



FAYETTEVILLE CITY COUNCIL
AGENDA
SEPTEMBER 9, 2013
7:00 P.M.
Council Chamber

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 Airport - Approve 2013 FAA Grant #41 - Runway 4/22 Paved Shoulders, Capital Project Ordinance #2014-12, and Barnhill Construction

6.2 NCDOT request City support to proceed with a safety project funding application.

6.3 Budget Ordinance Amendment 2014-1 (Away from Home Recycling Education Grant)

6.4 Contract Award for Connect Program (Advanced Metering Infrastructure Program)

6.5 Approve Meeting Minutes:

August 12, 2013 Regular Meeting
August 26, 2013 Discussion of Agenda Items
August 28, 2013 Special Meeting

6.6 Parks and Recreation - NCDOT Agreement for Big Cross Creek Multi-Use Trail and Special Revenue Fund Project Ordinance 2014-7

- 6.7 NCDOT Right-of-Way Claim; Reference TIP R-2303A (Hwy NC-24 Widening)
- 6.8 NCDOT Right-of-Way Claim; Reference W-5206I (Cumberland Road/Camden Road/Southern Avenue)
- 6.9 PWC - Bid Recommendation to Award Contract for Annexation Phase V – Project VI, Area 14 – Arran Hills/Winter Park
- 6.10 A Resolution to recognize the service of Mr. Ellis Hankins, NCLM Executive Director.
- 6.11 Special Revenue Fund Project Ordinance 2014-6 (Community Gardens Project)
- 6.12 Tax Refunds Greater Than \$100

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 Amend City Code Chapter 30, to add commercial and mixed use districts to those eligible to use sustainable development incentives.
Presenter(s): Karen S. Hilton, AICP, Manager, Planning and Zoning
- 7.2 Amendment to the City Code to allow certain public or cultural projects to propose an alternative signage plan for sites smaller than ten acres
Presenter(s): Karen S. Hilton, Manager, Planning and Zoning
- 7.3 Amendment to City Code Chapter 30 to correct and clarify transition standards affecting balconies and open / active areas adjacent to single family development
Presenter(s): Karen S. Hilton, AICP, Manager, Planning and Zoning

8.0 OTHER ITEMS OF BUSINESS

- 8.1 Resolution Strengthening City Council Oversight Regarding the Public Works Commission

Presenter(s): Theodore L. Voorhees, City Manager

9.0 ADMINISTRATIVE REPORTS

- 9.1 Tax Refunds of Less Than \$100

10.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING CITY COUNCIL MEETING

PROCEDURESPEAKING 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

September 9 - 7:00 p.m. FAY TV 7

COUNCIL MEETING WILL BE rebroadcast various times during the week on FayTV7.

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

CITY COUNCIL ACTION MEMO

TO:

FROM:

DATE: September 9, 2013

RE:

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: Bradley S. Whited, Airport Director
DATE: September 9, 2013
RE: **Airport - Approve 2013 FAA Grant #41 - Runway 4/22 Paved Shoulders, Capital Project Ordinance #2014-12, and Barnhill Construction**

THE QUESTION:

How do we keep the Airport running safely and efficiently?

RELATIONSHIP TO STRATEGIC PLAN:

Goal #2 - Strong, diverse and viable local economy.

BACKGROUND:

The FAA has programmed federal airport improvement funds to support installation of paved shoulders for Fayetteville Regional Airport as part of its approved five year capital improvement program. This project will add 20 feet of pavement edge to the airport's primary runway.

ISSUES:

The FAA is requiring the City to sign the grant before September 17, 2013. We are awaiting a copy of the grant offer, and have attached a copy of the grant application as backup. We are asking City Council to authorize the City Manager to sign the grant (\$3,791,677.00) and Barnhill Contract (\$3,869,381.00), contingent upon receipt of the FAA Grant.

BUDGET IMPACT:

The project budget is as follows;

1. Construction Contract (Barnhill)	\$3,857,881.00
2. Engineering CA, RPR, QA	\$ 355,094.00
3. Airport Admin. Costs	
a. Const/ Cost (Barnhill)	\$ 11,500.00
b. DBE goals	5,000.00
c. Independent Fee estimate	2,000.00
4. TOTAL	\$ 4,231,475.00
Federal Share (90%)	\$3,791,677.00
Airport Share (10%)	421,298.00
Airport Admin (100%)	18,500.00
 TOTAL	 \$4,231,475.00

OPTIONS:

Approve authorization to sign FAA grant #41, adopt Capital Project Ordinance 2014-12, and authorize signature of Barnhill contract.

RECOMMENDED ACTION:

Staff recommends that Council move to sign FAA grant #41, and adopt Capital Project Ordinance 2014-12, and to authorize the City Manager to sign the Barnhill contract.

ATTACHMENTS:

AIP APP #41
CPO 2014-12 AIP 41
Barnhill AIP 41

APPLICATION FOR
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION		2. DATE SUBMITTED 08/23/2013	Applicant Identifier
Application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		3. DATE RECEIVED BY STATE	State Application Identifier
Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		4. DATE RECEIVED BY AGENCY	Federal Identifier 3-37-0021-041 FY 2013
5. APPLICANT INFORMATION			
Legal Name:		Organizational Unit:	
City of Fayetteville, North Carolina		Department: Fayetteville Regional Airport	
Organizational DUNS: 78462538		Division:	
Address:		Name and telephone of person to be contacted on matters involving this application (give area code)	
Street: 400 Airport Road, Suite #1		Prefix: Mr.	First Name: Bradley
City: Fayetteville		Middle Name: S.	
County: Cumberland		Last Name: Whited	
State: NC		Suffix: AAE	
Zip Code: 28306		Email: bwhited@ci.fay.nc.us	
Country: United States		Phone Number (give area code)	
6. EMPLOYER IDENTIFICATION NUMBER (EIN):		Fax Number (give area code)	
5 6 - 6 0 0 1 2 2 6		(910) 433 - 1160 (910) 433 - 1765	
8. TYPE OF APPLICATION		7. TYPE OF APPLICANT (See back of form for Application Types)	
<input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.)		C - Municipal	
Other (specify)		Other (Specify)	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NO.		9. NAME OF FEDERAL AGENCY:	
2 0 - 1 0 6		Federal Aviation Administration	
TITLE (Name of Program): Airport Improvement Program		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:	
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):		1. Construct Runway 4/22 Paved Shoulders	
City of Fayetteville, Cumberland County, North Carolina			
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project
09/01/2013	09/30/2015	7th	7th
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$ 3,791,677. ⁰⁰	a. YES. <input type="checkbox"/>	
b. Applicant	\$. ⁰⁰	THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:	
c. State	\$. ⁰⁰	DATE : _____	
d. Local	\$ 421,298. ⁰⁰	b. NO. <input checked="" type="checkbox"/>	
e. Other	\$. ⁰⁰	PROGRAM IS NOT COVERED BY E.O. 12372	
f. Program Income	\$. ⁰⁰	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
g. TOTAL	\$ 4,212,975. ⁰⁰	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
		<input type="checkbox"/> Yes, If "Yes", attach an explanation <input checked="" type="checkbox"/> No	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Authorized Representative			
Prefix Mr.	First Name: Alvester	Middle Name: T.	
Last Name: Coleman		Suffix: AAE	
b. Title: Assistant Airport Director		c. Telephone: 910-433-1160	
d. Signature of Authorized Representative: <i>Alvester J. Coleman</i>		e. Date Signed: 8/23/13	

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Standard Form 424 (Rev 9-2003)
Prescribed by OMB Circular A-102

PROGRAM NARRATIVE – FY 2013 Application FAY

A. Project Description and Need

1. Construct – Runway 4/22 Paved Shoulders

The project includes the construction of paved shoulders for Runway 4/22. Recently, the airport added paved shoulders along the parallel taxiway (Taxiway A) and the associated stub taxiways. Adding paved shoulders along the runway will bring the runway environment into fuller compliance with design standards. The soils at FAY are clean droughty sands; turf establishment and maintenance is difficult, particularly along the pavement edges where the combined effects of runoff and jet blast cause erosion and disturbance to the vegetation. The addition of paved shoulders will reduce the risk of damage to aircraft finishes and engines from airborne soil particles. The existing turf shoulders require frequent maintenance to keep the pavement edge drop within standards. The paved shoulders will be 25-foot wide in accordance with AC 150-5300-13A standards for C-III aircraft weighing over 150,000 pounds.

The availability of Runway 4/22 is critical to air carrier operations at FAY. Therefore, the project will be conducted at night, with the runway environment restored for opening each day.

B. Objectives

The objective of this project is to provide for safer aircraft operations at the Fayetteville Regional Airport. This project will help the Fayetteville Regional Airport meet the needs of the aviation community and to provide superior service to users of the airfield facilities.

C. Method of Accomplishment

A construction contract will be awarded on the basis of bids taken from private contractors, along with post-bid negotiations.

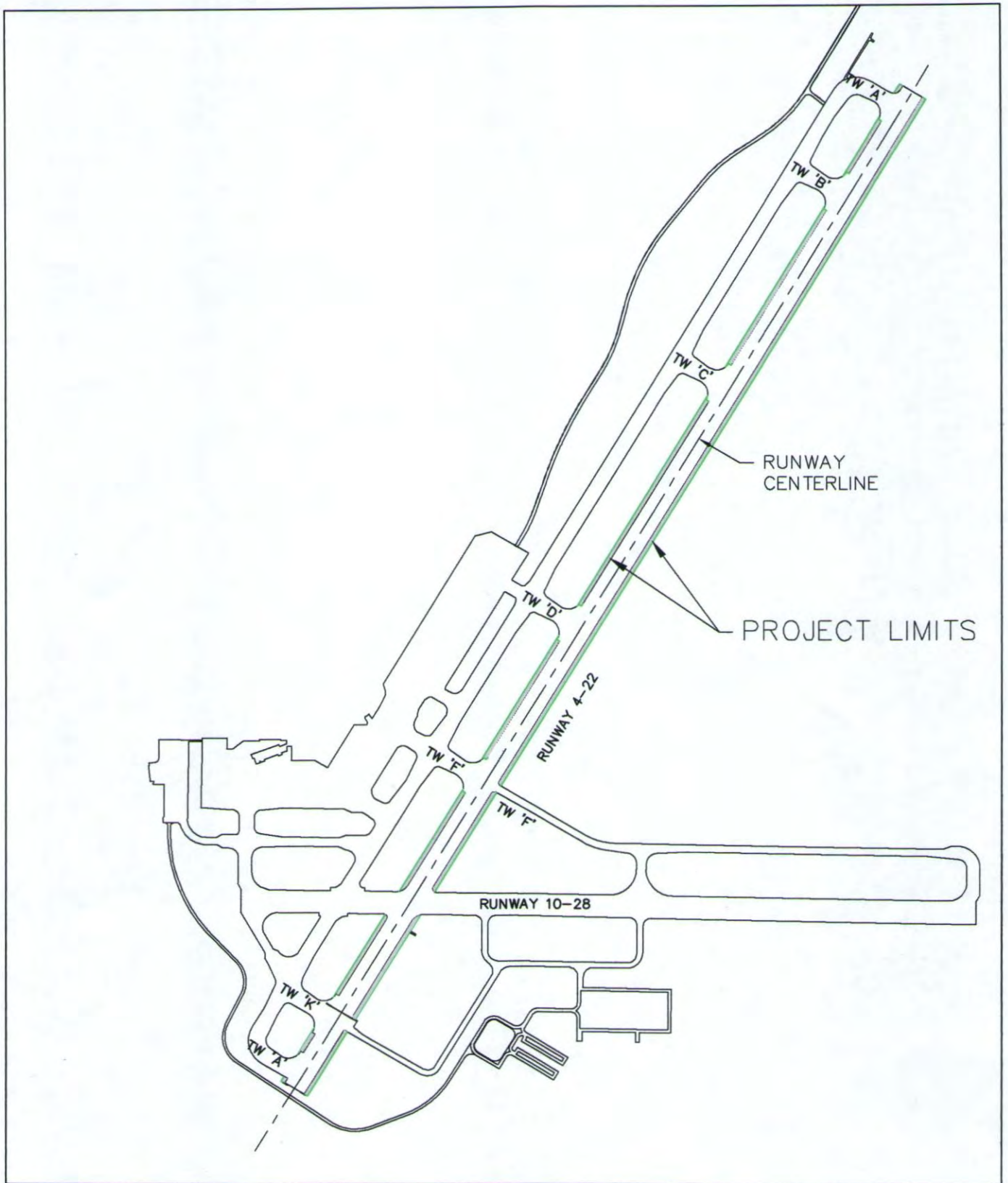
D. Benefits

Construction of this project will bring the Runway 4/22 environment into fuller compliance with FAA airport design and safety standards.

E. Project Budget

Construction Contract:	\$3,857,881.00
CA, RPR, QA:	<u>\$ 355,094.00</u>
Total:	\$4,212,975.00
Federal Share (90%):	\$3,791,677.00
Local Share (10%):	\$ 421,298.00

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FAYETTEVILLE REGIONAL AIRPORT
FAYETTEVILLE, NORTH CAROLINA
RUNWAY 4-22 PAVED SHOULDERS



CAPITAL PROJECT ORDINANCE
ORD 2014-12

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 capital project ordinance is hereby adopted:

Section 1. The authorized project includes construction of the 4/22 paved shoulders project, as authorized in the Federal Aviation Administration Project No. 41.

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

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

Federal Grant - Federal Aviation Administration	\$ 3,791,677
Local Match - Airport Operating Fund Transfer	<u>439,798</u>
	<u><u>\$ 4,231,475</u></u>

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

Project Expenditures	<u><u>\$ 4,231,475</u></u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

Adopted this 9th day of September, 2013.



**BARNHILL
CONTRACTING
COMPANY**
Southeast Division
1100 Robeson Street (28305)
Post Office Box 35376
Fayetteville, North Carolina 28303-5376
Off: (910) 488-1319 Fax: (910) 488-5673

www.barnhillcontracting.com

August 15, 2013

Talbert & Bright
4810 Shelby Drive
Wilmington, NC 28405

Attn: Eric M. Stumph, P.E.

Ref.: Runway 4-22 Paved Shoulder Project
Fayetteville Regional Airport

Dear Mr. Stumph,

This letter is in response to our discussions in reference to cost savings on the Fayetteville Regional Airport Runway 4-22 Shoulder Project. Below we have listed various items to reduce cost on the project.

1. Remove the liquidated/actual damages clause for the runway closure.
2. Increasing time allowance to 12:00 AM – 5:20 AM.
3. Reducing the surface depth on the S9.5B asphalt from 2" to 1.5".
4. Reducing temporary seeding quantity to cover a 10' shoulder along the runway if needed.
5. Project Earthwork – We repriced the channeling operation to include hauling off material to stockpile for the first 12.5' section only. The second 12.5' section to be channeled will be placed in a windrow by the milling machine along the outermost edge of the new B25.0B paved shoulder. In the same nights operation we use a motorgrader to spread the material on the new proposed shoulder not to be hauled off. Thus reducing the amount of material that will be needed to haul from the stockpile area to build shoulders at a later date.
6. We added an additional line item for shoulder borrow to cover additional material from the stockpile area that maybe needed to build shoulders that have a greater drop off than is required by the specifications.

Thank you,

BARNHILL CONTRACTING COMPANY
Southeast Division
Jason Hobson
Project Manager/Chief Estimator

Fayetteville Regional Airport
Runway 4-22 Paved Shoulders
TBI No. 2502-1104

Bidder: BARNHILL CONTRACTING COMPANY

Item #	Spec.	Description	Unit	Unit Price in Words	Quantity	Unit Price in Numerals	Extended Total
1	P-150	Mobilization	LS	Five Hundred Forty Eight Thousand Dollars & 00/100	1	\$ 530,000.00	\$ 530,000.00
2	P-150	Engineer's Field Office	Month	Three Thousand Five Hundred Dollars & 00/100	4	\$ 3,500.00	\$ 14,000.00
3	P-101	Bituminous Milling	SY	Seventeen Dollars & 00/100	500	\$ 17.00	\$ 8,500.00
4	P-101	Pavement Removal	SY	Twenty Five Dollars & 00/100	500	\$ 25.00	\$ 12,500.00
5	P-152	Project Earthwork	LS	Eight Hundred Fifty Four Thousand Dollars & 00/100	1	\$ 703,000.00	\$ 703,000.00
5A	P-152	Shoulder Borrow	CY	Twenty Five Dollars & 00/100	500	\$ 25.00	\$ 12,500.00
6	P-152	Undercut Excavation	CY	One Hundred Twenty Dollars & 00/100	500	\$ 120.00	\$ 60,000.00
7	P-156	Temporary Construction Entrance	Each	Three Thousand Five Hundred Dollars & 00/100	2	\$ 3,500.00	\$ 7,000.00
8	P-156	Temporary Seeding and Mulching	AC	Eight Hundred Dollars & 00/100	4.00	\$ 800.00	\$ 3,200.00
9	P-156	Temporary Silt Fence	LF	Two Dollars & 50/100	1,000	\$ 2.50	\$ 2,500.00
10	PMBP	Bituminous Pavement Surface Course - Type S9.5B Mix	Ton	One Hundred Thirty Five Dollars & 50/100	3,750	\$ 134.50	\$ 504,375.00
11	PMBP	Bituminous Pavement Base Course - Type B25.0B Mix	Ton	One Hundred Forty Four Dollars & 00/100	10,000	\$ 140.00	\$ 1,400,000.00
12	P-603	Bituminous Tack Coat	Gal	Item Deleted.			
13	T-901	Seeding	AC	One Thousand Six Hundred Dollars & 00/100	13.00	\$ 1,600.00	\$ 20,800.00
14	T-904	Bermuda Sodding	SY	Four Dollars & 50/100	6,800	\$ 4.50	\$ 30,600.00

Fayetteville Regional Airport
Runway 4-22 Paved Shoulders
TBI No. 2502-1104

Bidder: BARNHILL CONTRACTING COMPANY

Item #	Spec.	Description	Unit	Unit Price in Words	Quantity	Unit Price in Numerals	Extended Total
15	T-908	Mulching	AC	Five Hundred Dollars & 00/100	13.00	\$ 500.00	\$ 6,500.00
16	T-901	Watering	1000 Gal.	Eighty Seven Dollars & 00/100	530.00	\$ 87.00	\$ 46,110.00
17	P-620	Pavement Marking - First Application	SF	One Dollar & 60/100	2,000	\$ 1.60	\$ 3,200.00
18	P-620	Pavement Marking - Final Application	SF	Zero Dollars & 80/100	52,000	\$ 0.80	\$ 41,600.00
19	L-125	Electrical Demolition: This item includes all materials, labor, transportation, incidentals and services required for the demolition as shown in the Contract Documents. It is the intent of the demolition pay item that all equipment, devices, fixtures, wiring, materials, systems, appurtenances, concrete, etc., which are no longer required as a result of the project be removed	LS	Twenty Thousand Dollars & 00/100	1	\$ 20,000.00	\$ 20,000.00
20	L-108	No. 8 AWG L-824C Cable, Installed in Duct Bank or Conduit	LF	One Dollar & 70/100	20,000	\$ 1.70	\$ 34,000.00
21	L-108	No. 6 Bare Copper Counterpoise Wire, Installed in Trench, Duct Bank or Conduit, Including Ground Rods and Connectors	LF	Two Dollars & 30/100	20,000	\$ 2.30	\$ 46,000.00
22	L-108	3/4" x 10' Copper Clad Steel Ground Rods with Exothermic Welds	Each	One Hundred Fifty Dollars & 00/100	60	\$ 150.00	\$ 9,000.00
23	L-110	Electrical Conduit, 2" PVC-Schedule 40, Direct Buried	LF	Six Dollars & 25/100	1,000	\$ 6.25	\$ 6,250.00
24	L-110	Electrical Conduit, 2" PVC-Schedule 80, Direct Buried	LF	Six Dollars & 80/100	18,000	\$ 6.80	\$ 122,400.00
25	L-110	Extend Existing 1 Way, 2" PVC Duct, Concrete Encased, Including Duct, Split Duct (if required), and Connection to Existing Duct.	LF	Forty Four Dollars & 00/100	60	\$ 44.00	\$ 2,640.00
26	L-110	Extend Existing 2 Way 2" PVC Duct, Concrete Encased, Including Duct, Split Duct (if required), and Connection to Existing Duct.	LF	Sixty One Dollars & 00/100	60	\$ 61.00	\$ 3,660.00
27	L-110	Extend Existing 1 Way, 4" PVC Duct, Concrete Encased, Including Duct, Split Duct (if required), and Connection to Existing Duct.	LF	Fifty Four Dollars & 00/100	60	\$ 54.00	\$ 3,240.00
28	L-110	Extend Existing 2 Way 4" PVC Duct, Concrete Encased, Including Duct, Split Duct (if required), and Connection to Existing Duct.	LF	Sixty Seven Dollars & 00/100	60	\$ 67.00	\$ 4,020.00

Fayetteville Regional Airport
Runway 4-22 Paved Shoulders
TBI No. 2502-1104

Bidder: BARNHILL CONTRACTING COMPANY

Item #	Spec.	Description	Unit	Unit Price in Words	Quantity	Unit Price in Numerals	Extended Total
29	L-110	Extend Existing 4 Way 4" PVC Duct, Concrete Encased, Including Duct, Split Duct (if required), and Connection to Existing Duct.	LF	Ninety Dollars & 00/100	60	\$ 97.00	\$ 5,820.00
30	HDD	Directionally Bored Conduits (2-2" Conduits plus Counterpoise) Electrical Junction Cans, L-867 Class 1, 15" diameter, 24" Deep, with 1/2" galvanized steel blank cover and gasket secured with stainless steel bolts, installed in turf, complete with all incidentals. Align and level as required.	LF	Thirty Three Dollars & 50/100	800	\$ 33.50	\$ 26,800.00
31	L-115	Electrical Junction Cans, L-867 Class 1, 15" diameter, 24" Deep, Telescoping, with 1/2" galvanized steel blank cover and gasket secured with stainless steel bolts, installed in new asphalt pavement, complete with all incidentals. Align and level as required.	Each	Nine Hundred Fifty Three Dollars & 00/100	10	\$ 953.00	\$ 9,530.00
32	L-115		Each	One Thousand One Hundred Sixty Dollars & 00/100	4	\$ 1,160.00	\$ 4,640.00
33	L-125	Existing Electrical Handhole Structure Elevation Adjustment New L-867B Base Can: This item shall include all materials, labor, transportation and services required for the provision of a new 12" diameter x 24" high telescoping galvanized base can with internal and external grounding lugs, ground rod, complete with concrete encasement, light base ground and counterpoise connections, asphalt coating, and concrete surface ring. The item shall include re-installation of the existing runway light fixture and transformer (relocated), new gaskets and all incidental hardware for a complete and operational installation.	Each	Nine Hundred Eighty Two Dollars & 00/100	6	\$ 982.00	\$ 5,892.00
34	L-125		Each	One Thousand Two Hundred Eighty Dollars & 00/100	90	\$ 1,280.00	\$ 115,200.00
35	L-125	Adjust Existing L-867B Telescoping Base Can to Grade: This item shall include all materials, labor, transportation and services required to adjust the existing telescoping galvanized base can with existing internal and external components. The item shall include all incidental hardware for a complete and operational installation.	Each	Nine Hundred Eighty Two Dollars & 00/100	2	\$ 982.00	\$ 1,964.00
36	L-125	Duct or Cable Marker Adjustment: This item shall include all materials, labor, transportation and services required to reset or replace existing concrete duct markers and cable markers to accommodate asphalt shoulder construction. Markers shall be set flush with finished grade. The item applies to markers affected by grading operations and markers which lie within the footprint of shoulder paving. The item includes asphalt cutting, concrete, hand excavation, etc.	Each	Two Hundred Forty Dollars & 00/100	6	\$ 240.00	\$ 1,440.00

Fayetteville Regional Airport
Runway 4-22 Paved Shoulders
TBI No. 2502-1104

Bidder: **BARNHILL CONTRACTING COMPANY**

Item #	Spec.	Description	Unit	Unit Price in Words	Quantity	Unit Price in Numerals	Extended Total
37	L-125	Temporary Runway Lights and Cables: This item shall include all materials, labor, equipment, transportation and services required to furnish, install, re-install and remove plate mounted HIRL runway lights complete with isolation transformers and various lenses; temporary airfield lighting cables; and all incidental items as required to provide for a fully functional HIRL and lighted sign system each and every day at the close of the work shift. Materials shall be furnished in quantities sufficient to handle shoulder construction phasing, but shall include no less than 12 new light fixtures and transformers. No separate measurement or payment will be made for light fixtures, cables (including temporary jumpers for lighted signs). The item shall include all labor, equipment and materials for all temporary lighting work and electrician support during excavation and paving operations.	LS	Twenty Nine Thousand Dollars & 00/100	1	\$ 29,000.00	\$ 29,000.00
				Contract Time: See Project Special Provisions	Total	\$ 3,857,881.00	
				Liquidated Damages: See Project Special Provisions	Bid		

Bid Alternate Items (Non-AIP):

Bid Alternate #1

38	SGC-3	Provide Additional Insured Party (City of Fayetteville) Coverage on CGL Policy.		LS	1	\$ 1,500.00	\$ 1,500.00
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Bid Alternate #2

39	SGC-3	Provide Owner's and Contractor's Protective Liability Insurance Coverage (City of Fayetteville)		LS	1	\$ 10,000.00	\$ 10,000.00
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CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rus Thompson, PE Engineering and Infrastructure Director
DATE: September 9, 2013
RE: **NCDOT request City support to proceed with a safety project funding application.**

THE QUESTION:

This is a request from NCDOT seeking a resolution of support to move forward with requesting this section of Bragg Boulevard for a median safety project.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods-A Great Place To Live

BACKGROUND:

- NCDOT would like to request High Hazard Elimination project funding to improve safety along Bragg Boulevard from US 401 Martin Luther King, Jr. Freeway to Glenville Avenue.
- If it is selected for funding, NCDOT will use notices and public meetings to engage citizens, property owners and business owners along this corridor to minimize any undesired impacts.

ISSUES:

The City is simply being asked by NCDOT to pass a resolution in support for the project request..

BUDGET IMPACT:

N/A

OPTIONS:

- Approve the attached supporting resolution
- Reject the attached resolution
- Revise and amend the resolution for support

RECOMMENDED ACTION:

Approve the attached supporting resolution

ATTACHMENTS:

NCDOT letter
Resolution
Area Map



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

August 19, 2013

Mr. R. W. Thompson, P.E., P.T.O.E
Director of Engineering and Infrastructure
433 Hay Street
Fayetteville, NC 28301

Dear Mr. Thompson:

The purpose of this letter is to request support from the City of Fayetteville for a safety project proposed by the North Carolina Department of Transportation (NCDOT) for NC 24-87 (Bragg Boulevard) in Cumberland County. The limits of the project are from US 401 (MLK Boulevard) westward to just west of Glenville Avenue. Additionally, the proposed project includes a section of NC 24 (Rowan Street) from Ramsey Street/ Green Street westward to Ray Avenue. As you are aware, funded bridge project B-4490 will realign existing Rowan Street with Bragg Boulevard at the Murchison Road intersection. B-4490 is currently scheduled to begin construction in December of 2015. This proposed project combined with B-4490, the funded safety project at Barrington Cross Street that will prevent direct side street left turns, and the Grove Street median project will complete needed safety and operational improvements along this corridor.

Recommendations for safety improvements along this section of Bragg Boulevard were developed following the completion of a safety investigation by NCDOT. The investigation identified 191 total collisions over a 5 year time period, including two fatal crashes and 58 non-fatal injury crashes. A number of these collisions involved motorists turning left from and onto Bragg Boulevard from side streets and driveways.

As a result of our investigation, NCDOT is recommending the construction of a median to replace the existing two way left turn lane on Bragg Boulevard and Rowan Street in the identified sections. Local and national studies show an improvement in safety and traffic flow following the conversion of this type of roadway to a median divided facility. Preliminary results from the recently completed Ramsey Street median project indicate a 40 to 50 percent reduction in total crashes. Left turn and angle type collisions at non-signalized intersections and driveways have been almost completely eliminated.

The proposed project would allow for the installation of median plantings. This would improve the appearance of the roadway and contribute to a more appealing overall "streetscape" for this section of Bragg Boulevard and Rowan Street.

Cost estimates are still being finalized, however due to the severity and number of crashes we anticipate that the project would compete well for Federal Highway Safety Improvement Program (HSIP) funding. If selected for funding, NCDOT will use notices and public meetings to engage citizens, property owners and businesses within this corridor in the design process to work towards mitigation of any undesired impacts.

As part of our project development effort, we are requesting written support from the City for the construction of this proposed safety improvement project. Thank you for your consideration, and we look forward to continuing to work together on this and other projects in Fayetteville. If you have any questions, or require any additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "David B. Phipps".

David B. Phipps, PE
Regional Traffic Engineer

Cc: Greg Burns, PE, Division Engineer

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE TO SUPPORT AN NCDOT REQUEST FOR SAFETY
FUNDING FOR BRAGG BOULEVARD**

WHEREAS, NCDOT has requested a resolution of support for a funding request for medians with landscaping to be constructed along Bragg Boulevard from US 401 Martin Luther King Jr, Freeway to Glenville Avenue, and;

WHEREAS, NCDOT has identified 191 collisions in this area including 2 fatal crashes and has recommended a project to construct a landscaped median to reduce the potential for crashes in the future and;

NOW, THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, this Council does hereby resolve that the City of Fayetteville, North Carolina, supports and advocates for an NCDOT request for safety funding for Bragg Boulevard.

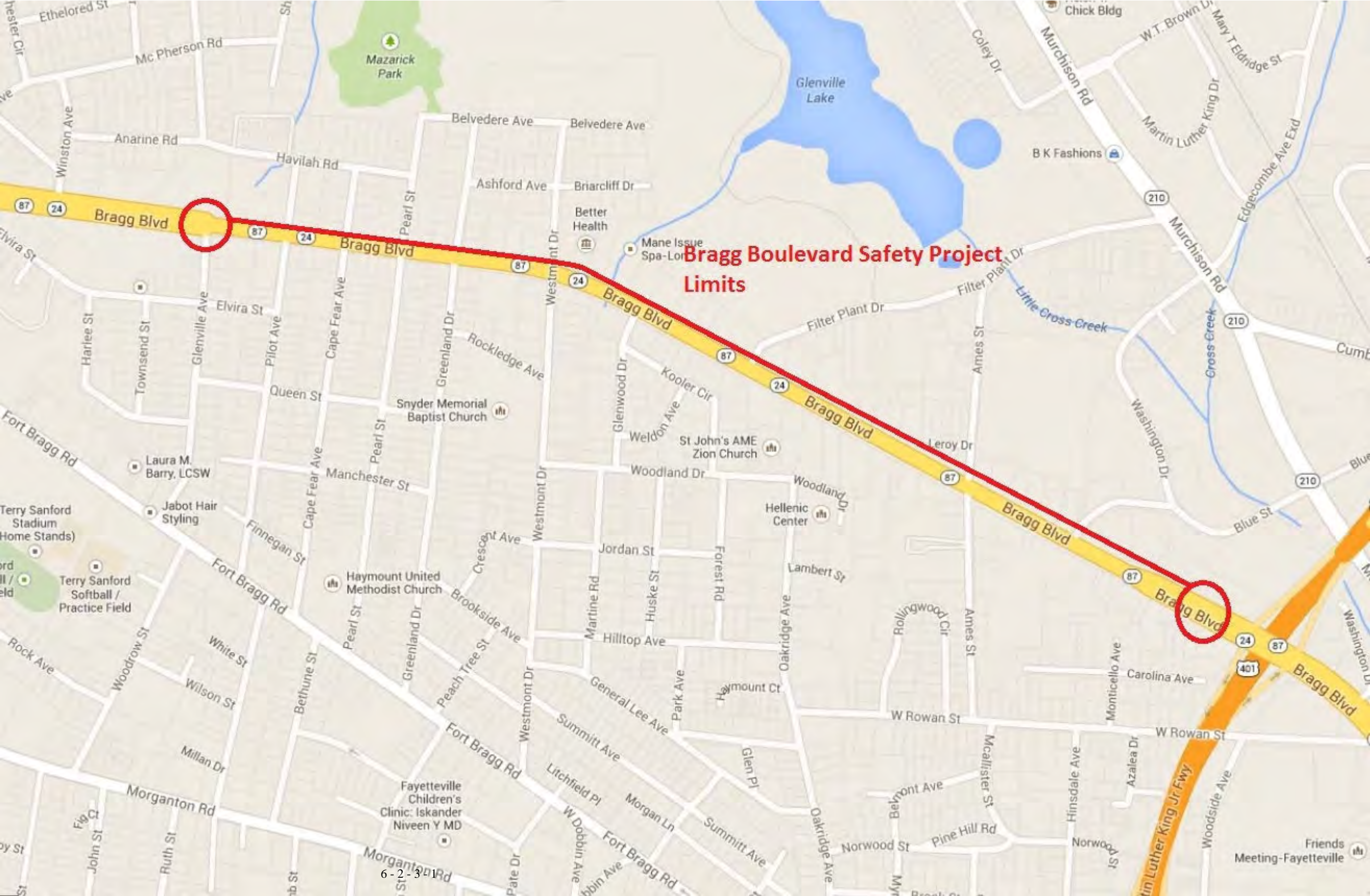
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, NORTH CAROLINA**, on this, the 28th day of May, 2013; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Finance Officer
DATE: September 9, 2013
RE: **Budget Ordinance Amendment 2014-1 (Away from Home Recycling Education Grant)**

THE QUESTION:

Budget Ordinance Amendment 2014-1 will appropriate a \$5,918 grant for a recycling project.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: The City of Fayetteville will be a highly desirable place to live, work and recreate with thriving neighborhoods and a high quality of life for all citizens.

BACKGROUND:

The City of Fayetteville has been awarded the Away from Home Recycling Education Grant from the North Carolina Department of Environment and Natural Resources (NCDENR). The total project cost will be \$7,397. NCDENR will fund \$5,918 and the City will provide a required local match of \$1,479. This grant will be used to purchase highly visible recycling carts, decals, and vinyl hanging banners to promote recycling at local festivals and events.

ISSUES:

None

BUDGET IMPACT:

The \$1,479 local match is included in the FY2014 Environmental Services Fund.

OPTIONS:

- 1) Adopt Budget Ordinance Amendment 2014-1.
- 2) Do not adopt Budget Ordinance Amendment 2014-1.

RECOMMENDED ACTION:

Staff recommend Council adopt Budget Ordinance Amendment 2014-1.

ATTACHMENTS:

Budget Ordinance Amendment 2014-1

2013-2014 BUDGET ORDINANCE AMENDMENT
CHANGE 2014-1

BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA:

That the City of Fayetteville Budget Ordinance adopted June 24, 2013 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2013, and ending June 30, 2014, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule I: Environmental Services Fund</u>			
Intergovernmental Revenues	\$ 439,463	\$ 5,918	\$ 445,381
All Other Env. Services Fund Revenues and OFS	9,973,441	-	9,973,441
Total Estimated Environmental Services Fund Revenues and Other Financing Sources	<u>\$ 10,412,904</u>	<u>\$ 5,918</u>	<u>\$ 10,418,822</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2013, and ending June 30, 2014, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule I: Environmental Services Fund</u>			
Total Estimated Environmental Services Fund Expenditures	<u>\$ 10,412,904</u>	<u>\$ 5,918</u>	<u>\$ 10,418,822</u>

Adopted this 9th day of September, 2013.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: September 9, 2013
RE: **Contract Award for Connect Program (Advanced Metering Infrastructure Program)**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve contract award for the Connect Program.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of August 28, 2013 approved awarding the Connect Program to Sensus USA, Inc., authorized the General Manager to execute contracts for \$46.7 million and to forward to City Council for approval. The Connect Program is an advanced metering infrastructure program. This item was presented and discussed at the September 3, 2013 City Council Work Session.

ISSUES:

N/A

BUDGET IMPACT:

PWC Budgeted Item

OPTIONS:

N/A

RECOMMENDED ACTION:

Staff recommend Council award contract to Sensus USA, Inc. in the amount of \$46.7 million.

ATTACHMENTS:

Power point presentation



Advanced Metering Infrastructure Program

Susan Fritzen
Chief Corporate Services Officer

SEPTEMBER 3, 2013

“Connect”

Where Information & Innovation Meet

PWC Strategic Goal #2

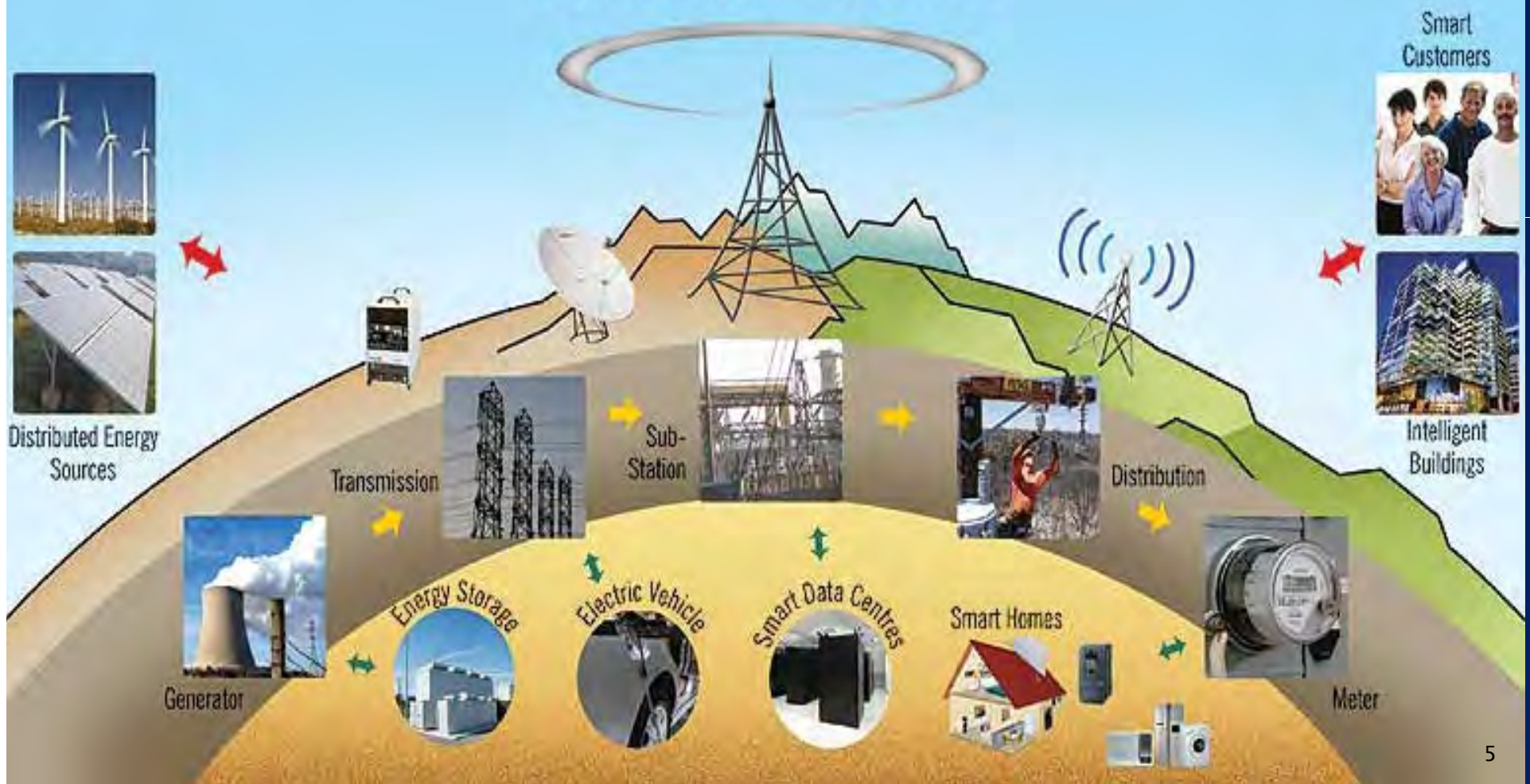
Strong Core Business –
Quality and Reliable Services

**2012 Management Agenda
High Priority**

- ▶ **Scope**
- ▶ **Schedule**
- ▶ **Approach**
- ▶ **Due Diligence**
- ▶ **Vendor Selection**
- ▶ **Benefits**
- ▶ **Costs**
- ▶ **Next Steps**

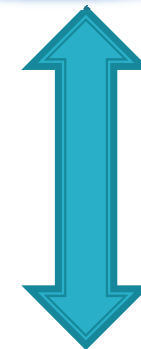
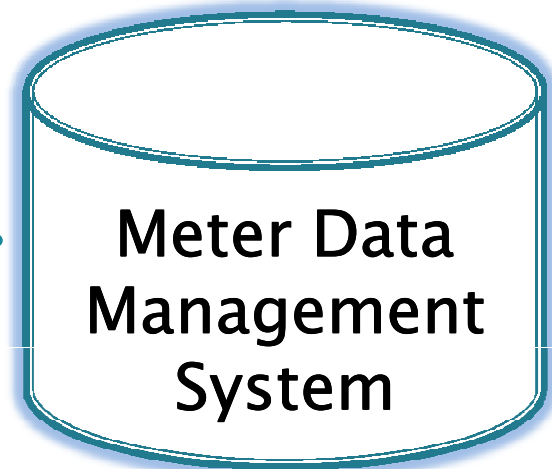
“Connect ” Architecture

What is Connect?



“AMI” is....

***Technology used
to deliver 2 way utility service
thru computer-based remote
control, automation and two-way
communications***



“Connect”

Scalability

- ▶ **System Capacity - ability to add new customers**
- ▶ **Geographic Expansion- reach additional water only customers easily**

Scalability

- ▶ **System Functionality-**
 - HAN programmable thermostats**
 - Energy Displays**
 - Load Control relays**
 - Desire to empower customers**

Meter Functionality - *Electric:*

- Interval Data
- Remote Disconnect
- Tamper Detection
- Meter Theft
- Voltage Monitoring (Distribution Automation)
- Outage Detection (Distribution Automation)
- Power Quality Monitoring

Meter Functionality - *Water:*

- Leak Detection -
 - distribution lines (broken pipe alarm)
 - customer premise (monitors hourly usage)
- Tamper Detection
- Meter Theft
- Remote Disconnect (future)

Security: Cyber Security Standards

- IT Network
- FERC – Federal Energy Regulatory Comm.
- NERC – No. American Electric Reliability Corp.
- NIST – National Institute of Stds. & Technology

Reliability:

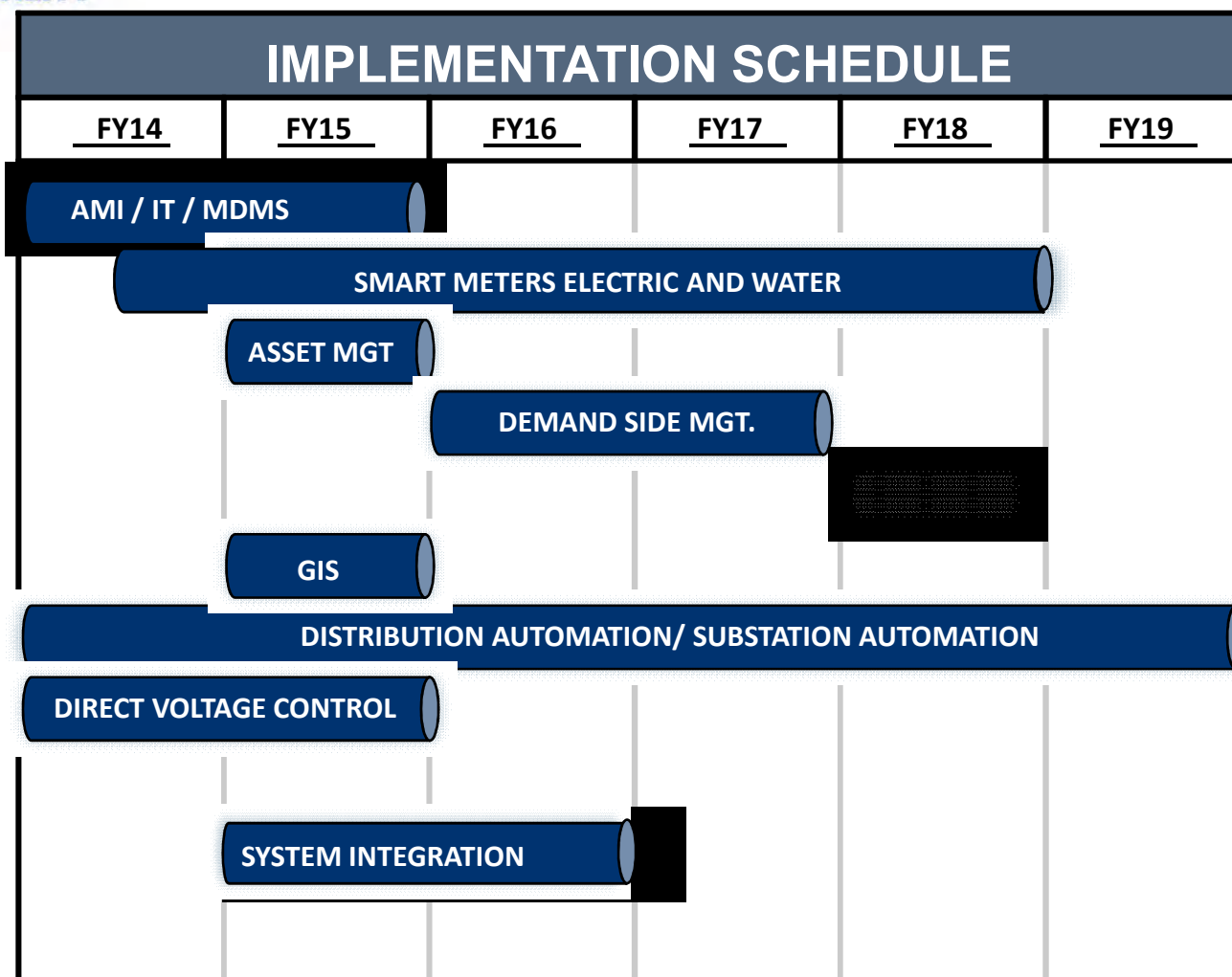
- Provide reliable coverage across entire network territory

Individual Components

Advanced Metering Infrastructure (AMI)	Electric and Water Smart Meters
Distribution Automation (DA)	Substation Automation (SA)
Meter Data Management (MDM)	Direct Voltage Control (DVC)
Load Control Management System (LCMS)	Geographic Information System (GIS)
Core Telecommunications	Information Technology and Cyber Security
Demand Side Management (DSM)	Customer Information System (CIS)
Enterprise Asset Management (EAM)	System Integration (SI)

Navigate Components

Connect PROGRAM ROADMAP



PHASE 1

- ❖ **Building advanced infrastructure -
utilizing existing towers, fiber and
communications network**
- ❖ **Installing advanced meters -
83,000 electric & 97,000 water**

PHASE 2

- ❖ **Advanced Distribution Automation functionality**
- ❖ **Remote disconnect- water**
- ❖ **Outdoor lighting controls (optional)**

December 2011- September 2012

- **Establish Cross Functional Core Team**
- **Conducted workshops with subject matter experts (SME's) to develop a Business Case and Technology Roadmap**

September 26, 2012

- **Presented Findings of Business Case to Commission and received approval to move forward with program**

October 2012 - June 2013

- **Develop deployment & communication strategies**
- **Developed & Released RFP for Connect network & meter installations**

July 2013 – August 2013

- **RFP's reviewed/ 3 vendors shortlisted**
- **Vendor Presentations**
- **Conducted reference calls**

PRIME VENDOR: SENSUS USA, Inc.

Base Bid : Sensus (electric) meters *

Sensus (water) meters

Apex CoVantage (installer)

***Alternate - Landis & Gyr electric meters**

BENEFITS OF “Connect”

- **Advanced technology to deliver utility services means faster customer service**
- **Two-way communications between the utility and customers**
- **Improved energy efficiency**
- **Improved reliability (fewer outages)**
- **Empowered and Informed customers**
- **Opportunity to reduce purchase power cost**

Operational & Energy/Demand Benefits (Hard Benefits)

- **Operational Savings including energy efficiency, quicker response to power outages, and customer involvement in how they use energy**
- **Energy & Demand Reduction Benefits from Direct Voltage Control, and Demand Side Management Programs**

Societal Benefits (Soft Benefits)

- **Customer utility savings –**
 - Time of Use (TOU) Rates**
 - Prepay options**
 - Critical Peak Pricing**
- **Increased energy reliability to our customers**
- **Decreased contribution to greenhouse gases**

TOTAL PROGRAM COSTS

Breakdown by Phase	Cost
Phase 1- Infrastructure & meters	\$ 46.7 Million
Phase 2 - Distribution Automation & remote functionality for water	<u>\$ 8.0 Million</u>
Subtotal	\$ 54.7 Million
Contingency (15%)	<u>\$ 8.2 Million</u>
ESTIMATED TOTAL PROJECT COSTS	\$ 62.9 Million

ESTIMATED CASH FLOW PROJECTION

Fiscal Year	Costs (in millions)
2014	\$ 11.3
2015	\$ 16.4
2016	\$ 15.8
2017	\$ 10.2
2018	\$ 4.6
2019	\$ 4.6
TOTAL	\$ 62.9 Million

BUSINESS CASE RESULTS

Cost/Benefit Components	15 Year Cumulative Value
Program Hard Benefits	\$164,285,472
Program Soft Benefits	<u>\$ 53,864,506</u>
Total Hard & Soft Benefits	\$218,149,978
Program Costs	<u>(\$107,218,671)</u>
TOTAL PROGRAM BENEFITS	\$110,931,307

TOTAL PROGRAM BENEFITS \$110 M

- **Disconnects/Reconnects** -
90,000 occurrences/year **\$ 17M**
- **Energy Losses from Theft** **\$ 9M**
- **Customer (avg) Savings** **13% -16%**
Consert program

Approve awarding “AMI/meter deployment project” to Sensus USA, Inc.

OUR MISSION

To be a Safe, Highly Productive
Utility that Invests in Our Team,
Facilities and Infrastructure, and
Provides Information to Customers,
Helping Them to Make Informed Choices

“Connect”

Where Information & Innovation Meet

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Pamela Megill, City Clerk
DATE: September 9, 2013
RE: **Approve Meeting Minutes:**

August 12, 2013 Regular Meeting
August 26, 2013 Discussion of Agenda Items
August 28, 2013 Special Meeting

THE QUESTION:

Should the City Council approve the draft minutes as the official record of the proceedings and actions of the associated meetings?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Community Unity - Pride in Fayetteville; Objective 2: Goal 5: Better informed citizenry about the City and City government

BACKGROUND:

The Fayetteville City Council conducted meetings on the referenced dates during which they considered items of business as presented in the draft minutes.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

1. Approve the draft minutes as presented.
2. Revise the draft minutes and approve the draft minutes as revised.
3. Do not approve the draft minutes and provide direction to staff.

RECOMMENDED ACTION:

Approve the draft minutes as presented.

ATTACHMENTS:

August 12, 2013 - Regular Meeting
082613 Discussion of Agenda Items
082813 Special Meeting

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
AUGUST 12, 2013
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

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

Absent: Council Member Keith Bates, Sr. (District 1)

Others Present: Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Harold Medlock, Police Chief
Victor Sharpe, Community Development Director
Randy Hume, Transit Director
Patricia Bradley, Assistant City Attorney
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Reverend Dollie Manigo, NAACP Chaplain.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Arp moved to approve the agenda.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (9-0)

5.0 PUBLIC FORUM

Mr. Dennis Biddle, 3495 Thamesport Road, Fayetteville, NC 28311, requested Council waive a requirement that he voluntarily petition to have a 52-acre tract annexed into the city before he can get public water or sewer for his proposed development. He stated he would like to develop the tract under Cumberland County's less-stringent rules, which require less acreage to be set aside for open space. He further stated it is more conducive for his plan to be developed under the county. Mr. Biddle said he would pledge to have the site annexed into the city after it is fully developed under county rules.

Ms. Caretha Smith, 6333 Greycliff Drive, Fayetteville, NC 28314, stated concerns regarding excessive noise and disturbances in her neighborhood from the operation of multiple motorcycles.

DRAFT

6.0 CONSENT

MOTION: Council Member Hurst moved to approve the consent agenda.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (9-0)

6.1 Approve Meeting Minutes:

July 22, 2013, Discussion of Agenda Items
July 22, 2013, Regular Meeting

6.2 Capital Project Ordinance Amendment 2014-17 (North Carolina Veterans Park)

The proposed ordinance amendment will appropriate an additional \$695,641 for the North Carolina Veterans Park project.

6.3 Approval of System-wide Transit Service Standards

RESOLUTION TO ADOPT STANDARD SERVICES AND POLICIES. RESOLUTION NO. R2013-040

6.4 Request from Mitchell Properties of Florence, Inc.

Council authorized the City Manager to execute documents to effectuate the release and reconveyance of an unused portion of a water and sewer easement located on the south side of US 401 South in order for the owner to more efficiently and productively develop the property.

6.5 Request from Bill Properties

Authorizes the City Manager to execute the necessary documents to authorize the plan to relocate, at the owner's expense, the easements in North View Plaza as outlined and release those parts of the existing easements as described to accept for the City the new easements conveyed by the owner within which to install the relocated utility line(s).

7.0 OTHER ITEMS OF BUSINESS

7.1 Consideration of Task Force to Respond to City Council Concerns: Crime Reduction

Harold Medlock, Police Chief, presented this item and stated currently the Fayetteville Police Department (FPD) is focusing on several projects that they believe will enhance the safety and security of the City of Fayetteville. The reorganization of the FPD includes the redeployment of officers, structuring the department into three patrol districts and the designation of nine lieutenants responsible for crime, quality of life and relationships with the community in the nine patrol sectors. This restructuring provides for enhancing the community policing philosophy and its problem-solving component for the FPD and for the City. The FPD has developed an Electronic Monitoring (EM) Program, which provides close supervision of the most prolific offenders in our City who are able to bond out of jail for felony arrests. This proven program is in effect in other major North Carolina cities and has proven very effective in reducing crime and offender recidivism. The FPD has previewed the program with the Cumberland County District and Superior Court judges, the Cumberland County District Attorney and all are willing to pilot the program. The EM Program will be formally presented to the Cumberland County Judicial System in September of this year with implementation of a pilot project following this fall. This pilot project will be funded with drug asset forfeiture funds. The FPD is beginning the implementation of a CCTV system that will serve as a force multiplier. The CCTV system will be installed in public rights of way to allow FPD

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to monitor large crowds in Festival Park and the Downtown Business District, as well as City owned parks and nearby problem locations such as nightclubs. Additionally the CCTV system will be monitored live for several hours each day by the Criminal Intelligence Unit in a newly created FPD Crime Information Center (CIC) located in FPD headquarters. The CCTV system will be recorded and operational 24/7. The system will be designed to allow the FPD to tie into existing private CCTV systems that will provide even more coverage across the city. This public/private partnership is a perfect example of City Council and the City Manager's vision for such partnerships. The initial CIC and cameras will be funded by a Justice Assistance Grant and by the Downtown Business Alliance. Many private enterprises are expressing great enthusiasm for partnering in this project. FPD is conducting research on additional technology such as license plate readers and gunshot detection systems for inclusion in the CIC. Over the past months, the FPD has identified that street level prostitution, and in some cases human trafficking, is plaguing many of our neighborhoods within our City. The FPD has reassigned a patrol officer to the Detective Bureau to begin an enforcement and treatment strategy to address the prostitution issue. The FPD is reaching out to service providers and churches to develop strategies to assist prostitutes in transitioning out of this lifestyle. FPD is in the very early stages of the work and will need the assistance of every service provider in the City to make an impact on this crime. The FPD, with the support of the Cumberland County Schools and in cooperation with the Cumberland County Sheriff's Office, secured a grant through the N.C. Governor's Crime Commission for a Gang Prevention Schools Project to reduce gang and gun violence. Officers of the Fayetteville Police Department will administer the program to middle school students for gun and gang education, awareness and prevention during the 2013/2014 school term. FPD is currently involved in several educational and intervention strategies including the FPD Youth Academy, which provides middle school to high school age youth the opportunity to spend one week each summer to experience the role of a police officer. Each year, approximately twenty youth spend an intensive week with FPD officers who volunteer to serve as teachers and mentors. The FPD Citizens Academy provides adult members of our City with the opportunity to experience the training, operations and philosophy of our police officers and police instructors. This multi-week academy graduates many citizens who receive a better understanding of police work and usually serve as ambassadors for the department within the community. The first City Community Watch Coordinator Summit was held on August 1, 2013. This meeting provided for 93 community watch coordinators of the 131 community watch programs to come together to meet with City Senior Staff and to share experiences in an open forum. This successful summit will continue with two meetings each year to determine and facilitate best practices and lessons learned. Over the past several years, the FPD has been a recipient of the Cal Ripken Grant that has allowed for the organization of the baseball league. Hundreds of youth (boys and girls) participate in the league, which is fundamental in having children involved in a sports program with responsible adults and police officers serving as coaches. This is the only organized police sponsored program in the City.

Chief Medlock stated crime prevention is the key to making Fayetteville the safest city in North Carolina. Any opportunity to develop and implement intervention strategies on a broad spectrum will prevent crime and improve the safety and perception of safety in our City. A Crime Prevention Task Force can be of invaluable assistance in developing and leading many of the intervention strategies that will prevent crime and help our youth focus on positive activities. Historically a police department leads the research, development and implementation of programs and activities of intervention strategies that assist in crime prevention. A Crime Prevention Task Force can take these programs and intervention strategies as their own, allowing the FPD to concentrate on its core business of community policing, problem solving and crime fighting, becoming one of the service providers on specific intervention strategies rather than taking each as its own.

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A brief discussion ensued.

MOTION: Council Member Crisp moved to approve the concept of a Crime Prevention Task Force and to direct staff to further define specific goals and objectives.
SECOND: Mayor Pro Tem Arp
VOTE: UNANIMOUS (9-0)

7.2 Consideration of Task Force to Respond to City Council Concerns: Economic Development

Ms. Rochelle Small-Toney, Deputy City Manager, presented this item and stated at the July 22, 2013 City Council meeting the Council charged the City Manager with forming a task force for economic development. The City has a contractual agreement with The Alliance, a division of the Fayetteville Regional Chamber of Commerce, to provide certain economic development programs in the City. The Alliance's 2013-2014 Economic Development Program Focus Areas are closely aligned with the recommended scope of the work proposed for a task force (New Business Development, Existing Industry/Business Retention, Product Development, Entrepreneur/Economic Gardening and Investor Relations). Further, the Gardner Study prepared in May 2012, "Fayetteville - Cumberland County Chamber of Commerce - A Blueprint for Success: A Holistic Economic Development Strategy for Fayetteville and Cumberland County, N.C.," would be useful in guiding the work of the task force. The Alliance's 2013-2014 Work Plan could be expanded to include work in other areas of economic development such as job creation for youth, which is not a focus area at the present time. With The Alliance serving as the umbrella organization for the task force or subcommittees, this revised structure would eliminate duplication of City and community resources, as well as cross communications to the Council and the community relative to economic development program strategies and planning.

A brief discussion ensued.

MOTION: Council Member Hurst moved to approve and to dedicate a Work Session for this item.
SECOND: Council Member Crisp

Council Member Crisp asked Council Member Hurst if he would consider amending his motion to include "to approve the concept." Council Member Hurst agreed to the amendment. Council Member Hurst re-stated his motion.

MOTION: Council Member Hurst moved to approve the concept of a Task Force on Economic Development and to direct staff to dedicate a Work Session for this item.
VOTE: UNANIMOUS (9-0)

8.0 ADMINISTRATIVE REPORTS

8.1 Settlement for Fiscal Year July 1, 2012, through June 30, 2013.

Charge:

Real & Personal Charge 2012	\$55,884,633.48
Storm Water Charge 2012	1,742,841.60
Fayetteville Storm Water Charge 2012	3,485,683.20
Vehicles Charge 2012	7,504,250.60
2005 Annexation in 2012 Charge	.00
Curbside Recycle Charge 2012	2,289,500.00
Added Charge Real & Personal 2012	6,468,969.27
Added Charge Storm Water 2012	2,154.00
Added Charge Fayetteville Storm Water 2012	4,685.00

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Added Charge Vehicles 2012	34,456.47
Added Charge Annexation 2012	.00
Added Charge Curbside Recycle 2012	6,059.00
Fayetteville Gross Receipts Vehicle Tax Current Year 2012	499,686.81
Fayetteville Gross Receipts Vehicle Tax Current Year 2012 Penalty	.00
Fayetteville Heavy Equipment Gross Receipts 2012	90,420.91
Fayetteville Heavy Equipment Gross Receipts 2012 Penalty	.00
Total Interest Collected	320,534.99
Total Charge:	<u>\$78,333,875.33</u>

Credits:

Deposited with Finance Real & Personal 2012	\$55,918,008.07
Deposited with Finance Vehicles 2012	5,569,906.78
Deposited with Finance Annexation Taxes 2012	.00
Deposited with Finance Storm Water 2012	1,731,316.18
Deposited with Finance Fayetteville Storm Water 2012	3,462,998.88
Deposited with Finance Curbside Recycle 2012	2,268,868.16
Fayetteville Gross Receipts Vehicle Tax Current Year 2012 & Penalty	499,686.81
Fayetteville Heavy Equipment Gross Receipts 2012 & Penalty	90,420.91
Interest Deposited with Finance	320,534.99
Releases Real/Personal Allowed 2012	6,009,120.70
Releases Vehicles Allowed 2012	573,120.47
Storm Water Releases Allowed 2012	666.00
Fayetteville Storm Water Releases Allowed 2012	1,355.50
Annexation Releases Allowed 2012	.00
Curbside Recycle Releases Allowed 2012	1,117.50
Real/Personal Balance 2012	426,473.98
Vehicles Balance 2012	1,395,679.82
Storm Water Balance 2012	13,013.42
Fayetteville Storm Water Balance 2012	29,033.82
Annexation Balance 2012	.00
Curbside Recycle Balance 2012	25,573.34
Total Credits:	<u>\$78,333,875.33</u>

Charge:

Real & Personal 2011	\$ 411,624.68
Vehicles 2011	1,279,355.12
2005 Annexation in 2011 Charge	.00
Storm Water 2011	14,738.47
Fayetteville Storm Water 2011	29,477.00
Curbside Recycle 2011	26,777.42
Real & Personal 2010	116,748.82
Vehicles 2010	304,417.25
2005 Annexation in 2010 Charge	35.50
Storm Water 2010	1,991.58
Fayetteville Storm Water 2010	3,983.15
Curbside Recycle 2010	5,023.05
Real & Personal 2009 & Prior	298,468.47
Vehicles 2009 & Prior	1,554,134.97
2005 Annexation in 2009 Charge	3,002.68
Storm Water 2009 & Prior	5,781.84
Fayetteville Storm Water 2009 & Prior	2,952.39
Curbside Recycle 2009 & Prior	3,676.79
Total Charge:	<u>\$4,062,189.18</u>

Barred by Statute: 2002

Barred by Statute - Real/Personal	\$ 33,774.07
Barred by Statute - Vehicles	137,188.50
Barred by Statute - Storm Water	830.62
	<u>171,793.19</u>

Credits:

Real & Personal Collections 2011	290,290.77
Vehicle Collections 2011	831,278.60
2005 Annexation in 2011 Charge Collections	.00
Storm Water 2011 Collections	9,793.27
Fayetteville Storm Water 2011 Collections	19,586.58
Curbside Recycle 2011 Collections	21,437.64
Real & Personal Collections 2010	38,477.83
Vehicle Collections 2010	35,123.19
2005 Annexation in 2010 Charge Collections	.00
Storm Water 2010 Collections	1,036.90
Fayetteville Storm Water 2010 Collections	2,073.79

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Curbside Recycle 2010 Collections	2,772.10
Real & Personal 2009 & Prior Collections	29,494.07
Vehicle 2009 & Prior Collections	47,034.62
2005 Annexation in 2009 & Prior Collections	668.29
Storm Water 2009 & Prior Collections	1,124.66
Fayetteville Storm Water 2009 & Prior Collections	1,136.38
Curbside Recycle 2009 & Prior Collections	1,821.25
Real & Personal Releases Allowed 2011	2,351.72
Vehicles Releases Allowed 2011	122,246.18
2005 Annexation in 2011 Releases Allowed	.00
Storm Water Releases Allowed 2011	.00
Fayetteville Storm Water Releases Allowed 2011	.00
Curbside Recycle Releases Allowed 2011	38.00
Real & Personal Releases Allowed 2010	92.78
Vehicles Releases Allowed 2010	10,855.79
2005 Annexation in 2010 Releases Allowed	.00
Storm Water Releases Allowed 2010	.00
Fayetteville Storm Water Releases Allowed 2010	.00
Curbside Releases Allowed 2010	.00
Real & Personal Releases Allowed 2009 & Prior	13.41
Vehicles Releases Allowed 2009 & Prior	7,456.59
2005 Annexation in 2009 & Prior Releases Allowed	.00
Storm Water Releases Allowed 2009 & Prior	24.00
Fayetteville Storm Water Releases Allowed 2009 & Prior	0.00
Curbside Releases Allowed 2009 & Prior	0.00
Real & Personal Balance 2011	118,982.19
Vehicles Balance 2011	325,830.34
2005 Annexation in 2011 Balance	.00
Storm Water Balance 2011	4,945.20
Fayetteville Storm Water Balance 2011	9,890.42
Curbside Recycle Balance 2011	5,307.78
Real & Personal Balance 2010	78,178.21
Vehicles Balance 2010	258,438.27
2005 Annexation in 2010 Balance	35.50
Storm Water Balance 2010	954.68
Fayetteville Storm Water Balance 2010	1,909.36
Curbside Recycle Balance 2010	2,250.95
Real & Personal Balance 2009 & Prior	235,186.92
Vehicles Balance 2009 & Prior	1,362,422.26
2005 Annexation in 2009 & Prior Balance	2,334.39
Storm Water Balance 2009 & Prior	3,802.56
Fayetteville Storm Water Balance 2009 & Prior	1,816.01
Curbside Recycle Balance 2009 & Prior	1,855.54
Total:	<u>3,890,395.99</u>
Total Credits:	<u>\$4,062,189.18</u>

The following covered the verification of tax funds for fiscal year ended June 30, 2013:

	General Fund	CEBT	Annexation
1. Current Year Original Levy (Real and Personal)			
Total Property Valuation	12,217,908,182	125,788,170	0
Tax Rate Per \$100	0.456	0.100	0.3975
Amount of the Levy	55,713,661.31	125,788.17	0
Late Listings	44,920.03	263.97	
2. Discoveries and Releases			
Discoveries			
Total Property Valuation	1,398,706,818	156,500	0
Tax Rate Per \$100	0.456	0.10	0.3975
Amount of the Levy	6,378,103.09	156.50	0
Late Listings	90,690.86	18.82	0
Releases			
Total Property Valuation	(1,312,201,535)	(195,130)	0
Tax Rate Per \$100	0.456	0.10	0.3975
Amount of the Levy	(5,983,639.00)	(195.13)	0
Late Listings	(25,253.72)	(32.85)	0
3. Taxes remitted to the City for Tax Years:			
2012	55,795,021.13	122,986.94	0
2011	289,717.77	573.00	0
2010	38,333.77	144.06	0
2009 & Prior	29,489.51	4.56	668.29
4. Interest	151,580.53	514.85	336.69
5. Balance due the City at June 30, 2012, for:			
2012	423,461.44	3,012.54	0
2011	116,303.34	2,678.85	0
2010	77,460.11	718.10	35.50

DRAFT

		General Fund	CBDT	Annexation	
2009 & Prior		268,690.35	270.64	2,334.39	
		General Fund Vehicles	CBDT Vehicles	Vehicle License Tax	Transportation Fee
1.	Current Year Original Levy (Vehicles)				
	Total Property Valuation	1,344,918,441	5,882,510		
	Tax Rate Per \$100	0.456	0.10		
	Amount of the Levy	6,132,828.09	5,882.51	682,770.00	682,770.00
2.	Discoveries and Releases Discoveries				
	Total Property Valuation	6,658,217	0		
	Tax Rate Per \$100	0.456	0.10		
	Amount of the Levy	30,361.47	0	2,050.00	2,045.00
	Releases				
	Total Property Valuation	(112,342,037)	(235,780)	0	0
	Tax Rate Per \$100	0.456	0.10		
	Amount of the Levy	(512,279.69)	(235.78)	30,305.00	30,300.00
3.	Taxes remitted to the City for Tax Years:				
	2012	4,548,480.89	5,281.47	508,072.12	508,072.30
	2011	644,846.52	239.98	93,096.07	93,096.03
	2010	22,946.54	4.21	6,086.21	6,086.23
	2009 & Prior	35,023.10	0.28	8,138.82	3,872.42
4.	Interest	129,849.61	29.58		14,827.61
5.	Balance due the City at June 30, 2012, for:				
	2012	1,102,428.98	365.26	146,442.88	164,442.70
	2011	238,314.03	42.76	43,741.84	43,731.71
	2010	187,283.37	45.36	35,554.84	35,554.70
	2009 & Prior	1,254,238.52	358.48	195,232.37	49,814.39

		Storm Water Management	Fayetteville Storm Water Management	Curbside Recycling
1.	Current Year Original Levy (Real and Personal)			
	Total Property Valuation			
	Tax Rate Per \$100			
	Amount of the Levy	1,742,841.60	3,485,683.20	2,289,500.00
2.	Discoveries and Releases			
	Discoveries			
	Total Property Valuation			
	Tax Rate Per \$100			
	Amount of the Levy	2,154.00	4,685.00	6,059.00
	Releases			
	Total Property Valuation			
	Tax Rate Per \$100			
	Amount of the Levy	(666.00)	(1,335.50)	(1,117.50)
3.	Taxes remitted to the City for Tax Years:			
	2012	1,731,316.18	3,462,998.88	2,268,868.16
	2011	9,793.27	19,586.58	21,431.64
	2010	1,036.90	2,073.79	2,772.10
	2009 & Prior	1,124.66	1,136.38	1,821.25
4.	Interest	5,010.95	9,315.70	9,069.47
5.	Balance due the City at June 30, 2012, for:			
	2012	13,013.42	26,033.82	25,573.34
	2011	4,945.20	9,890.42	5,307.78
	2010	954.68	1,909.36	2,250.95
	2009 & Prior	4,633.18	1,816.01	1,855.54

The following summarized the 2002 real/personal and vehicle taxes to be barred:

	Vehicles	Personal	Real	Public Service	Fees	Total
County	432,011.64	81,118.37	21,661.00	21,661.33	0.00	556,457.34
County Pets		804.12				
Fayetteville	118,456.65	19,545.97	1,802.03	12,414.22	0.00	152,218.87
Revit	48.23	11.85	-			60.08
Fayetteville Vehicle Fee	18,68.62					18,683.62
Hope Mills	7,399.74	1,281.83	-	-	0.00	8,681.57
Hope Mills Vehicle Fee	1,716.73				0.00	1,716.73
Hope Mills Pets		25.00			0.00	25.00
Spring Lake	11,224.72	885.18	-	-	0.00	12,109.90
Stedman	408.41	-	-	-	0.00	408.41
Stedman Vehicle Fee	75.00	-	-	-	0.00	75.00

DRAFT

	Vehicles	Personal	Real	Public Service	Fees	Total
Godwin	33.06	-	-	-	0.00	75.00
Wade	159.38	9.51	4.70	-	0.00	173.59
Falcon	72.01	-	-	-	0.00	72.01
Linden	52.12	3.20	-	-	0.00	55.32
Eastover	-	-	-	-	0.00	0.00
Solid Waste User Fee	-	-	-	-	1,930.48	1,930.48
Storm Water Fee	-	-	-	-	830.62	830.62
Advertising Fee	-	-	-	-	1,040.65	1,040.65
Total	590,341.31	103,685.03	23,467.73	34,080.55	3,801.75	755,376.37
TA500 MR VEHICLES	590,341.31					
TA500 MR CC	130,954.51					
TA500 MR PS	34,080.55					
	755,376.37					

8.2 Levy for 2013-2014 Fiscal Year

City of Fayetteville:	No. of Accts.	Real Value	Personal Value	**Exempt Value	Taxable Value
Real Property with Personal	87,965	11,870,571,153	590,055,221	196,839,599	12,263,786,775
*Public Service	0	0	0	0	0
Total:	87,965	11,870,571,153	590,055,221	196,839,599	12,263,786,775
Description:	Rate	Taxes	Late List	Total:	
Real Property with Personal	0.456	55,922,869.98	48,599.11	55,971,469.09	
*Public Service		0.00	0.00	0.00	
Total:		55,922,869.98	48,599.11	55,971,469.09	

Revitalization	No. of Accts	Real Value	Personal Value	***Exempt Value	Taxable Value
Real Property with Personal	838	109,229,160	13,694,226	45,000	122,878,386
*Public Service	0	0	0	0	0
Total:	838	109,229,160	13,694,226	45,000	122,878,386
	Rate	Taxes	Late List	Total	
Real Property with Personal	0.10	122,878.76	268.93	123,147.69	
*Public Service		0.00	0.00	0.00	
Total:		122,878.76	268.93	123,147.69	

Exempt Value:		Revit Exempt Value:	
Real	195,745,648	Real	45,000
Personal	1,093,951	Personal	0
Total:	196,839,599	Total:	45,000

Fayetteville Storm Water:	3,513,091.20
Fayetteville Recycling:	2,300,026.00
Storm Water:	1,756,545.60

9.0 ADJOURNMENT

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

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

081213

DRAFT

FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD ROOM
AUGUST 26, 2013
6:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4) (arrived at 6:20 p.m.); Bobby Hurst (District 5); William J.L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8)

Absent: Council Member James W. Arp, Jr. (District 9)

Others Present: Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Members of the Press

Mayor Chavonne called the meeting to order.

MOTION: Council Member Fowler moved to go into closed session for consultation with the attorney for attorney-client privileged matters.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (9-0)

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

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

Council then reviewed the agenda items.

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

082613

DRAFT

FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
HUMAN RESOURCE DEVELOPMENT TRAINING ROOM
AUGUST 28, 2013
5:30 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Darrell J. Haire (District 4) (arrived at 5:40 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

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

Others Present: Karen McDonald, City Attorney
Members of the Press

Mayor Chavonne called the meeting to order at 5:35 p.m.

Closed session for evaluation of the City Attorney.

MOTION: Council Member Crisp moved to go into closed session for evaluation of the City Attorney.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (8-0)

The regular session recessed at 5:35 p.m. The regular session reconvened at 6:40 p.m.

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

SECOND: Council Member Davy

VOTE: UNANIMOUS (9-0)

MOTION: Council Member Bates moved to increase the City Attorney's base pay by 2 percent with an effective date of January 13, 2014, consistent with other employees.

SECOND: Council Member Davy

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Crisp)

There being no further business, the meeting adjourned at 6:40 p.m.

Respectfully submitted,

ANTHONY G. CHAVONNE
Mayor

082813

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Michael Gibson, Parks, Recreation and Maintenance Director
DATE: September 9, 2013
RE: **Parks and Recreation - NCDOT Agreement for Big Cross Creek Multi-Use Trail and Special Revenue Fund Project Ordinance 2014-7**

THE QUESTION:

- Should Council approve an agreement with NCDOT and a project budget for engineering services for the planned Big Cross Creek Multi-Use Trail?

RELATIONSHIP TO STRATEGIC PLAN:

- Goal 4: More Efficient City Government - Cost Effective Service Delivery.

BACKGROUND:

- The Fayetteville Area Metropolitan Transportation Planning Organization (FAMPO) Transportation Advisory Committee adopted a Transportation Improvement Plan on October 26, 2011.
- FAMPO received a grant from the North Carolina Department of Transportation Surface Transportation Program for a pedestrian and bike trail.
- Since the majority of the project lies in the City of Fayetteville's right-of-way, the City is working with North Carolina DOT Surface Transportation Program funds as the main funding source for this project.
- NCDOT and City funding has been authorized.
- The City will administer the funds and oversee the project; the scope of the project includes the preparation of conceptual designs, feasibility studies, environmental documents, preliminary design and final design up through and including the preparation of bidding documents (plans, specifications, and estimates), survey and appraisal of right-of-way and any utility relocations for this trail construction, legal documents required for real estate acquisition for its construction, and the construction administration of the project.
- The City will administer the project locally in accordance with the NCDOT Sponsor Guide requirements; project work may begin as soon as an agreement between the City and selected engineer is approved by the State.
- The Big Cross Creek Trail is 6 new miles of pedestrian and bicycle trails which will connect Smith Lake Recreation complex on Ft. Bragg Military Reservation to the confluence of the Big and Little Cross Creeks near downtown Fayetteville, North Carolina.
- The 10' wide paved trail for walkers, joggers, bicyclists and others utilizing non-motorized transportation will include bridges and boardwalks.

ISSUES:

- The agreement is for Big Cross Creek Trail engineering and permitting services only.

BUDGET IMPACT:

- The total cost of engineering and permitting services is estimated to be \$800,000.
- Funding includes \$640,000 in federal funds; \$80,000 state match; \$80,000 local match
- Local matching funds are designated in the general fund

OPTIONS:

1. Approve the NC Department of Transportation Agreement and adopt Special Revenue Fund Project Ordinance 2014-7.
2. If approved, the Parks and Recreation Department will move forward to receive Request For Qualifications from interested firms.
3. Do not approve the agreement or the project ordinance.

RECOMMENDED ACTION:

- Staff recommendation is to approve the agreement with NCDOT and adopt Special Revenue Fund Project Ordinance 2014-7.

ATTACHMENTS:

Agreement NCDOT Big Cross Creek Multi-Use Trail
Special Revenue Fund Project Ordinance 2014-7

NORTH CAROLINA
CUMBERLAND COUNTY

LOCALLY ADMINISTERED PROJECT - FEDERAL

DATE: 6/26/2013

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: EB-5541

AND

WBS Elements: PE 45550.1.1

CITY OF FAYETTEVILLE

OTHER FUNDING:

FEDERAL-AID NUMBER: STPDA-0620(26)

CFDA #: 20.205

Total Funds [NCDOT Participation] \$720,000

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

WITNESSETH:

WHEREAS, Title 23, Sections 133(d)(3) and 133(f) of the US Code require suballocation of Surface Transportation Program Funds to urbanized areas; and,

WHEREAS, the City of Fayetteville has requested federal funding for Big Cross Creek Greenway, hereinafter referred to as the Project, in Cumberland County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$720,000 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the Municipality for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the Municipality has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

1. GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

AGREEMENT MODIFICATIONS

Any modification to this Agreement will be agreed upon in writing by all parties prior to being implemented.

Any increases to the funding amount will be agreed upon by all parties by means of a Supplemental Agreement.

LOCAL PUBLIC AGENCY TO PERFORM ALL WORK

The Municipality shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the Municipality and/or its contractors and agents. The Department will provide technical oversight to guide the Municipality. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

PERSON IN RESPONSIBLE CHARGE

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

COMPLIANCE WITH STATE/FEDERAL POLICY

The Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department's guidelines and procedures, including the *Local Programs Management Handbook*.

FAILURE TO COMPLY - CONSEQUENCES

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

2. SCOPE OF PROJECT

The Project consists of the completion of Preliminary Engineering, including Planning, Environmental, and Design Documents, for the Big Cross Creek multi-use trail project, from Smith Lake Recreation Complex on Ft. Bragg Military Reservation to the confluence of Big and Little Cross Creeks near downtown Fayetteville.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- Design
- Environmental Documentation

as further set forth in this Agreement.

3. FUNDING

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal and state funds, the Department shall participate up to a maximum amount of Seven Hundred Twenty Thousand Dollars (\$720,000), as detailed below. The Municipality shall provide a local match, as detailed in the FUNDING TABLE below, and all costs that exceed the total estimated cost.

FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
STP-DA	\$320,000	80%	\$80,000 Local Match	20% Local Match
STP-EB	\$320,000	80%	\$80,000 State Match	20% State Match
Total Estimated Cost			\$800,000	

4. TIME FRAME

The Municipality, and/or its agent, shall complete pre-construction activities, to include Environmental Document, Right of Way Certification and final PS&E package, by 01/31/2015, in order to authorize construction funds prior to the end of the Federal Fiscal Year (September 30). In the event additional time is required to complete pre-construction activities, the Department will

accept a written request for an extension of time as long as authorization of construction funds can still occur in the same Federal Fiscal Year. Any extensions of time beyond the current Federal Fiscal Year will require a supplemental agreement.

The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

5. PLANNING / ENVIRONMENTAL DOCUMENTATION

The Municipality shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The Municipality shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department.
- The Municipality shall advertise and conduct any required public hearings.
- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the Municipality shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The Municipality shall bear all costs associated with penalties for violations and claims due to delays.
- The Municipality shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at www.ncleg.net/gascripts/Statues/Statutes.asp and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the Municipality, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

6. DESIGN

CONTENT OF PLAN PACKAGE

The Municipality, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

7. REIMBURSEMENT

REIMBURSEMENT GUIDANCE

The Municipality shall adhere to applicable administrative requirements of Title 49 Code of Federal Regulations, Part 18 (www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm) and Office of Management and Budget (OMB) Circulars A-102 (www.whitehouse.gov/omb/circulars/index.html) "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm and by Office of Management and Budget (OMB) Circular A-87 (www.whitehouse.gov/omb/circulars/index.html) "Cost Principles for State, Local, and Indian Tribal Governments." Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

REIMBURSEMENT LIMITS

▪ WORK PERFORMED BEFORE NOTIFICATION

Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

- **NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**

At no time shall the Department reimburse the Municipality costs that exceed the total federal funding.

- **UNSUBSTANTIATED COSTS**

The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

- **WORK PERFORMED BY NCDOT**

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$720,000 available to the Municipality under this Agreement. If the cost of work done by the Department exceeds the funding award, the Department will bill the Municipality for

FORCE ACCOUNT

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in Office of Management and Budget (OMB) Circular A-87 (www.whitehouse.gov/omb/circulars/index.html) "Cost Principles for State, Local, and Indian Tribal Governments." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

BILLING THE DEPARTMENT

- **PROCEDURE**

The Municipality may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the Municipality is responsible for submitting the FFATA Subrecipient Information Form, which is available at <http://www.ncdot.gov/programs/Enhancement/ProjectAdministration/Forms/>.

- **INTERNAL APPROVALS**

Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Financial Management Division.

- **TIMELY SUBMITTAL OF INVOICES**

The Municipality may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

- **FINAL INVOICE**

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

8. REPORTING REQUIREMENTS AND RECORDS RETENTION

PROJECT EVALUATION REPORTS

The Municipality is responsible for submitting quarterly Project evaluation reports, in accordance with the Department's guidelines and procedures that detail the progress achieved to date for the Project.

PROJECT RECORDS

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial

Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

9. OTHER PROVISIONS

REFERENCES

It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

INDEMNIFICATION OF DEPARTMENT

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

DEBARMENT POLICY

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Municipality certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

TITLE VI - CIVIL RIGHTS ACT OF 1964

The Municipality shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

OTHER AGREEMENTS

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for STP-DA funds and obligations as approved by the Department under the terms of this Agreement.

AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IMPROPER USE OF FUNDS, EXCESS USE OF FUNDS

Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, or if the cost of work done by the Department exceeds the funding award, the Department will bill the Municipality.

TERMINATION OF PROJECT

If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

AUDITS

In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (www.whitehouse.gov/omb/circulars/a133/a133.html) dated June 27, 2003 and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

REIMBURSEMENT BY MUNICIPALITY

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the Municipality to the Department within sixty (60) days of receiving an invoice. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

USE OF POWELL BILL FUNDS

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

GIFT BAN

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

10. SUNSET PROVISION

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

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

ATTEST: CITY OF FAYETTEVILLE
BY: _____ BY: _____
TITLE: _____ TITLE: _____
DATE: _____

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

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

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

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

City of Fayetteville

Remittance Address:

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

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

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2014-7

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 adopted:

Section 1. The project authorized is for the funding of the Big Cross Creek multi-use trail design project, which will include preliminary engineering, planning, and environmental services, and design documents.

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:

North Carolina Department of Transportation	\$ 720,000
Local Match - General Fund Transfer	<u>80,000</u>
	<u><u>\$ 800,000</u></u>

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

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

Adopted this 9th day of September, 2013.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: September 9, 2013
RE: **NCDOT Right-of-Way Claim; Reference TIP R-2303A (Hwy NC-24 Widening)**

THE QUESTION:

How to respond to a request by NCDOT for Right-of-way on PWC - City property?

RELATIONSHIP TO STRATEGIC PLAN:

Lowest Responsible Rates, Most Financially Sound Utility.

BACKGROUND:

NCDOT is widening a section of NC-Hwy-24 between Stedman and Clinton. The roadway project will require the acquisition of Right-of-Way on PWC property located on the south side of NC-24 just east of Stedman, NC. The property is described in Deed Book 3310, Page 268 and is referred to as the "PWC Farm".

It was acquired by PWC in July 1987 for Residuals (sludge) application. **DESCRIPTION OF THE ACQUISITION:** The taking of permanent right-of-way will include a .191 acre triangular wedge on the east end section of the property plus a elongated rectangular section of property averaging approximately 35 feet in width a distance of approximately 946.19 feet along the road and contains approximately .763 acres. The total area of taking in permanent right-of-way is .954 acres. In addition to the permanent right-of-way, a taking will include .835 acres of permanent utility easement which runs parallel with the new right-of-way. Improvements within the easement include approximately 390 lineal feet of 4-foot high woven wire fencing and approximately 1050 square feet of asphalt paving. NCDOT's offer of compensation based on a fair market value appraisal is \$29,614.00.

ISSUES:

Will City Council agree with PWC's recommendation to accept the proposed offer of compensation and grant the requested right-of-way?

BUDGET IMPACT:

No known impact.

OPTIONS:

1. Agree to the accept NCDOT's proposed offer and authorize the City Manager to execute the necessary Right-of-way documents.
2. Reject the proposed offer and deny NCDOT's request for Right-of-way.

RECOMMENDED ACTION:

Staff recommend Council authorize execution of the Right-of-way documents by City Manager.

ATTACHMENTS:

Deed for Highway ROW - Hwy NC 24 Stedman
NCDOT Offer Letter
NCDOT ROW Maps

Revenue Stamps \$ 60.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY R.A. Marshall CHECKED BY R.Yates

The hereinafter described property ☐ Does ☒ Does not include the primary residence of the Grantor.

RETURN TO: Division Right of Way Agent - NCDOT
225 Green Street Suite 503
Fayetteville, NC 28301

NORTH CAROLINA	T.I.P No.:	<u>R-2303A</u>
COUNTY OF <u>Cumberland</u>	WBS ELEMENT:	<u>34416.2.2</u>
TAX MAP AND LOT <u>1405-16-9146</u>	TIP/PARCEL NUMBER:	<u>R-2303A 158</u>
	ROUTE:	<u>NC 24 (Stedman Area)</u>

THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____, 2013
by and between THE CITY OF FAYETTEVILLE, A MUNICIPAL CORPORATION
433 HAY STREET, FAYETTEVILLE NC 28301

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 29,614.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE (together with any provisions relating to abutter’s rights of access which may be hereinafter stated), that certain property located in Cedar Creek Township, Cumberland County, North Carolina, which is particularly described as follows:

Point of beginning being S 21°42'17.2" E, 151.789 feet from -L- Sta 365+00; thence to a point on a bearing of S 63°14'40.1" E, 139.158 feet; thence to a point on a bearing of N 26°50'53.0" E, 34.542 feet; thence to a point on a bearing of N 62°56'5.3" W, 946.075 feet; thence to a point on a bearing of S 27°05'40.0" W, 35.000 feet; thence to a point on a bearing of S 62°54'50.1" E, 65.076 feet; thence to a point on a bearing of S 62°54'50.1" E, 351.033 feet; thence to a point on a bearing of S 62°54'50.1" E, 390.959 feet; returning to the point and place of beginning.

IN ADDITION, and for the aforestated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

Permanent Utility Easement described as follows:

Point of beginning being S 11°39'50.1" W, 120.333 feet from -L- Sta 365+00; thence to a point on a bearing of S 22°41'14.5" W, 13.038 feet; thence to a point on a bearing of S 76°18'23.1" E, 21.587 feet; thence to a point on a bearing of N 27°05'9.9" E, 4.000 feet; thence to a point on a bearing of S 60°22'21.9" E, 199.667 feet; thence to a point on a bearing of N 26°50'53.0" E, 29.656 feet; thence to a point on a bearing of N 63°14'40.1" W, 139.158 feet; thence to a point on a bearing of N 62°54'50.1" W, 390.959 feet; thence to a point on a bearing of N 62°54'50.1" W, 351.033 feet; thence to a point on a bearing of N 62°54'50.1" W, 65.076 feet; thence to a point on a bearing of S 27°05'40.0" W, 16.000 feet; thence to a point on a bearing of S 62°54'50.1" E, 379.746 feet; thence to a point on a bearing of S 62°54'50.1" E, 112.132 feet; thence to a point on a bearing of S 27°05'9.9" W, 10.000 feet; thence to a point on a bearing of S 60°11'15.4" E, 21.024 feet; thence to a point on a bearing of N 27°05'9.9" E, 11.000 feet; thence to a point on a bearing of S 62°54'50.1" E, 212.000 feet; returning to the point and place of beginning. Having an area of 17324.012 Sqr feet being 0.398 acres

Said Permanent Utility easement in perpetuity is for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises a utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all tress and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress. It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described permanent utility easement area(s). It is further understood and agreed that Permanent Utility Easement shall be used by the Department for additional working area during the above described project.

SPECIAL PROVISIONS. This deed is subject to the following provisions only:
None

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Cumberland County Registry in Deed Book 3310 Page 268 .

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The Grantors acknowledge that the project plans for Project # 34416.2.2 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # 34416.2.2 , Cumberland County; and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

IT IS UNDERSTOOD AND AGREED between the parties hereto that this conveyance is made for the purpose of constructing and establishing upon the right of way hereby conveyed a road or highway designated as State Highway Project 34416.2.2 , Cumberland County, which road or highway is a controlled access facility as defined by law and the GRANTORS shall have no right of access to said road or highway, except such access as may be provided by way of local service or frontage roads and streets or specific access points as shown and designated as such on the right of way plans for said State Highway Project on file in the office of the DEPARTMENT in Raleigh, North Carolina and to be recorded in the Register of Deeds Office of Cumberland County pursuant to NCGS 136-19.4.

The access as provided is more particularly described as follows:
By means of a specific access point 60 feet in width which is located right of and between Survey Station 371+70 and Survey Station 372+30 on Survey Line L.
By means of a specific access point which is located right of and between Survey Station 375+60 and the eastern property line on Survey Line L.

As to such local service or frontage roads and streets or specific points of access, the GRANTORS reserve unto themselves, their heirs, successors, executors and assigns for the benefit of their remaining property abutters' rights of access thereto as at common law; subject, however, to the right of the DEPARTMENT to reasonably regulate said abutters' rights of access in order to protect and safeguard the traveling public.

TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS 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 hereby conveyed subject to the following exceptions:

None

COUNTY Cumberland WBS ELEMENT: 34416.2.2 TIP/PARCEL NO. R-2303A 158

IN WITNESS WHEREOF, the GRANTORS pursuant to a resolution dated _____, has caused this instrument to be signed in its corporate name by its CITY MANAGER, its corporate seal hereto affixed, and attested by it CLERK OF THE CITY OF FAYETTEVILLE, by order of the _____, this the day and year first above written.

Corporate Seal The City of Fayetteville A Municipal Corporation
(Corporate Name)

BY: _____
Theodore L. Voorhees
City Manager
For The City Of Fayetteville

ATTEST: _____
Pamela J. Megill
City Clerk of The
City of Fayetteville

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

<div>(Stamp/Seal)</div>	STATE OF _____ COUNTY OF _____
	I, _____ a Notary Public for said County and State, so hereby certify that _____
	Personally appeared before me this day and acknowledged that he/she is The CITY CLERK OF THE CITY OF FAYETTEVILLE , and that by authority duly given, the foregoing instrument was signed in its name by its CITY MANAGER , sealed with its corporate seal, and attested by _____ as its CITY CLERK .
	Witness my hand and official stamp or seal, this the _____ day of _____, _____.
	My commission expires _____ Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered on the _____ day of _____, 20 _____ in Book _____, Page _____ at _____ o'clock _____ M. _____ REGISTER OF DEEDS FOR _____ COUNTY
BY: _____ Deputy/Assistant - Register of Deeds



Gulf Coast
Property Acquisition, Inc.

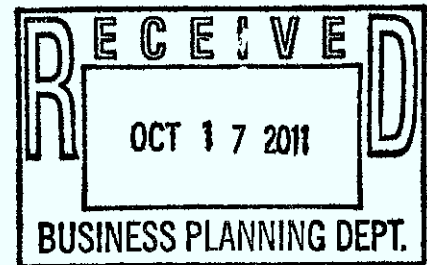
Innovative Partners in Your Future Success

7308 Clinton Road.
Stedman, NC 28391
(910) 483-9445

October 10, 2011

City of Fayetteville
Attn: Jim Autry
433 Hay Street
Fayetteville, NC 28301

RE: NC 24 in Cumberland County
Project #: R-2303A
Parcel #: R-2303A 158



Mr. Autry, as you know the NCDOT has proposed to widen HWY 24 in Cumberland County. Per your request I have enclosed a copy of the NCDOT's Appraisal, Summary Statement/Offer Letter and a copy of the plan sheets that deal with the areas of Acquisition needed from The City of Fayetteville's property located at 8924 Clinton Road. Please let me know if you have any questions or if you need additional information.

Thank you,

Mark T. Smith
Acquisition Agent
(910)734-1949
smithandmark@gmail.com

**SUMMARY STATEMENT/OFFER TO PURCHASE REAL PROPERTY
DUE TO THE ACQUISITION OF RIGHT OF WAY AND DAMAGES**

TO: City of Fayetteville
433 Hay Street
Fayetteville, NC 28301

DATE: October 11, 2011
TO: Lessee, if Applicable

TIP NO.: R-2303A

WBS ELEMENT: 34416.2.2

COUNTY Cumberland

PARCEL NO.: R-2303A 158

DESCRIPTION: NC24 from West of SR 1006 (Maxwell Rd./Clinton Rd.) to SR 1853 (John Nunnery Rd.)

Dear Property Owner:

The following offer of just compensation is based on the fair market value of the property and is not less than the approved appraised value for the appropriate legal compensable interest or interests. The approved value disregards any increase or decrease in the fair market value of the property acquired due to influence caused by public knowledge of this project. The offer of just compensation is based on an analysis of market data, comparable land sales, and, if applicable, building costs in the area of your property. Please retain this form as it contains pertinent income tax information.

Value of Part Taken (Includes Land, Improvements And Appurtenances Considered as Realty)	\$ <u>29,614.00</u>
Damages, if any, to Remainder	\$ <u>-0-</u>
Benefits, if any, to Remainder	\$ <u>-0-</u>
TOTAL	\$ <u>29,614.00</u>

The total offer includes all interests other than leases involving Federal Agencies and Tenant owned improvements.

(A) Description of the land and effects of the acquisition by easement ☐ and deed ☒:

Subject property described in Deed Book 3310, page 268, Cumberland County Registry, contains approximately 724.900 acres of which 0.954 acres is being acquired as right of way, leaving 723.946 acres remaining on the right with access to NC 24. Also being acquired is a permanent utility easement containing approximately 0.835 acres.


(B) The offer for improvements considered as realty includes payment for the improvements and appurtenances described below. Should you desire to retain these improvements, you may repurchase them for a retention value with the stipulation that you remove them from the acquisition area at no expense to the Department.
Fencing, asphalt paving, various landscaping (including two large trees)

(C) Should you desire to sell the Department the portion of your property considered to be an uneconomic remnant/buildable lot, as explained to you by the Right of Way Agent, the total offer would be: \$ n/a

I will be available at your convenience to discuss this matter further with you. My telephone number is 910-483-9445, in Stedman, North Carolina.

The original of this form was handed to Jim Autry on 10-11-20 11. Owner was furnished a copy of the Right of Way Brochure/Owner's Letter.

(Signed)



Right of Way Agent

North Carolina Department of Transportation – Right of Way Branch Appraisal Summary Sheet

1. State Project: R 2303 A County: Cumberland
 2. Owner(s): City of Fayetteville Parcel No.: 158
 3. Plan Sheet No.: 29, 30, & 31 Survey Stations: SS 358 + 05 to SS 376 + 65, SL

4. Land Areas:	AREA LT. OF R/W	AREA IN R/W	AREA RT. OF R/W	TOTAL
	0 ac	.954 ac	723.946 ac	724.9 ac
5. Less: Land Area in Existing Right of Way:	0 ac	0 ac	0 ac	0 ac
6. Appraise Net Areas	0 ac	.954 ac	723.946 ac	724.9 ac

7. Easements: TCE: 0 ac DRAINAGE: perm 0 ac temp 0 ac
 PUE .835 ac OTHER: 0 ac

8. Improvements Lt. of R/W	Improvements to be Acquired	Improvements Rt. of R/W
	Fencing	
	Asphalt Paving	

9. Rights and Interests to be Appraised: Unencumbered Fee Simple Interest
 (Subject to Existing Easements and Restrictions as Affected by Highway Acquisition.)

10. Estimated Fair Market Value of Property Immediately Before:

Land \$	192,000	
Improvements \$	19,100	
TOTAL		\$ 211,100

Estimated Fair Market Value of Property Immediately After:

Land \$	170,532	
Improvements \$	10,954	
TOTAL		\$ 181,486

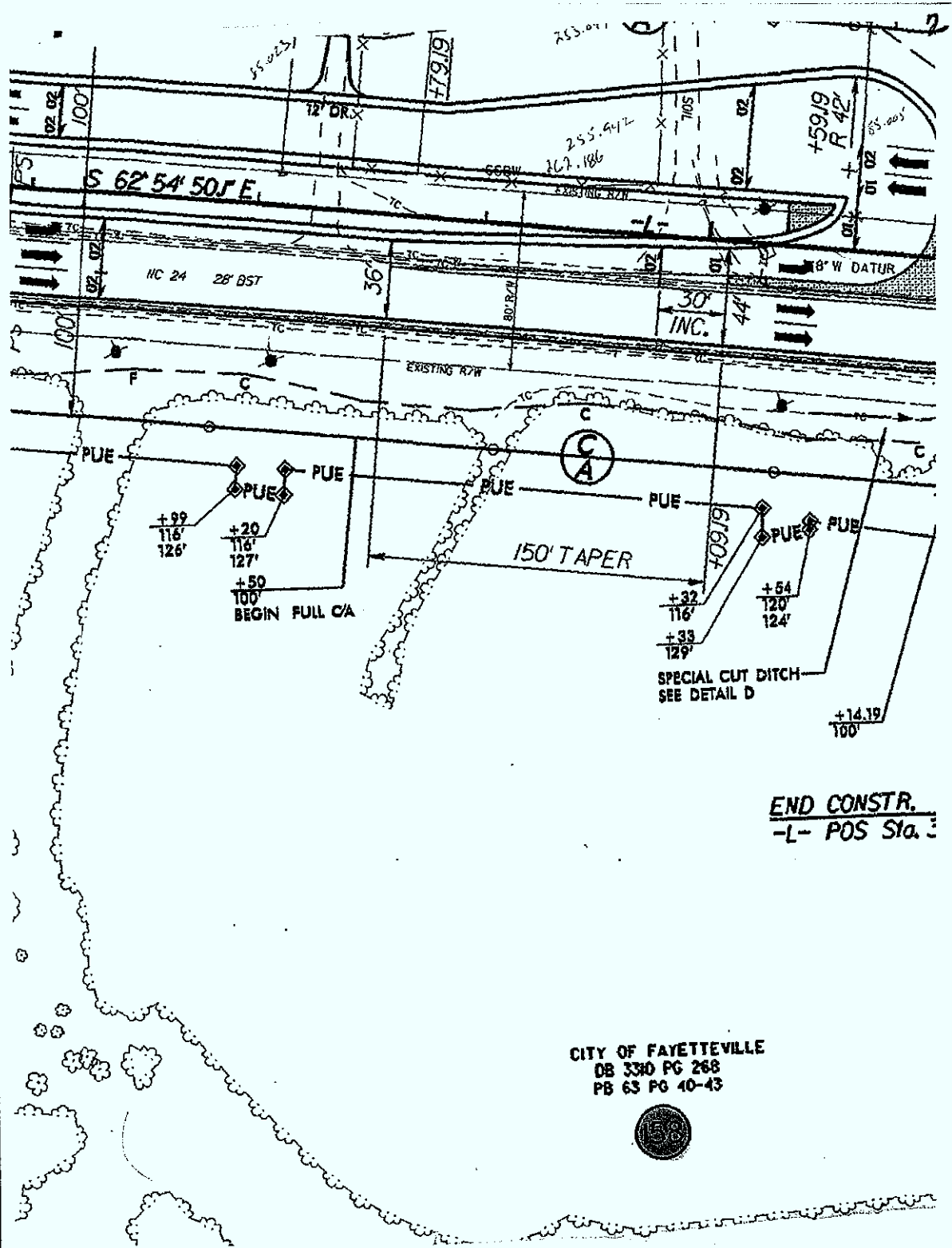
DIFFERENCE Between Before and After Value (If Benefited, Type "Benefits") \$ 29,614

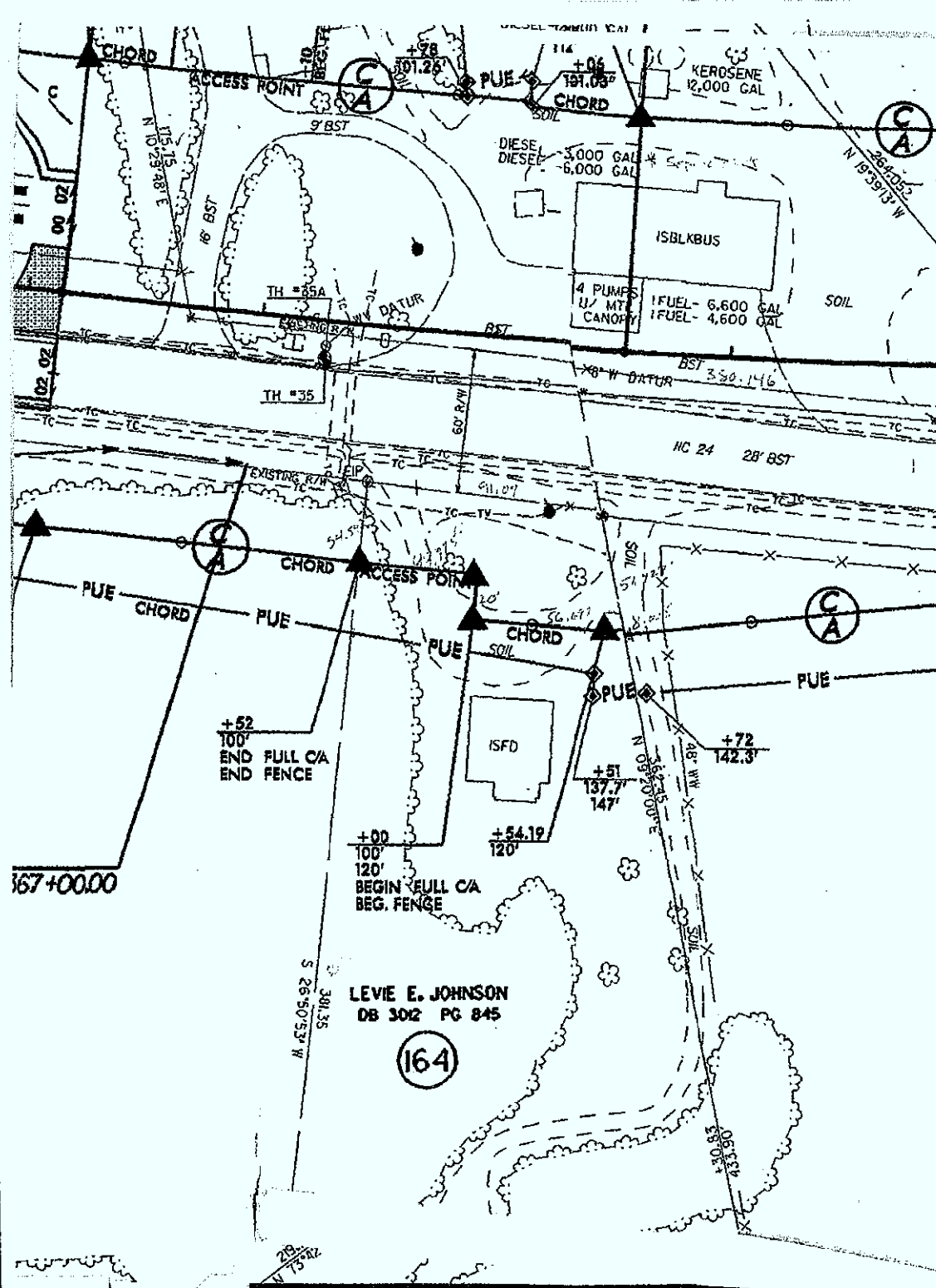
Crawford B. MacKethan 7-06-2011
 Signed Date of Appraisal

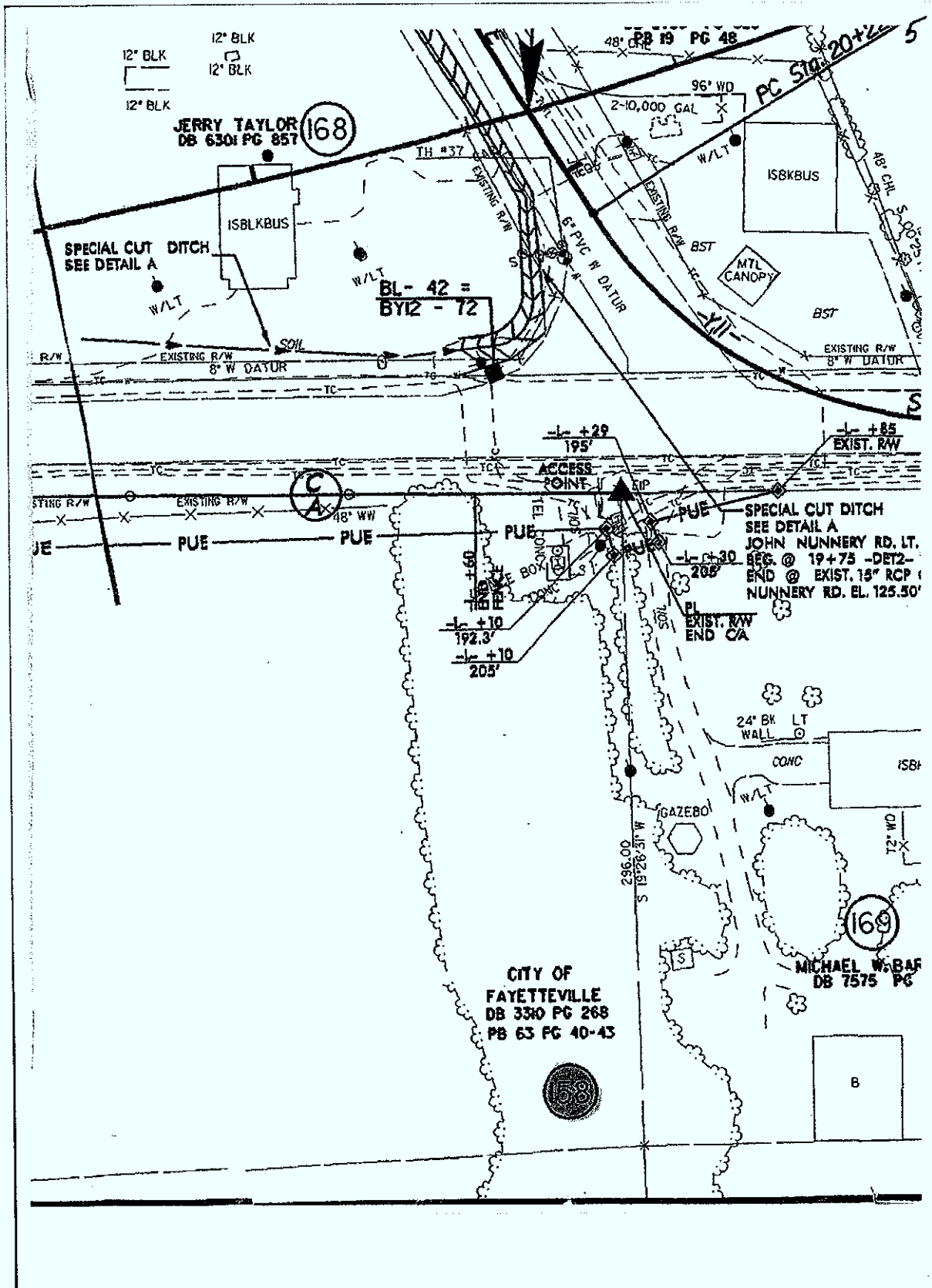
Name: Crawford B. MacKethan Phone: (910) 483-4491
 Address: P.O. Box 53458
Fayetteville, NC 28305-3458

FRM5-H









CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: September 9, 2013
RE: **NCDOT Right-of-Way Claim; Reference W-5206I (Cumberland Road/Camden Road/Southern Avenue)**

THE QUESTION:

How to respond to a request by NCDOT for Right-of-way on PWC - City property?

RELATIONSHIP TO STRATEGIC PLAN:

Lowest Responsible Rates, Most Financially Sound Utility.

BACKGROUND:

NCDOT has a proposed roadway improvement project at the intersection of SR 1141 (Cumberland Road) and SR 1169 (Camden Road) as it intersects Southern Avenue. The proposed roadway project will require the acquisition by NCDOT of a Permanent Utility Easement on the PWC Camden Road Electrical Substation. The substation property was acquired in July 1992 and is described in Deed Book 3821, Pages 700-708.

DESCRIPTION OF THE ACQUISITION: The taking of right-of-way is a Permanent Utility Easement containing approximately 0.011 acres (495.28 square feet).

The purpose of the utility easement is to accommodate the installation, construction, and maintenance of a proposed roadway storm drain. This will require the removal and relocation of approximately 27 lineal feet of 7-foot chain link fencing and 3' wide grounding grid and removal and replanting of perimeter shrubs. NCDOT has agreed to compensate PWC the cost of removal and replacement of the fence, grounding grid, and plants estimated by PWC at \$10,300.

ISSUES:

Will City Council agree to grant the requested right-of-way?

BUDGET IMPACT:

No known impact.

OPTIONS:

1. Accept NCDOT's offer and authorize the City Manager to execute the necessary Right-of-way documents.
2. Reject the offer and deny NCDOT's request for Right-of-way.

RECOMMENDED ACTION:

Staff recommend Council authorize execution of the Right-of-way documents by City Manager.

ATTACHMENTS:

Agreement for Entry
NCDOT Claim Letter
NCDOT ROW Map
PUE - NCDOT
Settlement Letter - NCDOT

AGREEMENT FOR ENTRY - SETTLEMENT

TIP/PARCEL W-52061 008 WBS ELEMENT 45336.2.9

COUNTY Cumberland

THIS AGREEMENT made this the _____ of _____, 2013, by
City of Fayetteville, a North Carolina Municipal Corporation
433 Hay Street
Fayetteville, NC 28302

(hereinafter referred to as "Owners"); the Department of Transportation, an Agency of the State of North Carolina (hereinafter referred to as the "Department");

WITNESSETH

It is hereby acknowledged that by instrument dated _____, the undersigned Owners reached an agreement to settle the above referenced right of way claim with the Department.

By execution of this Agreement, the undersigned Owners hereby allow the Department, its employees, assigns, and contractors, to enter upon that property to be conveyed to the Department (said property further delineated upon plans for said project) by the above-referenced instrument for purpose's related to the construction and or utility relocations of the above-referenced project.

This Agreement terminates upon recordation of the above-referenced right of way deed. It is expressly understood herein that such entry shall not be deemed a trespass or taking by the Department.

IN WITNESS WHEREOF, the parties hereto have set their hands and adopted seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer, the day and year first above written.

City of Fayetteville, a North Carolina Municipal Corp.

Ted Voorhees, City Manager

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

(Official Seal)	State of <u>North Carolina</u>	County _____
	I, _____, a Notary Public for said County and State, hereby certify that <u>Ted Voorhees</u> , personally came before me this day and acknowledged that he is <u>City Manager of City of Fayetteville</u> , a North Carolina Municipal Corporation, being authorized to do so executed the forgoing instrument.	
	Witness my hand and official seal this the _____ day of _____, 2013	
	My commission expires: _____ Notary Public	



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PATRICK L. MCCRORY

GOVERNOR

DIVISION OF HIGHWAYS
DIVISION 6 RIGHT OF WAY OFFICE

ANTHONY J. TATA

SECRETARY

April 29, 2013

WBS#: 45336.2.9
I.D. #: W-52061
F.A. No.: STP-114(22)
COUNTY: Cumberland
DESCRIPTION: Roundabout at intersection of SR 1141 and SR 1169
CLAIMANT: City of Fayetteville

Fayetteville Public Works Commission
C/O Mr. Jim Autry
955 Old Wilmington Road
Fayetteville, NC 28301

Dear Mr. Autry:

The North Carolina Department of Transportation has proposed a road improvement project for the intersection of SR 1141 (Cumberland Road) and SR 1169 (Camden Road) as it intersects with Southern Avenue. This improvement project will include a traffic roundabout which will be constructed as the centerpiece of this project. The department will need to acquire approximately 0.011 acres (495.28 square feet) of permanent utility easement.

Enclosed you will find a copy of the highway plans for this project. Please contact me in the Fayetteville Right of Way Office at (910) 486-1554, extension 211, if you have any questions or concerns. Thank you for your assistance in this matter.

Respectfully,

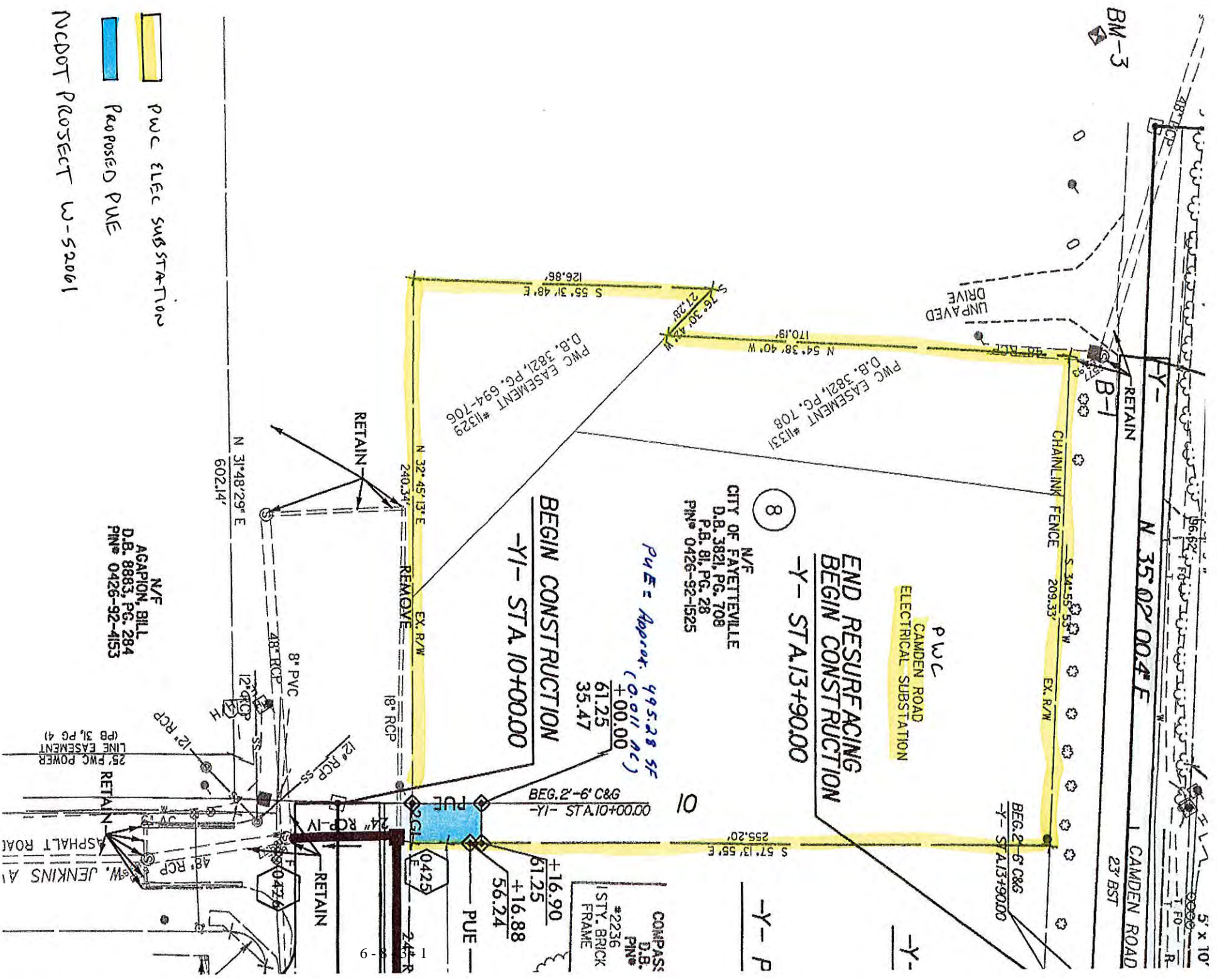
A handwritten signature in blue ink, appearing to read "E.R. Butler".

E.R. Butler
Right of Way Agent

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
225 GREEN STREET SUITE 503
FAYETTEVILLE, NC 28301

TELEPHONE: (910) 486-1554
FAX: (910) 486-1077
WEBSITE: WWW.NCDDOT.ORG

LOCATION:
SYSTEL BUILDING SUITE 503
FAYETTEVILLE, NC



Revenue Stamps \$ 21.00

PERMANENT UTILITY EASEMENT

THIS INSTRUMENT DRAWN BY

S. R. Allen

CHECKED BY

David L. Ph

Return to: Division Right of Way Agent
225 Green Street, Suite 503
Fayetteville, NC 28301

NORTH CAROLINA
COUNTY OF Cumberland

T.I.P. No.: W-5206I

WBS ELEMENT: 45336.2.9

TIP/PARCEL NUMBER: W-5206I 008

ROUTE: Roundabout on SR 1141

THIS EASEMENT, entered into this the _____ day of _____, 2013, by and
between City of Fayetteville, a North Carolina Municipal Corporation
433 Hay Street

Fayetteville, NC 28302-5537

hereinafter referred to as the GRANTORS, and the DEPARTMENT OF TRANSPORTATION, an agency of the
State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the
Department;

WITNESSETH

THAT WHEREAS, the DEPARTMENT desires to construct and maintain a utility facility through and across the
property of GRANTORS,

AND WHEREAS, GRANTORS, recognizing the benefits accruing to their said property through the construction
and maintenance by the DEPARTMENT of roads and highways upon or in the vicinity of said property of
GRANTORS,

NOW, THEREFORE, in consideration of said benefits, and further consideration of \$ 10,300.00

and other valuable considerations, GRANTORS hereby release the DEPARTMENT, its successors and assigns,
from any and all claims for damages by reason of the construction and maintenance of said utility facility across
and through the lands of GRANTORS, and GRANTORS hereby give, grant, bargain, sell and convey unto the
DEPARTMENT, its successors, and assigns, an easement for the construction and maintenance of a utility
facility across and through the property of GRANTORS located in

Fayetteville Township, Cumberland County, and being more fully described in a
deed recorded in Book 3821, Page 708, Cumberland County Registry,
said easement being described as follows:

Point of beginning being S 58°53'52.9" E; 273.773 feet from -Y- STA. 13+00; thence to a point on a bearing of S
32°30'24.5" W, 16.902 feet; thence to a point on a bearing of S 57°29'35.5" E, 29.384 feet; thence to a point on
a bearing of N 32°45'13.4" E, 16.768 feet; thence to a point on a bearing of N 57°13'54.6" W, 14.800 feet;
thence to a point on a bearing of N 57°13'54.6" W, 14.657 feet, returning to the point and place of beginning.

The final right of way plans showing the above described area are to be certified and recorded in the Office of
the Register of Deeds for said county pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made
for purposes of further description and for greater certainty.

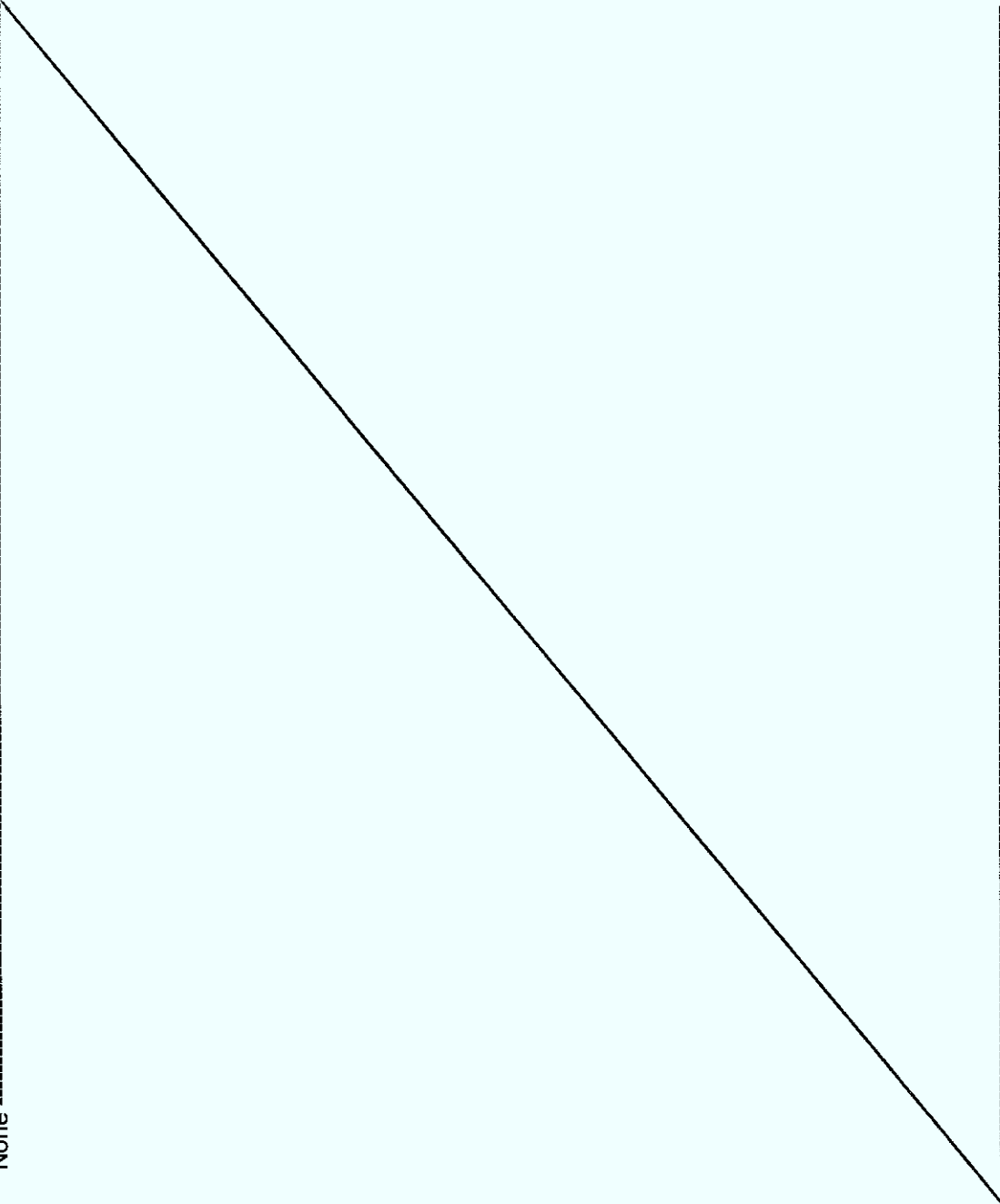
Said Permanent Utility easement in perpetuity is for the installation and maintenance of utilities, and for all
purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or
assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises
utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter
said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations
thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions
that may in any way endanger or interfere with the proper maintenance and operation of the same with the right
at all times of ingress, egress and regress.

FRM7-U

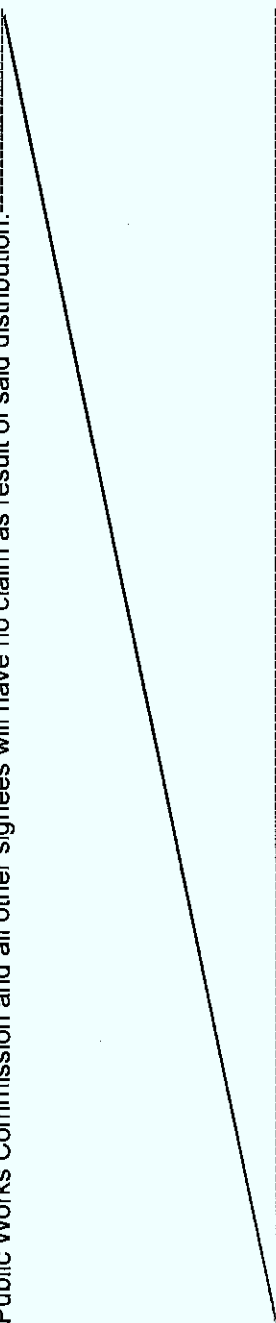
Page 1 of 3

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described permanent utility easement area(s). It is further understood and agreed that Permanent Utility Easement shall be used by the Department for additional working area during the above described project.

IN ADDITION, and for the aforestated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

None -----


This EASEMENT is subject to the following provisions only:

It is understood and agreed that the total consideration of \$10,300.00 is made payable to the Fayetteville Public Works Commission and all other signees will have no claim as result of said distribution. -----


There are no conditions to this EASEMENT not expressed herein.

TO HAVE AND TO HOLD said perpetual easement for highway purposes unto the DEPARTMENT, its successors and assigns, and the GRANTORS, for themselves, their heirs, successors, executors and assigns, hereby warrant and covenant that they are the sole owners of the property; that they solely have the right to grant the easement; and that they will forever warrant and defend title to the same against the lawful claims of all persons whomsoever;

The Grantors acknowledge that the project plans for Project # 45336.2.9 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # 45336.2.9, Cumberland County; and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

Corporate Seal

City of Fayetteville, a North Carolina
Municipal Corporation
(Corporate Name)

BY:

Ted Voorhees, City Manager

ATTEST:

Pamela Megill, City Clerk

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY:

(Stamp/Seal)	STATE OF North Carolina	COUNTY OF
	I, Pamela Megill a Notary Public for said County	
	and State, certify that personally came before me this day and acknowledged that she is City Clerk of City of Fayetteville, a North Carolina Municipal Corp. and that by the 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 official stamp or seal, this the day of , 2013	
	My commission expires Notary Public	

The foregoing Certificate(s) of is/are certified to be correct. This instrument and this certificate are duly registered on the day of , 20 in Book , Page at o'clock M.

REGISTER OF DEEDS FOR COUNTY

BY: Deputy/Assistant - Register of Deeds



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PATRICK L. MCCRORY

GOVERNOR

DIVISION OF HIGHWAYS
DIVISION 6 RIGHT OF WAY OFFICE

ANTHONY J. TATA

SECRETARY

August 28, 2013

WBS#: 45336.2.9
I.D. #: W-52061
F.A. No.: STP-114(22)
COUNTY: Cumberland
DESCRIPTION: Roundabout at intersection of SR 1141 and SR 1169
CLAIMANT: City of Fayetteville

Fayetteville Public Works Commission
C/O Mr. Jim Autry
955 Old Wilmington Road
Fayetteville, NC 28301

Dear Mr. Autry:

The North Carolina Department of Transportation has a planned road improvement project for the intersection of SR 1141 (Cumberland Road) and SR 1169 (Camden Road) as it intersects with Southern Avenue. The department will acquire 0.011 acres (495.28 square feet) of permanent utility easement as part of the project. An approved settlement of \$10,300.00 has been agreed upon between the NCDOT and City of Fayetteville to close the claim. The settlement amount was based on an estimate provided by the Public Works Commission.

Please contact me in the Fayetteville Right of Way Office at (910) 486-1554, extension 211, if you have any questions or concerns. Thank you for your assistance in this matter.

Respectfully,

E. R. Butler

E.R. Butler
Right of Way Agent

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
225 GREEN STREET SUITE 503
FAYETTEVILLE, NC 28301

TELEPHONE (910) 486-1554
FAX (910) 486-1077
WEBSITE: WWW.NCDOT.ORG

LOCATION:
SYSTEM BUILDING SUITE 503
FAYETTEVILLE, NC

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: September 9, 2013
RE: **PWC - Bid Recommendation to Award Contract for Annexation Phase V – Project VI, Area 14 – Arran Hills/Winter Park**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests that Council approve bid recommendation to award contract for Annexation Phase V – Project VI, Area 14 – Arran Hills/Winter Park for the base construction bid plus the alternate bid, less the cost for permanent patch paving.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of August 28, 2013 approved bid recommendation to award contract for the Annexation Phase V-Project VI, Area 14-Arran Hills / Winter Park for the base construction bid plus the alternate bid, less the cost for permanent patch paving to ES&J Enterprises, Inc., Autryville, NC, the lowest responsive, responsible bidder for the base bid plus the alternate bid, less the cost for permanent patch paving in the total amount of \$2,498,599.70 and forward to City Council for approval. This item is budgeted in the CIP Budget as WS-47 – Phase V Annexation in the amount of \$3,147,952.50 for FY 2014 for construction of Area 14. Bids were received July 10, 2013 as follows:

<u>Bidders</u>	<u>Total Cost</u>
ES&J Enterprises, Inc., Autryville, NC	\$2,498,599.70
Billy Bill Grading, Fayetteville, NC	\$2,894,504.50
State Utility Contractors, Inc., Monroe, NC	\$2,945,112.90
Sandhills Contractors, Inc., Sanford, NC	\$3,297,359.29
T.A. Loving Co., Goldsboro, NC	\$3,644,331.95
DeVere Construction Co., Raleigh, NC	\$3,645,472.96
Utilities Plus, Inc., Linden, NC	\$3,776,737.24

ES&J Enterprises, Inc. will be utilizing a certified woman-owned subcontractor for 0.4% of the work on this project. Additionally, ES&J is a certified woman-owned business and will be completing 55.8% of the work with their own forces. The total SDBE participation is therefore 56.2%.

ISSUES:

N/A

BUDGET IMPACT:

PWC Budgeted Item

OPTIONS:

N/A

RECOMMENDED ACTION:

The Public Works Commission recommends that the City Council move to award contract for the Annexation Phase V-Project VI, Area 14-Arran Hills / Winter Park for the base construction

bid plus the alternate bid, less the cost for permanent patch paving to ES&J Enterprises, Inc., Autryville, NC, the lowest responsive, responsible bidder.

ATTACHMENTS:

Bid recommendation

Bid History

TO: Steve Blanchard, CEO/General Manager **DATE:** August 21, 2013

[illegible][illegible]

BID DATE: July 10, 2013 **DEPARTMENT:** Water Resources Engineering

|||||

TOTAL COST

.....

BASIS OF AWARD: Lowest responsive, responsible bidder for the base bid plus the alternate bid, less the cost for permanent patch paving.

.....

[illegible]

APPROVED _____ REJECTED _____
DATE _____

APPROVED REJECTED

6 - 9 - 1 - 1

BID HISTORY

ANNEXATION PHASE V, PROJECT VI, AREA 14 - ARRAN HILLS/WINTER PARK BID DATE: JULY 10, 2013

Consulting Engineer

Moorman, Kizer & Reitzel, Inc.

Advertisement

- | | | |
|----|--|------------------------------------|
| 1. | PWC Website | May 16, 2013 through July 10, 2013 |
| 2. | Matchforce | May 16, 2013 through July 10, 2013 |
| 2. | Greater Diversity News, Wilmington, NC | May 23, 2013 |

List of Organizations Notified of Bid

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

List of Contractors Requesting Plans and Specifications

1. Billy Bill Grading, Fayetteville, NC
2. State Utility Contractors, Monroe, NC
3. ES&J Enterprises, Autryville, NC
4. DeVere Construction Co., Raleigh, NC
5. TA Loving Company, Goldsboro, NC
6. Sandhills Contractors, Inc., Sanford, NC
7. Utilities Plus, Inc., Linden, NC

SDBE Participation

ES&J Enterprises, Inc. will be utilizing a certified woman-owned subcontractor for 0.4% of the work on this project. Additionally, ES&J is a certified woman-owned business and will be completing 55.8% of the work with their own forces. The total SDBE participation is therefore 56.2%.

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Keith Bates, Council Member
DATE: September 9, 2013
RE: **A Resolution to recognize the service of Mr. Ellis Hankins, NCLM Executive Director.**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

Goal 6 - Citizen Engagement and Partnerships

BACKGROUND:

Mr. Ellis Hankins, North Carolina League of Municipalities executive director, announced his plans to retire at a board of directors meeting on August 6, 2013 at the Governor's Mansion. Mr. Hankins will remain with the League through January 2014. "Ellis has been a staunch advocate for cities and towns throughout his tenure with the League," said Art Schools, League president and mayor of Emerald Isle. "We thank Ellis for his efforts, and he will be missed." Hankins is only the fifth full-time executive director in the League's 105-year history. He first joined the League staff in 1982 as assistant general counsel, was promoted to associate general counsel, then general counsel and chief legislative lobbyist in 1987. He left the League to work as a lawyer in private practice in 1993 and returned to the League in 1997 as executive director. "It has been a great privilege to work for great public servants across North Carolina. I'm very proud of what the League has helped our municipal membership accomplish. We have had many successes and also weathered many challenges," Hankins said. "I am confident that the League and our cities and towns are well positioned for success in the future." The board of directors will begin a search for the next executive director in the coming weeks.

NCLM The North Carolina League of Municipalities is a membership association of 540 great hometowns – representing nearly every municipality in the state. The League advocates for its members, from the largest city to the smallest village, on the full range of legislative issues that affect municipalities. For more than 100 years, the League has promoted – and continues to promote – good government by offering non-partisan advocacy, insurance and other services -- as directed by its membership.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

1. Pass the Resolution of Recognition of Service - Mr. Ellis Hankins, NCLM Executive Director
2. Do not pass the Resolution of Service - Mr. Ellis Hankins, NCLM Executive Director

RECOMMENDED ACTION:

Staff recommends Council move to pass the Resolution of Recognition of Service.

ATTACHMENTS:

Resolution - Recognition of Service - Ellis Hankins

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE HONORING S. ELLIS HANKINS**

WHEREAS, S. Ellis Hankins, Executive Director of the North Carolina League of Municipalities, a leader in municipal government and leadership for nearly thirty years, has announced his retirement; and,

WHEREAS, S. Ellis Hankins was born and raised in North Carolina, chose to get his higher education in North Carolina, he married and raised his family in North Carolina, and worked his entire career in the State of North Carolina; and,

WHEREAS, S. Ellis Hankins began his career with the League in October, 1992 as Assistant General Counsel and moved up through the ranks of Associate General Counsel, General Counsel and Chief Legislative Lobbyist until departing the league in 1994; and,

WHEREAS, S. Ellis Hankins returned to the North Carolina League of Municipalities as its Executive Director in 1997 and is only the fifth full-time Executive Director of the North Carolina League of Municipalities in the 105 year history of the membership association representing nearly every municipality in the State of North Carolina; and,

WHEREAS, the work of S. Ellis Hankins benefitted the citizens of the cities and towns of the State of North Carolina; and,

WHEREAS, S. Ellis Hankins has worked to promote good government in North Carolina through the League's offering non-partisan advocacy, insurance and other services as directed by the membership; and,

NOW, THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, this Council does hereby resolve that the City of Fayetteville, North Carolina, honors *S. Ellis Hankins*, of the North Carolina League of Municipalities for faithful service and lasting contributions to municipal government and the State of North Carolina.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, NORTH CAROLINA**, on this, the 9th day of September, 2013; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: September 9, 2013
RE: **Special Revenue Fund Project Ordinance 2014-6 (Community Gardens Project)**

THE QUESTION:

Special Revenue Fund Project Ordinance 2014-6 will appropriate \$13,500 for the construction of a potting shed (\$10,500) and a pergola (\$3,000).

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: The City of Fayetteville will be designed to include vibrant focal points, unique neighborhoods and high quality, effective infrastructure.

BACKGROUND:

Sandhills Area Land Trust is donating \$13,500 to construct a potting shed and a pergola at the Community Gardens. The funds were donated by private individuals and local foundations/advised funds to continue development of the garden.

ISSUES:

None

BUDGET IMPACT:

A local match is not required.

OPTIONS:

- 1) Adopt Special Revenue Fund Project Ordinance 2014-6.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2014-6.

RECOMMENDED ACTION:

Staff recommends Council move to adopt Special Revenue Fund Project Ordinance 2014-6.

ATTACHMENTS:

Special Revenue Fund Project Ordinance 2014- 6 (Community Gardens Project)

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2014-6

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 special revenue project ordinance is hereby adopted:

Section 1. The project authorized is for the funding of the Community Gardens Project funded by the Sandhills Area Land Trust.

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:

Sandhills Area Land Trust	<u>\$ 13,500</u>
---------------------------	------------------

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

Project Expenditures	<u>\$ 13,500</u>
----------------------	------------------

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

Adopted this 9th day of September, 2013.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: September 9, 2013
RE: Tax Refunds Greater Than \$100

THE QUESTION:

City Council approval is required to issue tax refund checks for \$100 or greater.

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

The attached refund request was approved by the Cumberland County Special Board of Equalization in August 2013.

ISSUES:

None

BUDGET IMPACT:

The budget impact is \$1,104.01.

OPTIONS:

Approve the refund.

RECOMMENDED ACTION:

Staff recommends approval of the refund.

ATTACHMENTS:

Tax Refunds of Greater Than \$100



September 9, 2013

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer *Smith*

FROM: Nancy Peters, Accounts Payable *NP*

RE: Tax Refunds of Greater Than \$100

The tax refunds listed below for greater than \$100 were approved by the Cumberland County Special Board of Equalization for the month of August, 2013.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
K& W Cafeterias, Inc.	1278112	2007-2011	Corrected Assessment	1104.01
Total				\$1104.01

P.O. Drawer D
433 Hay Street
Fayetteville, NC 28302-1746
FAX (910) 433-1680

www.cityoffayetteville.org
www.facebook.com/cityoffayettevillegovernment www.twitter.com/CityOfFayNC

An Equal Opportunity Employer
6-12-1-1

Jul 12 2013 2:09PM

No. 0136 P. 2

RECEIVED
JUL 17 2013
TAX ADMIN



Taxpayer's Name: K & W Cafeterias, Inc.
Mailing Address: PO Box 25048
Winston Salem, NC 27114
Bill Number: 1278112
Property Description: Business Personal Property
Prepared By: Amy Kinlaw

Cumberland County
Special Board of Equalization and Review
P.O. Drawer 449
Fayetteville, NC 28302-0449

Dear Board Members and City/Town Council Members:

Due to an error in the year (s) 2007-2011, I overpaid county taxes in the amount of \$ 1,825.02 and City/Town of Fayetteville taxes in the amount of \$ 1,104.01. I am making a written demand to the Special Board of Equalization and Review and to the City/Town of Fayetteville for a refund of overpayment as required under General Statute 105-381(b). It is my understanding, that based upon the policy of the Tax Administrator's office, the refund I receive may not be for the amount indicated if I have outstanding delinquent taxes. The monies will be applied toward those taxes and the difference will then be refunded to me.

Reason: Refund for overstatement of business personal property / leasehold improvement assets reported to the county in error per the audit results.

Sincerely,

→ * Kimberly Persiani, Asst. Controller 7/15/13
Signature Date

Tax Administrator's Recommendation: Approved / Denied

Signature: AARON DONALDSON

Date:

8-7-13

Board Action: Approved / Denied

Signature: [Signature]

Date:

8-14-13

Verified by the Clerk to the Board: AARON DONALDSON

Date:

8-14-13

General Fund

101 412 4195 4027

\$

1,825.02

Recreation Fund

420 442 4441 4027

\$

Revised 1/27/2012

OK/uf
8/6/13

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager, Planning and Zoning
DATE: September 9, 2013
RE: **Amend City Code Chapter 30, to add commercial and mixed use districts to those eligible to use sustainable development incentives.**

THE QUESTION:

To make the sustainable development incentives available to development in the designated commercial and mixed use districts, and to allow consideration of the additional two stories in the corridor redevelopment sites.

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy;
A Great Place to Live

BACKGROUND:

Existing standards: Currently the incentives for sustainable development are available only for the Multifamily and Downtown districts. Incentives for two stories over the allowed maximum height were only available within 500 feet of the intersection of two arterial streets. The menu of sustainability features range from green roofs to alternative energy, building orientation, LEED levels, recycled water, larger buffers along streams, and several other features.

Proposed changes: The amendment would make the sustainable development incentives available to development in the designated commercial and mixed use districts, and allow consideration of the additional two stories in the corridor redevelopment sites. With regard to the current limits in locations where the additional two stories could occur, the intent was to avoid something very out of scale in established stable areas or in areas without the street infrastructure to support more intense development. With the last amendment to tree save/open space/parkland standards, we introduced the term 'redevelopment corridor sites', which might include areas intended to become stronger activity centers but that do not fully meet the standard of within 500 feet of two arterials. Staff recommends allowing consideration of the bonuses in these areas since designated redevelopment corridor sites would be accompanied by an approved area plan providing guidance as to the appropriateness of the scale and intensity of use.

The Planning Commission held a public hearing on this amendment on August 20, 2013. There were no speakers. The Commission recommended approval.

ISSUES:

The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the attached staff report to the Planning Commission, along with staff analysis of how the proposed changes relate to the evaluation standards.

The Planning Commission and staff note the value of increasingly sustainable development and of encouraging redevelopment of appropriate sections of our major corridors. These goals combine to support the extension of sustainable development incentives to other districts and specially targeted redevelopment areas.

BUDGET IMPACT:

No direct impact.

OPTIONS:

1. Approve the text amendment as presented by staff (Recommended).
2. Modify the proposed text amendment.
3. Defer action with guidance regarding further research or change.
4. Deny the proposed text amendments.

RECOMMENDED ACTION:

The Planning Commission and staff recommend that City Council move to APPROVE the amendment as recommended by staff, to make the sustainable development incentives available to development in the designated commercial and mixed use districts, and to allow consideration of the additional two stories in the corridor redevelopment sites.

ATTACHMENTS:

Draft Ord - sustainable dev

Evaluation Criteria report

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO ADD COMMERCIAL AND MIXED USE DISTRICTS TO THOSE ELIGIBLE TO USE SUSTAINABLE DEVELOPMENT INCENTIVES.

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that the Unified Development Ordinance adopted December 13, 2010 as Chapter 30 of the Code of Ordinances of the City of Fayetteville and subsequently amended, be amended as follows:

Section 1. Amend Section 30-5.N Incentives for Sustainable Development, to add the several commercial [business] districts (OI, BP, NC, LC, CC) and MU Mixed Use district to the list of those in which incentives for sustainable development can be applied.

Section 1a. Modify the list of eligible districts in three locations, Section 30-5.N.1 and Section 30-5.N.3 Applicability, and 30-5.N.5 Menu of Sustainability Features, as follows.

30-5.N.1. Purpose

In an effort to encourage sustainable development practices within multifamily and a range of business the MR-5 and DT districts as a means of addressing global climate change, the protection of natural resources, and ensuring a high quality of life for future City residents, the following sustainable development incentives are provided.

30-5.N.3. Applicability

The incentives included in this section are available in the MR-5, OI, NC, LC, CC, MU, BP and DT districts.

30-5.N.5. Menu of Sustainability Features

One or more of the following sustainability features may be offered by an applicant for proposed development within the MR-5 or DT applicable districts in accordance with Table 30-5.N1, Sustainability Bonuses.

Section 1b. Modify the note to Table 30-5.N.1 Sustainability Bonuses to read as follows:

TABLE 30-5.N.1: SUSTAINABILITY BONUSES

TYPE OF BONUS	MINIMUM NUMBER OF SUSTAINABILITY FEATURES PROVIDED (#) [1]
Increase in gross residential density by up to 10 percent beyond district maximum	3
Increase in building height by one story beyond district maximum	5
Increase in gross residential density between 10 and 20 percent beyond district maximum	7
Increase in building height by two stories beyond district maximum [2]	9

NOTES:

- [1] The menu of allowable sustainability features is identified in Section 30-5.N.5, Menu of Sustainability Features.
- [2] ~~To exceed the maximum building height by two stories, development shall be in the DT district or within 500 linear feet of an intersection of two arterial streets~~ To exceed the maximum building height by two stories, development shall be in the DT district or within 500 linear feet of an intersection of two arterial streets to exceed the maximum building height by two stories or within a redevelopment corridor area designated by City Council and consistent with the scale and intent of the plan for that corridor area.

Section 2. The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future text amendments as long as doing so does not alter the material terms of the Unified Development Ordinance.

Section 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the 9th day of September, 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

5/21/13

Planning Commission Staff Report

Proposed Text Amendment to Section 30-5.N Incentives for Sustainable Development

Proposed: Amend City Code Chapter 30, to add commercial and mixed use districts to those eligible to use sustainable development incentives.

Background: Existing standards: Currently the incentives for sustainable development are available only for the Multifamily and Downtown districts. Incentives for two stories over the allowed maximum height were only available within 500 feet of the intersection of two arterial streets. The menu of sustainability features range from green roofs to alternative energy, building orientation, LEED levels, recycled water, larger buffers along streams, and several other features.

Proposed changes: The amendment would extend the districts in which development could be eligible for the bonuses to include the full range of business districts, including mixed use. With regard to the current limits in locations where the additional two stories could occur, the intent was to avoid something very out of scale in established stable areas or in areas without the street infrastructure to support more intense development. With the last amendment to tree save/open space/parkland standards, we introduced the term ‘redevelopment corridor sites’, which might include areas intended to become stronger activity centers but that do not fully meet the standard of within 500 feet of two arterials. Staff recommends allowing consideration of the bonuses in these areas since designated redevelopment corridor sites would be accompanied by an approved area plan providing guidance as to the appropriateness of the scale and intensity of use.

Analysis: The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the following table, along with staff analysis of how the proposed changes relate to the evaluation standards.

Standard	Analysis
1) Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable;	The proposed changes support the City’s Strategic Plan goals of strong local economy, livable neighborhoods, and a clean and beautiful city. It also supports the adopted Sustainability Plan.
2) Whether the proposed amendment is in conflict with any provision of this Ordinance, and related City regulations;	There are no known conflicts.
3) Whether and the extent to which there are changed conditions that require an amendment;	The incentives have not been used to date, perhaps in part for lack of awareness and too limited a selection of development sites. The changes increase the districts and locations eligible for such incentives.
4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;	Sustainability is an increasingly important goal, achievable in many ways, to reduce energy consumption, mitigate variables contributing to climate change, better use remaining land, and protect the quality of critical resources like water. Many features are not high cost items, but increased height and density are valuable benefits to offer as incentives to use such features.

5) Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City;	The purpose of the development ordinance is to protect the public health, safety, and general welfare of the citizens and landowners of Fayetteville, and to implement the policies and objectives of City-adopted plans addressing the City's growth and development. Encouraging sustainable development more aggressively is consistent with the purpose and intent of the Ordinance
6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and	The areas in which the two stories over maximum height are allowed are expanded to certain corridor sites but the remaining limitations reflect the intent to support a logical and orderly development pattern.
7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment	Encouraging sustainable development techniques is expected to have both immediate and long term positive impacts on the natural environment and resources.

The importance of increasingly sustainable development and the goal of encouraging redevelopment of appropriate sections of our major corridors combine to support the extension of such incentives to other districts and specially targeted redevelopment areas.

Recommendation: Based on staff research and review of the above standards, staff supports the proposed code amendment to make the sustainable development incentives available to development in the designated commercial and mixed use districts, and to allow consideration of the additional two stories in the corridor redevelopment sites.

Options:

- Approve the text amendment as presented by staff (Recommended).
- Modify the proposed text amendment.
- Defer action with guidance regarding further research or change.
- Deny the proposed text amendments.

Attachments: Draft Ordinance

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, Manager, Planning and Zoning
DATE: September 9, 2013
RE: **Amendment to the City Code to allow certain public or cultural projects to propose an alternative signage plan for sites smaller than ten acres**

THE QUESTION:

To amend the Code to allow certain public or cultural projects to propose an alternative signage plan without regard to site size.

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy;
A Great Place to Live

BACKGROUND:

Current regulations: The alternative signage plan allows a large-scale development of over ten acres to propose an innovative, creative sign plan for all elements of the development. The signs do not necessarily have to meet current sign standards.

Proposed amendment: The change would extend the applicability to include large singular public facilities, including cultural facilities, regardless of site size. While many projects such as the VA center or a regional recreational complex would be over ten acres, some will be on smaller parcels. Examples could include the Amtrak station, a public art museum or aquarium, or even a convention center in a constrained downtown site. Such one-of-a-kind citywide or regional facilities may both need and benefit from consideration of special signage plans.

The Planning Commission held a public hearing August 20, 2013. There were no speakers. The Commission unanimously recommended approval.

ISSUES:

The UDO provides seven standards of review for proposed text amendments. Each standard and related evaluation is listed in the attached report. Creative, effective sign plans for large developments or public and cultural facilities with citywide or regional service areas are consistent with both the City's goals of a strong local economy and a more attractive community and with the goals of the development code.

BUDGET IMPACT:

No direct impacts.

OPTIONS:

1. Approve the text amendment as presented by staff (Recommended).
2. Modify the proposed text amendment.
3. Defer action with guidance regarding further research or change.
4. Deny the proposed text amendments.

RECOMMENDED ACTION:

The Planning Commission and staff recommend that the City Council move to APPROVE the amendment to allow alternative signage plans for certain public and cultural facilities without regard to site area.

ATTACHMENTS:

Draft Ord - alt sign plan-public proj

Evaluation Criteria report

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30-5.L.10 ALTERNATIVE SIGNAGE PLAN TO INCLUDE CERTAIN CULTURAL OR PUBLIC FACILITIES WITHOUT REGARD TO SITE SIZE.

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that the Unified Development Ordinance adopted December 13, 2010 as Chapter 30 of the Code of Ordinances of the City of Fayetteville and subsequently amended, be amended as follows:

Section 1. Change Section 30-5.L.10(g)((2) Alternative Signage Plan for Large Development – Application, to add large cultural or public facilities of a singular nature without regard to site size, as follows:

30-5.L.10. (g) Large Development Alternative Signage Plan

(2) Signage plans may be submitted for the following types of development: Commercial, industrial, institutional or mixed use developments containing ten or more acres in area, and, regardless of site area, large cultural or public facilities of a singular nature (for example, large public museums, city-wide or regional sports or convention centers, transportation centers).

Section 2. The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future text amendments as long as doing so does not alter the material terms of the Unified Development Ordinance.

Section 4. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the 9th day of September, 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

8/21/13

Planning Commission Staff Report
Proposed Text Amendment
Alternative Signage Plan for public/cultural projects

Proposed: Amend City Code Chapter 30, to make the large scale alternative signage process available for certain public or cultural uses regardless of site area.

Background: Current regulations: The alternative signage plan allows a large-scale development of over 10 acres to propose an innovative, creative sign plan for all elements of the development. The signs do not necessarily have to meet current sign standards.

Proposed amendment: The change would extend the applicability to include large singular public facilities, including cultural facilities, regardless of site size. While many projects such as the VA center or a regional recreational complex would be over ten acres, some will be on smaller parcels. Examples could include the Amtrak station, a public art museum or aquarium, or even a convention center in a constrained downtown site. Such facilities may both need and benefit from consideration of special signage plans.

Analysis: The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the following table, along with staff analysis of how the proposed changes relate to the evaluation standards.

Standard	Analysis
1) Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable;	Creative, effective sign plans for large developments or public and cultural facilities with citywide or regional service areas contribute to the City's goals of a strong local economy and a more attractive community.
2) Whether the proposed amendment is in conflict with any provision of this Ordinance, and related City regulations;	There are no known conflicts.
3) Whether and the extent to which there are changed conditions that require an amendment;	Experience and observation of various public facilities indicate that there are a variety of public projects of a one-of-a-kind nature within the region which could both need and benefit from the increased flexibility and creativity in a signage plan appropriate to the use
4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;	There is no pending request but the growth of the community and its growing profile in the region make major public or cultural facilities more feasible in the coming years.

5) Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City;	Creative, effective sign plans for large developments or public and cultural facilities with citywide or regional service areas are consistent with both the City's goals of a strong local economy and a more attractive community and the goals of the development code.
6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and	Making the alternative signage plan option available for public or cultural projects of a large service area and singular nature is compatible with logical and orderly development.
7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment	There are not significant impacts anticipated associated with this amendment.

Recommendation: Based on staff research and review of the above standards, staff supports the proposed code amendment to include singular public and cultural projects, regardless of site size, as eligible under the Large Development alternative signage plan.

Options:

- Approve the text amendment as presented by staff (Recommended).
- Modify the proposed text amendment.
- Defer action with guidance regarding further research or change.
- Deny the proposed text amendments.

Attachments: Draft Ordinance

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager, Planning and Zoning
DATE: September 9, 2013
RE: **Amendment to City Code Chapter 30 to correct and clarify transition standards affecting balconies and open / active areas adjacent to single family development**

THE QUESTION:

Amend City Code Chapter 30 to correct and clarify transition standards to distinguish between smaller private spaces and larger gathering spaces, and clarify separation and screening for activity areas and upper balconies

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy;
A Great Place to Live

BACKGROUND:

Current regulations: The transition standards have some requirements that conflict with other sections of the development standards in Article 5, particularly those for multifamily development. Also, there is no specific guidance or standards as to what is an acceptable separation or buffer adjacent to single family development.

Proposed amendment: The amendment has three parts. The first deletes specific standards in a section of the multifamily regulations and refers to the transitional standards for specifics, thus eliminating a point of conflict. The second establishes practical, specific standards regarding buffers and separation distances; the major distinction is between small, quieter, more private space and those areas intended for larger gatherings, and, in that context, what separation and what kind of buffer is required. The third part clarifies that it is the smaller, more passive open space or outdoor amenity that is encouraged to be located in the rear yard.

The Planning Commission held a public hearing August 20, 2013. There were no speakers. The Commission unanimously recommended approval.

ISSUES:

Although additional adjustments may be made to the transition standards in the upcoming months, these changes address the most obvious and frequently encountered conflicts or confusions. Clarity and reasonable flexibility enable development to be done more efficiently while still responding effectively to community goals. Compatibility among uses is maintained while removing conflicts or setting clearer measures relative to outdoor activity and to upper floor balconies adjacent to single family development.

The UDO provides seven standards of review for proposed text amendments. Each standard and related evaluation is listed in the attached Planning Commission report.

BUDGET IMPACT:

No direct impact.

OPTIONS:

1. Approve the text amendment as presented by staff (Recommended).
2. Modify the proposed text amendment.
3. Defer action with guidance regarding further research or change.

4. Deny the proposed text amendments

RECOMMENDED ACTION:

The Planning Commission and staff recommend that the City Council move to APPROVE the amendment as presented, to modify transition standards for location, screening and separation of upper balcony areas and ground floor open space and activity areas adjacent to single family development.

ATTACHMENTS:

Ord Draft - transition stds

Evaluation Criteria - PC rpt

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE FOR MISCELLANEOUS CORRECTIONS AND MINOR ADJUSTMENTS TRANSITION STANDARDS.

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that the Unified Development Ordinance adopted December 13, 2010 as Chapter 30 of the Code of Ordinances of the City of Fayetteville and subsequently amended, be amended as follows:

Section 1. Amend portions of Section 30-5.H.4 Multifamily Design and 30-5.K Transitional Standards to remove a conflict in certain standards and establish clearer standards as to when certain requirements apply.

Section 1a. Modify 30-5.H.4(g) to read as shown below to remove specific standards and, instead, refer to Section 30-5.K.3 Transitional Standards:

30-5.H.4. (g) Multifamily Design Standards - Outdoor Activity Areas

- ~~(1) — Ground-level outdoor activity areas, porches, decks, vending areas, and other similar site attributes and upper story balconies shall comply with 30-5.K.3 Transitional Standards – Facades. ~~be screened from when adjacent to single-family detached dwellings with a Type D perimeter landscape buffer (see Table 30-5.B.4.D.4).~~~~
- ~~(2) — Where practical, upper-story balconies shall be oriented or configured to prevent direct views into rear yards of adjacent lots containing a single-family detached dwelling.~~

Section 1b. Modify Section 30-5.K.3(b) Building Facades as follows to establish a distance within which certain requirements apply and to distinguish between smaller exterior activity areas usually of a more private nature and intended for intermittent use by small numbers of people, and those areas intended for larger gatherings on a regular basis.

30-5.K.3. (b) Building Façades

Buildings shall:

- (5)** Orient upper story porches, balconies, ~~outdoor space~~, and other exterior site features such as vending machines away from adjacent single-family detached dwellings to the maximum extent practicable to prevent direct

views into yards of single family dwellings on adjacent lots. When a facade of the structure is located adjacent to a single family dwelling and the required perimeter buffer is provided, these features must be at least 50 feet from the property line; when less than the required buffer is provided, they must be at least 75 feet from the property line.

(6) Outdoor activity areas, porches, decks, and other similar site attributes intended for gatherings or frequent use by more than a few patrons or residents at any given time shall be at least 50 feet from adjacent single-family detached lots and screened with a Type D perimeter landscape buffer (see Table 30-5.B.4.D.4).

Section 1c. Modify Section 30-5.K.3(i) Open Space Set-Aside Configuration to emphasize “passive recreation areas” as more consistent with the intent to prevent excessive noise impacts on adjacent single family dwellings.

30-5.K.3. (i) Open Space Set-Aside Configuration

Required open space set-asides of a more passive nature such as tree save or mitigation area, trails, or smaller seating and garden areas, shall be located between a proposed development and adjacent single-family detached dwelling, to the maximum extent practicable.

Section 2. The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future text amendments as long as doing so does not alter the material terms of the Unified Development Ordinance.

Section 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the ____ day of _____, 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

Planning Commission Staff Report

Proposed Text Amendment

Clarifications affecting ... transition standards

Proposed: Amend various sections of City Code Chapter 30 for miscellaneous corrections and minor adjustments affecting transition standards.

Background:

The transition standards have some requirements that conflict with other sections of the development standards in Article 5, particularly those for multifamily development. Although additional adjustments are expected to be made to the transition standards in the upcoming months, these changes address the most obvious and frequently encountered conflicts or confusions.

Analysis: The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the following table, along with staff analysis of how the proposed changes relate to the evaluation standards.

Standard	Analysis
1) Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable;	Generally clarifications and additional flexibility are supportive of City goals for a stronger local economy and more livable neighborhoods.
2) Whether the proposed amendment is in conflict with any provision of this Ordinance, and related City regulations;	There are no known conflicts.
3) Whether and the extent to which there are changed conditions that require an amendment;	Confusions about the buffering or setback or applicability of some of the transition standards have been encountered.
4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;	Clarity and reasonable flexibility enable development to be done more efficiently while still responding effectively to community goals.
5) Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City;	Clarity and reasonable flexibility enable development to be done more efficiently while still responding effectively to community goals. For the changes to the multifamily/transitional standards, compatibility among uses is maintained while removing conflicts or setting clearer measures.
6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and	These changes are primarily clarifications or additional flexibility in achieving the desired development pattern.
7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment	No direct or significant impacts are anticipated.

Recommendation: Based on staff research and review of the above standards, staff supports the proposed code amendment to correct and clarify these sections of Chapter 30.

Options:

- Approve the text amendments as presented by staff (Recommended).
- Modify the proposed text amendments.
- Defer action with guidance regarding further research or change.
- Deny the proposed text amendments.

Attachments: Draft Ordinance

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Kristoff Bauer, Deputy City Manager
DATE: September 9, 2013
RE: **Resolution Strengthening City Council Oversight Regarding the Public Works Commission**

THE QUESTION:

Attached is a proposed resolution calling for a strengthening of the Council's oversight and policy responsibilities, stronger compliance with Charter Chapter VI and authorizing continued study and phased implementation of a more efficient operational configuration regarding the Public Works Commission.

RELATIONSHIP TO STRATEGIC PLAN:

The FY13 Strategic Plan included Goal 2: More Efficient City Government - Cost Effective Service Delivery. A high priority Target for Action was "City PWC Service Consolidation." The recruitment and selection of DL to perform this analysis was the focus of the Action Plan responding to this Target for Action.

BACKGROUND:

Council adopted the FY13 Strategic Plan on May 14, 2012.

A proposal was received from DL consultant services in December 2012.

The Council authorized the contract with DL on February 11, 2013.

DL presented key findings and recommendations on August 5, 2013, and the City Council directed the City Manager to recommend specific follow-up actions in response to that study.

The City Manager proposed specific actions in response to the DL study during the September 3, 2013 Work Session and Council directed the City Manager to bring forward an action item for consideration at the next Council regular meeting.

ISSUES:

The attached resolution was drafted to authorize and direct implementation of the policy and operational activities recommended by the City Manager in response to the DL study.

The immediate (1-3 months) recommendations include:

- Reestablish appropriate City Council oversight
- Realign Legal, Communications and branding
- Reestablish Charter-defined treasury role
- Develop transition plan for non-operating accounts
- Develop treasury procedures
- Initiate Phase II of the Study for Support Services
- Revise cost plans and Service Level Agreements;
(Fleet Management, Purchasing, Fiber)

The resolution provided the opportunity for Council to clarify its policy expectations for revising the City's working relationship with its utilities.

BUDGET IMPACT:

The FY 14 Budget includes \$100,000 to support further study of this issue. A number of the policy objectives identified in the attached resolution will need to be supported by specific Council action to revise the budget consistent with revised operational responsibilities and expectations.

OPTIONS:

1. Pass the attached resolution
2. Refer back for additional research

3. Take no action

RECOMMENDED ACTION:

Staff recommends that Council pass the attached resolution.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: September 9, 2013
RE: **Tax Refunds of Less Than \$100**

THE QUESTION:

No action required. This item is provided for information only.

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

The attached refunds were approved by the Cumberland County Special Board of Equalization for the month of August 2013.

ISSUES:

None

BUDGET IMPACT:

The budget impact is \$123.68.

OPTIONS:

Not applicable

RECOMMENDED ACTION:

Information only. No action required.

ATTACHMENTS:

Tax Refunds of Less Than \$100



September 9, 2013

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable *NP*

RE: Tax Refunds of Less than \$100

The tax refunds listed below for less than \$100 were approved by the Cumberland County Special Board of Equalization for the month of August, 2013

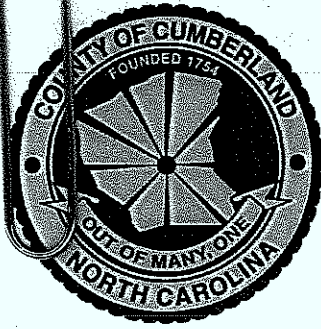
NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Rogitz, Patricia Huggins C/O Cherl H. Perry	3411285	2008, 2011-2012	Clerical Error	63.02
Rogitz, Patricia Huggins Titan Plumbing, C/O Todd Rogitz	3411285	2009-2010	Clerical Error	60.66
TOTAL				\$123.68

P.O. Drawer D
433 Hay Street
Fayetteville, NC 28302-1746
FAX (910) 433-1680

RECEIVED

JUL 18 2013

TAX DIV.



Taxpayer's Name: Rogitz, Patricia Huggins
C/O Cheryl H Perry
 Mailing Address: 5682 Archer RD
Hope Mills NC 28348
 Bill Number: 3411285
 Property Description: MAJ PT LTS 197-198
SOUTHLAWN (.18 AC)
 Prepared By: PATTY HACKWORTH *PH*

Cumberland County
 Special Board of Equalization and Review
 P.O. Drawer 449
 Fayetteville, NC 28302-0449

Dear Board Members and City/Town Council Members:

Due to an error in the year (s) 2008, 2011-2012, I overpaid county taxes in the amount of \$ 102.28 and

City/Town of FAYETTEVILLE taxes in the amount of \$ 103.02. I am making a written demand to the Special Board of Equalization and Review and to the City/Town of FAYETTEVILLE for a refund of overpayment as required under General Statute 105-381(b). It is my understanding, that based upon the policy of the Tax Administrator's office, the refund I receive may not be for the amount indicated if I have outstanding delinquent taxes. The monies will be applied toward those taxes and the difference will then be refunded to me.

Reason: Clerical corr: Due to a mapping error Parcel should have been only 0.09
acs & has been corrected. Taxpayer did not own lot 197 that was transferred in error.

Sincerely,

Patricia Huggins Rogitz ATF Cheryl H Perry 7-16-13
 Signature Date

Tax Administrator's Recommendation: Approved Denied

Signature: AARON DONALDSON *AD*

Date:

8-5-13

Board Action: Approved / Denied

Signature:

Artis Alexander

Date:

8-14-13

Verified by the Clerk to the Board: AARON DONALDSON

Date:

8-14-13

General Fund

101 412 4195 4027

\$ 102.28 *m.d.*

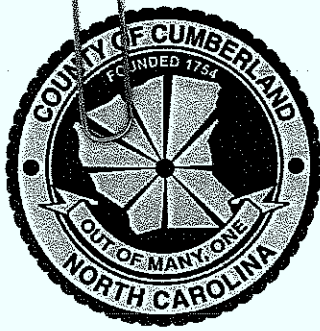
Recreation Fund

420 442 4441 4027

\$ _____

OK/UT
 8/2/13

Revised 1/27/2012



Taxpayer's Name: Rogitz, Patricia Huggins
TITAN PLUMBING, C/O TODD
ROGITZ
Mailing Address: 526 SWIFT CREEK RD
RAEFORD NC 28376-5676
Bill Number: 3411285
Property Description: MAJ PT LTS 197-198
SOUTHLAWN (.18 AC)
Prepared By: PATTY HACKWORTH

RECEIVED

JUL 22 2013

TAX ADMIN

Cumberland County
Special Board of Equalization and Review
P.O. Drawer 449
Fayetteville, NC 28302-0449

Dear Board Members and City/Town Council Members:

Due to an error in the year (s) 2009/2010, I overpaid county taxes in the amount of \$ 115.10 and City/Town of FAYETTEVILLE taxes in the amount of \$ 60.66. I am making a written demand to the Special Board of Equalization and Review and to the City/Town of FAYETTEVILLE for a refund of overpayment as required under General Statute 105-381(b). It is my understanding, that based upon the policy of the Tax Administrator's office, the refund I receive may not be for the amount indicated if I have outstanding delinquent taxes. The monies will be applied toward those taxes and the difference will then be refunded to me.

Reason: Clerical Corr: Due to a mapping error Parcel should have been only 0.09
acs & has been corrected. Taxpayer did not own lot 197 that was transferred in error.

Sincerely,

Todd Rogitz 7/12/2013
Signature Date

Tax Administrator's Recommendation Approved Denied

Signature: AARON DONALDSON

Date:

8-5-13

Board Action: Approved Denied

Signature:

Date:

8-14-13

Verified by the Clerk to the Board: AARON DONALDSON

Date:

8-14-13

General Fund

101 412 4195 4027

\$ 115.10 *md*

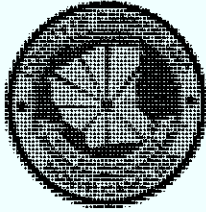
Recreation Fund

420 442 4441 4027

\$ _____

Revised 1/27/2012

OK/24
8/2/13



OFFICE OF THE TAX ADMINISTRATOR

117 Dick Street, 5th Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302
Phone: 910-678-7507 • Fax: 910-678-7582 • www.co.cumberland.nc.us

August 15, 2013

TO: Nancy Peters, City of Fayetteville, Accounts Payable
FROM: Marie Shelton, Tax Deferment Specialist *ms*
REF: Board Approved Refunds

Please find attached copies of the refund request form(s) approved by the Board of Equalization and Review on August 14, 2013.

K & W CAFETERIAS, INC C/O KIMBERLY PERSIANI	#12781121	2007-2011	\$1,104.01
ROGITZ, PATRICIA HUGGINS C/O CHERYL H PERRY	#3411285	2011-2012	\$63.02
ROGITZ, TODD	#3411285	2009-2010	\$60.66

If you have any questions, please call me at 678-7542.

Thank you.

Celebrating Our Past....Embracing Our Future

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