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(16.27)	0.00	0.00	5.00	0.00
0.00	20.00	20.00	0.00	0.00	0.00	0.00	25.50	53.41	0.00	0.00	20.60	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	10.23	85.31	0.00	0.00	20.35	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41.38	0.00	0.00	7.56	0.00
0.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	14.95	0.00	0.00	5.00	0.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	5.36	42.69	0.00	0.00	15.48	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	10.67	49.63	0.00	0.00	10.00	0.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	16.80	41.26	0.00	0.00	25.00	0.00
0.00	95.20	65.20	24.00	48.00	84.00	0.00	760.48	1,340.73	0.00	0.00	288.31	24.00

FAYETTEVILLE MACC LEDGER 2000-2010

JANUARY 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	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	50.37	810.93	0.00	0.48	0.95	18.00	0.00	80.04	2,469,478.85
0.00	0.00	782.75	0.00	6.30	12.59	0.00	24.26	49.60	1,727,018.36
0.00	0.00	549.68	0.00	1.24	2.47	0.00	3.92	53.45	3,562,771.52
0.00	0.00	3,085.06	9.76	91.65	183.34	0.00	117.02	57.76	2,087,270.93
0.00	0.00	1,809.03	2.32	31.40	62.81	0.00	61.45	58.00	616,713.00
0.00	0.00	1,112.00	9.81	12.61	25.23	0.00	37.67	53.38	710,929.15
0.00	0.00	805.77	0.00	5.33	10.67	0.00	18.98	60.63	244,041.41
0.00	0.00	1,724.04	3.03	51.04	102.07	0.00	76.91	59.34	101,486.22
0.00	124.81	2,091.28	0.00	24.02	48.04	36.19	44.91	99.96	80,036.80
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
24.00	27.83	2,732.10	2.41	394.63	766.94	10.59	92.27	84.25	183,143.80
0.00	0.00	1,454.34	3.46	31.02	62.08	0.00	46.71	41.44	65,880.22
0.00	0.00	1,520.64	3.71	1,083.91	2,167.82	0.00	49.63	43.32	227,763.40
0.00	0.00	1,561.64	0.03	18.89	37.78	0.00	52.04	49.06	71,441.87
0.00	0.00	2,260.55	49.62	48.06	96.15	0.00	63.31	48.36	133,843.46
0.00	33.91	1,786.00	3.30	16.90	33.79	3.51	42.10	27.73	56,195.61
0.00	0.00	1,148.77	0.00	24.39	48.80	0.00	80.30	44.22	54,053.21
0.00	0.00	1,056.10	0.00	12.29	24.60	0.00	31.33	45.71	49,274.34
0.00	5.20	1,407.28	0.01	39.95	79.90	1.89	53.65	59.15	64,551.05
0.00	0.00	2,465.68	16.99	50.46	100.93	0.00	88.38	61.15	127,954.15
0.00	0.00	2,788.62	19.79	70.52	140.99	0.00	86.39	66.25	135,220.43
24.00	242.12	32,952.26	124.24	2,015.09	4,007.95	70.18	1,071.23	1,142.80	12,769,067.78