



FAYETTEVILLE CITY COUNCIL
AGENDA
JULY 9, 2012
7:00 P.M.
City Hall Council Chambers

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 ANNOUNCEMENTS AND RECOGNITIONS

6.0 PUBLIC FORUM

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

7.0 CONSENT

7.1 Engineering & Infrastructure/Real Estate - Adopt a Resolution Declaring Real Property Owned Jointly with Cumberland County Surplus and Authorizing a Quitclaim of the City's Title to the County in Order to Expedite Sale of the Land by Cumberland County.

7.2 Award Contract for Resurface Various Streets 2013 - Phase I

7.3 Engineering & Infrastructure - Adopt a Resolution Declaring Real Property Owned Jointly with Cumberland County Surplus and Authorizing a Quitclaim of the City's Title to the County in Order to Expedite Sale of the Land by Cumberland County.

7.4 Consider Adoption of Resolution Authorizing Condemnation for the Acquisition of Right of Way (R/W) for the Ramsey Street Project

7.5 Approve Meeting Minutes:

April 23, 2012 Discussion of Agenda Items
April 23, 2012 Regular Meeting
May 7, 2012 WKS
May 14, 2012 Discussion of Agenda Items
May 14, 2012 Regular Meeting
May 16, 2012 Budget WKS
May 23, 2012 Agenda Briefing
May 23, 2012 Budget WKS
May 29, 2012 Discussion of Agenda Items
May 29, 2012 Regular Meeting
May 30, 2012 Budget WKS
June 4, 2012 WKS
June 11, 2012 Discussion of Agenda Items

7.6 Municipal Agreement with NCDOT for Bridge Replacement on Strickland Bridge Road over Little Rockfish Creek.

7.7 Municipal Agreement with NCDOT for Bridge Replacement on I-95 Business over the Cape Fear River and Cross Creek

7.8 Engineering & Infrastructure/Real Estate - Adopt a Resolution Declaring Real Property Owned Jointly with Cumberland County Surplus and Authorizing a Quitclaim of the City's Title to the County in Order to Expedite Sale of the Land by Cumberland County.

7.9 Tax Refunds of Greater Than \$100

8.0 PUBLIC HEARINGS

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

8.1 Text Amendment request by American Towers LLC to amend City Code Section 30-4.C.3(i)(4) Freestanding Towers, to allow required separation and setback standards to be considered during the special use permit process and waived or reduced by City Council upon finding good cause Presenter(s): Karen S. Hilton, AICP Manager, Planning and Zoning Division

9.0 OTHER ITEMS OF BUSINESS

9.1 Appointment of New City Manager

9.2 Parks and Recreation - Resolution for Preliminary Authorization for GO Park Bond Referendum

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

10.0 ADMINISTRATIVE REPORTS

10.1 Tax Refunds of Less Than \$100

11.0 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

July 9, 2012 - 7:00 p.m.

COMMUNITY CHANNEL 7

COUNCIL MEETING WILL BE RE-AIRED

June 11, 2012 - 10:00 p.m.

COMMUNITY CHANNEL 7

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

CITY COUNCIL ACTION MEMO

TO:

FROM:

DATE: July 9, 2012

RE:

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO:

FROM:

DATE: July 9, 2012

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

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Tami C. Lewis, Senior Paralegal
DATE: July 9, 2012
RE: **Engineering & Infrastructure/Real Estate - Adopt a Resolution Declaring Real Property Owned Jointly with Cumberland County Surplus and Authorizing a Quitclaim of the City's Title to the County in Order to Expedite Sale of the Land by Cumberland County.**

THE QUESTION:

How best to respond to a request from Cumberland County for assistance in expediting sale of jointly-owned real property.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government

BACKGROUND:

Cumberland County and the City of Fayetteville received joint title to the property identified and located at the following:

- | | |
|----------------|------------------|
| 1- 538 Mayview | PIN 0436-07-9378 |
| 2- 505 Mayview | PIN 0436-07-8334 |

The County has received an offer to purchase said property and is requesting the City declare the property surplus and quitclaim the City's interest to the County in order to expedite the sale process. Title to the above subject property is jointly held due to the foreclosure by the County in its role as tax administrator. The County is in receipt of an offer to purchase the property for a price equaling the foreclosure bid: i.e. \$6,031.21. The City's share of over due property taxes has already been collected. If the present bid is declined, there is a good chance the property will remain in joint government ownership not earning taxes and requiring upkeep.

ISSUES:

None

BUDGET IMPACT:

None

OPTIONS:

1. Accept the County's request and quitclaim the City's title to the County.
2. Decline the County's request.

RECOMMENDED ACTION:

Adopt the attached resolution declaring the property surplus and authorize the City Manager to sign a quitclaim deed conveying the City's interest to the County in exchange for the City's share of overdue property taxes.

ATTACHMENTS:

Map

Resolution



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

Resolution R2012_____

***RESOLUTION DECLARING PROPERTY EXCESS
TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE
IN THE PROPERTY TO CUMBERLAND COUNTY***

WHEREAS, the City of Fayetteville and the County of Cumberland jointly own real property in Cumberland County, said properties having the following tax map designation and locations –

- 1- PIN 0436-07-9378 being 538 Mayview
- 2- PIN 0436-07-8334 being 505 Mayview; and

WHEREAS, the City of Fayetteville has a financial interest in the form of getting the real property back on the tax books; and

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

WHEREAS, the County of Cumberland has received an offer to purchase the parcels and requests that the City of Fayetteville join in the sale of the property by declaring the parcels surplus to the City's needs and quitclaiming the City's title to the County; and

WHEREAS, the City Council of the City of Fayetteville finds such actions to be in the public interest.

NOW THEREFORE, the City Council of the City of Fayetteville hereby declares that the aforesaid real property is surplus to City's needs and authorizes its Manager to sign a deed quitclaiming title to the County of Cumberland.

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

CITY OF FAYETTEVILLE

(SEAL)

By: _____
Kristoff Bauer, Interim City Manager

ATTEST:

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria B. Wrench, Purchasing Manager
DATE: July 9, 2012
RE: **Award Contract for Resurface Various Streets 2013 - Phase I**

THE QUESTION:

Staff requests approval to award a contract for the City's 2013 resurfacing work. This work consists of resurfacing approximately 28 streets (list of streets is attached).

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The project was first advertised for bids to be opened on May 31, 2012, however, only two (2) bids were received. Therefore, in accordance with North Carolina General Statutes which require three (3) bids for opening on the first advertisement, the project was readvertised and bids were opened on June 8, 2012 as follows:

Barnhill Contracting Company, Fayetteville, NC	\$922,559.40
Highland Paving Company, Fayetteville, NC	\$946,298.00

The SDBE participation goal for this project was 10% and Barnhill Contracting Company met the 10% goal.

ISSUES:

None

BUDGET IMPACT:

The available budget is \$3,500,000.

OPTIONS:

- (1) Award contract as recommended by staff.
- (2) Not award contract.

RECOMMENDED ACTION:

Award contract to the lowest responsive, responsible bidder, Barnhill Contracting Company, Fayetteville, NC, in the amount of \$922,559.40.

ATTACHMENTS:

Resurface Various Streets, 2013-Phase I

Fall 2012-2013 Resurfacing Streets

Streets from left from previous year

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>LENGTH</u>	<u>WIDTH</u>
CALAMAR DR.	RIM RD.	CUL-DE-SAC	4693	26

Proposed Resurfacing Streets

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>LENGTH</u>	<u>WIDTH</u>
E. DARROW DR.	BINGHAM DR.	W. DARROW	552	25
W. DARROW DR.	E. DARROW	BINGHAM DR.	370	25
ARBERDALE DR.	E. DARROW DR.	BINGHAM DR.	967	25
INDIGOBUSH PL.	PEPPERBUSH DR.	CUL-DE-SAC	115	57
HORSECHESTNUT PL.	PEPPERBUSH DR.	CUL-DE-SAC	115	57
TWINFLOWER CT.	PEPPERBUSH DR.	CUL-DE-SAC	115	57
BALDCYPRESS CT.	PEPPERBUSH DR.	CUL-DE-SAC	120	57
MOSSY CUP LANE	PEPPERBUSH DR.	SPINDLE TREE DR.	751	25
JUNE BERRY LANE	PEPPERBUSH DR.	SPINDLE TREE DR.	767	25
BUFFALO BERRY PL.	PEPPERBUSH DR.	CUL-DE-SAC	219	25
PRESTIGE BLVD.	BOOKSHIRE ST.	CUL-DE-SAC	1834	26
HEARTLAND DR.	DEAD END	CUL-DE-SAC	847	26
ROSSMORE DR.	DEAD END	CUL-DE-SAC	1522	26
LAURA-ANN CT.	ROSSMORE DR.	CUL-DE-SAC	438	26
ASHLEMAN DR.	LAURA-ANN CT.	CUL-DE-SAC	841	26
WINDY GROVE CT.	BLANKSHIRE RD.	CUL-DE-SAC	640	25
HEMSLEY DR.	RYEFIELD DR.	FOX BERRY RD.	1750	26
ANONA DR.	DUNBRIDGE DR.	EAGLECHASE DR.	860	26
EAGLECHASE DR.	ANONA DR.	OFFING DR.	450	25
OFFING DR.	CLIFFDALE RD.	DEAD END	999	32
MELBOURNE DR.	GLEN REILLY DR.	GLEN REILLY DR.	1345	26
MAWOOD ST.	OLD GATE RD.	OLD GATE RD.	2038	25
STITCH ST.	FOX FERN DR.	CUL-DE-SAC	351	27
FOX FERN DR.	NANN ST.	BEVERLY DR.	1599	27
SHUMONT DR.	NANN ST.	BEVERLY DR.	884	27
MEDIA DR.	72 st. SCHOOL RD.	VARGA ST.	1518	23
VARGA ST.	BRONWYN ST.	DEAD END	406	23
Total Miles:			5.13	

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Tami C. Lewis, Senior Paralegal
DATE: July 9, 2012
RE: **Engineering & Infrastructure - Adopt a Resolution Declaring Real Property Owned Jointly with Cumberland County Surplus and Authorizing a Quitclaim of the City's Title to the County in Order to Expedite Sale of the Land by Cumberland County.**

THE QUESTION:

How best to respond to a request from Cumberland County for assistance in expediting sale of jointly-owned real property.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government.

BACKGROUND:

Cumberland County and the City of Fayetteville received joint title to the properties identified as & located at the following locations:

- | | |
|---------------------|------------------------------------|
| 1- PIN 0437-11-4516 | Savoy Hgts - Lots 114 & 116 |
| 2- PIN 0437-11-0345 | Weiss Ave - Lot 216 |
| 3- PIN 0437-00-6970 | Savoy Hgts - Lot 311 |
| 4- PIN 0437-00-0500 | Savoy Hgts - Lots 403 & 405 |
| 5- PIN 0437-12-4190 | Savoy Hgts - Lot 104 |
| 6- PIN 0426-54-8992 | 4.05 ac land adj to Briarwood Hill |

The County has received an offer to purchase said properties and is requesting the City declare the properties surplus and quitclaim the City's interest to the County in order to expedite the sale process. Title to the above subject property is jointly held due to the foreclosure by the County in its role as tax administrator. The County is in receipt of an offer to purchase the property for a price equaling the foreclosure bid; i.e. \$9,830. The City's share of assessments due is \$2,122.78. If the present bid is declined, there is a good chance the property will remain in joint government ownership not earning taxes and requiring upkeep.

ISSUES:

None

BUDGET IMPACT:

None

OPTIONS:

1. Accept the County's request and quitclaim the City's title to the County.
2. Decline the County's request.

RECOMMENDED ACTION:

Adopt the attached resolution declaring the property surplus and authorize the City Manager to sign a quitclaim deed conveying the City's interest to the County in exchange for the City's overdue assessments.

ATTACHMENTS:

resolution

Map

Map

Map
Map

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

Resolution R2012_____

***RESOLUTION DECLARING PROPERTY EXCESS
TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE
IN THE PROPERTY TO CUMBERLAND COUNTY***

WHEREAS, the City of Fayetteville and the County of Cumberland jointly own real property in Cumberland County, said properties having the following tax map designation and locations –

- 1- PIN 0437-11-4516 being Lots 114 & 116 Savoy Hgts Sec. 1
- 2- PIN 0437-11-0345 being Lot 216 Weiss Ave
- 3- PIN 0437-00-6970 being Lot 311 Savoy Hgts
- 4- PIN 0437-00-0500 being Lots 403 & 405 Savoy Hgts & Vac to Creek
- 5- PIN 0437-12-4190 being Lot 104 Savoy Hgts
- 6- PIN 0426-54-8992 being 4.05 acres of Land adj Briarwood Hills Sec.3; and

WHEREAS, the City of Fayetteville has a financial interest in the form of collecting assessments on 216 Weiss Avenue and getting the real property back on the tax books; and

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

WHEREAS, the County of Cumberland has received an offer to purchase the parcels and requests that the City of Fayetteville join in the sale of the property by declaring the parcels surplus to the City's needs and quitclaiming the City's title to the County; and

WHEREAS, the City Council of the City of Fayetteville finds such actions to be in the public interest.

NOW THEREFORE, the City Council of the City of Fayetteville hereby declares that the aforesaid real property is surplus to City's needs and authorizes its Manager to sign a deed quitclaiming title to the County of Cumberland.

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

CITY OF FAYETTEVILLE

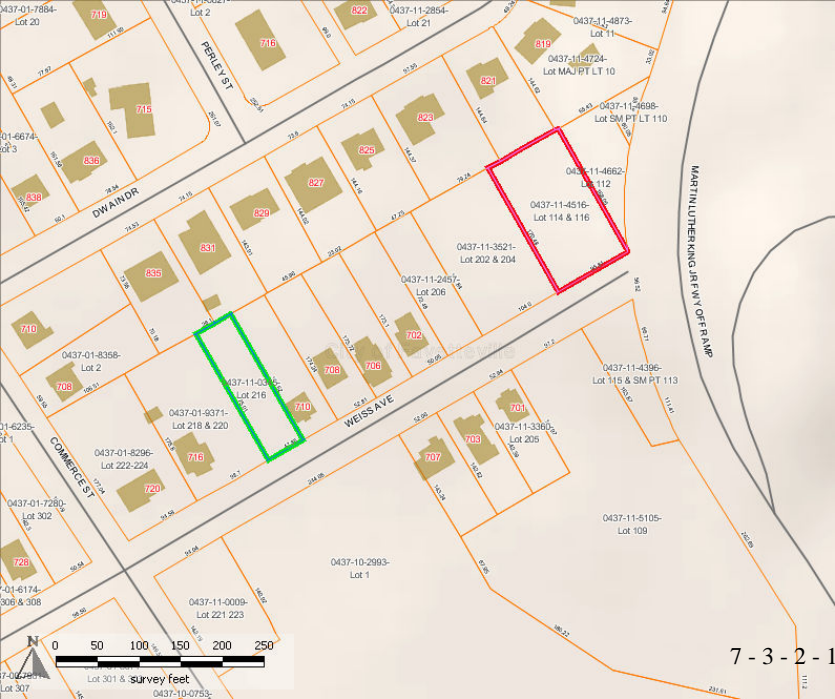
(SEAL)

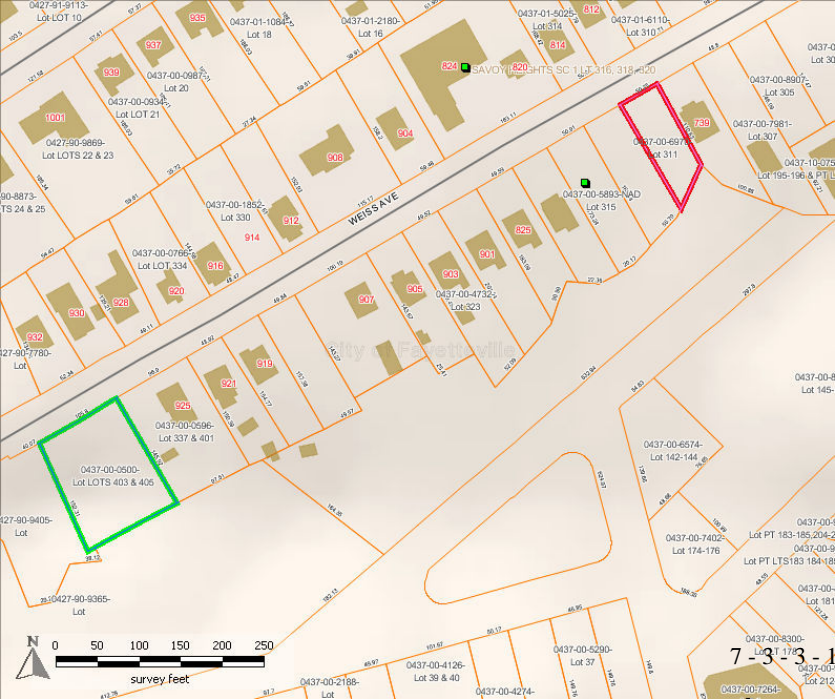
By: _____
Kristoff Bauer, Interim City Manager

ATTEST:

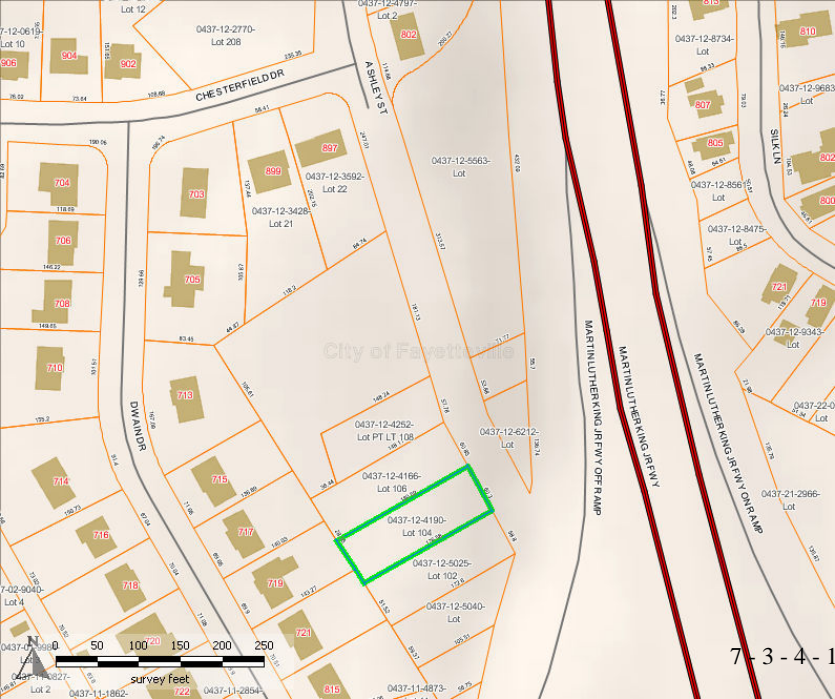
Pamela Megill, City Clerk

E:\Real Estate\Lewis\Resolutions\CountyquitclaimRes.doc

 $7 - 3 - 2 - 1$



7-3-3-1

~~7~~ - 3 - 4 - 1



7 - 3 - 5 - 1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Kecia Parker, Real Estate Manager
DATE: July 9, 2012
RE: **Consider Adoption of Resolution Authorizing Condemnation for the Acquisition of Right of Way (R/W) for the Ramsey Street Project**

THE QUESTION:

Whether Council is willing to authorize acquisition of the necessary R/W required for the construction of the safety improvements for Ramsey Street through condemnation pursuant to North Carolina General Statute.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods-A Great Place to Live

BACKGROUND:

- The NCDOT made a presentation to Council on May 7, 2007 concerning the need for access management on Ramsey Street through the construction of concrete islands, raised medians, directional crossovers and channelization.
- Council adopted Resolution No. R2007-22 on May 14, 2007 endorsing the design and construction of safety improvements for Ramsey Street.
- On July 27, 2009, Council approved a Municipal Agreement with NCDOT which made the City responsible for R/W acquisitions and utility adjustments necessary to construct the project.
- Council has allotted \$350,000.00 to date for R/W acquisition and utility adjustments.
- City Council approved a resolution on July 26, 2010 to condemn nine properties. However at that time staff had received a Right of Entry Agreement signed by the owner of the subject property and staff believed the property could be acquired without condemnation action.
- The project is near completion and the Right of Entry Agreement will soon expire.
- Staff has attempted on numerous occasions to acquire the needed R/W for subject parcel.
- City Staff has been unsuccessful in acquiring the R/W needed from parcel #0439-65-2818 and is seeking approval to move forward with condemnation.

ISSUES:

- City Staff initially thought that this R/W could be acquired by simply working with the property owner, however the property owner has not been cooperative to date.
- The Municipal Agreement makes the City responsible for acquiring the R/W for the project.
- The contractor is near completion on the project.

BUDGET IMPACT:

There is no significant impact to budget for this action.

OPTIONS:

- Adopt the resolution authorizing the acquisition of the necessary R/W for the project through condemnation in order to complete project.
- Do not adopt the resolution and direct staff as to how to proceed.

RECOMMENDED ACTION:

Adopt the resolution authorizing acquisition of the necessary R/W for the project through condemnation.

ATTACHMENTS:

Resolution

Correspondence Log

Map

Aerial Map

***A RESOLUTION AUTHORIZING CONDEMNATION
TO ACQUIRE CERTAIN PROPERTY***

WHEREAS, the governing body of the City of Fayetteville hereby determines that it is necessary and in the public interest to acquire certain property for the following public purpose:

***RIGHT OF WAY FOR ROAD IMPROVEMENTS, COMMONLY KNOWN AS THE
RAMSEY STREET PROJECT***

WHEREAS, the proper officials or representatives of the City of Fayetteville have been unable to acquire the needed interest in this property by negotiated conveyance.

***NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF FAYETTEVILLE, THAT:***

1. The City of Fayetteville shall acquire by condemnation, for the purpose stated above, the property and interest as shown on the attached map sheets;

PARCEL

2 Ellen Bill

2. The City Attorney is directed to institute the necessary proceedings under North Carolina General Statute § 40A-42 to acquire the property herein described.

ADOPTED this the 10th day of July, 2012, by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Pamela Megill, City Clerk

MEMORANDUM

TO: Kecia Parker, Real Estate Manager

FROM: Brandy Bishop, Senior Paralegal

DATE: June 21, 2012

SUBJECT: Ellen O. Bill
3750 Ramsey Street
PIN#: 0439-65-2818-
Correspondence Log

03-16-10: Initial letter of interest mailed out to all property owners.

03-16-10: Telephone call to Ms. Ellen Bill, she said to please call her son-in-law to discuss this matter

03-22-10: Met with the Bill's and dropped of documents for closing

06-15-10: Telephone call to Mr. Scott he will find out from Ms. Ellen and get back to us by 06-16-10

06-21-10: Telephone call to Mr. Scott for a status, left message

06-24-10: Telephone call to Mr. Scott left message

07-07-10: Telephone call to Mr. Scott, the company is closed will reopen on 7/12/10

07-15-10: Received executed right of entry

10-27-11: Letter mailed to Mr. Scott with closing statement, W-9 Tax forms, Right-of-Way Deed and return envelope

12-01-11: Telephone call to Mr. Scott, left message. He returned my call and said he would check with Ms. Ellen Bill and call me back with an update.

12-08-11: Telephone call to Mr. Scott, left message

12-19-11: Telephone call to Mr. Scott, he asked me to call back tomorrow

12-21-11: Telephone call to Mr. Scott, left message

12-27-11: Telephone call to Mr. Scott, he said he would talk to her over the weekend and give me an update next week

12-28-11: Received a call from Sharon B. Scott regarding her mother, Ellen Bill. She said that she would prefer us contact her from this point further as it pertains to her mother's property. She gave me her work phone # and extension so that I could call her directly. Ms. Scott was very helpful and let me know the names of the spouses of her siblings and told me she would help me obtain the signatures for her side of the family.

12-30-11: Letter mailed to Sharon Scott with revised closing statement, W-9 Tax forms, Right-of-Way Deed and return envelope

01-11-12: Telephone call to Sharon Scott left message

01-25-12: Telephone call to Sharon Scott, said she is in the process of getting documents signed. She already has some signatures, hopefully she will get the others within a week.

01-31-12: Telephone call to Sharon Scott, left message

03-06-12: Telephone call to Sharon Scott, left message
03-29-12: Telephone call to Sharon Scott, she is on vacation
04-12-12: Telephone call to Sharon Scott, said she has 2 signatures left to acquire
04-23-12: Telephone call to Sharon Scott, left message
05-01-12: Telephone call to Sharon Scott, she is gone for the day
05-14-12: Telephone call to Sharon Scott, left message
06-11-12: Telephone call to Sharon Scott, told her that we are under strict time restraints and will need to take this matter to Council to pursue condemnation if we do not acquire the right-of-way soon
06-20-12: Telephone call to Sharon Scott, left message
06-21-12: Telephone call to Sharon Scott, told her we would be pursuing condemnation and that we would be taking this to City Council on July 9, 2012. She said that she had customers and could not discuss this matter. I asked her to call me and she said she may call me back.

6+31.89
76

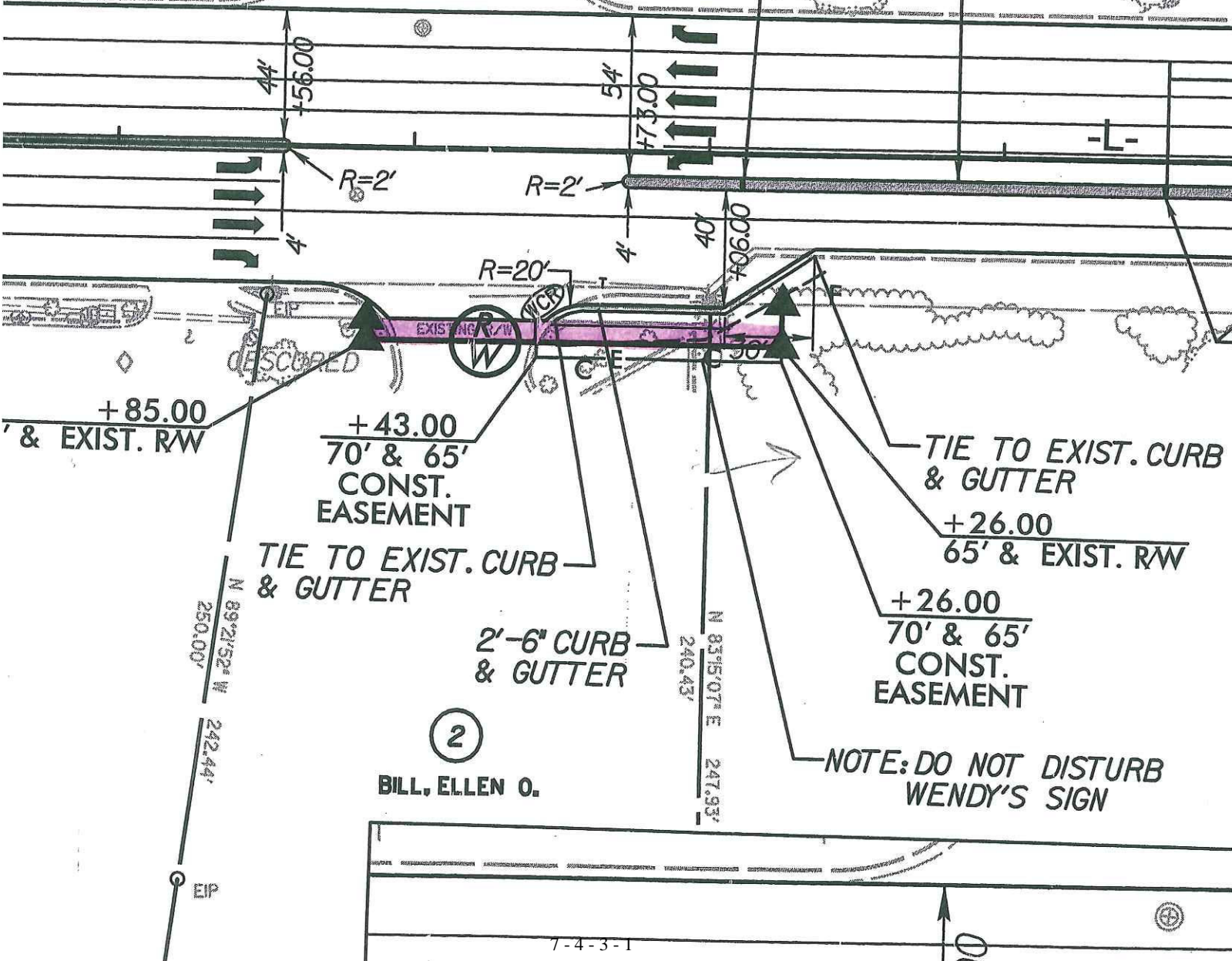
SHOPPING CENTER
NORTH

MONOLITHIC ISLAND
(KEYED-IN)

12" SLOT DRAIN

OBSCURED

OBSCURED



+85.00
& EXIST. RW

+43.00
70' & 65'
CONST.
EASEMENT

TIE TO EXIST. CURB
& GUTTER

2'-6" CURB
& GUTTER

TIE TO EXIST. CURB
& GUTTER

+26.00
65' & EXIST. RW

+26.00
70' & 65'
CONST.
EASEMENT

NOTE: DO NOT DISTURB
WENDY'S SIGN

2
BILL, ELLEN O.

Ellen Bill
820.9 SF - Right-of-Way
292.5 SF - Easement

2

0439-65-2818-

RAMSEY ST

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Pamela Megill, City Clerk
DATE: July 9, 2012
RE: **Approve Meeting Minutes:**

April 23, 2012 Discussion of Agenda Items
April 23, 2012 Regular Meeting
May 7, 2012 WKS
May 14, 2012 Discussion of Agenda Items
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May 16, 2012 Budget WKS
May 23, 2012 Agenda Briefing
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May 29, 2012 Regular Meeting
May 30, 2012 Budget WKS
June 4, 2012 WKS
June 11, 2012 Discussion of Agenda Items

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:

042312 Discussion of Agenda Items
042312 Regular Meeting
050712 WKS

051412 Discussion of Agenda Items
051412 Regular Meeting
051612 Budget Workshop
052312 Agenda Briefing
052312 Budget WKS
052912 Discussion of Agenda Items
052912 Regular Meeting
053012 Budget Workshop
061112 Discussion of Agenda Items
060412 WKS

DRAFT

FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
APRIL 23, 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: Kristoff Bauer, Interim City Manager
Karen McDonald, City Attorney
Douglas Peters, President/CEO, Fayetteville-Cumberland County Chamber of Commerce
Wade Byrd, Fayetteville-Cumberland County Chamber of Commerce
Members of the Press

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

MOTION: Council Member Bates moved to go into closed session for consultation with the attorney for an economic development matter, attorney-client privileged matters, and litigation in the matters of the Prince Charles Hotel and *State of North Carolina v. Bill and Sophia Agapion*.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

The regular session recessed at 6:05 p.m. The regular session reconvened at 6:40 p.m.

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

Mayor Chavonne reviewed the agenda items.

Council Member Bates clarified the options on Items 6.9 and 6.11.

There being no further business, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
APRIL 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: Kristoff Bauer, Interim City Manager
Karen M. McDonald, City Attorney
Renner Eberlein, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering & Infrastructure Director
Scott Shuford, Development Services Director
Craig Harmon, Planner II
Randall Hume, Transit Director
Rebecca Rogers-Carter, Management Services Manager
Jennifer Lowe, Public Information Officer
Douglas Peters, President/CEO, Cumberland-
Fayetteville Chamber of Commerce
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 Jong-Su Hong, Senior Pastor at New Life Community Church of Fayetteville.

3.0 PLEDGE OF ALLEGIANCE

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

RECOGNITION

Ms. Roberta Waddle, National Organization of Women (NOW), gave praise and recognition to Police Officer Stacy Sanders for all of her hard work and dedication to the homeless in the community and presented Officer Sanders with the Susan B. Anthony 2012 Honoree Award.

Council Member Hurst congratulated and presented Ms. Kaycey Hall, Miss Fayetteville 2012, and Ms. Emma Carter, Miss Fayetteville Outstanding Teen 2012, with a City Coin in recognition of representing the City of Fayetteville. He wished both young ladies best wishes for their forthcoming respective pageants.

The Honorable Rick Glazier, member of the North Carolina House of Representatives, gave recognition and praise to Ms. Judy Dawkins, and on behalf of the Cumberland County Legislative Delegation and the Governor of the State of North Carolina, Ms. Beverly Purdue, to award her the Order of the Long Leaf Pine; the highest civilian order. Ms. Dawkins thanked The Honorable Rick Glazier and gave appreciation to all in attendance. All attending gave Ms. Dawkins a standing ovation.

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4.0 APPROVAL OF AGENDA

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

5.0 CONSENT

MOTION: Council Member Hurst moved to approve the consent agenda.
SECOND: Mayor Pro Tem Arp
VOTE: PASSED by a vote of 9 in favor and 1 in opposition (Council Member Bates)

5.1 Community Development - Approval of the Community Development 2012-2013 Annual Action Plan.

5.2 Approve "sole source" purchase of transit bus shelters, benches, solar lighting and associated spare shelter parts.

Pursuant to N.C.G.S. 143-129(e)(6), Council approved the sole source purchase for bus shelters, benches, solar lighting kits, and shelter spare parts in the amount of \$95,405.00 from Tolar Manufacturing Company, Inc., Williamsville, NY, to be funded through Transit's Improvements and Enhancements - Equipment fund (City funds - available balance of \$49,763.23) and FTA FY 11 Capital Fund (Federal Formula Grant - available balance of \$50,000.00).

5.3 Budget Ordinance Amendment 2012-9 (General Fund - Various Items).

The amendment appropriated \$284,438.00 in the General Fund and would primarily be used to fund services to be provided in the Gates Four area beginning April 25, 2012. Other appropriation changes were related to the transfer of funding set aside for the City's 250th Anniversary celebration from the Mayor and Council budget to the Parks, Recreation and Maintenance Department budget, and additional funding needed for the City Manager's office related to the management transition. The source of funding for the amendment was a \$284,438.00 appropriation from General Fund fund balance.

5.4 Case No. P12-11F. Rezoning from HI Heavy Industrial District to CC Community Commercial District, or a more restrictive district, on property located at 2133 Owen Drive. Containing 0.59 acres more or less and being the property of Dal H. Ahn and Myoung S. Ahn.

5.5 Substantive and housekeeping amendments to the Development Services fee schedule.

5.6 Fort Bragg Road rehabilitation contract - Re-advertise the award of the contract to Highland Paving Company, Fayetteville, NC, in the amount of \$557,026.36.

Bids were received as follows:

Highland Paving Company (Fayetteville, NC) \$557,026.36
Barnhill Contracting Company (Fayetteville, NC) \$675,049.30

5.7 Revisions to Article VII, Wrecker and Tow Service.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS OF ARTICLE VII, WRECKER AND TOW SERVICE, UNDER CHAPTER 24, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S2012-005.

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- 5.8 PWC - Bid recommendation to award contract for tubular steel structures to TransAmerican Power Products, Inc., Houston, TX, low bidder, in the amount of \$558,959.00.

Bids were received as follows:

TransAmerican Power Products, Inc. (Houston, TX) ...	\$558,959.00
Dis-Tran, LLC (Pineville, LA)	\$629,079.00
Bridgewell Resources (Tigard, OR)	\$635,673.00
Thomas & Betts Corporation (Memphis, TN)	\$645,444.00
M.D. Henry Co., Inc. (Pelham, AL)	\$649,714.00
Valmont/Newmark Industries (El Dorado, KS)	\$782,528.00
Valmont/Newmark Industries (Tulsa, OK)	\$845,125.00
HD Supply Utilities (Wake Forest, NC)	\$904,659.00

- 5.9 Special Revenue Fund Project Ordinance 2012-15 (2012 Badges for Baseball Program).

The ordinance appropriated \$23,309.00 for the 2012 Badges for Baseball Program.

- 5.10 Special Revenue Fund Project Ordinance 2012-16 consistent with FBRA and City Agreement for Bragg Boulevard Corridor Plan.

The ordinance appropriated \$200,000.00 (\$50,000.00 City match and \$150,000.00 federal grant) for the Bragg Boulevard corridor project described in the interagency agreement.

- 5.11 PWC - Phase 5 Annexation Areas 8 and 9.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS.
RESOLUTION NO. R2012-016.

6.0 PUBLIC HEARINGS

- 6.1 Case No. P12-16F. Initial zoning from C3 Commercial District (County) to HI Heavy Industrial District, or a more restrictive district, on property located at 4433 Claude Lee Road. Containing 1.62 acres more or less and being the property of Alfred Young and Linda Young.

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 being petitioned for annexation into the City so that the owner could remain on the City's rotation for wrecker services. He explained the owner currently had a towing business located at Southern Avenue and W. Mountain Drive and due to a widening project on Southern Avenue, the owner would have to relocate. He further explained the property currently had a body shop and salvage yard on it and the salvage yard started on the property in question and extended to the property behind it. He advised the Zoning Commission and staff recommended that the property not be zoned into the City. He further advised that staff recommended that if the property were annexed, it should become an HI district based on the UDO requirement that all salvage yards be located in the HI district.

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.

A brief question and answer period ensued.

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

- 6.2 Case No. P12-17F. Initial zoning from R10 Residential District (County) to SF-10 Single Family District, or a more restrictive

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district, on property located south of Snow Hill Road west of Claude Lee Road. Containing 28 acres more or less and being the property of Lakeside at Snow Hill 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 being petitioned for annexation into the City as the owner wished to develop the property into a single-family subdivision and extend public utilities into the new development. He explained the property was in the airport flight zone and even though it was Phase II of an existing development, the Airport was against any further residential development in its flight path. He further explained the property was within the Airport Overlay District which regulates height of structures around the airport. He advised the Zoning Commission and staff recommended approval of the initial zoning to SF-10 if the property were annexed.

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

Mr. Del Crawford, 116 N. Cool Spring Street, Fayetteville, NC, appeared in favor and stated he was an attorney representing the property owners.

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

A question and answer period ensued between the City Council, Mr. Scott Shuford, Development Services Director, and Mr. Crawford.

MOTION: Council Member Fowler moved to approve.
SECOND: Council Member Bates
VOTE: PASSED by a vote of 8 in favor and 2 in opposition (Council Members Haire and Crisp)

6.3 Case No. P12-18F. Initial zoning from R15 Residential District (County) to SF-10 Single Family Residential District, or a more restrictive district, on property located at 6342 and 6346 Caveson Court. Containing 0.45 acres more or less and being the property of Broadwell-Weber Investments.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property had petitioned for annexation into the City and would have to be considered for City zoning if that took place. He explained the property was located inside of the City's Municipal Influence Area (MIA) and the owner wished to annex a piece of property that would be split among two properties on Caveson Court in order to square each property off. He further explained the property was currently zoned R15 in the County, but it would be added to property in a subdivision zoned SF-10. He advised for that reason, staff was recommending that the property be zoned SF-10 in the City to match the remainder of the subdivision.

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.

A brief question and answer period ensued.

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

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6.4 Public hearing to consider a petition requesting annexation for a contiguous area known as "Greystone Farms - Rear of Lots 37 & 38".

Mr. David Nash, Planner II, presented this item. He provided background information on the petition and explained Greystone Farms had been under development since 1990 but Lots 37 and 38, located along the eastern side of Caveson Court, had not yet been developed. He stated the developer was requesting that a small part of an adjoining parcel be annexed. He explained if the land was annexed, it would be added to the rear of Lots 37 and 38. He further explained that since Lots 37 and 38 would be served by PWC water and sewer, and since the area to be added to the rear of the lots was in the Fayetteville MIA, the owners would be required to submit an annexation petition. He stated the City Council revised the policy on annexation petitions and initial zoning and this was the first petition submitted after the policies were revised. He stated the City staff had scheduled the petition based on the new policies. He advised staff recommended adoption of the annexation ordinance with an effective date of April 23, 2012.

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.

A brief question and answer period ensued.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA [GREYSTONE FARMS - REAR OF LOTS 37 AND 38 (PIN 0541-12-0180 - SMALL PART OF)]. ANNEXATION ORDINANCE NO. 2012-04-537.

MOTION: Council Member Bates moved to approve the annexation with an effective date of April 23, 2012, and to rezone the property to SF-10.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

6.5 Public hearing to consider a petition requesting annexation for a non-contiguous area known as "Lakeside at Snow Hill, Phase 2".

Mr. David Nash, Planner II, presented this item. He provided background information on the petition and updated Council on the next phase of the residential development which was in the MIA. He explained the owner was now preparing to build Phase II. He briefly reviewed departmental concerns regarding police service, fire protection, and the distance vehicles would need to travel in order to get to the area. He further reviewed the zoning issues; the issue of whether the property would be developed according to City development standards as required by the new annexation petition policy, as the petition was submitted before the policy was changed; and airport compatibility issues. He advised staff recommended adoption of the ordinance with an effective date of April 23, 2012, and to establish the initial zoning as SF-10 Single Family Residential.

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

Mr. Del Crawford, 116 N. Cool Spring Street, Fayetteville, NC, appeared in opposition and stated he was an attorney representing the property owners.

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

A question and answer period ensued.

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MOTION: Mayor Pro Tem Arp moved to approve the annexation with an effective date of April 23, 2012, and to rezone the property to SF-10.

SECOND: Council Member Hurst

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

6.6 Public hearing to consider a petition requesting annexation for a non-contiguous area known as the "Young Property".

Mr. David Nash, Planner II, presented this item. He provided background information on the petition and stated the property was located at 4433 Claude Lee Road which was not in the MIA but was close. He stated the property owner had a wrecker service operating from a site on Southern Avenue and due to a road widening project, the wrecker service would no longer work at the Southern Avenue site. He stated the owner had not been able to find a new location in the City limits in order to remain on the City's wrecker service rotation list, therefore he moved the wrecker service to his property on Claude Lee Road which was not in the City limits. He stated the owner would like his property on Claude Lee Road annexed into the City as a satellite so that he could stay on the City's wrecker service rotation list. He stated the owner was not requesting annexation because he wanted to receive PWC water and/or sewer and that the owner would continue using a well and septic tank. He advised staff recommended denial of the petition for annexation.

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

Mr. Larry Brigman, 4412 Claude Lee Road, Fayetteville, NC 28306, appeared in opposition and stated he had lived in his home for over 30 years. He complained about the crime and vandalism in his residential area.

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

A question and answer period ensued.

MOTION: Council Member Bates moved to deny the petition for annexation.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

6.7 Amendment to City Code Chapter 30, Section 30-5.A.3, Parking Lot Cross-Access, and Section 30-6.A.4(c), Lots and Lot Frontage, to modify certain access standards affecting both residential and non-residential development.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item with the aid of a power point presentation and stated staff had identified the need to clarify and provide for access standards for both residential and nonresidential properties. She stated for residential properties, the need had been triggered by several inquiries and two waiver requests over the past several weeks to acquire access to landlocked properties. She further stated for commercial properties, an approach for "group development" that established standards for internal access in the previous development code was no longer in the code and no alternative was available to the requirement that all development would have direct access to a public street. She stated also impacting commercial properties was the requirement to provide cross-access to an adjacent property and to minimize the need for curb cuts on major streets and arterials. She stated the specific changes being proposed were (1) to clarify lot standards on a cul-de-sac and establish flag lot standards for residential properties; (2) that access for up to five lots would be via a recorded permanent easement with maintenance agreement acceptable to the City and the access built to City standards for

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commercial properties; and (3) to clarify the ability of the City Manager to waive the cross-access requirement when topography or the development pattern would make such access unnecessary or unreasonable. She stated staff recommended adoption of the amendment as proposed.

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

Mr. Morrison West, 421 N. Reilly Road, Fayetteville, NC, appeared in favor and expressed his frustration regarding his neighbor driving across his property.

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

A question and answer period ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND PORTIONS OF ARTICLE 5, DEVELOPMENT STANDARDS, AND ARTICLE 6, SUBDIVISION, OF CITY CODE CHAPTER 30, TO CLARIFY AND PROVIDE FOR ACCESS UNDER SPECIFIC CONDITIONS TO PARCELS THAT DO NOT ABUT A PUBLIC OR PRIVATE STREET. ORDINANCE NO. S2012-006.

MOTION: Council Member Hurst moved to approve.

SECOND: Council Member Davy

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

6.8 Amendment to City Code Chapter 30, Articles 30-3.E and 30-5.A, B, C, F, and I, and 30-6.E, to amend standards for density, setbacks for certain uses, percent of door/window openings, parking, landscaping, open space, and parkland for the DT Downtown zoning district.

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation and provided background information on the Unified Development Ordinance (UDO), zoning map, and UDO amendments. He stated in December 2011 several adjustments to the Downtown standards were identified and considered by the Planning Commission in conjunction with possible changes to the separation standards associated with bars, nightclubs, child care, churches, and schools. He stated all proposed changes for the downtown district were deferred to allow discussion. He stated the separation standards were not part of the amendments being proposed. He stated the changes were discussed with various downtown groups and the UDO Advisory Committee as well as with the Planning Commission. He stated the issues being addressed by the proposed changes in the Downtown District (DT) standards were those of practicality--the exemption from landscaping, open space, and parkland requirements as well as the slight reduction in the required amount of window and door area and clarity. He stated changes to delete required parking in the DT and allow unlimited density would help strengthen the economics for downtown development as well as reinforce the urban form of the downtown area. He advised staff recommended adoption of the amendment as proposed.

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 TO PROVIDE CHANGES IN ARTICLE 30-3, 30-5, AND 30-6, ALL RELATING TO THE DT DOWNTOWN ZONING DISTRICT, TO MODIFY DENSITY, DOOR/WINDOW GLAZING (OPENINGS), SETBACK, PARKING, LANDSCAPING, OPEN SPACE AND PARKLAND. ORDINANCE NO. S2012-007.

MOTION: Council Member Davy moved to approve.

SECOND: Council Member Fowler

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VOTE: UNANIMOUS (10-0)

6.9 Amend City Code Chapter 30, Articles 4 and 9, to create, classify, and set special standards for transitional housing, and establish conditions to allow modification of the separation standards for certain group living facilities in business zoning districts through the special use permit process.

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation and stated the amendment was prompted by a request to establish a halfway house on Ramsey Street in a commercial location. He stated the location appeared appropriate for the use, but a separation standard had not been met. He stated group homes, some therapeutic homes, and halfway houses were required to be located at least 2,640 feet from any other group home, therapeutic home, or halfway house. He stated the separation requirement was adopted in the past due to a large number of group and therapeutic homes being established to serve persons with mental illness or disability. He stated once the State started its policy of mainstreaming these individuals, the "market" for these facilities was greatly reduced. He stated staff proposed maintaining the separation requirements in residential districts, but allowing the separation standards to be reduced or waived in business districts through the special use permit process. He stated the special use permit process would permit individualized consideration of a particular group living or institutional facility's relationship to and/or concentration of similar facilities based on a variety of factors unique to the property, such as topographical or transportation facility barriers such as rivers, railways, and major highways, degree or extent of separation from other such uses, and surrounding neighborhood characteristics including proximity to social services and public transportation. Additionally, he stated a Transitional Housing use was needed because group homes, halfway houses, therapeutic homes, and assisted living facilities all addressed the housing needs of persons transitioning from confinement circumstances or suffering from various disabilities. He stated Transitional Housing would meet the housing needs of homeless persons not transitioning from confinement circumstances or suffering from various disabilities. He stated staff recommended adoption of the amendment as proposed.

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

Mr. Charles Morris, 831 Arsenal Avenue, Fayetteville, NC 28301, appeared in favor and stated the Planning Department had been extremely helpful and stated the text amendment would help protect the integrity of the neighborhood.

Mr. John Tyson, 101 Hay Street, Fayetteville, NC 28311, appeared in favor and stated the amendment would preserve the original intent which was to protect neighborhoods.

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

A question and answer period ensued.

MOTION: Council Member Bates moved to approve.

SECOND: Council Member Fowler

VOTE: FAILED by a vote of 5 in favor (Council Members Chavonne, Bates, Crisp, Applewhite, and Fowler) to 5 in opposition (Council Members Davy, Haire, Massey, Hurst, and Arp)

MOTION: Council Member Bates moved to defer this item to a future City Council work session.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

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6.10 Amendment to City Code Chapter 30, various sections, to make minor corrections for clarity and consistency, including an adjustment in parking location standards (Table30-5.I.3).

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item with the aid of a power point presentation and provided background information on the UDO, zoning map, and UDO amendments. She stated staff was continuing to compile identified errors and simple clarifications or corrections and, as now, was bringing them forward with other proposed amendments. She stated the one item of some substance was the proposed deletion of a footnote to a Parking Location table. She explained the footnote would limit the placement of any parking in front of the building to between the building edges. She stated development that either accesses the use from the side or locates some parking to the side would have drive aisles beyond the front façade or length of the building, and therefore would normally place some parking along those portions of the drive aisle. She stated the limitation would also have the unintended impact of encouraging design of low, very wide buildings so that more parking could be placed between the ends of the building. He stated staff recommended the adoption of the amendment as proposed.

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.

A question and answer period ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO CORRECT VARIOUS TYPOGRAPHIC AND MINOR ERRORS AND INCLUDING THE DELETION OF ONE FOOTNOTE TO OFF-STREET PARKING PARKING LOCATION STANDARDS, RELOCATION OF SPECIFIC PROCEDURES FOR APPEAL OF CONNECTION TO EXISTING STUB STREET, AND RE-ESTABLISHMENT OF REAR SETBACK REDUCTIONS IN CERTAIN INSTANCES FOR SINGLE FAMILY. ORDINANCE NO. S2012-008.

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

Mayor Chavonne announced a change in the order of the agenda and stated Item 7.3 would be the next item for discussion

7.3 Approval of updated Transit Programs for compliance with Title VI of the 1964 Civil Rights Act and the Disadvantaged Business Enterprise (DBE) requirements of the Federal Transit Administration.

Mr. Randall Hume, Transit Director, introduced Ms. Colette Holt and Ms. Bessie Papailias, Project Team for the City of Fayetteville, Fayetteville Area System of Transit DBE Program and Title VI Program Review and Update.

Ms. Holt presented this item with the aid of a power point and a handout. She stated the City was the designated recipient for federal transit funds for the Fayetteville area. She stated as a condition to continue receiving these grants, the City must update its civil rights programs every three years. She stated for Title VI, the update would add provisions related to environmental justice and the FTA requirement to analyze the impacts of fare and service changes for disparate impacts on protected groups. She stated the proposed update would also expand and clarify the processes FAST would use for ensuring public outreach and participation. She stated for DBE, the update would address a new requirement regarding Small Business Enterprises. She stated these were non-minority small businesses. She stated Transit must now track contract awards to these small businesses, including whether participation by non-DBEs differ from participation by DBEs. She stated in addition, the update would provide that Transit and PWC Purchasing must maintain a vendors

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listing of all vendors that bid or quote on USDOT assisted contracts. She stated the review examined the methodology used to set the goals for submission to the FTA. She stated the goal setting was now submitted as a triennial goal as opposed to the former annual goal. She stated there were other recommendations on ways to improve outreach to DBEs, to better encourage DBE participation in race-neutral procurements, to evaluate good faith efforts when no DBE was proposed by a vendor and to monitor DBE activity during the performance of contracts.

A brief discussion period ensued.

MOTION: Council Member Bates moved to accept the report.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Massey moved to accept Section 26.39 as policy.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

Council continued with the agenda with Item 6.11.

6.11 Case No. P12-13F. Request for a Special Use Permit for halfway house in a Community Commercial District, on property located at 3611-B Ramsey Street. Containing 5.63 acres more or less and being the property of Cedar Creek Crossing West LLC.

Ms. Karen McDonald, City Attorney, recommended based on the action on Item 6.9 that council defer action on Item 6.11.

Mayor Chavonne stated Item 6.9 would be addressed at the May 7, 2012, City Council work session meeting.

MOTION: Council Member Bates moved to defer action on Item 6.11 with no date certain.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

7.0 OTHER ITEMS OF BUSINESS

7.1

a) Fayetteville Cumberland County Chamber of Commerce Economic Development Report - 3rd Quarter Report.

Mr. Douglas Peters, President/CEO, Cumberland-Fayetteville Chamber of Commerce, presented the report. He briefly reviewed the following priorities of the Chamber:

Priority 1: Economic development and the creation of jobs. Retention and recruitment of additional, sustainable investment was essential for a thriving economy.

Priority 2: Leveraging the continuing BRAC build-up to improve the community's infrastructure.

Priority 3: Enhance the quality of offerings available locally. The Chamber membership was aware of the need to attract high-end retail to the community, a presence that was currently absent.

Priority 4: Develop and execute effective strategies to reduce crime, beautify the community, and to improve overall livability.

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Priority 5: Better serve the growing membership of the Chamber, offering an increased return on investment, with innovative programming designed to enhance profitability for member businesses of all sizes.

b) FY 2012 Strategic Plan's Policy and Management Action Agenda 3rd Quarter Report.

Ms. Rebecca Rogers-Carter, Management Services Manager, presented the report with the aid of a power point presentation and handout. She stated the City's Strategic Plan had the following five main areas:

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

MOTION: Council Member Bates moved to accept the report.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

7.2 Uninhabitable Structures Demolition Recommendation

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation and multiple photographs of the properties. He stated staff recommended adoption of the ordinances authorizing demolition of the structures. He reviewed the following demolition recommendations:

7131 Ashwood Circle

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure due to severe structural damage from a tornado in April 2011. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in April 2011. He further noted within the past 24 months there had been 29 calls for 911 service and no code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,779.00.

7526 Bethesda Court

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure due to severe structural damage from a tornado in April 2011. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in April 2011. He further noted within the past 24 months there had been five calls for 911 service and one

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code violation with a pending assessment of \$199.50. He advised the low bid for demolition of the structure was \$1,779.00.

1018 Ellis Street

Mr. Shuford stated the structure was a legal nonconforming store with an attached house in a C-1 commercial zone that was condemned as a dangerous/abandoned structure due to extensive structural damage from a fire. He also stated the fire damage exceeded 50 percent of the assessed value of the structure which left the remaining structure a nonconforming building. He stated the owner's attorney attended the hearing via telephone and a subsequent hearing was held in which an order was issued to repair or demolish the structure within 60 days. He stated the owner demolished the store portion of the building and in order to repair the remaining house to its original condition, the owner was required to obtain a re-zone of the property to R-5 residential and obtain a subsequent variance. He noted the property owner obtained the re-zone of the property from C-1 to R-5 and the required variance. He also noted the property owner obtained a building permit. He explained the exterior siding and the interior finish had been removed and the low bid for demolition of the structure was \$500.00.

908 Marsh Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2005. He further noted within the past 24 months there had been three calls for 911 service and three code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,400.00.

525 Mechanic Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in April 2007. He further noted within the past 24 months there had been eight calls for 911 service and five code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,400.00.

2325 Rosehill Road

Mr. Shuford stated the structure was a residential home that was inspected and condemned as a dangerous structure due to fire damage. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in January 2011. He further noted within the past 24 months there had been 41 calls for 911 service and no code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,900.00.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (7131 ASHWOOD CIRCLE). ORDINANCE NO. NS2012-016.

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

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DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (7526 BETHESDA COURT). ORDINANCE NO. NS2012-017.

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 (1018 ELLIS CIRCLE). ORDINANCE NO. NS2012-018.

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 (908 MARSH STREET).ORDINANCE NO. NS2012-019.

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 (525 MECHANIC STREET). ORDINANCE NO. NS2012-020.

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 (2325 ROSEHILL ROAD). ORDINANCE NO. NS2012-021.

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

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly statement of taxes for March 2012.

2011 Taxes	\$ 674,170.73
2011 Vehicle	371,229.84
2011 Taxes Revit	694.67
2011 Vehicle Revit	288.34
2011 FVT	44,702.07
2011 Transit	44,702.03
2011 Storm Water	22,841.63
2011 Fay Storm Water...	45,683.29
2011 Fay Recycle Fee	67,678.62
2011 Annex... ..	0.00
2010 Taxes	15,154.10
2010 Vehicle	32,079.55
2010 Taxes Revit	191.69
2010 Vehicle Revit	31.85
2010 FVT	5,643.00
2010 Transit	5,642.98
2010 Storm Water	217.31
2010 Fay Storm Water...	434.59
2010 Fay Recycle Fee	688.11
2010 Annex... ..	0.00
2009 Taxes	3,665.82
2009 Vehicle	2,157.37
2009 Taxes Revit	0.00
2009 Vehicle Revit	0.00
2009 FVT	535.94
2009 Transit	535.96
2009 Storm Water	62.27
2009 Fay Storm Water...	124.53
2009 Fay Recycle Fee	197.18
2009 Annex... ..	0.00

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2008 Taxes	423.54
2008 Vehicle	1,126.97
2008 Taxes Revit	0.00
2008 Vehicle Revit	0.00
2008 FVT	316.71
2008 Transit	216.70
2008 Storm Water	12.00
2008 Fay Storm Water	0.00
2008 Fay Recycle	0.00
2008 Annex....	0.00
2007 and Prior Taxes	231.62
2007 and Prior Vehicle	3,126.19
2007 and Prior Taxes Revit	0.00
2007 and Prior Vehicle Revit	0.00
2007 and Prior FVT	608.33
2007 and Prior Storm Water	6.78
2007 and Prior Fay Storm Water	0.00
2007 and Prior Annex....	32.49
Interest	40,767.05
Revit Interest	34.60
Storm Water Interest	830.94
Fay Storm Water Interest	1,642.56
Annex Interest	2.99
Fay Recycle Interest	1,415.48
Fay Transit Interest	1,503.80
Total Tax and Interest	\$1,361,247.20

8.2 Tax Refunds of Less Than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Scriven, Deborah McDonald	2010	Duplicate Billing	\$13.88
			<u>\$13.88</u>

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:50 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
MAY 7, 2012
5:00 P.M.**

Present: Mayor Anthony G. Chavonne

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

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

Others Present: Kristoff Bauer, Interim City Manager
Brad Whited, Interim Assistant City Manager
Jim Westbrook, Interim Assistant City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Rebecca Tew, Business Analyst
Tom Bergamine, Police Chief
Patricia Bradley, Police Attorney
Chris Davis, Police Lt Professional Standards
Ben Major, Fire Chief
Scott Shuford, Development Services Manager
Dwayne Campbell, Chief Information Officer
John Kuhls, Human Resource Development Director
Jerry Dietzen, Environmental Services Director
Rebecca Rogers-Carter, Management Services Manager
Steven K. Blanchard, PWC CEO/General Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Arp.

3.0 APPROVAL OF AGENDA

MOTION: Mayor Chavonne moved to approve the agenda with the addition of Item 6.0, a closed session for a personnel matter.

SECOND: Council Member Massey

VOTE: UNANIMOUS (9-0)

Mayor Chavonne presented Ms. Pamela Megill, City Clerk, with a bouquet of flowers in recognition of Municipal Clerks Week and thanked her for the important services the Clerk provides to the City.

4.0 OTHER ITEMS OF BUSINESS

4.1 Overview of the Fiscal Year 2012-2013 Recommended Budget and action to set the dates of the budget public hearing and budget workshops.

Mr. Kristoff Bauer, Interim City Manager, presented this item with the aid of a power point presentation and provided an outline of the budget process. He further provided the dollar amounts for the adjustments to the General Fund since the April 10, 2012, workshop.

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Ms. Lisa Smith, Chief Financial Officer, provided an overview of the General Fund revenue and recommended budget changes. She provided the following property tax revenue projections/changes:

Property Tax Revenue Projections/Changes

- Real and personal property values to increase 2.05% over FY 2012 projection
- Motor vehicle property values to increase 2.0% over FY 2012 projection
- Gates Four adds \$225.3 million in taxable value
- 3.7% overall revenue growth for FY 2013, plus distributions due to Gates Four population

Sales Tax

- FY 2012 revenues expected to be 4.7% above budget
- Projected 3.0% economic growth for FY 2013, plus distributions due to Gates Four population
- FY 2013 revenues expected to exceed FY 2012 original budget by 8.7%

Utility Tax Distributions

- Projected FY 2012 revenue to be 0.5% below FY 2012 original budget primarily due to mild weather
- Projected FY 2013 revenue to increase 15.2% from FY 2012 estimates based upon NCLM guidance, addition of Gates Four, and the PWC full requirements purchased power agreement

Fees for Service (Functional Revenues)

- FY 2013 projections include new RAMP fees (\$92K) and building permit adjustments (\$40K)

PWC Transfers

- Net transfer to City budgeted at \$7.13 million in FY 2013 compared to net transfer of \$8.50 million in FY 2012 original budget, representing a decrease of \$1.38 million or 16.2%

Other Transfers

- \$448K included from transfers from the Recycling Fund and Lake Valley Drive MSD to repay inter-fund loans
- \$25K included from the CBTD for parking debt service

Mr. Bauer stated the next steps would be to have a budget presentation on May 14, 2012. He advised the suggested budget workshop dates were May 16, 23, and 30, 2012, at 5:00 p.m.; the suggested budget public hearing date was May 29, 2012; and the anticipated budget adoption date was June 11, 2012. He requested that Council members send all budget related questions to the City Manager's office, and requested topics for the May 16 workshop be identified.

Mr. Steven Blanchard, PWC CEO/General Manager, provided an overview of the Public Works Commission Annual Budget 2012-13 with the aid of a power point presentation. He stated the total budget comprised of electric fund, water and wastewater fund, and FMISF was \$343,176,625.00. He provided information on the six-year capital improvement program and personnel costs. He stated the electric rate

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schedule adjustments and the water and sewer rate adjustments had been approved effective May 1, 2012. He stated the PWC commitment to support the City of Fayetteville was as follows:

- \$10,961,400.00 - Transferred from Electric Fund to the City
- \$945,000.00 - For City of Fayetteville storm drainage issues
- \$975,000.00 - Included for street lighting upgrades
- \$1,800,000.00 - Budgeted for underground conversions and gateway improvements.

Mr. Blanchard requested the Council members send all PWC budget related questions to Mr. Bauer and himself.

A brief question and answer period ensued on the subjects of merit and cost of living raises, staffing, and medical insurance benefits.

4.2 Group living facility separation requirements - discussion of options and direction to staff.

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation. He stated this item had been tabled at a previous Council meeting to allow for further discussion. He explained the zoning code text amendment was modifying separation distances for group homes, half way houses, and transitional housing. He reviewed the proposal as follows:

1. Maintain existing 2,640-foot separation distance for group homes, etc., in residential districts.
2. Allow separation distances for group homes, etc., in nonresidential districts to be determined through the special use permit process.
3. Establish transitional housing as a new group living use.

Mr. Shuford stated the code currently established a 2,640 foot separation distance between a variety of group living facilities and the standard could not be varied for any reason. He explained it was established to address proliferation of these facilities as state policies changed and the proposal was no change to current separation requirements in residential districts. He further explained for group homes in non-residential districts, the code currently established a 2,640 foot separation distance between a variety of group living facilities and the standard could not be varied for any reason. He explained the proposal was to change the current separation requirements to allow the special use permit process to determine separation in non-residential districts. He stated the new transitional housing use and other group living use definitions limit the population of those being housed to persons having mental or physical disabilities and/or being released from incarceration. He stated the transitional housing definition would address housing needs of persons without disabilities or release from incarceration and they would be allowed in the same districts as large group homes and would require a special use permit. He explained the four suggested options were to (1) approve as proposed, (2) deny, (3) establish a new absolute minimum separation threshold for group living facilities in nonresidential districts but allow such facilities that were above that threshold to be determined by a special use permit, or (4) have separate separation standards for large and small group living facilities.

A discussion period ensued.

Mayor Pro Tem Arp stated option one provided the most flexibility for the Council.

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Council Member Crisp stated he was opposed to the proposal.

Mayor Chavonne asked for a show of hands for option one. The majority of the Council was in favor of option one--approve as proposed.

4.3 Proposed Citizen Complaint Review Board

Ms. Karen McDonald, City Attorney, presented this item with the aid of a power point presentation. She explained in response to claims of racial profiling during traffic stops, the City Council engaged the National Organization of Black Law Enforcement (NOBLE) to review the Police Department's traffic stop policies, procedures, and standards of conduct and the full report was presented to Council on March 12, 2012. She reviewed recommendation 12 of the report. Citing the report, she further it was an opportunity to display transparency and show that investigations were accomplished in a fair, logical, and thoughtful manner. Moreover, she stated it showed the actions of employees were measured against established policies and rules. She explained consistent with the recommendation, and in an effort to develop options for Council's consideration, City staff reviewed the Citizen Complaint Review Boards of Charlotte, Greensboro, Winston-Salem, and Durham. She provided an overview of the membership, scope, and reporting from the citizen review boards of those cities listed. She also provided an overview of the current complaint process and stated the Office of Professional Standards and Inspections investigates complaints of criminal misconduct, serious allegations of misconduct, and use of force resulting in serious injury or death. She stated supervisors conduct internal investigations for less serious infractions. She briefly reviewed the complaint process as follows:

- Complaints can be filed in person, by phone, in writing or through the department's website.
- Completed investigations are forwarded for review and recommendation through the employee's chain of command and Police Attorney.
- Police Chief reviews the investigation and makes a final decision as to the disposition of the complaint.
- Complainant is notified in writing of the decision consistent with state law.

Ms. McDonald presented the proposed citizen complaint review board guidelines and stated the membership could consist of at least seven members appointed by the Mayor and Council. She stated the members would be required to complete eight hours of patrol car ride-along, graduation from Police Citizens Academy or Citizens Academy, and additional training specific to the board. She stated there would be a background/criminal record check and the membership term could run for three years. She stated a staff liaison would be identified to assist with all administrative duties related to the board and its members.

A discussion period ensued regarding potential membership, scope, and reporting of the proposed Fayetteville Citizen Complaint Review Board.

Ms. McDonald stated that special legislation was needed to grant access to the portion of the employee's personnel record that was the subject of a complaint.

A question and answer period ensued with Ms. McDonald and Chief Bergamine responding to questions.

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Consensus of the Council was to direct staff to proceed with conducting further research and requesting special legislation from the General Assembly.

5.0 MANAGER'S REPORT

Mr. Kristoff Bauer, Interim City Manager, presented this item and stated there would not be a closed session as the information he was to present did not fall under the closed session requirements.

Mr. Bauer announced the following items:

- Town Hall day will be held in Raleigh on June 6, 2012.
- Ethics Training will be held in Spring Lake on May 16, 2012, at 10:00 a.m.
- Community Meeting on Traffic Stops will be held at Fayetteville State University in the Seabrook Auditorium on May 24, 2012 at 6:00 p.m.
- County Commissioners meeting on May 11, 2012, at 8:00 a.m. will include an item on the Parks and Recreation Bond.

In response to questions posed by Council members about the Risk Management Department, Mr. Bauer stated after many months of research on best practices, management has re-organized the Risk Management Department. He stated some of the functions of the Department had been outsourced to the North Carolina League of Municipalities and the City Nurse position had been identified as a reduction in force.

A brief discussion period ensued.

Mayor Pro Tem Arp stated he viewed the re-organization as a functional migration of duties.

Council Member Applewhite expressed her concerns regarding employee morale.

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:43 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
MAY 14, 2012
6:00 P.M.**

Present: Mayor Anthony G. Chavonne

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

Absent: Council Members Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Bobby Hurst (District 5)

Others Present: Kristoff Bauer, Interim City Manager
Karen McDonald, City Attorney
Members of the Press

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

The invocation was offered by Mayor Pro Tem Arp.

Mayor Chavonne suggested the budget presentation be given prior to the strategic plan.

Mr. Kristoff Bauer, Interim City Manager, discussed the budget process and advised the answers to the existing questions would be presented during the budget workshop scheduled for May 16, 2012.

Council Member Crisp expressed concerns with the PWC budgeted raises. Other Council members expressed similar concerns. Mayor Chavonne advised Mr. Blanchard would be present to answer any questions.

Mayor Pro Tem Arp provided an update on the City Manager search. He advised according to the consultant, they identified 51 candidates for the City Manager position. He stated recruitment was scheduled to conclude on May 19, 2012.

MOTION: Mayor Pro Tem Arp moved to go into closed session for consultation with the attorney for litigation involving Gates Four.

SECOND: Council Member Bates

VOTE: UNANIMOUS (7-0)

The regular session recessed at 6:20 p.m. The regular session reconvened at 6:52 p.m.

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

SECOND: Council Member Bates

VOTE: UNANIMOUS (7-0)

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MAY 14, 2012
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1) (arrived at 7:05 p.m.); Kady-Ann Davy (District 2) (arrived at 7:13 p.m.); Darrell J. Haire (District 4); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

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

Others Present: Kristoff Bauer, Interim City Manager
Bradley Whited, Interim Assistant City Manager
Karen McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering and Infrastructure Director
Ron McElrath, Human Relations Director
Keisha Parker, Real Estate Manager
Rebecca Rogers-Carter, Management Services Manager
Steven K. Blanchard, PWC CEO/General Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Arp.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Crisp moved to approve the agenda with moving Item 8.3 prior to Item 8.2.

SECOND: Council Member Haire

VOTE: UNANIMOUS (6-0)

RECOGNITION

Mr. Andrew Snyder of the NC Forest Service presented Mayor Chavonne with a plaque and stated the City of Fayetteville was recognized for being a Tree City USA for the tenth year in a row. Mr. Snyder stated Fayetteville was one of 3,400 cities in the nation to receive the award and had met the criteria by having a tree ordinance, a Tree Board, and a community program with an annual expenditure and the City recognized Arbor Day. Mayor Chavonne thanked Mr. Snyder on behalf of the Council and citizens of Fayetteville.

Mr. Johnny Lanthorn, Chair of the Joint Appearance Committee, announced the forthcoming Appearance Awards Program and provided a brochure to the Council Members. Mayor Chavonne stated the details of the program would be available on the City website.

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5.0 PUBLIC FORUM

Mr. Dennis Thompson, Fayetteville, NC, requested the support of the Mayor and City Council to initiate a program at the state level that would identify drivers with a medical condition via vehicle registration/driving license registration.

Ms. Wendy Michener, Fayetteville, NC, expressed concerns and displeasure regarding the forthcoming closure of the post office. She requested the elected officials take some form of action to oppose the closing.

Mayor Chavonne stated that the City Council had already taken a course of action and the details were in the local newspaper several days ago.

Mr. Archie Barringer, 2271 Jenna Shane Drive, Fayetteville, NC 28306, stated he was representing the families of veterans interned at the Sandhills Veterans Cemetery and requested the elected officials support a request for widespread improvements and repairs for the Sandhills Veterans Cemetery from the Department of Veterans Affairs.

6.0 CONSENT

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

SECOND: Council Member Crisp

VOTE: UNANIMOUS (8-0)

6.1 Adopt resolution authorizing the sale of personal property by public auction.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AUTHORIZING THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION.
RESOLUTION NO. R2012-017.

6.2 Capital Project Ordinance Amendment 2012-20 (stormwater drainage improvements).

The amendment appropriated an additional \$467,516.00 for stormwater drainage improvement projects.

6.3 Approve meeting minutes:

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

6.4 PWC - Bid Award - Contract for Rockfish Creek Outfall Rehabilitation Project awarded to Insituform Technologies, Chesterfield, MO, low bidder, in the amount of \$1,288,749.90.

Bids were received as follows:

Insituform Technologies (Chesterfield, MO)\$1,288,749.90
Am-Liner East, Inc. (Berryville, VA)\$1,312,805.40
Reynolds Inliner, LLC (Charlotte, NC)\$1,569,247.00
Improved Technologies Group, LLC (Knoxville, TN) . \$2,198,149.00

6.5 Transfer maintenance of Middle Road to NCDOT.

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7.0 PUBLIC HEARINGS

7.1 Adopt a resolution and order closing a portion of Finnegan Street.

Ms. Kecia Parker, Real Estate Manager, presented this item and stated a petition was received from a property owner adjoining an unopened portion of Finnegan Street requesting a portion of the street be permanently closed, which was authorized by general statute. She stated the street was currently not used as a public street or alley and there were utility easements in the portion requesting to be closed that would need to be reserved.

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

Mr. David Rock, 308 Glenville Avenue, Fayetteville, NC, appeared in favor on behalf of his mother who was not opposed to the road closure.

Mr. Clifton Cameron, 1924 Finnegan Street, Fayetteville, NC, appeared in favor and stated he wanted to maintain a contiguous beautiful appearance at the end of Finnegan Street for years to come, and for the future residents of Finnegan Street. He stated he wanted to clearly delineate responsibility to himself for maintaining the property which he was already doing, and wanted to enhance the security of the neighborhood by finalizing a fence without disturbing Ms. Rock's access whatsoever to her beautiful backyard.

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

RESOLUTION AND ORDER CLOSING A PORTION OF FINNEGAN STREET. RESOLUTION NO. R2012-018.

MOTION: Mayor Pro Tem Arp moved to adopt the resolution and order closing a portion of Finnegan Street while reserving utility rights.

SECOND: Council Member Bates

VOTE: UNANIMOUS (8-0)

8.0 OTHER ITEMS OF BUSINESS

8.1 Amending Chapter 6, Animals and Fowl

Ms. Karen McDonald, City Attorney, stated the County had been working for several months on revisions to the animal control ordinance. She stated the County Attorney presented the proposed changes to Council in February and the changes had subsequently gone back to the County. She stated the matter was scheduled for consideration and approval by the Board of Commissioners on May 21, 2012. She further stated Mr. Rick Moorefield, County Attorney, was present to discuss the proposed revisions. She advised the interest would be once the County approved the revisions to the animal control ordinance, the Council would also rescind its existing ordinance and adopt the County's ordinance such that it would be effective and enforceable in the municipal limits of the City of Fayetteville as well.

Mr. Rick Moorefield, County Attorney, stated that Dr. John Lauby, Cumberland County Animal Control Director, requested that Section 3-15 of the previous proposed draft be completely re-written. He explained that the existing ordinance provided that Animal Control could take action to abate any specified nuisance caused by an animal. He further explained enforcement was complaint driven. He stated the existing nuisance was extremely difficult to enforce because by the time Animal Control arrived at the location of the complaint, there was no nuisance occurring and complainants had generally been unwilling to testify in any enforcement action. He stated when the

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re-write of the ordinance commenced, he recommended and Dr. Lauby agreed that nuisance enforcement should be the sole responsibility of the complainant. He stated Dr. Lauby requested that the nuisance enforcement be modeled after the system in Brunswick County which makes nuisance enforcement the sole responsibility of Animal Control. He stated this would require significantly more officer-time because the officer would have to make the nuisance determination from his or her own observations, not from the report of a complaint. He reported Section 3-19(e), penalty for dog biting while at-large, had been eliminated and replaced with citing for the underlying violation of the dog being at-large. He further stated regarding the limits of dogs kept on residential premises in zoning classifications of 20,000 square feet or less, all existing dogs which were in compliance with the existing ordinance would be grandfathered under the new provision, and cats had been removed from the provision. He stated in reference to liability insurance requirements for owners of dangerous dogs, the existing ordinance required \$100,000.00 liability coverage, the attorney's office and Animal Control Director recommendation was to reduce that coverage to \$50,000.00. He stated ferrets would be included in the provision for rabies control and the pet licensing provision would sunset on December 31, 2012, and the New Hanover County style system would become effective on January 1, 2013.

A question and answer period ensued.

Mayor Chavonne announced the item would be brought back to the City Council for consideration and possible action at a future Council meeting after the County Commissioners took action on the ordinance on May 21, 2012.

8.3 Presentation of recommended City and PWC Fiscal Year 2013 Budgets and setting of public hearing on the budget.

Mr. Kristoff Bauer, Interim City Manager, and Mr. Steven Blanchard, PWC CEO/General Manager, presented this item with the aid of a power point presentation. Mr. Bauer announced through the budget chronicles webpage, citizens would have the opportunity to be a part of an open, transparent process that would help shape the upcoming fiscal year for the City of Fayetteville and the services provided to citizens. He provided an overview of the major initiatives which included RAMP, Police Data, and Compensation. He stated the balanced budget summary was provided that listed the total expenditure for all funds as \$187,867,000.00. He provided an overview for the General Fund revenue and expenditure. He also addressed funding impact services.

Mr. Steven Blanchard, PWC CEO/General Manager, provided details on the PWC FY 2012-13 recommended budget and stated the projected total was \$343,176,625.00. He listed the following commitment to support the City of Fayetteville:

- \$10,961,400.00 - Transfer from Electric Fund to City
- \$945,000.00 - City of Fayetteville Storm Drainage Issues
- \$975,000.00 - Street Lighting Upgrades
- \$1,800,000.00 - Underground Conversions and Gateway Improvements

A brief question and answer period ensued.

Mr. Bauer requested the Council send questions via e-mail to him in order for the questions to be posted to the budget chronicles on the City's website.

MOTION: Council Member Fowler moved to set the date for the FY 2012-2013 budget public hearing for Tuesday, May 29, 2012, at 7:00 p.m.

SECOND: Council Member Bates

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VOTE: UNANIMOUS (8-0)

8.2 FY 2012-13 Strategic Plan Adoption

Ms. Rebecca Rogers Carter, Management Services Manager, presented this item with the aid of a power point presentation. She provided an overview of the City's Vision--great place to live, desirable neighborhoods, leisure opportunities for all, beauty by design, vibrant downtown, vibrant major corridors, Cape Fear River to enjoy, strong local economy, partnership of citizens and inclusive community with diverse cultures and rich heritage. She reviewed the mission of the City--financially sound, full range of quality municipal services, valued by our customers, dedicated workforce, cost-effective manner, well designed and well maintained infrastructure and facilities, engages its citizens, and a state and regional leader. She stated the core beliefs definition was serve with responsibility, ethics, stewardship, professionalism, entrepreneurial spirit, commitment and teamwork to create the acronym RESPECT. She stated the City of Fayetteville Goals to achieve by 2018 were as follows:

- Greater Tax Base Diversity - Strong Local Economy
- More Efficient City Government - Cost Effective Service Delivery
- Greater Community Unity - Pride in Fayetteville
- Growing City, Livable Neighborhoods - A Great Place to Live
- More Attractive City - Clean and Beautiful
- Revitalized Downtown - A Community Focal Point

Ms. Rogers-Carter provided an overview of the Policy Agenda, Management Agenda, Management in Progress, and Major Projects for fiscal year 2013 and detailed the respective priorities.

MOTION: Mayor Pro Tem Arp moved to adopt the FY 2012-2013 Strategic Plan.

SECOND: Council Member Haire

VOTE: UNANIMOUS (8-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly statement of taxes for April 2012.

2011 Taxes	308,063.87
2011 Vehicle	375,454.55
2011 Taxes Revit	1,223.50
2011 Vehicle Revit	584.70
2011 FVT	43,762.75
2011 Transit	43,762.76
2011 Storm Water	9,995.80
2011 Fay Storm Water...	19,991.52
2011 Fay Recycle Fee	20,207.32
2011 Annex...	0.00
2010 Taxes	17,032.93
2010 Vehicle	11,153.44
2010 Taxes Revit	0.00
2010 Vehicle Revit	5.52
2010 FVT	2,288.85
2010 Transit	2,288.87
2010 Storm Water	206.72
2010 Fay Storm Water...	413.45
2010 Fay Recycle Fee	329.48
2010 Annex...	0.00
2009 Taxes	349.77
2009 Vehicle	1,332.81

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2009 Taxes Revit	0.00
2009 Vehicle Revit	0.00
2009 FVT	341.91
2009 Transit	341.91
2009 Storm Water	26.17
2009 Fay Storm Water...	52.34
2009 Fay Recycle Fee	82.88
2009 Annex... ..	0.00
2008 Taxes	284.09
2008 Vehicle	1,100.69
2008 Taxes Revit	0.00
2008 Vehicle Revit	0.00
2008 FVT	180.13
2008 Transit	100.15
2008 Storm Water	24.00
2008 Fay Storm Water	24.00
2008 Fay Recycle	42.00
2008 Annex... ..	0.00
2007 and Prior Taxes	409.00
2007 and Prior Vehicle	2,093.86
2007 and Prior Taxes Revit	0.00
2007 and Prior Vehicle Revit	0.00
2007 and Prior FVT	435.00
2007 and Prior Storm Water	77.22
2007 and Prior Fay Storm Water	24.00
2007 and Prior Annex... ..	62.06
Interest	25,732.13
Revit Interest	48.36
Storm Water Interest	504.40
Fay Storm Water Interest	924.80
Annex Interest	11.76
Fay Recycle Interest	925.09
Fay Transit Interest	1168.43
Total Tax and Interest	\$893,464.99

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:25 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
BUDGET WORKSHOP MINUTES
LAFAYETTE ROOM
MAY 16, 2012
6:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1) (left at 6:35 p.m.); Kady-Ann Davy (District 2) (arrived 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 6:16 p.m.); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Absent: Robert A. Massey, Jr. (District 3)

Others Present: Kristoff Bauer, Interim City Manager
Karen M. McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Manager
Tom Bergamine, Police Chief
Ben Major, Fire Chief
John Kuhls, Human Resource Development Director
Michael Gibson, Parks and Recreation Director
Randy Hume, Transit Director
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Victor Sharpe, Community Development
Ron McElrath, Human Relations Director
Jerry Dietzen, Environmental Services Director
Melissa Coleman, IT Business Analyst
Steven K. Blanchard, PWC CEO/General Manager
Mike Lallier, PWC Chairman
Pamela Megill, City Clerk
Members of the Press

1. Open Meeting

Mayor Chavonne opened the meeting and called it to order. He stated the questions that had been submitted would be answered this evening; first by PWC and then the City.

2. PWC - City Council Questions on FY 2013 Budget

Mr. Mike Lallier, Chairman of the Public Works Commission, stated they were here tonight to address the questions they had regarding the PWC recommended budget. He stated before doing so, he wanted to take a couple of minutes to address what appeared to be the most discussed question, that being their proposed pay increase for PWC employees. He stated both City and PWC participated in a strategic planning process and through the process they both determined the goals they had for their respective bodies. He stated one of the main goals of the Commission was a top quality workforce. He stated they had almost 600 quality individuals at PWC that made sure each of them could take for granted the electric, water and sewer utilities each and every day. He stated their customers enjoyed not only outstanding utility services, but at extremely competitive rates. He stated their electric rates were the second lowest in the state and the water and sewer rates, while not the lowest, were in the middle tier. He recognized that in order to attract and retain a top quality workforce, they must offer compensation and benefits that were competitive. He stated to that end, they had retained for several years the services of the Hay Group to measure where their compensation ranked against their utility peers. He stated for several years and as a result of the recommendations from the Hay Group, they had set a target of having their employees at the mid-range in terms of compensation. He stated they have had a deliberate and targeted approach to achieving

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this goal. He stated along the way, there had been challenges and tests where they were not able to attract or retain certain positions. He stated in addition, during the past two years, they have had economic challenges to maintaining compensation at the mid-range. He stated they made a conscious decision last year to forego the increase in compensation necessary to stay even with the mid-range because of the economy. He stated this year they were again faced with the issue of their action not putting them at the mid-range, but they felt it was their responsibility to the community and their customers to hold these increases back from what was necessary to achieve the mid-range. He stated their method of giving out pay increases varies somewhat from that of the City. He stated and while they may budget for X percent, the reality was not every employee received that percentage increase, they do not receive it until their anniversary date and any increase was based on their performance. Finally, he stated they were sensitive to the impact their decision had on the City. He stated but like you determining that police officer pay was below what it takes to attract and retain qualified officers, as Commissioners they were charged to make sure they had the people in place to ensure that utilities were provided in a safe, efficient, and consistent manner. He stated they could not accomplish this without properly compensating their employees.

Mr. Steven Blanchard, PWC CEO/General Manager, addressed the City Council's questions on the PWC's FY 2013 budget:

1. How many positions remain budgeted but unfilled in the proposed budget?

There are 629 approved positions at PWC; 627 are budgeted to be filled in the FY 2013 budget; presently there are 43 vacancies (14 positions are presently unassigned).

a. How long have the positions been vacant?

All positions have been vacant less than 6 months.

2. Identify any new positions in the proposed budget?

There are no new positions in the proposed budget; however, there are 15 unassigned positions that have been approved by the Commission during FY 2012 that will be funded in FY 2013.

3. Does the City and PWC use industry standard benchmarks to provide estimates of cost of living changes?

PWC uses the annual change in CPI as a guide to adjust its pay ranges on an annual basis. COLA's are not applied to individual employees.

4. Salary expense is projected to increase by 5% next year. Please reconcile with Mr. Blanchard's presentation that raising salaries a total of 4 % (as proposed) only impacts the budget 2%.

The 5% is the increase in the total personnel costs from one FY 2012 to FY 2013. Personnel Costs include everything associated with personnel costs; such as, salaries, payroll taxes, all benefit costs, holiday pay, vacation pay, sick pay, etc. The 4% is used in our performance evaluation formula, not applied to individual employees. They will be evaluated on their hire anniversary date and given an increase in pay based on their individual performance.

5. What is the annual lease revenue from the RCW Building included in the budget?

\$756,800.00

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- a. What is the best estimate of the current market value of the building?

We do not have an answer at this time. Once a Commercial Real Estate Broker is selected, they would be able to give us an expected value for the building.

- b. What are the plans to sell the building?

We are developing an RFP to select a real estate broker at this time. Hopefully it will be on the market in the next 3 - 6 months.

3. City of Fayetteville Fiscal Year 2013 Budget Questions - Group 1

Mr. Kristoff Bauer, Interim City Manager responded to the City Council questions:

General

1. Q. Please provide a summary of the total budget by major expenditure categories for all funds.

- A. The table below provides a breakdown of the fund budgets by major expenditure categories.

	Personnel	Operating	Contract Services	Capital	Other Charges*	Total
General Fund	82,576,838	21,221,392	14,113,073	5,002,910	22,090,713	145,004,926
Parking Fund	-	184,061	231,068	-	-	415,129
Lake Valley Dr MSD	-	-	-	-	65,292	65,292
Central Bus Tax Dist	-	42,985	26,521	-	106,513	176,019
Stormwater Fund	1,521,682	565,655	306,940	20,000	6,569,871	8,984,148
Emergency Telephone Fund	-	501,138	146,984	-	128,630	776,752
Risk Management Fund	323,705	15,656,351	337,400	-	486,047	16,803,503
Transit Operating Fund	4,196,273	1,650,351	38,465	-	538,647	6,423,736
Airport Fund	1,350,297	1,229,965	150,510	263,000	1,952,586	4,946,358
Recycling Fund	32,957	100,916	2,084,883	-	509,717	2,728,473
LEOSSA Fund	565,626	-	-	-	160,474	726,100
Finance Corp	-	-	-	-	816,750	816,750
	90,567,378	41,152,814	17,435,844	5,285,910	33,425,240	187,867,186

*Includes transfers for capital projects totaling \$16,261,917.

2. Q. Please present the most current financial statement comparing actual to budget.

- A. Staff has prepared a Revenue and Expenditure Report for Annually Budgeted Funds for the Period Ending March 31, 2012 (this information was provided in the form of a handout).

Compensation

3. Q. What are the total expense and the percentage of the proposed salary increase? Does that include benefits?

- A. Across annually budgeted funds, a total of \$2,735,335 was added to the recommended budget for fiscal year 2013 for employee pay adjustments and for the reserve for mid-year implementation of additional compensation changes. This cost is inclusive of associated benefit costs. The proposed salary adjustments include continuation of the Police Officer step plan (4% to 5% increases) and merit increases for qualifying employees based upon 2.5% of pay grade midpoints. The combination of these pay changes represent an increase of approximately 3.1% over the original salary budget projections for the affected funds.

4. Q. Was there any increase in medical insurance premiums this year? Did the cost to the city to provide this

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coverage increase? Did the cost to the employees increase?

- A. The City is self-insured for healthcare benefits for employees. "Premium equivalents" for employer and employee contributions are calculated each fiscal year to set the contribution levels necessary to fund projected expenditures for healthcare benefits. The monthly employer contributions made by the General Fund and other operating funds, and employee contributions for fiscal year 2013 will adjust as follows:

	<u>Employer</u>	<u>Employee</u>
Core Plan (B)		
Individual	\$491.20 (+ \$9.26)	\$11.50 (no change)
Employee/Spouse	\$553.94 (+ \$13.90)	\$200.12 (no change)
Employee/Child	\$541.78 (+ \$12.52)	\$136.88 (no change)
Family	\$558.08 (+ \$15.30)	\$271.38 (no change)
Buy-Up Plan (A)		
Individual	\$496.42 (+ \$10.62)	\$79.08 (no change)
Employee/Spouse	\$532.78 (+ \$15.92)	\$330.46 (no change)
Employee/Child	\$548.14 (+ \$14.32)	\$228.78 (no change)
Family	\$520.84 (+ \$17.54)	428.74 (no change)

5. Q. **How much expense does the longevity pay included in the budget amount to? Does this include payroll taxes? What percentage of payroll does it represent?**

- A. The recommended fiscal year 2013 budget includes a projection of \$1,523,918 for longevity pay expenditures across all funds, plus an estimated \$260,438 for associated benefit costs. The total of \$1,784,346 represents approximately 1.98% of the total projected personnel budget for all affected funds.

6. Q. **How many positions remain budgeted but unfilled in the proposed budget? How long have the positions been vacant?**

- A. As of May 14, 2012, there are currently 89 authorized, regular full-time and part-time positions and 10 authorized over-hire positions that are vacant. In addition, there are 22 regular full-time and part-time positions that are currently frozen and unfunded and, therefore, also unfilled. The number of vacancies and the periods for which the positions have been vacant varies since it is a dynamic situation that is constantly changing. When resignations occur, a position's knowledge, skill, and ability requirements typically influence how long the vacancy is posted. The resulting applicant pool may or may not meet the needs of the department, occasionally requiring the vacancy to be re-posted. Some positions may also remain vacant for a period of time as departments evaluate ongoing staffing needs and consider restructuring opportunities.

7. Q. **Identify any new positions in the proposed budget.**

- A. The recommended budget includes a net increase of four full-time positions as compared to the fiscal year 2012 original budget; three for the General Fund, and one grant-funded position. The changes are outlined in the budget message, and include:

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Full-Time Position Changes

RAMP Program	1	Code Enforcement Officer
	2	Crime Analysts
	1	Police Officer
	2	PROP Program Positions
Police	1	Records Management System Manager
Development Services	2	Office Assistants (for dispatch)
	1	Plans Examiner
Engineering & Infr.	1	Transportation Planner
Information Technology	1	Project Manager
	1	Web Developer
	1	IT Asset Specialist
Finance	1	Accounting Clerk
Fire	1	Emergency Management Administrator
Parks, Rec. & Maint.	1	Office Assistant
Solid Waste	10	Collectors (one-arm collector trucks)
Police (Grants)	1	Drug Treatment Court Coordinator

8. Q. Does the City use industry-standard benchmarks to provide estimated of cost-of-living changes?

A. The City uses benchmarks to assess whether or not pay structures are competitive in the market, as was done in the recently conducted compensation study. The City's current salary structures have not been adjusted since 2008. A key recommendation from the compensation study is that the City should adjust pay structures to be more competitive with benchmark survey organizations. The benchmark survey organizations, as approved by City Council in October 2011, included: PWC, Cumberland County, and eight municipalities (Durham, Greensboro, High Point, Wilmington, Winston-Salem, Cary, Augusta, GA and Norfolk, VA)

The City does not implement "cost-of-living" salary increases for employees; employee salary adjustments are made based upon performance.

CIP Budget

9. Q. What, if anything, could we do to take advantage of the fact that we benefit from significantly more debt capacity in a few years?

A. The ongoing funding dedicated to the capital funding plan (currently the equivalent of 5.65 cents of the 45.6 cent tax rate) is set by City Council. Council could elect to adjust that funding level as the cost to retire existing debt declines and redirect resources to other priorities, or continue to set aside the same level of funding for additional capital improvement priorities.

10. Q. Please provide an updated copy of the CIP.

A. Staff is preparing updates to the Capital Improvement Plan previously presented on February 6, 2012 due to the County's recent decision not to participate in the proposed bond issuance for parks and recreation facilities. Updates will be presented at the May 23, 2012 budget workshop.

General Fund Revenues

11. Q. What are the trends of property tax revenue over the past five years?

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- A. The table below provides comparisons of actual taxable values from fiscal years 2007 to 2011, and the projected taxable values for fiscal years 2012 and 2013.

Fiscal Year Ended June 30	Taxable Real Property	Personal Property	Public Services Property	Total Assessed Value	City General Tax Rate	Growth in Assessed Value (Excluding Impact of Annexation)	Current Year Tax Collection
2013 Projected	11,729,429,633	1,743,224,231	167,761,204	13,640,415,068	\$0.456	3.8%	\$60,705,701
	Excluding Estimated Gates Four Annexation Impact			225,330,340		2.0%	
2012 Projected	11,282,133,911	1,695,712,988	167,761,204	13,145,608,103	\$0.456	2.1%	\$58,501,043
2011	11,086,569,089	1,628,238,092	161,145,492	12,875,952,673	\$0.456	1.1%	\$57,406,499
2010	10,929,960,838	1,638,183,540	162,847,740	12,730,992,118	\$0.456	22.0%	\$57,126,776
2009	8,586,552,403	1,699,962,644	144,941,408	10,431,456,455	\$0.530	2.1%	\$53,901,099
2008	8,360,950,339	1,699,309,481	156,856,864	10,217,116,684	\$0.530	3.2%	\$52,738,807
2007	8,092,345,677	1,634,081,615	172,573,842	9,899,001,134	\$0.530		\$50,964,494

*Excludes estimated collection of \$156,662 of FY 2012 taxes for Gates Four Annexation.

**FY 2010 growth in tax base includes growth due to the property revaluation process. The sales assessment ratio at the end of FY 2009 was 81.72%.

12. Q. What does one cent on the tax rate generate?

- A. For fiscal year 2013, regular, first-year tax collections are estimated to be \$60,705,701, or \$1,331,265 per penny. Excluding estimated collections for the Gates Four annexation, estimated first-year tax collections would be \$59,700,737, or \$1,309,227 per penny.

13. Q. Prepare a schedule of the General Fund revenue budget net of any impact of Gates Four revenue that will allow for a comparison with projections for this year.

- A. The table below illustrates the revenue adjustments made for the Gates Four annexation. The reduction in local intergovernmental revenues reflects a reduction in recreation tax proceeds for the County District.

Revenues	FY 2011 Actual	FY 2012 Original Budget	FY 2012 Estimated	FY 2013 Projection w/o Gates Four	FY 2013 Estimate For Gates Four	FY 2013 Total Recommended
Ad Valorem Taxes						
Current Year Taxes	57,406,499	58,733,292	58,501,043	59,700,737	1,161,626	60,862,363
Prior Years Taxes	1,085,988	993,000	1,077,000	1,115,000	0	1,115,000
Penalties & Interest	362,318	315,000	297,000	303,000	0	303,000
	\$58,854,805	\$60,041,292	\$59,875,043	\$61,118,737	\$1,161,626	\$62,280,363
Other Taxes						
Vehicle License Tax	624,591	630,750	625,500	632,475	7,738	640,213
Privilege License Tax	1,226,057	1,102,385	2,476,920	1,108,420	0	1,108,420
Franchise Fees	426,687	400,000	407,000	67,000	0	67,000
Vehicle Gross Receipts	562,089	481,000	544,000	544,000	0	544,000
	\$2,839,424	\$2,614,135	\$4,053,420	\$2,351,895	\$7,738	\$2,359,633
Intergovernmental Revenues						
Federal	900,749	584,634	2,973,065	444,973	0	444,973
State						
Sales Taxes	31,633,373	31,798,043	33,290,790	34,325,625	242,227	34,567,852
Utility Taxes	10,178,684	9,807,674	9,759,959	11,191,155	53,335	11,244,490
Other	6,398,828	6,133,713	6,558,474	6,585,452	36,608	6,622,060
Local	4,335,985	4,328,263	3,878,293	4,278,823	(110,193)	4,168,630
	\$53,447,619	\$52,652,327	\$56,460,581	\$56,826,028	\$221,977	\$57,048,005
Functional Revenues						
Permits and Fees	2,824,584	2,967,105	2,830,310	2,966,175	9,748	2,975,923
Property Leases	279,970	588,929	788,011	861,878	0	861,878
Engineering/Planning Svcs	525,201	418,133	460,139	456,400	0	456,400
Public Safety Services	1,047,405	1,073,370	1,084,471	1,123,471	0	1,123,471
Environmental Services	59,200	154,075	153,100	145,800	0	145,800
Parks & Recreation Fees	1,249,691	1,265,951	1,350,285	1,352,150	0	1,352,150
Other Fees and Services	80,577	81,174	113,019	197,829	0	197,829
	\$6,066,628	\$6,548,737	\$6,779,335	\$7,103,703	\$9,748	\$7,113,451
Other Revenues						
Refunds & Sundry	678,411	697,157	674,801	120,150	0	120,150
Indirect Cost Allocation	1,152,696	1,160,528	1,166,578	1,196,170	0	1,196,170
Special Use Assessments	211,959	185,000	105,000	220,937	0	220,937
Sale of Assets & Materials	312,336	245,000	250,000	250,000	0	250,000
	\$2,355,402	\$2,287,684	\$2,196,379	\$1,787,257	\$0	\$1,787,257
Investment Income	\$411,644	\$362,784	\$304,100	\$316,000	\$0	\$316,000

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Revenues	FY 2011 Actual	FY 2012 Original Budget	FY 2012 Estimated	FY 2013 Projection w/o Gates Four	FY 2013 Estimate For Gates Four	FY 2013 Total Recommended
Other Financing Sources						
Interfund Transfers	12,339,363	10,289,961	10,273,663	11,433,931	0	11,433,931
Proceeds from Bonds	0	0	0	0	0	0
Proceeds from Loans	0	0	0	0	0	0
Capital Leases	0	0	0	0	0	0
	\$12,339,363	\$10,289,961	\$10,273,663	\$11,433,931	0	\$11,433,931
Fund Balance	\$0	\$4,212,108	\$0	\$3,402,967	(\$736,681)	\$2,666,286
TOTAL	\$136,314,885	\$139,009,028	\$139,942,521	\$144,340,518	\$664,408	\$145,004,926

14. Q. Why is there such a large reduction in privilege license taxes projected for next year?

A. Privilege license tax revenue for fiscal year 2013 is projected to be \$1,108,420, as compared to the fiscal year 2012 year-end projections of \$2,476,920 because the projections do not assume continuation of approximately \$1.4 million in payments from internet sweepstakes operators. It is unclear how many of the relatively small number of these businesses will continue operations, and there has been indication that the State may take over the regulation and licensing of these businesses.

15. Q. What changes result in the significant reduction in franchise fees?

A. The City's only local franchise fees are the fees associated with the franchise agreement with Time Warner Cable that will expire on August 31, 2012. In fiscal year 2007, the State assumed taxation of video programming revenues and makes distributions from those revenues to local governments. Local governments were eligible to continue to collect franchise fees under existing franchise agreements on services not taxed by the State only until the expiration date of the existing agreements. For the twelve months in fiscal year 2012, the City is projecting to receive \$407,000 in franchise fees, but will only receive an estimated \$67,000 for the first two months of fiscal year 2013.

16. Q. Are we implementing a \$3.50 "Convenience Fee for Internet Payments?" Don't online payments save us expense versus payments in person or handling payments by mail?

A. Staff is requesting Council approval to assess a convenience fee for internet payments. The Finance and Information Technology staffs will be working to provide internet payment options to the public. The recommended convenience fee is intended to partially recover processing fees assessed on the City by the credit card processing agency. While online payments are less labor intensive for cash handling, staff labor is still necessary to reconcile and record the revenues. PWC charges \$3.50 per transaction. Cumberland County's third-party provider charge varies based upon the type of payment card used; however, the minimum Visa debit card fee is \$3.95 per transaction.

City Manager

17. Q. What accounts for the 15% increase in Operating Expense included in the budget?

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- A. The operating expense increase primarily relates to an increase in budgeted travel and development costs for department staff.

Community Development

18. Q. **What is the status of the \$100,000 Goodyear incentive? Have they demonstrated that they have met the conditions?**

- A. The City's contract with Goodyear requires a \$200 million "Direct Investment" by December 31, 2012. The contract defines "Direct Investment" as: "...the cumulative total by the Company or on its behalf on the increase in taxable ad valorem value of all buildings, property, furniture, fixtures and equipment installed by the Company, including, without limitation, the value of capital and operating leases, regardless of funding source for any such items, over the ad valorem taxable value of such property as listed effective January 1, 2007."

The most recent data received from the Cumberland County Tax Office is for the 2011 tax year and indicates an increase in taxable value of \$139,776,705 for the specified period, which falls \$60,223,295 short of the qualifying threshold. The increase in taxable value for tax year 2011 would be used to determine whether an incentive payment was due during FY2012. The value for tax year 2012 has not yet been provided; this value will be used to determine whether an incentive payment is due in FY2013.

Goodyear has requested to have the definition of "Direct Investment" changed to reference the original cost of the investment as opposed to the increase in taxable value. The Council has the ability to consider such a request.

19. Q. **What is the net financial impact of the Festival Plaza building in the proposed budget? Are we considering selling it?**

- A. As noted on page D-7 of the recommended budget document, expenditures totaling \$757,052 are projected for fiscal year 2013. These expenditures include operating and management costs for the building, debt service and a capital transfer for upfit improvements. Tenant lease revenues for fiscal year 2013 are projected to total \$581,927, resulting in a net financial impact of \$175,125 for the General Fund for the fiscal year. The City does not intend to keep the building long-term and will be considering options for the sale of the building.

20. Q. **How much has been budgeted to purchase land along Murchison Road?**

- A. Consistent with the Capital Improvement Plan presented to Council on February 6, 2012, the recommended fiscal year 2013 budget includes a transfer of \$200,000 from the General Fund to purchase land for the Murchison Road Redevelopment project. The Capital Improvement Plan also includes \$180,000 per year for fiscal years 2014 through 2017 for future land purchases, and planned use of \$66,000 of Community Development Block Grant funds each year for five years for associated demolition costs.

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Development Services

21. Q. What is included in the \$220,000 Capital Outlay budget?

A. The \$220,000 is requested to provide vehicles to code enforcement staff, in lieu of staff driving personal vehicles and being reimbursed on a mileage basis. The change is anticipated to improve efficiency, visibility and accountability. Specifically, seven compact cars at a cost of \$20,000 each and 4 small pick-up trucks, also at a cost of \$20,000 each, are included in the recommended budget.

Engineering and Infrastructure

22. Q. Will there be additional funding for our Engineering Department (speed humps, etc.)?

A. The recommended fiscal year 2013 General Fund budget includes funding for the following street infrastructure improvements:

Street Resurfacing	\$3,500,000
Sidewalks	\$158,000

There is also funding included in the operating budget for the Street Maintenance division for minor repair projects, including \$25,000 for traffic calming devices. In addition, \$300,000 of funding available in the Transportation Capital Project Fund will be applied to the Fort Bragg Road Rehabilitation project.

Information Technology

23. Q. What is the estimated return on investment for information technology new initiative requests?

A. The Information Technology department prepared the estimates of the return on investment for various new initiative requests (this information was provided to the Council in the form of a handout).

24. Q. How do the new budgeted positions - Project Manager, Web Developer and Asset Specialist - match up with the position requests presented to Council during the department's report several months ago?

A. The 2011 strategic plan crafted in conjunction with UNC School of Government outlined the staffing needs for the Information Technology department. The plan stated that "in order to optimize the organization, the specialization of current staff indicates a need for training and certification among the IT staff, as well as an increase in staff to provide additional services to the end users in the departments". The request for a Project Manager and HelpDesk Technician (Asset Specialist) is in line with the positions the strategic plan stated should be considered as priority investments. Additional positions that should be considered are: Network Security Analyst, Business Analyst, and GIS Analyst. These positions would allow the department to better align the it's goals and objectives to the goals and objectives of the governmental enterprise, as well as to individual departments, in an effort to meet citizen needs using innovative techniques and approaches.

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Management Services

25. Q. What would the savings be of eliminating the Kaleidoscope program or its reducing frequency?

A. The recommended budget includes \$25,800 to fund six episodes of the Kaleidoscope program.

Other Appropriations

26. Q. What is the planned support of the Chamber? How will the City's specific economic projects like Hope VI Business Park, etc., be managed?

A. The recommended funding for the Chamber contract on economic development is the same as last year (\$100,000). No amendment to the existing contract is anticipated before the ending of the fiscal year. A new contract and revised expectations are expected to be developed in the first or second quarter of the next fiscal year. It will be important to consider how urban economic development efforts are resourced as part of those discussions with the Chamber.

27. Q. What has been included in the recommended budget for funding of non-profits?

A. The following amounts are included in the recommended fiscal year 2013 General Fund budget:

Airborne and Special Operations Museum Foundation	\$56,250
Arts Council of Fayetteville/Cumberland County	\$75,000
Center for Economic Empowerment and Development	\$28,125
Fayetteville/Cumberland Chamber of Commerce	\$100,000
Friends of the Park Foundation (Fascinate U)	\$48,000
United Way (211 Program)	\$5,500

Police

28. Q. Council members would like to see financial models developed to increase police staffing over the next several years starting this year.

A. Staff is developing a proposal to increase police department staffing which will be presented at the May 23, 2012 budget workshop.

Transit

29. Q. What transit improvements have been included in the City Manager's recommended budget for fiscal year 2013?

A. The transit improvements reflected in the fiscal year 2013 recommended budget include:

Split Route 15

Route 15 currently provides hourly service between Cross Creek Mall and the hospital complex with two buses. The TDP recommended the route to be split into two routes - one providing more direct service between the mall and hospital area, the other providing service to some neighborhood areas currently served by the existing route, but also serve some new areas.

Combine Routes 16 & 17

Combining routes 16 & 17 will provide direct service to the mall from Raeford Road and provide more transfer options to other routes. It will also provide new service to those in the area along Reilly

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Road between Morganton and Cliffdale Roads, eliminate the awkward transfer location at Bunce and Cliffdale and may provide an opportunity to serve Fort Bragg via the Yadkin gate. This change was suggested in the TDP. The same two small buses that now operate these routes would operate along a single route at hourly frequencies.

Bus Stop and Shelter Maintenance

Since fall 2010, Transit has added 25 bus shelters and 18 bench locations. Bus stop cleaning and maintenance has been handled by the same transit maintenance staff that also clean and service buses. The Transit department will contract with the Parks, Recreation and Maintenance department for additional maintenance and cleaning services.

Strickland Bridge Road Route

The Strickland Bridge Road corridor in west Fayetteville is an area that was identified for future expansion in the TDP. The route would operate from New Century Circle and connect with other routes near Target on Skibo Road and would provide new service to the area along Cliffdale Road between Pritchard and Skibo. Necessary curb and gutter and sidewalk infrastructure along the proposed route is very limited. The funding included for fiscal year 2013 is the local match required to order two vehicles (LTV's) and to prepare a limited number of stops along Strickland Bridge Road in order to prepare to provide future service.

Mayor Chavonne announced the next budget workshop would be held at 5:00 p.m. on Wednesday, May 23, 2012.

MOTION: Mayor Pro Tem Arp moved to go into closed session for consultation with the attorney for litigation involving Gates Four.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (8-0)

The regular session recessed at 7:45 p.m. The regular session reconvened at 8:05 p.m.

MOTION: Council Member Crisp moved to go into open session.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (8-0)

There being no further business, the meeting adjourned at 8:05 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
MAY 23, 2012
4:00 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); D. J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (arrived at 4:25 p.m.); James W. Arp, Jr. (District 9) (via telephone)

Absent: Council Member Wade Fowler (District 8)

Others Present: Kristoff Bauer, Interim City Manager
Brad Whited, Interim Assistant City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Jerry Dietzen, Environmental Services Director
Craig Hampton, Special Project Director
Scott Shuford, Development Services Director
Frank Lewis, Senior Code Enforcement Administrator
Bart Swanson, Housing and Code Enforcement Division Manager
Karen Hilton, Planning and Zoning Division Manager
David Nash, Planner II
Craig Harmon, Planner II
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 May 29, 2012, agenda:

CONSENT ITEMS

Case No. P11-70F. Rezoning from SF-6 Single Family Residential and CC Community Commercial District to HI Heavy Industrial Conditional District, or a more restrictive district, on property located at 1326 Sapona Road. Containing 14.8 acres more or less and being the property of Thomas Cooper, Jr.

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 explained the applicant was requesting the property be rezoned for use as a salvage yard. He further explained the property was subject to the City's amortization requirements for salvage yards. He stated if the applicant was not successful in getting the property rezoned, he would be forced to end the operations on the property. He advised the applicant offered the following conditions to the request:

1. Limit HI uses to Auto Salvage Yard, Heavy Auto Repair, Wrecker Service and Indoor Storage (areas shown as A + B options on the map).
2. Limit permanent auto storage areas to no closer than 200 feet from Sapona Road.
3. Installation of perimeter buffering as required by the development ordinance.

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Mr. Harmon further advised the Zoning Commission and staff recommend approval of HI/CZ district based on the following:

1. Although the Land Use Plan calls for medium density residential, the property has been used as a salvage yard for 40 plus years.
2. Mainly separated from surrounding residential uses.
3. Size of the area requested for rezoning has been reduced (now only includes A + B on the map).
4. Conditional Zoning will prevent other HI uses in the future.
5. Adjoins other HI zoning.

Case No. P12-12F. Rezoning from SF-10 Single Family Residential District to CC/CZ Community Commercial Conditional District, or a more restrictive district, on properties located at 4950 Redwood Drive. Containing 0.24 acres more or less and being the property of Charles Singletary and Louise Singletary (Deceased).

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 explained the applicant was requesting the rezoning in order to expand the existing auto sales lot at the corner of Redwood and Hope Mills Roads. He noted there was a residential neighborhood adjacent to part of the lot and the impact of light trespass should be minimized by both the UDO standards and the privacy fence being erected by the owner. He advised the following conditions were offered by the owner:

1. Limit the allowed uses in the CC to only that of auto sales.
2. Install a 6-foot tall privacy fence where abutting residential zoning.
3. Install a 6-foot type D buffer on residential side of fence with plantings.

He further advised the Zoning Commission and staff recommended approval of a more restrictive LC/CZ district based on (1) the property having Commercial Zoning on two sides, (2) the property having Office and Institutional zoning on a third side, and (3) the Land Use Plan/Hope Mills Road Plan both calling for commercial use.

Case No. P12-19F. Rezoning from SF-10 Single Family Residential to CC Community Commercial District, or a more restrictive district, on property located on Lake Valley Drive and across All American Freeway. Containing 0.34 acres more or less and being the property of Suite Development of FNC, 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 explained the applicant would like to build a hotel on the property. He advised the Zoning Commission and Staff recommended approval of the CC district based on (1) the property having Commercial Zoning on two sides, (2) the property having a major highway on the third side, (3) the Land Use Plan calling for heavy commercial, and (4) the property being a small isolated remnant from construction of the expressway.

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PUBLIC HEARINGS

Text amendment request to amend City Code Section 30-5, Development Standards, to add standards for fire-flow and fire hydrant locations in accordance with Appendices B and C of the North Carolina Fire Code as amended.

Mr. Scott Shuford, Development Services Director, presented this item and explained the proposed amendments were contained in the State Fire Code Appendices B and C which the City had not formally adopted. He stated while the Public Works Commission standards met or exceeded the requirements of Appendices B and C, the same standards were not necessarily being met in outlying areas in the Municipal Influence Area where service may be provided by other utilities. He further stated the amendment would ensure that the minimum fire flow and fire hydrant location standards of the NC Fire Code would be met in areas where the utility providing the service had less restrictive utility design standards. He advised the proposed amendment would meet all criteria for evaluating amendments to the development standards and the Fire Department supported the amendment. He further advised the Planning Board and staff recommended adoption of the ordinance amendment.

Amend City Code Chapter 30, Articles 4 and 9, to create, classify, and set special standards for transitional housing, and establish conditions to allow modification of the separation standards for certain group living facilities in business zoning districts through the special use permit process.

Mr. Scott Shuford, Development Services Director, presented this item and stated the amendment was prompted by a request to establish a halfway house on Ramsey Street in a commercial location. He stated the location appeared appropriate for the use, but a separation standard had not been met. He briefly reviewed and explained the separation requirement of halfway houses. He stated staff was proposing maintaining the separation requirements in residential districts, but allowing the separation standards to be reduced or waived in business districts through the special use permit process. He stated the special use permit process would allow individualized consideration of a particular group living or institutional facility's relationship to and/or concentration of similar facilities based on a variety of factors unique to the property, such as topographical or transportation facility barriers (such as rivers, railways, and major highways); degree or extent of separation from other such uses; and surrounding neighborhood characteristics (including proximity to social services and public transportation). Additionally, he stated a Transitional Housing use was needed because group homes, halfway houses, therapeutic homes, and assisted living facilities all addressed the housing needs of persons transitioning from confinement circumstances or suffering from various disabilities. He stated Transitional Housing would meet the housing needs of homeless persons who may not be transitioning from confinement circumstances or suffering from various disabilities. He advised the Planning Board and staff recommended adoption of the ordinance amendment.

Case No. P12-13F. Request for a Special Use Permit for halfway house in a Community Commercial District, on property located at 3611-B Ramsey Street. Containing a portion of 5.63 acres more or less and being the property of Cedar Creek Crossing West 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 Special Use Permit was requested to open a halfway house on the property. He explained the location currently would not meet the separation requirement between halfway houses and large or small group homes and therefore the halfway house could not locate on the property. He advised the Zoning Commission and staff

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recommended approval as presented by staff and 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.

Case No. P12-21F. Request for a Special Use Permit to allow a recycling/salvage yard in an HI district on property located at 525 S. King Street. Containing 24.47 acres more or less and being the property of Advanced Internet Technologies.

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 Special Use Permit was requested to allow for the operation of an auto recycling/salvage yard. He stated as a recycling center, each auto that was brought in would first be stripped and drained of most hazardous materials. He explained the request was to be able to provide capacity for up to 1,346 autos for recycling. He further explained the facility would also have two buildings, one for retail sales and the other for the recycling of parts. He advised the Zoning Commission and staff recommended approval as presented by staff and 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;

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6. The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
7. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
8. The special use complies with all other relevant City, State, and Federal laws and regulations.

Case No. P12-15F. Request for a Special Use Permit for dog kennel, on property located at 7351 Stoney Point Road. Containing 4 acres more or less and being the property of Ronald and Joy Whitehead.

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 Special Use Permit was initially requested to open a dog park and kennel and the owners had since dropped the request for a dog park. He stated the owners originally submitted a site plan with two possible locations for the facilities (listed as A and B on the map in the owner's information packet). He stated the owners along with the Zoning Commission and staff ruled out option A on the map and option B was being recommended by the Zoning Commission for approval. He explained Animal care uses would have to meet special requirements in order to be developed. He stated the applicant withdrew the request for a private dog park and taken the option A location for the kennel off of the request. He briefly reviewed the animal care uses. He advised the Zoning Commission and staff recommended approval for a dog kennel as presented by staff and 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.

Case No. P12-26F. Request for a Special Use Permit for a drive-thru in a commercial transition area on property located at 6915 Cliffdale Road. Containing 0.34 acres more or less and being the property of SVP Construction and Quality Oil Company.

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

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Plan. He stated the Special Use Permit was requested to allow drive-through on commercial property adjacent to a SF-10 single-family detached housing development. He explained when fully developed, the property would have a gas station and drive-through car wash. He further explained the car wash, located on a separate property, must be approved through the Special Use Permit process. He advised the Zoning Commission and staff recommended approval as presented by staff and 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.

Case No. P11-23F. Initial zoning from R40 Residential (County) to SF-15/CZ Single Family Conditional District, or a more restrictive district, on property located on Underwood Road. Containing 116.77 acres more or less and being the property of John Koenig Estate Builders LLC.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was being petitioned for annexation into the City in order to develop single-family residential and was located partially inside the City's MIA (Municipal Influence Area). He stated the current zoning of R40 in the county would allow for 111 lots. He explained under the Council's old policy, the property would come into the City with AR zoning. He further explained the City's new policy would allow the applicant to request the zoning district that they would like to have in the City. He advised if the initial City zoning were AR, the owner would be allowed to develop up to 250 lots on the property. He stated the owner would like to come into the City under a SF-15 Residential Conditional district which without any limiting conditions would allow up to 345 units or 368 units with a zero lot line. He stated the owner's only condition would be to limit the number of allowed lots to 260, 10 more than would be allowed in an AR district. He advised the Zoning Commission and staff recommended that if the property were annexed, it should become a SF-15 Conditional district based on SF-15 Conditional (1) only having 10 more lots than what would be allowed in the AR District, (2) being one of the City's low-density zoning districts, and (3) allowing flexibility in lot sizes and setbacks under zero lot line that AR would not. He further advised the Zoning Commission and staff recommended approval of the

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initial zoning to SF-15/CZ as presented by staff if the property were annexed.

Public hearing to consider a petition requesting annexation for a non-contiguous area known as Lexington Woods Subdivision.

Mr. David Nash, Planner II, presented this item. He provided background information on the petition and briefly reviewed the location of the property and surrounding area. He stated the land in the area was currently vacant, but the owner was proposing to develop the land into a single-family detached residential subdivision with a maximum of 260 lots and part of the area was located in the Fayetteville MIA. He stated all of the area was in the Eastover Sanitary District. He stated the owner had originally attempted to get the property rezoned in the County to allow more units, but was turned down by the County, and therefore decided to petition for annexation into the City. He explained the owner was requesting that if the area were annexed, that it be initially zoned in the City as SF-15, with the condition that the area would contain no more than 260 units. He further explained that under the SF-15 zoning, the area could contain as many as 345 units assuming zero lot line regulations were not used. He explained if zero lot line regulations were used, the area could contain as many as 368 units. He advised staff recommended adoption of the ordinance with an effective date of May 29, 2012, and establish the initial zoning as SF-15 with the condition that no more than 260 units be built in the property.

Case No. P12-20F. Rezoning from SF-6 Single Family Residential to LC Limited Commercial District, or a more restrictive district, on property located at 535 & 541 Bunce Road. Containing 2.21 acres more or less and being the property of Horizon's Property Management, LLC [NC Recommended].

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. Mr. Harmon stated the properties in question were located near the intersection of Bunce Road and Cliffdale Road. He stated currently there was a daycare center on one property and an office on the other. He stated the owner had indicated they would like to put a mower dealership with retail sales and service on the property. He explained this would be a straight rezoning and if approved any of the permitted uses in the district could go on the properties.

Case No. P12-22F. Rezoning from SF-6 Single Family Residential to CC/CZ Community Commercial Conditional District, or a more restrictive district, on property located at 408 Waddell Drive. Containing 1.34 acres more or less and being the property of John and Pearlle Hodges.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the owner of the property had requested a rezoning to Community Commercial Conditional in order open a counseling center for behavioral health and youth/adolescent sexual health problems. He stated the property was located at the end of Waddell Drive in an area that was currently exclusively residential. He stated if the Commission was inclined to rezone the property, staff would recommend that they go no higher than an OI Office & Institutional district. He stated the conditions offered by the owner were to limit the allowed uses in the CC to only that of counseling services as described in the applicant's packet. He stated staff recommended denial of the CC/CZ district based on (1) the property being completely surrounded by residential development, (2) a strong case could be made that this was an illegal spot zoning, and (3) the Land Use Plan calling for residential development. He also stated the Zoning Commission recommended approval of a more restrictive OI district based on the community need and the facility being located in a mostly undeveloped area of Waddell Drive.

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Case No. P11-38F. Rezoning from SF-6 Single Family Residential to MR-5/CZ Mixed Residential Conditional District for property located at 2377 Dundle Road and being the property of March Riddle.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property owner was seeking a conditional zoning approval to allow him to develop in the same manner as he could prior to the UDO taking affect. He stated the conditions offered by the owner were no more than the former R-6 density (45 units or 54 units zero lot line). He advised the Zoning Commission and staff recommended approval based on the principles of the UDO remapping project.

MOTION: Council Member Haire moved to go into closed session for consultation with the City Attorney regarding an attorney-client privileged matter.

SECOND: Council Member Massey

VOTE: UNANIMOUS (9-0)

The regular session recessed at 5:20 p.m. The regular session reconvened at 5:40 p.m.

MOTION: Mayor Pro Tem Arp moved to go into open session.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (9-0)

MOTION: Council Member Crisp, to ensure public confidence in the Police Department and Police Officers and to refute the racial allegations made by Mr. Simmons, moved that the video of the May 21, 2012, traffic stop be released.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (9-0)

There being no further business, the meeting adjourned at 5:42 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
BUDGET WORKSHOP MINUTES
LAFAYETTE ROOM
MAY 23, 2011
6:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1) (left at 6:35 p.m.); 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) (arrived at 6:30 p.m.); James W. Arp, Jr. (District 9) (via telephone, left at 6:20 p.m.)

Absent: Council Member Wade Fowler (District 8)

Others Present: Kristoff Bauer, Interim City Manager
Bradley Whited, Interim Assistant City Manager
Karen M. McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Manager
Tom Bergamine, Police Chief
Ben Major, Fire Chief
John Kuhls, Human Resource Development Director
Michael Gibson, Parks and Recreation Director
Randy Hume, Transit Director
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
Ron McElrath, Human Relations Director
Jerry Dietzen, Environmental Services Director
Dwayne Campbell, Chief Information Officer
Ron McElrath, Human Relations Director
Steven K. Blanchard, PWC CEO/General Manager
Pamela Megill, City Clerk
Members of the Press

1. Open Meeting

Mayor Chavonne opened the meeting and called it to order.

2. United Way, Cumberland County, NC, 211-Program Briefing

Mr. Kristoff Bauer, Interim City Manager, introduced Mr. Robert Hines, President/CEO, United Way Cumberland County, NC. Mr. Hines stated the United Way of Cumberland County was committed to building a stronger community by identifying critical needs and determining the most effective manner to address those needs. He stated United Way was identifying and strategically investing in community programs that address the following impact areas: Education-strengthening and supporting children, youth, families, and neighborhoods; income-supporting basic needs, financial stability, and independence for low-income families, older adults, and persons with disabilities; and health-advocating for health and healing, counseling services, and physical health programs. He stated there were about 30,000 nonprofit organizations in North Carolina and finding the right one to assist citizens could be difficult. He stated 2-1-1 was the phone number for finding community health and human service resources and the service was free to the public and operated 24 hours per day, seven days per week. He stated the service was also multilingual.

A brief question and answer period ensued.

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3. Phase V Project Contribution Restructuring

Mr. Bauer provided a power point presentation and provided information on the operating transfer agreement, Phase V Water and Sewer Funding agreement, the projected City project contributions by fiscal year, and proposed resources to be available for operations.

4. Police Staffing Enhancement Proposal

Mr. Bauer presented the following proposal for the police staffing enhancement:

Effective July 1, 2012

Police Officers (7) - Gang Enforcement

Public Safety Dispatchers (3) - Additional staffing for heavy call for service volume. No enhancements for 2013.

Effective July 1, 2014

Police Officers (6)

Patrol Support Operations (2)

DWI Team (4)

Effective July 1, 2015

Police Officers (4) - Patrol Support Operations

Effective July 2016

Police Officers (5) - Patrol Support Operations

Civilian Traffic Investigators (3) - Process traffic accidents.

The total cost if funded in FY 2013 is \$2.8 million.

Mr. Bauer provided the funding plan for phased implementation of the proposal.

5. Group 2 Budget Questions

Mr. Bauer addressed the group 2 budget questions.

New Initiatives

30. Q. Please present specific cost and justification information on the New Initiatives identified for funding in this budget (Separate spreadsheet provided to council).

A. The new initiative funded in this budget include:

New Initiatives by Fund

General Fund

Development Services & Police	RAMP Program	\$337,308
Police	RMS Database Manager	\$58,667
Development Services	Code Enforcement Vehicles	\$174,875
Development Services	Office Assistant II for Dispatch	\$46,205
Development Services	Tablet Computers	\$22,259
Engineering & Infrastructure	Transportation Planner	\$59,186
Finance	Grant Duty Reassignment	\$8,263
Finance	Accounting Clerk of Assessment Collections	\$40,937
Fire	Emergency Management Administrator	\$64,598
Information Technology	Asset Specialist	\$57,877
Information Technology	ERP Project Manager	\$81,138
Information Technology	Web Developer	\$10,129
Management Services	Parks & Recreation Bond Education Campaign	\$69,475
Other Appropriations	Capital Match for Transit New Initiatives*	\$32,500
Parks, Recreation & Maintenance	Bus Shelter Maintenance Costs	\$22,000
Parks, Recreation & Maintenance	Office Assistant II (Shared with County District)	19,114
Police	Equipment for Mobile Surveillance Unit	\$30,000

Transit

Operating Budget	Bus Stop and Shelter Maintenance	\$22,000
Operating Budget	Split Route 15*	\$0

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Operating Budget	Combine Routes 16/17*	\$0
Operating Budget	Strickland Bridge Road Route	\$0

<u>Airport</u>		
Operating Budget	Temporary Services for Fenceline Maintenance	23,296

*Three transit new initiatives require investment in capital only for FY 2013; there are no operating budget impacts in FY 2013.

31. Q. What is the total cost of "Transportation Planner" new initiative position?

- A. A total of \$59,186 was added to the recommended General Fund budget for the addition of the Transportation Planner position. The funding pledged by FAMPO will reimburse up to \$50,000 of that cost, leaving a balance of \$9,186 to be funded by existing General Fund resources. This includes estimates for all costs associated with supporting the new position, e.g. a computer, but the salary is estimated at the minimum of the range consistent with current policies.

32. Q. A cost benefit of \$39.7K is anticipated for increased inspection fees with the addition of two dispatchers and one plans examiner. What performance accountability measures will be used to determine the cost benefit of these additional positions (improved accountability and efficiency - measured how)?

- A. The \$39,675 amount is the projected increase in revenues resulting from a minor increase in permit fees. This revenue would go toward funding two initiatives that will dramatically enhance accountability and customer service in the inspections and plan review areas. The proposed central call center and dispatch program will produce data essential to evaluating inspector productivity, efficiency and workload and enable each inspector to devote at least one more hour a day in performing inspections; customers will benefit by having more in-field inspections and having a single number to call to request inspections. New performance metrics will include inspections per day, period between request and inspection, and travel time, for example. The centralized plan review program will likewise free up inspector time for inspections, as well as providing customer benefits of faster plan review turnaround and more consistency in plan review. More detail is provided below.

Inspection Requests

Current Approach: Inspectors manage their own inspection schedule - receiving requests for inspection, making appointments, visiting sites, and entering results. Daily inspections caseload is determined by each inspector based on his or her knowledge of specific jobs and the time required performing the requested inspections. Inspectors take the paperwork for their inspection schedule into the field. This is a continuance of longstanding practice. Inspectors spend an hour or more each day in the office setting their schedules.

Concerns:

- Management and Supervision - There is no opportunity to determine if timely responses to inspection requests occur. There is no consistent entry of inspection requests into the permitting system. Workload inequities are difficult to identify. Inspection priorities are set by inspectors, not necessarily by departmental policies.

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- Customer Service - Customers may go considerable periods of time without inspection of HVAC change-outs and other "low priority" construction. Customers must know how to contact their particular inspector(s) when they call for service. Customer service expectations for precise inspection times are created and not always able to be delivered. Field inspections are not able to be accommodated because paperwork is at the office.
- Resources - Inspector schedule management reduces time available for inspections.

Proposed Approach: **Central Call Center and Dispatch** - Request intake and inspection dispatch could be centralized, using clerical personnel to receive calls for inspection, enter them into the permitting system, prioritize the inspections based on department policy (e.g., inspections associated with real estate closings and with footings and other trench work might receive priority), assign inspections based on equitable workload policies and inspector districts, and manage most routine, nontechnical communication with customers.

Benefits:

- Management and Supervision - Timeliness, workload equity, data entry, and inspections priorities would be better managed. Supervisors would have workload information to evaluate that aspect of employee job performance.
- Customer Service - Field inspections could be picked up by inspectors through communication with dispatcher(s). One telephone number would be all a customer would need to know. Nontechnical customer issues could be handled by clerical staff.
- Resources - Nontechnical issues, including scheduling, follow-up contact with contractors who are tardy calling for inspections, and data entry other than inspections resulting, would be handled by clerical staff, freeing inspectors for more technical work.
- Cross-training of permit clerical staff would enable resources to be deployed where necessary (e.g., customer service at the permit counter when lines form, additional staffing phone banks when inspections call-in volume is high, etc.).

Plan Review

Current Approach: Timeliness of plan review was of significant concern to the contractors' staff engaged in our customer outreach through focus groups. Currently, plan review occurs in a highly decentralized fashion, with inspectors and inspection supervisors conducting plan review for the projects they inspect in their individual districts. Projects requiring a Level III certification are reviewed by inspections supervisors regardless of district. Workload priorities determine whether plan review or inspections occur. This decentralized approach results in inconsistencies in how plans are reviewed, another concern expressed by our customers.

Proposed Approach: **Centralized Plan Review** - This approach would involve the hire of a plans reviewer position. This position would have to have Level III certifications in most or all trades. A collateral advantage of this approach would be to provide an additional in-office source for code

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information and interpretations in addition to Building Official Doug Maples.

Benefits:

- Timeliness - Faster plan reviews would occur.
- Consistency - A single source for most plan review and for most interpretations and code information would enhance consistency, both in terms of information shared with customers and with how building design is interpreted for code compliance. In other words, consistent plan review would facilitate consistency in inspections since the inspections are conducted for compliance with approved plans.
- Resources - Inspectors and inspection supervisors would have time freed up to perform their primary tasks.

33. Q. Provide the Council an overview of the position requested by the Human Relations department, including the duties and responsibilities and the impact to the department's operations if the position is not funded.

A. The new initiative request form prepared by the Human Relations Department is attached as Appendix A to this document.

34. Q. Please provide a summary of transfers to and from PWC.

A. The table below provides a summary of the projected impact of transfers, and other revenue impacts, between PWC and the City for fiscal year 2013.

	Current Projection	Proposed Amendment
Transfer from PWC to City (% of Net Assets)	10,961,399	10,961,399
Increase in City Gross Receipts Tax Revenues	844,062	844,062
Transfers from City to PWC		
Phase V Project Funding	3,054,451	2,528,451
Prior Annexation Sewer Debt Service	385,200	385,200
Black & Decker Annexation Adjustment	20,847	20,847
Reimbursement of Gross Receipts Tax Proceeds	263,769	263,769
Annexation Assessment Cap Costs	110,000	110,000
	<u>3,834,267</u>	<u>3,308,267</u>
Net Impact for City FY 2013 Budget	<u>7,971,194</u>	<u>8,497,194</u>

Personnel

35. Q. Do we have a graph depicting growth in the number of employees over the past 5 to 10 years?

A. The chart below illustrates the number full-time positions authorized across all funds in the original budgets for each fiscal year.

Fiscal Year	Full-Time Positions Authorized
FY 06-07	1,421
FY 07-08	1,444
FY 08-09	1,468
FY 09-10	1,509
FY 10-11	1,494
FY 11-12	1,500
FY 12-13	1,504

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36. Q. What is the annual personnel turnover rate by department for the past five years?

A. Please see the table below for a history of gross turnover rates by department.

GROSS TURNOVER BY DEPARTMENT
FY 06/07 TO FY 10/11
WITH FY 11/12 YEAR-TO-DATE

DEPARTMENT	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11	AVERAGE FY 07-FY 11	FY 11/12 YTD
AIRPORT	13.33%	6.67%	6.67%	6.25%	17.65%	10.11%	17.65%
CITY ATTORNEY	11.11%	12.50%	22.22%	12.50%	11.11%	13.89%	33.33%
CITY MANAGER	28.57%	16.67%	33.33%	0.00%	0.00%	15.71%	33.33%
COMMUNITY DEVELOPMENT	0.00%	33.33%	33.33%	50.00%	33.33%	30.00%	0.00%
CUSTOMER FOCUS	62.50%					62.50%	
DEVELOPMENT SERVICES				13.33%	9.30%	11.32%	13.04%
INSPECTIONS	5.00%	2.50%	12.82%			6.77%	
PLANNING	0.00%	0.00%	0.00%			0.00%	
ENGINEERING & INFRASTRUCTURE	11.32%	4.10%	9.02%	6.31%	7.83%	7.72%	5.79%
ENVIRONMENTAL SERVICES	21.92%	7.37%	14.74%	13.13%	15.24%	14.48%	5.21%
FINANCE	20.00%	11.11%	11.11%	15.79%	26.32%	16.87%	15.79%
FIRE & EMERGENCY MANAGEMENT	6.29%	1.32%	3.99%	4.26%	4.24%	4.02%	7.27%
HUMAN RELATIONS	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
HUMAN RESOURCE DEVELOPMENT	26.67%	16.67%	30.77%	7.69%	28.57%	22.07%	0.00%
INFORMATION SYSTEMS	12.50%	6.25%	12.50%	34.78%	30.00%	19.21%	15.00%
MANAGEMENT SERVICES	0.00%	0.00%	8.33%	9.09%	20.00%	7.48%	30.00%
PARKS, RECREATION & MAINTENANCE	10.33%	4.07%	8.67%	30.94%	8.05%	12.41%	6.04%
POLICE DEPARTMENT	12.34%	4.20%	8.12%	10.00%	11.11%	9.15%	8.09%
RISK MANAGEMENT	60.00%	0.00%	0.00%	20.00%	20.00%	20.00%	25.00%
TRANSIT	15.25%	8.82%	20.59%	18.29%	25.30%	17.65%	15.22%

POLICE DEPARTMENT BREAKDOWN

SWORN LAW ENFORCEMENT	8.76%	2.20%	6.32%	6.02%	8.09%	6.28%	6.79%
NON-SWORN	19.34%	8.75%	12.42%	18.54%	20.00%	15.81%	12.10%

Note: Shaded areas represent changes in department alignments. Customer Focus no longer exists as an independent department, and Development Services now encompasses Inspections and Planning.

General Fund Revenues

37. Q. According to the budget message, funding for the 17 police officers added under the Federal COPS Grant ends in FY13 (extended for a portion of FY13). Does this budget fund the balance of the requirement that is unfunded when the grant expires? What are the impacts for the 2014 budget?

A. The fiscal year 2013 recommended budget provides funding for all but \$676,784 of the projected annual costs for the 17 police officer positions funded by the COPS grant. In fiscal year 2014, additional resources will need to be identified in the General Fund budget for the remaining \$676,784.

City Manager's Office

38. Q. Please provide additional details on the budgeted increase for travel and development.

A. Two items have impacted this budget line: First, for reasons that are not well documented or understood, this budget line was reduced in the FY12 budget below previous years and actual expenditures. The proposal this year is in line with actual expenditures over the last few years. Second, travel expenses related to both the City Manager and Assistant City Manager recruitment will be charged to this line item.

Community Development

39. Q. Operating expenses for Community Development increased 57.03%. What is included in this increase?

A. The total increase in the Operating Services expenditure category over the prior year original budget is \$56,918, of

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which \$53,038 relates to increases in budgeted operating expenditures for the Festival Park Plaza building.

Human Relations

40. Q. Contract Services expenses for Human Relations increased 347.83% (\$2K)? What does this fund?

A. The \$2,000 increase funds the expected General Fund allocation of the cost to hire an ADA consultant to assist with the preparation of an ADA Self Evaluation Report. Community Development and Transit grant funding is projected to fund the balance of the anticipated \$20,000 cost for the project.

Human Resources Development

41. Q. Contract Services expenses for Human Resources Development decreased 71%. What services were discontinued or absorbed by staff? Impacts?

A. The total reduction in contract services as compared to the original budget for fiscal year 2012 is \$91,536, of which \$85,000 relates to the compensation study that was funded in fiscal year 2012 which is non-recurring expenditure.

Information Technology

42. Q. Have we exhausted all means of leveraging IT efficiencies with PWC? Have we examined areas that we can contract support or services (e.g. Cloud storage, contract web services etc.)?

A. As we grow our ability to design and construct IT services that meet business demands to accomplish more with technology, leveraging ITP efficiencies with PWC continues to be a work in progress.

Current areas of review are:

- Disaster recovery
- City Wi-Fi across the PWC wireless backbone
- Customer/Citizen Relationship Management (CRM) system
- Enterprise Resource Planning (ERP) system

City IT always leverages contract support for new initiative implementation as well as for desktop services support.

43. Q. Information Technology depicts a \$1.076M budget (246% increase) with one item listed being telephone maintenance and wiring. What is the cost of telephone maintenance and wiring? Is this an item that can be outsourced and can wireless communications be used to save money?

A. The \$1,076,214 expenditure total is for the Other Charges expenditure category which reflects planned transfers to capital project funds for technology improvement projects as listed on page I-48 of the recommended budget document.

The note regarding telephone maintenance and wiring relates to the Contract Services expenditure category which totals \$221,170 and also includes services for other technical consulting and programming, and other support services. Of the \$221,170, only \$7,500 relates to telephone maintenance and wiring.

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Management Services

44. Q. Management Services reflects a 51% increase in operating expenses? Will the cost of the bond advertisement for parks and recreation be reduced?

A. The total increase in the Operating Services expenditure category does primarily reflect the \$64,496 projected for the Parks and Recreation bond education campaign. The planned campaign incorporates various communication techniques and the production of collateral pieces which will educate the community on the details of the projects and bond proposal. The plan was not dependent upon County participation or funding, and is therefore not anticipated to be reduced based upon the County's decision not to participate in the bond process.

Mayor and Council

45. Q. What savings can be achieved by reduction of the number of organizational memberships and dues for the Mayor and City Council (Currently projected at \$94K)?

A. The recommended budget includes funding for the following projected membership expenditures for fiscal year 2013:

NC League of Municipalities	\$48,691
School of Government	21,781
NC Metropolitan Coalition	13,304
National League of Cities	8,961
Fay/Cumb. Chamber of Commerce	513
Military Affairs Council	250
Assoc. of US Army	150
National Civic League	50
	<u>\$93,700</u>

Other Appropriations

46. Q. Please provide additional details regarding the United Way "211" program for which \$5,500 has been included as a City contribution for fiscal year 2013. Are other local governments also participating in funding the program?

A. United Way staff provided an overview of the 211 program at the beginning of this workshop

Parks, Recreation and Maintenance

47. Q. How much money could the city save by contracting grass cutting services conducted by Parks, Recreation and Maintenance (sale of equipment, reduction in operating cost and personnel)?

A. Responding to this question accurately and completely would require significant effort and is beyond the scope of this process.

Recycling Fund

48. Q. Did the addition of multifamily properties impact revenue for the recycling program (fees)?

A. The multifamily recycling ordinance adopted by City Council requires multifamily communities to provide single stream recycling collection to their residents at their own expense. As such, these properties are not subject to City recycling fees and there is no impact upon Recycling Fund revenues.

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Transit

49. Q. In the budget message, the description of the CDBG includes a comment that "competitive grants continue to be difficult to qualify for and expensive to administer". What does this forbode for the multi-modal effort?

A. The competitive grant environment adds uncertainty to the capital project and budget processes. It also requires persistence on the part of grantees to take advantage of grant opportunities as they are announced. Unlike the ARRA grants which added significant new reporting requirements, the Federal Transit Administration (FTA) competitive grant administration requirements do not differ from previous grants, other than the time spent preparing the proposal.

The City submitted a competitive grant proposal to the FTA in late March, 2012 for the Multimodal Transit Center (MMTC) construction funding. According to the FTA's Notice of Funding Availability (NOFA), selected projects should be announced in July, 2012. Once a project is selected, the normal federal application process can be started.

Our MMTC proposal requested 80%, or \$10.9 million, of the \$13.7 million project. The FTA's process looks favorably upon projects that are scalable (i.e., that can be phased) in order to spread funding over multiple years. As such, our proposal included an initial phase of approximately \$9.5 million with federal contributions of just over \$8.0 million. The FTA has already committed funding of almost \$2.0 million (\$2.5 million total cost) for initial design, property acquisition, relocation and demolition. An additional FTA formula grant for \$650,000 to complete the MMTC design has been submitted and is under review by the FTA.

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
MAY 29, 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: Kristoff Bauer, Interim City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Steve Blanchard, PWC CEO/General Manager
Chris Ayers, Poyner & Spruill
Members of the Press

Mayor Chavonne called the meeting to order at 6:10 p.m.

MOTION: Mayor Pro Tem Arp moved to go into closed session for consultation with the attorney regarding an attorney-client privileged matter.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

The regular session recessed at 6:10 p.m. The regular session reconvened at 6:30 p.m.

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

Mayor Chavonne reviewed the agenda. He stated Item 7.2 had been revised and would be replaced and Items 7.11 and 7.12 would be removed from the agenda.

Council Member Fowler requested the animal control item on the consent agenda be pulled for a separate vote.

Mayor Chavonne quickly reviewed items and whether item was a special use permit or rezoning.

Ms. Karen McDonald, City Attorney, advised the City Council should proceed with Item 7.8 out of abundance of caution, there was no protest petition option for Item 7.9 which was an initial zoning, and Items 7.11 and 7.12 be removed from the agenda.

Mayor Chavonne reminded Council the budget work session would start at 4:00 p.m.

There being no further business, the meeting adjourned at 6:45 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MAY 29, 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: Kristoff Bauer, Interim City Manager
Bradley Whited, Interim Assistant City Manager
Karen M. McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Manager
Tom Bergamine, Police Chief
Ben Major, Fire Chief
John Kuhls, Human Resource Development Director
Michael Gibson, Parks and Recreation Director
Randy Hume, Transit Director
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
Ron McElrath, Human Relations Director
Jerry Dietzen, Environmental Services Director
Steven K. Blanchard, PWC CEO/General Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Reverend Mary Owens, Vice President, Fayetteville Cumberland County Ministerial Council.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Hurst moved to approve the agenda with the removal of Items 7.11 and 7.12.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

RECOGNITION

5.0 Recognize the winners of FAST's Bus Rodeo held on May 6, 2012.

Mr. Randy Hume, Transit Director, stated the Fayetteville Area System of Transit (FAST) held a rodeo competition for its bus drivers on May 6, 2012, which tested the skill and knowledge of bus operators and challenged drivers to keep their skills current, while building teamwork among the transit family. He announced Ms. Paula Bowers placed first in the small bus division and congratulated her accomplishment. He also announced that Ms. Bowers placed second at the North Carolina Public Transit Association statewide bus rodeo. He also congratulated Mr. Evan Legans for taking first place in the

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large bus division. He thanked Council Member Davy for participating in the event and Ms. Melissa Moses for coordinating the event.

6.0 CONSENT

MOTION: Council Member Fowler moved to approve the consent agenda with the exception of Item 6.1.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

6.1 Pulled for discussion by Council Member Hurst.

6.2 Case No. P11-70F. Rezoning from SF-6 Single Family Residential and CC Community Commercial District to HI Heavy Industrial Conditional District, or a more restrictive district, on property located at 1326 Sapona Road. Containing 14.8 acres more or less and being the property of Thomas Cooper, Jr.

6.3 Case No. P12-12F. Rezoning from SF-10 Single Family Residential District to CC/CZ Community Commercial Conditional District, or a more restrictive district, on properties located at 4950 Redwood Drive. Containing 0.24 acres more or less and being the property of Charles Singletary and Louise Singletary (Deceased).

6.4 Case No. P12-19F. Rezoning from SF-10 Single Family Residential to CC Community Commercial District, or a more restrictive district, on property located Lake Valley Drive and across All American Freeway. Containing 0.34 acres more or less and being the property of Suite Development of FNC, LLC.

6.5 Resolution accepting state revolving loan offer to construct the Edgewater/Northview Sewer Main Relocation Project.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ACCEPT A STATE LOAN OFFER UNDER THE NORTH CAROLINA WATER REVOLVING LOAN AND GRANT ACT OF 1987. RESOLUTION NO. R2012-020.

6.6 Approval of amendment to DOT grant for Cape Fear River Trail - Phase 2.

6.7 Special Revenue Fund Project Ordinance 2012-17 (FY 11 Federal Homeland Security Grant).

The ordinance established the budget for the FY 11 Federal Homeland Security Grant awarded to the Fire Department through the North Carolina Department of Crime Control and Public Safety Division of Emergency Management. The purpose of the \$25,000.00 grant was to provide funding for equipment and training to be used on-scene by first responders to prepare for a threatened or actual weapon of mass destruction event, domestic terrorist attacks, major disasters and other emergencies to protect human life, property and the environment.

6.8 Tax refunds of greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Sodhi, Vimal K. & wife, Neena	2010	Corrected Assessment	\$296.55
Cherry, Karin J.	2007-2010	Corrected Assessment	102.08
Total			<u>\$398.63</u>

6.1 Amending Chapter 6, Animals and Fowl

This item was pulled for discussion by Council Member Hurst.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REPEALING CHAPTER 6, ANIMALS AND FOUL, AND VARIOUS SECTIONS OF CHAPTER 17, OFFENSES AND MISCELLANEOUS PROVISIONS, AND CHAPTER 18, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2012-009.

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MOTION: Council Member Fowler moved to disapprove amending Chapter 6, Animals and Fowl.
SECOND: Council Member Bates
VOTE: FAILED by a vote of 4 in favor to 6 in opposition (Council Members Massey, Davy, Arp, Chavonne, Hurst, and Applewhite)

MOTION: Council Member Applewhite moved to approve amending Chapter 6, Animals and Fowl.
SECOND: Council Member Hurst
VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Bates, Crisp, and Fowler).

7.0 PUBLIC HEARINGS

7.1 Public hearing on the recommended Fiscal Year 2012-2013 City and Public Works Commission budgets.

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

Mr. Jose Cardona, 233 Addison Street, Fayetteville, NC 28309, appeared in opposition of the recommended Fiscal Year 2012-2013 City budget and stated it was wrong to use taxpayers' money to fund nonprofit organizations.

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

No action was taken on this item.

7.2 Text amendment request to amend City Code Section 30-5, Development Standards, to add standards for fire-flow and fire hydrant locations in accordance with Appendices B and C of the North Carolina Fire Code as amended.

Mr. Scott Shuford, Development Services Director, presented this item and stated the minimum fire-flow standards were necessary to ensure public safety and to maintain and/or enhance the City of Fayetteville Fire Department's ISO rating.

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.

ORDINANCE AMENDING CHAPTER 30-5 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE TO ESTABLISH A NEW SECTION 30-5.0 ESTABLISHING MINIMUM FIRE-FLOW STANDARDS. ORDINANCE NO. S2012-010.

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

7.3 Amend City Code Chapter 30, Articles 4 and 9, to create, classify, and set special standards for transitional housing, and establish conditions to allow modification of the separation standards for certain group living facilities in business zoning districts through the special use permit process.

Mr. Scott Shuford, Development Services Director, presented this item and stated the amendment was prompted by a request to establish a halfway house on Ramsey Street in a commercial location. He stated the location appeared appropriate for the use, but a separation standard had not been met. He briefly reviewed and explained the separation requirement of halfway houses. He stated staff was proposing maintaining the separation requirements in residential districts, but allowing the separation standards to be reduced or waived in business districts through the special use permit process.

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He stated the special use permit process would allow individualized consideration of a particular group living or institutional facility's relationship to and/or concentration of similar facilities based on a variety of factors unique to the property, such as topographical or transportation facility barriers (such as rivers, railways, and major highways); degree or extent of separation from other such uses; and surrounding neighborhood characteristics (including proximity to social services and public transportation). Additionally, he stated a Transitional Housing use was needed because group homes, halfway houses, therapeutic homes, and assisted living facilities all addressed the housing needs of persons transitioning from confinement circumstances or suffering from various disabilities. He stated Transitional Housing would meet the housing needs of homeless persons who may not be transitioning from confinement circumstances or suffering from various disabilities. He advised the Planning Board and staff recommended adoption of the ordinance amendment.

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

Mr. John Tyson, 101 Hay Street, Fayetteville, NC 28301, appeared in favor and requested the Council approve the amendment.

Mr. Charles Morris, 831 Arsenal Avenue, Fayetteville, NC 28302, appeared in favor and stated the amendment would protect the residential zoning.

Mr. David Evans, 3280 Lillian Place, Fayetteville, NC, appeared in favor and stated he worked in real estate and the amendment would be an advantage.

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

A brief discussion period ensued.

MOTION: Council Member Haire moved to deny the proposed text amendment.

SECOND: Council Member Davy

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

MOTION: Council Member Bates moved to approve the text amendment as presented.

SECOND: Mayor Pro Tem Arp

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

7.4 Case No. P12-13F. Request for a Special Use Permit for halfway house in a Community Commercial District, on property located at 3611-B Ramsey Street. Containing a portion of 5.63 acres more or less and being the property of Cedar Creek Crossing West 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 Special Use Permit was requested to open a halfway house on the property. He explained the location currently would not meet the separation requirement between halfway houses and large or small group homes and therefore the halfway house could not locate on the property. He advised the Zoning Commission and staff recommended approval as presented by staff and 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;

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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.

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

Mr. John Tyson, 101 Hay Street, Fayetteville, NC 28301, appeared in favor. He stated he and his wife were the owners of the building and that the building had a steel roof and masonry wall and met all the safety requirements. He stated it was a modern secure building with 400 parking spaces. He requested the Council approve the Special Use Permit request.

Mr. Charles Morris, 831 Arsenal Avenue, Fayetteville, NC 28302, appeared in favor and stated the amendment would protect the residential zoning, the group home would be an opportunity for employment, and encouraged the Council to approve the Special Use Permit.

Mr. David Evans, 3280 Lillian Place, Fayetteville, NC, appeared in favor and stated he worked in real estate and the amendment would be an advantage. He stated Mr. and Mrs. Tyson had invested a lot of money into the building and the proposed group home would be a class act operation, and stated it was a perfect fit.

Ms. Heather Andrews, 3519 Medical Drive, Columbia, SC 29203, appeared in favor and stated she was a senior partner representing the Alston Wilkes Society. She provided a power point presentation along with photographs of the three group home facilities her company manages. She stated the facility would require 15 to 20 full-time staff.

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

Council Member Applewhite inquired if the facility would be for males only. Ms. Andrews responded the facility would be co-ed and provide a secure separation and the female section would be completely self-contained.

Council Member Applewhite inquired what type of offenders would be offered accommodation at the facility. Ms. Andrews responded bank robbers and money launders and that there would not be violent or sex offenders. She provided an overview of the day-to-day operations and staffing schedules.

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Council Member Applewhite inquired if a community meeting had been held to notify residents in the surrounding areas. Mr. Harmon responded a community meeting was not required. Mr. Tyson stated he had not been notified by any residents or businesses in opposition to the special use permit request.

MOTION: Council Member Bates moved to approve the special use permit request.

SECOND: Council Member Crisp

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

7.5 Case No. P12-21F. Request for a Special Use Permit to allow a recycling/salvage yard in an HI district on property located at 525 S. King Street. Containing 24.47 acres more or less and being the property of Advanced Internet Technologies.

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 Special Use Permit was requested to allow for the operation of an auto recycling/salvage yard. He stated as a recycling center, each auto that was brought in would first be stripped and drained of most hazardous materials. He explained the request was to be able to provide a capacity for up to 1,346 autos for recycling. He further explained the facility would also have two buildings, one for retail sales and the other for the recycling of parts. He advised the Zoning Commission and staff recommended approval as presented by staff and 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.

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

Mr. Jonathan Alpher, 636 Dundee Drive, Wilmington, NC 28405, appeared in favor. He stated he opened Pick n' Pull last year just outside of Wilmington and locating the same type facility in Fayetteville would provide 15 to 20 full-time jobs with benefits, and requested the Council approve the Special Use Permit.

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Mr. Marc Vanover, 1021 Ringlett Drive, Wilmington, NC, appeared in favor. He stated he was the general manager of Pick n' Pull and described the general operations of the facility with photographs.

Mr. Neil Yarborough, 116 E. Russell Street, Fayetteville, NC, representing the applicant, appeared in favor and explained the facility was a recycling business. He requested the Council approve the permit request.

Mr. Mike Thompson, 727 Treewood Drive, Fayetteville, NC, appeared in opposition and stated the business was a junkyard. He expressed concern for the volume of business which would generate a large amount of traffic in the residential neighborhood. He requested the Council deny the request.

Mr. Martin Hendrix, 2919 Amelia Drive, Fayetteville, NC 28304, appeared in opposition and stated he was speaking to the Council to defend the Cape Fear River. He stated the Cape Fear River was a treasure and requested the Council vote "no" to protect the neighborhood and the river.

Ms. Becky Arrington, 4421 Atlantic Avenue, Fayetteville, NC 28304, appeared in opposition and expressed concern for the increase in traffic, safety issues for the neighborhood children, and environmental issues.

Ms. Nellie Mozingo, 407 S. King Street, Fayetteville, NC 28304, appeared in opposition and expressed concern for the increase in traffic. She stated she and her neighbors were proud of their neighborhood and did not want a junkyard in it.

Mr. Tim Evans, 2256 Cypress Lakes Road, Hope Mills, NC, appeared in opposition and expressed concern for the protection of the river and requested a 100-foot buffer be included.

Mr. Jose Cardona, 233 Addison Street, Fayetteville, NC, appeared in opposition and expressed concern for the area in question should flooding occur. He stated there had been findings of a lot of dead bodies in the river lately.

Mr. Christopher Evans, 2457 Gainey Road, Fayetteville, NC, appeared in opposition and expressed concern should flooding occur. He read quotations from Oliver Wendel Holmes, President Lyndon Johnson, and Paul Newman (actor).

Mr. Hosea Ray, 703 Kooler Circle, Fayetteville, NC, appeared in opposition and expressed concerns pertaining to increased traffic volume, hazardous chemical use, and protection of the Cape Fear River.

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

A question and answer period ensued with Mr. Vanover, General Manager of the Leland Pick n' Pull facility.

MOTION: Council Member Davy moved to deny the request for a special use permit due to concerns from area residents and the possible negative impact to the Cape Fear River, and to direct staff to go back and research information for a possible overlay in the area.

SECOND: Council Member Applewhite

VOTE: UNANIMOUS (10-0)

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7.6 Case No. P12-15F. Request for a Special Use Permit for a dog kennel on property located at 7351 Stoney Point Road. Containing 4 acres more or less and being the property of Ronald and Joy Whitehead.

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 Special Use Permit was initially requested to open a dog park and kennel and the owners had since dropped the request for a dog park. He stated the owners originally submitted a site plan with two possible locations for the facilities, listed as A and B on the map in the owner's information packet. He stated the owners along with the Zoning Commission and staff ruled out option A on the map and option B was being recommended by the Zoning Commission for approval. He explained animal care uses would have to meet special requirements in order to be developed. He stated the applicant withdrew the request for a private dog park and had taken the option A location for the kennel off of the request. He briefly reviewed the animal care uses. He advised the Zoning Commission and staff recommended approval for a dog kennel as presented by staff and 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.

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

Mr. Wesley Whitehead, 6427 Cliffdale Road, Fayetteville, NC 28314, appeared in favor and stated his parents owned the property located at 7351 Stoney Point Road. He provided a power point presentation.

Ms. Joy Whitehead 7351 Stoney Point Road, Fayetteville, NC 28306, appeared in favor and stated she had lived on the property in excess of 20 years and was a true animal lover. She requested the Council approve the request for a Special Use Permit.

Ms. Elizabeth David, 7376 Stoney Point Road, Fayetteville, NC 28306, appeared in favor and stated she was a neighbor and friend of the applicant, and that Ms. Whitehead was a true dog lover.

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Mr. Carlos Pacheco, 7040 Pleasant Street, Fayetteville, NC 28306, appeared in opposition and expressed concerns regarding the danger of loose dogs and traffic increase and objected to having a dog kennel.

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

MOTION: Council Member Crisp moved to approve the Special Use Permit.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

7.7 Case No. P12-26F. Request for a Special Use Permit for a drive-thru in a commercial transition area on property located at 6915 Cliffdale Road. Containing 0.34 acres more or less and being the property of SVP Construction and Quality Oil Company.

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 Special Use Permit was requested to allow a drive-through on commercial property adjacent to a SF-10 single-family detached housing development. He explained when fully developed, the property would have a gas station and drive-through car wash. He further explained the car wash, located on a separate property, must be approved through the Special Use Permit process. He advised the Zoning Commission and staff recommended approval as presented by staff and 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.

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

Ms. Lori Epler, P.O. Box 53787, NC 28305, representing Larry King and Associates, appeared in favor and stated she was available for any questions regarding the site plan.

Mr. Ron Sutfin, 1540 Silas Creek Parkway, Winston-Salem, NC 27127, representing Quality Oil Company, appeared in favor and stated he was available to answer questions on the development of the gas station and car wash.

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

MOTION: Council Member Applewhite moved to approve the request for a special use permit.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

7.8 Case No. P12-28F. Initial zoning from CD - Conservation District, R5A - Residential, R10 - Residential, RR - Rural Residential (County) to CD - Conservation District, MR-5 Mixed Residential, SF-10 Single Family District, and AR - Agricultural Residential or a more restrictive district, on property located between Dundle and Stoney Point Roads in the area known as Gates Four and the surrounding newly annexed areas. Containing 780 acres more or less.

Due to the recent action taken in the legislator regarding Gates Four, this item was removed from the agenda.

7.9 Case No. P11-23F. Initial zoning from R40 Residential (County) to SF-15/CZ Single Family Conditional District, or a more restrictive district, on property located on Underwood Road. Containing 116.77 acres more or less and being the property of John Koenig Estate Builders LLC.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was being petitioned for annexation into the City in order to develop single-family residential and was located partially inside the City's MIA (Municipal Influence Area). He stated the current zoning of R40 in the county would allow for 111 lots. He explained under the Council's old policy, the property would come into the City with AR zoning. He further explained the City's new policy would allow the applicant to request the zoning district that they would like to have in the City. He advised if the initial City zoning were AR, the owner would be allowed to develop up to 250 lots on the property. He stated the owner would like to come into the City under a SF-15 Residential Conditional district which without any limiting conditions would allow up to 345 units or 368 units with a zero lot line. He stated the owner's only condition would be to limit the number of allowed lots to 260, 10 more than would be allowed in an AR district. He advised the Zoning Commission and staff recommended that if the property were annexed, it should become a SF-15 Conditional district based on SF-15 Conditional (1) only having 10 more lots than what would be allowed in the AR District, (2) being one of the City's low-density zoning districts, and (3) allowing flexibility in lot sizes and setbacks under zero lot line that AR would not. He further advised the Zoning Commission and staff recommended approval of the initial zoning to SF-15/CZ as presented by staff if the property were annexed.

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

Mr. John Koenig, 1763 Wilmington HWY, Fayetteville, NC 28305, appeared in favor and stated he was the developer and was leaving a 5 acre park in the northeast corner of the property.

Mr. Richard Wiggins, 202 Fairway Drive, Fayetteville, NC, representing Mr. Koenig, appeared in favor and stated this was a well-planned development.

Mr. Chris Pusey, 409 Chicago Drive, Fayetteville, NC 28305, consultant representing Mr. Koenig, appeared in favor and stated he would be happy to address any questions.

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Ms. Annie Orness, 1512 Dunbrook Court, Eastover, NC 28312, appeared in opposition and stated she bought her home in a rural setting and allowing the development would be a travesty.

Mr. John Jackson, Attorney for the Eastover Sanitary District, 115 E. Russell Street, Fayetteville, NC 28312, appeared in opposition and stated the area was rural.

Mr. Lawrence Buffaloe, 1531 Middle Road, Eastover, NC 28312, appeared in opposition and expressed concerns for environmental issues, potential flooding, and inability of the land to cope with stormwater and run-off.

Mr. Matthew Wilson, 1513 Dunbrook Court, Eastover, NC 28312, appeared in opposition and stated this was a bad idea and the County had voted unanimously to disapprove the rezoning in February 2012. He expressed concerns for the school district, limited medical facilities, and crime.

Ms. Morgan Johnson, 1610 Beard Road, Wade, NC 28395, appeared in opposition and stated his constituents had requested he represent them and requested the Council to deny the request for rezoning. He stated Eastover was viewed as the front door to Fayetteville and would like it to remain that way.

Ms. Liz Reeser, 2308 Furlong Place, Eastover, NC 28312, appeared in opposition and expressed concern for increased traffic in the area. She stated she had served on the Eastover Land Use Committee and requested the Council deny the request.

Ms. Barbara Geode, 1507 Heatherly Court, Eastover, NC 28312, appeared in opposition and stated she and her husband were new residents to the state of North Carolina. She addressed potential problems pertaining to water, flooding, drainage, and ecological issues and concluded by stating she objected to annexation.

Council Member Crisp inquired if the property was in the limits of Eastover. Mr. Harmon responded in the negative and stated the property was in a no-man's land in the County, a partial amount of the land was within the Fayetteville's Municipal Area of Interest (MAI) and Eastover was not permitted to annex for 15 years, but that was not the case for Fayetteville.

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

A discussion period ensued pertaining to storm water, a 5 acre tract for parkland, value of homes in the area, and average square feet of homes.

Mr. Kristoff Bauer, Interim City Manager, stated that parkland dedication was a new requirement in the UDO.

MOTION: Council Member Davy moved to approve the rezoning to SF 15/CZ.

SECOND: Council Member Hurst

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

7.10 Public hearing to consider a petition requesting annexation for a noncontiguous area known as Lexington Woods Subdivision.

Mr. David Nash, Planner II, presented this item. He provided background information on the petition and briefly reviewed the location of the property and surrounding area. He stated the land in the area was currently vacant, but the owner was proposing to develop the land into a single-family detached residential subdivision with a maximum of 260 lots and part of the area was located in the Fayetteville MIA. He stated all of the area was in the Eastover

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Sanitary District. He stated the owner had originally attempted to get the property rezoned in the County to allow more units, but was turned down by the County, and therefore decided to petition for annexation into the City. He explained the owner was requesting that if the area were annexed, that it be initially zoned in the City as SF-15, with the condition that the area would contain no more than 260 units. He further explained that under the SF-15 zoning, the area could contain as many as 345 units assuming zero lot line regulations were not used. He explained if zero lot line regulations were used, the area could contain as many as 368 units. He advised staff recommended adoption of the ordinance with an effective date of May 29, 2012, and establish the initial zoning as SF-15 with the condition that no more than 260 units be built in the property.

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

Ms. Liz Reeser, 2308 Furlong Place, Eastover, NC 28312, appeared in opposition and stated she was disappointed the Council had approved the rezoning.

Mr. John Jackson, 115 E. Russell Street, Fayetteville, NC 28301, appeared in opposition and stated the addition of a subdivision would drive out the local "Mom and Pop" businesses, and expressed concerns regarding providing water and sewer services.

Mr. Mathew Wilson, 1513 Dunbrook Court, Eastover, NC 28312, appeared in opposition and inquired who would benefit from the annexation.

Mr. Lawrence Buffaloe, 1531, Middle Road, Eastover, NC 28312, appeared in opposition and inquired how the property could be re-zoned before it was annexed.

Mr. Morgan Johnson, 1610, Beard Road, Wade, NC 28395, appeared in opposition and stated he believed this type of annexation would cause fragmentation of the existing community and would downgrade the quality of life.

Ms. Marrilyn Johnson, 1610 Beard Road, Wade, NC 28395, appeared in opposition and stated annexation would divide the community.

Ms. Annie Orness, 1512 Dunbrook Court, Eastover, NC 28312, appeared in opposition and expressed concerns regarding increased traffic, increased street lighting, and the amount of homes that sit on the market unable to sell.

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

MOTION: Council Member Davy moved to approve the annexation with an effective date of May 29, 2012.

SECOND: Council Member Hurst

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

7.11 Case No. P11-24F. Initial zoning from C3 Commercial (County) to CC Community Commercial District, or a more restrictive district, on property located at 3836 Cumberland Road. Containing 0.65 acres more or less and being the property of Mary and Jay Rivers.

This item was removed from the agenda.

7.12 Public hearing to consider a petition requesting annexation for a noncontiguous area known as the Rivers Property.

This item was removed from the agenda.

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7.13 Case No. P12-20F. Rezoning from SF-6 Single Family Residential to LC Limited Commercial District, or a more restrictive district, on property located at 535 & 541 Bunce Road. Containing 2.21 acres more or less and being the property of Horizon's Property Management, LLC [NC Recommended].

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. Mr. Harmon stated the properties in question were located near the intersection of Bunce Road and Cliffdale Road. He stated currently there was a daycare center on one property and an office on the other. He stated the owner had indicated they would like to put a mower dealership with retail sales and service on the property. He explained this would be a straight rezoning and if approved any of the permitted uses in the district could go on the properties.

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

Mr. Larry Boney, 41165 Fern Creek, Fayetteville, NC 28314, appeared in favor and stated the property used to belong to his parents and was used as a day care center. He stated he would like to use the property for retail.

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

MOTION: Council Member Applewhite moved to approve the rezoning to NC.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

7.14 Case No. P12-22F. Rezoning from SF-6 Single Family Residential to CC/CZ Community Commercial Conditional District, or a more restrictive district, on property located at 408 Waddell Drive. Containing 1.34 acres more or less and being the property of John and Pearlle Hodges.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the owner of the property had requested a rezoning to Community Commercial Conditional in order open a counseling center for behavioral health and youth/adolescent sexual health problems. He stated the property was located at the end of Waddell Drive in an area that was currently exclusively residential. He stated if the Commission was inclined to rezone the property, staff would recommend that they go no higher than an OI Office & Institutional district. He stated the conditions offered by the owner were to limit the allowed uses in the CC to only that of counseling services as described in the applicant's packet. He stated staff recommended denial of the CC/CZ district based on (1) the property being completely surrounded by residential development, (2) a strong case could be made that this was an illegal spot zoning, and (3) the Land Use Plan calling for residential development. He also stated the Zoning Commission recommended approval of a more restrictive OI district based on the community need and the facility being located in a mostly undeveloped area of Waddell Drive.

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

Ms. Pearlle Hodges, 408 Waddell Drive, Fayetteville, NC, property owner, appeared in favor and requested the property be rezoned in order for her to operate a counseling center. She stated she was a clinical counselor and the majority of her patients would be soldiers from Fort Bragg.

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

Council Member Crisp inquired where the patients would park. Ms. Waddell responded the parking spaces would be put within the boundaries of the property.

MOTION: Council Member Haire moved to rezone the property to OI/CZ.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

7.15 Case No. P11-38F. Rezone SF-6 Single Family Residential to MR-5/CZ Mixed Residential Conditional District for property at 2377 Dundale Road. Owned by March Riddle.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property owner was seeking a conditional zoning approval to allow him to develop in the same manner as he could prior to the UDO taking affect. He stated the conditions offered by the owner were no more than the former R-6 density (45 units or 54 units zero lot line). He advised the Zoning Commission and staff recommended approval based on the principles of the UDO remapping project.

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

Mr. Neil Yarborough, 115 E. Russell Street, Fayetteville, NC 28301, appeared in favor and stated this was in keeping with the Land Use Plan and there was no opposition.

Mr. Joe Riddle, 125 Great Oaks Drive, Fayetteville, NC, appeared in favor and stated the property was adjacent to a trailer park. He stated he owns the property along with his sisters.

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

MOTION: Council Member Crisp moved to approve the rezoning.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.1 Uninhabitable Structures Demolition Recommendation

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation and multiple photographs of the properties. He stated staff recommended adoption of the ordinances authorizing demolition of the structures. He reviewed the following demolition recommendations:

4606 Blanton Road

Mr. Shuford stated the structure was a residential home that was inspected and condemned as a dangerous structure due to a fire on June 27, 2011. He stated the owner of the property was currently pursuing some complicated reconstruction of the home and staff was requesting the property not be considered for demolition at this time.

Council Member Bates inquired if there was a time limit for the repairs. Mr. Shuford responded staff would be monitoring the progress of the repairs to ensure they were completed in a timely manner.

Council Member Applewhite inquired if staff could provide Council with an update of past properties that were granted an extension of time for repairs. Mr. Shuford responded staff would provide that information.

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211 Deep Creek Road

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure in August 2011. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in August 2010. He further noted within the past 24 months there had been 16 calls for 911 service and 6 code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,789.00.

1156 Fay Hart Road

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure in September 2011. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in August 2010. He further noted within the past 24 months there had been 37 calls for 911 service and 7 code violations with pending assessments of \$565.41 for lot cleaning. He advised the low bid for demolition of the structure was \$1,395.00.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (211 DEEP CREEK ROAD, PIN 0437-30-6837). ORDINANCE NO. NS2012-022.

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 (1156 FAY HART ROAD, PIN 0436-27-6244). ORDINANCE NO. NS2012-023.

MOTION: Mayor Pro Tem Arp moved to approve the demolitions by adopting the ordinances.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Tax refunds of less than \$100.00.

Name	Year	Basis	City Refund
McKnight, Dennis James	2010	Corrected Assessment	\$6.62
			<u>\$6.62</u>

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 11:36 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
BUDGET WORKSHOP MINUTES
LAFAYETTE ROOM
MAY 30, 2012
4:00 P.M.

Present: Mayor Anthony G. Chavonne

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

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

Others Present: Kristoff Bauer, Interim City Manager
Bradley Whited, Interim Assistant City Manager
Karen M. McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Manager
Tom Bergamine, Police Chief
Ben Major, Fire Chief
John Kuhls, Human Resource Development Director
Michael Gibson, Parks and Recreation Director
Randy Hume, Transit Director
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Victor Sharpe, Community Development
Ron McElrath, Human Relations Director
Jerry Dietzen, Environmental Services Director
Steven K. Blanchard, PWC CEO/General Manager
Pamela Megill, City Clerk
Members of the Press

1. Open Meeting

Mayor Chavonne opened the meeting and called it to order. He stated the group three questions that had been submitted would be answered this evening; first by PWC and then the City.

2. PWC - City Council Questions on FY 2013 Budget

City / PWC Transfers

50. Q. Why is the City planning to make a \$263,769 transfer to PWC from the proceeds of the utility franchise tax on electric gross receipts?

- A. The gross receipts tax (GRT) issue came about when PWC was negotiating a new power supply agreement. Choices under evaluation by PWC included: (1) buying "partial requirements" as we have in the past and to use the Butler-Warner Generation Plant to provide the additional power needs during the peak usage times or (2) buying "full requirements" for our power supply needs and lease out the Butler-Warner Generation Plant. The financial evaluation included the increase in GRT (millions) that PWC would pay under the full requirements proposal over the life of the agreement. To help mitigate these costs, PWC had discussions with the City to use these increased GRT to support the installation of utilities associated with Phase V annexation in order to help justify selecting the full requirements power supply option.

The final results of the discussion between PWC and the City was that PWC would receive a portion of the GRT increase to be used to offset some of the cost for

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installing utilities in the Phase V annexation area. However, the City preferred not to designate its portion of the increase in GRT to installing utilities in the Phase V annexation area. They preferred to allow the money to go into the City's General Fund for general purpose uses.

All of this took place in 2009 with a formal agreement executed by the PWC Commission and the Fayetteville City Council. The new power supply agreement takes effect July 1, 2012 (3 years later). FY2013 will be the first year to reflect the GRT increase that PWC will pay and will then be remitted to the City. The agreement specifies how the increase in GRT paid by PWC will be split. PWC's share will be used to offset PWC's increasing cost of utility installation in the Phase V annexation area and the City's share is included in the City's general fund revenue for use by the City in any way they wish.

After an initial period, the City's reimbursement of the GRT to PWC will be set at a pre-determined fixed value for future years as defined in the agreement. For future years, the City will receive 100% of the benefits of increasing GRT due to growth in sales and increases in Progress Energy wholesale rates.

3. Capital Improvement Plan and Information Technology Plan Changes

Mr. Kristoff Bauer, Interim City Manager, stated the Parks and Recreation Bond Proposal excluded \$10 million for County projects and County participation in funding. He stated the revised project costs were \$55,645,265.00, including project expenditures through FY 2020. He stated the funding plan would require a 2.25 cent ad valorem tax rate increase beginning in FY 2014. He stated the Phase V Annexation Project Contributions were the total funding commitment remaining at \$90,553,140.00. He stated the timing adjustments had been made to fund police staffing enhancements and the net funding impact from FY 2013 to FY 2017 from deferrals and updated funding assumptions was a reduction of \$3.212 million. He concluded by stating the recommended budget for FY 2013 would be adjusted by reducing the transfer to PWC Phase V projects by \$526,000.00, adding a \$125,000.00 transfer to the Transportation Fund for the Legend Avenue project, and adding \$100,000.00 to fund estimated bond referendum costs.

4. Miscellaneous Budget Items

Council Member Hurst requested funding for the Energy, Efficiency and Sustainability position for an additional 9 months to June 30, 2013, as proposed by Environmental Services which would be a cost of \$39,451.00.

Council Member Fowler inquired if it was appropriate to provide funding to nonprofit organizations using taxpayers' money.

A brief discussion followed.

Council Member Crisp stated providing funds to certain nonprofit organizations was an imperfect system, but it was an investment in the lives of their citizens.

Mayor Pro Tem Arp stated providing tax dollars to United Way for the 211 service was a waste of money.

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5. Adjournment

There being no further business, the meeting adjourned at 5:00 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
LAFAYETTE ROOM
JUNE 11, 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) (arrived at 6:30 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Kristoff Bauer, Interim City Manager
Karen McDonald, City Attorney
Tom Bergamine, Police Chief
Chris Davis, Police Lieutenant
Patricia Bradley, Police Attorney
Members of the Press

Mayor Chavonne called the meeting to order at 6:10 p.m.

Ms. Karen McDonald, City Attorney, explained as a result of the summons and complaint which was found to be untrue, staff researched the options. She turned it over to Ms. Patricia Bradley, Police Attorney, who explained the research and that it was discussed with the School of Government and outside of North Carolina. She stated the states outside of North Carolina had laws requiring complaints be sworn before being investigated.

Mr. Chris Davis, Police Lieutenant, explained he was reviewing unfounded/false complaints. He stated staff would continue research and discussion with other law enforcement agencies as to their support for a state-wide legislation.

Council requested they look at other approaches for in-car camera systems.

Mayor Pro Tem Arp explained the process for the City Manager search. He stated books would be sent out on June 20, 2012, and Colin Baezinger would be present at the City Council meeting on June 25, 2012. He stated the decision was to review/interview top candidates on June 28 and 29, 2012. He stated the City would pay for candidates' travel. There was no support from Council for spouse travel.

It was announced that there would be a special Council meeting on June 25, 2012, at 5:00 p.m. for a closed session for a personnel matter.

Mayor Chavonne reviewed the agenda items.

Mr. Kristoff Bauer, Interim City Manager, explained his position on annexation and rezoning in Kings Grant.

There being no further business, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
JUNE 4, 2012
5:10 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:15 p.m.); Robert A. Massey, Jr. (District 3) (arrived at 5:50 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Kristoff Bauer, Interim City Manager
Brad Whited, Interim Assistant City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Tom Bergamine, Police Chief
Ben Major, Fire Chief
Scott Shuford, Development Services Manager
Dwayne Campbell, Chief Information Officer
John Kuhls, Human Resource Development Director
Jerry Dietzen, Environmental Services Director
Rusty Thompson, Engineering and Infrastructure Director
Ron McElrath, Human Relations Director
Kecia Parker, Real Estate Manager
Rebecca Rogers-Carter, Management Services Manager
Craig Gossman, MKSK
Thomas Flynn, Thomas Point Associates, Inc.
Doug Peters, Fayetteville-Cumberland County Chamber of Commerce
Chris Bostock, Merrill Lynch
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Fowler.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (8-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Community Development - Update on Hope VI Business Park Development

Mr. Victor Sharpe, Community Development Director, presented this item. He provided a progress map and stated the City allocated \$1 million to acquire land for the development of a business campus consistent with its commitment for the Hope VI Revitalization project. He stated the City Council passed a resolution on November 24, 2008, authorizing negotiation and acquisition of property in the Hope VI Revitalization area and it had been decided at that time that a decision on the relocation and condemnation would come back to City Council for consideration. He provided an update on the 22 parcels acquired to date and stated negotiations were underway for 7 additional parcels of which 3 were problematic. He advised the City

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was working with the Fayetteville-Cumberland County Chamber of Commerce to determine the use of the site. He further advised the Chamber hired MSI/KKG along with Thomas Point Associates to provide professional market analytics, site planning, and design services. He introduced Mr. Craig Gossman, Senior Principal, MKSK, and Mr. Thomas Flynn, Market Analyst, Thomas Point Associates, Inc. Both gentlemen addressed the City Council and provided the following information:

- As the City was not using federal funds for the project, they were not required to follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) for the occupied properties.
- Staff was recommending moving forward with the acquisition of the occupied properties and providing the following assistance up to \$5,000.00 per property to the tenant or owner occupant: moving costs, deposits (rent & utilities), 3 months rental assistance, and relocation assistance (staff assistance in locating suitable housing).
- Three properties were occupied with tenants and two were owner-occupied. Currently there were two parcels that had been acquired that had structures on them that would need to be demolished.
- An additional parcel acquired was the former residence of Dr. E. E. Smith. They had been in discussion with Fayetteville State University to determine if they had an interest in preserving the structure.

A brief discussion period ensued.

Mr. Doug Peters, President, Fayetteville-Cumberland County Chamber of Commerce, was also present to respond to questions and receive comments. He introduced Mr. Russ Rogerson, incoming Chamber Executive Vice President for Economic Development, and announced today was Mr. Rogerson's first day on the job.

Mr. Sharpe announced this item would be presented for consideration at the City Council's June 25, 2012, meeting with a recommendation to move forward with the acquisition of the occupied properties along with providing relocation assistance up to \$5,000.00.

4.2 Presentation of Key Findings from the Garner Report on Economic Development

Mr. Kristoff Bauer, Interim City Manager, presented this item and stated on May 2, 2012, Garner Economics, LLC, provided its report entitled "A Blueprint for Success: A Holistic Economic Development Strategy for Fayetteville and Cumberland County, NC". He stated the report took a realistic look at the region's economic conditions and made several suggestions focused at improving economic vitality. He introduced Mr. Doug Peters, President, Fayetteville-Cumberland County Chamber of Commerce.

Mr. Peters stated the Fayetteville-Cumberland County Chamber of Commerce retained Garner Economics, LLC, in late November of 2011 to conduct an economic development strategy for Fayetteville and Cumberland County. He further stated the scope of services included analyzing the local and regional economy, conducting an assets and challenges assessment of the County from the eyes of a site location consultant, recommending industry clusters suitable for the area based on their research and analysis, and finally providing a set of implementable recommendations that the stakeholders in the community could utilize to enhance the economic well-being of the region. He announced Mr. Jay Garner, President of Garner Economics, served as the lead consultant with the project for the Chamber and Mr. Tom Tveidt, research economist for Garner Economics, provided the analytical

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analysis and business target recommendations. He advised the focus of the engagement was for the Chamber, City of Fayetteville, and Cumberland County to understand and gain a competitive advantage in business development and economic growth opportunities. Mr. Peters introduced the Chamber Chairman, Mr. Chris Bostock of Merrill Lynch.

Mr. Bostock stated the objectives of the assessment were to identify key strengths to emphasize in economic development marketing efforts and identify key weaknesses that could limit investment in the region so that remediation of the local challenges could occur. He further stated as it related to the completion of the Competitive Realities Report, they evaluated key demographic and economic indicators for the region as compared to state and national trends as well as the comparison of the MSAs of Huntsville, Alabama, and Augusta, Georgia, which were selected as benchmark communities by the Chamber. He advised the areas both have or had a high concentration of similar industry specialization to the Fayetteville area. He briefed the Council on the assets and challenges assessment, demographic and labor dynamics, economic dynamics, local specialization and growth, optimal targets for Fayetteville and Cumberland County, observations, and recommendations and performance benchmarks.

4.3 Report - Boarded-Up Structures

Mr. Scott Shuford, Development Services Manager, presented this item with the aid of a power point presentation. He stated the City Council had requested that staff study the issue of boarded-up buildings and provide a report with options and recommendations. He further stated the City had a large number of boarded-up structures in its residential and commercial neighborhoods, which was related to the transient nature of the residents and to the need to secure structures from vandalism and illegal entry. He further stated neighborhoods with boarded structures faced impacts that included appearance, crime, and property value issues and there was a local economic development impact associated with boarded structures as well. He advised state law would not allow the City to demolish boarded structures unless other conditions prevailed. He further advised the City was able to establish time limits for boarding structures and the challenge was how to address the complicated issue in a way that balanced property rights with neighborhood and community impact. He provided the following three options for consideration:

- Option One - Establish a time limit as to how long a structure could be boarded and apply universally. This would be easy to implement but it would not account for extenuating circumstances such as deployment and would not penalize poor property upkeep.
- Option Two - Establish a generous time limit (3 years) on how long a structure could remain boarded and provide reductions in that time limit based on extent of code violations. This would penalize poor property upkeep and account for extenuating circumstances, but would be more difficult to implement.
- Option Three - Establish a limit as to how long a structure could be boarded and provide for a hearing to consider circumstances like deployment or poor property upkeep. This would account for extenuating circumstances and could penalize poor property upkeep but would be the most difficult to implement.

Council Member Massey stated he did not think the City should intervene and force a property owner to remove boards.

Council Member Crisp stated this was a community problem.

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Council Member Fowler inquired how many property owners had been cited for not painting the boards the same color as the house. Mr. Shuford responded he did not have that information readily available.

Further discussion ensued.

Mayor Chavonne concluded by requesting staff gather more information, research an appeals process, and bring back to a future work session.

4.4 Limited English Proficiency (LEP) Update

Mr. John Kuhls, Human Resource Development Director, presented this item with Mr. Ron McElrath, Human Services Director. Mr. Kuhls stated Limited English Proficiency (LEP) was identified as a management agenda priority in the City's Strategic Plan for 2011-2012. He stated the City implemented its LEP policy with an effective date of July 15, 2011, and it was distributed to all City employees in August 2011. He further stated the Human Relations Department was the responsible Department for monitoring and updating the LEP Plan, and the City would review and update the LEP policies and procedures every third year beginning in May 2011. He informed Council that interpreter resources had been identified and training had been developed. He advised communication of the City's policy and available resources would ensure efficient delivery of language assistance for LEP persons who were seeking City of Fayetteville services. He further advised a LEP person was one who was not speaking English as his or her primary language and who had a limited ability to read, speak, write, or understand English.

Mr. McElrath stated the language list would be added to as the City received additional volunteer translators and announced they now had 40 employees covering 13 languages.

Council Member Applewhite stated there was a significant amount of citizens in Fayetteville that do not speak English.

Mayor Pro Tem Arp stated there were several free internet applications for translating languages.

4.5 Parks and Recreation - Park Bond Proposal Update

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item with the aid of a power point presentation. He provided a handout entitled "Bond Proposal" and stated the following projects were being proposed: multipurpose aquatic center with senior center, neighborhood family aquatic centers, Cape Fear River Park, tennis center, sports complex, skateboard park, neighborhood/community parks, greenways, existing parks and building renovations, parkland acquisition, and planning and design. He explained the project goal was to construct an approximate 120,000 to 140,000 square foot facility that would consist of a senior center, aquatic center, fitness center, field house with an indoor track, and community spaces. He further explained the multipurpose aquatic center with senior center would provide a large indoor multipurpose facility located in an area that was easily accessible and close to the geographical center of Fayetteville/Cumberland County. He further explained the multipurpose facility would include three major spaces, each of which could operate independently as a stand-alone facility. He stated there would also be additional smaller areas. He stated the senior center would provide a separate entrance for its participants, but would be connected to other parts of the building by a large atrium featuring an indoor cafe, apparel shop, and lobby with an information desk. He stated the multipurpose aquatic center with senior center would provide a variety of recreation for all ages and abilities including activities specifically designed for seniors, water activities, running and fitness programs, and common areas. He stated the senior center would provide approximately 18,000 square

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feet to house current Fayetteville-Cumberland Parks and Recreation senior staff and all current programming. He stated the aquatic center would house approximately 35,000 square feet for aquatic spaces such as an 8-lane lap pool with zero entry depth, a recreation pool with play structures, and spectator seating for 1,500. He stated the fitness center would provide 5,000 square feet fully outfitted with exercise equipment. He stated the field house would provide approximately 58,000 square feet to include a 200-meter, 6-lane indoor running track, a multipurpose floor for indoor soccer, tennis, wrestling, gymnastics, etc., and spectator seating for 1,500. He provided maps identifying the location of each project and the location of each project by Council district. He reviewed the proposed facility renovations and respective proposed renovation cost. He explained the capital bond cost for a property owner at a 2.25 cent tax rate. He stated all of the facilities would be on a bus route.

A discussion period ensued.

Mr. Kristoff Bauer, Interim City Manager, explained the next step would be to adopt a resolution granting preliminary authorization to proceed with a general obligation bond referendum to finance various parks and recreation improvements for the City.

Mayor Chavonne stated this was a bold move and asked for a show of hands to place the resolution on the June 11, 2012, City Council meeting agenda. A show of hands was unanimous (10-0).

4.6 Compensation Policy Discussion

Mr. John Kuhls, Human Resource Development Director, presented this item and stated the pay changes would be effective in mid-August, which would include a 4 to 5 percent police pay step plan and a merit increase based upon performance for general employees of 2.5 percent of salary range mid-point. He stated the turnover rate for all City employees had increased over recent history and the additional cost for recruitment, training, and loss of productivity was substantial. He stated in many cases employees were trained by the City and after several years they chose to work for a different employer utilizing the same skills for more money. He stated PWC recently stated that 44 percent of their employees were paid at mid-point or better in their respective pay range, while the City had only 34 percent of all general fund employees paid at mid-point or better. He stated key questions for discussion included whether they should have a more aggressive merit pay plan, while striving for greater than 34 percent of employees at or above mid-point. He stated the Police step plan had proven to successfully reduce turnover, and PWC had utilized annual benchmark surveys with more frequent salary structure adjustments to stay competitive, while the City's most recent pay structure changes were made in 2008. He stated the Market Study results by Segal in the compensation study adjusted the findings for each job title by using the Economic Research Institute (ERI) data. He stated the methodology increased or decreased the reported pay from other public and private sector peers by a factor determined by whether employers were paying a competitive wage for a given area. He stated examples included Durham salaries being reduced by 9.6 percent, Greensboro salaries being reduced by 6.1 percent, and all others used being reduced for an average of 9.4 percent before comparing to Fayetteville salaries. He inquired if the Council preferred to use the Market Study results with or without the ERI adjustments. He stated was it important to be competitive with both the Triangle and Triad when trying to attract professional local government employees. He stated other secondary questions could be discussed over time, as these primary questions would help establish a clearer future policy.

Council Member Applewhite stated she thought the Council was going to decide how to distribute the \$700,000.00.

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Mr. Bauer stated he needed direction from the Council as to what the goal of the Council was. He stated the \$700,000.00 would be kept as a reserve until the implementation of the compensation policy.

Mayor Chavonne stated the funds would not be utilized until January 2013.

Council Member Applewhite requested staff provide a proposed compensation policy.

Council Member Bates stated he would not support a tax increase for the intent of raising salaries.

Council Member Fowler requested staff find within the budget the best practice to retain employees.

Mayor Chavonne stated he thought a pay increase was more beneficial than an extra paid vacation day.

Mr. Bauer stated this item would appear on every Council workshop from now on until the funds were appropriated.

4.7 Response to Request to Donate 0.92 acre to Cape Fear Botanical Garden

Ms. Kecia Parker, Real Estate Manager, presented this item and stated the old fire tower on Eastern Boulevard was constructed in the late 1950s. She stated the City had constructed a new fire tower facility and was no longer utilizing the parcel on Eastern Boulevard of approximately 0.92 acres. She stated in 2007 Cape Fear Botanical Garden requested the City remove the fire tower and deed the old fire tower property to them. She stated funding was received to build the new facilities but there was not enough money to demolish the fire tower. She stated the Cape Fear Botanical Garden requested a status on the donation. She stated the parcel was no longer utilized by the Fire Department and North Carolina General Statute § 160A-279 provided authority and the method for response to a request for City-owned property to be disposed of. She stated the tax value of said parcel was \$78,908.00, and the compensation for the parcel would be the public use of a Visitors Pavilion Complex and the enhancement provided to the Eastern Boulevard Corridor.

Council Member Crisp stated the City should sell the property at a 50 percent discount and not give the property away, that this was setting a precedent.

Council Member Bates inquired if the City had funding for removing the fire tower. Ms. Parker responded no funding had been appropriated.

Mayor Chavonne announced this item would be on the City Council June 11, 2012, meeting agenda for further discussion and vote.

5.0 MANAGER'S REPORT

Mr. Kristoff Bauer, Interim City Manager, presented this item and reviewed the following information:

- June 6, 2012 - Town Hall Day in Raleigh, NC. The bus will depart Town Hall at 9:00 a.m.
- 250th City Birthday Celebrations - The City is working with the Arts Council to secure a national name blues act and country rock act.
- The Bragg Boulevard Corridor Redevelopment Plan will kick off with a meeting on Monday, June 11, 2012, at 6:00 p.m.

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- The Days Inn request for proposal timeline will be forwarded to the Council along with an item for rezoning the property.
- The Police supplemental duties policy that does not allow double dipping has been implemented.

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:51 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, PE, Engineering & Infrastructure Director
DATE: July 9, 2012
RE: **Municipal Agreement with NCDOT for Bridge Replacement on Strickland Bridge Road over Little Rockfish Creek.**

THE QUESTION:

Whether or not Council wants to approve a Municipal Agreement with NCDOT for the replacement of the Strickland Bridge Road Bridge over the Little Rockfish Creek.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- The bridge is to be replaced by NCDOT.
- The estimated date to let to construction is December, 2012

ISSUES:

The City is simply being asked by NCDOT to exercise any rights that the City may have that would require any existing utilities to be relocated as needed for the bridge replacement project.

BUDGET IMPACT:

The Municipal Agreement does not require any financial participation from the City.

OPTIONS:

- Approve the attached Municipal Agreement for the replacement of the bridge.
- Not approve the Municipal Agreement

RECOMMENDED ACTION:

Approve the attached Municipal Agreement for the replacement of the bridge on Strickland Bridge Road over the Little Rockfish Creek.

ATTACHMENTS:

NCDOT Municipal Agreement

Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

Entity: City of Fayetteville

County: Cumberland

TIP / WBS Element:

TIP: B-2948

WBS Element: 38232.3.1

Scope: The Project consists of the replacement of Bridge No.78 over Little Rockfish Creek on SR 1104 (Strickland Bridge Road).

Funding:

Type: Non Participation

Responsibilities:

The Department shall be responsible for all aspects of the project.

Utilities: *Note which Party is responsible for utilities denoted as True.*

Municipality is over 5,500: False If True, Municipality is responsible

Cost of Relocation:

Municipality is under 5,500: False If True, Department is responsible

No Utilities to be relocated: False

Utilities are owned by a different entity: True

Entity Name: Fayetteville Public Works Commission

Maintenance: Upon completion of the project, the Department shall be responsible for maintenance.

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT –
MUNICIPAL AGREEMENT**

CUMBERLAND COUNTY

DATE: 3/26/2012

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: B-2948

AND

WBS Elements: 38232.3.1

CITY OF FAYETTEVILLE

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

W I T N E S S E T H:

WHEREAS, the Department has plans to make certain street and highway construction and improvements within the Municipality under TIP Project B-2948 in Cumberland County; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following applicable legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

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

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

SCOPE OF THE PROJECT

1. The Project consists of the replacement of Bridge No.78 over Little Rockfish Creek on SR 1104 (Strickland Bridge Road)..

PLANNING, DESIGN AND RIGHT OF WAY

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

UTILITIES

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

CONSTRUCTION AND MAINTENANCE

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

ADDITIONAL PROVISIONS

8. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.
9. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
10. All terms of this Agreement are subject to available departmental funding and fiscal constraints.
11. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

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

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

L.S. ATTEST:

CITY OF FAYETTEVILLE

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____

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

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

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

(SEAL)

BY: _____
(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:
City of Fayetteville

DEPARTMENT OF TRANSPORTATION

BY: _____

DATE: _____

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, PE, Engineering & Infrastructure Director
DATE: July 9, 2012
RE: **Municipal Agreement with NCDOT for Bridge Replacement on I-95 Business over the Cape Fear River and Cross Creek**

THE QUESTION:

Whether or not Council wants to approve a Municipal Agreement with NCDOT for the replacement of the I-95 Business Bridges over the Cape Fear River and over Cross Creek.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

- The bridges are being replaced by NCDOT.
- Local traffic will be temporarily rerouted down Middle Road and Dunn Road.
- PWC, Police Training Center and the Cape Fear Botanical Gardens will still have access from I-95 Business.

ISSUES:

The City is simply being asked by NCDOT to exercise any rights that the City may have that would require any existing utilities to be relocated as needed for the bridge replacement project.

BUDGET IMPACT:

The Municipal Agreement does not require any financial participation from the City.

OPTIONS:

- Approve the attached Municipal Agreement for the replacement of the bridges.
- Not approve the Municipal Agreement

RECOMMENDED ACTION:

Approve the attached Municipal Agreement for the replacement of the I-95 business bridges over the Cape fear River and Cross Creek.

ATTACHMENTS:

Municipal Agreement

Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

Entity: City of Fayetteville

County: Cumberland

TIP / WBS Element:

TIP: B-4091 & B-4949

WBS Element: 33449.3.1 & 40107.3.1

Scope: The Project consists of the replacement of Bridge No. 85 over the Cape Fear River on US 301 and the replacement of Bridge No. 61 over Cross Creek on I-95 Business/US 301 in Fayetteville.

Funding:

Type: Non Participation

Responsibilities:

The Department shall be responsible for all aspects of the project.

Utilities: *Note which Party is responsible for utilities.*

Municipality is over 5,500: True

Municipality is under 5,500: False **If True, Department is responsible**

No Utilities to be relocated: False

Utilities are owned by a different entity: True

Entity Name: Fayetteville PWC

Maintenance: Upon completion of the project, the Department shall be responsible for maintenance.

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT –
MUNICIPAL AGREEMENT**

CUMBERLAND COUNTY

DATE: 2/2/2012

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: B-4091 & B-4949

AND

WBS Elements: 33449.3.1 & 40107.3.1

CITY OF FAYETTEVILLE

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

WITNESSETH:

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under Project B-4091 & B-4949, in Cumberland County; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following applicable legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

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

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

SCOPE OF THE PROJECT

1. The Project consists of the replacement of Bridge No. 85 over the Cape Fear River on US 301 and the replacement of Bridge No. 61 over Cross Creek on I-95 Business/US 301 in Fayetteville.

PLANNING, DESIGN AND RIGHT OF WAY

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

UTILITIES

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

CONSTRUCTION AND MAINTENANCE

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

ADDITIONAL PROVISIONS

8. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.
9. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
10. All terms of this Agreement are subject to available departmental funding and fiscal constraints.
11. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

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

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

L.S. ATTEST:

CITY OF FAYETTEVILLE

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

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

Approved by _____ of the local governing body of the City of Fayetteville

as attested to by the signature of Clerk _____ of said governing body on

_____ (Date)

(SEAL)

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

BY: _____

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Fayetteville

DEPARTMENT OF TRANSPORTATION

BY: _____

DATE: _____

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

CITY COUNCIL ACTION MEMO

TO: Mayor & Members of City Council
FROM: Tami Lewis, Senior Paralegal
DATE: July 9, 2012
RE: **Engineering & Infrastructure/Real Estate - Adopt a Resolution Declaring Real Property Owned Jointly with Cumberland County Surplus and Authorizing a Quitclaim of the City's Title to the County in Order to Expedite Sale of the Land by Cumberland County.**

THE QUESTION:

How best to respond to a request from Cumberland County for assistance in expediting sale of jointly-owned real property.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government

BACKGROUND:

Cumberland County and the City of Fayetteville received joint title to the property identified as PIN 0428-94-0040 which is located at 1015 Henderson Avenue. The County has received an offer to purchase said property and is requesting the City declare the property surplus and quitclaim the City's interest to the County in order to expedite the sale process. Title to the above subject property is jointly held due to the foreclosure by the County in its role as tax administrator. The County is in receipt of an offer to purchase the property for a price equaling the foreclosure bid; i.e. \$ 9,134.79. The City's share of overdue property taxes has already been collected. If the present bid is declined, there is a good chance the property will remain in joint government ownership, not earning taxes and requiring upkeep.

ISSUES:

None

BUDGET IMPACT:

None

OPTIONS:

1. Accept the County's request and quitclaim the City's title to the County.
2. Decline the County's request.

RECOMMENDED ACTION:

Adopt the attached resolution declaring the property surplus and authorize the City Manager to sign a quitclaim deed conveying the City's interest to the County in exchange for the City's share of overdue property taxes.

ATTACHMENTS:

Resolution
Map

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

Resolution R2012_____

***RESOLUTION DECLARING PROPERTY EXCESS
TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE
IN THE PROPERTY TO CUMBERLAND COUNTY***

WHEREAS, the City of Fayetteville and the County of Cumberland jointly own real property in Cumberland County, said property having the following tax map designation and location – PIN 0428-94-0040 and being 1015 Henderson Avenue; and

WHEREAS, the City of Fayetteville has a financial interest in the form of getting the real property back on the tax books; and

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

WHEREAS, the County of Cumberland has received an offer to purchase the parcel and requests that the City of Fayetteville join in the sale of the property by declaring the parcel surplus to the City's needs and quitclaiming the City's title to the County; and

WHEREAS, the City Council of the City of Fayetteville finds such action to be in the public interest.

NOW THEREFORE, the City Council of the City of Fayetteville hereby declares that the aforesaid real property is surplus to City's needs and authorizes its Manager to sign a deed quitclaiming title to the County of Cumberland.

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

CITY OF FAYETTEVILLE

(SEAL)

By: _____
Kristoff Bauer, Interim City Manager

ATTEST:

Pamela Megill, City Clerk

E:\Real Estate\Lewis\Resolutions\CountyquitclaimRes.doc



7-8-2-1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: July 9, 2012
RE: Tax Refunds of Greater Than \$100

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

The attached tax refund for RJPC II, LLC was approved by the North Carolina Department of Revenue Property Tax Commission in May 2012.

The attached tax refund for K&W Cafeterias was approved by the Cumberland County Special Board of Equalization in June 2012.

ISSUES:

None.

BUDGET IMPACT:

The budget impact is \$5,714.46.

OPTIONS:

Approve the refunds.

RECOMMENDED ACTION:

Approval.

ATTACHMENTS:

Tax Refunds Greater Than \$100



July 9, 2012

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer

FROM: Nancy Peters, Accounts Payable

RE: Tax Refunds of Greater Than \$100

The tax refunds listed below for greater than \$100 were approved by the Cumberland County Special Board of Equalization for the month of June, 2012.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
K&W Cafeterias Inc.	1278112	2005-2006	Corrected Assessment	218.02
RJPC II, LLC	5489427	2009-2011	Corrected Assessment	5496.44
TOTAL				\$5714.46

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP Manager, Planning and Zoning Division
DATE: July 9, 2012
RE: **Text Amendment request by American Towers LLC to amend City Code Section 30-4.C.3(i)(4) Freestanding Towers, to allow required separation and setback standards to be considered during the special use permit process and waived or reduced by City Council upon finding good cause**

THE QUESTION:

Are the proposed changes to development standards for cellular towers consistent with public health, safety and welfare? (Also see the attached Commission staff report with seven standards for considering amendments to Chapter 30).

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy
Livable Neighborhoods

BACKGROUND:

American Towers has been a frequent provider of towers or monopoles for various cellular service providers. American Towers and other providers are finding it increasingly difficult to meet both capacity needs and tower location standards. Tower location is subject to use-specific standards in Article 30-4.C (including the 1500 foot separation between towers and the required setbacks that are the subject of this proposed amendment). These use-specific standards are not eligible for a variance from the Board of Adjustment.

To increase the potential to use sites that may have less impact than a site meeting the criteria, American Towers is proposing to allow reductions in the separation and setback standards based on evaluations of specific conditions during the special use process.

On May 15, 2012, the Planning Commission considered the proposed text amendment and, with some modifications now incorporated in the attached ordinance draft, recommended approval. On June 25 the applicant requested and the City Council approved a continuance of the hearing to July 9. The continuance is to allow time for the City to secure an outside expert to provide input on the amendment and related special use permit request.

ISSUES:

The requested text amendment was evaluated relative to the seven criteria for changes to the development code (see attached report to the Planning Commission). Staff and the Planning Commission supported the change to allow consideration of a reduction in or waiver of the separation requirements in individual cases based on evidence presented during the quasi-judicial hearing. There were reservations about making reductions to the setback standards more broadly available. At the Planning Commission meeting, staff and the Commission supported a more tightly drawn alternative that limited the possibility for reducing setbacks to certain existing conditions and to evidence from a certified structural engineer that no safety issues were created by the reduced setback.

Key considerations were the growing demands for cellular services, the increasingly limited options for locations if the spacing standard remains inflexible, and the potential for an established site to meet increased service needs with less negative impact on the community compared to a new location.

Between this report and the meeting on July 9th, the consultant will review the proposed changes in the standards and the proposed Special Use Permit, considering federal and state requirements,

technical conditions and state of the art techniques that affect the types of cellular facilities and their locations.

As part of the presentation on July 9th to update City Council on this proposed amendment, the consultant will briefly review federal and state requirements, location patterns, trends in usage, location needs and state of the art techniques in how those needs could be met. Staff and the consultant may also recommend additional changes to the amendment.

BUDGET IMPACT:

The provision of cell towers, which are the facilities immediately impacted by the proposed text amendment, require minimal additional public services and thus usually have positive impacts on the budget.

OPTIONS:

1. Approve the text amendment as modified and requested by the applicant.
2. Modify and approve the proposed text amendment.
3. Defer or continue the hearing [to date certain] and provide guidance for further changes.
4. Deny the proposed text amendment.

RECOMMENDED ACTION:

Staff and the Planning Commission recommend that the City Council move to APPROVE as modified [pending additional modifications which may be recommended by the consultant].

ATTACHMENTS:

Staff report to PC

Applicant Request

Ordinance draft - Cell tower separation and setback stds

**Staff Report
Proposed Text Amendment
for Changes to the Separation Standard
For Cell Towers
Requested by American Towers LLC.**

Request: Attached is the request by American Towers LLC, to amend the Use-specific standards in Article 30-4.C.3(c)(1) to allow approval of a reduction or waiver of setbacks and of the required 1,500 foot separation between cellular towers if good cause is shown during the special use permit process.

Background. American Towers has been a frequent provider of towers or monopoles for various cellular service providers. Most recently the company has submitted a Special Use Permit request for a new tower that would be located immediately beside an older tower that is at capacity and is located within the required setback. That case is still pending consideration by the Zoning Commission but is contingent upon approval of this requested amendment to the regulations. Since use-specific standards in Article 30-4.C are not eligible for a variance from the Board of Adjustment, American Towers is proposing the amendment as an alternate method of considering and approving unique circumstances.

Analysis. The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the following table, along with staff analysis of how each standard applies to the proposed changes in the spacing and setback requirements for telecommunication facilities.

Standard	Analysis
1) Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable;	The City Strategic Plan includes the goal of a Strong Local Economy, which speaks generally to this amendment but without clear guidance.
2) Whether the proposed amendment is in conflict with any provision of this Ordinance, and related City regulations;	The proposed change regarding spacing does not appear to conflict with other portions of the development code or with adopted plans if accompanied by some criteria for reducing the spacing. It could be considered consistent with another recently recommended amendment associated with large group homes / transitional housing / halfway houses.
3) Whether and the extent to which there are changed conditions that require an amendment;	The applicant cites the increasing density of development which both removes available sites and increases demand for the services. The amendment would provide the opportunity to consider some sites that could meet all the code and provider criteria except for setbacks and spacing from another tower/monopole. Staff is comfortable with reductions to the spacing standard based on certain standards, but does not agree with the reduction of setbacks, which are based on the height of the facility and

	the type of adjacent zoning/use. In addition to being related to the 'fall zone' in extreme circumstances, the increased setback relative to height helps reduce the immediacy of impact on adjacent development.
4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;	Cellular transmissions are now critical elements of residential and business communications, and gaps in coverage can influence decisions about investment, but they can be intrusive, with negative impact that dampens or undercuts nearby investment.
5) Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City;	The proposed amendment regarding spacing appears consistent with the purpose and intent of the zoning regulations if accompanied by some criteria for evaluating the spacing. These criteria and the impacts of a specific facility can be evaluated during the SUP process. The setback standard, however, is directly related to compatibility and safety considerations.
6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and	The proposed amendment regarding spacing appears to support logical and orderly development if accompanied by some criteria for evaluating the spacing. These criteria and the impacts of a specific facility can be evaluated during the SUP process. The same argument is less applicable to setback variances.
7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment	No negative environmental impacts are anticipated as a result of the proposed code change.

Recommendation. Staff recommends approval only of the portion of the proposed code amendment related to the required separation from another tower if supported by evidence during the SUP process, with the following language describing appropriate circumstances: The 1,500-foot standard may be reduced or waived through the special use permit process based on mitigating circumstances which may include, but are not limited to, topographical or transportation facility barriers (such as rivers, railways, and major highways), degree or extent of separation from other such uses, and surrounding neighborhood characteristics.

Options.

- Approve the text amendment as requested by the applicant.
- Modify and approve the proposed text amendment (Recommended by staff).
- Deny the proposed text amendment.

Attachments:

Letter of Application
Excerpt, Sec. 30-4.

Thomas H. Johnson, Jr.
Members
Admitted in NC

March 12, 2012

VIA UPS NEXT DAY AIR

Mr. Craig Harmon, AICP, Planner II
Planning Department
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301

Re: American Towers L.L.C. ("American Tower")
Application for Special Use Permit for Telecommunications Tower
at 115 Duplinwood Road, Fayetteville, NC 28311

Dear Mr. Harmon:

Charleston
Charlotte
Columbia
Greensboro
Greenville
Hilton Head
Myrtle Beach
Raleigh

Enclosed you will find an Application for a Special Use Permit for a telecommunications tower at 115 Duplinwood Road in Fayetteville for American Tower ("Application"). As you can see from the enclosed Application, American Tower is proposing to put a new unipole tower adjacent to an existing self-supporting tower at this location. The original tower has reached its capacity, and American Tower needs an additional tower to provide for necessary additional wireless capacity in this growing area of Fayetteville. American Tower worked very hard to try to find another site in the area without success. As a result, American Tower decided to use this existing site, which has been in place for many years and is heavily wooded, to put the new tower. The new tower will comply with the preference by the City of Fayetteville for unipole towers (monopole towers with the antennas hidden within the tower) in residential areas. Since there is already an existing lattice tower at this site, the new monopole tower will be less conspicuous than the tower that exists.

The existing tower has been in place for so long that it predates the Telecommunications Facilities Ordinance ("Ordinance"). Therefore, the tower site is not large enough to accommodate the setbacks as required under the Ordinance. In order to be able to construct the proposed unipole tower at this site, it would be necessary to revise the Ordinance to allow for a reduced setback and to allow for two

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www.nexsenpruet.com Nexsen Pruet, PLLC
Attorneys and Counselors at Law

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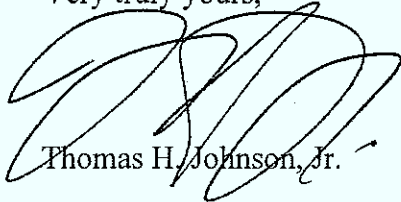
Mr. Craig Harmon, AICP, Planner II
March 12, 2012
Page 2

(2) towers to be constructed next to one another which will be a variation from the separation requirement of the Ordinance. Since American Tower is seeking a reduced setback, we have enclosed a fall-zone letter that indicates that the new tower, if it fails, will fall within the tower site.

We do not want to seek a variance for this site but, instead, propose that concurrent with our Special Use Application, the Council consider amending Section (4) e. and f. to allow the City Council to reduce the setback and separation requirements if the applicant presents good cause for the reduction. As the City of Fayetteville grows and its telecommunication needs increase, it will be more difficult to find parcels that are large enough to meet the current setback requirement. In addition, as the capacity of the existing towers is exceeded, it will become necessary to construct towers that might be closer together than 1,500 feet. So that the citizens of the City of Fayetteville can have the best wireless coverage and technology that is offered and in order to maintain and attract development to the City of Fayetteville, there may be situations where the setback and separation requirements need to be reduced. To provide flexibility, the Council should be able to make this decision in an appropriate situation. Therefore, I request that, concurrent with our Special Use Permit Application, Council also consider amendments to Section (4) e. and f. to provide that the setback and separation requirements can be reduced in the discretion of the Council for good cause shown by the applicant.

If you need a more formal application for the request for the Ordinance amendment, please do not hesitate to contact me. Thank you very much for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "THOMAS H. JOHNSON, JR.", written over a printed name.

Enclosures

cc: Jason Groseclose (Via E-mail)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND PORTIONS OF CITY CODE 30-4.C(4) USE SPECIFIC STANDARDS FOR CELL TOWERS TO ALLOW CONSIDERATION OF REDUCTIONS IN SEPARATION AND SETBACK STANDARDS.

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that the Unified Development Ordinance adopted December 13, 2010 as Chapter 30 of the Code of Ordinances of the City of Fayetteville and last amended May 29, 2012, be amended as follows:

Section 1. Amend Section 30-4.C(4) to add a new Section “e.iii” regarding setbacks on sites with existing towers already non-conforming as to setbacks, and Section “f” regarding separation between existing and proposed towers, as follows:

e. Setbacks

- i. Except as provided in subsection iii, telecommunications towers shall be set back from abutting property lines the distance equal to or exceeding that in Table 30-4.C.3, Freestanding Telecommunications Tower Setback Standards

TABLE 30-4.C.3: FREESTANDING TELECOMMUNICATIONS TOWER SETBACK STANDARDS	
ZONING DISTRICT [1]	MINIMUM SETBACK
CD, AR, SF-15, SF-10, SF-6, MR-5, MH, OI, NC	Tower height
CC, MU, LI, HI	Greater of: ½ tower height; or 50 feet
NOTES: [1] New freestanding telecommunications towers are not permitted in the DT zoning district.	

- ii. Buildings associated with a telecommunications facility shall meet the minimum setback requirements for the zoning district where located.

[new] iii. When a tower, building or other structure is being added to an existing telecommunications tower site that was in existence prior to the adoption of the setback requirements under subsection b.i. and ii. above and the existing site does not comply with the setback requirements of subsection b.i. and ii., the Council, upon good cause shown by the applicant and evidence provided by a certified structural engineer regarding the safety of the proposed setback, may reduce the setback requirements for

the tower, building or other structure to be added to the existing site.

f. Separation from Other Towers

New telecommunication towers shall not be located within 1,500 feet of an existing telecommunications tower. This standard shall not apply to a telecommunications tower placed out of view in a building or other structure. The 1,500-foot standard may be reduced or waived through the special use permit process based on mitigating circumstances which may include, but are not limited to, topographical or transportation facility barriers (such as rivers, railways and major highways), degree or extent of separation from other such uses and surrounding neighborhood characteristics

g.

Explanation: The increased demand for capacity and the decreasing availability of tower sites where usage is highest combine to indicate the value of some flexibility if, during the special use permit process for a specific site, findings support the reduction in spacing or in setbacks. Considerations during the SUP process would include such things as significant barriers, extent of separation, impacts on surrounding neighborhood(s), mitigating site characteristics, or similar findings as well as such standard considerations of need, available alternatives, and impacts on surrounding uses.

Section 2. The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future text amendments as long as doing so does not alter the material terms of the Unified Development Ordinance.

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

ADOPTED this the 25th day of June, 2012.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Brian M. Meyer, Assistant City Attorney
DATE: July 9, 2012
RE: **Appointment of New City Manager**

THE QUESTION:

Whether City Council should appoint Theodore (Ted) L. Voorhees as the new City Manager of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Vision 2027: The City of Fayetteville is a great place to live with a choice of desirable neighborhoods, leisure opportunities for all, and beauty by design.

Mission Statement: The City Government provides service that makes Fayetteville a better place for all. Mission Principle 4: Dedicated Workforce

BACKGROUND:

In March 2012 Dale Iman resigned as City Manager for the City of Fayetteville. Since that time Assistant City Manager Kristoff Bauer has served as Interim City Manager. The City retained a consulting firm to assist in a nationwide search that identified more than 120 applicants for the position of City Manager. City Council then conducted interviews with a number of candidates.

ISSUES:

Whether the identified applicant meets City Council's interest in hiring a new City Manager.

BUDGET IMPACT:

Position budgeted.

OPTIONS:

1. Appoint Theodore (Ted) L. Voorhees as the new City Manager of Fayetteville and authorize the Mayor to execute an employment contract with Mr. Voorhees.
2. Deny appointment of Mr. Voorhees as the new City Manager of Fayetteville.
3. Provide additional direction to staff.

RECOMMENDED ACTION:

Appoint Theodore (Ted) L. Voorhees as the new City Manager of Fayetteville and authorize the Mayor to execute an employment contract with Mr. Voorhees.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Michael Gibson, Parks, Recreation & Maintenance Director
DATE: July 9, 2012
RE: **Parks and Recreation - Resolution for Preliminary Authorization for GO Park Bond Referendum**

THE QUESTION:

- Resolution for Preliminary Authorization for GO Bond Referendum

RELATIONSHIP TO STRATEGIC PLAN:

- Goal 2 - More Efficient Government - Cost Effective Service Delivery - Objective 3 - Investing in City's future infrastructure, facilities and equipment.

BACKGROUND:

- Council's top priority to develop a park bond referendum bond proposal
- Park bond referendum proposal package is completed by Site Solutions
- Developed proposed financial package for park bond referendum

ISSUES:

- NA

BUDGET IMPACT:

- NA

OPTIONS:

- NA

RECOMMENDED ACTION:

- Adopt the resolution granting preliminary authorization to proceed with a general obligation bond referendum to finance various parks and recreation improvements for the City

ATTACHMENTS:

Resolution - Parks and Recreation Bon

The City Council of the City of Fayetteville, North Carolina held a regular meeting in the Council Chambers at City Hall located at 433 Hay Street in Fayetteville, North Carolina, the regular place of meeting, at 7:00 p.m. on July 9, 2012.

Present: Mayor Anthony G. Chavonne, presiding, and Council Members

Absent: Council Members

Also Present: _____

* * * * *

_____ introduced the following resolution the title of which was read and copies of which had been previously distributed to each Council Member:

RESOLUTION GRANTING PRELIMINARY AUTHORIZATION TO
PROCEED WITH A GENERAL OBLIGATION BOND REFERENDUM
TO FINANCE VARIOUS PARKS AND RECREATION IMPROVEMENTS
FOR THE CITY

BE IT RESOLVED by the City Council (the “City Council”) of the City of Fayetteville, North Carolina (the “City”):

Section 1. The City Council does hereby find and determine as follows:

(a) Preliminary studies have been completed to demonstrate the need to provide various parks and recreation improvements for the City.

(b) The City Council has determined that the most efficient manner to finance such parks and recreation improvement is through the issuance of general obligation bonds of the City, subject to voter approval at a bond referendum to be held on or about in February 26, 2013.

(c) The City Council wishes to grant preliminary authorization to commence procedures necessary to authorize the issuance of approximately \$47,000,000 General Obligation Parks and

Recreation Bonds and to delegate to the City Manager and the Chief Financial Officer of the City the authority to take certain actions in connection therewith.

Section 2. The City Council hereby grants approval for the City to commence procedures necessary to authorize the issuance of approximately \$47,000,000 General Obligation Parks and Recreation Bonds to finance various parks and recreation improvements for the City pursuant to the Local Government Bond Act, Article 4 of Chapter 159 of the General Statutes of North Carolina (the “Act”), including the holding of a bond referendum on or about February 26, 2013. The City Council reserves the right to adjust the principal amount of such bonds to be authorized and to change the scheduled date for holding the bond referendum in any manner consistent with the Act.

Section 3. The City Manager and the Chief Financial Officer of the City are hereby authorized to take any and all actions necessary to facilitate such procedures for the authorization and issuance of such bonds in a manner consistent with the provisions of this resolution and the Act.

Section 4. This resolution shall take effect immediately upon its passage.

Upon motion of _____, seconded by _____, the foregoing resolution entitled “RESOLUTION GRANTING PRELIMINARY AUTHORIZATION TO PROCEED WITH A GENERAL OBLIGATION BOND REFERENDUM TO FINANCE VARIOUS PARKS AND RECREATION IMPROVEMENTS FOR THE CITY” was passed by the following vote:

Ayes: _____

Noes: _____

* * * * *

I, Pamela Megill, City Clerk of the City of Fayetteville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of said City at a regular meeting held on July 9, 2012, as it relates in any way to the introduction and passage of the foregoing resolution and that said proceedings are recorded in the minutes of said City Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and official seal of said City this 9th day of July, 2012.

City Clerk

[SEAL]

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: July 9, 2012
RE: **Tax Refunds of Less Than \$100**

THE QUESTION:

Information item only.

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

Tax refunds of less than \$100 approved by the Cumberland County Special Board of Equalization for the month of June, 2012.

ISSUES:

None.

BUDGET IMPACT:

The budget impact is \$111.16.

OPTIONS:

Information item only.

RECOMMENDED ACTION:

No action required.

ATTACHMENTS:

Tax Refunds Less Than \$100



July 9, 2012

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer

FROM: Nancy Peters, Accounts Payable

RE: Tax Refunds of Less than \$100

The tax refunds listed below for greater than \$100 were approved by the Cumberland County Special Board of Equalization for the month of June, 2012.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Pyramid Geosciences Inc.	9465882	2010	Corrected Assessment	63.36
Rich, DJuan B.	9632071	2009-2010	Duplicate Payment	47.80
TOTAL				\$111.16