



FAYETTEVILLE CITY COUNCIL  
AGENDA  
DECEMBER 10, 2012  
7:00 P.M.  
Council Chamber

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**1.0 CALL TO ORDER**

**2.0 INVOCATION**

**3.0 PLEDGE OF ALLEGIANCE**

**4.0 APPROVAL OF AGENDA**

**5.0 PUBLIC FORUM**

**6.0 CONSENT**

- 6.1 Community Development - Amendment to agreement with Fayetteville Area Operation Inasmuch.
- 6.2 Authorize the City Manager to Execute a Contract with Cherry, Bekaert and Holland to Audit Accounts for Fiscal Year 2012-2013
- 6.3 Award Contract for the Purchase of Two (2) Prefabricated Bridges for Linear Park Trail at Grove Street.
- 6.4 Capital Project Ordinance Amendment 2013-22 for the Western Area Neighborhood Park at New Century Middle School
- 6.5 P12-54F Initial zoning from AR Agricultural Residential to OI Office and Institutional District, for property located at US 401 South – South Raeford Road. Containing 5.38 acres more or less and being the property of Gray and Ruby Murphy.
- 6.6 Consideration of Assigning 12 Recent Annexation Areas to Election Districts
- 6.7 Special Revenue Fund Project Ordinance Closeouts 2013-1 - 2013-6 and Capital Project Fund Ordinance Closeouts and Partial Closeouts 2013-1 - 2013-8.

## **7.0 PUBLIC HEARINGS**

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

- 7.1 P12-50F Request for rezoning from SF-6 Single Family Residential to LC/CZ Conditional Limited Commercial or to a more restrictive district on property located at 102 Kirkland Drive, Containing 0.29 acres more or less and being the property of Drew and Kathrene Boxwell. (Appeal of a Zoning Commission Denial)

Presenter(s): Craig Harmon, AICP, CZO - Planner II

- 7.2 P12-55F Request for Special Use Permit to construct a Child Daycare Facility in an SF-10 district on property located on the north west side of Lakewood Drive across from Meadowmont Lane, Containing a portion of a 48.6 acre tract and being the property of Hairr Family LLC.

Presenter(s): Craig Harmon, AICP, CZO - Planner II

- 7.3 P12-56F Request for a Special Use Permit for heavy auto repair on property zoned Community Commercial located at 5130 Raeford Rd. Containing 2.66 acres more or less and being the property of DPGP Investments, LLC.

Presenter(s): Craig Harmon, AICP, CZO - Planner II

## **8.0 OTHER ITEMS OF BUSINESS**

- 8.1 Presentation of the Audited FY2011-2012 Comprehensive Annual Financial Report

Presenter(s): Michelle Thompson, Cherry, Bekaert & Holland Lisa Smith, Chief Financial Officer

- 8.2 Sale and Redevelopment of 301 Bragg Blvd

Presenter(s): Craig Hampton, Special Projects Director

- 8.3 Recommendations of Appointments to the Public Works Commission

Presenter(s): Bobby Hurst, Council Member, Appointment Committee Chair

- 8.4 Uninhabitable Structures Demolition Recommendations

1201 North Street  
1920 Powell Street  
1086 Strickland Bridge Road  
237 S. Windsor Drive

Presenter(s): Scott Shuford, Development Services Director

- 8.5 Rental Action Management Program (RAMP)

Presenter(s): Police Attorney Patricia C. Bradley

## **9.0 ADJOURNMENT**

### **CLOSING REMARKS**

#### **POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS**

Anyone desiring to address the Council on an item that is not a public hearing must present a written request to the City Manager by 10:00 a.m. on the Wednesday preceding the Monday meeting date.

#### **POLICY REGARDING PUBLIC HEARING AGENDA ITEMS**

Individuals wishing to speak at a public hearing must register in advance with the City Clerk. The Clerk's Office is located in the Executive Offices, Second Floor, City Hall, 433 Hay Street, and is open during normal business hours. Citizens may also register to speak immediately before the public hearing by signing in with the City Clerk in the Council Chamber between 6:30 p.m. and 7:00 p.m.

#### **POLICY REGARDING CITY COUNCIL MEETING PROCEDURES SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM**

Individuals who have not made a written request to speak on a non-public hearing item may submit written materials to the City Council on the subject matter by providing twenty (20) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

#### **COUNCIL MEETING WILL BE AIRED**

**December 10, 2012 - 7:00 p.m.**

**COMMUNITY CHANNEL 7**

#### **COUNCIL MEETING WILL BE RE-AIRED**

**December 12, 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](mailto:rmcelrath@ci.fay.nc.us), 910-433-1696, or the Office of the City Clerk at [cityclerk@ci.fay.nc.us](mailto:cityclerk@ci.fay.nc.us), 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.

<b>CITY COUNCIL ACTION MEMO</b>
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**TO:**

**FROM:**

**DATE:** December 10, 2012

**RE:**

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**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:** Victor Sharpe, Community Development Director  
**DATE:** December 10, 2012  
**RE:** **Community Development - Amendment to agreement with Fayetteville Area Operation Inasmuch.**

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**THE QUESTION:**

Will amending the contract with Fayetteville Area Operation Inasmuch to purchase identification equipment assist the homeless?

**RELATIONSHIP TO STRATEGIC PLAN:**

Greater Community Unity - Pride in Fayetteville

**BACKGROUND:**

- The purpose of this request is to amend the agreement with Fayetteville Area Operation Inasmuch (FAOIAM) for the 2012-2013 program year for an additional amount of \$3,000.
- Funds will be used to purchase equipment to make identification cards for homeless individuals.
- FAOIAM is currently budgeted for \$20,000 for their breakfast program to feed the homeless.
- The Police Department will work in conjunction with FAOIAM to provide the necessary verification prior to the identification cards being printed.
- The Fayetteville Redevelopment Commission voted to approve the amended agreement at their November 14th meeting.

**ISSUES:**

- Identification cards are needed by the homeless to get basic services such as housing and employment.
- These identification cards are temporary until a North Carolina State identification card is obtained.

**BUDGET IMPACT:**

- \$3,000 from Community Development Block Grant Funds.
- A budget amendment was approved by City Council last month for prior year program income from which these funds will be taken.

**OPTIONS:**

- Approve request.
- Modify request.
- Provide additional direction to staff.

**RECOMMENDED ACTION:**

Approve amendment to agreement with Fayetteville Area Operation Inasmuch in the amount of

\$3,000 for the 2012-2013 program year for the purchase of equipment to make identification cards for homeless individuals.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** December 10, 2012  
**RE:** **Authorize the City Manager to Execute a Contract with Cherry, Bekaert and Holland to Audit Accounts for Fiscal Year 2012-2013**

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**THE QUESTION:**

City and PWC staff request Council approval to execute the audit contract for Fiscal Year 2012-2013 with Cherry Bekaert & Holland (CB&H).

**RELATIONSHIP TO STRATEGIC PLAN:**

Core Value: Stewardship

**BACKGROUND:**

- CB&H has provided excellent and timely audit services to the City and PWC.
- CB&H is a regional accounting firm that qualifies as a local business under the definition confirmed by Council at the November work session for the Hire Fayetteville First Policy. In addition, the firm subcontracts with a minority certified public accountant for a portion of the audit work consistent with the City's interest to increase contract opportunities with minority businesses.
- The firm has extensive local government audit experience and conducts audit services for many large governmental units across the state.
- CB&H has agreed to provide Fiscal Year 2012-2013 audit services to the City and its PWC for a total amount not to exceed \$104,000. This represents a modest 4% fee increase after three years with no increase. The firm has also committed to fees of \$106,000 and \$108,000 for fiscal years ending June 30, 2014 and 2015.
- The fee covers audit work performed at the City's offices and its Public Works Commission. If approved, the City's share of the contract for fiscal year 2012-2013 will be \$62,400 and PWC's share will be \$41,600.
- The annual fee for fiscal year 2012-2013 is \$18,720 less than the fee for Fiscal Year 2008-2009, which is primarily due to City staff's commitment to internally produce the comprehensive annual financial report.

**ISSUES:**

None

**BUDGET IMPACT:**

As outlined above in the background section.

**OPTIONS:**

1. Authorize the Mayor to execute the Contract to Audit Accounts with CB&H for Fiscal Year 2012-2013.
2. Do not authorize the Mayor to execute the contract and direct staff to conduct a RFP process.

**RECOMMENDED ACTION:**

Authorize the City Manager to execute the Contract to Audit Accounts with CB&H for Fiscal Year 2012-2013.



<b>CITY COUNCIL ACTION MEMO</b>
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**TO:** Mayor and Members of City Council  
**FROM:** Gloria B. Wrench, Purchasing Manager  
**DATE:** December 10, 2012  
**RE:** **Award Contract for the Purchase of Two (2) Prefabricated Bridges for Linear Park Trail at Grove Street.**

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**THE QUESTION:**

Is it in the interest of Council to approve a contract for the purchase of two (2) prefabricated bridges for Linear Park Trail at Grove Street?

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 4 - Growing City, Livable Neighborhoods - A Great Place to Live

**BACKGROUND:**

Formal bids for the purchase of two (2) prefabricated bridges for Linear Park Trail at Grove Street were received November 1, 2012 (see attached bid tabulation). City staff, as well as the Downtown Linear Park Committee, have reviewed the bids and recommend award of a contract to the lowest responsible bidder, Wheeler Lumber, LLC, Bloomington, MN, in the amount of \$93,200.00.

**ISSUES:**

None

**BUDGET IMPACT:**

This purchase is being funded by the City of Fayetteville Linear Park Corporation.

**OPTIONS:**

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

**RECOMMENDED ACTION:**

Award contract for the purchase of two (2) prefabricated bridges for Linear Park Trail at Grove Street to the lowest responsible bidder, Wheeler Lumber, LLC, Bloomington, MN, in the amount of \$93,200.00.

**ATTACHMENTS:**

Bid Tabulation

**CITY OF FAYETTEVILLE  
NORTH CAROLINA**

**BID TABULATION  
TWO (2) PREFABRICATED BRIDGES FOR LINEAR PARK TRAIL AT GROVE STREET**

**NOVEMBER 1, 2012; 2:00 P.M.**

<b>BIDDERS</b>	<b>UNIT PRICE</b>	<b>TOTAL PRICE</b>	<b>DELIVERY TIME</b>
<b>WHEELER LUMBER, LLC</b> Bloomington, MN	\$46,600.00	\$93,200.00	10 to 12 weeks after receipt of drawings
<b>ANDERSON BRIDGES LLC</b> Colfax, WI	\$47,000.00	\$94,000.00	February 28, 2013
<b>COMTECH ENGINEERED SOLUTIONS</b> Ft. Payne, AL	\$65,552.00	\$131,104.00	14 days from receipt of approved drawings
<b>ECHO BRIDGE, INC.</b> Pine City, NY	\$69,989.00	\$139,978.00	14 weeks after receipt of drawings

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** December 10, 2012  
**RE:** **Capital Project Ordinance Amendment 2013-22 for the Western Area Neighborhood Park at New Century Middle School**

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**THE QUESTION:**

Does Council wish to appropriate \$56,756 of accumulated fees in lieu of dedicated open space/parkland (open space fees) to fund construction of a concession stand and restrooms at the new park under construction at New Century Middle School?

**RELATIONSHIP TO STRATEGIC PLAN:**

Principle C: Leisure Opportunities for All - Parks with restrooms and amenities.

Principle I: Partnership of Citizens - City working with Cumberland County, School and other governments.

**BACKGROUND:**

- Construction of the neighborhood park at New Century Middle School is currently underway with an authorized project budget of \$800,000.
- There is an available balance of \$56,756 from open space fees collected from the southwest quadrant of the City.
- Use of accumulated open space fees is restricted in Section 30-5.C. of the City Code. The funds collected may only be used for the acquisition or development of open space, greenway, trails, park and recreation areas.
- Based on requests from the community and the School District, the original track was upgraded to a rubberized surface, which has been installed. As a result, insufficient funds are available in the current project budget to complete the concession stand and restrooms.
- Staff is recommending appropriation of the available open space fees to fund construction of a concession stand and restrooms at the new park.
- If this project ordinance amendment is adopted, the revised project budget will be \$856,756.

**ISSUES:**

None

**BUDGET IMPACT:**

As noted above.

**OPTIONS:**

- Adopt Capital Project Ordinance Amendment 2013-22
- Do not adopt Capital Project Ordinance Amendment 2013-22

**RECOMMENDED ACTION:**

Staff recommends that Council move to Adopt Capital Project Ordinance Amendment 2013-22

**ATTACHMENTS:**

Capital Project Ordinance Amendment 2013-22 Western Area Park Project





**CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2013-22 (CPO 2008-3)**

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

Section 1. The project change authorized is to Capital Project Ordinance 2008-3, adopted August 13, 2007, for the funding of the Western Area Neighborhood Park.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
General Fund Transfer	\$ 359,000	\$ -	\$ 359,000
Cumberland County Schools Contribution	441,000	-	441,000
Open Space Fees	-	56,756	56,756
	<u>\$ 800,000</u>	<u>\$ 56,756</u>	<u>\$ 856,756</u>

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

Project Expenditures	<u>\$ 800,000</u>	<u>\$ 56,756</u>	<u>\$ 856,756</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 10th day of December, 2012.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, AICP, CZO - Planner II  
**DATE:** December 10, 2012  
**RE:** **P12-54F Initial zoning from AR Agricultural Residential to OI Office and Institutional District, for property located at US 401 South – South Raeford Road. Containing 5.38 acres more or less and being the property of Gray and Ruby Murphy.**

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**THE QUESTION:**

Does the rezoning to Office and Institutional fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

**RELATIONSHIP TO STRATEGIC PLAN:**

Livable Neighborhoods Growth and development

**BACKGROUND:**

Owner: Gray and Ruby Murphy  
Applicant: Gray and Ruby Murphy  
Requested Action: AR to OI  
Property Address: US 401 South – South Raeford Road  
Council District: 9  
Status of Property: Single Family House  
Size: 5.38 acres +/- to be rezoned  
Existing Land Use: Residential  
Adjoining Land Use & Zoning:  
North - AR & SF-6  
South - SF-10 & SF-15  
East - SF-10, SF-6, NC & AR  
West - AR & CD  
Letters Mailed: 111  
Land Use Plan: Low Density Residential

Zoning Commission voted 5-0 to approve this rezoning. There was only one speaker that signed up for this hearing. He spoke in favor of the project.

**ISSUES:**

This property is an additional area for the proposed site of the new Veterans Administration (VA) Medical Center. This property is located at the intersection of and between Old Raeford Road and South Raeford Road/Highway 401. The owner wishes to rezone 5.38 acres. This property is currently zoned AR. The requested OI district would allow for a medical center. The City's Land Use Plan calls for low density residential. Currently there is office, neighborhood commercial, multi-family and single family development in this area. It is staff's opinion that an OI district would serve as an appropriate buffer between these existing uses and the industrially zoned properties to the west. Since the Land Use Plan was adopted several rezonings have occurred that have brought commercial and office uses to this intersection. With industrial zoning on part of this property residential development no longer seems viable. Zoning Commission and Staff recommend that this property be rezoned to an OI district based on: 1. OI being a transitional district according to the UDO. 2. OI being an appropriate use at this intersection of two major roads.

**BUDGET IMPACT:**

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

**OPTIONS:**

- 1) Approval of rezoning to OI as presented by staff (recommended)
- 2) Remove from Consent Agenda and move to set a Public Hearing for January 14th to consider denial or a more restrictive zoning.

**RECOMMENDED ACTION:**

Zoning Commission and Staff Recommend: That the City Council move to APPROVE the rezoning of this property to OI as presented by staff.

**ATTACHMENTS:**

Zoning Map

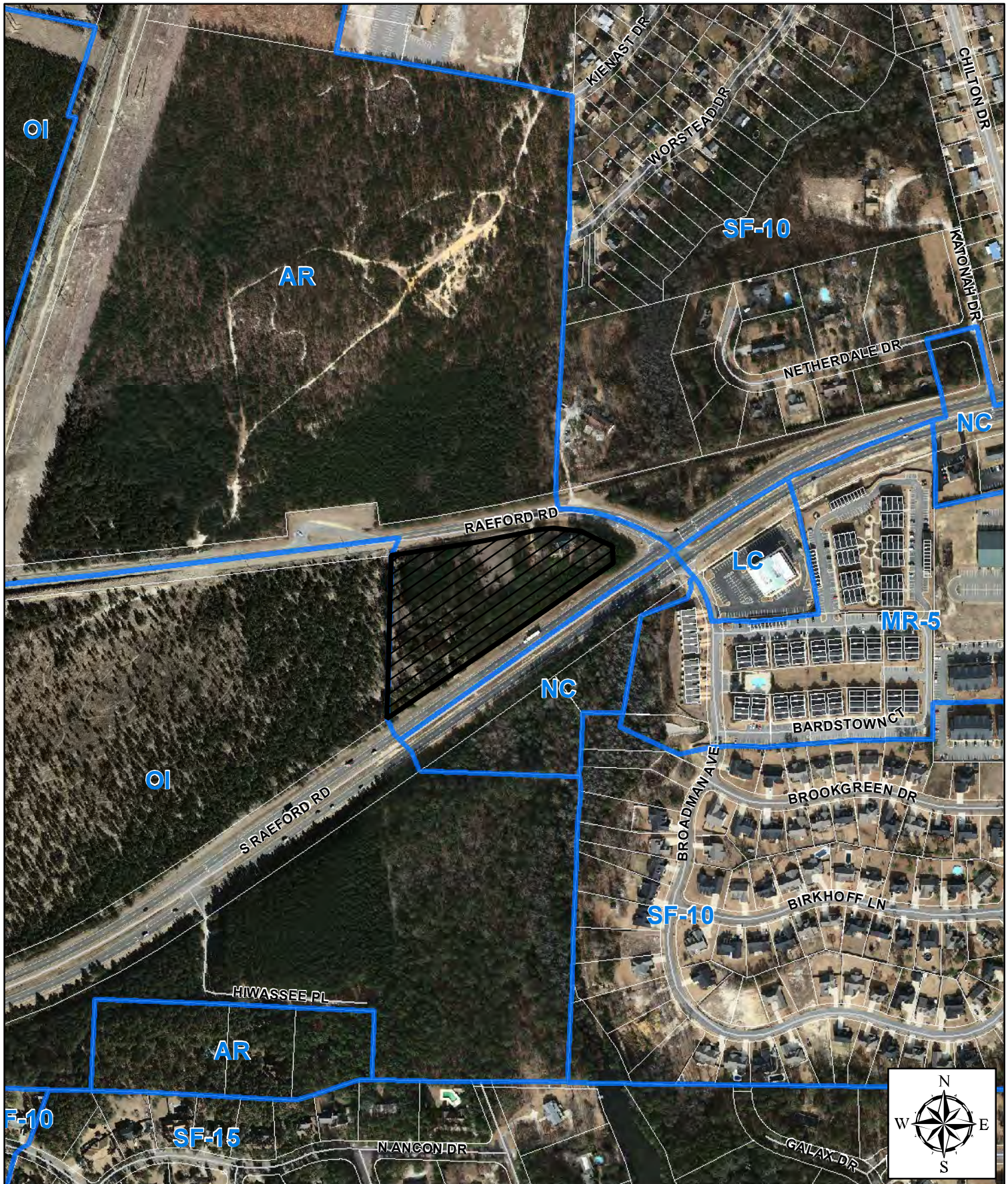
Current Land Use

Land Use Plan

Letter From Applicant



**ZONING COMMISSION**  
**CASE NO. P12-54F**



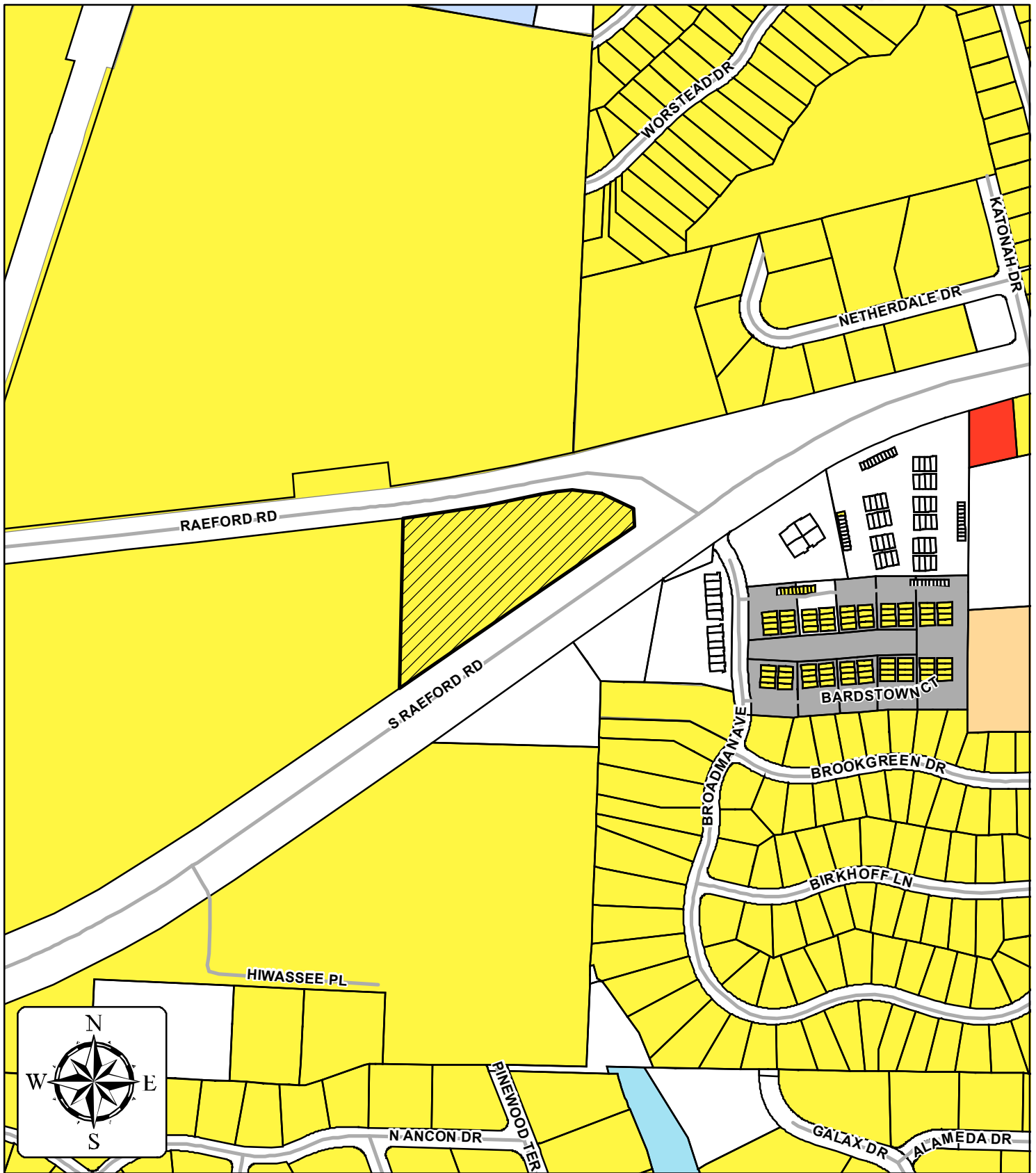
**Request:** AR to OI  
**Location:** 7201 Raeford Road  
**Acreage:** 5.38 +/- acres

**Zoning Commission:** 11/13/2012 **Recommendation:** \_\_\_\_\_  
**City Council:** \_\_\_\_\_ **Final Action:** \_\_\_\_\_  
**Pin:** 9496-27-4025-



# Current Land Use

## P12-54F

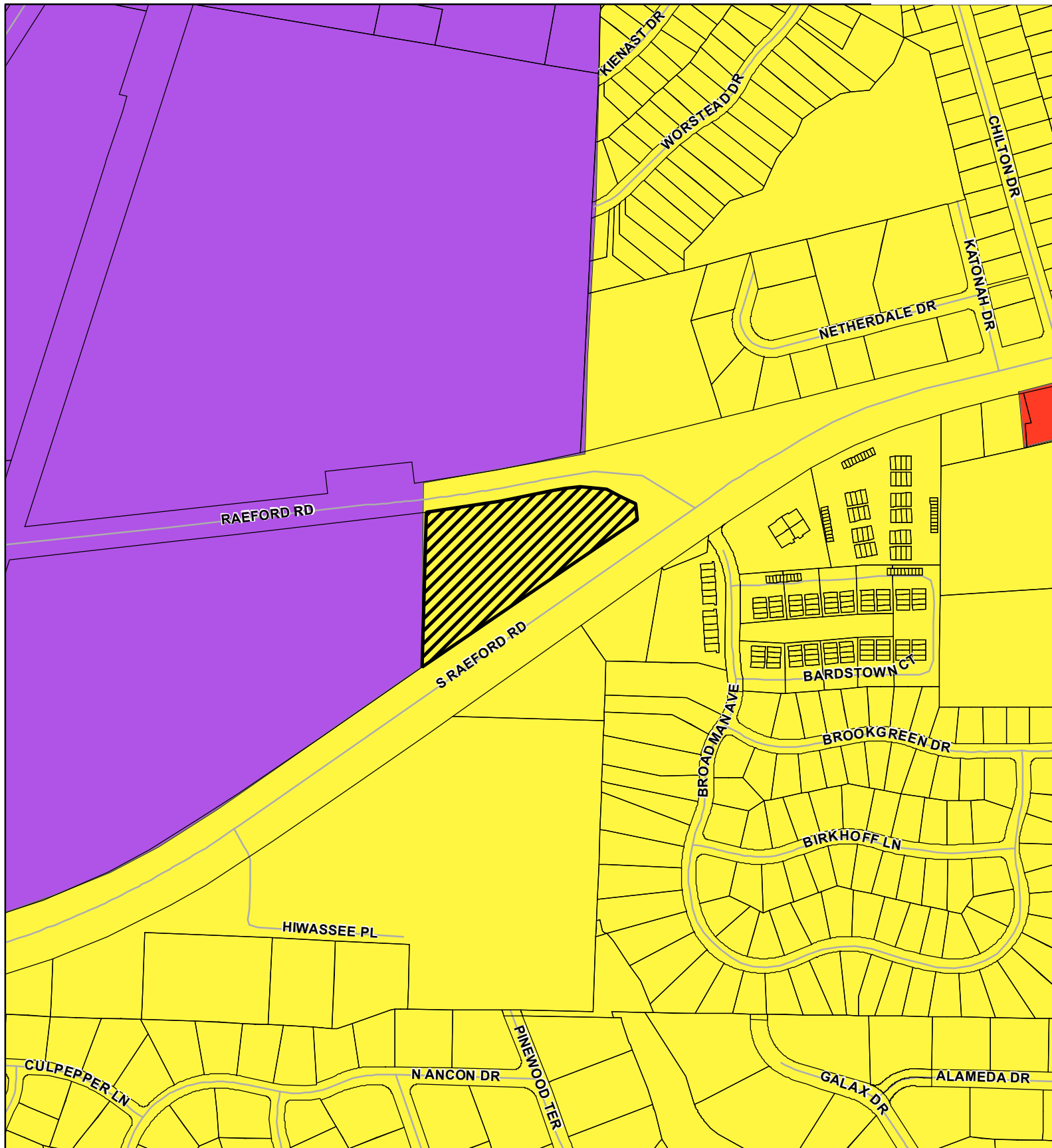


### Legend

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

# 2010 Land Use Plan

Case No. P12-54F



## Legend

Academic Training-Fort Bragg	Farmland	Historical District-Fort Bragg	Neighborhood Activity Node	Policy Directed Light Commercial
Activity Node	Governmental	Light Commercial	Office & Institutional	Policy Directed Office & Institutional
Airfield Operations-Fort Bragg	Heavy Commercial	Light Industrial	One Acre Residential Lots	Range & Training-Fort Bragg
Community Activity Node	Heavy Industrial	Low Density Residential	Open Space	Redevelop/Holding-Fort Bragg
Downtown	High Density Residential	Medium Density Residential	Policy Directed Heavy Commercial	Suburban Density Residential

238 N. McPherson Church Rd.  
Fayetteville, NC 28303  
Office (910) 864-3135  
Fax (910) 864-8078  
Email: rcpwalker@aol.com

October 8, 2012

**Craig M. Harmon, AICP, CZO**  
Planning Department  
Fayetteville City Hall  
433 Hay Street  
Fayetteville, NC 28301-5537

Richard Walker

Re: Rezoning of 5.38 acres- Tax Parcel ID of 9496-27-4025 located at 7201  
Raeford Road (the "Property")

Dear Mr. Harmon:

This letter will confirm that I, as the owner of the Property, have entered into a purchase agreement to sell the Property to an affiliate of Carnegie Management and Development Company ("CMDC"). As part of the purchase agreement the buyer has a condition to closing that the Property be rezoned for the planned development. This letter will evidence my agreement that the Property be rezoned to OI (Office/Institutional) and that CMDC is authorized to submit the application for rezoning and related documentation for this purpose.

Please let me know if you need any further documentation from me as the owner of the Property.

Sincerely,

*Ruby G. Murphy*

Ruby G. Murphy

cc. Dale A. Bradford

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** David Nash, AICP, Planner II  
**DATE:** December 10, 2012  
**RE:** **Consideration of Assigning 12 Recent Annexation Areas to Election Districts**

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**THE QUESTION:**

Should the City Council assign 12 recent annexations to election districts?

**RELATIONSHIP TO STRATEGIC PLAN:**

Partnership of Citizens

**BACKGROUND:**

When the City annexes an area, the area must be assigned to a City election district. The assignment is a "change affecting voting" which must be submitted to the U.S. Justice Department for preclearance. An annexation area election district assignment must be precleared by the Justice Department before any current residents or future residents of the area may vote in City elections.

In the Spring of 2011, following the release of data from the 2010 Census, the City Council went through a redistricting process. On April 26, 2011, the City Council adopted a new set of election districts. This 2011 Redistricting Plan was submitted to the Justice Department on May 11, 2011 and precleared on June 23, 2011.

On May 13, 2011, the City submitted to the Justice Department a group of 18 annexation areas. The City requested that these 18 areas be assigned to the then-current districts, because the new set of districts had not yet been precleared. In submitting these 18 areas, the City noted that if the new redistricting map were precleared, that the City assumed and hoped that the assignment of the 18 areas to the new redistricting map would be accomplished automatically. On June 22, 2011, the Justice Department precleared the 18 annexations and their designation to districts.

Since that time, the City Council has completed 12 annexations. These 12 areas need to be assigned to the new 2011 district map. The attached resolution takes care of the assignment of the 12 areas.

The attached resolution also seeks to clarify the situation about the 18 previously precleared annexations by reassigning them to the 2011 district map.

The attached map shows the location of the 12 new areas (in green) and the location of the 18 previously precleared areas (in yellow).

All areas are being added to either District 1 or District 2. No other districts are affected.

The areas being assigned and reassigned to the 2011 districts have very few housing units or population. Therefore, the impact of these assignments is very minimal.

**ISSUES:**

Failure to adopt the attached resolution assigning the 12 annexation areas would mean that the residents of the areas would not be able to participate in any City election.

There is some potential for confusion regarding the 18 precleared annexations. Reassigning them to the 2011 districts will clarify their status.



**BUDGET IMPACT:**

It is not anticipated that there would be any budget impact of assigning the annexation areas to districts.

**OPTIONS:**

1. Adopt the resolution which assigns the 12 new annexation areas and which reassigns the 18 precleared annexations.
2. Do not take any action at this time.

**RECOMMENDED ACTION:**

Staff recommends that Council move to adopt the attached resolution.

**ATTACHMENTS:**

Resolution

Map (Exhibit A of Resolution)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NC  
ASSIGNING TWELVE NEW ANNEXATIONS  
TO THE 2011 ELECTION DISTRICTS  
AND REASSIGNING 18 PRECLEARED ANNEXATIONS  
TO THE 2011 ELECTION DISTRICTS

WHEREAS, on March 6, 2000, the City Council of the City of Fayetteville by Ordinance No. S2000-002, amended Chapter III, Section 3.1, "Governing Body", and Chapter IV, Section 4.2, "Elections", of the Charter of the City of Fayetteville creating nine (9) single-member electoral districts for the election of the members of the City Council, and an at-large mayor who votes on all matters, both changes being subject to a referendum of voters, which were approved by voters on May 2, 2000; and

WHEREAS, on March 28, 2011, the City Council of the City of Fayetteville adopted Resolution No. R2011-012, assigning eighteen recent annexation areas (Annexation Ordinance Nos. 2009-05-512 through 2010-12-529) to the then current electoral districts; and

WHEREAS, on April 11, 2011, the City Council of the City of Fayetteville adopted Resolution No. R2011-017, which corrected a mistake in Resolution No. R2011-012; and

WHEREAS, the errors in said Resolution No. R2011-012 only pertained to the ordinance number of Annexation No. 2009-05-512, and the errors did not pertain to the assignment of any annexation areas to districts; and

WHEREAS, on April 26, 2011, the City Council of the City of Fayetteville adopted Resolution No. R2011-020, which revised the City's electoral district boundaries to correct population imbalances shown by the 2010 Census; and

WHEREAS, on May 11, 2011, the City's redistricting consultant submitted (electronically) to the U.S. Department of Justice the revised electoral districts, which were referred to as the 2011 City Council Redistricting Plan; and

WHEREAS, on May 13, 2011, the City Attorney submitted to the U.S. Department of Justice the proposed assignment of the eighteen recent annexation areas (Annexation Ordinance Nos. 2009-05-512 through 2010-12-529) to the then current electoral districts; and

WHEREAS, the submission of the eighteen annexation areas requested assignment of the eighteen areas to the current districts rather than to the new redistricting map, because the new redistricting plan map had not yet been precleared; and

WHEREAS, the submission of the eighteen annexation areas stated that if the new redistricting map were precleared, then the City assumed and hoped that the assignment of the eighteen annexation areas to the new redistricting map would be accomplished automatically; and

WHEREAS, on June 22, 2011, the U.S. Department of Justice precleared the eighteen annexations and their designation to districts; and

WHEREAS, on June 23, 2011, the U.S. Department of Justice precleared the 2011 City Council Redistricting Plan; and

WHEREAS, N.C.G.S.160A-23 authorizes the City Council to revise electoral district boundaries from time to time by resolution to account for the federal census and territory annexed to the city; and

WHEREAS, for the sake of clarification, the eighteen annexations previously submitted to and precleared by the U.S. Department of Justice (Annexation Ordinance Nos. 2009-05-512 through 2010-12-529) need to be reassigned to the new districts which made up the 2011 City Council Redistricting Plan; and

WHEREAS, twelve new annexations (Annexation Ordinance Nos. 2011-09-530 through 2012-09-541) need to be assigned to the new districts which make up the 2011 City Council Redistricting Plan, and that as of the date of this resolution, Annexation Ordinance Nos. 2011-09-530 through 2012-09-541 have not been submitted to the U.S. Department of Justice for preclearance pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. Section 1973c; and

WHEREAS, all prior ordinances, charter revisions, and resolutions changing the election plan and/or revising the electoral district boundaries of the City of Fayetteville, prior to the adoption of Annexation Ordinance No. 2011-09-530, have been precleared by the United States Department of Justice, pursuant to Section 5 of the Voting Rights Act;

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

Section 1. Pursuant to N.C.G.S. 160A-23, the 2011 electoral district boundaries of the City of Fayetteville are hereby revised for the clarifying purpose of accounting for the reassignment of eighteen annexation ordinances previously precleared (Annexation Ordinance Nos. 2009-05-512 through 2010-12-529), and the 2011 electoral district boundaries of the City of Fayetteville are hereby revised for the purpose of accounting for twelve new annexation ordinances (Annexation Ordinance Nos. 2011-09-530 through 2012-09-541), as follows:

(a) That those eighteen areas annexed into the City of Fayetteville by Annexation Ordinance Nos. 2009-05-512 through 2010-12-529 shall be reassigned to the 2011 electoral districts as follows:

**(1) Annexation No. 2009-05-512 (Longhill Pointe-Located on the Northwest Corner of McCloskey Road & Ramsey Street) to District No.1;**

**(2) Annexation No. 2010-01-513 (River Landing Center LLC Property-Located on the Southern Side of Andrews Road, across from Rosebank Drive) to District No. 1;**

- (3) Annexation No. 2010-04-514 (Avis Budget Car Wash-Located at 3216 Doc Bennett Road) to District No. 2;**
- (4) Annexation No. 2010-04-515 (Watkins Property-Located at 1645 McArthur Road) to District No. 1;**
- (5) Annexation No. 2010-05-516 (Eureka Chapel Missionary Baptist Church-Located on the Northeast Corner of Jossie Street & McArthur Road) to District No. 1;**
- (6) Annexation No. 2010-05-517 (Airport Property-Area 1-Located on the Eastern & Western Sides of Pine Haven Drive) to District No. 2;**
- (7) Annexation No. 2010-05-518 (Airport Property-Area 2-Located South of the Eastern End of Wolfberry Drive) to District No. 2;**
- (8) Annexation No. 2010-05-519 (Airport Property-Area 3-Located South of East Mountain Drive & North of Mt. Haven Lake Road) to District No. 2;**
- (9) Annexation No. 2010-05-520 (Airport Property-Area 4-Located on the Western Side of NC Hwy 87) to District No. 2;**
- (10) Annexation No. 2010-05-521 (Airport Property-Area 5-Located on the Northern Side of Doc Bennett Road) to District No. 2;**
- (11) Annexation No. 2010-05-522 (Airport Property-Area 6-Located on the Southern Side of Doc Bennett Road, East of Claude Lee Road) to District No. 2;**
- (12) Annexation No. 2010-05-523 (Airport Property-Area 7-Located on the Eastern Side of Claude Lee Road, Northeast of Lazy Acres Street) to District No. 2;**
- (13) Annexation No. 2010-05-524 (Airport Property-Area 8-Located on the Eastern Side of Claude Lee Road, Northeast of Lazy Acres Street) to District No. 2;**
- (14) Annexation No. 2010-05-525 (Airport Property-Area 9-Located on the Eastern Side of Claude Lee Road, North of Lazy Acres Street) to District No. 2;**
- (15) Annexation No. 2010-05-526 (Airport Property-Area 10-Located on the Eastern Side of Claude Lee Road) to District No. 2;**

**(16) Annexation No. 2010-05-527 (Airport Property-Area 11-Located on the Northern Side of Doc Bennett Road) to District No. 2;**

**(17) Annexation No. 2010-12-528 (Cape Fear Multifamily, LLC-Astoria Apartments-Located on the Northern Side of Black and Decker Road) to District No. 2;**

**(18) Annexation No. 2010-12-529 (Fullblock, Inc.-Located at 135 Airport Road) to District No. 2;**

(b) That those twelve areas annexed into the City of Fayetteville by Annexation Ordinance Nos. 2011-09-530 through 2012-09-541 shall be assigned to the 2011 electoral districts as follows:

**(1) Annexation No. 2011-09-530 (Methodist University-Meadowcroft Drive/Riverdell Drive Property-Located south of the Methodist University campus) to District No. 1;**

**(2) Annexation No. 2011-09-531 (Methodist University-Longview Drive Extension Property-Located southeast of the Methodist University campus) to District No. 1;**

**(3) Annexation No. 2011-09-532 (Baywood Point Subdivision-Located south of NC 24, north of Clinton Road, west of Baywood Road) to District No. 2;**

**(4) Annexation No. 2011-11-533 (Household of Faith Church-Located at 468 N. Plymouth Street) to District No. 2;**

**(5) Annexation No. 2011-11-534 (Freedom Christian Academy-Located at 3130 Gillespie Street) to District No. 2;**

**(6) Annexation No. 2011-11-535 (Patel Property-Area 1-Located at 2765 Gillespie Street) to District No. 2;**

**(7) Annexation No. 2012-01-536 (Fairfield Farms-Sections 4, 5, & 6-Located at the end of West Summerchase Drive) to District No. 1;**

**(8) Annexation No. 2012-04-537 (Greystone Farms-Rear of Lots 37 & 38-Located on the eastern side of Caveson Court) to District No. 1;**

**(9) Annexation No. 2012-05-538 (Lexington Woods Subdivision-Located on the southern side of Underwood Road, about 2500 feet east of River Road) to District No. 2;**

**(10) Annexation No. 2012-06-539 (Liberty Hill Subdivision-Located between the northern edge of Kings Grant on the south and the I-295 Corridor to the north) to District No. 1;**

**(11) Annexation No. 2012-09-540 (Charles E. Horne Property-Located in the 100 block of West Mountain Drive, on the northern side, about 500 feet west of US 301-Gillespie Street) to District No. 2;**

**(12) Annexation No. 2012-09-541 (Mayville Property-Located in the 1500 block of McArthur Road, on the western side-south of Honeycutt Road and north of Eureka Avenue) to District No. 1;**

(c) That the nine electoral districts as required by Section 4.2 of the City Charter of the City of Fayetteville (Ordinance S2000-002) as amended herein, shall be those as shown on the attached map (Exhibit A hereto) and designated as electoral districts 1 through 9, and the delineation and configuration by streets or common boundaries shall be as if fully set forth herein;

(d) That the revisions to the nine electoral districts are based upon the 2011 district boundaries (precleared on June 23, 2011) and account for all territory annexed by Ordinance Nos. 2009-05-512 through 2012-09-541;

(e) That the revisions to the nine electoral district boundaries were accomplished using the following criteria:

- (1) Annexation areas that were contiguous to an existing electoral district boundary were assigned to the adjacent district;
- (2) Annexation areas that were not contiguous to an existing electoral district boundary (i.e., satellite areas) were generally assigned to the closest district, where possible, but natural barriers and road access were considered in making the assignments;

Section 2. That pursuant to N.C.G.S. 160A-22 and 23, the electoral districts approved herein shall be so designated by the City Clerk on the map of the City of Fayetteville on file in the office of the City Clerk, 433 Hay Street, Fayetteville, North Carolina.

Section 3. That the above revisions to the electoral district boundaries of the City of Fayetteville will not be effective until the City of Fayetteville receives preclearance from the U.S. Department of Justice, pursuant to Section 5 of the Voting Rights Act, 42 U.S.C.S. 1973(c) of the following:

(a) Annexation Ordinance Nos. 2011-09-530 through 2012-09-541;

and

(b) This resolution amending the nine single-member districts to account for territory annexed to the electoral districts due to Annexation Ordinance Nos. 2009-05-512 through 2012-09-541.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony G. Chavonne, Mayor

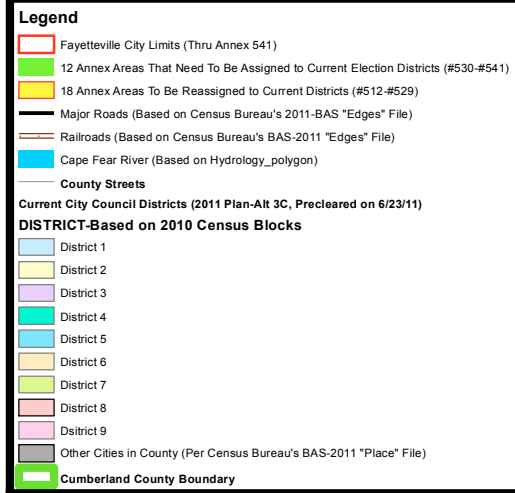
ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk



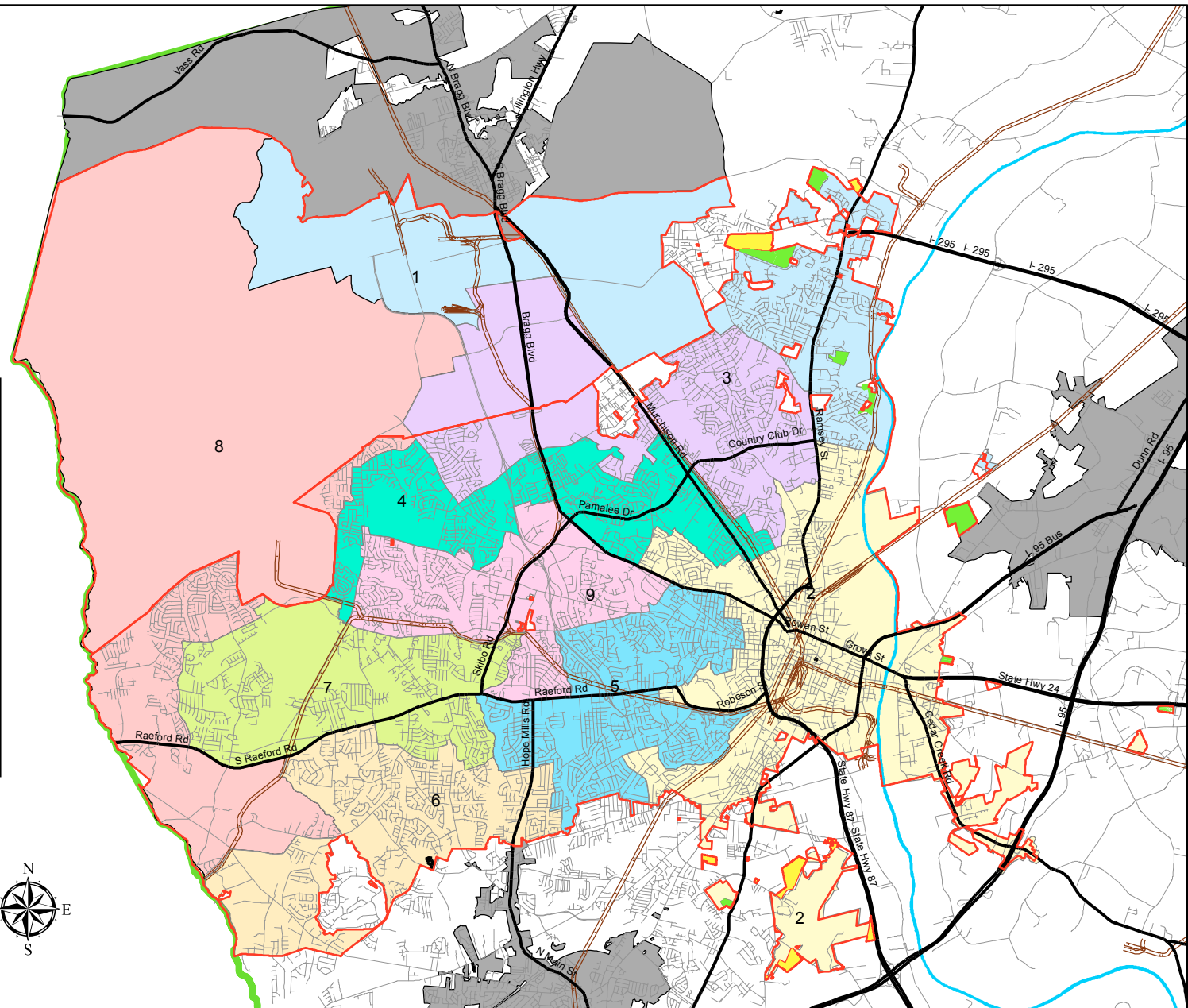


Exhibit A  
Map Showing 12 Annexation Areas  
That Need To  
Be Assigned To  
Current City Council Election Districts  
of the City of Fayetteville, NC  
(Based on the 2011 Plan-Alternative 3C)  
(Map Also Shown 18 Annexation Areas That Have  
Already Been Precleared But Which Need To Be  
Reassigned to Current City Council Election Districts)



Notes:  
(1) Annexations #512-#529 were the last annexations precleared by the U.S. Justice Department.  
They were precleared on June 22, 2011.  
(2) The U.S. Justice Department precleared the 2011 Redistricting Plan on June 23, 2011.  
Map prepared on 11/30/12 by Planning and Zoning Division, Development Services Department, City of Fayetteville.

0 0.5 1 2 3 4  
Miles



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa T. Smith, Chief Financial Officer  
**DATE:** December 10, 2012  
**RE:** **Special Revenue Fund Project Ordinance Closeouts 2013-1 - 2013-6 and Capital Project Fund Ordinance Closeouts and Partial Closeouts 2013-1 - 2013-8.**

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**THE QUESTION:**

Staff requests Council approval to closeout six Special Revenue Fund Project Ordinances and eight Capital Project Fund Ordinances as identified in the attached documents.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 2: More Efficient City Government - Cost-Effective Service Delivery

Goal 4: Growing City, Livable Neighborhoods - A Great Place to Live

**BACKGROUND:**

- Annually, the City closes out several projects that have been completed in previous fiscal years and that are no longer active.
- The attached closeouts or partial closeouts are for various projects including street resurfacing, municipal transportation agreements, police and airport projects.
- The projects referenced above have been completed in a previous fiscal year and the revenues and expenditures related to the projects have been audited.
- The attached ordinance closeouts and partial closeouts detail the budget and actual revenues and expenditures for the projects.

**ISSUES:**

None.

**BUDGET IMPACT:**

Not applicable. Projects are being closed.

**OPTIONS:**

- 1) Adopt Special Revenue Fund Project Ordinance Closeouts and Capital Project Fund Ordinance Closeouts and Partial Closeouts.
- 2) Do not adopt Special Revenue Fund Project Ordinance Closeouts and Capital Project Fund Ordinance Closeouts and Partial Closeouts.

**RECOMMENDED ACTION:**

Adopt Special Revenue Fund Project Ordinance Closeouts 2013-1 - 2013-6 and Capital Project Fund Ordinance Closeouts and Partial Closeouts 2013-1 - 2013-8.

**ATTACHMENTS:**

SROC 2013-1 Multi Disciplinary Team Training  
SROC 2013-2 (2011 Badges for Baseball)  
SROC 2013-3 Youth Education  
SROC 2013-4 Sobriety Court 2011  
SROC 2013-5 2012 PSN-ATF  
SROC 2013-6 FY2009 JAG

CPOC 2013-1 NCDOT Municipal Agreements (Partial)  
CPOC 2013-2 Sidewalks and Related Improvements (Partial)  
CPOC 2013-3 Russell Street Sidewalk  
CPOC 2013-4 FY2011 Street Resurfacing  
CPOC 2013-5 (Handicapped Minibus for Parks and Rec)  
CPOC 2013-6 (Airport Rescue Fire Fighting Vehicle)  
CPOC 2013-7 (Airport Improvement Project 32)  
CPOC 2013-8 (Airport Improvement Project 34)

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT  
CLO 2013-1 (SRO 2012 -11)

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

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2012 -11, adopted December 12, 2011 for the funding of the Cumberland County Multi Disciplinary Team Training Grant awarded by the NC Department of Crime Control and Public Safety, Division of Governor's Crime Commission.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Grant passed through the NC Governor's Crime Commission	\$ 14,139	\$ -
Local Match - City of Fayetteville	<u>4,713</u>	<u>-</u>
	<u><u>\$ 18,852</u></u>	<u><u>\$ -</u></u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u><u>\$ 18,852</u></u>	<u><u>\$ -</u></u>

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

Adopted this 10th day of December, 2012.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT  
CLO 2013-2 (SRO 2011 -13)

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

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2011 -13, adopted June 27, 2011 for the funding of the 2011 Badges for Baseball Program awarded by the Cal Ripken, Sr. Foundation.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Office of Juvenile Justice and Delinquency Prevention and State of North Carolina Department of Justice pass through Cal Ripken, Sr. Foundation in-kind award	\$ 3,331	\$ 3,331
pass through Cal Ripken, Sr. Foundation cash award	<u>20,000</u>	<u>20,000</u>
	<u>\$ 23,331</u>	<u>\$ 23,331</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 23,331</u>	<u>\$ 23,331</u>

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

Adopted this 10th day of December, 2012.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT  
CLO 2013-3 (SRO 2011 -12)

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

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2011 -12, adopted June 13, 2011 for the funding of the FY11 Youth Education Program awarded by the Arts Council of Fayetteville/Cumberland County.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Arts Council of Fayetteville/Cumberland County	\$ 8,000	\$ 6,400
Local Match - General Fund	<u>8,000</u>	<u>6,400</u>
	<u>\$ 16,000</u>	<u>\$ 12,800</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	\$ 16,000	\$ 12,800

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

Adopted this 10th day of December, 2012.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT  
CLO 2013-4 (SRO 2012 -4)

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

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2012 -4, adopted July 25, 2011 for the funding of the 2011 Sobriety Court Program awarded by the NC Governor's Highway Safety Program.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
NC Governor's Highway Safety Program	\$ 41,513	\$ 40,383
Local Match - General Fund	<u>7,326</u>	<u>-</u>
	<u>\$ 48,839</u>	<u>\$ 40,383</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 48,839</u>	<u>\$ 40,383</u>

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

Adopted this 10th day of December, 2012.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT  
CLO 2013-5 (SRO 2012 -10)

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

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2012 -10, adopted December 12, 2011 for the funding of the Police Department's Alcohol Tobacco Firearms Task Force from the Project Safe Neighborhoods Grant awarded by the NC Department of Crime Control and Public Safety, Division of Governor's Crime Commission.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Grant passed through the NC Governor's Crime Commission	\$ 4,162	\$ 2,448
	<u>\$ 4,162</u>	<u>\$ 2,448</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	\$ 4,162	\$ 2,448
	<u>\$ 4,162</u>	<u>\$ 2,448</u>

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

Adopted this 10th day of December, 2012.



SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT  
CLO 2012-6 (SRO 2009-7)

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

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2009-7, adopted November 24, 2008, for the funding of the FY2009 Justice Assistance Grant awarded by the U.S. Department of Justice.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
U.S. Department of Justice	<u>\$ 48,265</u>	<u>\$ 48,244</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 48,265</u>	<u>\$ 48,244</u>

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

Adopted this 10th day of December, 2012.

CAPITAL PROJECT ORDINANCE PARTIAL CLOSEOUT  
CLO 2013-1 (CPO 2010-13)

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

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

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	Current <u>Budget</u>	Budget <u>Closeout</u>	Revised <u>Budget</u>	Actual <u>Closeout</u>
North Carolina Department of Transportation	\$ 15,710	\$ 15,710	\$ -	\$ 11,087
Federal Highway Administration (Pass-through State TEA21 Funds)	5,000	5,000	-	-
General Fund Transfer	<u>3,702,711</u>	<u>230,436</u>	<u>3,472,275</u>	<u>212,527</u>
	<u>\$ 3,723,421</u>	<u>\$ 251,146</u>	<u>\$ 3,472,275</u>	<u>\$ 223,614</u>

Section 4. The following amounts were appropriated and expended for the project:

	Current <u>Budget</u>	Budget <u>Closeout</u>	Revised <u>Budget</u>	Actual <u>Closeout</u>
Project Expenditures	<u>\$ 3,723,421</u>	<u>\$ 251,146</u>	<u>\$ 3,472,275</u>	<u>\$ 223,614</u>

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

Adopted this 10th day of December, 2012.

CAPITAL PROJECT ORDINANCE PARTIAL CLOSEOUT  
CLO 2013-2 (CPO 2001-8)

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

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

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	Current <u>Budget</u>	Budget <u>Closeout</u>	Revised <u>Budget</u>	Actual <u>Closeout</u>
General Fund Transfer	\$ 699,300	\$ 220,998	\$ 478,302	\$ 220,998
Developer's Fees	122,217	-	122,217	-
Federal Highway Administration (Pass-through State Safe Routes to Schools)	100,000	-	100,000	-
Miscellaneous Income	10,204	-	10,204	-
	<u>\$ 931,721</u>	<u>\$ 220,998</u>	<u>\$ 710,723</u>	<u>\$ 220,998</u>

Section 4. The following amounts were appropriated and expended for the project:

	Current <u>Budget</u>	Budget <u>Closeout</u>	Revised <u>Budget</u>	Actual <u>Closeout</u>
Project Expenditures	<u>\$ 931,721</u>	<u>\$ 220,998</u>	<u>\$ 710,723</u>	<u>\$ 220,998</u>

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

Adopted this 10th day of December, 2012.

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2013-3 (CPO 2010-6)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2010-6, adopted July 13, 2009 for the funding of the Russell Street Sidewalk project.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Transfer from Bond Fund 57	\$ 248,511	\$ 149,054
General Fund Transfer	151,489	-
North Carolina Department of Transportation	70,000	70,000
	<u>\$ 470,000</u>	<u>\$ 219,054</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 470,000</u>	<u>\$ 219,054</u>

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

Adopted this 10th day of December, 2012.

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2013-4 (CPO 2011-1)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2011-1, adopted June 28, 2010 for the FY2011 street resurfacing project and miscellaneous street improvements.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
General Fund Transfer	\$ 3,280,261	\$ 3,160,223

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	\$ 3,280,261	\$ 3,160,223

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

Adopted this 10th day of December, 2012.

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2013-5 (CPO 2010-17)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2010-17, adopted March 22, 2010 for the funding of a handicapped accessible minibus for Parks and Recreation.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
National Recreation and Park Association Grant	\$ 25,000	\$ 25,000
Local Match - General Fund Transfer	40,000	28,991
Investment Income	-	78
	<u>\$ 65,000</u>	<u>\$ 54,069</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 65,000</u>	<u>\$ 54,069</u>

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

Adopted this 10th day of December, 2012.

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2013-6 (CPO 2011-9)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2011-9, adopted February 28, 2011 for the funding of the Airport Rescue Fire Fighting (ARFF) vehicle.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Local Match - Passenger Facility Charges	\$ 700,000	\$ 695,261

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	\$ 700,000	\$ 695,261

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

Adopted this 10th day of December, 2012.

CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2013-7 (CPO 2008-4)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2008-4, adopted September 10, 2007, as amended for the funding of the Airport Improvement Projects consisting of design of the rehabilitation of runway 4/22, design of the improvements for the aircraft and fire fighting building, design and construction of a snow removal equipment building, and design of the rehabilitation of the emergency generator.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Aviation Administration	\$ 673,474	\$ 673,474
Passenger Facility Charge	35,446	35,446
Airport Operating Fund Transfer	29,500	7,950
Total Revenues	<u>\$ 738,420</u>	<u>\$ 716,870</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 738,420</u>	<u>\$ 716,870</u>

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

Adopted this 10th day of December, 2012.



CAPITAL PROJECT ORDINANCE CLOSEOUT  
CLO 2013-8 (CPO 2009-15)

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

Section 1. The project closing authorized is to Capital Project Ordinance 2009-15, adopted August 25, 2008, as amended for the funding of the Airport Improvement Projects consisting of the runway 4/22 rehabilitation project.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
Federal Aviation Administration	\$ 6,812,956	\$ 6,647,767
Passenger Facility Charge	358,577	349,882
Total Revenues	<u>\$ 7,171,533</u>	<u>\$ 6,997,649</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 7,171,533</u>	<u>\$ 6,997,649</u>

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

Adopted this 10th day of December, 2012.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, AICP, CZO - Planner II  
**DATE:** December 10, 2012  
**RE:** **P12-50F Request for rezoning from SF-6 Single Family Residential to LC/CZ Conditional Limited Commercial or to a more restrictive district on property located at 102 Kirkland Drive, Containing 0.29 acres more or less and being the property of Drew and Kathrene Boxwell. (Appeal of a Zoning Commission Denial)**

---

### **THE QUESTION:**

Does the requested rezoning fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

### **RELATIONSHIP TO STRATEGIC PLAN:**

Livable Neighborhoods  
Growth and development

### **BACKGROUND:**

Owner: Drew and Kathrene Boxwell  
Applicant: Drew and Kathrene Boxwell  
Requested Action: SF-6 to LC  
Property Address: 102 Kirkland Drive  
Council District: 2  
Status of Property: DevelopedSize: 0.29 acres +/-  
Existing Land Use: Residential Structure  
Adjoining Land Use & Zoning:  
North - SF-6 Residential  
South - SF-6 Veterans Hospital  
East - SF-6 Residential  
West - SF-6 School Property  
Letters Mailed: 27  
Land Use Plan: Medium Density Residential  
Ramsey Street Corridor Plan: Residential

The Zoning Commission denied this rezoning request by a vote of 4-1 at their November 13th meeting. Four citizens signed up to speak on this issue, two in favor and two in opposition. On November 15th the owner/applicant filed an appeal of this decision with the City Clerk's Office.

### **ISSUES:**

This property is surrounded by residential zoning. Rezoning this property to commercial or office use may be considered illegal spot zoning; however there is a large medical facility adjacent to this property to the south across Cochran Avenue and there is an elementary school to the west across Ramsey Street. The campus-like setting and separation from the neighborhood of the existing commercial development is distinctly different than rezoning a house on a small lot at the entrance to the neighborhood. The land is zoned and used residentially (to both the north and east of this property).

Conditions offered by the owner.

1. Office Use only.
2. Exterior to be compatible to surrounding area.

Zoning Commission and Staff recommend denial of the proposed rezoning based on:

1. Property is surrounded by single family residential zoning.
2. Rezoning this property to commercial would affect two residential streets, Cochran Avenue and

Kirkland Drive.

3. Both the City's Land Use Plan and Ramsey Street Corridor plans call for residential development on this property.
4. According to the Ramsey Street Corridor Plan - Sufficient land already exists to accommodate the future nonresidential growth of Ramsey Street.
5. Nibbling away of existing residential discourages redevelopment of already zoned commercial property, disrupts neighborhoods and affects the traffic handling capacity of the streets.

**BUDGET IMPACT:**

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

**OPTIONS:**

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

**RECOMMENDED ACTION:**

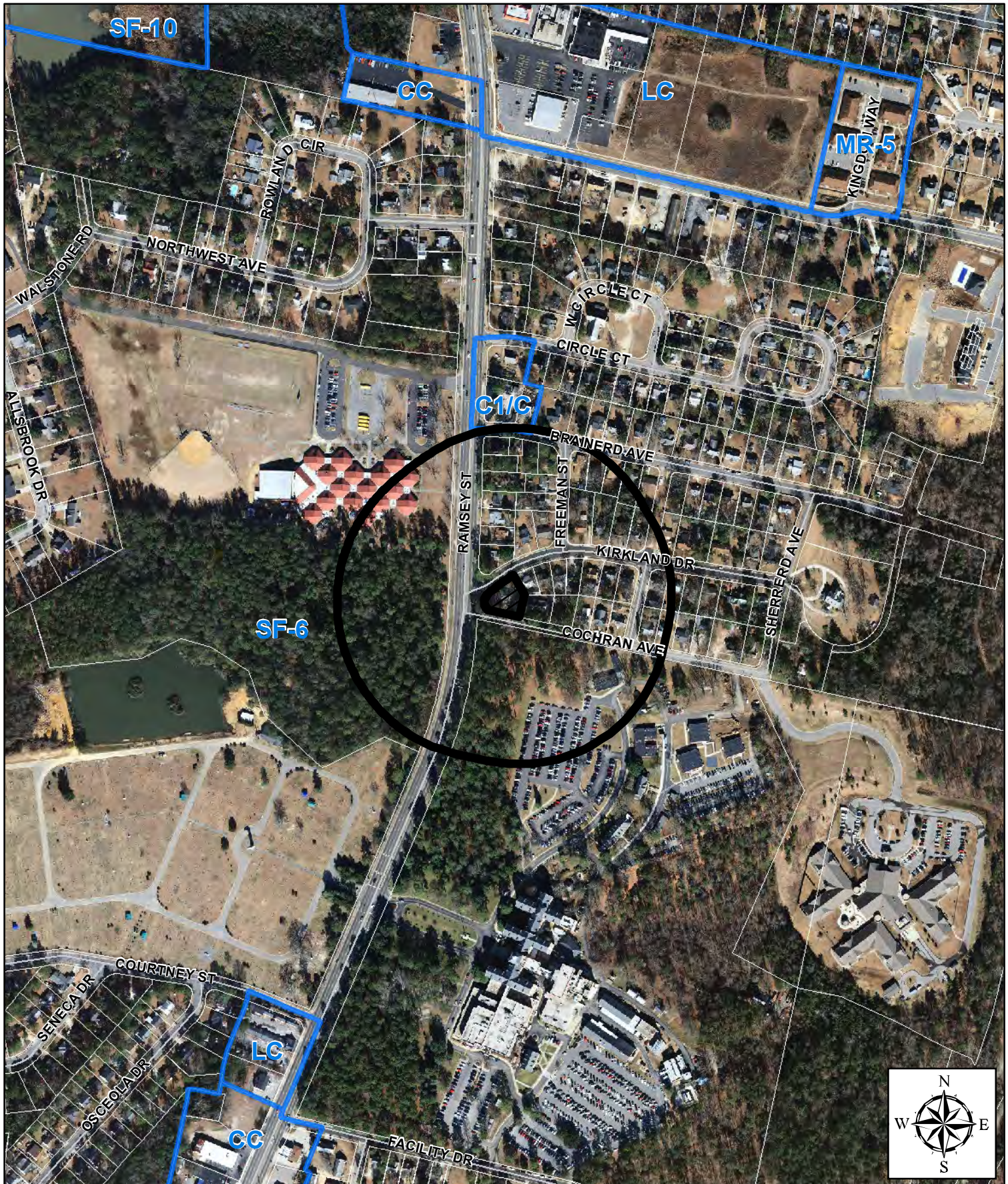
Zoning Commission and Staff Recommend: That the City Council move to DENY the appeal for rezoning to LC/CZ Conditional Limited Commercial, as presented by staff.

**ATTACHMENTS:**

Zoning Map  
Current Land Use  
Land Use Plan  
Appeal Notice  
PowerPoint Presentation



**ZONING COMMISSION**  
**CASE NO. P12-50F**



**Request:** SF-6 to LC/CZ  
**Location:** 102 Kirkland Dr  
**Acreage:** .29 +/- acres

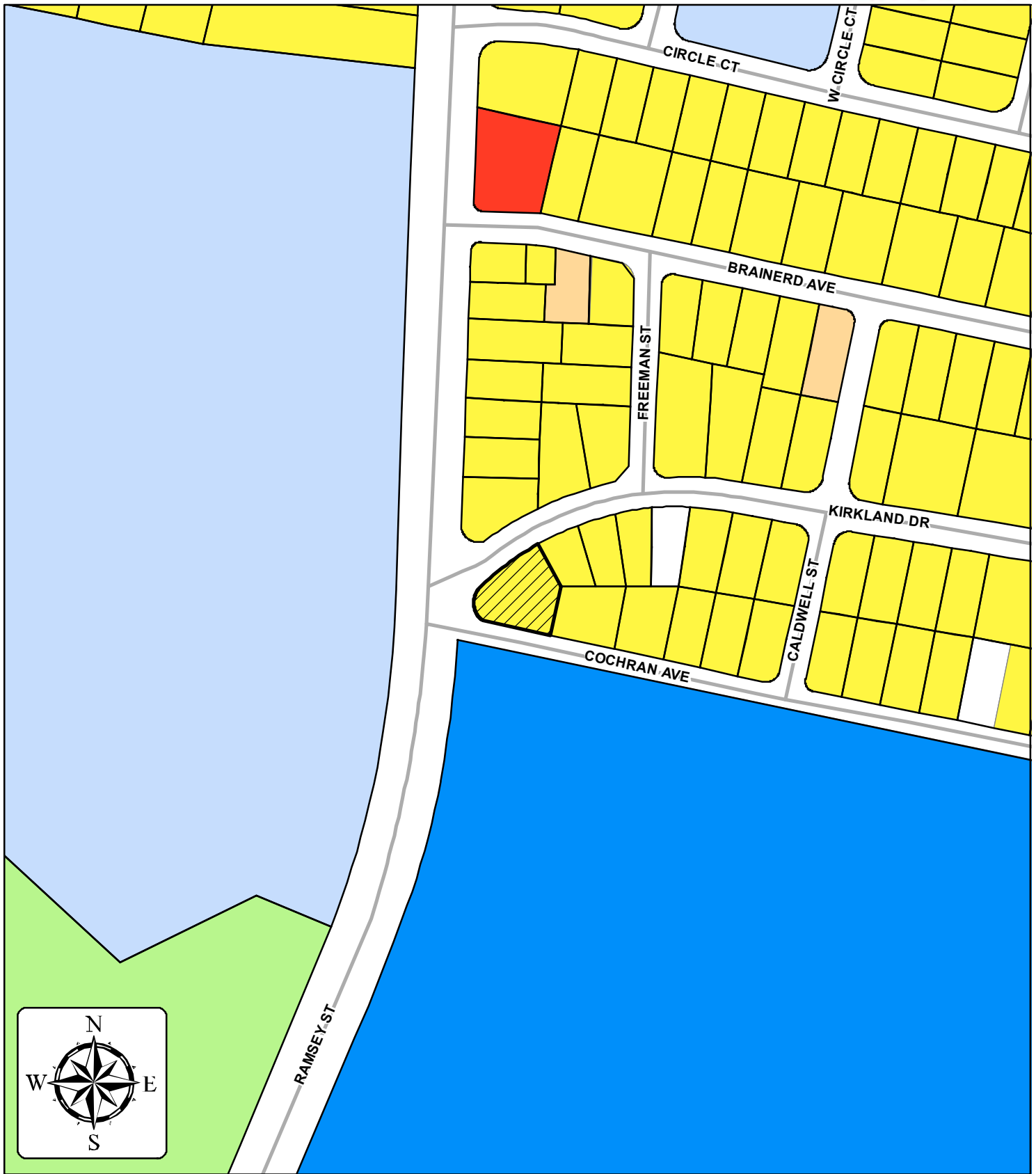
**Zoning Commission:** 11/13/2012  
**City Council:** \_\_\_\_\_  
**Pin:** 0438-68-8305

**Recommendation:** \_\_\_\_\_  
**Final Action:** \_\_\_\_\_



# Current Land Use

## P12-50F

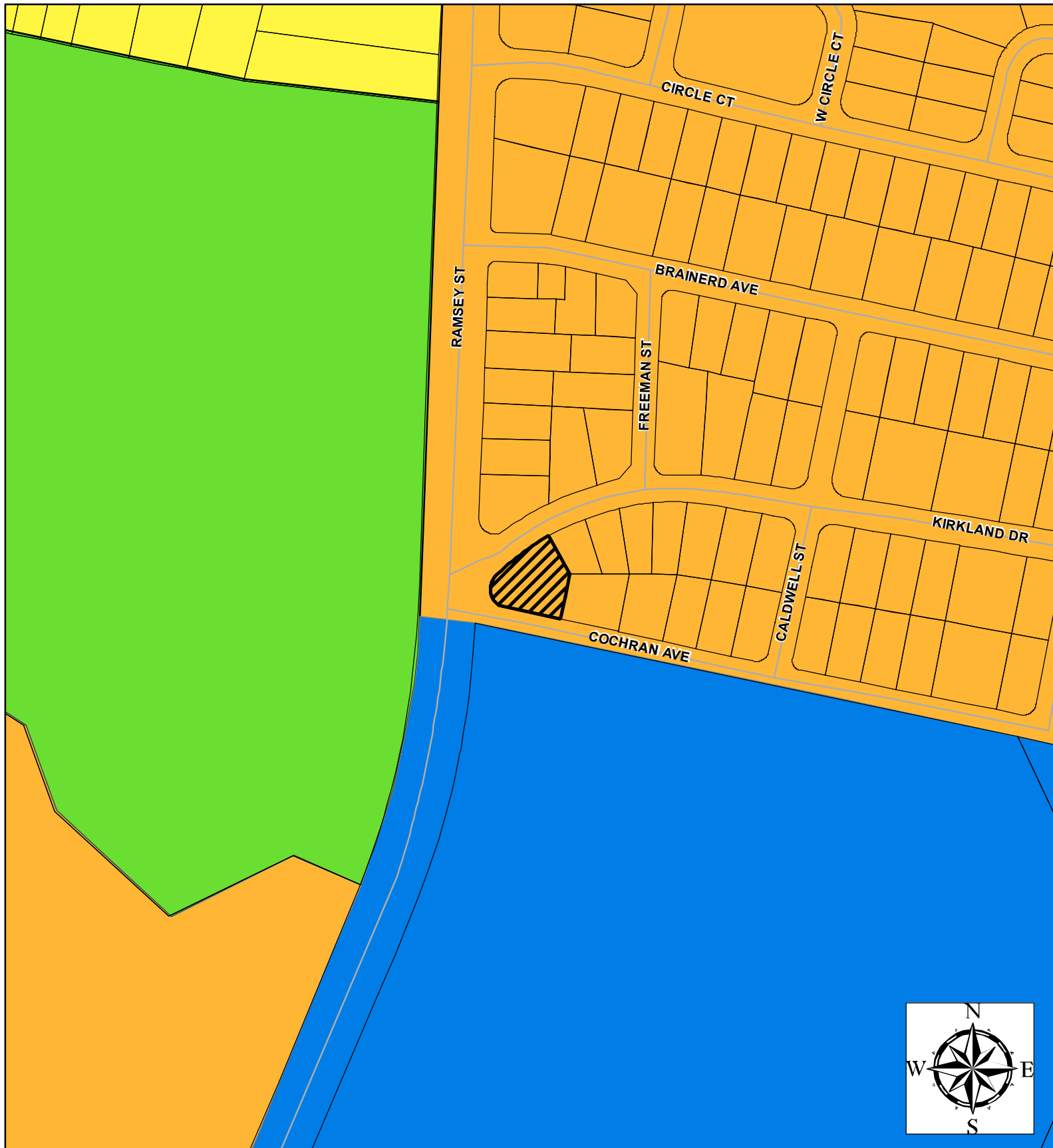


### Legend

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

# 2010 Land Use Plan

## Case No. P12-50F



### Legend

Academic Training-Fort Bragg	Farmland	Historical District-Fort Bragg	Neighborhood Activity Node	Policy Directed Light Commercial
Activity Node	Governmental	Light Commercial	Office & Institutional	Policy Directed Office & Institutional
Airfield Operations-Fort Bragg	Heavy Commercial	Light Industrial	One Acre Residential Lots	Range & Training-Fort Bragg
Community Activity Node	Heavy Industrial	Low Density Residential	Open Space	Redevelop/Holding-Fort Bragg
Downtown	High Density Residential	Medium Density Residential	Policy Directed Heavy Commercial	Suburban Density Residential

APPEAL NOTICE (S160A-364)

The undersigned hereby gives notice of appeal to the Fayetteville City Council and requests a public hearing on Case No. P12-50F, heard by the City of Fayetteville Zoning Commission on NOV. 13TH 2012.

DREW BOXWELL

Print Name

102 KIRKLAND DR

Address

Drew Boxwell

Signature

NOV. 14TH 2012

Date

Received by the City Clerk

Nov 15, 2012

Date



Pamela J. Megill

Signature

NOTE: This appeal notice must be filed within ten (10) days of the last action on the case by the Zoning Commission. (See Reverse Side)

1. Before the City of Fayetteville may adopt or amend any ordinance pursuant to Part 3 of this Article, the Fayetteville Zoning Commission shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.
2. Any person aggrieved by the recommendation of the Fayetteville City Zoning Commission shall have the right to appeal the action of the Zoning Commission in writing to the Clerk of the City of Fayetteville within 10 days of the action of the Zoning Commission. If an appeal is timely filed, then the City Council shall hold a public hearing with prior notice being published in accordance with subparagraph (1).
3. If the Zoning Commission's recommendation was to rezone the property, and no appeal is filed pursuant to subparagraph (2), then as its next regular council meeting following the expiration of the time provided for appeal in subparagraph (2) above, the City Council shall have the right to adopt the rezoning without further public hearing.



# CITY COUNCIL MEETING

December 10, 2012

433 Hay Street  
Fayetteville, NC 28301  
[www.cityoffayetteville.org](http://www.cityoffayetteville.org)  
[facebook.com/cityoffayetteville](https://facebook.com/cityoffayetteville)  
Twitter @CityOfFayNC



**CASE NO. P12-50F**

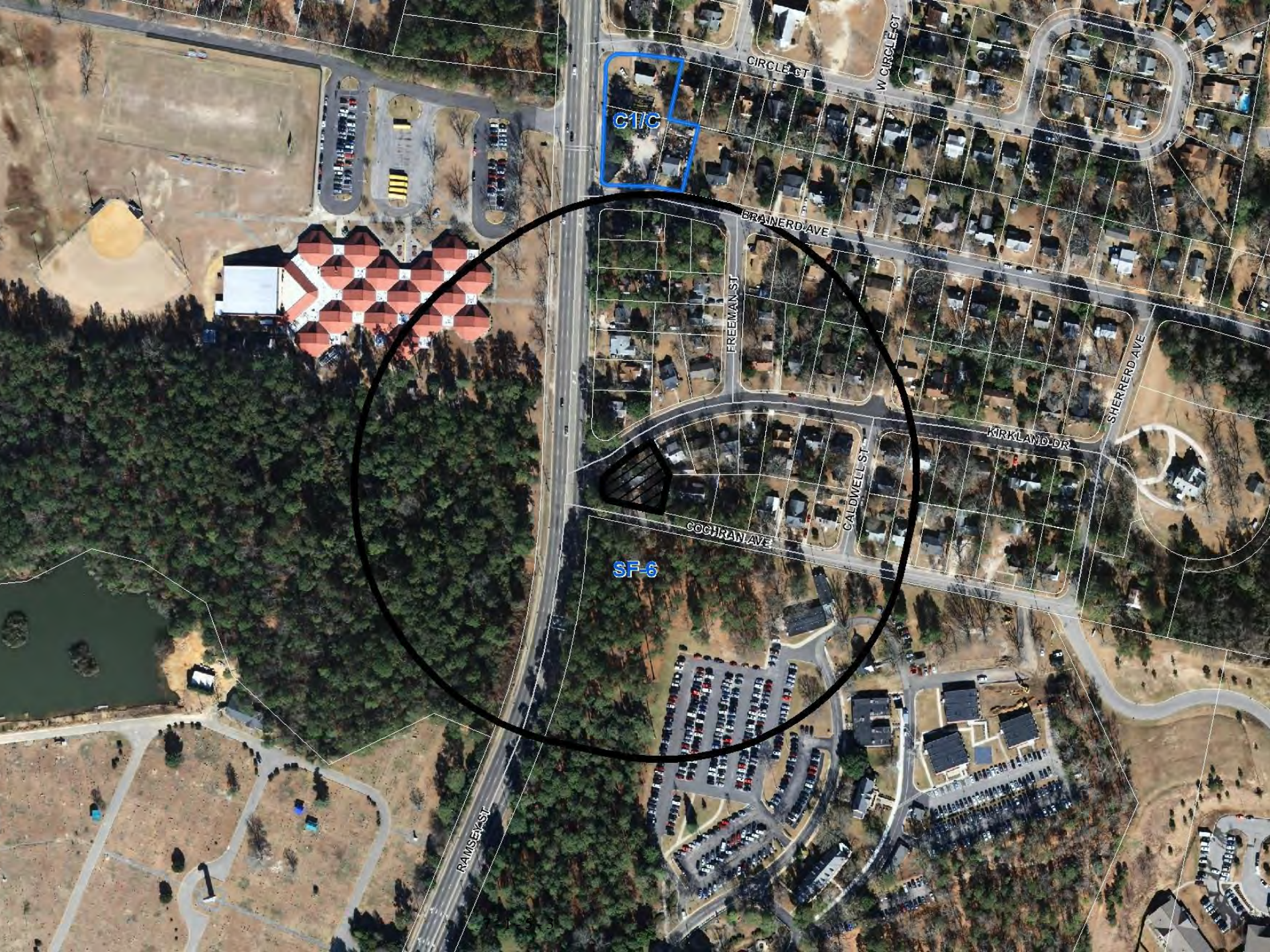


**Requested Action: SF-6 to LC/CZ**

**Property Address: 102 Kirkland Drive**

**Size: 0.29 acres +/-**





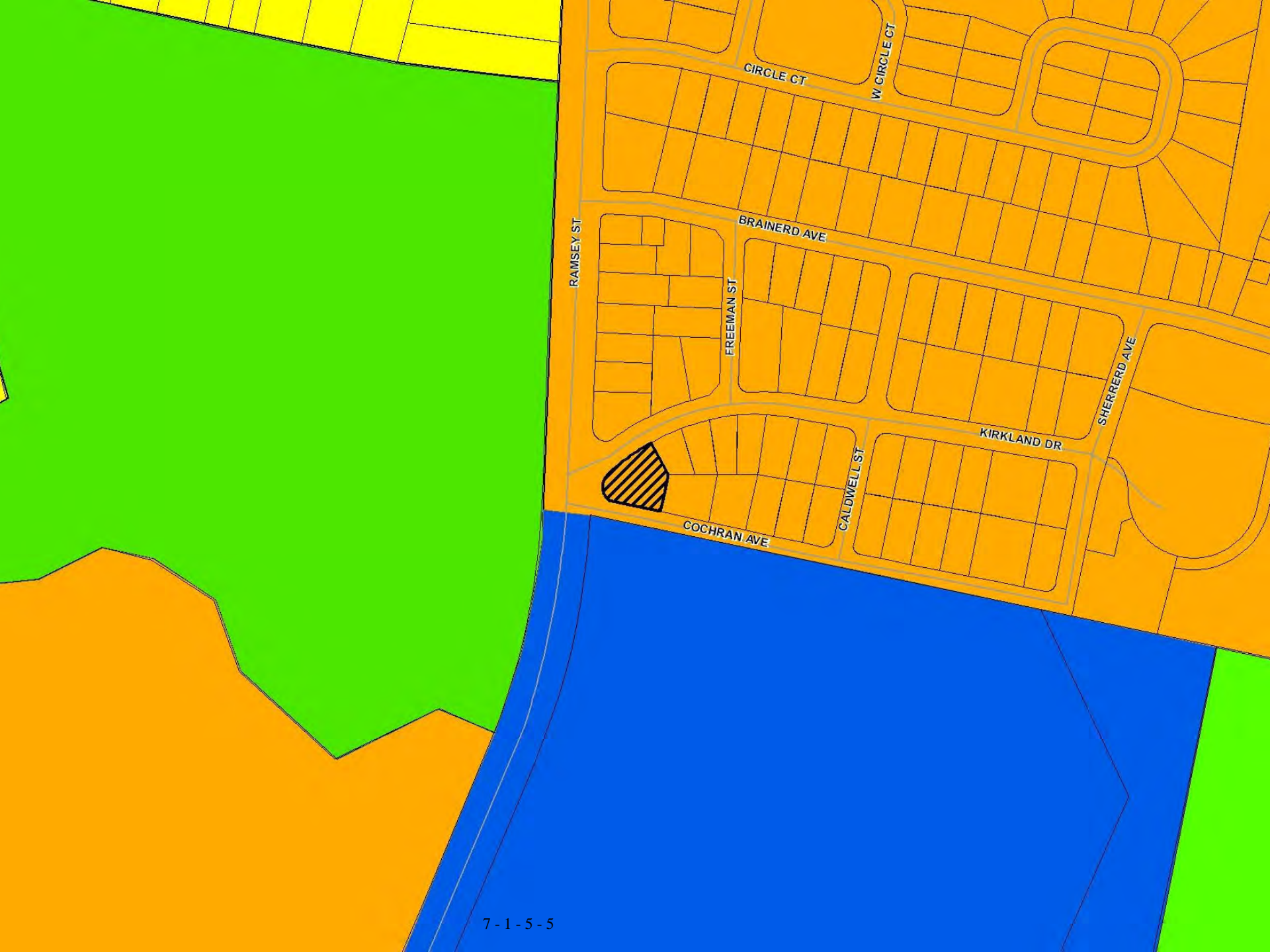
C1/C

SF-6





7-1-5-4



CIRCLE CT

W CIRCLE CT

BRAINERD AVE

FREEMAN ST

SHERRERD AVE

KIRKLAND DR

CALDWELL ST

COCHRAN AVE

RAMSEY ST

7-1-5-5





7-1-5-6





7-1-5-7





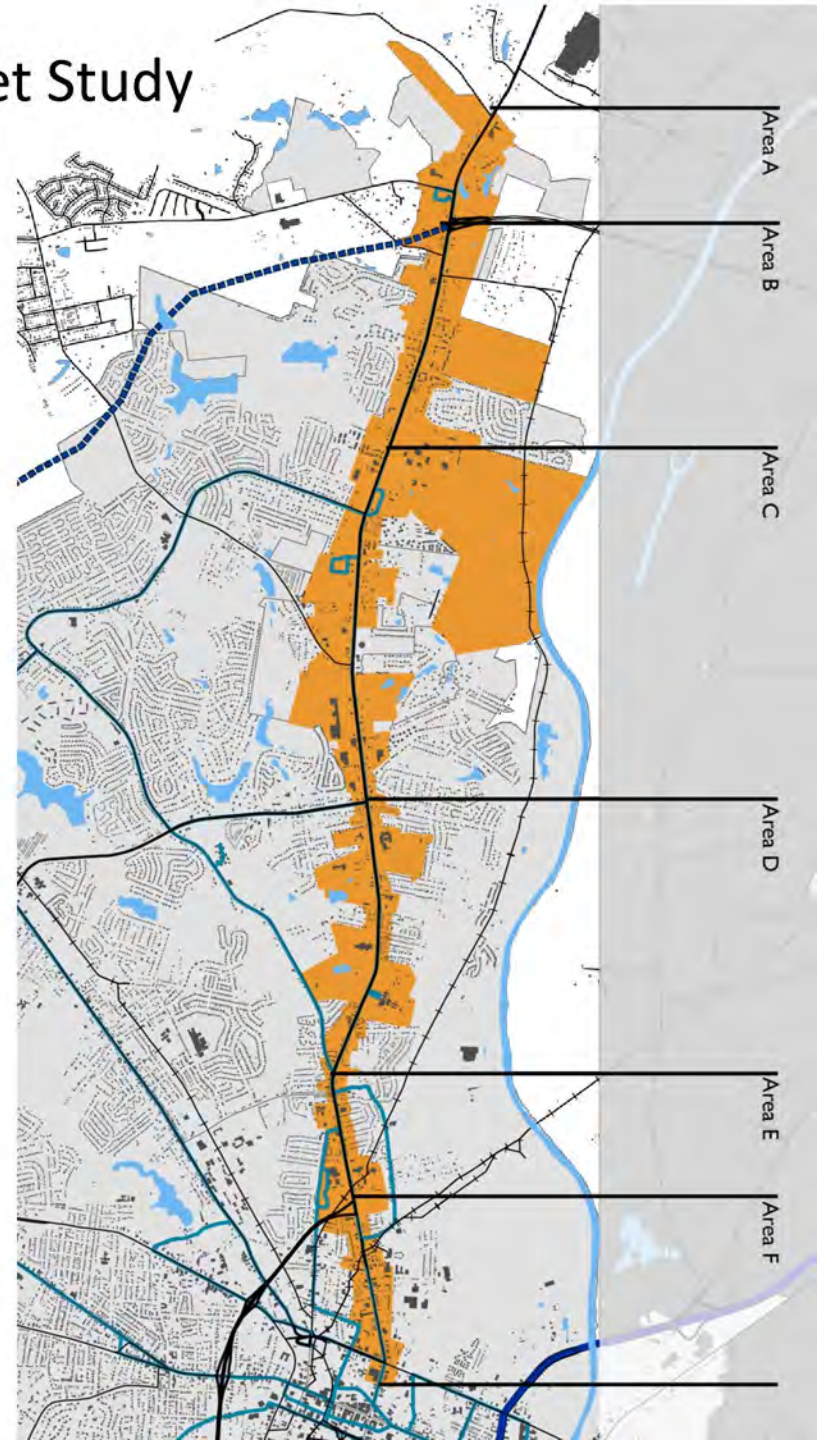
7-1-5-8



# Ramsey Street Market Study



**Overview Map**





# Introduction



- City of Fayetteville anticipated growth due to Base Realignment and Closure
- Ramsey Street Corridor Plan (2009) was adopted by the city
  - Reflection of the community's expectations for growth and development in the corridor
  - Depicts a variety of land uses arranged due to set urban design principals.
- The plan also recommended two follow up steps
  - Market Analysis
  - Zoning Analysis

## Project Background





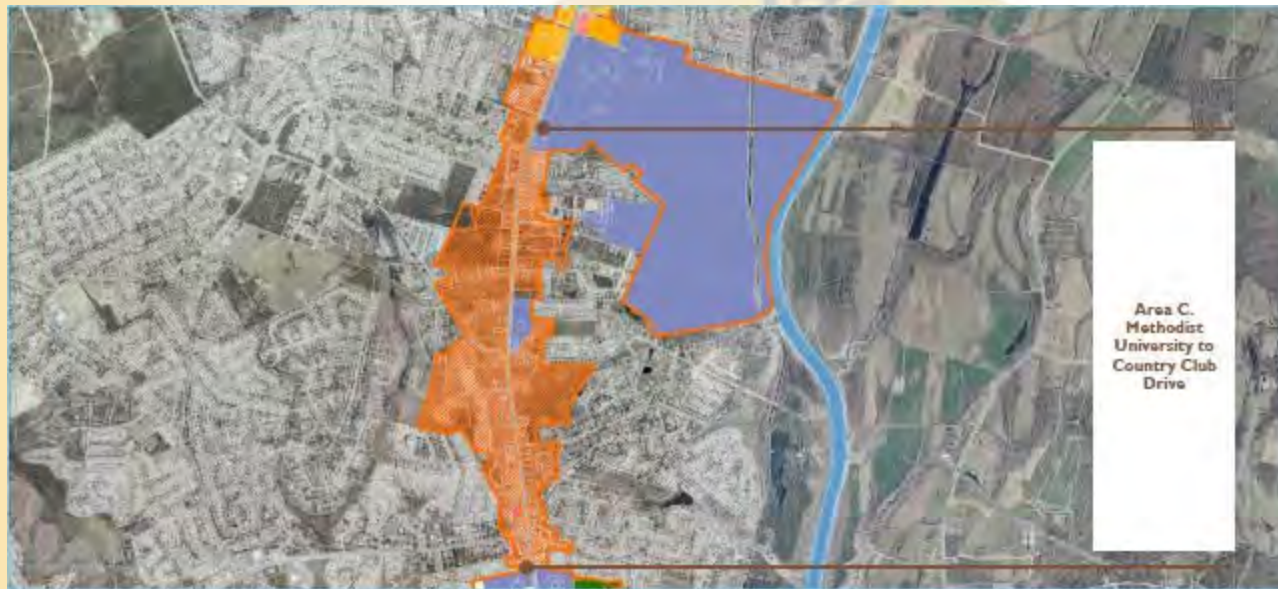
# Market Conditions

- Based on recommendations from the 2009 study, a market study was completed. It concluded the following:
  - 794 housing units, 82,940 SF retail, and 191,462 SF Office in next 10 years
  - Based on current development patterns could equate to about 22 acres of office and retail development
  - Or the equivalent of...





# Market Conditions



Approx 22 acres → 

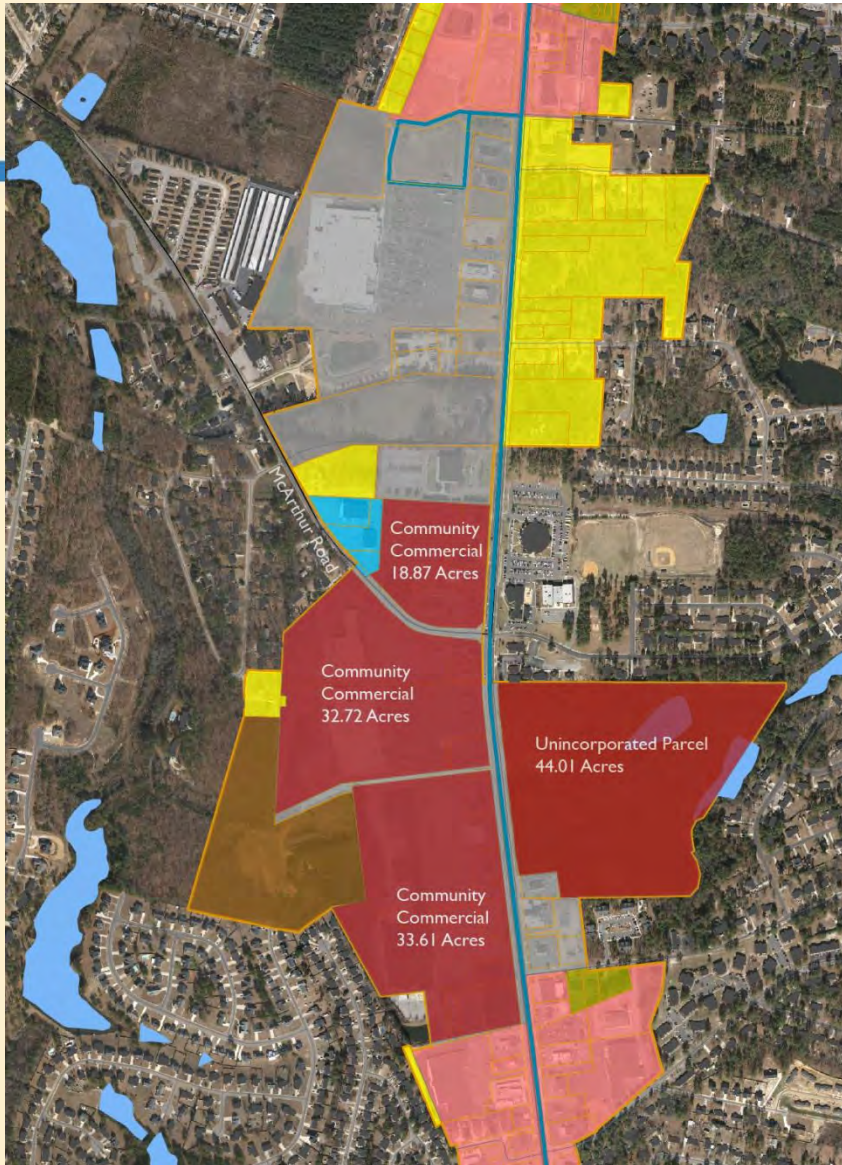
# Objectives for Development



- Creation of vibrant commercial centers
- Support transit service
- Convenient access to grocery stores, drug stores, restaurants, and other important destinations
- Environment where real estate investors and businesses can thrive
- Catalyst for other corridor development



# Development/Redevelopment Node...





# Purpose

- Facilitate infill development and redevelopment in key areas that:
  - act as a catalyst for future development along the corridor
  - are along arterial roads
  - are a concentrated mixture of uses
  - enhance the viability of businesses
  - Increase the efficiency and utilization of transportation facilities and services





Conditions offered by the owner.

1. Office Use only.
2. Exterior to be compatible to surrounding area.

The Zoning Commission denied this rezoning request by a vote of 4-1 at their November 13th meeting. On November 15th the owner/applicant filed an appeal of this decision with the City Clerk's Office.





Zoning Commission and Staff recommend denial of the proposed rezoning based on:

1. Property is surrounded by single family residential zoning.
2. Rezoning this property to commercial would affect two residential streets, Cochran Avenue and Kirkland Drive.
3. Both the City's Land Use Plan and Ramsey Street Corridor plans call for residential development on this property.
4. According to the Ramsey Street Corridor Plan - Sufficient land already exists to accommodate the future nonresidential growth of Ramsey Street.
5. Nibbling away of existing residential discourages redevelopment of already zoned commercial property, disrupts neighborhoods and affects the traffic handling capacity of the streets.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, AICP, CZO - Planner II  
**DATE:** December 10, 2012  
**RE:** **P12-55F Request for Special Use Permit to construct a Child Daycare Facility in an SF-10 district on property located on the north west side of Lakewood Drive across from Meadowmont Lane, Containing a portion of a 48.6 acre tract and being the property of Hairr Family LLC.**

---

### **THE QUESTION:**

Does the requested SUP fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

### **RELATIONSHIP TO STRATEGIC PLAN:**

Livable Neighborhoods Growth and development

### **BACKGROUND:**

Owner: Hairr Family LLC  
Applicant: Brian Ketchem  
Requested Action: SUP Child Daycare Facility  
Property Address: west side of Lakewood Drive across from Meadowmont Lane  
Council District: 6  
Status of Property: Vacant  
Size: 48.6 acres +/-  
Existing Land Use: Vacant building  
Adjoining Land Use & Zoning:  
North - R10 – Gates Four residential  
South - MXD - Commercial and Multifamily Development  
East - R10 –Residential  
West - SF-10 - Single Family Residential  
Letters Mailed: 48  
Land Use Plan: Low Density Residential

Zoning Commission voted 5-0 to approve. There were no speakers for this case.

### **ISSUES:**

This property is across from a new development that includes a new Harris Teeter grocery store in the County's jurisdiction. This property is zoned SF-10 and is mostly surrounded by other residential. While the Land Use Plan calls for low density residential Child Daycare Centers are appropriate uses in these areas under certain circumstances (see below).

Child Care Centers must adhere to the following Use Specific Standards: Article 30-4, Section C – Use Specific Standards,

#### **3. Public and Institutional Uses**

##### **(a) Day Care**

(1) Child Care Centers (non-residential) Child care centers, including pre-schools, shall be licensed as a child care center by the State and comply with all State regulations for child care centers and the following standards:

##### **a. Minimum Lot Size**

A child care center shall be located upon a lot of 20,000 square feet in area or more.

##### **b. Location.**

i. If not located in a stand-alone building, a child care center shall be segregated (including the restrooms) from the remaining portion of the building in which it is located.

ii. New child care centers shall be located on a designated major or minor thoroughfare street.

**c. Separation**

i. Child care centers shall be located at least 500 linear feet from the following uses:

- A. Adult entertainment;
- B. Bar, nightclub, or cocktail use; or
- C. Entertainment establishment.

ii. Child care centers shall be at least 1,000 linear feet from any other child care center (excluding child care centers operated by community centers, religious institutions, or educational facilities).

**d. Outdoor Play Areas**

i. Outdoor play areas shall be provided, and shall:

- A. Be located to the side or rear yard areas;
- B. Be completely enclosed by a fence that is at least four feet in height;
- C. Be safely segregated from parking, loading, or service areas; and
- D. Not be operated for outdoor play activities after 8:00 P.M.

ii. Outdoor play areas adjacent to a residential lot shall be screened by a six-foot solid fence or wall along with a ten-foot-wide landscaping buffer with evergreen shrubs capable of reaching six feet in height at maturity, planted six feet on-center.

**e. Parking Area, Vehicular Circulation, and Drop-Off and Pick- Up**

The parking areas and vehicular circulation for the child care center shall be designed to: i.

Enhance the safety of children as they arrive at and leave the facility; and

ii. Provide a designated pickup and delivery area that includes at least one parking space per 20 children and is located adjacent to the child care center in such a way that children do not have to cross vehicular travel ways to enter or exit the center.

**f. Accessory Uses**

If allowed as an accessory use to a Retail Sales and Service or Office use, the heated floor area of a child care center shall not exceed 20 percent of the heated floor area of the principal use. g.

Capacity Information Applications or site plans associated with a child care center shall indicate the maximum number of children, proposed hours of operation, and size of the outdoor play area. (Maximum of 100 children).

Zoning Commission and Staff recommend approval of the proposed SUP based on:

1. Property is a proper size and in a proper location for a Day Care Center.
2. Lakewood Drive is a minor thoroughfare.
3. Property is located across the street from a new commercial center.
4. Meets the City's Use Specific Requirement for a Child Care Center.

**A Special Use Permit shall be approved only upon a finding that all of the following standards are 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.

**BUDGET IMPACT:**

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

**OPTIONS:**

1) Approval of SUP as requested by the applicant; (recommended) 2) Approval of SUP with conditions; 3) Denial of the SUP request.

**RECOMMENDED ACTION:**

Zoning Commission and Staff Recommend: That the City Council move to APPROVE the Special Use Permit (SUP) for a Child Care Center, as presented by staff, based on these eight (8) findings and the Use Standards listed under "issues".

**Findings:**

- (1) The special use will comply 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.

**ATTACHMENTS:**

Zoning Map

Current Land Use

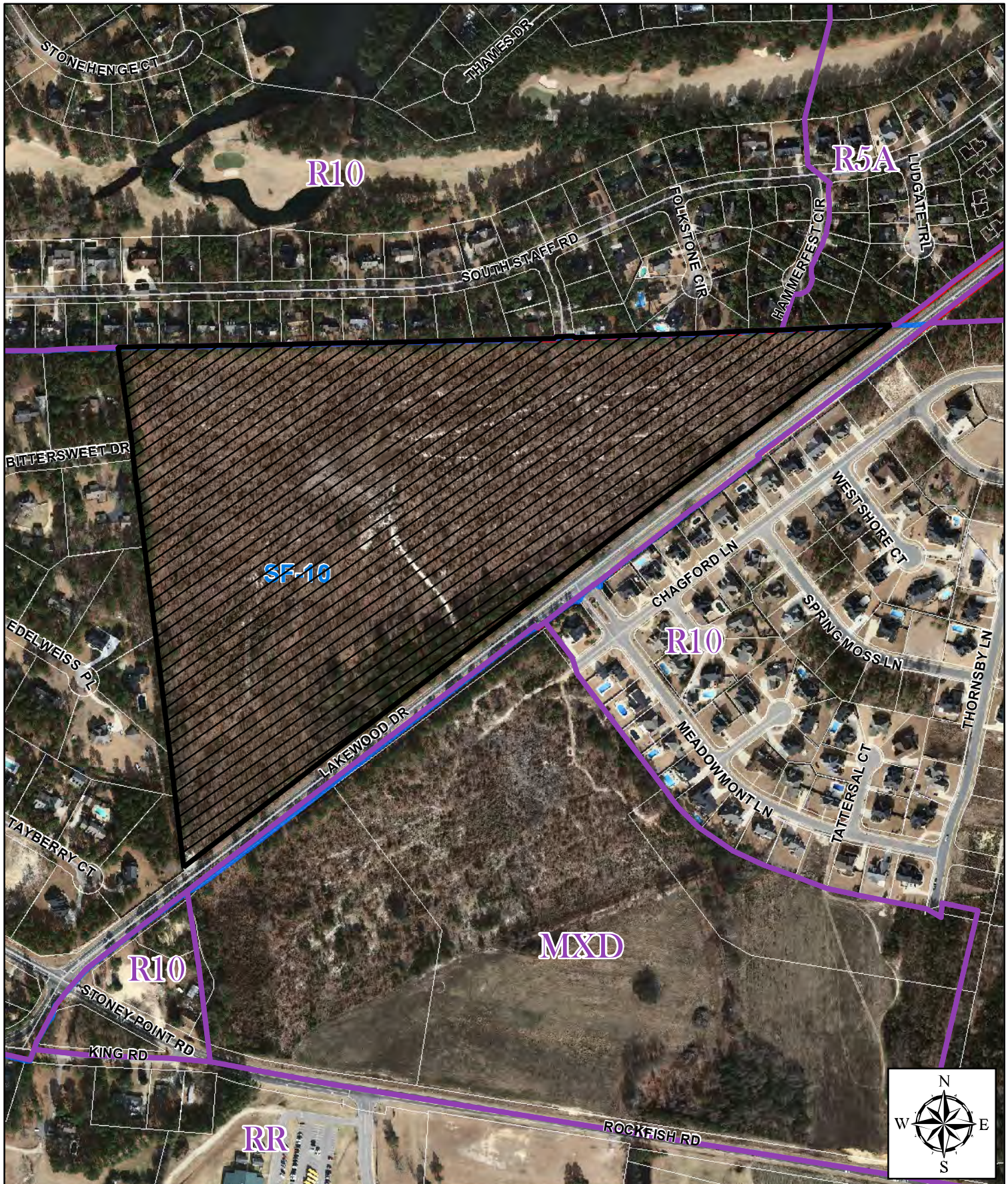
Land Use Plan

Site Plan

PowerPoint Presentation



**ZONING COMMISSION**  
**CASE NO. P12-55F**



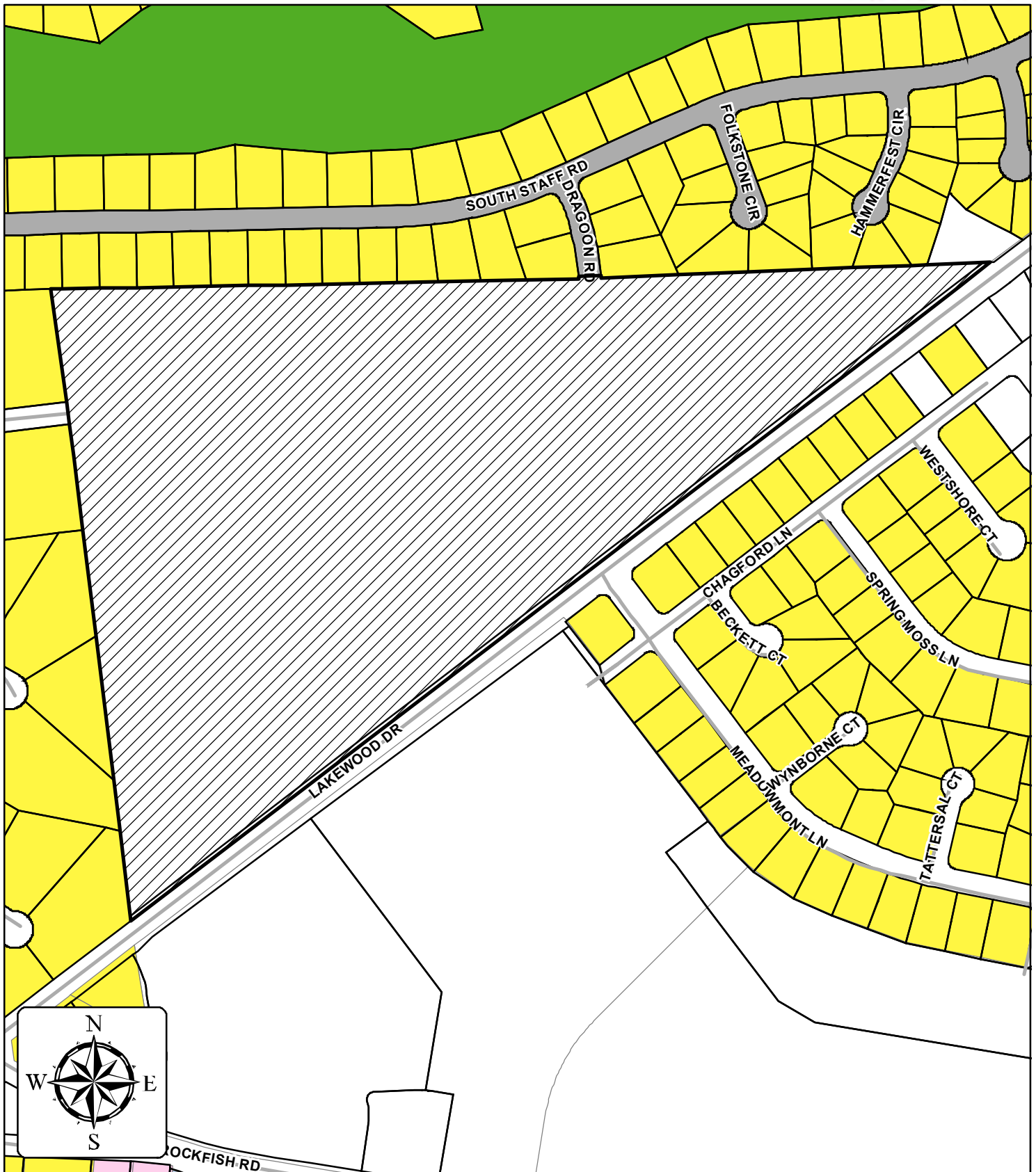
**Request:** SUP Daycare  
**Location:** NW side of Lakewood Dr  
**Acreage:** 46.6 +/- acres

**Zoning Commission:** 11/13/2012    **Recommendation:** \_\_\_\_\_  
**City Council:** \_\_\_\_\_    **Final Action:** \_\_\_\_\_  
**Pin:** 9494-79-0080-



# Current Land Use

## P12-55F

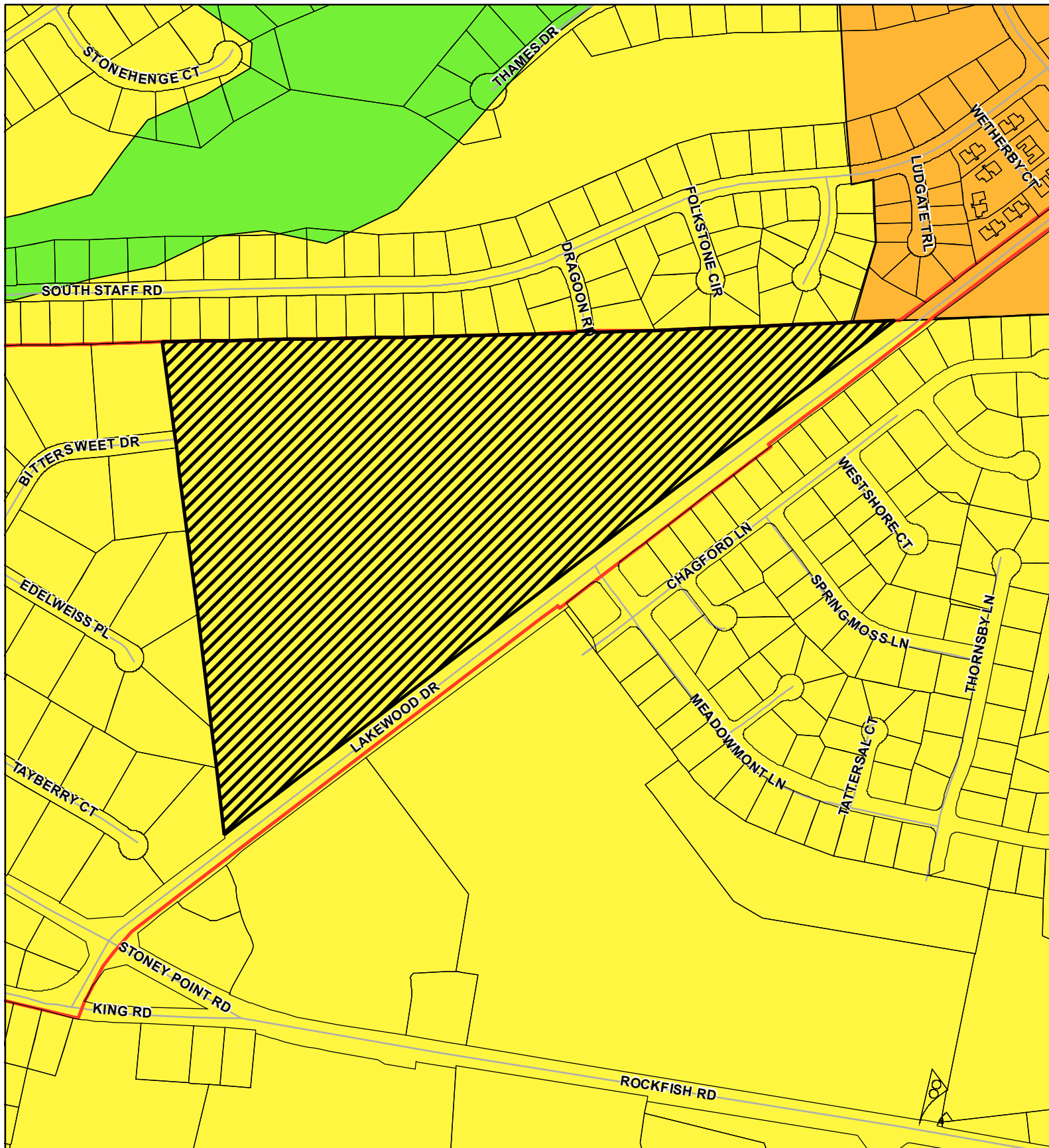


### Legend

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

# 2010 Land Use Plan

## Case No. P12-55F



### Legend

Academic Training-Fort Bragg	Farmland	Historical District-Fort Bragg	Neighborhood Activity Node	Policy Directed Light Commercial
Activity Node	Governmental	Light Commercial	Office & Institutional	Policy Directed Office & Institutional
Airfield Operations-Fort Bragg	Heavy Commercial	Light Industrial	One Acre Residential Lots	Range & Training-Fort Bragg
Community Activity Node	Heavy Industrial	Low Density Residential	Open Space	Redevelop/Holding-Fort Bragg
Downtown	High Density Residential	Medium Density Residential	Policy Directed Heavy Commercial	Suburban Density Residential



NOTES

1	1st Revision	7/13
2	2nd Revision	8/10
No.	Revision/Issue	Date

Ketchum-Crowder & Assoc.

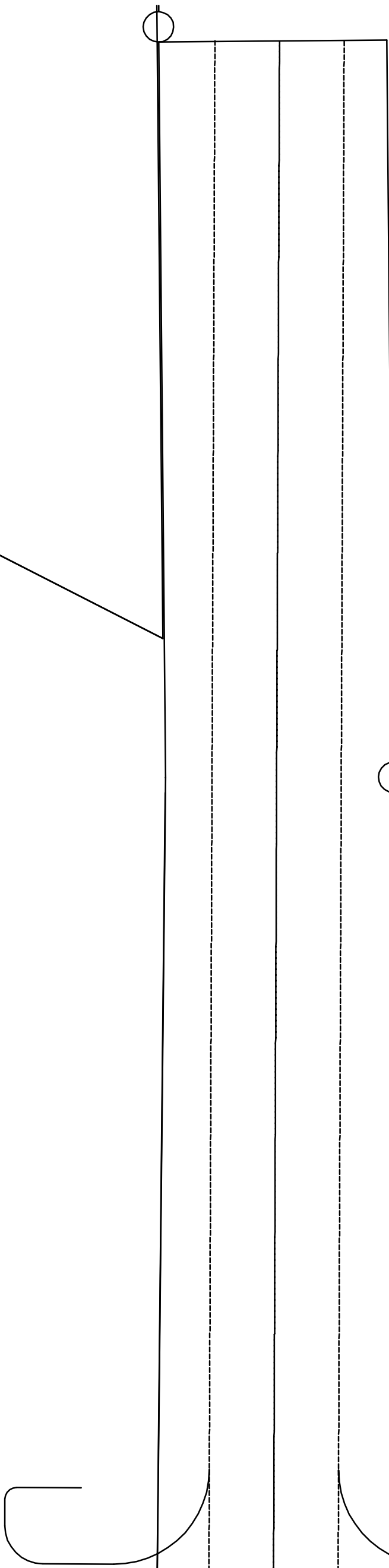
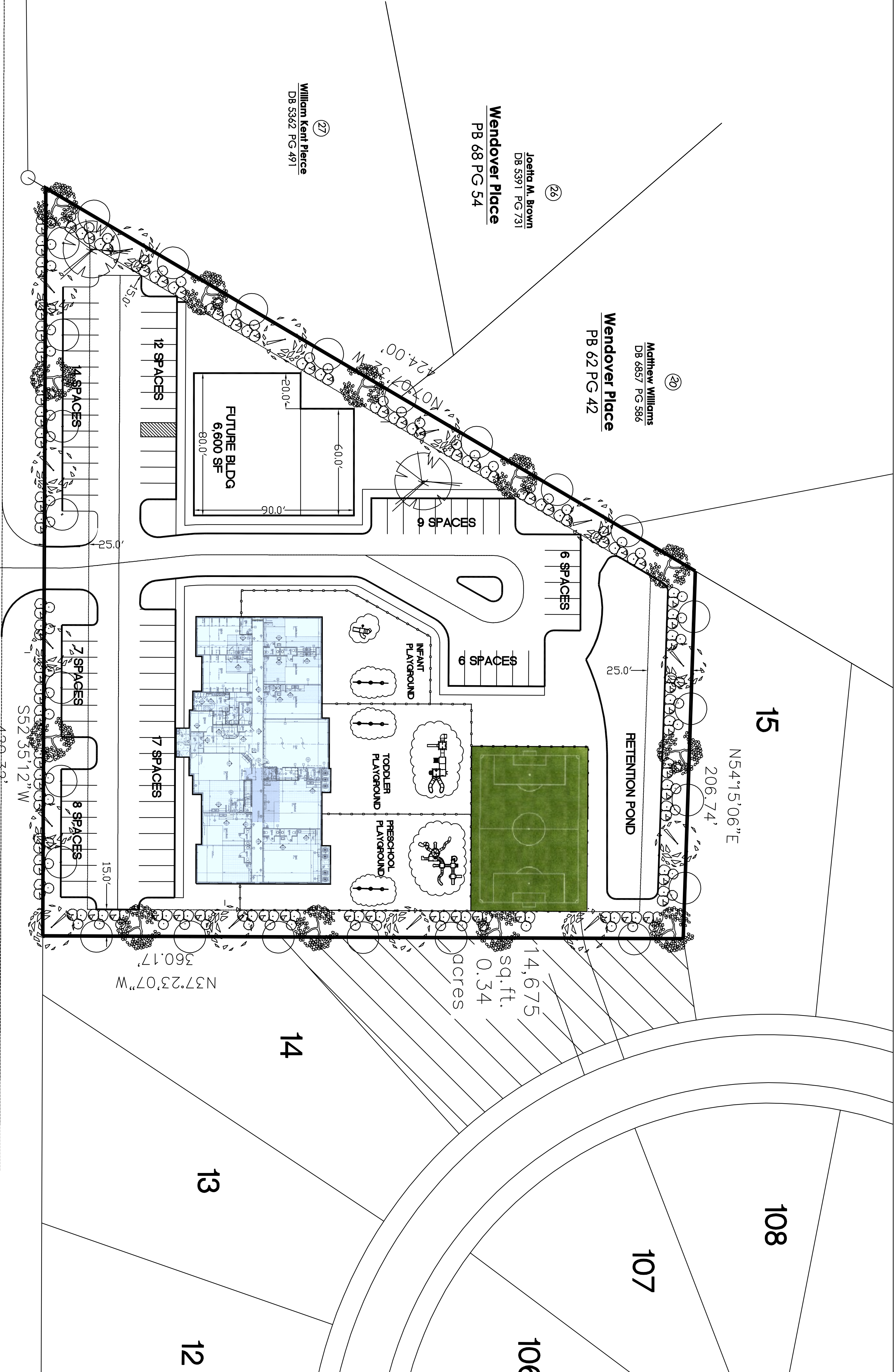
Civil Engineering & Survey  
Development Consulting  
Construction Management

4072 Barrett Dr. Phone: (919) 420-7667  
Raleigh, NC 27609 info@ketchumcrowder.com

Project Name and Address

Preliminary Layout  
Rainbow Child Care  
Fayetteville, NC

Project	Sheet
Date 9/37/2012	C-01
Scale 1" = 30'	Sheet 0 of 0





# CITY COUNCIL MEETING

December 10, 2012

433 Hay Street  
Fayetteville, NC 28301  
[www.cityoffayetteville.org](http://www.cityoffayetteville.org)  
[facebook.com/cityoffayetteville](https://facebook.com/cityoffayetteville)  
Twitter @CityOfFayNC



City of  
*Fayetteville*  
North Carolina

# CASE NO. P12-55F



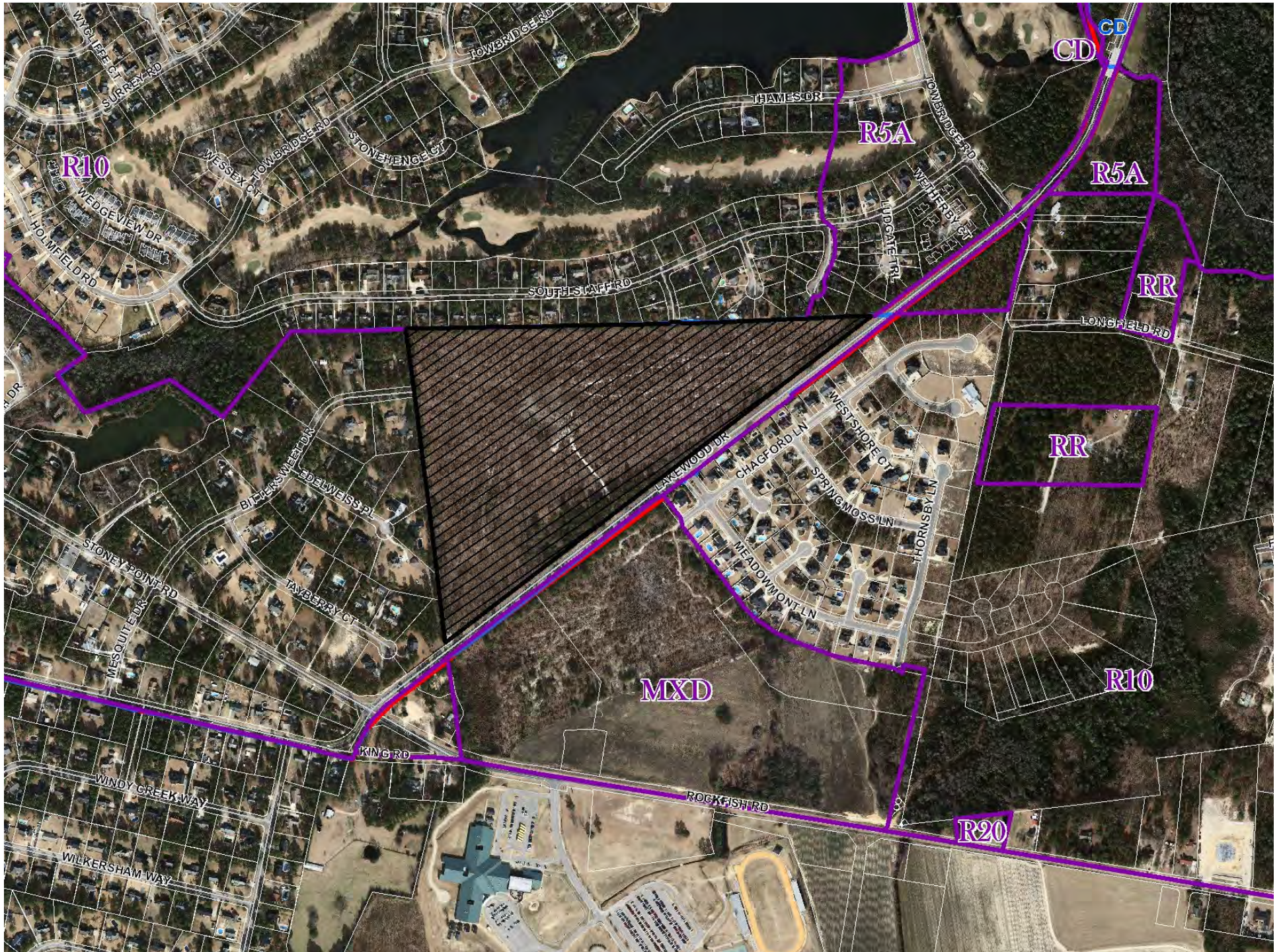
**Requested Action:** SUP – Child Care Facility

**Property Address:** north west side of Lakewood Drive across from Meadowmont Lane

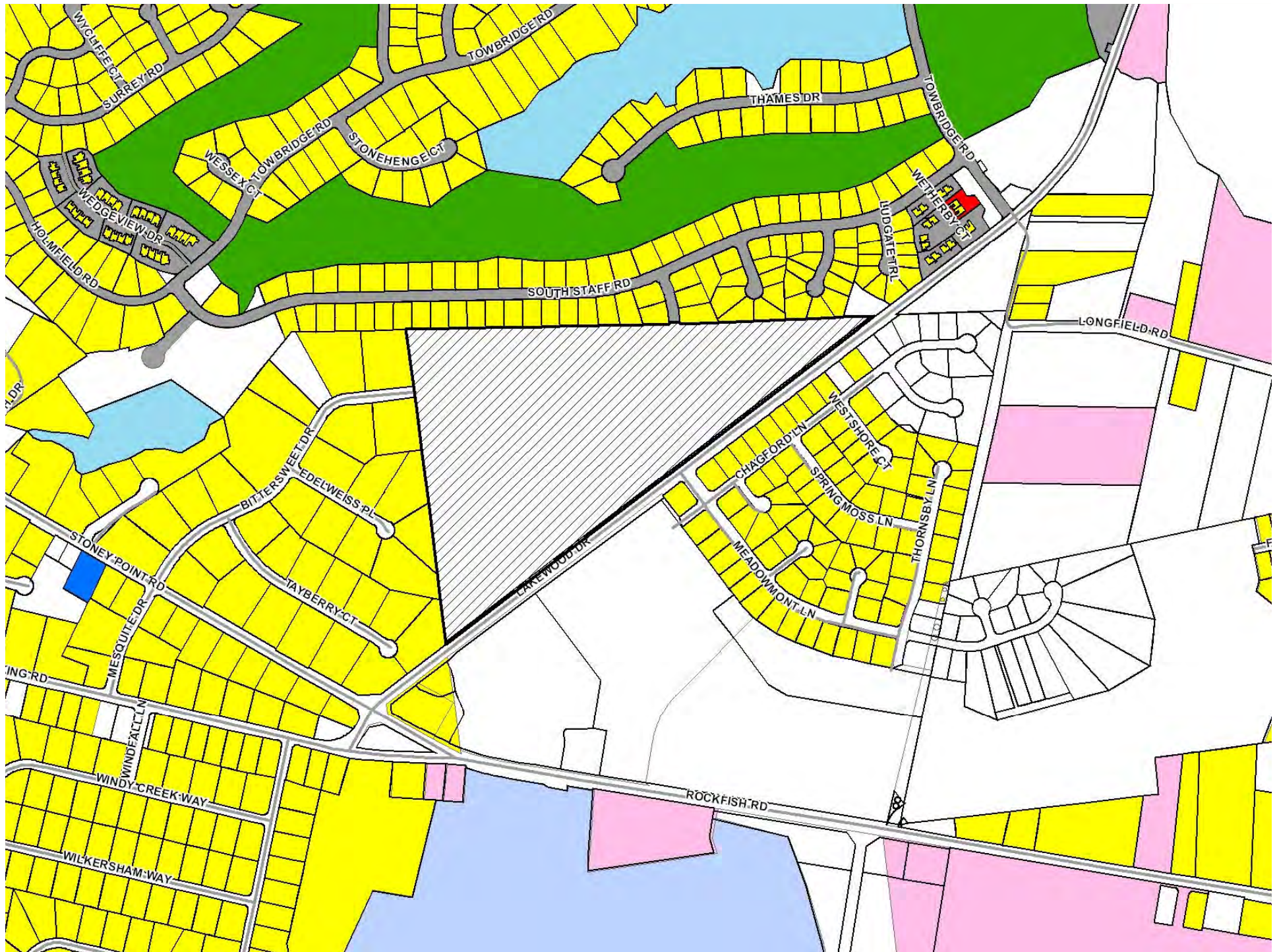
**Size:** Part of 48.6 acres +/-



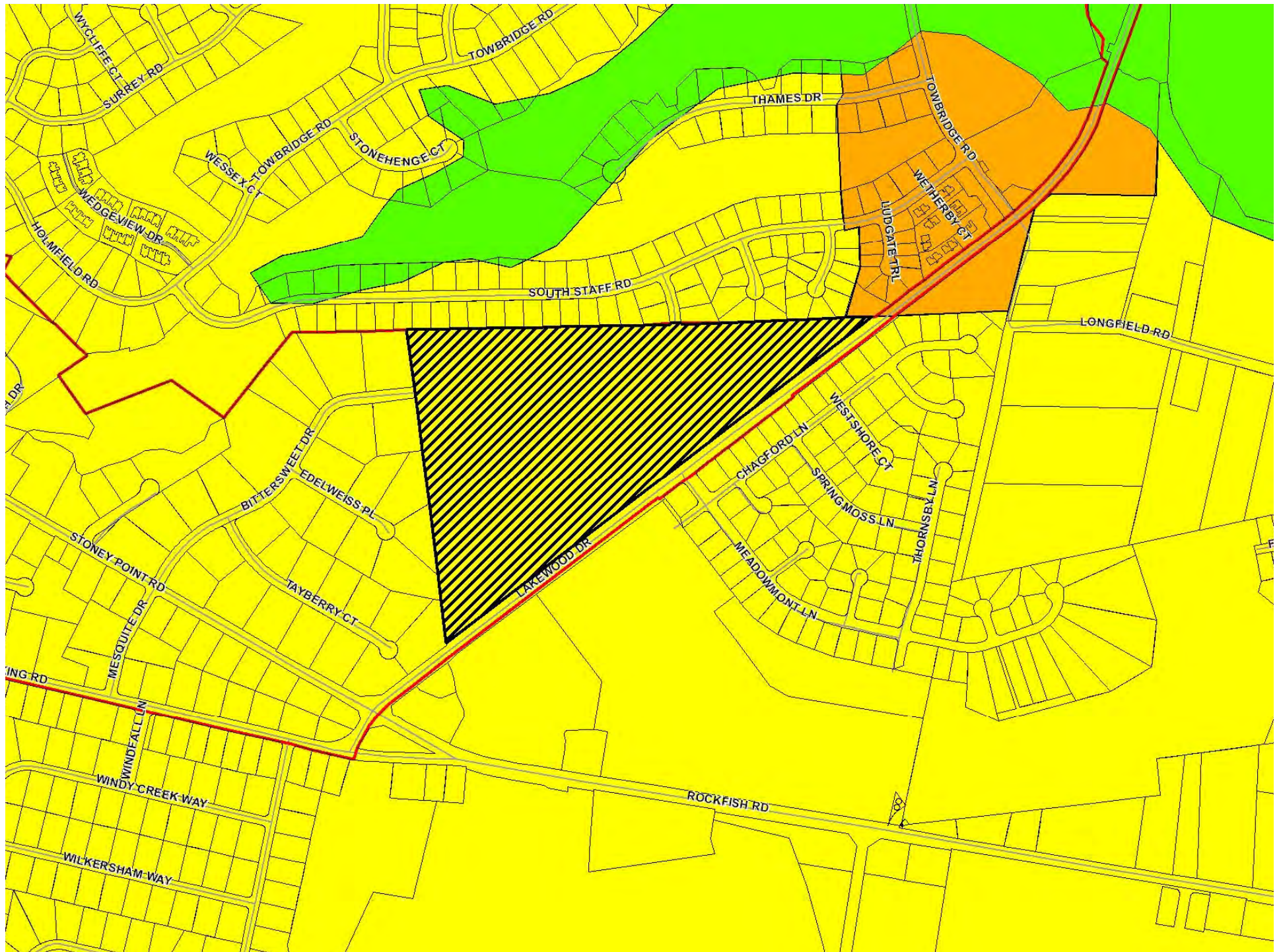




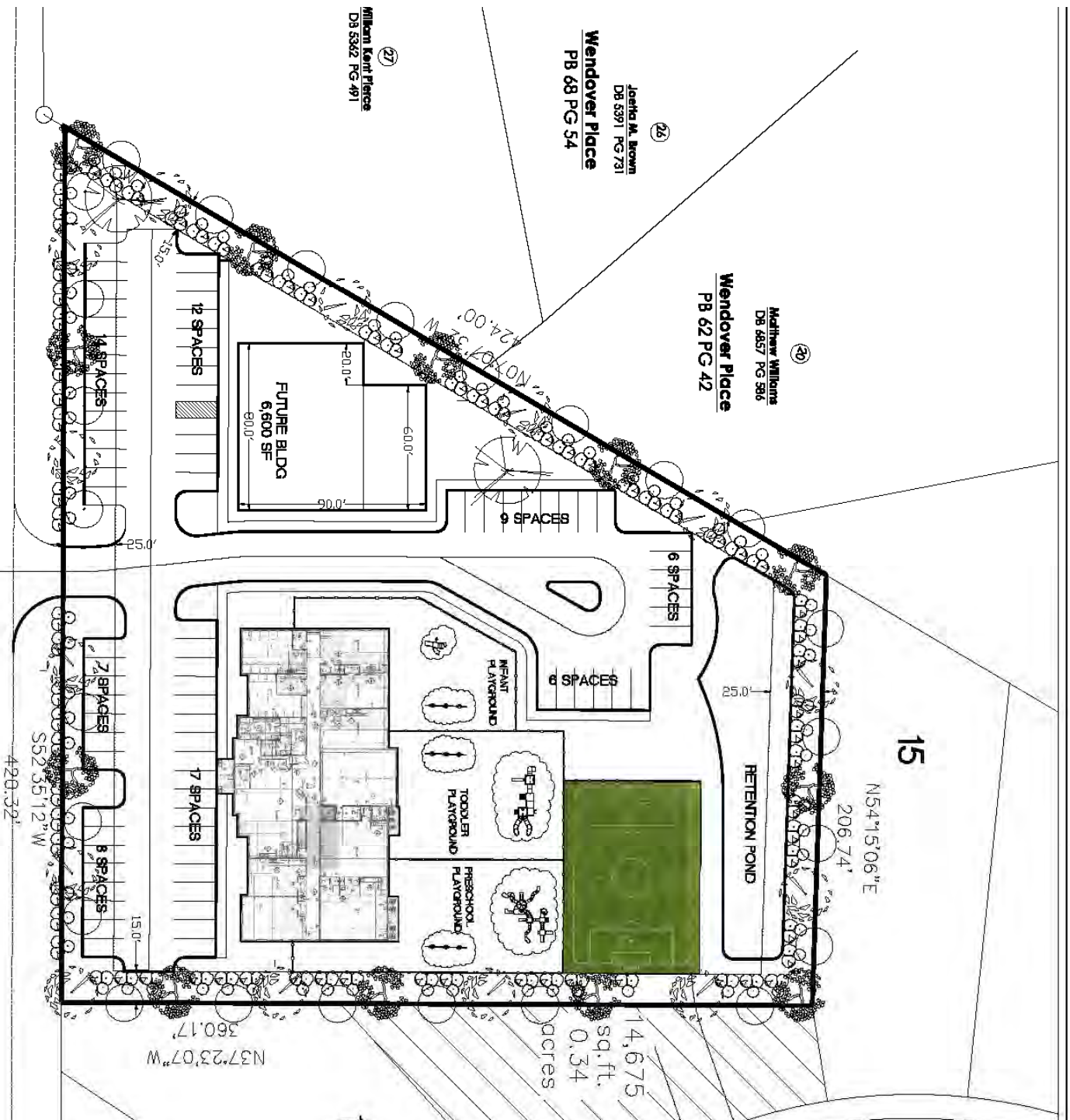














Zoning Commission and Staff recommend approval of the proposed SUP based on:

1. Property is a proper size and in a proper location for a Day Care Center.
2. Lakewood Drive is a minor thoroughfare.
3. Property is located across the street from a new commercial center.
4. Meets the City's use specific requirements for a Day Care Center







A Special Use Permit shall be approved only upon a finding that all of the following standards are 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.





## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Harmon, AICP, CZO - Planner II  
**DATE:** December 10, 2012  
**RE:** **P12-56F Request for a Special Use Permit for heavy auto repair on property zoned Community Commercial located at 5130 Raeford Rd. Containing 2.66 acres more or less and being the property of DPGP Investments, LLC.**

---

**THE QUESTION:**

Does the requested SUP fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

**RELATIONSHIP TO STRATEGIC PLAN:**

Livable Neighborhoods, Growth and development

**BACKGROUND:**

Owner: DPGP Investments, LLC  
Applicant: DPGP Investments, LLC  
Requested Action: SUP Heavy Auto Repair  
Property Address: 5130 Raeford Rd  
Council District: 9  
Status of Property: Commercial  
Size: 2.66 acres +/-  
Existing Land Use: Vacant building  
Adjoining Land Use & Zoning:  
North - SF-10  
South - CC  
East - CC  
West - CC  
Letters Mailed: 28  
Land Use Plan: Heavy Commercial

Zoning Commission voted 5-0 to approve. There were two speakers in favor and one in option of this request.

**ISSUES:**

This property is vacant. Currently this property is zoned CC and is mostly surrounded by CC with the exception of SF-10 being to the North. This SF-10 district area is mainly undeveloped. Everything else around this property is developed as heavy commercial. General auto repair is allowed by right in the CC, but heavy repairs including body work, painting, engine and transmission repairs, require a SUP. The owner of this property would like a change to one condition of this SUP and modify another.

In August of 2012 the City Council approved this SUP with the following conditions:

1. Property must meet the minimum requirements of the Development Code, such as parking and landscaping to name a few.
2. Type D buffer along Morris St.
3. 12 caliper inches of trees and 36 inch high shrubs with 10' buffer.
4. Chain link fence to remain.
5. Join the street maintenance association.
6. Hours of operation from 7:00 a.m. to 6:00 p.m. Monday to Friday and then 7:00 a.m. to 5:00 p.m. on Saturdays.
7. Bring Moore St. up to City standards to their property entrance.

**The owners of this property ask that conditions 6 and 7 above be changed to read: 6. No**

**restriction on hours of operation 7. Sidewalk be installed along Moore St. and repairs to any damage be done to City standards.**

Zoning Commission and Staff recommend approval of the amendments to the conditions for this SUP based on:

1. Property is currently zoned CC for heavy commercial.
2. A large car lot and other commercial uses surround this property.
3. SUP allows to additional conditions be placed on the property.
4. Facilitates reuse of an existing vacant property consistent with the immediate area.

A Special Use Permit shall be approved only upon a finding that all of the following standards are 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.

**BUDGET IMPACT:**

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

**OPTIONS:**

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

**RECOMMENDED ACTION:**

**Zoning Commission Staff Recommend:** That the City Council move to APPROVE the Special Use Permit (SUP) for heavy auto repair, as presented by staff, based on these eight (8) findings and seven (7) conditions.

**Findings:**

- (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.

**Conditions:**

1. Property must meet the minimum requirements of the UDO, such as parking and landscaping to name a few.
2. Type D buffer along Morris St.
3. 12 inch trees and 36 inch high shrubs with 10' buffer
4. Chain link fence to remain
5. Join the street maintenance association
6. No restriction on hours of operation
7. Sidewalk be installed along Moore St. and repairs to any damage be done to City standards.

**ATTACHMENTS:**

Zoning Map

Current Land Use

Land Use Plan

PowerPoint Presentation



**ZONING COMMISSION**  
**CASE NO. P12-56F**



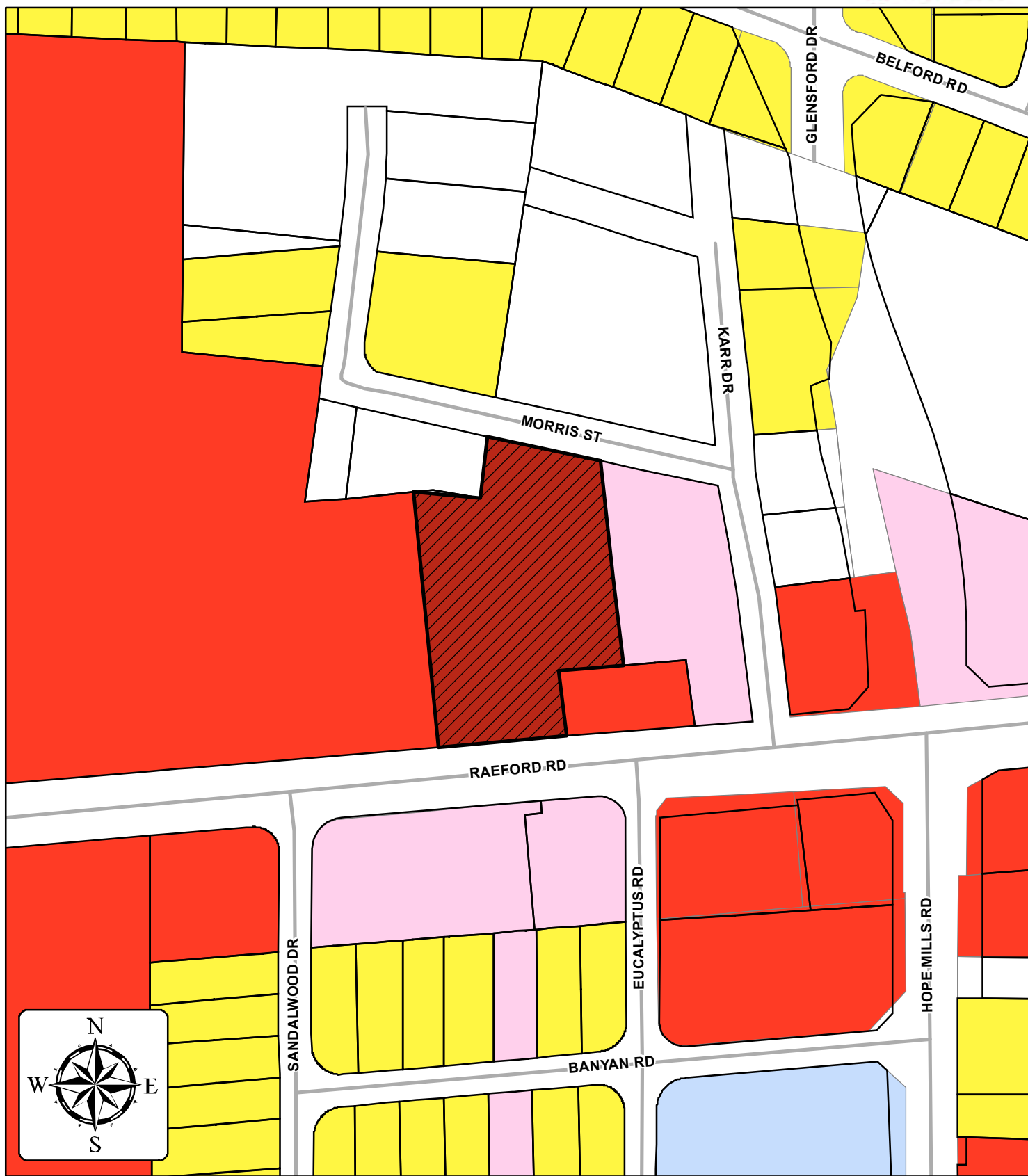
**Request:** Change to SUP  
**Location:** 5130 Raeford Road  
**Acreage:** 2.66 +/- acres

**Zoning Commission:** 11/13/2012    **Recommendation:** \_\_\_\_\_  
**City Council:** \_\_\_\_\_    **Final Action:** \_\_\_\_\_  
**Pin:** 0417-10-0735



## Current Land Use

**P12-56F**



### Legend

## Existing Landuse

 Common Area Group Quarters

 Industrial

 Multi-Family

 Open Space

 Communications-Utilities

■ Vacant Commercial


☐ Single Family Detached

 Commercial

 Golf Course Instit

 Mobile Home


 Parking

 Under Construction

Not Verified

☐ Single Family Attached

 Cemetery

 Government Office

 Lake

 Mobile Home

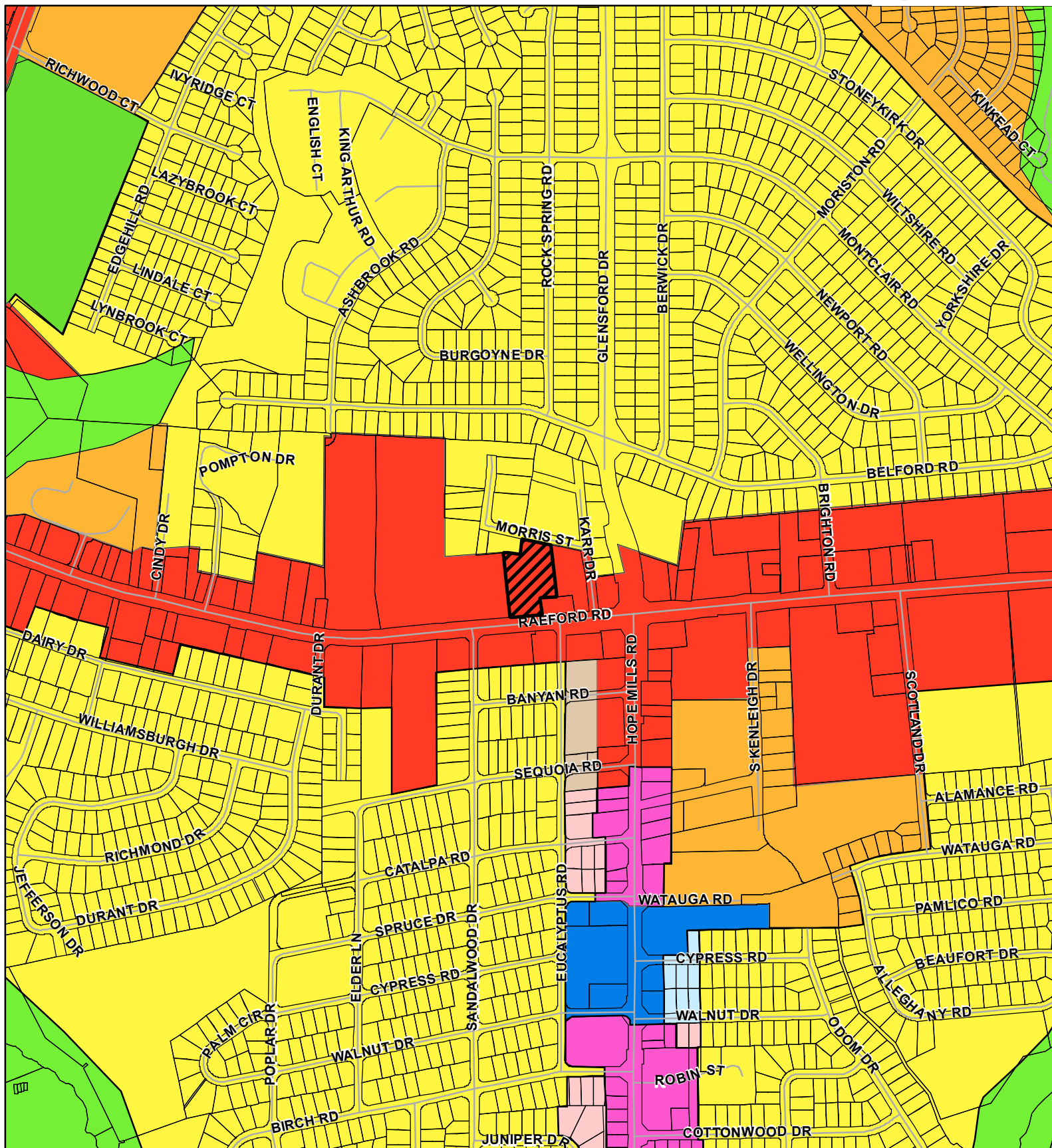
 Predominantly Vacant

t ☐ Vacant Land

Null PIN

# 2010 Land Use Plan

Case No. P12-56F



## Legend

Academic Training-Fort Bragg	Farmland	Historical District-Fort Bragg	Neighborhood Activity Node	Policy Directed Light Commercial
Activity Node	Governmental	Light Commercial	Office & Institutional	Policy Directed Office & Institutional
Airfield Operations-Fort Bragg	Heavy Commercial	Light Industrial	One Acre Residential Lots	Range & Training-Fort Bragg
Community Activity Node	Heavy Industrial	Low Density Residential	Open Space	Redevelop/Holding-Fort Bragg
Downtown	High Density Residential	Medium Density Residential	Policy Directed Heavy Commercial	Suburban Density Residential

# CITY COUNCIL MEETING

December 10, 2012

433 Hay Street  
Fayetteville, NC 28301  
[www.cityoffayetteville.org](http://www.cityoffayetteville.org)  
[facebook.com/cityoffayetteville](https://facebook.com/cityoffayetteville)  
Twitter @CityOfFayNC



City of  
*Fayetteville*  
North Carolina



**CASE NO. P12-56F**



**Requested Action:** SUP Revision -  
Heavy Auto Repair

**Property Address:** 5130 Raeford Rd

**Size:** 2.66 acres +/-



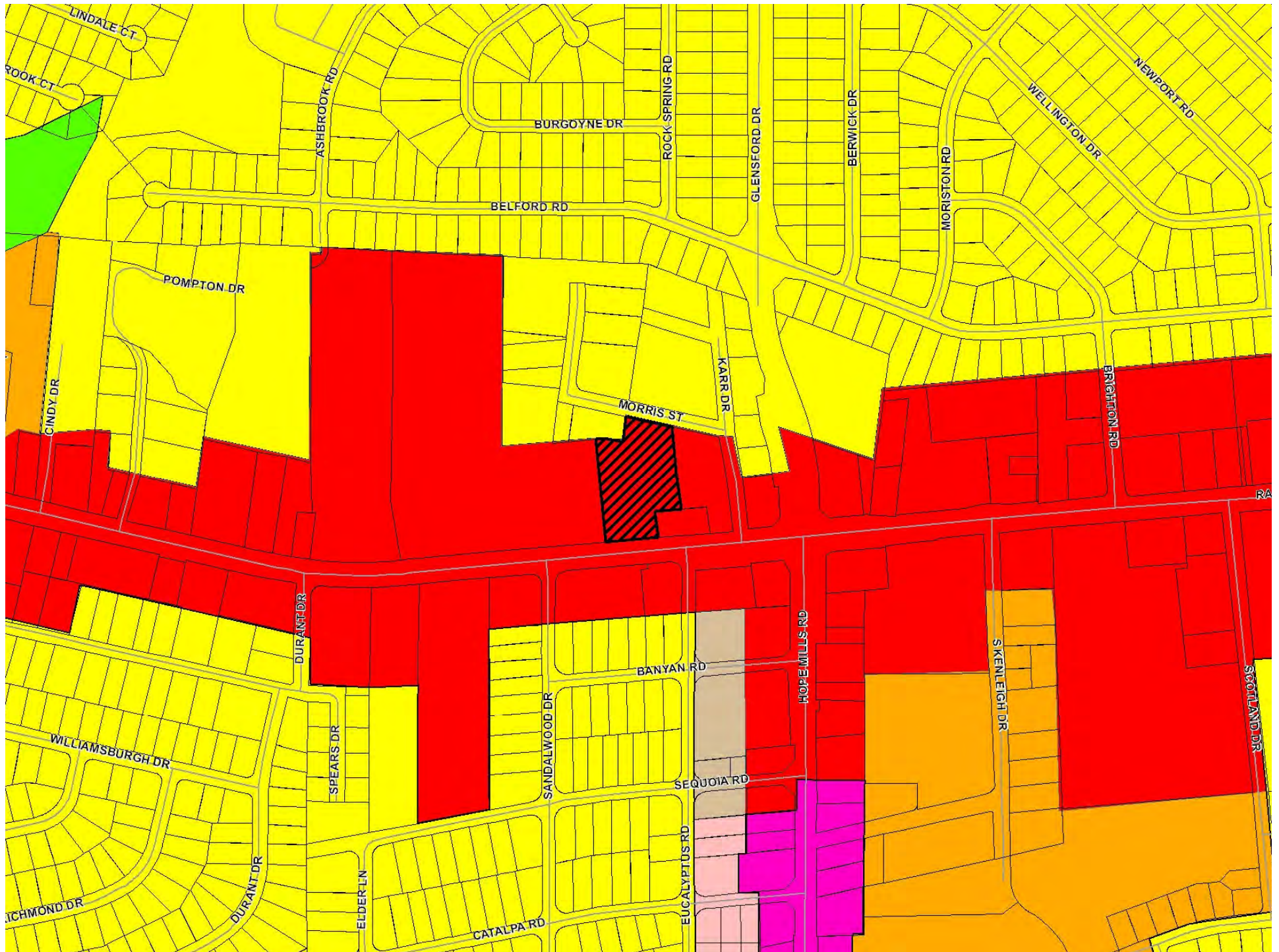
















In August of 2012 the City Council approved this SUP with the following conditions:

1. Property must meet the minimum requirements of the Development Code, such as parking and landscaping to name a few.
2. Type D buffer along Morris St.
3. 12 inch trees and 36 inch high shrubs with 10' buffer.
4. Chain link fence to remain.
5. Join the street maintenance association.
6. Hours of operation from 7:00 a.m. to 6:00 p.m. Monday to Friday and then 7:00 a.m. to 5:00 p.m. on Saturdays.
7. Bring Moore St. up to City standards to their property entrance.

**The owners of this property ask that conditions 6 and 7 above be changed to read:**

**6. No restriction on hours of operation**

**7. Sidewalk be installed along Moore St. and repairs to any damage be done on Moore be to City standards.**





Staff recommends approval of the proposed revisions to this SUP based on:

1. Property is currently zoned CC for heavy commercial.
2. A large car lot and other commercial uses surround this property.
3. SUP allows to additional conditions be placed on the property.
4. Reuse of an existing vacant property.





<b>CITY COUNCIL ACTION MEMO</b>
---------------------------------

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** December 10, 2012  
**RE:** **Presentation of the Audited FY2011-2012 Comprehensive Annual Financial Report**

---

**THE QUESTION:**

Does Council wish to accept the City's FY2011-2012 audited Comprehensive Annual Financial Report?

**RELATIONSHIP TO STRATEGIC PLAN:**

Core Value: Stewardship

**BACKGROUND:**

The City Council's audit firm, Cherry, Bekaert & Holland (CB&H), has completed the audit of the City's FY2011-2012 financial statements. A copy of the audited financial report will be provided to Council Members at the December 3, 2012, work session. Ms. Michelle Thompson, a partner with CB&H, will present the auditor's report at the December 10, 2012, Council meeting.

**ISSUES:**

None

**BUDGET IMPACT:**

Not applicable

**OPTIONS:**

1. Accept the audited FY2011-2012 Comprehensive Annual Financial Report.
2. Do not accept the report.

**RECOMMENDED ACTION:**

Accept the audited FY2011-2012 Comprehensive Annual Financial Report

**ATTACHMENTS:**

Audit Presentation for June 30, 2012

433 Hay Street  
Fayetteville, NC 28301  
[www.cityoffayetteville.org](http://www.cityoffayetteville.org)  
[facebook.com/cityoffayetteville](https://facebook.com/cityoffayetteville)  
Twitter @CityOfFayNC



City of  
*Fayetteville*  
North Carolina

**REPORT OF INDEPENDENT  
CERTIFIED PUBLIC ACCOUNTANTS**



**FOR THE  
CITY OF FAYETTEVILLE  
FOR THE FISCAL YEAR ENDED JUNE 30, 2012**

**Report to City Council  
Michelle Loyd Thompson, Partner  
Cherry, Bekaert & Holland, L.L.P.**





# Results of Financial Audit



- Audit Firm – Cherry, Bekaert & Holland, LLP issued **Unqualified Opinion**
- No audit adjustments or material weaknesses
- Administered \$27.9 million dollars of Federal and State grant programs with no questioned costs



# General Fund – 2012 Summary Operating Results (page E-5)



	<u>Original Budget</u>	<u>Final Budget</u>	<u>Final Actual</u>	<u>Final Budget Variance</u>
<b>Revenues and Other Financing Sources</b>	\$ 135,221,432	\$ 137,556,432	\$ 140,839,553	\$ 3,283,121
<b>Expenditures and Other Financing Uses</b>	(139,531,686)	(146,176,365)	(137,651,096)	8,525,269
<b>Fund Balance Appropriated</b>	\$ (4,310,254)	\$ (8,619,933)	-	
<b>Revenues and other financing sources over expenditures and other financing uses</b>			\$ 3,188,457	
<b>Fund balance at the beginning of the year</b>			48,707,391	
<b>Fund balance at the end of the year</b>			<u>\$ 51,895,848</u>	

*City of*  
**Fayetteville**  
*North Carolina*



# General Fund Revenues and Other Financing Sources (page E-5)



	Budgeted Amounts			Variance with Final Budget - Positive (Negative)
	Original	Final	Actual	
REVENUES AND OTHER FINANCING SOURCES				
Taxes	\$ 62,793,509	\$ 63,793,509	\$ 64,256,521	\$ 463,012
Intergovernmental	52,652,327	53,987,327	56,541,820	2,554,493
Permits and fees	2,967,105	2,967,105	2,757,155	(209,950)
Sales and services	3,879,432	3,879,432	4,424,754	545,322
Miscellaneous	2,072,180	2,072,180	1,966,706	(105,474)
Interest earned on investments	364,734	364,734	288,414	(76,320)
Sale of capital assets	230,000	230,000	356,285	126,285
Appropriated fund balance	4,310,254	8,619,933	-	(8,619,933)
Transfers in	10,262,145	10,262,145	10,247,898	(14,247)
Total Revenues and Other Financing Sources	\$ 139,531,686	\$ 146,176,365	\$ 140,839,553	\$ (5,336,812)

City of  
*Fayetteville*  
North Carolina



# General Fund Expenditures and Other Financing Uses (page E-5)



	Budgeted Amounts			Variance with Final Budget - Positive (Negative)
	Original	Final	Actual	
EXPENDITURES AND OTHER FINANCING USES				
Administration	\$ 22,309,881	\$ 24,184,804	\$ 22,479,246	\$ 1,705,558
Public safety	67,712,182	69,483,043	67,149,982	2,333,061
Environmental protection	8,776,386	10,010,001	8,965,634	1,044,367
Transportation	7,288,182	7,766,591	6,715,609	1,050,982
Economic and physical development	1,728,535	2,091,112	1,428,819	662,293
Recreation and community facilities	12,786,715	13,468,518	12,455,971	1,012,547
Debt service	7,694,815	7,490,792	6,884,368	606,424
Transfers out	11,234,990	11,681,504	11,571,467	110,037
Total Expenditures and Other Financing Uses	\$ 139,531,686	\$ 146,176,365	\$ 137,651,096	\$ 8,525,269

City of  
*Fayetteville*  
North Carolina

# Fund Balance – General Fund (page E-1)



	2012	2011
<b>Nonspendable</b>		
Inventories	\$ 170,322	\$ 160,391
<b>Restricted</b>		
Stabilization by State Statute	14,421,378	15,082,516
Downtown	53,425	72,073
County recreation	3,518,710	2,972,764
Donations	20,295	33,505
Lake Valley Drive MSD	4,302	-
<b>Assigned</b>		
For subsequent year's expenditures	3,933,570	4,280,278
For special purpose	5,498,398	5,252,660
For capital projects	4,113,861	4,045,773
<b>Unassigned</b>	20,161,587	16,807,431
<b>Total fund balance</b>	<b>\$ 51,895,848</b>	<b>\$ 48,707,391</b>
<b>Expenditures and transfers out</b>	<b>\$ 137,651,096</b>	<b>* \$ 134,650,258</b>
<b>Unassigned fund balance as a percentage of fiscal year expenditures and transfers out</b>	<b>14.65%</b>	<b>12.48%</b>

City of  
*Fayetteville*  
North Carolina



# Recommended Council Action



- Acceptance of Audited Comprehensive Annual Financial Report



City of  
*Fayetteville*  
North Carolina



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council  
**FROM:** Craig Hampton, Special Projects Director  
**DATE:** December 10, 2012  
**RE:** **Sale and Redevelopment of 301 Bragg Blvd**

---

**THE QUESTION:**

Does Council wish to accept the bid for this property?

**RELATIONSHIP TO STRATEGIC PLAN:**

Major Project listed as High Priority in Policy Agenda for FY 2013 Strategic Plan

**BACKGROUND:**

At the November 13, 2012 meeting of City Council approval was given to publish a notice of upset bid for this property. The advertisement ran in the Fayetteville Observer on November 17, 2012, with a 10-day deadline for upset bids. On November 28, 2012, receipt of bids was closed and no offers of any kind were received by the City Clerk as required by the advertisement. The requested action tonight is to adopt the attached Resolution authorizing the sale and authorizing the City Manager or designee to execute all documents and agreement necessary to complete the sales transaction and the development. Construction will begin shortly after the beginning of 2013 and take approximately 1 year to complete.

**ISSUES:**

There are no unresolved issues.

**BUDGET IMPACT:**

Positive impact to Veterans Park budget due to sale of land and to the general fund budget due to increase in property taxes paid in the downtown area.

A tax value of \$9.1 million in the downtown tax district at the current combined City/Downtown tax rate of .556 per \$100 value, would generate \$50,596 in annual general and central business district tax revenues.

**OPTIONS:**

1. Adopt Resolution as attached
2. Provide other direction to staff

**RECOMMENDED ACTION:**

Staff recommends that Council move to adopt the attached Resolution authorizing acceptance of offer to purchase and develop City owned property commonly known as 301 Bragg Boulevard and authorize sale pursuant to NCGS 160-269.

**ATTACHMENTS:**

Development Plan ParkView  
Resolution Authorizing Sale  
Deed of 301 Bragg Blvd.



# PARK VIEW

**Park View of Fayetteville, LLC** was formed by D. Ralph Huff III, Susan Clift Brown and Investor Doak C. "Beau" Proctor, III to develop the 47-unit residential project known as "Park View" on the former Days Inn site across from the North Carolina Veterans Park and the Airborne and Special Operations Museum.

The project is the vision of **Ralph Huff of H&H Homes**. Huff studied the site for years and spoke with the previous owner even before the city purchased the property. Huff has been committed to the growth of Fayetteville the past 20 years. In addition to thousands of single-family homes, Huff's portfolio includes more than eight (8) condominium communities and over twenty-five (25) subdivisions. Huff developed the 300 Hay project, as well as Sterling Manor on which the Park View Manor building is modeled.

Together, Ralph, Susan and Beau have years of experience with successful ventures and resumes and portfolios for each were included with the RFP. The **Park View Team** is comprised of a talented group of local professionals, including:

- Architect Andy Privette of Design to Build
- Designer Bob Leath of Leath & Associates
- Engineer Jimmy Kizer of Moorman, Kizer & Reitzel
- Landscaper Bob Peter of R.T. Peter Landscape Architecture
- Sales by the Coldwell Banker Advantage Team
- Marketing by Matt Blashfield (signs), Rose Spell (design) & Cramer Gallimore (photos)
- Construction Project Management by Maurice Wren of H&H Homes

At this time, we have completed the site plan and floor plans (see attached). We have worked closely with the city staff to ensure that the site work and building design meet or exceed all UDO requirements. So far, the project has been embraced by the public and potential residents. The **Sales Center at 321 Hay** offers a captivating presentation of the Park View vision, complete with a scale model (in process) and panoramic murals of the Fayetteville skyline as viewed from the site.

The Park View team is ready to move forward with sales of fourteen (14) Manor units at 2,379 square feet, six (6) Townhome units at 2,927 square feet and 27 Loft units at 1,557 square feet. Prices will range **from the \$240's to \$350's** depending on fit and finish.

Park View is going to be a breathtaking addition to Fayetteville and we appreciate your confidence in our team.



**D. RALPH HUFF, III**  
2919 Breezewood Avenue, Suite 400  
Fayetteville, North Carolina 28303  
910-486-4864 Office  
910-485-0463 Fax  
910-237-7869 Mobile  
RalphHuff@HHhomes.com





# At Park View, You're Just A Few Steps Away From...**Everything.**

Park View is an exciting new downtown community, bringing the lush amenities of upscale suburban living to a home where you can experience the exhilaration of urban life.

We overlooked nothing. You'll overlook everything.

Park View is solidly constructed with a brick exterior and features a drive-through portico entrance, decorative gardens, and enchanting fountains. But it is the inside that truly sets Park View apart. Each home is spectacularly designed and crafted with the finest materials and meticulous attention to detail, and every townhome offers a panoramic view of a revitalized cityscape featuring The Airborne and Special Operations Museum and Veterans Park.

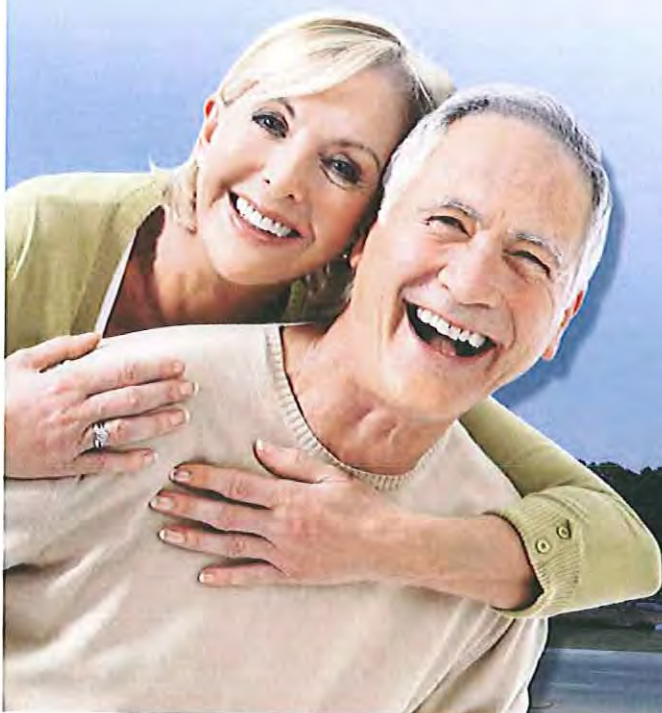


Taking downtown Fayetteville living to a whole new level.

Choose among *Park View Lofts*, *Park View Manor* condominiums, or spacious *Park View Townhomes* with double garages, residential elevators, and contemporary plans of nearly 3,000 square feet. Every home is nestled among acres of parks and green lawns, meaning Park View not only provides a breathtaking view but also contributes to it.

**PARK VIEW**  
Distinctive Downtown Living

[www.ParkViewFayetteville.com](http://www.ParkViewFayetteville.com)





# PARK VIEW

Distinctive Downtown Living

## Walking distance—without the distance.

Chic shops. A warming latté. An invigorating workout. Whatever you want, Park View puts you close to it. So, the next time you find yourself running all over town, consider how much nicer it would be to simply live in town. To be just steps away from everything you want, take the first step by letting us show you how much nicer it would be to be home at Park View.



## Get in on the ground floor—and the top floor.

Park View is exclusively marketed by Coldwell Banker Advantage. For sales and information, call 910-486-5353, visit the Festival Park Office at 222 Rowan Street, or check out the website at [www.ParkViewFayetteville.com](http://www.ParkViewFayetteville.com).

Park View is conveniently located at the intersection of Bragg Blvd and Walter Street. Across from the Airborne & Special Operations Museum and the North Carolina Veterans Park.



Built by



910-221-0000  
HHhomes.com

Marketed by



ADVANTAGE



## Park View Manor

2379 Square Feet ~ 3 Bedrooms ~ 2.5 Bathrooms  
Resident's Exercise and Workout Area  
Drive Through Portico Entrance  
Large Individual Porches  
Lavish Lobby with Elevator  
Covered Parking on First Floor



## Park View Lofts

1557 Square Feet ~ 2 Bedrooms ~ 2.5 Bathrooms  
3 Story Home with Garage



## Park View Townhomes

2927 Square Feet ~ 3 Bedrooms ~ 3.5 Bathrooms  
3 Story Home with Double Garage  
Residential Elevators in Each Home  
Large Porches Overlooking the Museum and Park

Distinctive Downtown Living







# PARK VIEW MANOR

*2379 Square Feet ~ 3 Bedrooms ~ 2.5 Bathrooms*

- Luxurious Maintenance Free Living
- Drive Through Portico Entrance
- Lavish Lobby with Elevator
- Resident's Exercise and Workout Area
- Resident's Card Room
- Resident's Catering Kitchen with Guest Dining Area Overlooking Museum and Park
- Decorative Gardens and Fountains
- Large Individual Porches
- Individual Garages
- Additional Garages Available

**PARK VIEW**  
*Distinctive Downtown Living*

[www.ParkViewFayetteville.com](http://www.ParkViewFayetteville.com)  
910-486-5353







# PARK VIEW TOWNHOMES

*2927 Square Feet ~ 3 Bedrooms ~ 3.5 Bathrooms*

- 3 Story Home with Double Garage
- Residential Elevators in Each Home
- Large Porches Overlooking the Museum and Park
- Large Walk-In Closets
- Brick Exterior

**PARK VIEW**  
*Distinctive Downtown Living*

[www.ParkViewFayetteville.com](http://www.ParkViewFayetteville.com)

910-486-5353







# PARK VIEW LOFTS

1557 Square Feet ~ 2 Bedrooms ~ 2.5 Bathrooms

- Maintenance Free Living
- 3 Story Home with Individual Garage
- Large Walk-In Closets
- Brick and Hardiplank Exterior
- Individual Patio and Balcony

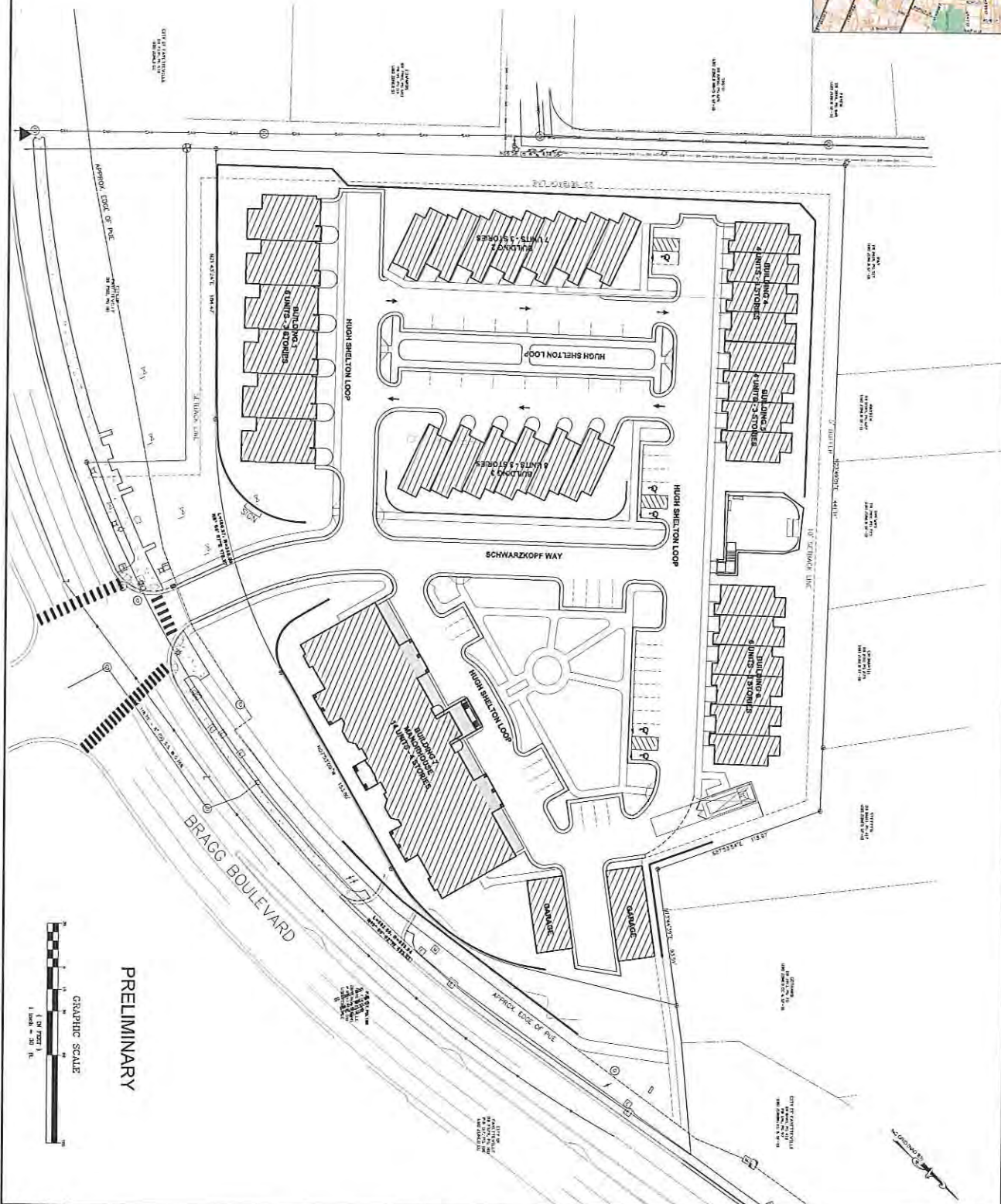


**PARK VIEW**  
Distinctive Downtown Living

[www.ParkViewFayetteville.com](http://www.ParkViewFayetteville.com)  
910-486-5353




**OWNER / DEVELOPER:**  
RALPH HUFF  
2929 BREEZEWOOD AVE SUITE 200  
FAYETTEVILLE, N.C. 28306  
PHONE: 910 488-1864



PRELIMINARY

GRAPHIC SCALE

1 inch = 25 mm

PROJECT # : 13-000001	115 BROADFOOT AVE FAYETTEVILLE, NC 28305 P.O. BOX 53774 P. 910-484-5191 LICENSE #: F-0106		NO	REVISION	BY	DATE	<p align="center">PARKVIEW</p> <p align="center">OVERALL SITE PLAN</p> <p align="center">PROPERTY OF RALPH HUFF</p> <p align="center">CROSS CREEK TWP.      CUMBERLAND CO., N.C.</p>	DRAWN BY: JAH/JLH CHECKED: JAH/JLH REVIEWED: JAH/JLH DATE:
DATE: April 2, 2012								
SCALE: NOT TO SCALE								
SHEET: 4								



**RESOLUTION****RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER TO PURCHASE  
AND DEVELOP CITY OWNED PROPERTY COMMONLY KNOWN AS 301  
BRAGG BOULEVARD AND AUTHORIZE SALE PURSUANT TO NCGS 160-269.**

WHEREAS, the City of Fayetteville, North Carolina desires to stimulate the economic development, residential density, and business prospects of the downtown Fayetteville area by facilitating the construction of a residential development project within city owned property commonly known as 301 Bragg Boulevard (the "Site"), said project being a high priority in the City of Fayetteville's Strategic Plan for fiscal year 2013; and

WHEREAS, the City of Fayetteville had issued Requests for Development Proposals (RFPs) on three (3) separate occasions in the past three (3) years seeking development proposals for the "Site" with no submittals received on the first two (2) issuances; and

WHEREAS, on June 08, 2012 the City of Fayetteville, after approval by City Council, issued another RFP, conducted a pre-submittal conference on July 12, 2012 for all potential submitters, and received RFPs until close-of-business on August 09, 2012; and

WHEREAS, the City of Fayetteville received one (1) bona fide proposal ("Offer") from Park View of Fayetteville, LLC ("Developer") to purchase the "Site" and conduct redevelopment within the terms and conditions of the RFP; and

WHEREAS, the City Council at a regular meeting on September 04, 2012 authorized city staff to conduct any and all negotiations with the "Developer" necessary to arrive at a mutually agreeable development proposal and design; and

WHEREAS, the City Council, at a regular meeting on November 5, 2012 received an update of the proposed development size, layout and appearance and that negotiations had been successful and city staff recommends proceeding with the sale of the "Site", creation of the Master Development Agreement, and subsequent development of the "Site", and City Council authorized proceeding with the next steps for completion of the sale and redevelopment; and

WHEREAS, city staff and the "Developer" have concluded negotiations to the satisfaction of both parties and wish to proceed with sale of the "Site", creation of a Master Development Agreement ("MDA") and redevelopment of the "Site" as follows:

- Purchase of 4.65 acres of 301 Bragg Boulevard by "Developer" for the negotiated sum of \$731,950.00 Said amount to be secured by a 5% bid deposit and paid in full promptly after final approval of the "Offer"; and
- Redevelopment of the 4.65 acres into a residential subdivision consisting of at least Forty Seven (47) residential housing units with a total investment value of not less than Nine Million Dollars (\$9,000,000). Said development to be completed within Two (2) years of execution of the Master Development Agreement, not to exceed December 2014; and

WHEREAS, North Carolina General Statute 160A-269 authorizes the City of Fayetteville to solicit and receive offers on city owned property, to accept or reject such offers, and to advertise such offers for upset bid in accordance with NCGS 160A-269, and City Council has accepted the "Offer" and did authorize legal notice publication of said offer and notice of consideration of any upset bids at the regular meeting of November 13, 2012. Said upset bids being required to increase the offer of the sale of 301 Bragg Boulevard by at least 10% of the first \$1,000 and 5% of the remainder of the sale price of \$731,950.00 and match or exceed the estimated total value of development of Nine Million Dollars (\$9,000,000); and

December 10, 2012  
301 Bragg Boulevard

WHEREAS, "Developer" did promptly and correctly deposit a 5% bid deposit of the offer in the form of a certified check in the amount of \$36,597.50 and the aforementioned and authorized Public Notice of Upset Bids was duly and properly published in the Fayetteville Observer Legal Publication Section on November 17, 2012 in accordance with Section 1 of City of Fayetteville Resolution #R2012-044; and

WHEREAS, No upset bids of any kind or amount were received by the City Clerk of the City of Fayetteville as required by said Legal Publications; and

WHEREAS, Section 8.22 of the City Charter provides that the City may directly acquire property for purposes of economic development and Section 8.23(2) of the City Charter provides that the City may convey property interests of property acquired by the city by private negotiation or sale, and the City Council desires to convey said "Site" and proceed with development;

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

Section 1. Authorization of Notice of Acceptance of Offer and Execution of Documents. That the City Manager or designee shall promptly, and in accordance with NCGS 160A-269 cause to be completed all documents needed and necessary to sell the subject city-owned property in accordance with this Resolution and to complete a Master Development Agreement for the subsequent redevelopment of the property.

Section 2. Effective Date. That this Resolution is effective on the date of its adoption.

\_\_\_\_\_  
Anthony G. Chavonne, Mayor

This resolution is effective upon its adoption this 10<sup>th</sup> day of December, 2012.

The motion to adopt this resolution was made by Council Member \_\_\_\_\_,  
seconded by Council Member \_\_\_\_\_ and passed by a vote of \_\_\_\_\_ to  
\_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

This is to certify that this is a true and accurate copy of Resolution No. \_\_\_\_\_ adopted by  
the Council of the City of Fayetteville on the 10<sup>th</sup> day of December, 2012.

\_\_\_\_\_  
[Deputy City Clerk]

\_\_\_\_\_  
Date

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$	Recording Time, Book and Page
---------------	-------------------------------

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 0437-35-8913

Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

by \_\_\_\_\_

Prepared by/Mail after recording to: Brian Meyer, Assistant City Attorney, City of Fayetteville, 433 Hay Street, Fayetteville NC 28301-5537

Brief Description for the Index: 301 Bragg Boulevard

THIS DEED made this \_\_\_\_\_ day of December, 2012, by and between:

GRANTOR	GRANTEE
<b>CITY OF FAYETTEVILLE</b> , a North Carolina Municipal Corporation	<b>PARKVIEW OF FAYETTEVILLE, LLC</b> , a North Carolina Limited Liability Company
Mailing Address: 433 Hay Street Fayetteville NC 28301-5537	Mailing Address: PO Box 53187 Fayetteville NC 28305

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH

That the Grantors, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, have and by these presents do grant, bargain, sell and convey unto the Grantee in fee simple that parcel of land situated in the City of Fayetteville, Cross Creek Township, Cumberland County, State of North Carolina, and more particularly described as follows:

BEGINNING at a point in the southern line of the tract of which this is a part at a point located North 66 degrees 56 minutes 06 seconds West, 20.31 feet from an existing iron stake located at the westernmost comer of a tract conveyed to the City of Fayetteville as recorded in Deed Book 7501, Page 181, Cumberland County, North Carolina Registry and running with said southern line of the tract of which this is a part North 66 degrees 56 minutes 06 seconds West, 434.08 feet to an existing iron stake; thence with the western line of the tract of which this is a part North 23 degrees 49 minutes 00 seconds East, 441.11 feet to an existing iron stake; thence continuing with a line of the tract of which this is a part South 87 degrees 53 minutes 54 seconds East,



118.97 feet to an existing iron stake; thence continuing with a line of the tract of which this is a part North 13 degrees 44 minutes 40 seconds East, 93.91 feet to a point, said point being located South 13 degrees 44 minutes 40 seconds West, 23.80 feet from an existing iron stake; thence on a new line the following course and distances: South 54 degrees 49 minutes 10 seconds East, 111.03 feet to a point of curvature; With a curve to the right on a radius of 140.00 feet an arc distance of 114.68 feet (chord South 31 degrees 21 minutes 10 seconds East, 111.50 feet) to a point of tangency; South 07 degrees 53 minutes 09 seconds East, 153.80 feet to a point of curvature; With a curve to the right on a radius of 350.00 feet an arc distance of 180.87 feet (chord South 06 degrees 55 minutes 07 seconds West, 178.87 feet) to a point of tangency; thence continuing on a new line, said line being parallel with and 20.31 feet west of the western line of the tract conveyed to the City of Fayetteville as recorded in Deed Book 7501, Page 181 South 21 degrees 43 minutes 24 seconds West, 184.47 feet to the POINT OF BEGINNING. Containing 4.65 acres, more or less. And being the major portion of a tract conveyed to the City of Fayetteville as recorded in Deed Book 7501, Page 084, Cumberland County, North Carolina Registry (Ref: Plat Book 39, Page 77).

The above described 4.65 acre tract is based on a physical survey of the property conveyed to the City of Fayetteville, said physical survey being performed by Moorman, Kizer & Reitzel, Inc. in June 2012. Bearings are based on N.C. Grid from information supplied by N.C.D.O.T.

For title reference, see Deed Book 7501, Page 84, Cumberland County Registry.

***TO HAVE AND TO HOLD*** the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Such liens, encumbrances, restrictive covenants & easements as may appear of record.

***IN WITNESS WHEREOF*** Grantor has set his hand and seal, the day and year first above written.

***CITY OF FAYETTEVILLE***

By: \_\_\_\_\_  
THEODORE L. VOORHEES, City Manager

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk

**STATE OF NORTH CAROLINA**  
**COUNTY OF CUMBERLAND**

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

Witness my hand and notarial seal, this the \_\_\_\_\_ day of December, 2012.  
Place seal here↓



\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council  
**FROM:** Bobby Hurst, Council Member, Appointment Committee Chair  
**DATE:** December 10, 2012  
**RE:** **Recommendations of Appointments to the Public Works Commission**

---

**THE QUESTION:**

Do the recommended appointments meet Council's interest?

**RELATIONSHIP TO STRATEGIC PLAN:**

Develop and maintain collaborative working relations among various governmental units.

**BACKGROUND:**

On October 8, 2012, Ms. Terri Union submitted a letter of resignation from the Public Works Commission to be effective December 31, 2012. Ms. Union's term will expire August 31, 2014; therefore appointment to this unexpired term is necessary.

On November 10, 2012, Mr. Lou Olivera submitted a letter of resignation from the Public Works Commission to be effective December 31, 2012. Mr. Olivera's term will expire August 31, 2015; therefore appointment to this unexpired term is necessary.

The City announced the Public Works Commission vacancies and accepted applications from qualified candidates from October 15, 2012 thru November 20, 2012. The City Clerk's office received and acknowledged a total of 21 qualified applications.

On November 27, 2012, the Appointment Committee met to review and discuss the applications. Council Members Applewhite, Massey, Haire and Fowler (Council liaison to the Public Works Commission) were also present at the meeting.

After considerable deliberation the Appointment Committee selected the following five applicants for further review and potential appointment:

Mr. Glenn Adams  
Ms. Lynne Greene  
Mr. Karl Legatski  
Mr. Wick Smith  
Dr. Assad Tavakoli

The Appointment Committee met on Tuesday, December 4, 2012 @ 9:30 a.m. for further discussion. The following motion and recommendation was made:

**MOTION:** Council Member Hurst moved to recommend Mr. Wick Smith to fill the unexpired term of January 1, 2013, thru August 31, 2014, and Ms. Lynne Greene to fill the unexpired term of January 1, 2013, thru August 31, 2015.

**SECOND:** Council Member Crisp

**VOTE:** Unanimous (3-0)

**ISSUES:**

**BUDGET IMPACT:**

None.



**OPTIONS:**

1. Council can approve the Appointment Committee Recommendations.
2. The Appointment Committee shall report on nominations received and reviewed, and make its appointment recommendations, if any. The Mayor shall then open the floor for nominations, whereupon the names of other possible appointees may be put forward by Council Members. The names submitted by the Committee and by individual Council Members may be debated. When the debate ends, the Mayor will call the roll of the members, and each member shall cast his or her vote. The nominee receiving the highest number of votes shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his or her votes and cast them for different nominees.

**RECOMMENDED ACTION:**

Move to appoint Mr. Wick Smith to fill the unexpired term of January 1, 2013, thru August 31, 2014, and appoint Ms. Lynne Greene to fill the unexpired term of January 1, 2013, thru August 31, 2015; on the Public Works Commission.

**ATTACHMENTS:**

Rule 31 - Appointments (Suggested Rules of Procedure for a City Council)

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### **Rule 31. Appointments**

The council may consider and make appointments to other bodies, including its own committees, if any, only in open session. The council may not consider or fill a vacancy among its own membership except in open session.

The mayor [shall not have a right to vote on appointments] [may vote on appointments] that come before the council.

Rather than proceeding by motion, the council shall use the following procedure to make appointments to various other boards and offices: [The appointment committee of the council shall report on nominations received and reviewed, and make its appointment recommendations, if any.] The mayor shall [then] open the floor for nominations, whereupon the names of [other] possible appointees may be put forward by the council members. The names submitted [by the committee and by individual council members] shall be debated. When the debate ends, the mayor shall call the roll of the members, and each member shall cast his or her vote.

[The nominee(s) receiving the highest number of votes shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his or her votes and cast them for different nominees.]

[The voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes in each balloting as there are slots to be filled, and votes from a majority of the members voting shall be required for appointment. During each balloting, a member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.]

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council  
**FROM:** Bart Swanson, Housing and Code Enforcement Division Manager  
**DATE:** December 10, 2012  
**RE:** **Uninhabitable Structures Demolition Recommendations**  
**1201 North Street**  
**1920 Powell Street**  
**1086 Strickland Bridge Road**  
**237 S. Windsor Drive**

---

### **THE QUESTION:**

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

### **RELATIONSHIP TO STRATEGIC PLAN:**

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

### **BACKGROUND:**

#### **1201 North Street**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on August 3, 2012. A hearing on the condition of the structure was conducted on September 19, 2012, in which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on September 20, 2012. To date there have been no repairs. The utilities to this structure have been disconnected since May 2002. In the past 24 months there has been 1 call for 911 service to the property. There have been 3 code violation cases with a pending assessment of \$147.10 for lot cleaning. The low bid for demolition is \$1,445.00.

#### **1920 Powell Street**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on June 12, 2012. A hearing on the condition of the structure was conducted on September 5, 2012, in which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on September 6, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since August 2010. In the past 24 months there have been 59 calls for 911 service to the property. There have been 7 code violation cases with pending assessments of

\$3, 111.75 for lot cleaning and securing of the structure. The low bid for demolition is \$1,400.00.

#### **1086 Strickland Bridge Road**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a dangerous structure on June 22, 2012. A hearing on the condition of the structure was conducted on July 12, 2012, in which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on July 13, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since March 2011. In the past 24 months there have been 19 calls for 911 service to the property. There have been 4 code violation cases with a pending assessment of \$387.88 for lot cleaning. The low bid for demolition is \$3,200.00.

#### **237 S. Windsor Drive**



The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on July 30, 2012. A hearing on the condition of the property was conducted on August 15, 2012, in which the owner did not appear. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on August 16, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since March 2008. In the past 24 months there have been 13 calls for 911 service to the property. There have been 4 code violation cases with pending assessments of \$1,517.43 for lot cleanings. The low bid for demolition is \$1,500.00.

**ISSUES:**

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

**BUDGET IMPACT:**

The demolition of these structures will be \$7,500.00; there will be additional costs for asbestos testing and abatement if needed.

**OPTIONS:**

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

**RECOMMENDED ACTION:**

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

**ATTACHMENTS:**

Aerial Map-- 1201 North Street

Docket-- 1201 North Street

Ordinance-- 1201 North Street

1201 North Street-- Photo 1

1201 North Street-- Photo 2

1201 North Street-- Photo 3

1201 North Street-- Photo 4

1201 North Street-- Photo 5

Aerial Map-- 1920 Powell Street

Docket-- 1920 Powell Street

Ordinance-- 1920 Powell Street

1920 Powell Street-- Photo 1

1920 Powell Street-- Photo 2

1920 Powell Street-- Photo 3

1920 Powell Street-- Photo 4

1920 Powell Street-- Photo 5

Aerial Map-- 1086 Strickland Bridge Road

Docket-- 1086 Strickland Bridge Road

Ordinance-- 1086 Strickland Bridge Road

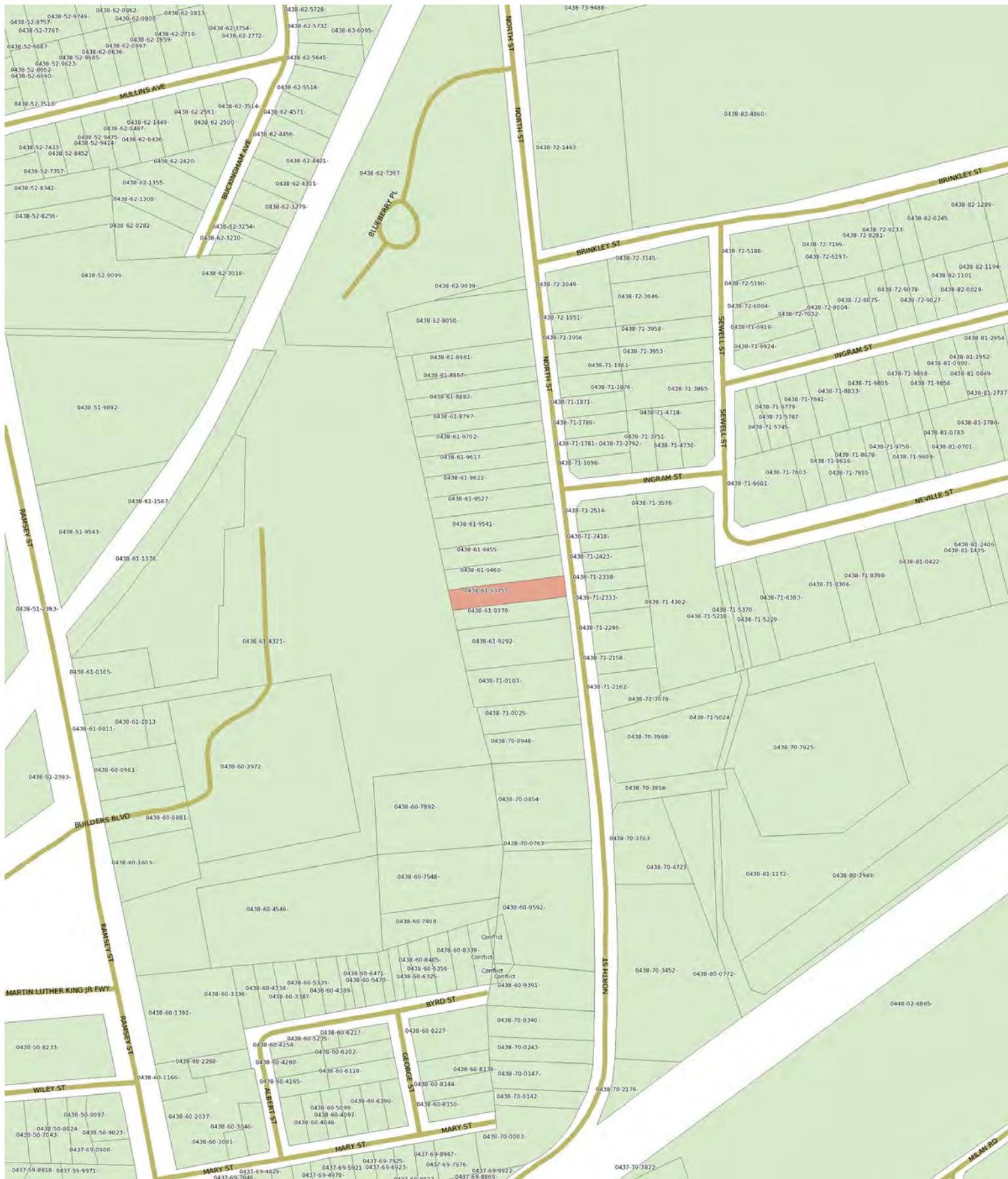
1086 Strickland Bridge Road-- Photo 1

1086 Strickland Bridge Road-- Photo 2

1086 Strickland Bridge Road-- Photo 3  
1086 Strickland Bridge Road-- Photo 4  
1086 Strickland Bridge Road-- Photo 5  
1086 Strickland Bridge Road-- Photo 6  
Aerial Map-- 237 S. Windsor Drive  
Docket-- 237 S. Windsor Drive  
Ordinance-- 237 S. Windsor Drive  
237 S. Windsor Drive-- Photo 1  
237 S. Windsor Drive-- Photo 2  
237 S. Windsor Drive-- Photo 3  
237 S. Windsor Drive-- Photo 4  
237 S. Windsor Drive-- Photo 5  
Scott- CC Meeting-- Demolition Presentation

# Current Parcel: 0438-61-9375-

Address: 1201 North St Fayetteville, NC (0438-61-9375-)



0 100 200 Feet  
0 100 200 Meters



TO: Mayor  
City Council Members  
City Manager  
City Attorney

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

<b>Location</b>	<b>1201 North Street</b>
<b>Property Owner(s)</b>	Racine Marlyce Lowery      Rahway, NJ
<b>Date of Inspection</b>	August 3, 2012
<b>Date of Hearing</b>	September 19, 2012
<b>Finding/Facts of Scheduled Hearing</b>	Notice to repair/demolish the structure within 60 days mailed September 20, 2012
<b>Owner's Response</b>	None
<b>Appeal Taken (Board of Appeals)</b>	No
<b>Other</b>	Utilities disconnected since May 2002.
	Hearing was advertised in the Fayetteville Observer February 2012.
<b>Police Calls for Service (past 2 yrs)</b>	1

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

This is the 10th day of December, 2012.

*Frank Lewis, Jr.*

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

1201 North Street  
PIN 0438-61-9375

Beginning at a point in the western margin of North Street, the northeast corner of Lot No. 10 and the southeast corner of Lot No. 11, and running thence with the dividing line between Lots Nos. 10 and 11 South 35 degrees 26 minutes West 273.0 feet to a stake; thence North 10 degrees 19 minutes West 50.3 feet to the corner of Lot No. 13; thence with the dividing line between Lots Nos. 12 and 13 North 35 degrees 26 minutes East 275.5 feet to a stake in the western margin of North Street; thence with the western margin of North Street South 4 degrees 34 minutes East 60.0 feet to the point of beginning, being Lots Nos. 11 and 12 in the subdivision of part of Fairview as per plat by George H. Stuart C.E., dated November 1943 and recorded in Book of Plats 10, Page 68 in the office of the Register of Deeds for Cumberland County, North Carolina.

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

Racine Marlyce Lowery  
c/o Carrington Group  
1092 St. Georges Ave  
Rahway, NJ 07065

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before November 20, 2012.

- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:
- None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,445.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

#### SECTION 1

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

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

#### SECTION 2

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

#### SECTION 3

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

Adopted this \_\_ 10th \_\_\_\_\_ day of \_\_ December \_\_\_\_\_, 2012.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony Chavonne, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk





DANGER





8-4-5-1





8-4-6-1





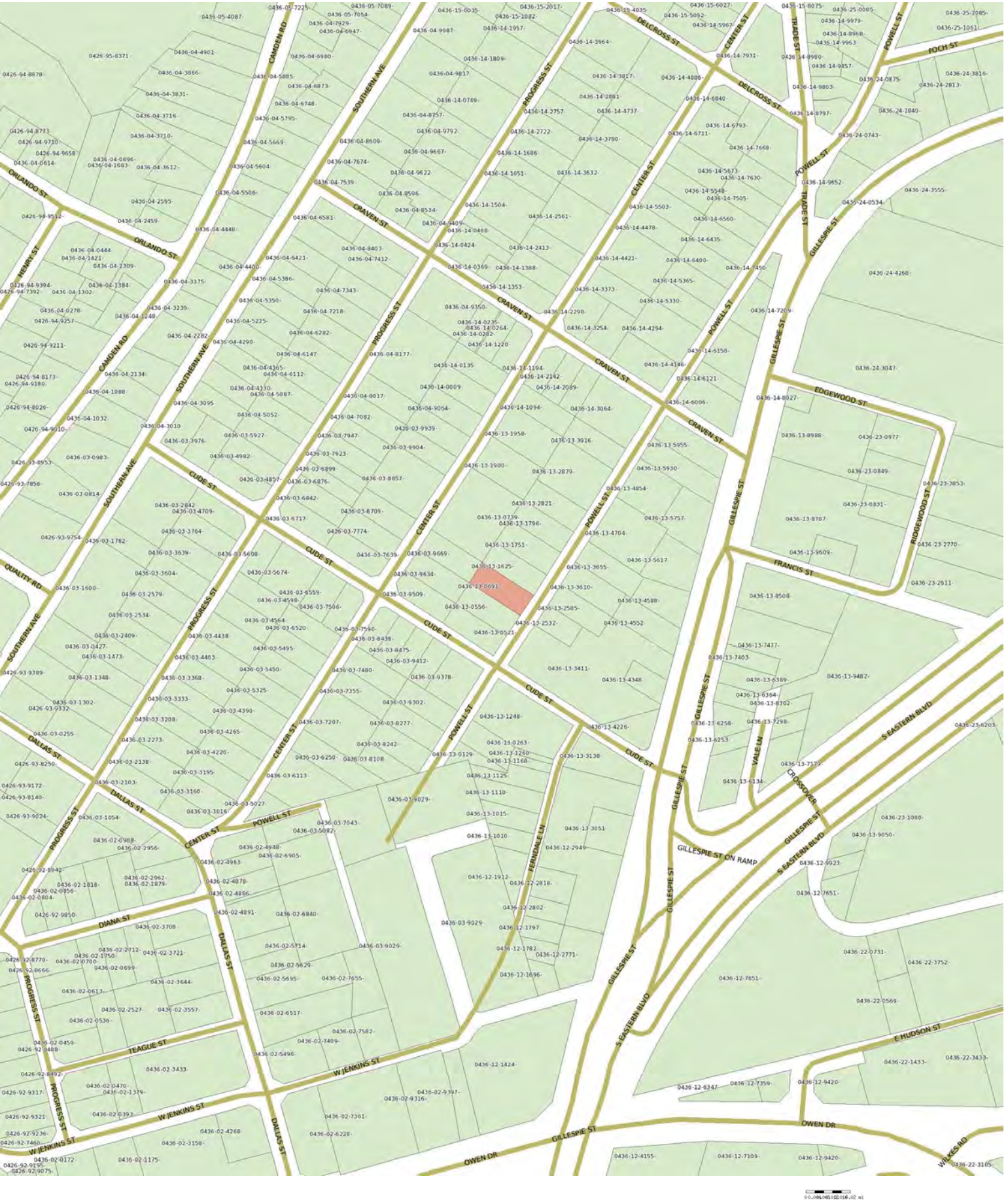




8-4-8-1



Current Parcel: 0436-13-0691-  
Address: 1920 Powell St Fayetteville, NC (0436-13-0691-)





TO: Mayor  
City Council Members  
City Manager  
City Attorney

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

<b>Location</b>	<b>1920 Powell Street</b>
<b>Property Owner(s)</b>	Latif Tariq Troy, AL
<b>Date of Inspection</b>	June 12, 2012
<b>Date of Hearing</b>	September 5, 2012
<b>Finding/Facts of Scheduled Hearing</b>	Notice to repair/demolish the structure within 60 days mailed September 6, 2012
<b>Owner's Response</b>	None
<b>Appeal Taken (Board of Appeals)</b>	No
<b>Other</b>	Utilities disconnected since August 2010.
	Hearing was advertised in the Fayetteville Observer August 2012.
<b>Police Calls for Service (past 2 yrs)</b>	59

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

This is the 10th day of December, 2012.

*Frank Lewis, Jr.*

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

1920 Powell Street  
PIN 0436-13-0691

BEING all of Lot 20, Block 13, in a subdivision known as David W. Ayer Property, according to a plat of the same duly recorded in Book of Plats 10, Page 32, Cumberland County Registry, North Carolina.

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

Latif Tariq  
PO Box 1301  
Troy AL 36081-1301

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before November 6, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,400.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

#### SECTION 1

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

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

#### SECTION 2

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

#### SECTION 3

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

Adopted this \_\_\_\_10th\_\_\_\_ day of \_\_\_\_December\_\_\_\_, 2012.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony Chavonne, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk

















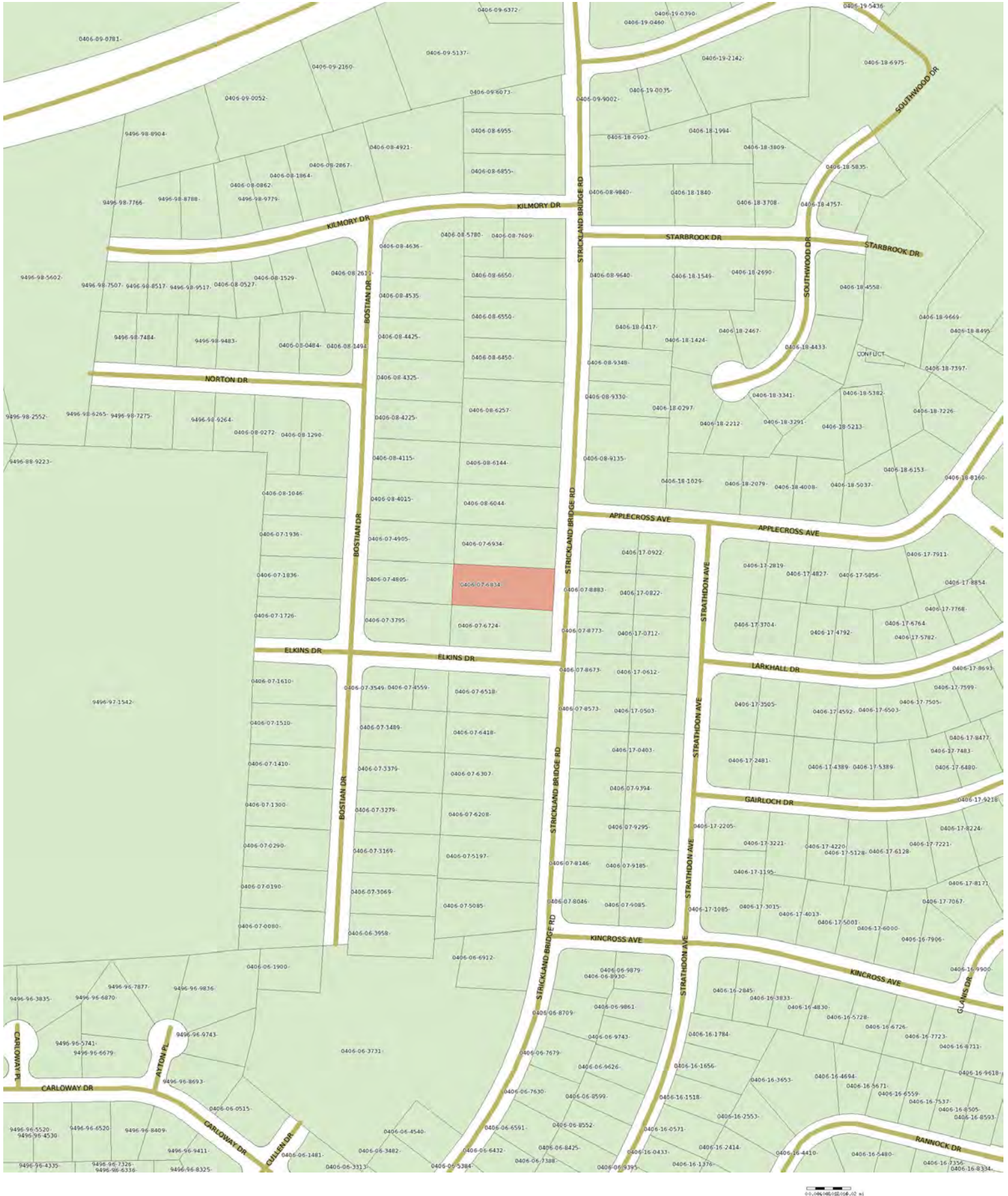






**Current Parcel: 0406-07-6834-**

Address: 1086 Strickland Bridge Rd Fayetteville, NC (0406-07-6834-)





TO: Mayor  
City Council Members  
City Manager  
City Attorney

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

<b>Location</b>	<b>1086 Strickland Bridge Road</b>
<b>Property Owner(s)</b>	Joseph Ray Wright and Spouse APO AE
<b>Date of Inspection</b>	June 22, 2012
<b>Date of Hearing</b>	July 12, 2012
<b>Finding/Facts of Scheduled Hearing</b>	Notice to repair/demolish the structure within 60 days mailed July 13, 2012
<b>Owner's Response</b>	None
<b>Appeal Taken (Board of Appeals)</b>	No
<b>Other</b>	Utilities disconnected since March 2011.
	Hearing was advertised in the Fayetteville Observer July 2012.
<b>Police Calls for Service (past 2 yrs)</b>	19

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

This is the 10th day of December, 2012.

*Frank Lewis, Jr.*

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

1086 Strickland Bridge Road  
PIN 0406-07-6834

BEING all of Lots No.39 and 40 in a Subdivision known as Arran Parks, according to a plat of same duly recorded in Book of Plats 16, Page 48, Cumberland County Registry, North Carolina.

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

Joseph Ray Wright and Spouse  
CMR 417 Box 5648  
APO AE 09075-0007

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before October 13, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$3,200.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

#### SECTION 1

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

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

#### SECTION 2

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

#### SECTION 3

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

Adopted this \_\_\_\_10th\_\_\_\_ day of \_\_\_\_December\_\_\_\_, 2012.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony Chavonne, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk





1086

DANGER









8-4-22-1













8-4-25-1



# Current Parcel: 0438-31-6260-

Address: 237 Windsor Dr S Fayetteville, NC (0438-31-6260-)



TO: Mayor  
City Council Members  
City Manager  
City Attorney

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

<b>Location</b>	<b>237 S. Windsor Drive</b>
<b>Property Owner(s)</b>	Oscar C Brady Heirs Hope Mills, NC
<b>Date of Inspection</b>	July 30, 2012
<b>Date of Hearing</b>	August 15, 2012
<b>Finding/Facts of Scheduled Hearing</b>	Notice to repair/demolish the structure within 60 days mailed August 16, 2012
<b>Owner's Response</b>	None
<b>Appeal Taken (Board of Appeals)</b>	No
<b>Other</b>	Utilities disconnected since March 2008.
	Hearing was advertised in the Fayetteville Observer August 2012.
<b>Police Calls for Service (past 2 yrs)</b>	13

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

This is the 10th day of December, 2012.

*Frank Lewis, Jr.*

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

237 S. Windsor Drive  
PIN 0438-31-6260

BEING all of Lot 19 in a subdivision known as Windsor Terrace as per a plat of the same duly recorded in Book of Plats 9, Page 74, Cumberland County Registry.

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

Oscar C. Brady Heirs  
4705 Kirk Shaw Road  
Hope Mills, NC 28348

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before October 16, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.



- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,500.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

#### SECTION 1

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

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

#### SECTION 2

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

#### SECTION 3

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

Adopted this \_\_\_\_10th\_\_\_\_ day of \_\_\_\_December\_\_\_\_, 2012.

CITY OF FAYETTEVILLE

BY: \_\_\_\_\_  
Anthony Chavonne, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Megill, City Clerk











8-4-31-1











# **Uninhabitable Structure Demolition Recommendations**

**Four un-occupied residential dwellings  
determined to constitute blight or to be  
dangerous**

**None of these properties are historic**

# 1201 North Street

- **Utilities disconnected as of May 2002**
- **1 call for 911 Service – last 24 months**
- **3 code violations – last 24 months**
- **\$147.10 outstanding City assessments for lot cleaning**
- **No response to the Acquisition & Demolition Program**
- **No outstanding taxes**
- **Demolition cost - \$1,445.00**

















8-4-34-6





8-4-34-7

# 1920 Powell Street

- **Utilities disconnected as of August 2010**
- **59 calls for 911 Service – last 24 months**
- **7 code violations – last 24 months**
- **\$3,111.75 in outstanding City assessments for lot cleaning & securing**
- **Not eligible for the Acquisition & Demolition Program**
- **\$598.37 outstanding taxes**
- **Demolition cost - \$1,400.00**















8-4-34-11





8-4-34-12





8-4-34-13

# 1086 Strickland Bridge Road

- **Utilities disconnected as of March 2011**
- **19 calls for 911 Service – last 24 months**
- **4 code violation – last 24 months**
- **\$387.88 outstanding City assessments for lot cleaning**
- **Not eligible for the Acquisition & Demolition Program**
- **No outstanding taxes**
- **Demolition cost - \$3,200.00**











8 - 4 - 34 - 16



8-4-34-17





8 - 4 - 34 - 18





8-4-34-19



8-4-34-20



# 237 S. Windsor Drive

- **Utilities disconnected as of March 2008**
- **13 calls for 911 Service – last 24 months**
- **4 code violation – last 24 months**
- **\$1,517.43 outstanding City assessments for lot cleaning**
- **Not eligible for the Acquisition & Demolition Program**
- **\$1,517.43 outstanding taxes**
- **Demolition cost - \$1,500.00**









8-4-34-23





8 - 4 - 34 - 24









## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Patricia C. Bradley, Police Attorney  
**DATE:** December 10, 2012  
**RE:** **Rental Action Management Program (RAMP)**

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**THE QUESTION:**

Should the City Council amend Appendix A of the RAMP ordinance to more appropriately reflect the type of criminal activity the program is aimed at addressing?

**RELATIONSHIP TO STRATEGIC PLAN:**

Greater Community Unity - Pride in Fayetteville  
Growing City, Livable Neighborhoods - A Great Place to Live

**BACKGROUND:**

On February 27, 2012 the City Council adopted the RAMP ordinance. During the implementation period, staff has identified areas of concern with the original ordinance which will require amendment before identifying the top 10% of residential rental properties eligible for entry into the program.

**ISSUES:**

As written, Appendix A lists criminal offenses where the rental occupants are in fact the victims of crime. The goal is to amend the ordinance by removing those identified offenses and adding others. This change will more accurately reflect the crimes which the tenant either commits or has the control of, or authority over, the property to prevent, as opposed to listing offenses for which they are victims.

**BUDGET IMPACT:**

None.

**OPTIONS:**

1. Adopt the amendments to the ordinance, with an immediate effective date.
2. Reject the ordinance amendments as presented and provide direction to staff.

**RECOMMENDED ACTION:**

Staff recommends that City Council move to adopt the ordinance amending Chapter 14, Housing, Dwelling, and Buildings; Article V. Rental Action Management Program, with an immediate effective date.

**ATTACHMENTS:**

RAMP - Ordinance Amendment  
RAMP - Appendix A (Strike Out)  
RAMP - Power Point Presentation



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING CHAPTER 14, HOUSING, DWELLING, AND BUILDINGS, ARTICLE V.  
RENTAL ACTION MANAGEMENT PROGRAM, OF THE CODE OF ORDINANCES  
OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

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

**Section 1.** Section 14-96, Disorder Activity, under Article V, is amended by deleting Appendix A in its entirety and adopting the revised Appendix A and Appendix B as Section 14-118, Appendices.

**Section 2.** 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 or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
ANTHONY G. CHAVONNE, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA MEGILL, City Clerk

## APPENDIX A

UCR Code	Offense Description	Point Value
0110	Homicide	4
0120	Homicide Negligence	4
0300	Robbery	3
0410	Aggravated Assault	3
0410	Aggravated Assault-Officer	3
0410	All Other	3
0510	Burglary-Force Entry-Res-HOMEINVS	2
0810	Assault-Simple Physical	2
0820	All Other-Communicating Threats	1
0890	Assault-Physical Officer	2
0890	Simple Assault-All Other	2
1310	Buying/Receiving Stolen Property	2
1330	Possessing/Concealing Stolen Property	2
1530	Possessing/Concealing Weapons	2
1550	Using Weapons (Illegal Discharge)	3
1610	Prostitution	1
1810	Drug/Narcotic Violations	3
1820	Drug Law-False Representation	3
1831	Drug Equipment/Paraphernalia-Buying	3
1832	Drug Equipment/Paraphernalia-Manufacturing	3
1833	Drug Equipment/Paraphernalia-Selling	3
1834	Equipment/Paraphernalia-Possessing	1
1835	Drug Law-Equipment/Paraphernalia Transport	1
1836	Drug Law-Equipment/Paraphernalia/Using	1
1890	Drugs All Other	3
1890	Possession with the Intent to Sell Prescription Pills	3
1890	Possession of Pills	3
1890	Trafficking Pills	3
1920	Gambling-Betting Wagering	1
1990	All Other Gambling	1
2211	Selling/Distributing Tax Paid Liquor	1
2212	Possessing/Concealing Tax Paid Liquor	1
2213	Liquor Law-Transport Tax Paid	1
2214	Using/Consuming Tax Paid Liquor	1
2220	Liquor Law-Buy/Receive Non-Tax Paid	1
2221	Liquor Law-Sell Distributing Non-Tax Paid	1
2222	Liquor Law-Possession/Conceal Non-Tax Paid	1
2223	Liquor Law Transport Non-Tax Paid	1
2224	Liquor Law-Use/Consume Non-Tax Paid	1
2225	Liquor Law-Manufacture Non-Tax Paid	1
2230	Liquor Law-Illegal Sale to Minor	1
2240	Liquor Law-Sale Outside Prescribed Hours	1
2250	Liquor Law-Sale without License	1
2290	Liquor Law-All Other	1
2410	Disorderly Conduct	2



2420	Disturbing the Peace	2
2430	Fighting (Affray)	2
2440	Unlawful Assembly	2
2450	Drunk and Disruptive	2
2660	Parole & Probation Violations	3
2680	City Ordinance Violations	1
2690	City Ordinance Violations	1
2690	Resist, Obstruct, Delay	1
2690	All Other-All Other	1

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2690	All Other-All Other	1

# RAMP Rental Action Management Program

12-10-2012

433 Hay Street  
Fayetteville, NC 28301  
[www.cityoffayetteville.org](http://www.cityoffayetteville.org)  
[facebook.com/cityoffayetteville](https://facebook.com/cityoffayetteville)  
Twitter @CityOfFayNC



City of  
*Fayetteville*  
North Carolina



# Background



The current ordinance was adopted by Council on February 27, 2012 and took effect on July 1, 2012.





# Current Progress

ACM Bauer met with staff members in November to discuss RAMP implementation which is progressing consistent with the implementation plan shared with Council in February. The code enforcement qualification process is well underway . Police staff identified a few refinements to the ordinance to be brought before Council during the December 10th Council meeting.







# RAMP Triggers

## Criminal Activity

- Rental ?
- Top 10% of crime Incidents using a weighted criteria, as compared to similarly sized rental properties
- Requires development of action plan to reduce crime



- 6 months/1 year for Crime
- 1 year for Code Violations
- Further violations may prevent Owner from renting for 1 year

## Code Violations

- Rental ?
- 3+ code violations in a 12 month period
- Code Violation
  - Abandoned Car
  - Trash or debris
  - Damage to home or surrounding property

City of  
*Fayetteville*  
North Carolina

# Implementation Phase



During the implementation period, staff identified crimes listed in Appendix A which should be amended to more accurately reflect the type of crimes that RAMP is designed to address.





# Proposed Changes



Delete crimes where the tenant is the “true” victim– for example, burglaries, motor vehicle theft and sexual assault.



# Proposed Changes



Add crimes that the tenant commits and or can prevent others from committing on the property that they have control over such as various drug offenses.



# Recommendation



Amend the Appendix  
regarding criminal offenses.

