



FAYETTEVILLE CITY COUNCIL
AGENDA
SEPTEMBER 23, 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 CONSENT

- 5.1 Adopt Resolution Authorizing the Sale of Personal Property by Public Auction
- 5.2 P13-20F. The rezoning of a portion of a property from SF-6 Single Family Residential to CC – Community Commercial or to a more restrictive district, located at 6243 & 6113 Yadkin Road and 663 Horseshoe Road and being the property of Moore Enterprises. (Applicant withdrew the rezoning affecting the remainder of the residential property)
- 5.3 P13-25F. The initial zoning of property to HI – Heavy Industrial or to a more restrictive district, located at the Cedar Creek Industrial Park on Cedar Creek Road and being the property of Cumberland County
- 5.4 Case No. 13-27F. Request for rezoning from SF-10 Single Family Residential to O&I Office and Institutional or to a more restrictive district, located at parcel contiguous to 8030 Raeford Road to the rear of the Alpha Academy containing 9.54 acres more or less of 27.52 and being the property of Broadwell Land Company.
- 5.5 P13-28F. The conditional rezoning of property from SF-6 Single Family Residential to MR-5/CZ Mixed Residential Conditional District or to a more restrictive district, located at 5204 Patton Street, between Bragg Boulevard and Old Shaw Road and being the property of N. Earl Jones, Jr. and wife, Diane B. Jones.
- 5.6 Approve Meeting Minutes:
 - August 21, 2013, Agenda Briefing
 - August 26, 2013, Regular Meeting
 - September 3, 2013, Work Session
 - September 9, 2013, Discussion of Agenda Items
 - September 9, 2013, Regular Meeting

- 5.7 Phase 5 Annexation Area 11-WS - Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place for Public Hearing.
- 5.8 Phase 5 Annexation Area 9 - Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Calling a Public Hearing
- 5.9 Phase 5 Annexation Areas 10 and 11 - Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Setting Time and Place for Public Hearing
- 5.10 Second Amendment to PCS Site Agreement for Hoffer Drive and Shaw Road Sites

6.0 PUBLIC HEARINGS

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

- 6.1 P13-12F. Initial zoning of property from R6A County Residential to LC – Limited Commercial or to a more restrictive district, located at 1030 Palm Spring Drive and Honeycutt Road and being the property of James Sanders, Donna Muraski and Charlotte Strickland. (Tabled item from July 22nd and August 26th)
Presenter(s): Craig Harmon, AICP, CZO - Planner II
- 6.2 P13-24F. The issuing of a Special Use Permit to allow for an automotive wrecker service to be located at Phillips Towing, 314 Alexander Street and being the property of Phillips Leasing Systems LLC.
Presenter(s): Craig Harmon, AICP, CZO - Senior Planner
- 6.3 Moses Mathis "The Bicycle Man" Trail Head Naming Public Hearing
Presenter(s): Michael Gibson, Parks, Recreation and Building Maintenance
- 6.4 Public Hearing to Consider a Petition Requesting Annexation of a Non-Contiguous Area Known as the Honeycutt Road at Palm Springs Drive Property (Tabled from July 22 and August 26)
Presenter(s): David Nash, AICP, Planner II
- 6.5 Public Hearing to Consider a Request from Cumberland County to Annex the Cedar Creek Industrial Park as a Non-Contiguous Area
Presenter(s): David Nash, Planner II

7.0 OTHER ITEMS OF BUSINESS

7.1 Economic Development Task Force

Presenter(s): Russ Rogerson, Executive Vice President, Economic Development Alliance

7.2 NC League of Municipalities (NCLM) Annual League Business Meeting Voting Delegates

Presenter(s): Pamela J. Megill, City Clerk

7.3 Resolution Strengthening City Council Oversight Regarding the Public Works Commission

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

7.4 Uninhabitable Structures Demolition Recommendations

225 S. Eastern Boulevard
540 Frink Street
516 Lamon Street
520 Lamon Street
217 Old Wilmington Road

Presenter(s): Scott Shuford, Development Services Director

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly Statement of Taxes for August 2013

9.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING CITY COUNCIL MEETING

PROCEDURESSPEAKING 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 23 - 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: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: September 23, 2013
RE: **Adopt Resolution Authorizing the Sale of Personal Property by Public Auction**

THE QUESTION:

Is it in the interest of Council to approve a resolution authorizing the sale of the following personal property by public auction: (3) 2004 Crane Carrier Refuse Trucks and (1) 2005 Sterling 7500 Limb/Boom Truck?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The following equipment has been determined by City staff to be surplus to the needs of the City: (3) 2004 Crane Carrier Refuse Trucks (VIN Nos. 1CYCCK4884T046498, 1CYCCK4824T046500 and 1CYCCK4874T046542) and (1) 2005 Sterling 7500 Limb/Boom Truck (VIN No. 2FZAATDC85AN16919).

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

ISSUES:

None

BUDGET IMPACT:

Each unit has a potential sale value at auction of \$30,000 or more. There will be no negative budgetary impact to the City.

OPTIONS:

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

RECOMMENDED ACTION:

Staff recommends Council move to pass the attached Resolution authorizing the sale of (3) 2004 Crane Carrier Refuse Trucks (VIN Nos. 1CYCCK4884T046498, 1CYCCK4824T046500 and 1CYCCK4874T046542) and (1) 2005 Sterling 7500 Limb/Boom Truck (VIN No. 2FZAATDC85AN16919), by public auction.

ATTACHMENTS:

Resolution for Surplus Refuse Trucks & Limb/Boom Truck

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

WHEREAS, the City of Fayetteville owns personal property described as three (3) 2004 Crane Carrier Refuse Trucks (VIN Nos. 1CYCCK4884T046498, 1CYCCK4824T046500 and 1CYCCK4874T046542), and one (1) 2005 Sterling 7500 Limb/Boom Truck (VIN No. 2FZAATDC85AN16919), that are surplus to its needs; and

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

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

1. The City Council authorizes the sale at public auction of the personal property described as follows: (3) 2004 Crane Carrier Refuse Trucks (VIN Nos. 1CYCCK4884T046498, 1CYCCK4824T046500 AND 1CYCCK4874T046542), and (1) 2005 Sterling 7500 Limb/Boom Truck (VIN No. 2FZAATDC85AN16919).
2. The auction will be conducted electronically through GovDeals on the website www.govdeals.com, beginning at 8:00 a.m., Friday, October 4, 2013.
3. The terms of the sale are (a) that the property is sold in its current condition, as is, and the City gives no warranty with respect to the usability of the property; (b) that the buyer will pay the full amount of his or her bid before the conclusion of the auction, whether in cash or with a certified check or cashier's check, and (c) such other terms of sale as posted on the GovDeals website, which will include a minimum bid price for the property.
4. The Public Works Commission of the City of Fayetteville is hereby authorized to dispose of the property of the auction on behalf of the City.

ADOPTED this _____ day of _____, 2013 by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE, NORTH CAROLINA

(SEAL)

By: _____
Anthony G. Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Senior Planner
DATE: September 23, 2013
RE: **P13-20F. The rezoning of a portion of a property from SF-6 Single Family Residential to CC – Community Commercial or to a more restrictive district, located at 6243 & 6113 Yadkin Road and 663 Horseshoe Road and being the property of Moore Enterprises. (Applicant withdrew the rezoning affecting the remainder of the residential property)**

THE QUESTION:

Request to rezone property from SF-6 Single Family Residential to CC – Community Commercial.

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Moore Enterprises
Applicant: Neil Yarborough (primary contact)
Requested Action: SF-6 to CC
Property Address: 6243 & 6113 Yadkin Rd & 663 Horseshoe Rd
Council District: 4
Status of Property: Vacant & Auto Repair
Size: 14 acres +/- of 21.8
Adjoining Land Use & Zoning:
North - CC Retail Space, OI Vacant & SF-10 Residential
South - CC Developed & SF-6 Residential
West - SF-10 Residential
East – CC Retail Space
Letters Mailed: 114
Land Use Plan: Heavy Commercial fronting Yadkin Rd and Medium Density Residential for the remainder.

ISSUES:

This property is located at the intersection of Yadkin and Horseshoe Roads. Currently this property is split zoned. The portion fronting Yadkin Road is zoned CC - Community Commercial. The remainder of the property is zoned SF-6 - Single Family Residential. The requested action is related to the area currently zoned SF-6. The applicant would like to extend the CC zoning into a portion of this area (please see the attached zoning map). This would make an existing auto repair business a legal use. The applicant no longer is requesting a rezoning all of the remaining SF-6 zoned property. The City's LUP calls for both heavy commercial and medium density residential on this property.

This case was heard by the Zoning Commission on August 13, 2013. The Commission voted 5-0 to recommend approval. There was one speaker in favor and three in opposition. The speakers in opposition were all former employees of the old Diffin's auto repair and junk yard. The junk yard was required to shutdown and now they are opposed any business moving back to that location.

The Zoning Commission and staff recommend Approval of a portion of the property to be rezoned to CC based on:

1. The Land Use Plan calls for Heavy Commercial on a portion of the property along Yadkin Road.
2. Extending the CC zoning will make the property more viable for commercial redevelopment.
3. Extending the CC zoning will bring a nonconforming use (auto repair business) into compliance.

BUDGET IMPACT:

This action would result in an increase in City services which would be offset by the revenue collected through the City property taxes.

OPTIONS:

- 1) Approval of the rezoning of a portion to CC as requested by the applicant (Recommended).
- 2) Approval of the rezoning to a more restrictive district.
- 4) Denial of the rezoning.

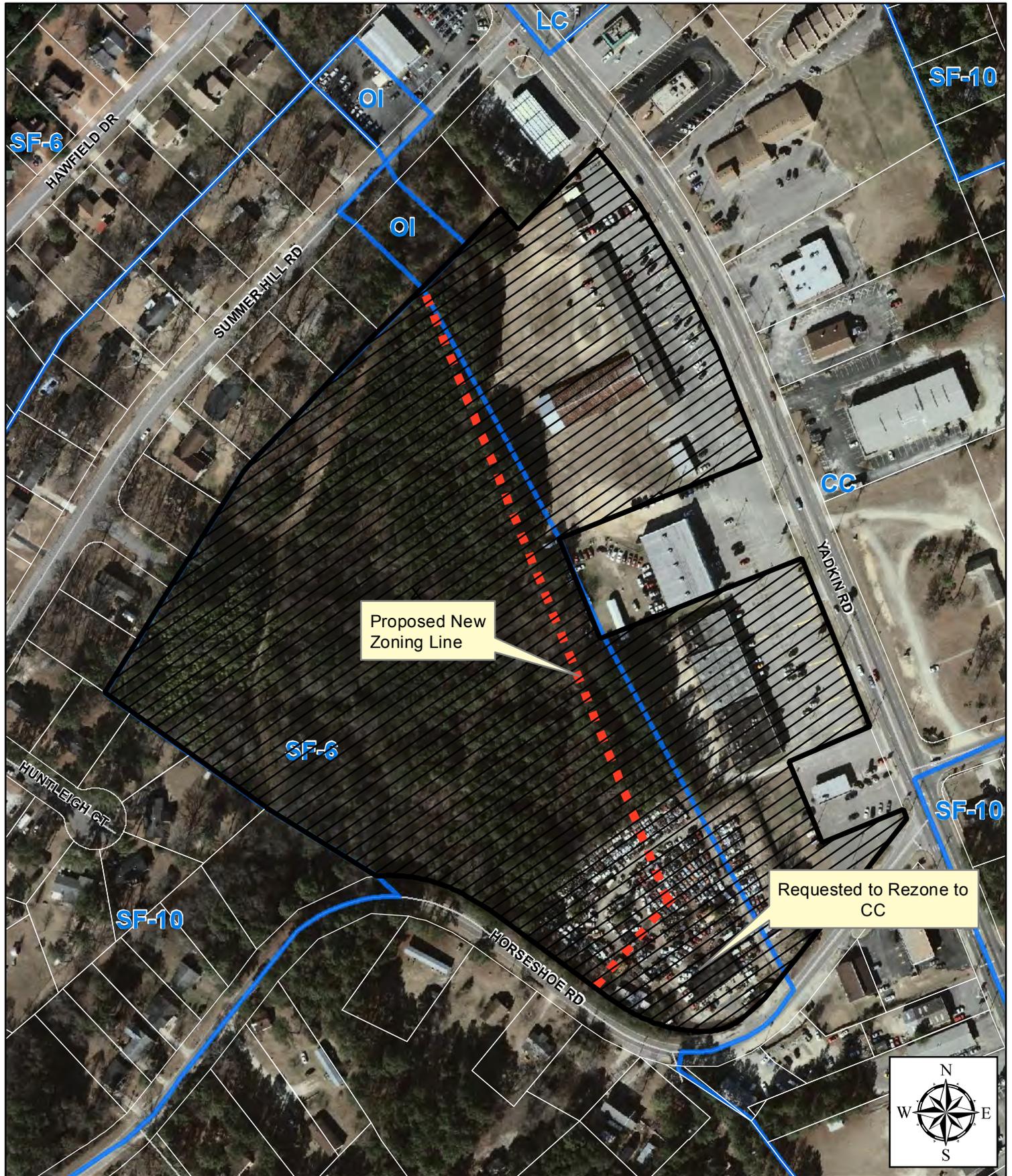
RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to APPROVE the rezoning of a portion of the property in question to CC as requested by the applicant.

ATTACHMENTS:

- Zoning Map
- Current Land Use
- Land Use Plan
- Property Photo 1
- Property Photo 2
- Property Photo 3
- Property Photo 4

**ZONING COMMISSION
CASE NO. P13-20F**

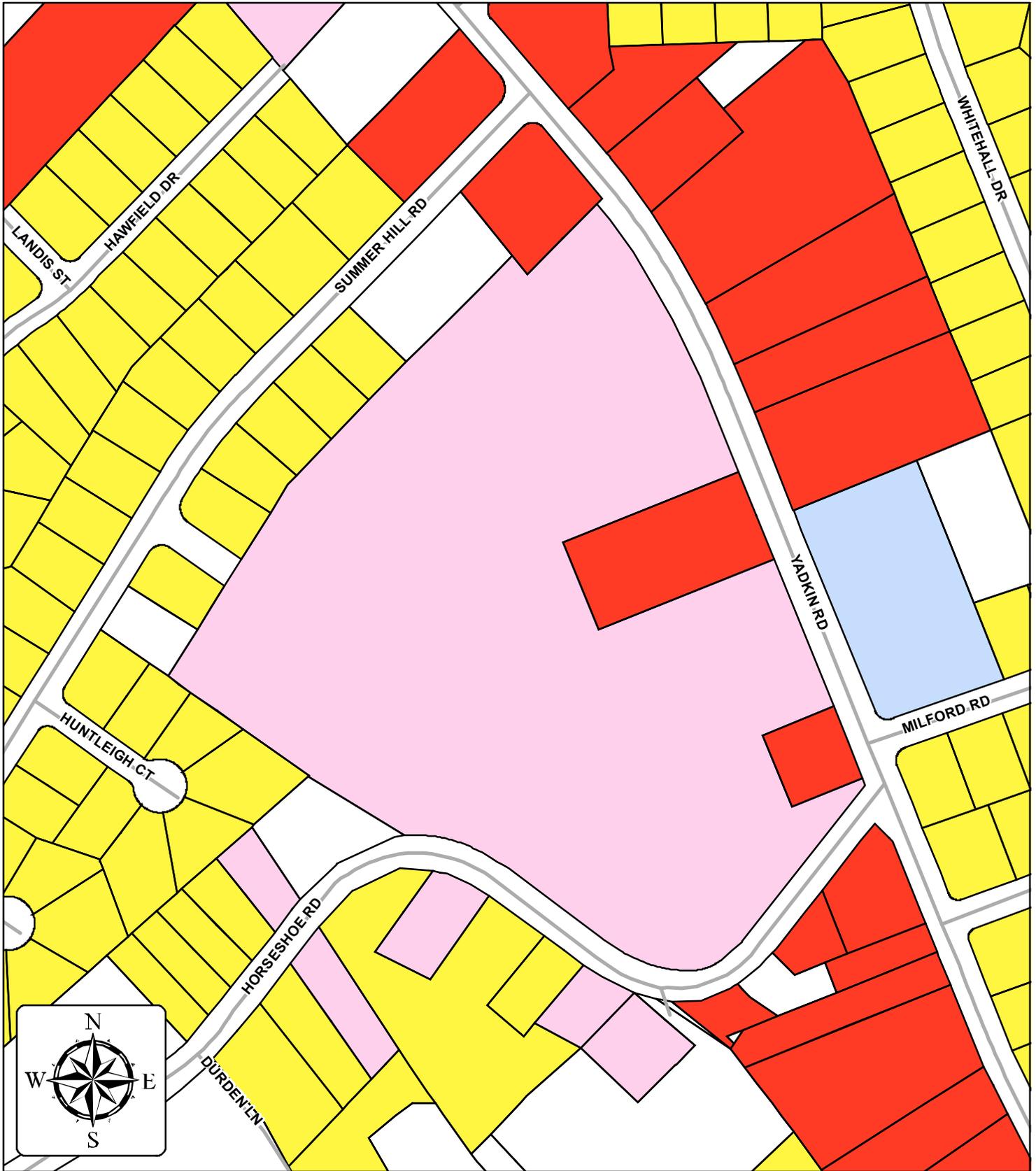


Request: SF-6 to CC
Location: 6243 & 6113 Yadkin Rd
& 663 Horseshoe Rd

Zoning Commission: 08/13/2013 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 0409-20-6960

Current Land Use

P13-20F

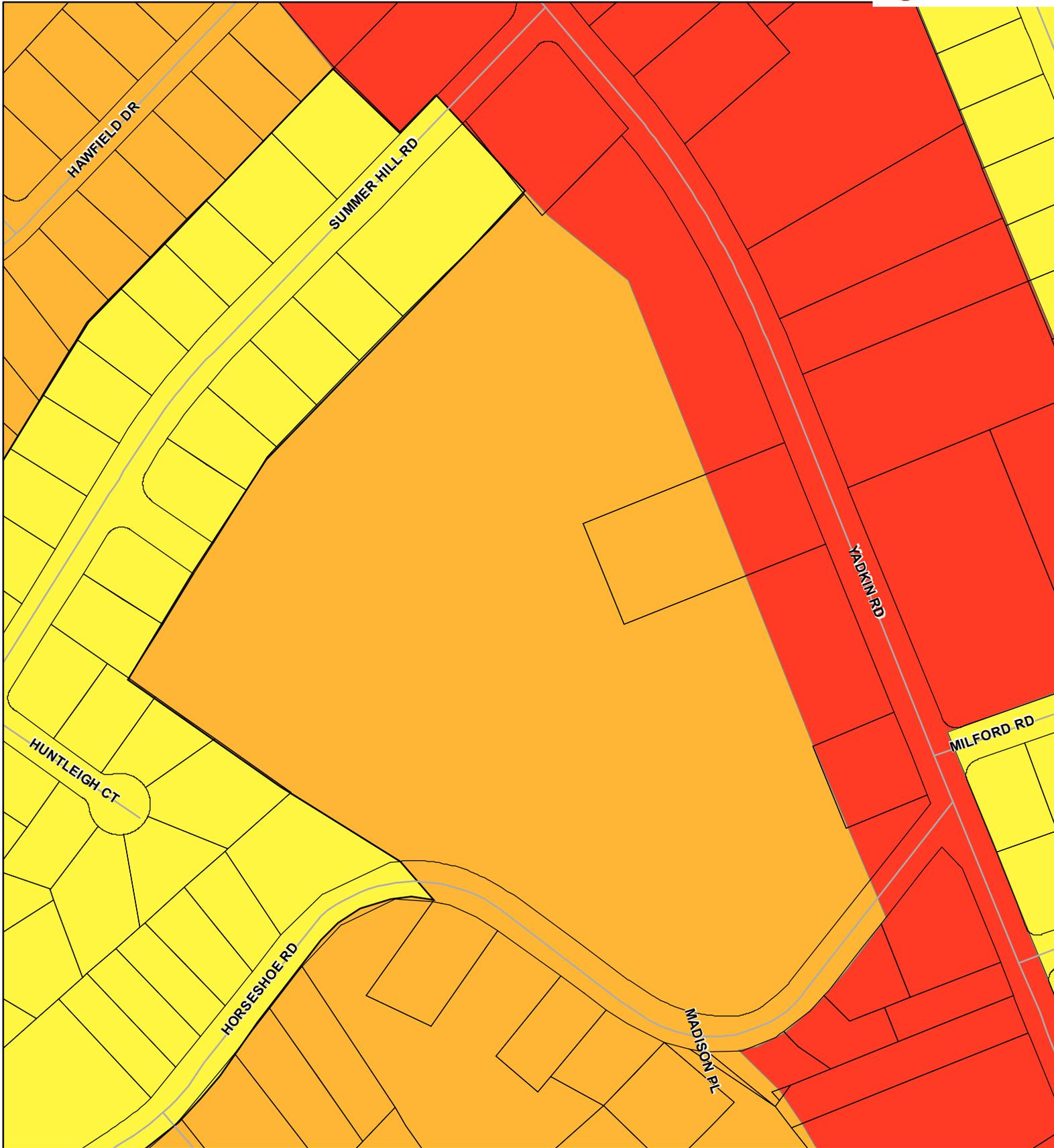


Legend

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

2010 Land Use Plan

Case No. P13-20F



Legend

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







SUMMERHILL PLAZA

- TOBACCO
- USA Furniture Electronics
- SMOKIN GUNS TATTOO
- PATRIOT LOAN CO.
- THE HOBBIT HOBBIES
- THE HOBBIT GAMES

NEED MONEY NOW
MILITARY AND CIVILIAN
LOANS UP TO \$3000

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LOAN
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TAEKWONDO
CENTER

SMOKIN GUNS
TATTOO

THE
HOBBIT
HOBBIES

PLAY
SWEEPSTAKES

U.S. TAE KWON DO CENTER
SELF DEFENSE MENTAL DISCIPLINE

TATTOO TATTOO

MILITARY FANTASY
GAMES HOBBIES

HOBBIT
HOBBY
SHOP

LOANS LOANS LOANS LOANS



Southern
Motor Sports
860-0352

Southern Motor Sports

TOBACCO

PIZZA

COFFEE

WATER

TEA

SNACKS

BEVERAGES

RESTROOMS

SALES

REPAIRS

WARRANTY

FINANCING

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Senior Planner
DATE: September 23, 2013
RE: **P13-25F. The initial zoning of property to HI – Heavy Industrial or to a more restrictive district, located at the Cedar Creek Industrial Park on Cedar Creek Road and being the property of Cumberland County**

THE QUESTION:

Request to initially zone property to HI.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and development

BACKGROUND:

Applicant: Cumberland County
Requested Action: Initial Zoning to HI
Property Address: Cedar Creek Rd. Industrial Park
Council District: 2
Status of Property: Undeveloped
Size: 474 acres +/-
Adjoining Land Use & Zoning:
North - A1 County (residential & farm land)
South - CD & A1 County (residential & farm land)
West – A1 County (residential & farm land)
East – CD & A1 County (residential & farm land)
Letters Mailed: 35
Land Use Plan: Industrial & Conservation

ISSUES:

These properties comprise the Cedar Creek Industrial Park on Cedar Creek Road. Currently the park is vacant. Cumberland County has built an access road into the park. The County has petitioned the City for annexation of these properties so that PWC utilities may be extended there. These properties are zoned M(P) - Manufacturing with a Plan by the County. This rezoning was done by the County when the project first started being developed. The requested action is to initially zone this property to HI which is the City's closest equivalent zoning district.

This case was heard by the Zoning Commission on August 13, 2013. The Commission voted 5-0 to recommend approval. There were no speakers in favor and one in opposition to this case. The speaker in opposition expressed concern for the lack of frontage needed to access the industrial park and he also indicated that he did not wish to be annexed.

The Zoning Commission and staff recommend Approval of the proposed initial zoning based on:

1. The Land Use Plan calls for Heavy Industrial on these properties.
2. Construction of an industrial park has already started.
3. The property will be accessed from both Cedar Creek Road and Clark West Road.

BUDGET IMPACT:

Once business begins to locate in the park, this action would result in an increase in City services that will be offset by the revenue the City will collect in taxes.

OPTIONS:

- 1) Approval of the initial zoning to HI (Recommended).
- 2) Approval of the initial zoning to a more restrictive district.

3) Denial of the initial zoning.

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to APPROVE the initial zoning to HI - Heavy Industrial as presented by staff.

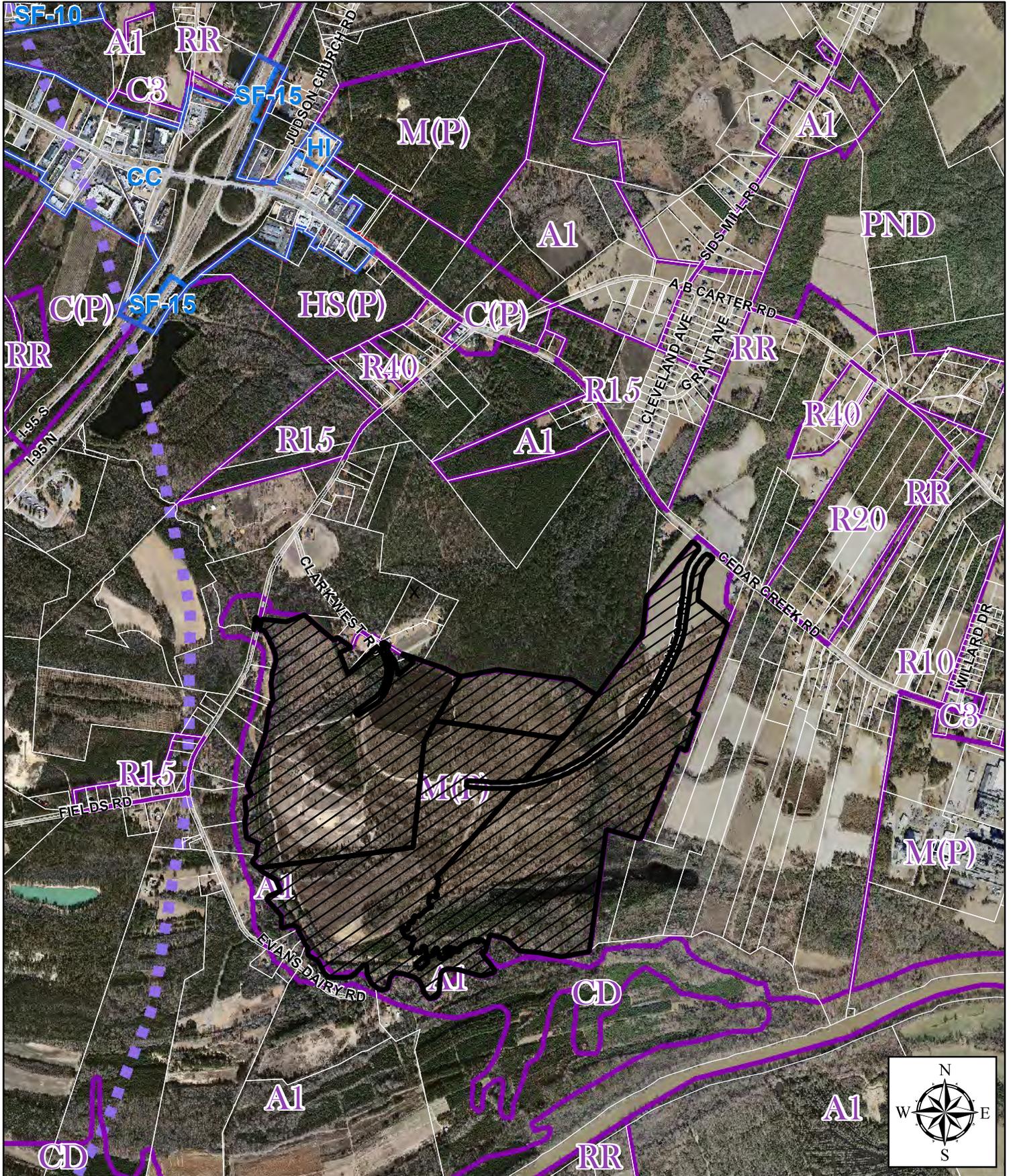
ATTACHMENTS:

Zoning Map

Current Land Use

Land Use Plan

**ZONING COMMISSION
CASE NO. P13-25F**

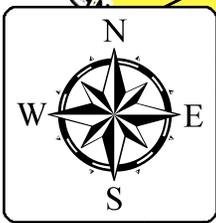
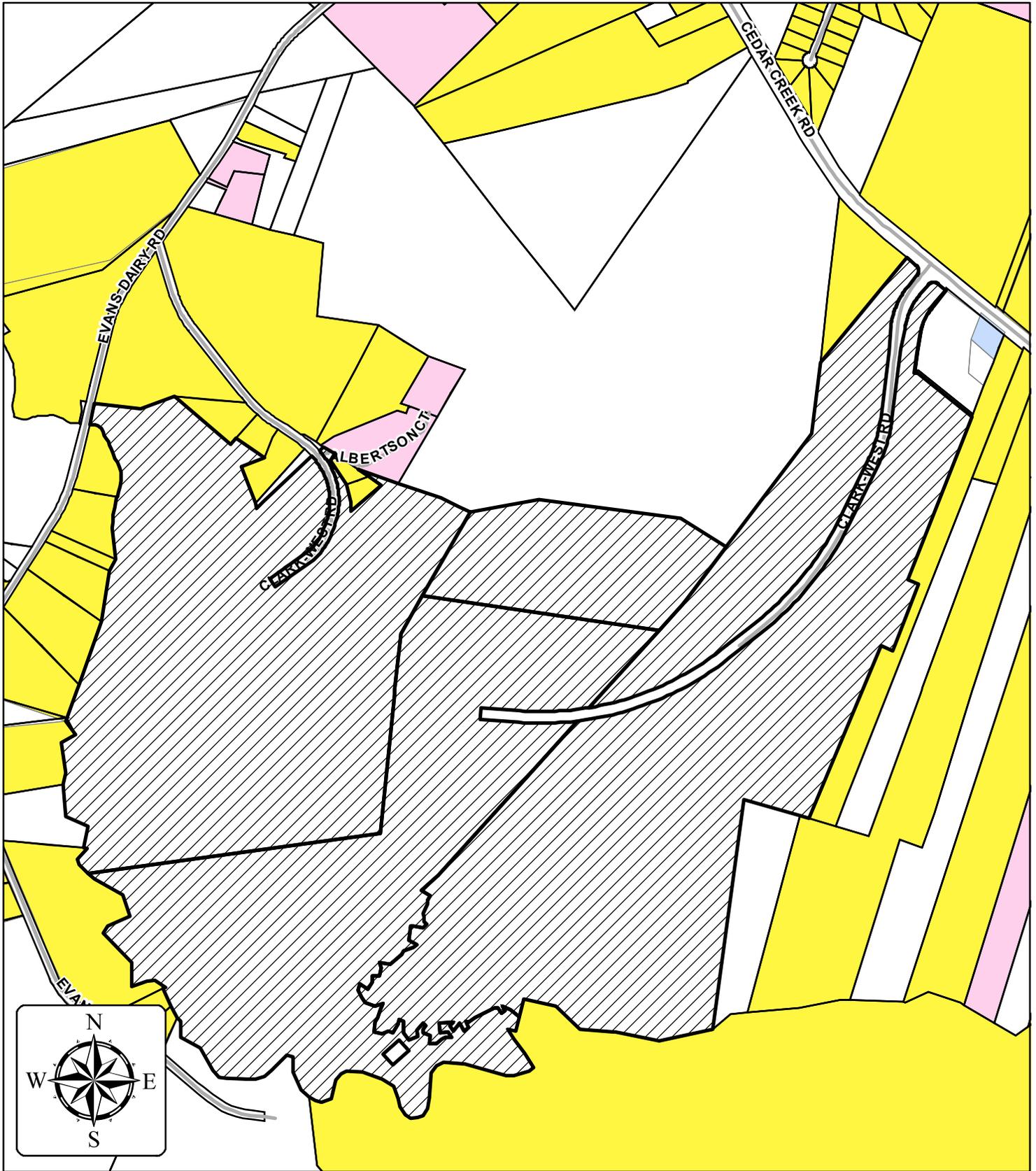


Request: Initial Zoning to HI
Location: Cedar Creek Rd

Zoning Commission: 8/13/2013 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: _____

Current Land Use

P13-25F

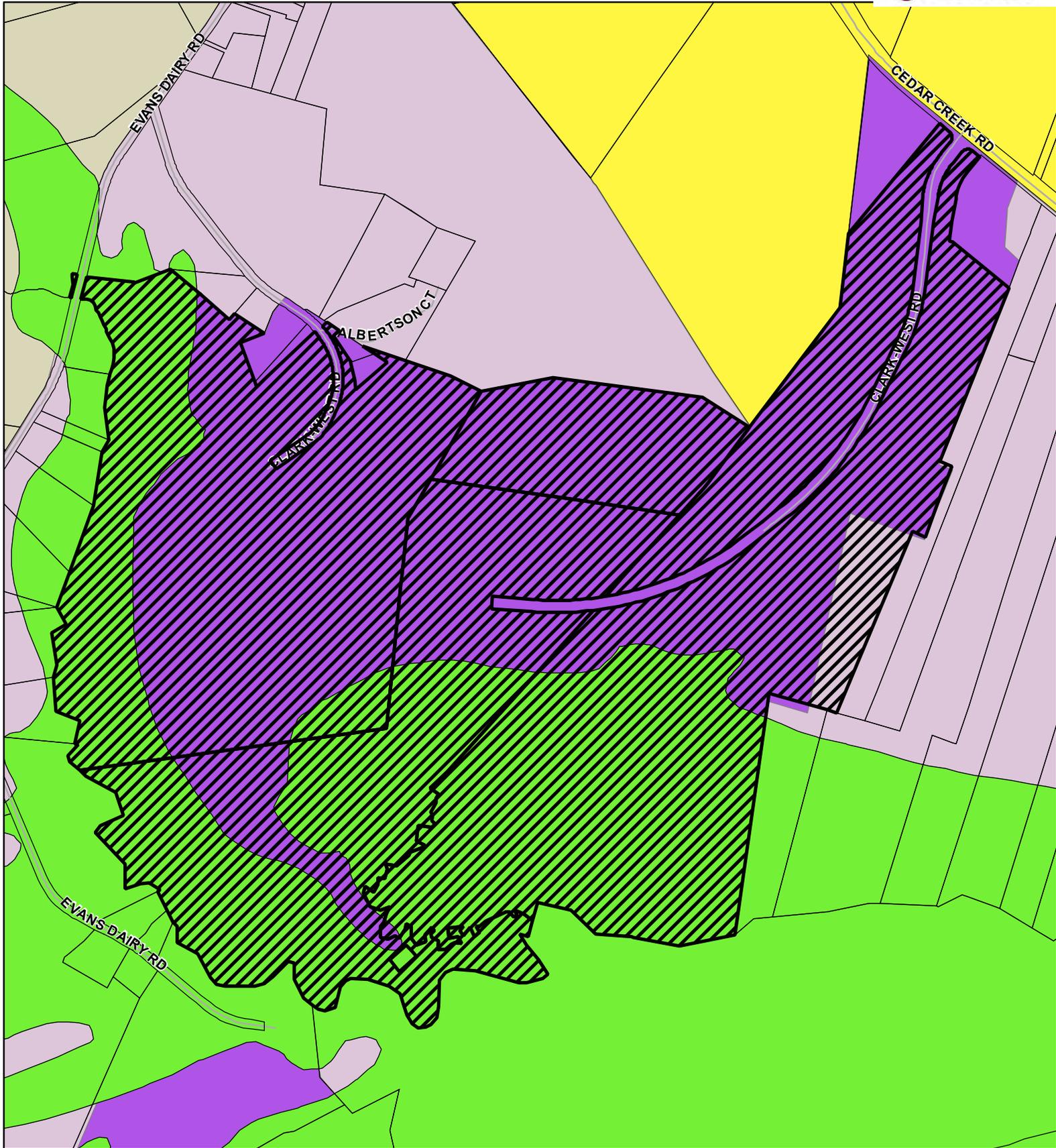


Legend

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

2010 Land Use Plan

Case No. P13-25F



Legend

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Senior Planner
DATE: September 23, 2013
RE: **Case No. 13-27F. Request for rezoning from SF-10 Single Family Residential to O&I Office and Institutional or to a more restrictive district, located at parcel contiguous to 8030 Raeford Road to the rear of the Alpha Academy containing 9.54 acres more or less of 27.52 and being the property of Broadwell Land Company.**

THE QUESTION:

Request to rezone property from SF-10 Single Family Residential to O&I Office and Institutional.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and development

BACKGROUND:

Owner: Broadwell Land Company
Applicant: James Rose
Requested Action: SF-10 to O&I
Property Address: 8030 Raeford Road
Council District: 8
Status of Property: Undeveloped
Size: 9.54 acres +/- of 27.52 acres
Adjoining Land Use & Zoning:
North - SF-10 Undeveloped
South - CC Developed
West - SF-10 Undeveloped
East - SF-10 Residential
Letters Mailed: 172
Land Use Plan: Low Density Residential

ISSUES:

This property is located to the north and contiguous to the existing Alpha Academy. The access to this property is from Raeford Road. The property to be rezoned is 9.54 acres. The existing school is zoned CC - Community Commercial and the rear is zoned SF-10 - Single Family Residential. The City's land use plan shows low density residential for the surrounding properties. The owners of this property would like to rezone the land to the rear of Alpha Academy so that it may be utilized as a recreational area and in the future it may accommodate classroom additions to the current facility.

This case was heard by the Zoning Commission on August 13, 2013. The Commission voted 5-0 to recommend approval. There were two speakers in favor and none in opposition to this case.

The Zoning Commission and staff recommend approval of the rezoning request to O&I based on:

1. The land use plan calls for Lower Density Residential and the requested zoning district is intended to accommodate small-scale, low-intensity institutions. The O&I districts are generally near residential neighborhoods.
2. The portion of the property to be rezoned will serve as a buffer or transition between the future neighborhood and the more intense business district.
3. The area zoned SF-10 is currently undeveloped and will be supportive to the Alpha Academy without being in a less restrictive commercial district.

BUDGET IMPACT:

This action would result in an increase in City services which would be offset by the revenue collected through the City property taxes.

OPTIONS:

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

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to APPROVE the rezoning to the Office and Institutional district, as presented by staff.

ATTACHMENTS:

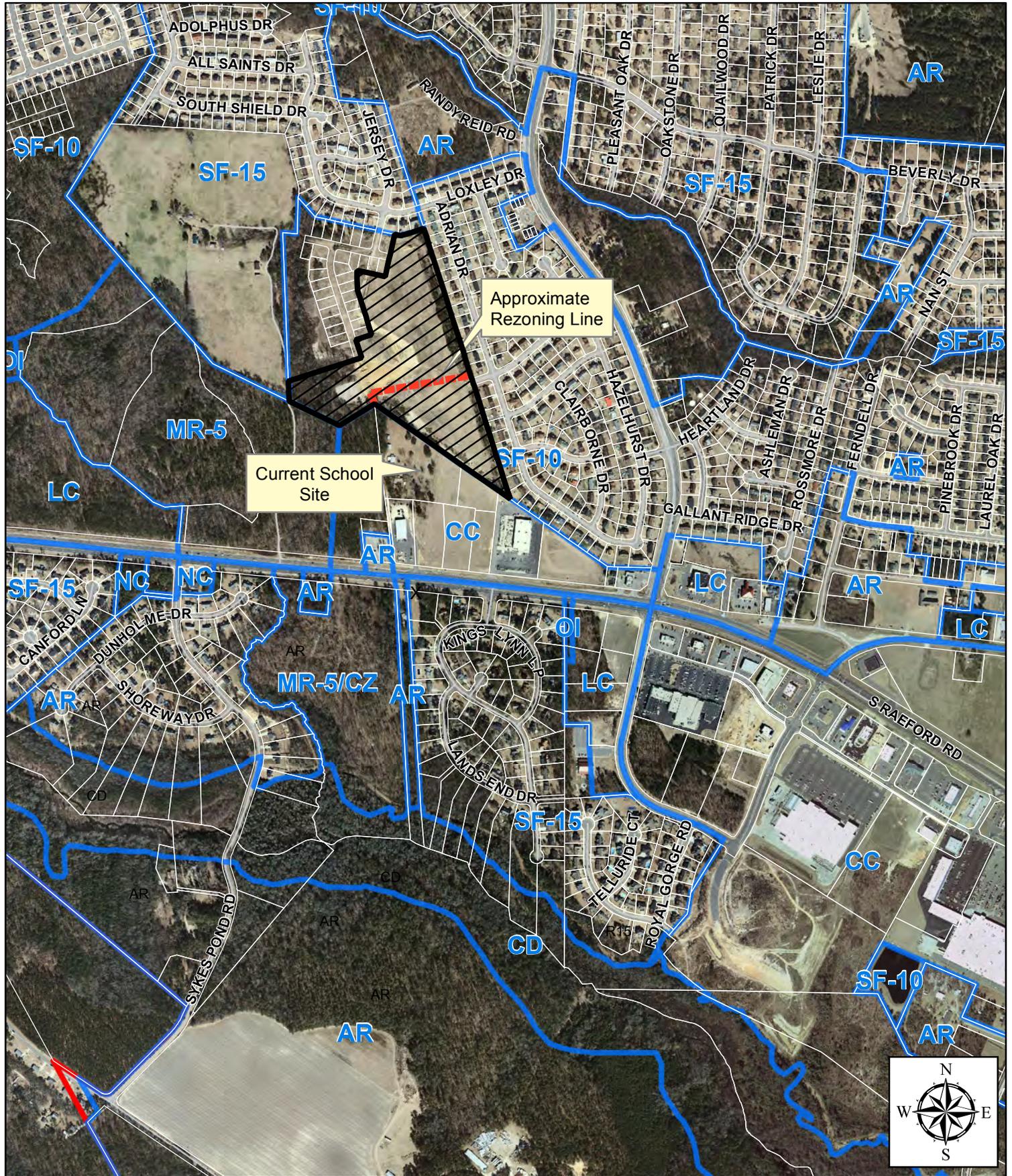
P13-27F Zoning Map

Current Land Use

Land Use Plan

Site Plan

ZONING COMMISSION
CASE NO. P13-27F

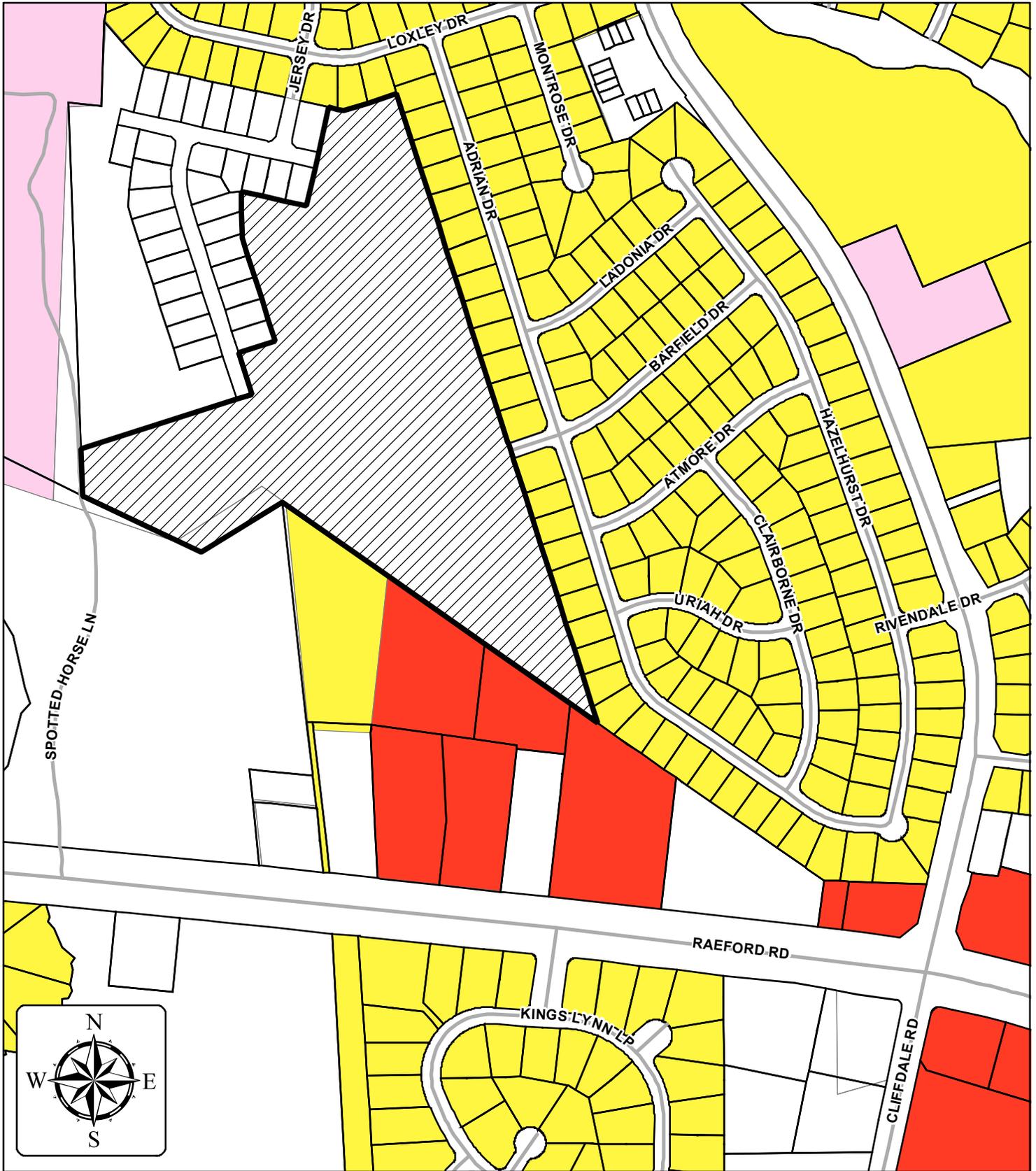


Request: SF-10 to O&I
Location: 8030 Rae Ford Road
Alpha Academy

Zoning Commission: 8/13/2013 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 9476-98-7187

Current Land Use

P13-27F

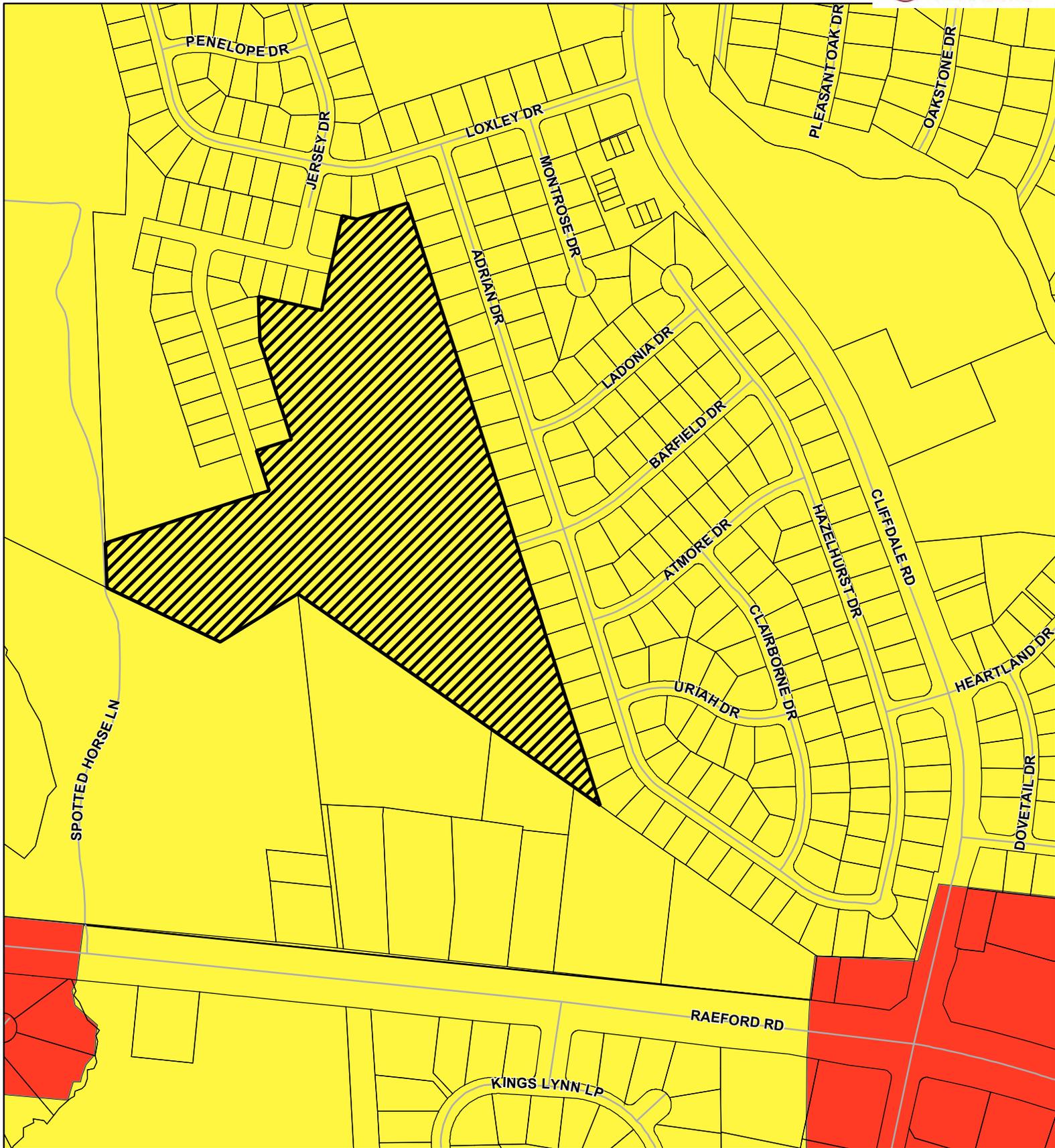


Legend

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
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2010 Land Use Plan

Case No. P13-27F



Legend

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

5-4-2011



- LEGEND**
- SURVEYED LINE
 - - - - - UN-SURVEYED LINE
 - UN-SURVEYED PROPERTY
 - - - - - UN-SURVEYED STRIKEMARK LINE
 - TOP CORNER
 - SURVEY STATION
 - BENCH MARK
 - EXISTING UTILITY
 - EXISTING DIMENSION



- General Notes**
1. Horizontal control established by GPS.
 2. All distances shown on this plan are horizontal ground distances.
 3. Control Coordinates are NAD 83 North after corrections.
 4. Area by Coordinate Computation.
 5. This property is subject to easements and restrictions of record.
 6. The survey does not comply to the standards of underground utilities (none, etc.).
 7. No 110 approach was completed for this survey. No responsibility is assumed by the surveyor for any condition, which may appear to exist on any unknown signs or lines, which may be hazardous to persons, animals and flood areas.
 8. Non-compliance structural work or been created by the plot.
 9. Combined City factor.

- Homeowner Notes**
1. This property contains stormwater features that must be maintained according to the Operations and Maintenance Agreement recorded in the public records.
 2. Lot 103 is reserved for the use of storm-water treatment facilities and open space.
 3. Lot 110 is reserved for the use of storm-water treatment facilities and open space.

- SURVEYOR CERTIFICATION**
- I, Thomas J. Gooden, certify that:
- This map was drawn under my supervision from an actual survey made according to the standards of the profession.
 - The boundary for this parcel as surveyed is based on a monument located in the adjacent section of the title block and substantiated by documents filed in the public records.
 - The lines not surveyed are clearly indicated as dashed lines and drawn from information as given.
 - The scale of precision as indicated is greater than 1:30,000.
 - This plan was prepared in accordance with G.S. 42-18a and does not conform to the definition of a subdivision.
- I state under oath:
- My title block diagram was established by an actual GPS survey made under my supervision.
 - The GPS survey was performed on March 8, 2011.
 - All coordinates were derived by Network RTK method using a Trimble 5600 Series Dual Frequency receiver. This receiver adheres to the NAD 83 2011 datum and NAD 83 datum using the North Carolina Geodetic Survey CORS network.
 - The horizontal accuracy of this GPS survey is 0.01 feet.

Where my original signature, registration number and seal is _____ day of May, A.D. 2013.

Thomas J. Gooden, P.L.L. - 0399

OWNER CERTIFICATION

I, the undersigned, hereby acknowledge that the land shown on this plan is within the jurisdiction, regulatory jurisdiction of Cumberland County and that this plan and documents are filed in accordance with the provisions of the laws of the State of North Carolina as set forth in the public records.

Owner: _____

NOTARY CERTIFICATION

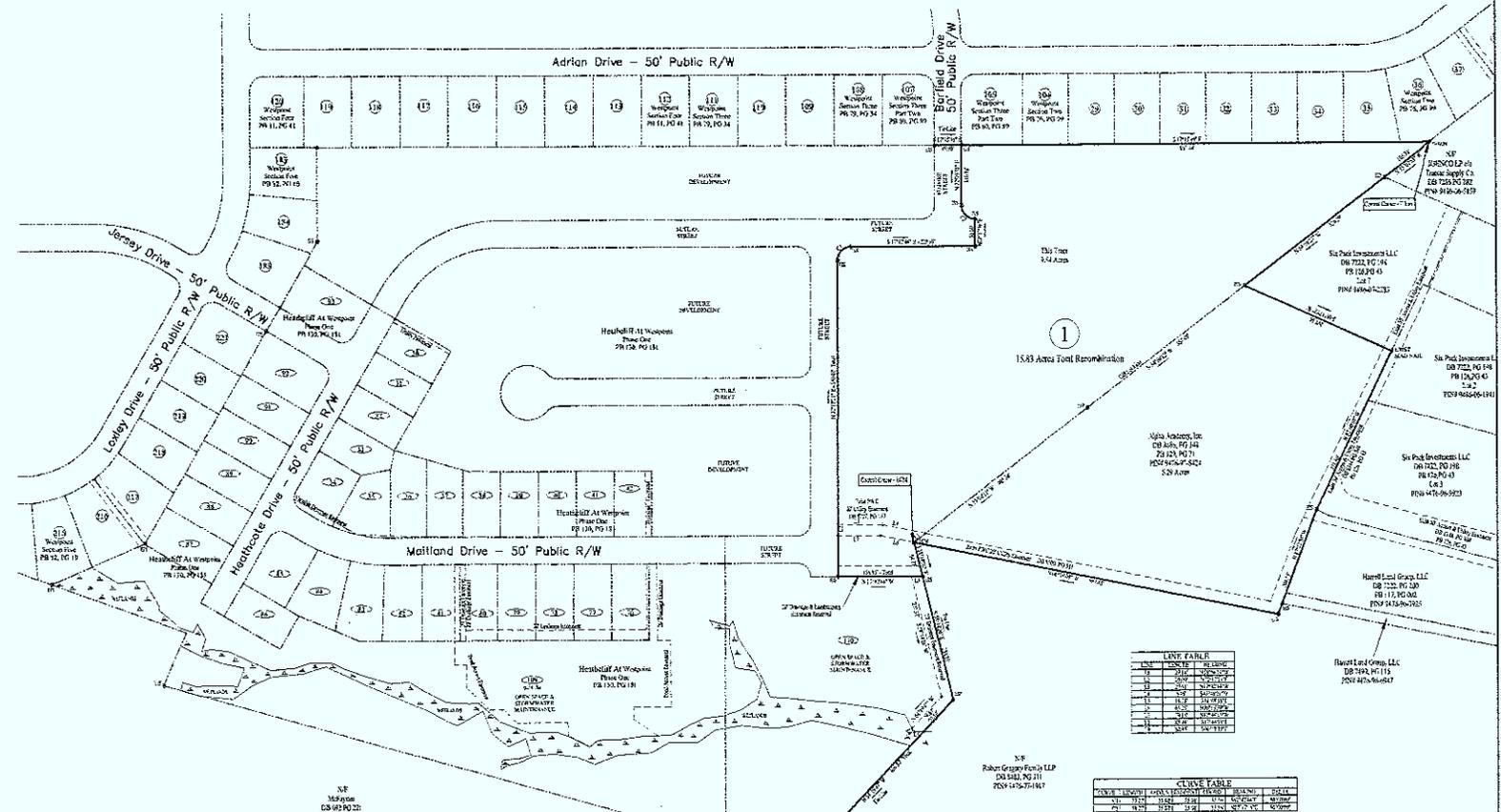
State of North Carolina

I, _____, Notary Public for the County of _____ and State of North Carolina, do hereby certify that _____ personally appeared before me this _____ day of _____, 2013, and acknowledged the execution of the foregoing instrument to me as the _____ of _____, A.D. 2013.

Notary Public: _____

State of North Carolina
County of Cumberland

I, _____, Register of Deeds for the County of Cumberland, do hereby certify that the above and foregoing instrument was duly recorded in my office on this _____ day of _____, 2013.

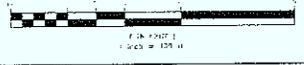


LINE TABLE

LINE	DESCRIPTION	BEARING	DISTANCE
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CURVE TABLE

NO.	LENGTH	CHORD	PERCENTAGE	BEARING	ANGLE
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Recombination Plot for
Alpha Academy

City of Fayetteville
Seventh First Township
Cumberland County
North Carolina

Gooden & Associates, Inc.
Surveying & Planning & Mapping

1743 Cypress Lakes Rd
Horse Hills, NC 28343
Phone: 910-292-7766
Fax: 910-292-7767
www.alphaacademy.com

Project: Alpha Academy
Date: 03/08/2013
Scale: 1" = 40' (AS BUILT)
Sheet: 1 of 1
Drawn by: T.J. Gooden
Checked by: T.J. Gooden
Title: Recombination Plot

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Senior Planner
DATE: September 23, 2013
RE: **P13-28F. The conditional rezoning of property from SF-6 Single Family Residential to MR-5/CZ Mixed Residential Conditional District or to a more restrictive district, located at 5204 Patton Street, between Bragg Boulevard and Old Shaw Road and being the property of N. Earl Jones, Jr. and wife, Diane B. Jones.**

THE QUESTION:

Request to rezone property from SF-6 Single Family Residential to MR-5/CZ Mixed Residential Conditional Zoning.

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: N. Earl Jones, Jr. and wife, Diane B. Jones
Applicant: Earl Jones
Requested Action: SF-6 to MR-5/CZ
Property Address: 5204 Patton Street, between Bragg Boulevard and Old Shaw Road
Council District: 4
Status of Property: Vacant (former mobile home park)
Size: 52 acres +/-
Adjoining Land use & Zoning:
North - SF-6 & CC
South - SF-6 Residential
West - SF-6 & CC
East - SF-10
Letters Mailed: 77
Bragg Boulevard Plan: Multi Family

ISSUES:

These properties are located between Old Shaw Road and Bragg Boulevard in the Bonnie Donne area of Fayetteville. These properties have access to both roads. The former use of one of these properties was a mobile home park. The other property is wooded. The owner of this property is requesting a rezoning to MR-5/CZ - Mixed Residential Conditional zoning. The owner's goal is to build apartments on this property at some time. The owner is conditioning this rezoning to a maximum of 400 units, where 936 units could be built under a straight MR-5 rezoning. Under the current SF-6 zoning district, 499 units could be developed through the Special Use Permit process. If this property is developed as multi-family, the owners will have to adhere to all the standards of the City's Unified Development Ordinance. This would include transition standards between single family residential and multi-family residential.

This case was heard by the Zoning Commission on August 13, 2013. The Commission voted 5-0 to recommend approval. There was one speaker in favor and none in opposition to this case.

Conditions offered by the applicant:

1. Maximum of 400 units (99 units less than what could be developed under the current zoning).

The Zoning Commission and staff recommend Approval of a rezoning to MR-5/CZ based on:

1. The Bragg Boulevard Plan calls for multi family development on this property.
2. Redevelopment of a blighted area.

3. Proximity to Fort Bragg and the need to provide off base housing.

BUDGET IMPACT:

This action would result in an increase in City services which would be offset by the revenue collected through the City property taxes.

OPTIONS:

- 1) Approval of the rezoning to MR-5/CZ as requested by the applicant (Recommended).
- 2) Approval of the rezoning to a more restrictive district.
- 3) Approval of the rezoning with additional conditions.
- 4) Denial of the rezoning.

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to APPROVE the rezoning to MR-5/CZ as presented by staff with conditions as offered by the applicant.

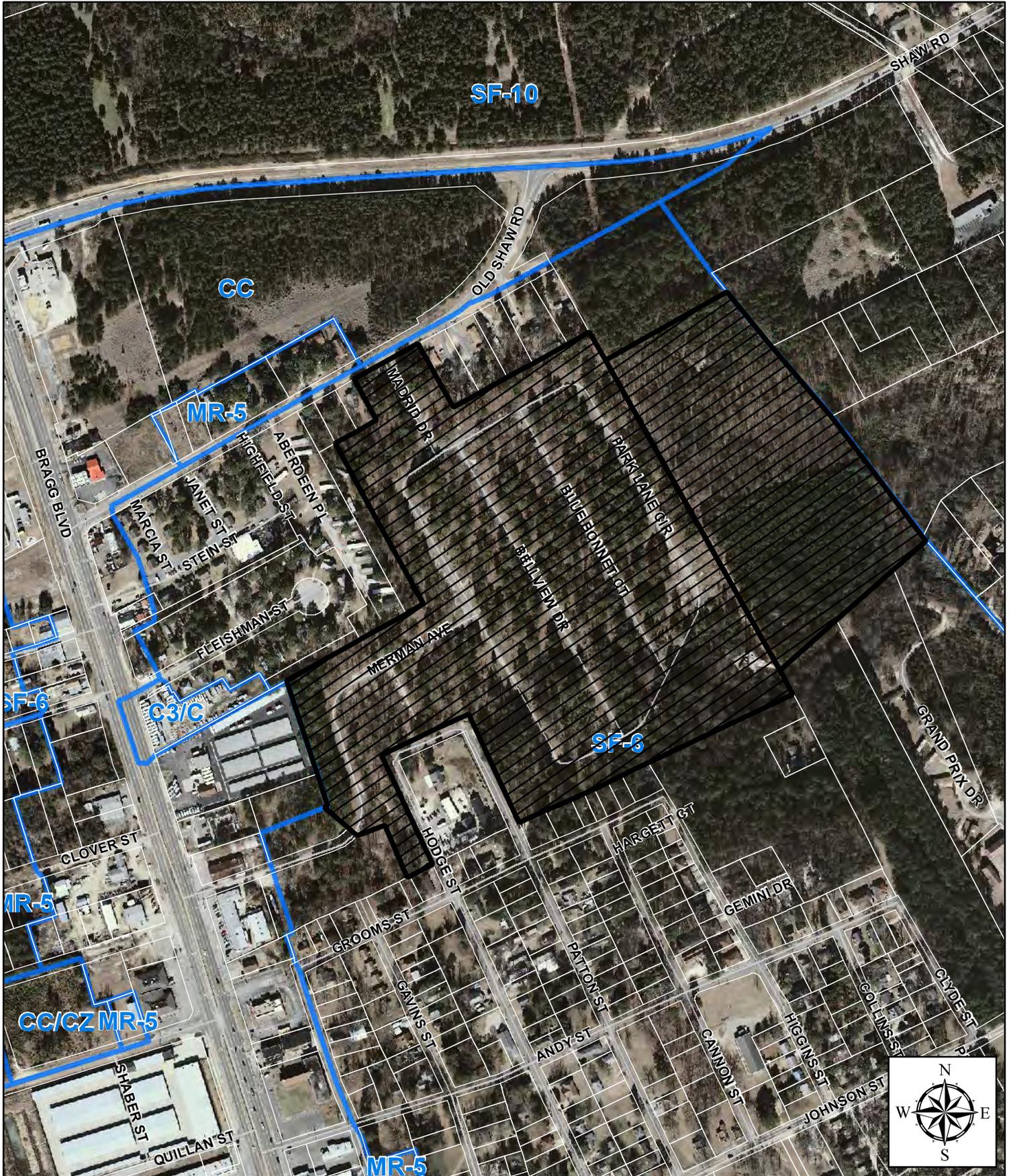
ATTACHMENTS:

Zoning Map

Current Land Use

Land Use Plan

ZONING COMMISSION
CASE NO. P13-28F

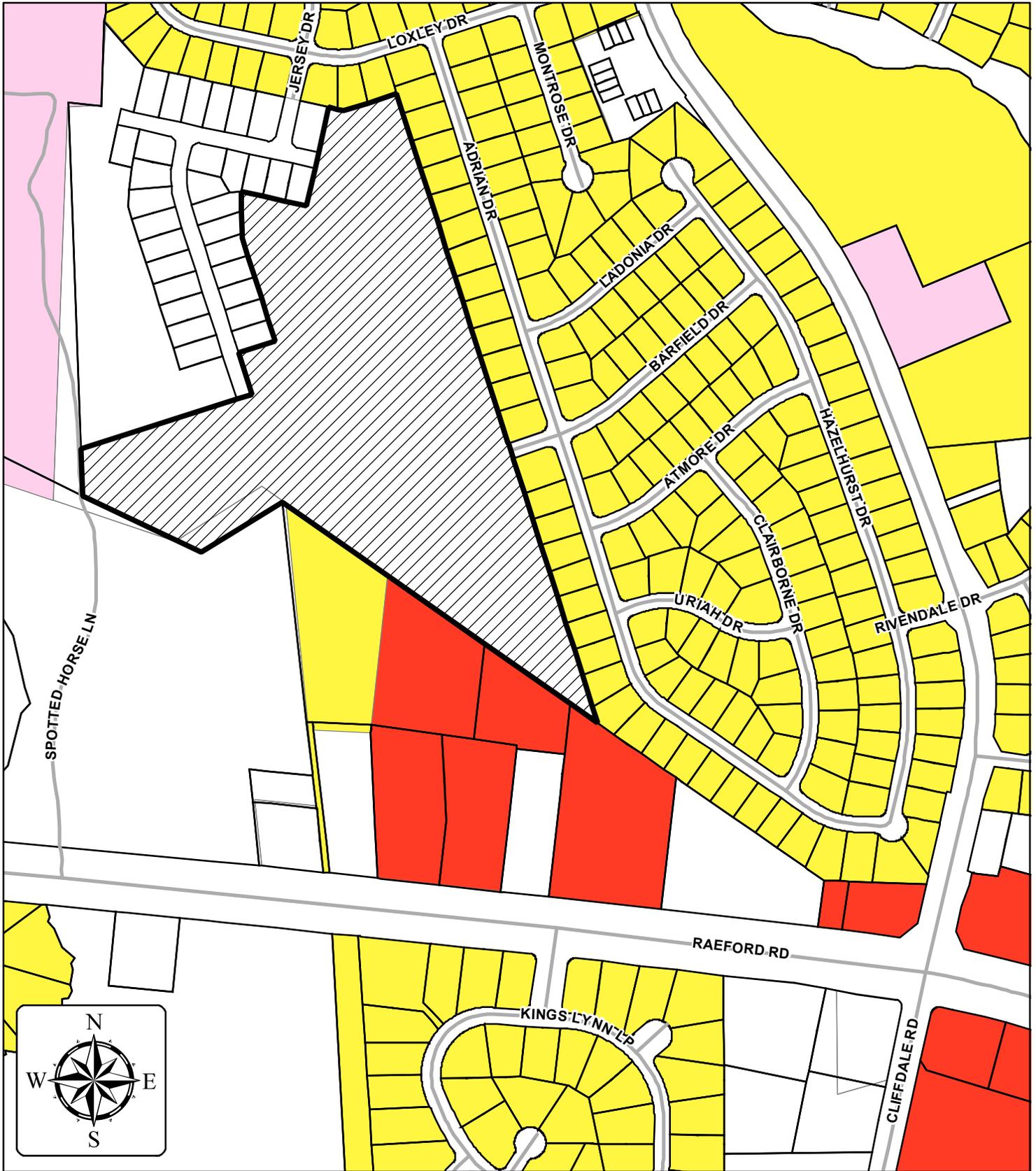


Request: SF-6 to MR-5/CZ
Location: Old Shaw Rd & Bragg Blvd

Zoning Commission: 8/13/2013 **Recommendation:** _____
City Council: _____ **Final Action:** _____

Current Land Use

P13-28F

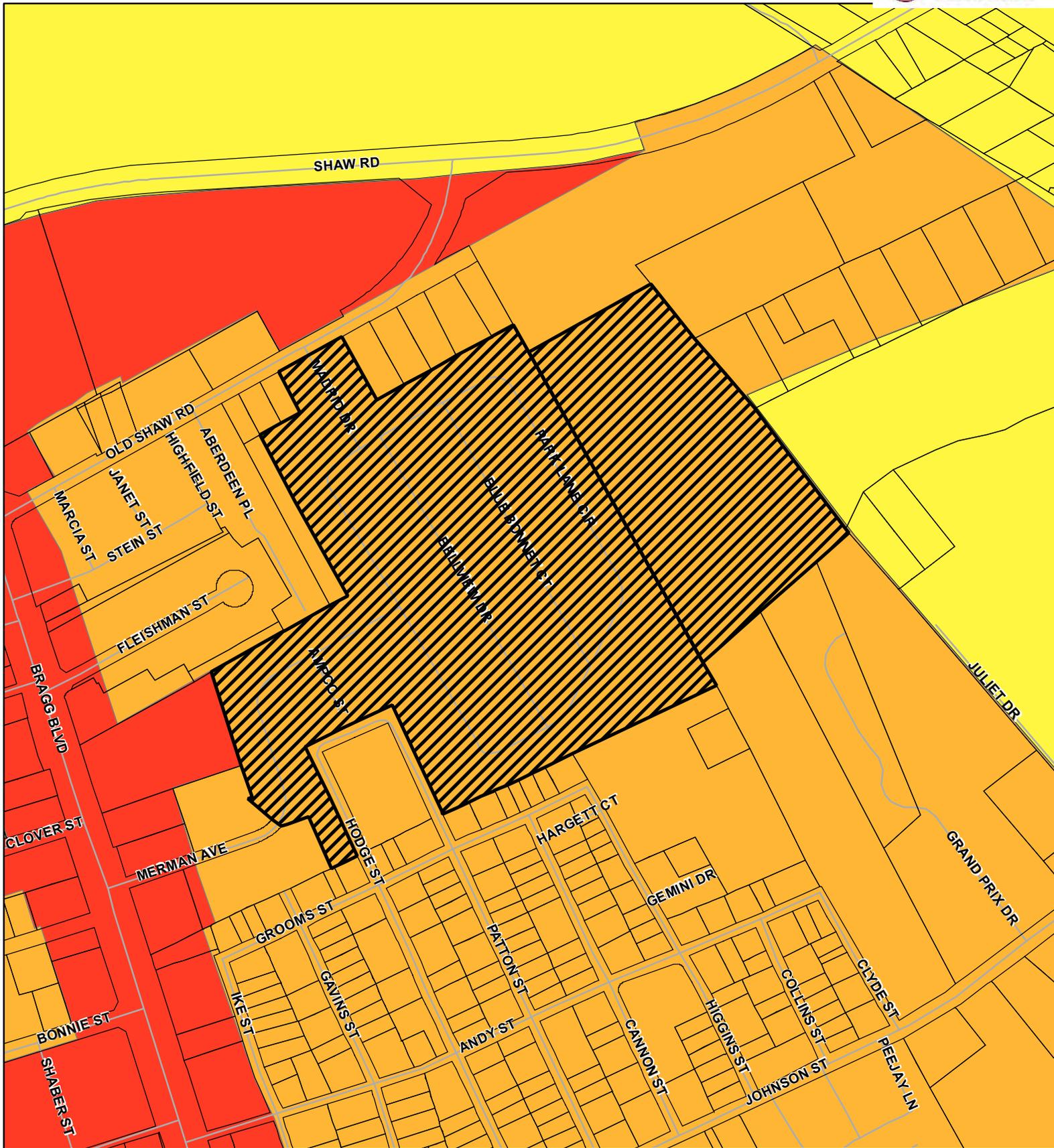


Legend

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

2010 Land Use Plan

Case No. P13-28F



Legend

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

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Pamela Megill, City Clerk
DATE: September 23, 2013
RE: **Approve Meeting Minutes:**

August 21, 2013, Agenda Briefing
August 26, 2013, Regular Meeting
September 3, 2013, Work Session
September 9, 2013, Discussion of Agenda Items
September 9, 2013, Regular Meeting

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

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

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

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

RECOMMENDED ACTION:

Approve the draft minutes as presented.

ATTACHMENTS:

082113 Agenda Briefing
082613
090313 Work Session
090913 Discussion of Agenda Items
090913

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**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
AUGUST 21, 2013
4:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Council Members Kady-Ann Davy (District 2); D. 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: Robert A. Massey, Jr. (District 3)

Others Present: Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Scott Shuford, Development Services Director
Karen Hilton, Planning and Zoning Manager
Craig Harmon, Planner II
Rusty Thompson, Engineering and Infrastructure Director
Lisa Smith, Chief Financial Officer
Tracie Davis, Corporate Communications Director
Wilson Lacy, Public Works Commission Chair
Lynn Greene, Public Works Commissioner
Wick Smith, Public Works Commissioner
Mike Lallier, Public Works Commissioner
Steven K. Blanchard, PWC General Manager/CEO
Dwight Miller, PWC Chief Financial Officer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

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

City staff presented the following items scheduled for the Fayetteville City Council's August 26, 2013, agenda:

2.0 ZONING CASES

2.1 P13-12F. Initial zoning of property from R6A County Residential to LC - Limited Commercial or to a more restrictive district, located at 1030 Palm Drive and Honeycutt Road containing 1.32 acres more or less and being the property of James Sanders, Donna Muraski and Charlotte Strickland. (Tabled from July 22nd)

DRAFT

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan.

Mr. Harmon stated the Planning Department and Legal Department request this item be tabled again due to conflicting acreage amounts that have still not been resolved by the property owner.

2.2 P13-23F. The issuing of a Special Use Permit to allow for a columbarium to be located at Snyder Memorial Baptist Church, 701 Westmont Dr. and being the property of Snyder Memorial Baptist Church.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. This project will be located on the campus of Snyder Memorial Baptist Church at 701 Westmont Drive. The church wishes to build a columbarium with a memorial area. The proposed columbarium would be able to house 148 cremations or niches. As shown on the site plan, there will be five walls that will hold these niches. There will also be three additional areas for future expansion. A walking path and benches will also be included in the project. When complete, the columbarium will be visible from Westmont Drive. This project should have very little impact on the surrounding single family neighborhoods. The Zoning Commission met on July 9, 2013, and recommended approval of this case 5-0. The Zoning Commission and staff recommend approval of the proposed SUP based on (1) minimal impact to the surrounding residences, (2) this project meets the City's requirements for a columbarium, (3) minimal visual impact from Westmont Drive and (4) there are no conflicts with any adopted policies or plans. He further advised that the Zoning Commission and staff recommend approval as presented by staff and based on the request being able to meet the following standards:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;

DRAFT

- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

2.3 P13-26F. The rezoning of property from CC - Community Commercial to DT - Downtown District or to a more restrictive district, located at 135 Robeson Street between Robeson, Russell, Winslow and Franklin Streets being the property of the City of Fayetteville.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. This request is to rezone a block of properties that are bordered by Robeson, Russell, Winslow and Franklin Streets. This property is the future site of the City's Multi Modal Transit Center. Assembly of all properties under the City's ownership was only recently concluded enabling the rezoning to go forward. The property has a DT - Downtown zoning district on two sides and the rezoning of this property would square off the DT district to Robeson and Winslow Streets. The City's Land Use Plan calls for Downtown which would fit with a transit center. The Zoning Commission met on August 13, 2013, and voted 5-0 to recommend approval of this case. The Zoning Commission and staff recommend approval of the rezoning to DT based on (1) the Land Use Plan calls for Downtown uses, (2) DT zoning fits with the use of a transit center, (3) downtown zoning district is adjacent on two sides and (4) rezoning this property would form a natural end point for the DT district at Robeson Street.

3.0 DEMOLITION CASES

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

219 Hawthorne Road

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Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a blighted structure on December 18, 2012. A hearing on the condition of the structure was conducted on January 16, 2013, which the owners did not attend. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owners on January 17, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since April 2004. In the past 24 months, there has been 1 call for 911 service to the property. There have been 5 code violation cases with no pending assessments. The low bid for demolition is \$1,840.00.

750 Marsh Street

Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a dangerous structure on April 11, 2013. A hearing on the condition of the structure was conducted on May 1, 2013, which the owners did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owners on May 2, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since January 2006. In the past 24 months, there have been 12 calls for 911 service to the property. There have been 5 code violation cases with pending assessments of \$391.45. The low bid for demolition is \$1,645.00.

715 Winslow Street

Mr. Shuford stated the structure is a vacant commercial building that was inspected and condemned as a blighted structure on March 18, 2013. A hearing on the condition of the structure was conducted on April 24, 2013, which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on April 25, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since April 2011. In the past 24 months, there have been 2 calls for 911 service to the property. There has been 1 code violation case with a pending assessment of \$159.67. The low bid for demolition is \$1,200.00.

4.0 OTHER ITEMS

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The Fayetteville Public Works Commission was invited to attend the Fayetteville City Council Agenda Briefing to provide input to the Council regarding the following issues discussed in the DavenportLawrence study: Fort Bragg Agreement, Fiber Communication Services, Fleet Services and Purchasing.

Mr. Steven Blanchard, PWC General Manager/CEO, presented this item with the aid of a PowerPoint presentation and provided a handout entitled "DavenportLawrence Report Response" dated August 21, 2013. Mr. Blanchard said his report is not intended to be controversial; the report is to provide additional information. Mr. Blanchard stated the Fayetteville PWC governance structure, as established by the charter, is unique and different from that of other municipal utilities in North Carolina but fairly typical to other municipal public power operations of a smaller size around the country. Fayetteville PWC is the only municipal utility operating electric power generating assets in North Carolina and is subject to rules and regulations not applicable to other municipal operations. Fayetteville PWC complies with all the sunshine laws of North Carolina and welcomes suggestions as to how they can be more responsive and transparent. Fayetteville PWC invests in external messaging, communications, and community relations to meet customer expectations and as necessary for efficient utility operations and customer service. Fayetteville PWC's cost accounting methods are not unusual for utilities the size and complexity of the operations of Fayetteville PWC and are applied consistently both internally and with the City. The "PWC" logo, to their knowledge, was never intended to "further separate itself perceptually from the City," and they are currently modifying the logo to add the tag line, "Fayetteville's Hometown Utility."

Fort Bragg Agreement

Mr. Dwight Miller, PWC Chief Financial Officer, presented this item and provided an overview of the sequence of events of the Fort Bragg agreement. Mr. Miller provided a list of the many people that were involved in the process. Mr. Miller stated the Fort Bragg Water Supply is a loan agreement between Fayetteville PWC and Fort Bragg (not the City) using the principal and agreed to estimated, taxable bond interest at the time the agreement was executed. Added to the agreement was a clause that if the base was ever annexed, the City would reimburse Fort Bragg 75% of the gross receipts tax to be used to pay on the outstanding loan Fort Bragg had with Fayetteville PWC.

Mayor Chavonne stated City and utility records show the City has overpaid by \$2,000,000 for the water agreement and asked Mr. Miller where that money is being held. Mr. Miller responded Fayetteville PWC is holding the money in an account for the water project and acknowledged that PWC is receiving a modest amount of interest on the account.

Mayor Chavonne stated he was not disputing the terms of the water contract, but the confusion and miscommunication among City and

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Fayetteville PWC officials illustrate the dysfunctionality that exists between the City and PWC.

Phase V Annexation

Mr. Blanchard stated prior to the Phase V Annexation, Fayetteville PWC advised the City that Fayetteville PWC did not have sufficient revenues to support the installation of water and sewer in that large of an area. City Manager Roger Stancil stated that there would be sufficient tax revenues to pay for the installation of water and sewer. However, after annexation, taxes were not sufficient so the City staff's funding plan changed to 100% assessment to cover the utility installation costs. At the first public hearing, the City Council decided to cap the estimated \$10,000 - \$15,000 assessment at \$5,000. Fayetteville PWC offered a plan to help subsidize the City's cost over time that led to the present agreement. The City Council agreed to that arrangement.

Mayor Chavonne asked Mr. Blanchard if he thought property tax payers are subsidizing utility services. Mr. Blanchard replied they are indirectly.

Council Member Applewhite addressed her concern to Mr. Blanchard and stated we have to find another way in fairness to the tax payers.

Fiber Communication Services

Mr. Blanchard stated the Fayetteville PWC fiber system was installed mainly to support the utility functions including the anticipated smart grid applications such as smart meters and distribution automation. An intergovernmental loop of fiber was also installed mainly to support the interoperability of the City, County and Fayetteville PWC GIS systems. The scope of intergovernmental services has expanded and Fayetteville PWC is in the process of segregating all the fiber costs into a separate accounting model. The primary purpose to have fast high speed access at a cost lower than market rates has been successful. The City is benefiting from that decision, as stated by DL, "Rates charged by Fayetteville PWC for City locations represent a good value for comparable private sector service..." Future staff discussions are planned to come to an equitable resolution on this issue.

Fleet

Mr. Blanchard stated while the costs of the Fayetteville PWC fleet operations may be higher than other municipalities, DL stated "the cost was, however, within ranges generally used on a national level for private sector fleets to evaluate fleet performance." This is what Fayetteville PWC found when evaluating the outsourcing of the fleet operations several years ago. Costs are not as high as outsourcing. DL mistakenly identified medical insurance as a prime example of Fayetteville PWC excessive cost. The reality is that both

DRAFT

the City and Fayetteville PWC are independently self-insured and employee participation is close to being the same. The Fayetteville PWC share of the high employee cost is reflective of high medical expenses incurred due to several catastrophic illnesses of Fayetteville PWC employees and their dependents. It does not reflect a higher level of benefits. Future staff discussions are planned to come to an equitable resolution on fleet maintenance cost allocation.

Purchasing

Mr. Blanchard stated future staff discussions are planned to come to an equitable resolution on this issue.

Consensus of Council was to bring this item to the September 3, 2013, Work Session for further discussion.

5.0 ADJOURNMENT

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

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

082113

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
AUGUST 26, 2013
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9) (arrived at 7:42 p.m.)

Others Present: Theodore Voorhees, City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Victor Sharpe, Community Development Director
Scott Shuford, Development Services Director
Lee Jernigan, Traffic Engineer
Craig Harmon, Planner II
David Nash, Planner II
Kecia Parker, Real Estate Manager
Rebecca Rogers-Carter, Strategic Initiatives Manager
Nathan Walls, Interim Public Information Officer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Reverend Reginald Johnston, Pastor of My Father's House Christian Center.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Hurst moved to approve the agenda.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (9-0)

5.0 CONSENT

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

5.1 Capital Project Ordinance 2014-11 (Transit New Freedom Sidewalk Grant 57-X017-00)

This ordinance appropriates \$119,520 for the New Freedom Sidewalk Grant 57-X017-00 project. The project is funded by a \$95,616 federal grant and a \$23,904 local match from the Transportation Fund.

5.2 Capital Project Ordinance Amendment 2014-18 (Legion Road Sidewalk Municipal Agreement)

This capital project ordinance amendment will appropriate an additional \$17,009 for sidewalk improvements along Legion Road. The amendment is funded by General Fund proceeds remaining from previously closed transportation projects.

5.3 Capital Project Fund Ordinance Amendment 2014-19 (Transportation Fund Sidewalks and Related Improvements)

This project ordinance amendment will appropriate \$47,781 remaining from previously closed transportation projects for various sidewalk projects. The source of funds for this amendment consists of \$24,170 from the General Fund and \$23,611 in developer's fees.

5.4 Community Development - Approval of acceptance of a grant from the Arts Council for a Cultural Tourism - Public Art Grant for the Downtown

The City was recently awarded \$7,800 to jump start a public art project designed to increase cultural heritage tourism downtown and in Fayetteville/Cumberland County. The City will match the grant with \$2,000 from the Municipal Service District budget.

5.5 Resolution Accepting High Bid for Property Located at 1107 Clark Road, Fayetteville, NC

A RESOLUTION ACCEPTING HIGH BID FOR PROPERTY; SALE OF PROPERTY LOCATED AT 1107 CLARK ROAD. RESOLUTION NO. R2013-041

5.6 Resolution to Set Public Hearing to Consider Closing an Unopened Portion of Turnpike Road

A RESOLUTION CALLING FOR A PUBLIC HEARING REGARDING THE PROPOSED CLOSING OF AN UNOPENED PORTION OF TURNPIKE ROAD. RESOLUTION NO. R2013-042

5.7 Approve Meeting Minutes:

August 5, 2013, Work Session

DRAFT

August 12, 2013, Discussion of Agenda Items
August 14, 2013, Special

- 5.8 Approval of a Municipal Agreement with NCDOT for sidewalk installation on Legion Road

RESOLUTION - TRANSPORTATION IMPROVEMENT PROJECT MUNICIPAL AGREEMENT. RESOLUTION NO. R2013-043

- 5.9 Special Revenue Fund Project Ordinance 2014-4 (Gang Prevention for Schools 2013 Grant)

This ordinance appropriates \$37,185 for the Gang Prevention for Schools project for fiscal year 2013-2014.

- 5.10 Special Revenue Fund Project Ordinance 2014-5 (Mobile Technology Initiative Grant)

This ordinance appropriates \$54,000 for the Mobile Technology Initiative project for fiscal year 2013-2014.

- 5.11 Special Revenue Fund Project Ordinance Amendments 2014-1 and 2014-2 (CDBG and HOME Programs)

In July 2013, the U.S. Department of Housing and Urban Development (HUD) awarded grants in the amount of \$1,362,046 for the CDBG program and \$575,873 for the HOME program. The annual action plan approved by City Council on April 22, 2013, estimated the new CDBG and HOME grants would be \$1,206,943 and \$580,924, respectively. The project budget amendments will appropriate the actual grant awards received from HUD in July for these programs. The amendments will also appropriate CDBG and HOME program income of \$211,913 and \$315,616, respectively, as outlined in the 2013-2014 Annual Action Plan. The Annual Action Plan outlines all activities and funding sources for the CDBG and HOME programs.

- 5.12 Approval of speed limit recommendations along Bragg Boulevard

CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRENCE [NC 25, from a point 0.60 mile west of SR 1437 (the Fayetteville City limits/Ft. Bragg boundary), eastward to US 401 Business (Martin Luther King Jr. Freeway)]. ORDINANCE NO. NS2013-027

- 6.0 PUBLIC HEARINGS

- 6.1 P13-12F. Initial zoning of property from R6A County Residential to LC - Limited Commercial or to a more restrictive district, located at 1030 Palm Spring Drive and Honeycutt Road and being the property of James Sanders, Donna Muraski and Charlotte Strickland. (Tabled item from July 22, 2013)

DRAFT

Mr. Craig Harmon, AICP, CZO - Planner II, introduced this item and stated the Planning Department staff requests Council table this item until the September 23, 2013, City Council meeting as the property owner still has unclear issues with property titles.

MOTION: Council Member Bates moved to table this item to the September 23, 2013, City Council regular meeting.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (9-0)

Mayor Chavonne stated Item 6.5 is related to this item and also needs to be tabled.

6.5 Public Hearing to Consider a Petition Requesting Annexation of a Non-Contiguous Area Known as the Honeycutt Road at Palm Springs Drive Property

MOTION: Council Member Bates moved to table this item to the September 23, 2013, regular meeting.
SECOND: Council Member Crisp
VOTE: Unanimous (9-0)

6.2 P13-23F. The issuing of a Special Use Permit to allow for a columbarium to be located at Snyder Memorial Baptist Church, 701 Westmont Dr., and being the property of Snyder Memorial Baptist Church.

Mr. Craig Harmon, AICP, CZO - Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated this project will be located on the campus of Snyder Memorial Baptist Church at 701 Westmont Drive. The church wishes to build a columbarium with a memorial area. The proposed columbarium would be able to house 148 cremations or niches. There will be five walls that will hold these niches. There will also be three additional areas for future expansion. A walking path and benches will also be included in the project. When complete, the columbarium will be visible from Westmont Drive. This project should have very little impact on the surrounding single family neighborhoods. The Zoning Commission met on July 9, 2013, and recommended approval of this case 5-0. The Zoning Commission and staff recommend approval of the proposed SUP based on (1) minimal impact to the surrounding residences, (2) this project meets the City's requirements for a columbarium, (3) minimal visual impact from Westmont Drive, and (4) there are no conflicts with any adopted policies or plans. He further advised that the Zoning Commission and staff recommended approval as presented by staff and based on the request being able to meet the following findings:

DRAFT

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

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

Mr. Geron Gambill, 3302 Mandalay Street, Fayetteville, NC 28303, appeared in favor and requested Council approve the request for a special use permit.

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

MOTION: Council Member Hurst moved to approve the request for a Special Use Permit as presented by staff and based on the eight findings and the standards of the City's development code.

SECOND: Council Member Haire

VOTE: Unanimous (9-0)

6.3 P13-26F. The rezoning of property from CC - Community Commercial to DT - Downtown District or to a more restrictive district, located at 135 Robeson Street between Robeson, Russell, Winslow and Franklin Streets being the property of the City of Fayetteville.

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Mr. Craig Harmon, AICP, CZO - Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated this request is to rezone a block of properties that are bordered by Robeson, Russell, Winslow and Franklin Streets. This property is the future site of the City's Multimodal Transit Center. Assembly of all properties under the City's ownership was only recently concluded enabling the rezoning to go forward. The property has a DT - Downtown zoning district on two sides and the rezoning of this property would square off the DT district to Robeson and Winslow Streets. The City's Land Use Plan calls for Downtown which would fit with a transit center. He further stated the Zoning Commission met on August 13, 2013, and voted 5-0 to recommend approval of this case.

The Zoning Commission and staff recommend approval of the rezoning to DT based on: (1) the Land Use Plan calls for Downtown uses, (2) DT zoning fits with the use of a transit center, (3) Downtown zoning district is adjacent on two sides, and (4) rezoning this property would form a natural end point for the DT district at Robeson Street.

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

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

A brief discussion ensued.

MOTION: Council Member Davy moved to approve the rezoning as presented by staff.

SECOND: Council Member Hurst

VOTE: PASSED by a vote of 7 in favor and 2 in opposition (Council Members Bates and Crisp)

6.4 Adopt a Resolution and Order Closing a 12-foot Alley running between Franklin Street and Russell Street

Ms. Kecia Parker, Real Estate Manager, presented this item and stated the purpose of this public hearing is to determine if a certain street portion in the City of Fayetteville, North Carolina, known as the 12-foot ally running between Franklin Street and Russell Street should be closed as a public street.

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

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

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RESOLUTION AND ORDER CLOSING A 12-FOOT ALLEY RUNNING BETWEEN FRANKLIN STREET AND RUSSELL STREET. RESOLUTION NO. R2013-044

MOTION: Council Member Davy moved to approve the resolution and order closing a 12-foot alley running between Franklin Street and Russell Street.

SECOND: Council Member Bates

VOTE: Unanimous (9-0)

7.0 OTHER ITEMS OF BUSINESS

7.1 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

Council Member Bobby Hurst presented this item and stated the Appointment Committee (Mayor Chavonne, Council Member Crisp and Council Member Hurst) met on Wednesday, August 14, 2013, to review applications for appointments to boards and commissions. He advised the Appointment Committee recommended the following appointments:

Appearance Commission

Mr. William Jennings (1st Term) September 2013 - September 2015
Mr. Jerome N. Bell (2nd Term) September 2013 - September 2015
Ms. Ashley R. Culliton (1st Term) September 2013 - September 2015

Board of Adjustment

No Applicants (Fill-In) September 2012 - September 2015
Mr. Jimmy Holland (1st Term) September 2013 - September 2016

F.A.C.T.

Mr. Warner D. Whitehead (Driver) (Fill-In) September 2013 - March 2014
Mr. Eric Jones (Fill-In) September 2013 - March 2015

Finance Corporation

Ms. Lisa Smith (Chief Financial Officer) September 2013 - September 2014
Mr. William Brooks (Banking Sector) September 2013 - September 2014
Mr. Keith Love (Business Sector) September 2013 - September 2014
Mr. Theodore Voorhees (City Manager) September 2013 - September 2014

Historic Resources Commission

Ms. Pat Wright (Category 6 At - Large) (Fill-In) September 2013 - March 2015

Human Relations Commission

Dr. Asim Raja (2nd Term) September 2013 - September 2015
Dr. Sharon Williams (1st Term) September 2013 - September 2015
Ms. Antoinette Morris (Fill-In) September 2013 - September 2014
Ms. Shaunesy Walden (Fill-In) September 2013 - September 2014
Mr. Larry D. Sullivan (Fill-In) September 2013 - September 2014

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Parks and Recreation Advisory Commission

Ms. Rebecca Campbell (2nd Term) September 2013 - September 2016
Mr. Charles Johnson (2nd Term) September 2013 - September 2016
Ms. Mary Ellen Lavoie (1st Term) September 2013 - September 2016

Planning Commission

Mr. David Carter (1st Term) September 2013 - September 2015
Mr. Edward Davidson (1st Term) September 2013 - September 2015
Ms. Brandi Meekins (Alternate) September 2013 - September 2015
Mr. Maurice Wren (2nd Term) September 2013 - September 2015
Mr. Daniel Culliton (1st Term) September 2013 - September 2015

Public Works Commission

Mr. Darsweil L. Rogers (1st Term) September 2013 - September 2017

Senior Citizens Advisory Commission

Ms. Carey Berg (2nd Term) September 2013 - September 2015
Mr. Melvyn Kravitz (1st Term) September 2013 - September 2015
Mr. Wayne Wampler (2nd Term) September 2013 - September 2015
Mr. Willie Wright (2nd Term) September 2013 - September 2015
Ms. Patricia Fairley (2nd Term) September 2013 - September 2015

Stormwater Advisory Board

Ms. Finely Ann Bryan (1st Term) September 2013 - September 2015
Mr. Thomas Westphal (1st Term) September 2013 - September 2015
Mr. Kevin Briscoe (2nd Term) September 2013 - September 2015

Wrecker Review Board

Mr. Tracy Logan (2nd Term) September 2013 - September 2015
Mr. Terry Easom (2nd Term) September 2013 - September 2015
Mr. Johnny Schantz (2nd Term) September 2013 - September 2015
Ms. Janine Seals (2nd Term) September 2013 - September 2015

Zoning Commission

Ms. Jamie Bashore-Watts (2nd Term) September 2013 - September 2015
Mr. O.C. Holloway (1st Term) September 2013 - September 2015
Mr. Joe Humphries (1st Term) September 2013- September 2015
Mr. Benjamin Stout (1st Term) September 2013 - September 2015
Mr. John Bantosolas (Alternate Fill-In) September 2013 - September 2014

MOTION: Council Member Hurst moved to approve the recommended appointments as stated.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0).

7.2 Revision of Boards and Commissions Attendance Policy #110.1

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Council Member Hurst, Appointment Committee Chair, presented this item and stated the Appointment Committee met on August 14, 2013, and during this meeting the Committee discussed with staff an item regarding City employees serving on a City Board or Commission. It was noted that certain Boards and Commission require employees to serve. The Appointment Committee recommends revising Policy #110.1 by adding one sentence: "Employees of the City of Fayetteville may only serve on a board or commission when specified by the City Council."

A brief discussion ensued.

MOTION: Council Member Hurst moved to adopt the revised Policy #110.1 - Boards and Commissions Attendance Policy.
SECOND: Council Member Bates
VOTE: UNANIMOUS (9-0)

7.3 Strategic Plan FY 2013 - 4th Quarter Report

Ms. Rebecca Rogers-Carter, Strategic Initiatives Manager, presented this item with the aid of a PowerPoint presentation and stated the City is committed to advancing the policy and management agendas articulated in the City's Strategic Plan as developed by the City Council during their strategic plan retreat. In addition, City staff prepares a report that details the progress made each quarter. This year, in an effort to promote greater accountability for results and transparency, the quarterly report focuses on meeting the objectives of the City's goals. Staff will work to incorporate performance measurement in FY 2014.

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

Council Member Crisp thanked Ms. Rogers-Carter for her presentation and stated it was the best one she had presented to date.

MOTION: Council Member Fowler moved to accept the Strategic Plan FY 2013 - 4th Quarter.
SECOND: Council Member Hurst
VOTE: UNANIMOUS (9-0)

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7.4 Strategic Plan FY 2014 - Milestones for Targets for Action and Performance Management

Ms. Rebecca Rogers-Carter, Strategic Initiatives Manager, presented this item with the aid of a PowerPoint presentation and stated as the City of Fayetteville continues to grow and thrive, the City Council looks to chart its course with a strategic plan that sets a vision for our community's future ensuring vitality and sustainability. This model aligns City programs and spending with long-term goals, brings critical needs into focus and provides an organizational roadmap for success. The City's strategic plan is a critical component of a larger system of planning, which includes the annual budget process, citizen input, capital and technology prioritization and financial planning. The City's strategic planning process is designed to build upon past successes, yet also accommodates our proactive response to the changing environment.

Ms. Rogers-Carter continued stating this year we incorporated more input from staff and citizens to shape the priorities of the plan and to focus on areas of unity and common interests of the City Council. Six goals were identified for the next five years:

1. The City of Fayetteville will be a safe and secure community.
2. The City of Fayetteville will have a strong, diverse and viable local economy.
3. The City of Fayetteville will be designed to include vibrant focal points, unique neighborhoods and high quality, effective infrastructure.
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.
5. The City of Fayetteville will have unity of purpose in its leadership and sustainable capacity within the organization.
6. The City of Fayetteville will develop and maintain strong and active community connections.

Ms. Rogers-Carter stated the City Council also prioritized 13 specific targets for action for staff to implement this year in service of these goals. The City is committed to advancing the strategic priorities. This year, in an effort to promote greater accountability for results and to more closely align our organization's processes to achieve even greater success, we will work to incorporate performance management. Performance management is an ongoing, systematic approach to improving results through evidence-based decision making, continuous organizational learning, with a

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focus on accountability for performance. Performance management should be integrated into all aspects of an organization's management and policy-making processes and, for the City of Fayetteville, must begin with the development of departmental program budgets. An integrated system of strategic planning, budgeting for results and performance management takes years to fully develop but the benefits transform local governments into focused organizations, achieving improved results and greater value for the public.

Mayor Chavonne and Council Members thanked Ms. Rogers-Carter for an excellent presentation.

MOTION: Council Member Bates moved to accept the Strategic Plan FY 2014 - Milestones for Targets for Action and Performance Management.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

7.5 Conditional award of contract for P. O. Hoffer Water Treatment Facility - Phase 1 - Reliability Improvements, Contract No. 14, WIF #1761

Mr. Mick Noland, Chief Operations Officer - Water Resources, presented this item with the aid of a PowerPoint presentation and stated the Fayetteville Public Works Commission, during their meeting of August 14, 2013, approved tentative award of contract for the P. O. Hoffer Water Treatment Facility - Phase 1 - Reliability Improvements, Contract No. 14, WIF #1761 to M. B. Kahn Construction, Inc., Columbia, SC, the lowest responsive, responsible bidder in the total amount of \$13,161,778.00 and also adopted PWC Resolution 2013.07 titled "Resolution of Tentative Award - P.O. Hoffer Water Treatment Facility-Phase I-Reliability Improvements, Contract No. 14, WIF#1761" in accordance with the requirements of the State of North Carolina Department of Environment and Natural Resources - Division of Water Resources loan offer and to forward to City Council to approve tentative award and adopt a similar Resolution. Consistent with the loan requirements, the State will provide PWC written authorization to award the contract after their approval. This project is a budgeted item - FY2014/2015 - CIP WS7 - \$15,860,300. PWC has accepted a State Revolving Loan from the State of North Carolina's Department of Environment and Natural Resources - Division of Water Resources in the amount of \$12,000,000 to assist in funding this project.

Bids were received July 16, 2013, as follows:

M.B. Kahn Construction, Inc., Columbia, SC.....	\$13,161,778.00
RTD Construction, Inc., Zephyrhills, FL	\$13,319,117.00
Crowder Construction Co., Apex, NC	\$13,354,750.00
TA Loving, Goldsboro, NC	\$13,360,000.00
English Construction, Lynchburg, VA	\$13,599,000.00

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Adams Robinson Construction, Dayton, OH\$14,291,000.00
State Utility Contractors, Monroe, NC\$14,350,000.00
Archer Western, Atlanta, GA\$15,121,125.00
DeVere Construction, Alpena, MI\$15,144,000.00

Mr. Noland stated M. B. Kahn will utilize DBE subcontractors for 13% of the work on this project.

A question and answer session ensued.

RESOLUTION OF TENTATIVE AWARD; P.O. HOFFER WATER TREATMENT FACILITY - PHASE I - RELIABILITY IMPROVEMENTS CONTRACT NO. 14, WIF# 1761. RESOLUTION NO. R2013-045

MOTION: Council Member Fowler moved to pass the resolution to tentatively award contract for the P.O. Hoffer Water Treatment Facility - Phase 1 - Reliability Improvements, Contract No. 14, WIF # 1761 to M.B. Kahn Construction, Inc., Columbia, SC, the lowest responsive bidder in the amount of \$13,161,778.00.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0).

7.6 Uninhabitable Structures Demolition Recommendations
219 Hawthorne Road
750 Marsh Street
715 Winslow Street

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

219 Hawthorne Road

Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a blighted structure on December 18, 2012. A hearing on the condition of the structure was conducted on January 16, 2013, which the owners did not attend. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owners on January 17, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since April 2004. In the past 24 months, there has been 1 call for 911 service to the property. There have been 5 code violation cases with no pending assessments. The low bid for demolition is \$1,840.00.

750 Marsh Street

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Mr. Shuford stated the structure is a vacant residential home that was inspected and condemned as a dangerous structure on April 11, 2013. A hearing on the condition of the structure was conducted on May 1, 2013, which the owners did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owners on May 2, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since January 2006. In the past 24 months, there have been 12 calls for 911 service to the property. There have been 5 code violation cases with pending assessments of \$391.45. The low bid for demolition is \$1,645.00.

715 Winslow Street

Mr. Shuford stated the structure is a vacant commercial building that was inspected and condemned as a blighted structure on March 18, 2013. A hearing on the condition of the structure was conducted on April 24, 2013, which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on April 25, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since April 2011. In the past 24 months, there have been 2 calls for 911 service to the property. There has been 1 code violation case with a pending assessment of \$159.67. The low bid for demolition is \$1,200.00.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (219 Hawthorne Road, PIN 0438-42-4642). ORDINANCE NO. NS2013-028.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (750 Marsh Street, PIN 0437-88-1849). ORDINANCE NO. NS2013-029.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (715 Winslow Street, PIN 0436-39-1809). ORDINANCE NO. NS2013-030.

MOTION: Council Member Davy moved to adopt the ordinances authorizing demolition of the structures.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0).

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8.0 ADMINISTRATIVE REPORTS

8.1 Monthly Statement of Taxes for July 2013

2013 Taxes.....	\$282,483.00
2013 Vehicle.....	252,886.16
2013 Taxes Revit.....	132.27
2013 Vehicle Revit.....	178.82
2013 FVT.....	27,462.17
2013 Transit.....	27,462.19
2013 Storm Water.....	6,661.09
2013 Fay Storm Water.....	13,322.02
2013 Fay Solid Waste Fee.....	16,773.21
2013 Annex.....	0.00
2012 Taxes.....	77,720.26
2012 Vehicle.....	172,697.66
2012 Taxes Revit.....	3.39
2012 Vehicle Revit.....	183.63
2012 FVT.....	20,689.35
2012 Transit.....	20,689.36
2012 Storm Water.....	2,004.21
2012 Fay Storm Water.....	4,008.35
2012 Fay Recycle Fee.....	4,446.59
2012 Annex.....	0.00
2011 Taxes.....	10,287.72
2011 Vehicle.....	3,384.74
2011 Taxes Revit.....	0.00
2011 Vehicle Revit.....	0.00
2011 FVT.....	801.37
2011 Transit.....	801.38
2011 Storm Water.....	296.66
2011 Fay Storm Water.....	593.32
2011 Fay Recycle Fee.....	445.41
2011 Annex.....	0.00
2010 Taxes.....	1,213.50
2010 Vehicle.....	1,031.27
2010 Taxes Revit.....	0.00
2010 Vehicle Revit.....	0.00
2010 FVT.....	322.73
2010 Transit.....	322.76
2010 Storm Water.....	48.00
2010 Fay Storm Water.....	96.00
2010 Fay Recycle.....	152.00
2010 Annex.....	0.00
2009 and Prior Taxes.....	798.74
2009 and Prior Vehicle.....	2,015.75

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2009 and Prior Taxes Revit.....	0.00
2009 and Prior Vehicle Revit.....	0.00
2009 and Prior FVT.....	558.10
2009 and Prior Transit.....	250.28
2009 and Prior Storm Water.....	16.66
2009 and Prior Fay Storm Water.....	33.32
2009 and Prior Fay Recycle Fee.....	56.77
2009 and Prior Annex.....	0.00
Interest.....	16,440.15
Revit Interest.....	3.35
Storm Water Interest.....	189.56
Fay Storm Water Interest.....	375.89
Annex Interest.....	0.00
Fay Recycle Interest.....	408.78
Fay Transit Interest.....	1,219.61
Total Tax and Interest.....	\$971,961.55

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

082613

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
September 3, 2013
5:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); 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: Darrell J. Haire (District 4)

Others Present: Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Dwayne Campbell, Chief Information Officer
Tracie Davis, Corporate Communications Director
Randy Hume, Transit Director
Jerry Dietzen, Environmental Services Director
Michael Gibson, Parks, Recreation and Maintenance Director
Rebecca Rogers-Carter, Strategic Planning Manager
Wilson Lacy, Public Works Commission Chair
Lynn Greene, Public Works Commissioner
Wick Smith, Public Works Commissioner
Mike Lallier, Public Works Commissioner
Steven Blanchard, PWC CEO/General Manager
Dwight Miller, PWC Chief Financial Officer
Susan Fritzen, PWC Chief Corporate Services Officer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Arp.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Massey moved to approve the agenda.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Parks and Recreation - Moses Mathis "The Bicycle Man" Trail Head

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item with the aid of a PowerPoint presentation and stated the City of Fayetteville will be accepting bids for Phase II construction of the Cape Fear River Trail in the near future. An opportunity is available to name the Trail Head in honor of Moses Mathis, a community volunteer and leader who gave away bicycles each year to disadvantaged children. According to the "Naming of City Properties in Honor of Individuals" policy, any City facility or property may be named in honor of deceased individuals only and organizations that have made significant contributions to the quality of life and the community through their achievements, leadership, service and civic or financial donations. Based on this policy, the requirements would be met to name the Trail Head after Mr. Mathis.

A brief discussion period ensued.

Consensus of Council was to bring this item forward for formal action by way of a Public Hearing at the September 23, 2013, City Council regular meeting.

4.2 Contract Award for Connect Program (Advance Metering Infrastructure)

Ms. Susan Fritzen, Chief Corporate Services Officer, presented this item with the aid of a PowerPoint presentation and stated the Public Works Commission, during their meeting of August 28, 2013, approved awarding the Connect Program to Sensus USA, Inc., which authorized the PWC 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 (AMI). AMI is technology used to deliver two-way utility service through computer-base remote control, automation and two-way communications. Ms. Fritzen gave an overview of the electric meter functionality that included the following items: interval data, remote disconnect, tamper detection, meter theft, voltage monitoring, outage detection, and power quality monitoring. Overview of the functionality of the water meter included the following: leak detection, tamper protection, meter theft and remote disconnect. Ms. Fritzen also addressed the security and reliability of the Connect Program, the individual components of the program, and the estimated six year implementation schedule. The benefits of "Connect" were highlighted:

- 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

Ms. Fritzen provided a breakdown of the program costs:

Phase I - Infrastructure and Meters = \$46.7 million

Phase II - Distribution Automation & Remote Functionality for Water = \$8.0 million

Subtotal = \$54.7 million

Contingency = \$8.2 million

Estimated Total Project Costs = \$62.9 million

A question and answer session ensued.

Consensus of the Council was to bring this item forward to a regular City Council meeting for formal action.

4.3 Parks and Recreation - Outdoor Adoption Program/Gateways

Michael Gibson, Parks, Recreation and Maintenance Director, presented this item and stated the Fayetteville-Cumberland Parks and Recreation Department (FCPR) received a request from an organization to adopt a bridge in memory of a child. The current Adopt-A-Street and Adopt-A-Facility program was updated to include an Adopt-A-Gateway and Adopt-An-Area provision. Adopt-A-Gateway allows groups or individuals to provide landscaping and maintenance on gateways into the city limits and into neighborhoods; safety regulations must be followed for these areas. The Adopt-An-Area Program allows groups or individuals to adopt a component of a park or gateway in memory of or honor to someone or as a community service; areas that can be adopted include a bench, playground, picnic shelter, a section of a trail, or a bridge on a trail. Once an adoption fee is paid, an agreement is signed with FCPR to provide general care and maintenance around the adopted area; adoption fees are not charged for gateways. Signage (sign, plaque or plate) will be provided by FCPR and attached to the component for the adoption period; Adopt-A-Street and Adopt-A-Gateway signs shall be placed consistent with City of Fayetteville and NC Department of Transportation regulations. The adoption fee includes application/administration fee that could be used by FCPR should, in the sole opinion of the department, an area needs additional maintenance or cleanup. Individuals/groups will be able to "adopt" via the FCPR website, which will include application forms, interactive maps and ability to pay fees.

A brief discussion ensued regarding a marketing plan for this item.

Consensus of the Council was to bring this item back along with a marketing component a later date for further discussion and potential action.

4.4 Fort Bragg Intergovernmental Support Agreements (FY13 National Defense Authorization Act Section 331)

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated in 2008-2009, the City worked with the base to explore the potential for partnering on the provision of a number of support services including parks maintenance and recreation, and sanitation. Complex procurement regulations and base organizational inertia prevented any service agreements from being developed. Feedback from that process has resulted in significant revisions to base procurement regulations and sequestration has changed the funding paradigm for base operations resulting in new opportunities. The FY 2013 National Defense Authorization Act Sect. 331 provides authority for Army installations to partner with Army Communities. These intergovernmental support agreements:

- Must be in the best interests of the Army;
- May be entered into for up to 5-year intervals
- May be sole-source;
- May use wage grades paid by the local government; and
- May be paid through base operations and maintenance funds.

Mr. Bauer continued that Fort Bragg leadership has expressed interest in exploring these partnerships and has been encouraged by Installation Command. Janitorial service for the ASOM is an example. The Army is currently being charged just under \$200,000 for janitorial services based on a six-day open schedule. The cost reduction under that service contract was one of the reasons they decided to close the museum six days a week. The City's estimate for providing the same level of service is a fully loaded \$90,000. We are working with the museum foundation and the Army on a means of the City's much lower cost for providing this service in order to get the museum back to a full operational schedule. Significant analytic work is required to determine which services the City can provide Fort Bragg, identify the potential cost savings and performance standards for each service, and plot the path to implementation. In the 2008-09 discussion, Fort Bragg hired a consultant to perform this analysis. No resources are available for them to do so again. Through contacts made last spring during training sessions on this topic, the Manager has found a potential partner willing to perform this work without a service contract or charge to the City. That effort is getting underway with recommendations expected before year end.

This item was for informational purposes only; there was no direction from Council.

4.5 DavenportLawrence PWC Functional Alignment Manager Recommendations

Mr. Theodore Voorhees, City Manager, presented this item with the aid of a PowerPoint presentation and stated Council adopted the FY13 Strategic Plan on May 14, 2012. The FY13 Strategic Plan included Goal

2: More Efficient City Government - Cost-Effective Service Delivery. A high priority Target for Action under this goal was "City PWC Service Consolidation." The recruitment and selection of a consultant to perform this analysis was the focus of the Action Plan responding to this Target for Action. The City issued a Request for Proposals to analyze the City's relationship with PWC and a proposal was received from DavenportLawrence ("DL") for consultant services in December 2012. DL's proposal was to complete a comprehensive study including detailed implementation analysis and planning over an 18 to 24 month period at a cost of just under \$400,000. The Council authorized the a contract with DL on February 11, 2013, to complete a more limited investigation and assessment to be completed in five months for a cost of \$100,000. DL presented their findings and recommendations during the August 5, 2013, Work Session. The Functional Alignment Analysis completed by DL made several key findings described in Position Statements on pages 13-14 of the report. While a number of significant realignment opportunities were identified, given the abbreviated nature of the study, the implementation recommendations are not fully developed and need further study. The Council asked PWC to respond to the report and PWC staff made a presentation to Council during a special meeting on Wednesday, August 21, 2013. The Council directed the City Manager to propose potential actions at this Work Session.

Mr. Voorhees stated the City and PWC have evolved independently and each has developed their own capacity. The City Council has overall policy and fiduciary responsibility for the entire City organization. The City Council oversight of PWC has faded and many duplicate support functions have evolved as both the City and PWC have grown. The City operations are well received and the City financial management is strong. City projects win awards (parking deck, Veterans Park, Main Street etc). PWC operations are well regarded, PWC rates are competitive, and PWC safety and reliability win awards. This is all good, but we can do better.

There have been prior charter and legal reviews; indicating there is a problem. Several previous attempts to merge some functions have yielded partial success (purchasing, fleet, and City Council liaison). We need to have tighter support of management of fleet.

As a result of the fading City Council oversight of PWC, we are now faced with the Council behaving inconsistent with State law and the Charter. There is a loss of policy coherence, fiduciary misalignment, reduced coordination, lost efficiency and lack of "unity of command." The duplications have led to lost capacity, dilution of staff expertise, poor communications and coordination, additional costs and complexities, lost synergy and pay, benefits, and other practices are not aligned. Mr. Voorhees asked how do we improve, and stated there are four key areas: (1) Strengthen governance by City Council, (2) Eliminate duplicate support functions (3) Clarify City Council and PWC roles, and (4) Refine existing shared services and agreements. The benefit to the citizens for these four key areas will be a reduced pressure on taxes and utility rates, there will be

improved efficiency, eliminate the duplication, better coordination and greater accountability to the citizens.

Mr. Voorhees explained that in order to strengthen the City Council oversight we need to address issues related to policy, financial, budgetary, legal, communication, branding and messaging, and the contributions to the arts/culture/economic development etc. Without question the City Council is the policy making board, not the Public Works Commission. Duplication needs to be eliminated and we need to develop unified support services functions in the following areas: (1) Finance/Treasury/Risk Management, (2) Budget/Capital Planning, (3) Strategic Planning/Performance Management, (4) Human Resources/Organizational Development, (5) GIS/E-Mail/Network, (6) Call Center, and (7) Others as identified. We also need to refine existing shared services which are fiber, fleet management, and purchasing.

Mr. Voorhees said the implementation would be undertaken in phases. The immediate first phase (1-3 months) would reestablish appropriate City Council oversight. It would realign legal, communication and branding. It would reestablish Charter-defined treasury role by way of developing a transition plan for non-operating accounts and develop treasury procedures. It would also include a revision of cost plans and service level agreements for fleet maintenance, purchasing and fiber.

Mr. Voorhees concluded his presentation by stating the next step would be for the Council to pass a Resolution, thereby strengthening City Council oversight regarding the Public Works Commission.

Consensus of Council was to place a Resolution on the agenda for consideration at the September 9, 2013, regular City Council meeting.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:55 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

090313

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FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD ROOM
SEPTEMBER 9, 2013
6:00 P.M.

Present: Mayor Anthony G. Chavonne

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

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

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.

Mayor Pro Tem Arp explained the 360 Evaluation Process for the City Manager. He reminded Council members that Colin Baenziger, consultant, had offered to conduct one, however, there was a portal based option which was less expensive. He further stated this was a part of the City Manager's career certification for ICMA (International City/County Management Association).

Council then reviewed the agenda items.

Mr. Kristoff Bauer, Deputy City Manager, advised there were four speakers for the public forum.

Mr. Theodore Voorhees, City Manager, recommended that the motion for Item 6.4 be amended to authorize PWC to negotiate a contract.

Mr. Voorhees advised the map for Item 6.6 had been provided.

Mayor Chavonne advised that consensus of Council based on feedback was to pull Item 8.1 to allow time for revision. He explained the proposal would be for the Council to discuss the changes during the agenda review and finalize for adoption on September 23, 2013. He stated the item would be removed from tonight's agenda during the agenda approval process.

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

090913

DRAFT

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
SEPTEMBER 9, 2013
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Scott Shuford, Development Services Director
Rusty Thompson, Engineering and Infrastructure Director
Jerry Dietzen, Environmental Services Director
Karen Hilton, Manager, Planning and Zoning Division
Steven K. Blanchard, PWC CEO/General Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Reverend Jose Amador. Pastor of Monte DeLos Olivos Ministry Church.

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: Council Member Fowler moved to approve the agenda with the exception of Item 8.1 to be placed on the September 23, 2013, City Council meeting agenda.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

DRAFT

5.0 PUBLIC FORUM

Colonel Marilyn Brooks - 401 Forest Lake Road, Fayetteville, NC 28305, stated she is a member of the Board of Volunteers for the Cumberland County Rape Crisis Center. This is a non-profit organization and there needs to be greater awareness of the facility and the programs available. Colonel Brooks gave a brief overview of the programs offered.

Mr. Joyner, 1116 Pleasant Oak Drive, Fayetteville, NC 28314, stated he is a member and trustee of Hope Christian Church located on Hazelwood Avenue. Mr. Joyner stated the church building has problems with the septic tanks and requested assistance from the City Council to provide for sewer service hook-up earlier than the planned schedule of 2023.

Ms. Marsha Smith Jones, 3095 Enterprise Avenue, Fayetteville, NC 28306, requested the bus route along Enterprise Road (off Owen Drive) be reinstated. This service was eliminated a few years ago, the walk to the Owen Drive bus stop is a long and rough terrain. Ms. Smith Jones submitted a petition for the City Council to review.

Mr. Tommy Kinlaw, 1802 Sapona Road, Fayetteville, NC 28312, stated he is the business owner of Kinlaw Supermarket and said he believes there are too many rules and regulations from the City. This week he received a citation for a dumpster that was not concealed.

Ms. Donna Wright, 3023 Enterprise Avenue, Fayetteville, NC 28306, requested the bus route that served the residents on Enterprise Avenue be reinstated.

6.0 CONSENT

MOTION: Council Member Fowler moved to approve the consent agenda with the exception of Item 6.4 pulled for a separate vote.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

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

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. The FAA is requiring the City to sign the grant before September 17, 2013. The City is awaiting a copy of the grant offer. Approval authorizes 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.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SUPPORT AN NCDOT REQUEST FOR SAFETY FUNDING FOR BRAGG BOULEVARD. RESOLUTION NO. R2013-046

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

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

- 6.4 Pulled for a separate vote by Council Member Fowler.

- 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 to ES&J Enterprises, Inc., Autryville, NC, lowest responsive bidder in the amount of \$2,498,599.70

Bids were received July 10, 2013, as follows:

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

- 6.10 Resolution to recognize the service of Mr. Ellis Hankins, NCLM Executive Director.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE HONORING S. ELLIS HANKINS. RESOLUTION NO. R2013-047

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

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).

6.12 Tax Refunds Greater Than \$100

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
K & W Cafeterias, Inc.	2007-11	Corrected Assessment	\$1104.01
Total			\$1104.01

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

This item was pulled for a separate vote by Council Member Fowler

MOTION: Council Member Fowler moved to authorize development of a service contract with Sensus USA, Inc. for the Advanced Metering Infrastructure Program in an amount not to exceed \$46.7 million.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

7.0 PUBLIC HEARINGS

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

Ms. Karen Hilton, AICP, Manager, Planning and Zoning, presented this item and stated 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. 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, they introduced the term "redevelopment corridor sites," which might

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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.

Council Member Haire asked if the stakeholders had been involved in the amendment process for the three public hearing items this evening. Ms. Hilton responded the stakeholders had reviewed all items and did not any have issues with them.

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

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. ORDINANCE NO. S2013-016

MOTION: Council Member Haire moved 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.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (10-0)

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

Ms. Karen Hilton, AICP, Manager, Planning and Zoning, presented this item and stated 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. 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. The UDO provides seven standards of review for proposed text amendments. Each standard and related evaluation is listed in the report. Creative, effective sign plans

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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.

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

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. ORDINANCE NO. S2013-017

MOTION: Council Member Bates moved to approve the amendment to allow alternative signage plans for certain public and cultural facilities without regard to site area.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

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

Ms. Karen S. Hilton, AICP, Manager, Planning and Zoning presented this item and stated 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. 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.

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Each standard and related evaluation is listed in the Planning Commission report.

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

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. ORDINANCE NO.S2013-018

MOTION: Council Member Bates moved 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.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.1 Resolution Strengthening City Council Oversight Regarding the Public Works Commission

This item was pulled from the agenda and direction given to staff was to place this item on the September 23, 2013, City Council meeting agenda.

9.0 ADMINISTRATIVE REPORTS

9.1 Tax Refunds of Less Than \$100

<u>Name</u>	Rogitz, Patricia Huggins C/O Cherl H. Perry
<u>Year</u>	2008, 2011-2012
<u>Basis</u>	Clerical Error
<u>City Refund</u>	\$63.02

<u>Name</u>	Rogitz, Patricia Huggins Titan Plumbing C/O Todd Rogitz
<u>Year</u>	2009-2010
<u>Basis</u>	Clerical Error
<u>City Refund</u>	\$60.66

<u>TOTAL</u>	<u>\$123.68</u>
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10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:28 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

090913

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Mark Brown, Senior Customer Programs Officer
DATE: September 23, 2013
RE: **Phase 5 Annexation Area 11-WS - Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place for Public Hearing.**

THE QUESTION:

Providing utility services to Area 11-WS of the Phase 5 Annexation.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

With sanitary sewer construction now complete in the Arran Circle and Bingham Place areas, we are requesting Council adopt the attached Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Setting Time and Place for Public Hearing on Preliminary Assessment Roll.

The sanitary sewer assessment rate for single family residential lots is recommended at \$5,000 which includes both the main and lateral charges. For non-single family residential properties, a per front foot rate of \$55.56 with a 90 foot minimum plus the area average lateral charge of \$1,571 is recommended.

The Resolution also sets the public hearing date to receive comment on the Preliminary Assessment Roll of October 28, 2013. Upon adoption of the Resolution Declaring Cost, PWC will notify the affected property owners of the public hearing.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Staff recommends Council move to pass the Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Calling a Public Hearing.

ATTACHMENTS:

Resolution Declaring Cost
Preliminary Roll

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL

WHEREAS, the extension of the water distribution system and sanitary sewer collection system to serve all or a portion of Area 11-WS known as Arran Circle and Bingham Place to include adjoining streets and development; said extension to be financed by assessment of part of the cost against the benefitted real property and was ordered by Resolution of City Council duly passed on the 8th day of August, 2011 and has been completed for Area 11-WS in accordance therewith; and

WHEREAS, the total cost of the project to date has been computed;

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

1. The total cost of the above described project to date is hereby declared to be \$1,222,444.
2. The City Clerk is hereby directed to prepare a Preliminary Assessment Roll showing the individual assessments upon the benefitted parties.
3. The City Clerk is hereby directed to make available during regular office hours, in their office, the Preliminary Assessment Roll for public inspection from this day through the 25th day of November, 2013.
4. The City Council will hold a public hearing at 7 p.m. on the 28th day of October, 2013 at the City Hall of Fayetteville for the purpose of hearing all interested persons.
5. The City Clerk is hereby directed to publish the required notice of the public hearing and, no later than 10 days before the public hearing, to mail by first class mail copies of the notice to the owners of real property listed on the Preliminary Assessment Roll.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 23rd 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: Mark Brown, Senior Customer Programs Officer
DATE: September 23, 2013
RE: **Phase 5 Annexation Area 9 - Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Calling a Public Hearing**

THE QUESTION:

Providing sanitary sewer service to Area 9 of the Phase 5 Annexation.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The remainder of Areas 8 and 9 were assessed for sewer installations in 2012, however, there were seventeen lots that were delayed in receiving sewer service. Sixteen of these lots are on Bedford Road with the remaining lot being on Roundtree Drive. The sewer installation is now complete and we are requesting Council adopt the attached Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Setting Time and Place for Public Hearing on Preliminary Assessment Roll. The sanitary sewer assessment rate for single family residential lots is recommended at \$5,000 which includes both the main and lateral charges.

The Resolution also sets the public hearing date to receive comment on the Preliminary Assessment Roll of October 28, 2013. Upon adoption of the Resolution Declaring Cost, PWC will notify the affected property owners of the public hearing.

ISSUES:

N/A.

BUDGET IMPACT:

N/A.

OPTIONS:

N/A.

RECOMMENDED ACTION:

Staff recommends Council move to pass the Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Calling a Public Hearing.

ATTACHMENTS:

Resolution Declaring Cost
Preliminary Assessment Roll

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL

WHEREAS, the extension of the sanitary sewer collection system to serve all or a portion of Area 9 known as Summerhill to include adjoining streets and development; said extension to be financed by assessment of part of the cost against the benefitted real property and was ordered by Resolution of City Council duly passed on the 14th day of June, 2010 and has been completed for sixteen lots on Bedford Road and one lot on Roundtree Drive in Area 9 in accordance therewith; and

WHEREAS, the total cost of the project to date has been computed;

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

1. The total cost of the above described project to date is hereby declared to be \$187,049.
2. The City Clerk is hereby directed to prepare a Preliminary Assessment Roll showing the individual assessments upon the benefitted parties.
3. The City Clerk is hereby directed to make available during regular office hours, in their office, the Preliminary Assessment Roll for public inspection from this day through the 25th day of November, 2013.
4. The City Council will hold a public hearing at 7 p.m. on the 28th day of October, 2013 at the City Hall of Fayetteville for the purpose of hearing all interested persons.
5. The City Clerk is hereby directed to publish the required notice of the public hearing and, no later than 10 days before the public hearing, to mail by first class mail copies of the notice to the owners of real property listed on the Preliminary Assessment Roll.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 23rd 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, CMC, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Mark Brown, Senior Customer Programs Officer
DATE: September 23, 2013
RE: **Phase 5 Annexation Areas 10 and 11 - Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Setting Time and Place for Public Hearing**

THE QUESTION:

Providing sanitary sewer service to Areas 10 and 11 of the Phase 5 Annexation.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

With sanitary sewer construction now complete in the Arran Hills and Arran Park areas, we are requesting Council adopt the attached Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Setting Time and Place for Public Hearing on Preliminary Assessment Roll.

The sanitary sewer assessment rate for single family residential lots is recommended at \$5,000 which includes both the main and lateral charges. For non-single family residential properties, a per front foot rate of \$55.56 with a 90 foot minimum plus the area average lateral charge of \$1,571 is recommended. The

Resolution also sets the public hearing date to receive comment on the Preliminary Assessment Roll of October 28, 2013. Upon adoption of the Resolution Declaring Cost, PWC will notify the affected property owners of the public hearing.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Staff recommends Council pass the Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Calling Public Hearing.

ATTACHMENTS:

Resolution Declaring Cost
Preliminary Roll - 10 and 11

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL

WHEREAS, the extension of the sanitary sewer collection system to serve all or a portion of Areas 10 and 11 known as Arran Hills/Arran Park to include adjoining streets and development; said extension to be financed by assessment of part of the cost against the benefitted real property and was ordered by Resolution of City Council duly passed on the 8th day of August, 2011 and has been completed for Areas 10 and 11 in accordance therewith; and

WHEREAS, the total cost of the project to date has been computed;

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

1. The total cost of the above described project to date is hereby declared to be \$7,745,303.
2. The City Clerk is hereby directed to prepare a Preliminary Assessment Roll showing the individual assessments upon the benefitted parties.
3. The City Clerk is hereby directed to make available during regular office hours, in their office, the Preliminary Assessment Roll for public inspection from this day through the 25th day of November, 2013.
4. The City Council will hold a public hearing at 7 p.m. on the 28th day of October, 2013 at the City Hall of Fayetteville for the purpose of hearing all interested persons.
5. The City Clerk is hereby directed to publish the required notice of the public hearing and, no later than 10 days before the public hearing, to mail by first class mail copies of the notice to the owners of real property listed on the Preliminary Assessment Roll.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 23rd 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: Mark Brown, Senior Customer Programs Officer
DATE: September 23, 2013
RE: **Second Amendment to PCS Site Agreement for Hoffer Drive and Shaw Road Sites**

THE QUESTION:

Approve Second Amendment to Extend Term of PCS Site Agreements

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

Public Works Commission of the City of Fayetteville entered into license agreements with STC Two, LLC for ground space for a tower with antenna attachments at the Hoffer Drive and Shaw Road properties. The agreements currently expire on January 1, 2018 and STC Two, LLC would like to amend the agreements so that the expiration date is January 1, 2023 for each site.

ISSUES:

The PCS Contract Amendments were initiated at PCS's request. PCS would like to extend our existing agreement for the lease of 11,000 square feet of space on FPWC's water utility property at the PO Hofer Water Treatment Plant and 11,000 square feet on the FPWC watershed property on Shaw Road. PCS has cellular communication equipment at these locations. FPWC believes that the provision of cellular services to the citizens of the City of Fayetteville and Cumberland County and the associated revenue to FPWC is in the best interest of the citizens of the City of Fayetteville and the customers of FPWC. Our existing agreements are in effect until FY 2018. The amendments extend these agreements for an additional five years until FY 2023.

BUDGET IMPACT:

There are two items that affect the FPWC budget.

The first item is the fee that PCS is paying in consideration for the extension of the agreement. The fee is \$ 5,000 for each site, which will be paid within 60 days of the full execution of the amendment. Therefore, there is a positive effect of \$ 10,000 on the FY 2014 FPWC budget.

The second item is the monthly lease payments for the five year extension from FY 2018 to FY 2023. The monthly lease payments under the agreement for FY 2014 – 2018 are not changed and therefore have no budget effect. The positive effect on the FPWC budget for each fiscal year from 2019 – 2023 is shown below:

FY2019	\$ 58,057.37
FY2020	\$ 59,799.09
FY2021	\$ 61,593.07
FY2022	\$ 63,440.86
FY2023	\$ 65,344.08

These budget effects assume that the City Council approves the Amendment and that neither party

terminates the agreement according to their contractual rights.

OPTIONS:

N/A

RECOMMENDED ACTION:

Staff recommends Council move to authorize Steve Blanchard, General Manager of PWC to execute the Second Amendment to PCS Site Agreement and Memorandum of Second Amendment to PCS Site Agreement in triplicate for the Hoffer Drive and Shaw Road sites.

ATTACHMENTS:

Second Amendment - Hoffer

Memorandum - Hoffer

Second Amendment - Shaw

Memorandum - Shaw

SECOND AMENDMENT TO PCS SITE AGREEMENT
(BU879721)

THIS SECOND AMENDMENT TO PCS SITE AGREEMENT (“Second Amendment”) is made effective this ____ day of _____, 2013, by and between the **CITY OF FAYETTEVILLE**, a North Carolina municipal corporation, acting by and through its **PUBLIC WORKS COMMISSION**, a commission of the City, (“Owner”) and **STC TWO LLC**, a Delaware limited liability company (“STC Two LLC”), successor-in-interest to SprintCom, Inc., a Kansas corporation (“SprintCom”), by and through its attorney-in-fact, Global Signal Acquisitions III LLC, a Delaware limited liability company.

WHEREAS, Owner and SprintCom entered into a PCS Site Agreement dated November 25, 1997 (as amended and assigned, the “Agreement”) whereby Owner leased to SprintCom a portion of land being originally described as a 110 feet by 100 feet (11,000 square feet) portion of that property (said leased portion being the “Site”) located at 508 Hoffer Drive in Fayetteville, Cumberland County, North Carolina, and being further described in Book 894, Page 651, Book 651, Page 27, Book 640, Page 255, and Book 618, Page 257, each in the Cumberland County Register of Deeds (“Registry”), together with those certain access, utility and/or maintenance easements and/or rights of way granted in the Agreement. The Agreement is evidenced by, and the Site is described in that certain Memorandum of PCS Site Agreement recorded in Book 5124, Page 788, in the Registry; and

WHEREAS, STC Two LLC is the successor-in-interest in the Agreement to SprintCom; and

WHEREAS, Owner and STC Two LLC entered into that certain First Amendment to the PCS Site Agreement dated January 2, 2008, which increased the term of the Agreement to January 1, 2018, among other changes, a memorandum of which is recorded in Book 8152, Page 549 in the Registry; and

WHEREAS, the Site may be used for the purpose of constructing, maintaining and operating a communications facility, including tower structures, equipment shelters, cabinets, meter boards, utilities, antennas, equipment, any related improvements and structures and uses incidental thereto; and

WHEREAS, the Agreement has an original term, including all Renewal Terms (as defined in the Agreement), that will expire on January 1, 2018 (“Original Term”), and Owner and STC Two LLC now desire to amend the terms of the Agreement to provide for an additional Renewal Term beyond the Original Term, and to make other changes.

NOW THEREFORE, in exchange for the mutual promises contained herein, Owner and STC Two LLC agree to amend the Agreement as follows:

1. Any capitalized terms not defined herein shall have the meanings ascribed to them in the Agreement. The recitals in this Second Amendment are incorporated herein by this reference.

2. Section 2 of the First Amendment is amended by replacing “two (2)” with “three (3)”, thereby adding one (1) additional five (5)-year Renewal Term to the Agreement beyond the Original Term, and extending its total term to January 1, 2023, unless sooner terminated as provided in the Agreement.

3. Section 6 of the Agreement is amended by replacing STC Two LLC’s notice address with the following notice address:

Notices to STC Two LLC are to be sent to: STC Two LLC, c/o Crown Castle USA Inc., E. Blake Hawk, General Counsel, Attn: Legal-Real Estate Department, 2000 Corporate Drive, Canonsburg, PA 15317-8564.

4. As additional consideration for amending the Agreement in accordance with this Second Amendment, STC Two LLC agrees to pay to Owner \$5,000.00 within sixty (60) days of full execution of this Second Amendment by both parties.

5. Owner represents and warrants to STC Two LLC that (i) Owner is duly authorized to and has the full power and authority to enter into this Second Amendment and to perform all of Owner’s obligations under the Agreement as amended hereby; (ii) there are no aspects of title that might interfere with or be adverse to STC Two LLC’s interests in and intended use of the Site; (iii) there are no threatened or pending actions in the nature of foreclosure of any mortgage or other lien against the Site or Owner’s title thereto; and (iv) STC Two LLC is not currently in default under the Agreement, and to Owner’s knowledge, no event or condition has occurred or presently exists which, with notice or the passage of time or both, would constitute a default by STC Two LLC under the Agreement.

6. IRS Form W-9. Owner agrees to provide STC Two LLC with a completed IRS Form W-9, or its equivalent, upon execution of this Second Amendment and at such other times as may be reasonably requested by STC Two LLC. In the event the Site is transferred the succeeding Owner shall have a duty at the time of such transfer to provide STC Two LLC with a completed IRS Form W-9, or its equivalent, and other related paper work to effect a transfer in rent to the new Owner. Owner’s failure to provide the IRS Form W-9 within thirty (30) days after STC Two LLC’s request shall be considered a default and STC Two LLC may take any reasonable action necessary to comply with IRS regulations including, but not limited to, withholding applicable taxes from rent payments.

7. In all other respects, the remainder of the Agreement shall remain in full force and effect. Any portion of the Agreement that is inconsistent with this Second Amendment is hereby amended to be consistent with this Second Amendment. This Second Amendment supersedes that certain Letter Agreement by and between Owner and STC Two LLC dated July 10, 2013, and in case of any conflict or inconsistency between the terms and conditions contained in the Letter Agreement and the terms and conditions contained in this Second Amendment, the terms and conditions in this Second Amendment shall control. This Second Amendment may be executed in any number of counterparts, each of which shall be deemed an original and which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, Owner and STC Two LLC have signed this instrument under seal, and have caused this Second Amendment to be duly executed on the day and year first written above.

STC TWO LLC:

STC TWO LLC,
a Delaware limited liability company

By: Global Signal Acquisitions III LLC,
a Delaware limited liability company,
Its Attorney-in-Fact

By:  _____

Name: Lisa A. Sedgwick
RET Manager

Title: _____

Prepared by:
Parker Poe Adams & Bernstein, (BGB)
PO Box 389
Raleigh, NC 27602-0389

Return to:
Crown Castle
1220 Augusta, Suite 500
Houston, TX 77057

Cross Reference:
Book 5124, Page 788
Book 8152, Page 549

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

**MEMORANDUM OF SECOND AMENDMENT
TO PCS SITE AGREEMENT**

THIS MEMORANDUM OF SECOND AMENDMENT TO PCS SITE AGREEMENT ("Amended Memorandum") is made effective this ____ day of _____, 2013, by and between the **CITY OF FAYETTEVILLE**, a North Carolina municipal corporation, acting by and through its **PUBLIC WORKS COMMISSION**, a commission of the City ("Owner"), with a mailing address of PO Box 1089, Fayetteville, NC 28302, and **STC TWO LLC**, a Delaware limited liability company ("STC Two LLC"), successor-in-interest to SprintCom, Inc., a Kansas corporation ("SprintCom"), by and through its attorney-in-fact, Global Signal Acquisitions III LLC, a Delaware limited liability company, with a mailing address of c/o Crown Castle USA Inc., 2000 Corporate Drive, Canonsburg, Pennsylvania 15317-8564.

WHEREAS, Owner and SprintCom entered into a PCS Site Agreement dated November 25, 1997 (as amended and assigned, the "Agreement") whereby Owner leased to SprintCom a portion of land being originally described as a 110 feet by 100 feet (11,000 square feet) portion of that property (said leased portion being the "Site") located at 508 Hoffer Drive in Fayetteville, Cumberland County, North Carolina, and being further described in Book 894, Page 651, Book 651, Page 27, Book 640, Page 255, and Book 618, Page 257, each in the Cumberland County Register of Deeds ("Registry"), together with those certain access, utility and/or maintenance

Site Name: PWC – Hoffer Drive
BU: 879721
PPAB 2136698v1

IN WITNESS WHEREOF, Owner and STC Two LLC have signed this instrument under seal, and have caused this Amended Memorandum to be duly executed on the day and year first written above.

OWNER:

PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE

By: Steven K. Blanchard (SEAL)
Print Name: Steven K. Blanchard
Title: CEO/General Manager

ATTEST:

By: Joan Starling
Print Name: Joan Starling
Title: Senior Executive Assistant

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I certify that Steven K. Blanchard personally appeared before me this day and acknowledged that (s)he is the CEO/General Manager for the Public Works Commission, a commission of the City of Fayetteville, and that by the authority duly given and as an act of the commission, the foregoing Memorandum of Second Amendment to PCS Site Agreement was signed in its name by its CEO/General Manager sealed with its corporate seal and attested by him her as its CEO/General Manager.

Date: August 26, 2013

By: Joan G. Starling
Print Name: Joan G. Starling
Notary Public
My Commission Expires: 4-1-2017



Site Name: PWC – Hofler Drive
BU: 879721
PPAB 2136698v1

IN WITNESS WHEREOF, Owner and STC Two LLC have signed this instrument under seal, and have caused this Amended Memorandum to be duly executed on the day and year first written above.

CITY OF FAYETTEVILLE

By: _____ (SEAL)
Print Name: Anthony G. Chavonne
Title: Mayor

ATTEST:

By: _____
Print Name: Pamela J. Megill
Title: City Clerk

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I certify that _____ personally appeared before me this day and acknowledged that (s)he is the _____ for the City of Fayetteville, a North Carolina municipal corporation, and that by the authority duly given and as an act of the corporation, the foregoing Memorandum of Second Amendment to PCS Site Agreement was signed in its name by its _____, sealed with its corporate seal and attested by him/her as its _____.

Date: _____

By: _____
Print Name: _____
Notary Public
My Commission Expires: _____

[SEAL OR STAMP]

IN WITNESS WHEREOF, Owner and STC Two LLC have signed this instrument under seal, and have caused this Amended Memorandum to be duly executed on the day and year first written above.

STC TWO LLC:

STC TWO LLC,
a Delaware limited liability company

By: Global Signal Acquisitions III LLC,
a Delaware limited liability company,
Its Attorney-in-Fact

By: [Signature]
Name: Lisa A. Sedgwick
RET Manager
Title: _____

8/21/13

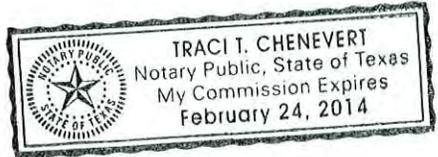
STATE OF Texas
COUNTY OF Harris

I certify that the following person personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: STC Two LLC, a Delaware limited liability company, by Global Signal Acquisitions III LLC, a Delaware limited liability company, its Attorney-in-Fact, by Lisa A Sedgwick, its RET Manager.

Date: 8/21/13

By: [Signature]
Print Name: Traci P Chenevert
Notary Public
My Commission Expires: 2/24/2014

[SEAL OR STAMP]



SECOND AMENDMENT TO PCS SITE AGREEMENT
(BU879723)

THIS SECOND AMENDMENT TO PCS SITE AGREEMENT ("Second Amendment") is made effective this ____ day of _____, 2013, by and between the **CITY OF FAYETTEVILLE**, a North Carolina municipal corporation, by and through its **PUBLIC WORKS COMMISSION**, a commission of the City ("Owner"), and **STC TWO LLC**, a Delaware limited liability company ("STC Two LLC"), successor-in-interest to SprintCom, Inc., a Kansas corporation ("SprintCom"), by and through its attorney-in-fact, Global Signal Acquisitions III LLC, a Delaware limited liability company.

WHEREAS, Owner and SprintCom entered into a PCS Site Agreement dated November 25, 1997 (as amended and assigned, the "Agreement") whereby Owner leased to SprintCom a portion of land being originally described as a 100 feet by 110 feet (11,000 square feet) portion of that property (said leased portion being the "Site") located at 915 Shaw Road (Tax Parcel #0419-55-7633), Fayetteville, in Cumberland County, North Carolina, and being further described in Book 441, Page 181 in the Cumberland County Register of Deeds ("Registry"), together with those certain access, utility and/or maintenance easements and/or rights of way granted in the Agreement. The Agreement is evidenced by, and the Site is described in that certain Memorandum of PCS Site Agreement recorded in Book 5124, Page 783, in the Registry; and

WHEREAS, STC Two LLC is the successor-in-interest in the Agreement to SprintCom; and

WHEREAS, Owner and STC Two LLC entered into a First Amendment to PCS Site Agreement dated January 2, 2008 ("First Amendment"), which increased the term of the Agreement to January 1, 2018, among other changes, a memorandum of which is recorded in Book 8152, Page 540 in the Registry; and

WHEREAS, the Site may be used for the purpose of constructing, maintaining and operating a communications facility, including tower structures, equipment shelters, cabinets, meter boards, utilities, antennas, equipment, any related improvements and structures and uses incidental thereto; and

WHEREAS, the Agreement has an original term, including all Renewal Terms (as defined in the Agreement), that will expire on January 1, 2018 ("Original Term"), and Owner and STC Two LLC now desire to amend the terms of the Agreement to provide for an additional Renewal Term beyond the Original Term, and to make other changes.

NOW THEREFORE, in exchange for the mutual promises contained herein, Owner and STC Two LLC agree to amend the Agreement as follows:

1. Any capitalized terms not defined herein shall have the meanings ascribed to them in the Agreement. The recitals in this Second Amendment are incorporated herein by this reference.

2. Section 2 of the First Amendment is amended by replacing “two (2)” with “three (3)”, thereby adding one (1) additional five (5)-year Renewal Term to the Agreement beyond the Original Term, and extending its total term to January 1, 2023, unless sooner terminated as provided in the Agreement.

3. Section 6 of the Agreement is amended by replacing STC Two LLC’s notice address with the following notice address:

Notices to STC Two LLC are to be sent to: STC Two LLC c/o Crown Castle USA Inc., E. Blake Hawk, General Counsel, Attn: Legal-Real Estate Department, 2000 Corporate Drive, Canonsburg, PA 15317-8564.

4. As additional consideration for amending the Agreement in accordance with this Second Amendment, STC Two LLC agrees to pay to Owner \$5,000.00 within sixty (60) days of full execution of this Second Amendment by both parties.

5. Owner represents and warrants to STC Two LLC that (i) Owner is duly authorized to and has the full power and authority to enter into this Second Amendment and to perform all of Owner’s obligations under the Agreement as amended hereby; (ii) there are no aspects of title that might interfere with or be adverse to STC Two LLC’s interests in and intended use of the Site; (iii) there are no threatened or pending actions in the nature of foreclosure of any mortgage or other lien against the Site or Owner’s title thereto; and (iv) STC Two LLC is not currently in default under the Agreement, and to Owner’s knowledge, no event or condition has occurred or presently exists which, with notice or the passage of time or both, would constitute a default by STC Two LLC under the Agreement.

6. IRS Form W-9. Owner agrees to provide STC Two LLC with a completed IRS Form W-9, or its equivalent, upon execution of this Second Amendment and at such other times as may be reasonably requested by STC Two LLC. In the event the Site is transferred the succeeding Owner shall have a duty at the time of such transfer to provide STC Two LLC with a completed IRS Form W-9, or its equivalent, and other related paper work to effect a transfer in rent to the new Owner. Owner’s failure to provide the IRS Form W-9 within thirty (30) days after STC Two LLC’s request shall be considered a default and STC Two LLC may take any reasonable action necessary to comply with IRS regulations including, but not limited to, withholding applicable taxes from rent payments.

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IN WITNESS WHEREOF, Owner and STC Two LLC have signed this instrument under seal, and have caused this Second Amendment to be duly executed on the day and year first written above.

OWNER:

PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE

By: Steven K. Blanchard (SEAL)
Print Name: Steven K. Blanchard
Title: CEO/General Manager

ATTEST:

By: Joan Starling
Print Name: Joan Starling
Title: Senior Executive Assistant

CITY OF FAYETTEVILLE

By: _____ (SEAL)
Print Name: Anthony G. Chavonne
Title: Mayor

ATTEST:

By: _____
Print Name: Pamela J. Megill
Title: City Clerk

IN WITNESS WHEREOF, Owner and STC Two LLC have signed this instrument under seal, and have caused this Second Amendment to be duly executed on the day and year first written above.

STC TWO LLC:

STC TWO LLC,
a Delaware limited liability company

By: Global Signal Acquisitions III LLC,
a Delaware limited liability company,
Its Attorney-in-Fact

By:  (SEAL)
Name: Lisa A. Sedgwick
Title: RET Manager

Prepared by:
Parker Poe Adams & Bernstein, (BGB)
PO Box 389
Raleigh, NC 27602-0389

Return to:
Crown Castle
1220 Augusta, Suite 500
Houston, TX 77057

Cross reference:
Book 5124, Page 783
Book 8152, Page 540

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

MEMORANDUM OF SECOND AMENDMENT TO PCS SITE AGREEMENT

THIS MEMORANDUM OF SECOND AMENDMENT TO PCS SITE AGREEMENT ("Amended Memorandum") is made effective this ____ day of _____, 2013, by and between the **CITY OF FAYETTEVILLE**, a North Carolina municipal corporation, by and through its **PUBLIC WORKS COMMUSSION**, a commission of the City ("Owner"), with a mailing address of P.O. Box 1089, Fayetteville, North Carolina 28302, and **STC TWO LLC**, a Delaware limited liability company ("STC Two LLC"), successor-in-interest to SprintCom, Inc., a Kansas corporation ("SprintCom"), by and through its attorney-in-fact, Global Signal Acquisitions III LLC, a Delaware limited liability company, with a mailing address of c/o Crown Castle USA Inc., 2000 Corporate Drive, Canonsburg, Pennsylvania 15317-8564.

WHEREAS, Owner and SprintCom entered into a PCS Site Agreement dated November 25, 1997 (as amended and assigned, the "Agreement") whereby Owner leased to SprintCom a portion of land being originally described as a 100 feet by 110 feet (11,000 square feet) portion of that property (said leased portion being the "Site") located at 915 Shaw Road (Tax Parcel #0419-55-7633), Fayetteville, in Cumberland County, North Carolina, and being further described in Book 441, Page 181 in the Cumberland County Register of Deeds ("Registry"), together with those certain access, utility and/or maintenance easements and/or rights of way granted in the Agreement. The Agreement is evidenced by, and the Site is described in that

Site Name: PWC-Shaw Road
BU: 879723
PPAB 2137430v1

certain Memorandum of PCS Site Agreement recorded in Book 5124, Page 783, in the Registry;
and

WHEREAS, STC Two LLC is the successor-in-interest in the Agreement to SprintCom;
and

WHEREAS, Owner and STC Two LLC entered into a First Amendment to PCS Site Agreement dated January 2, 2008 ("First Amendment"), which increased the term of the Agreement to January 1, 2018, among other changes, a memorandum of which is recorded in Book 8152, Page 540 in the Registry; and

WHEREAS, the Site may be used for the purpose of constructing, maintaining and operating a communications facility, including tower structures, equipment shelters, cabinets, meter boards, utilities, antennas, equipment, any related improvements and structures and uses incidental thereto; and

WHEREAS, the Agreement has an original term, including all Renewal Terms (as defined in the Agreement), that will expire on January 1, 2018 ("Original Term"), and Owner and STC Two LLC now desire to amend the terms of the Agreement to provide for an additional Renewal Term beyond the Original Term, and to make other changes; and

WHEREAS, Owner and STC Two LLC made and entered into a Second Amendment to PCS Site Agreement of even date herewith ("Second Amendment") and pursuant to the terms of, and for that consideration recited in, the Second Amendment, the parties wish to hereby amend certain provisions of the Agreement, and provide this Amended Memorandum as notice thereof, as follows:

1. Owner does hereby lease unto STC Two LLC, its successors and assigns, the Site for one (1) additional five (5)-year Renewal Term beyond the Original Term, such that the Original Term and all Renewal Terms of the Agreement shall expire on January 1, 2023, unless sooner terminated as provided in the Agreement.

2. The description of the Site is recorded in that certain Memorandum of PCS Site Agreement recorded in the Registry Book 5124, Page 783.

3. This Amended Memorandum contains only selected provisions of the Second Amendment, and reference is made to the full text of the Agreement and the Second Amendment for their full terms and conditions, which are incorporated herein by this reference. Except as otherwise provided in the Second Amendment and this Amended Memorandum, the terms and conditions of the Agreement remain in full force and effect. This Amended Memorandum may be executed in any number of counterparts, each of which shall be deemed an original and which together shall constitute one and the same instrument.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Owner and STC Two LLC have signed this instrument under seal, and have caused this Amended Memorandum to be duly executed on the day and year first written above.

OWNER:

PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE

By: Steven K. Blanchard (SEAL)
Print Name: Steven K. Blanchard
Title: CEO/General Manager

ATTEST:

By: Joan Starling
Print Name: Joan Starling
Title: Senior Executive Assistant

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I certify that Steven K. Blanchard personally appeared before me this day and acknowledged that (s)he is the CEO/General Manager for the Public Works Commission, a commission of the City of Fayetteville, and that by the authority duly given and as an act of the commission, the foregoing Memorandum of Second Amendment to PCS Site Agreement was signed in its name by its CEO/General Manager sealed with its corporate seal and attested by him her as its CEO/General Manager.

Date: August 26, 2013

By: Joan G. Starling
Print Name: Joan G. Starling
Notary Public

My Commission Expires: 4-1-2017



IN WITNESS WHEREOF, Owner and STC Two LLC have signed this instrument under seal, and have caused this Amended Memorandum to be duly executed on the day and year first written above.

CITY OF FAYETTEVILLE

By: _____ (SEAL)
Print Name: Anthony G. Chavonne
Title: Mayor

ATTEST:

By: _____
Print Name: Pamela J. Megill
Title: City Clerk

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I certify that _____ personally appeared before me this day and acknowledged that (s)he is the _____ for the City of Fayetteville, a North Carolina municipal corporation, and that by the authority duly given and as an act of the corporation, the foregoing Memorandum of Second Amendment to PCS Site Agreement was signed in its name by its _____, sealed with its corporate seal and attested by him/her as its _____.

Date: _____

By: _____
Print Name: _____

Notary Public

[SEAL OR STAMP]

My Commission Expires: _____

IN WITNESS WHEREOF, Owner and STC Two LLC have signed this instrument under seal, and have caused this Amended Memorandum to be duly executed on the day and year first written above.

STC TWO LLC:

STC TWO LLC,
a Delaware limited liability company

By: Global Signal Acquisitions III LLC,
a Delaware limited liability company,
Its Attorney-in-Fact

By: *[Signature]* (SEAL)
Name: Lisa A. Sedgwick
RET Manager
Title: _____
8/2/13

STATE OF Texas

COUNTY OF Harris

I certify that the following person personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: STC Two LLC, a Delaware limited liability company, a Delaware limited liability company, by Global Signal Acquisitions III LLC, a Delaware limited liability company, its Attorney-in-Fact, by Lisa A Sedgwick, its RET Manager.

Date: 8/2/13

By: *[Signature]*
Print Name: Traci T Chenevert
Notary Public
My Commission Expires: 2/24/2014

[SEAL OR STAMP]



Site Name: PWC-Shaw Road
BU: 879723
PPAB 2137430v1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: September 23, 2013
RE: **P13-12F. Initial zoning of property from R6A County Residential to LC – Limited Commercial or to a more restrictive district, located at 1030 Palm Spring Drive and Honeycutt Road and being the property of James Sanders, Donna Muraski and Charlotte Strickland. (Tabled item from July 22nd and August 26th)**

THE QUESTION:

Request to initially zone property to LC – Limited Commercial

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: James Sanders, Donna Muraski and Charlotte Strickland.
Applicant: James Sanders, Donna Muraski and Charlotte Strickland
Requested Action: Initial Zoning to LC
Property Address: Intersection of 1030 Palm Spring Drive and Honeycutt Road
Council District: 1
Status of Property: Developed Residential Homes
Size: 1.16 acres +/-
Adjoining Land Use & Zoning:
North - R6A County
South - R6A County
West - R6A County
East – C1(P) County
Letters Mailed: 36
Land Use Plan: Heavy Commercial
2030 Land Use Plan: Policy 9.2: Local governments should BE CAUTIOUS OF REZONING RESIDENTIALLY ZONED LAND to commercial zoning solely because it adjoins a major highway or street. Proper design and/or buffering has shown that land tracts adjoining major streets can be properly developed for residential use.

ISSUES:

The owner of these properties has petitioned for annexation into the City of Fayetteville, in order to connect to public utilities when this property is developed. As part of the petition, the applicant has requested that this property be initially zoned to LC -Limited Commercial. Currently these properties are zoned R6A in Cumberland County's jurisdiction. The Land Use Plan calls for these properties to eventually convert to heavy commercial. It is staff's opinion that development in this area has not progressed enough to warrant the conversion of these properties to commercial. As shown on the attached aerial photo and photographs of the surrounding properties, there are already several properties in this area zoned for commercial use that are either undeveloped or underdeveloped. Less than a mile to the south of this project on McArthur Road, there will be an interchange built for Interstate 295. An increase in traffic will be expected in this area. As stated in previous reports to the City Council, Fayetteville has an over-abundance of property already zoned for commercial use. The City's staff would encourage this developer to look at infill development instead of expanding the commercial zoning footprint in the city. If annexed, it is staff's opinion that this property should remain residentially zoned at this time.

The Zoning Commission held a public hearing on this case on May 14, 2013. There were no

speakers in opposition. The Commission voted to recommend approval of this rezoning request.

The Zoning Commission recommends APPROVAL of the initial zoning to LC based on.

1. The City Land Use Plan calls for heavy commercial.
2. The proposed development fits with the character of the neighborhood.
3. New investment in a blighted area of the City.

The staff recommends DENIAL of the initial zoning to LC based on.

1. 2030 Plan discourages rezoning property to commercial solely based on it being adjacent to thoroughfare.
2. Undeveloped and underdeveloped commercial property at this intersection should be developed or redeveloped before additional land is zoned for commercial use.
3. If annexed this property should remain residentially zoned at this time.
4. An intense use such as fast-food encourages more commercial adjacent to this site and begins the strip commercial pattern while leaving larger properties underutilized.
5. Should the proposed use not go forward, other commercial uses could have a destabilizing effect.

BUDGET IMPACT:

This action would result in both City services and revenue collected. This is a satellite annexation which may require additional resources from the Fire, Police and Waste Management Departments.

OPTIONS:

- 1) Approval of the rezoning as requested by the applicant (Recommended by the Zoning Commission);
- 2) Approval of the rezoning to a more restrictive district;
- 2) Denial of the rezoning request (Recommended by staff).

RECOMMENDED ACTION:

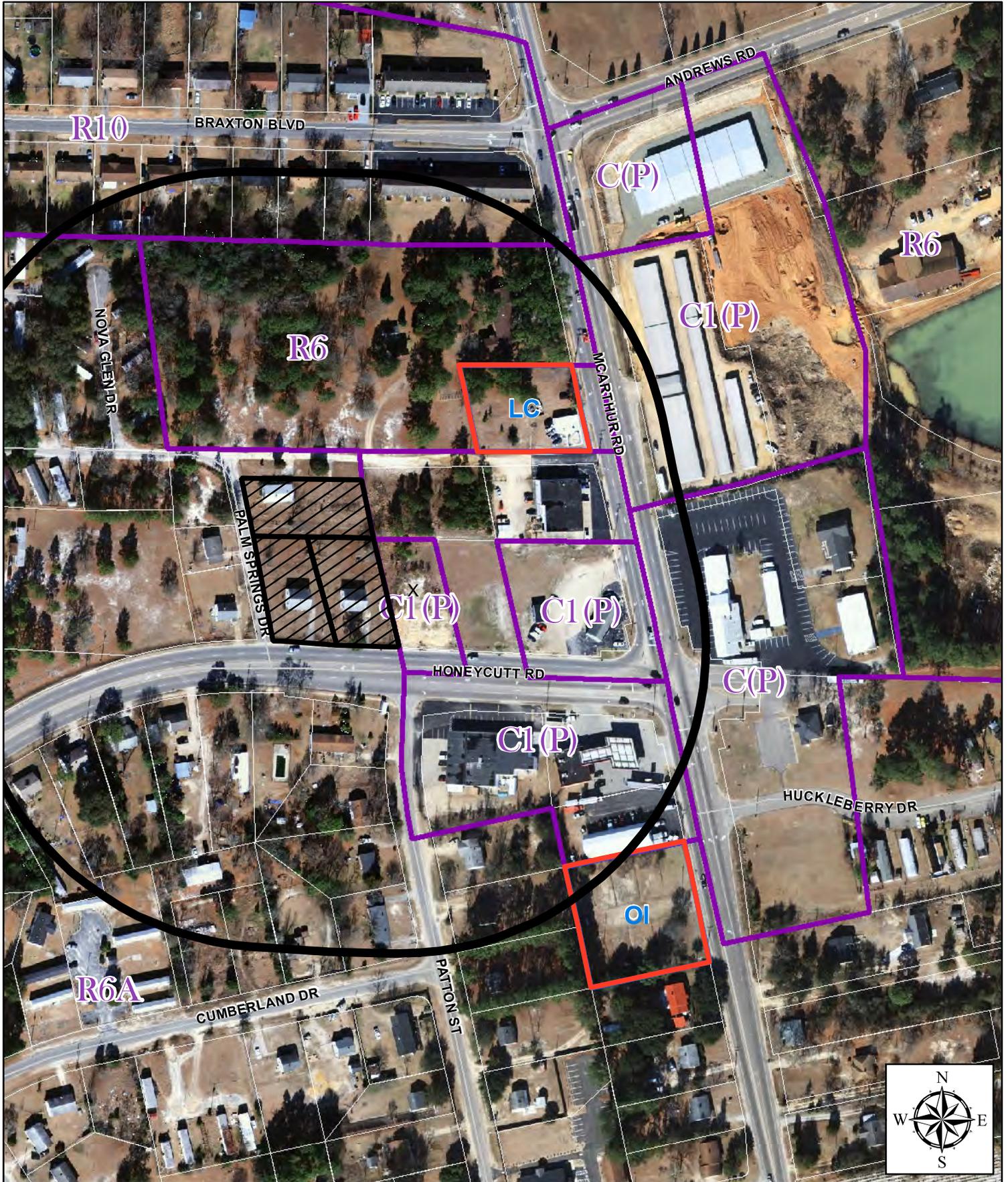
Zoning Commission Recommends: That the City Council move to APPROVE the rezoning to Limited Commercial, as requested by the applicant.

Staff Recommends: That the City Council move to DENY the rezoning to the Limited Commercial district, as presented by staff. (An alternative initial zoning would be SF-6.)

ATTACHMENTS:

Zoning Map
Current Land Use
Land Use Plan
Proposed Annexation
Site Photo
Site Photo
Site Photo
Surrounding Area Photo
Surrounding Area Photo
Surrounding Area Photo

**ZONING COMMISSION
CASE NO. P13-12F**

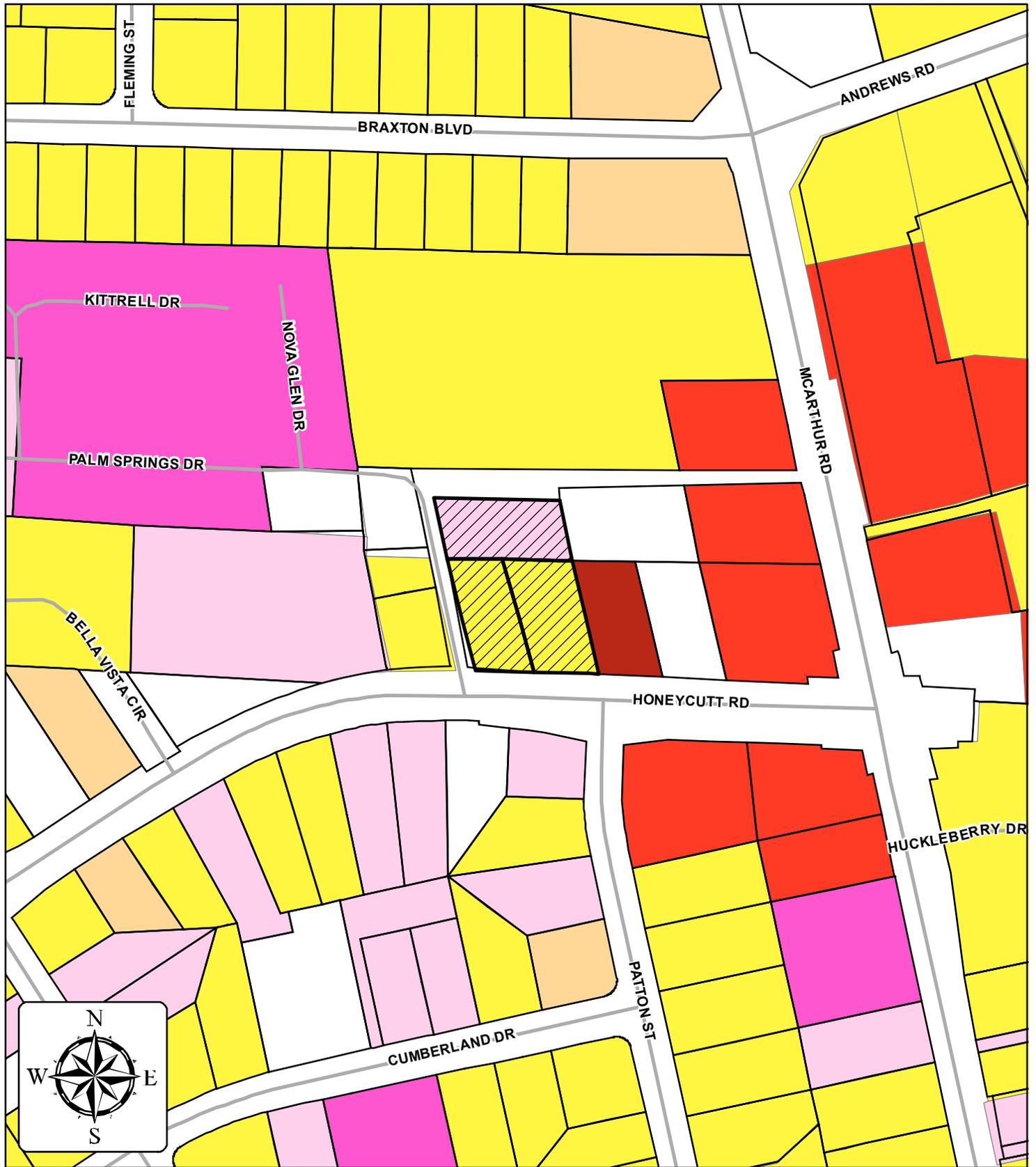


Request: Initial Zoning R6A & C1(P)
Location: 1024, 1022 Honeycutt Rd &
 1030 Palm Springs Dr.
Size: 1.16 acres +/-

Zoning Commission: 05/14/2013 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0521-50-6080, 0521-50-7080 & 0521-50-7104

Current Land Use

P13-12F

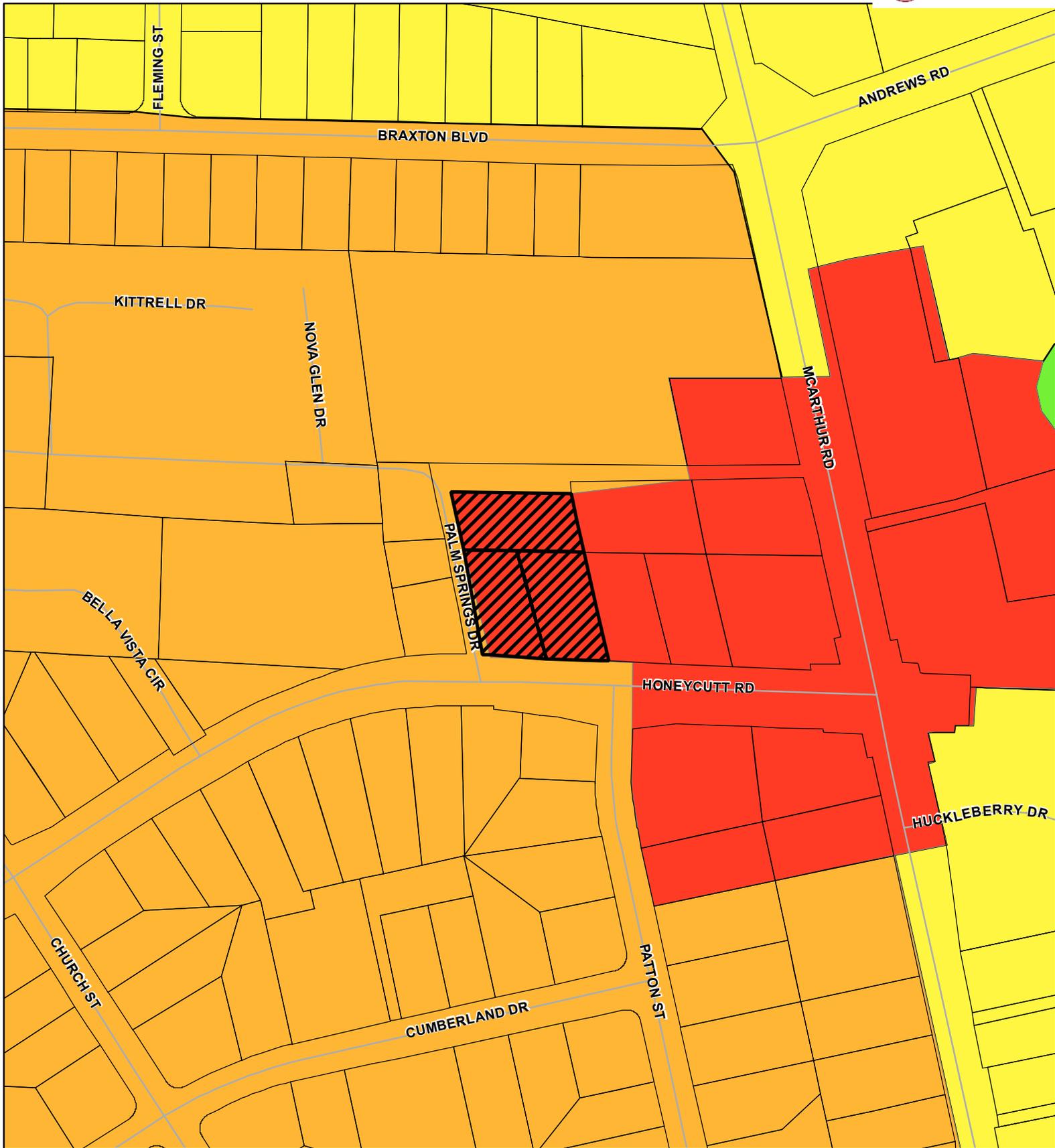


Legend

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

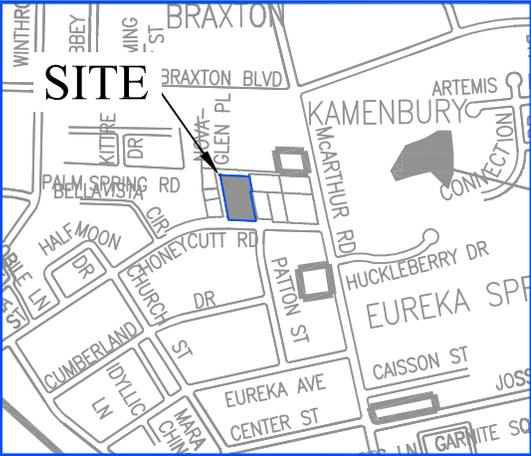
2010 Land Use Plan

Case No. P13-12F



Legend

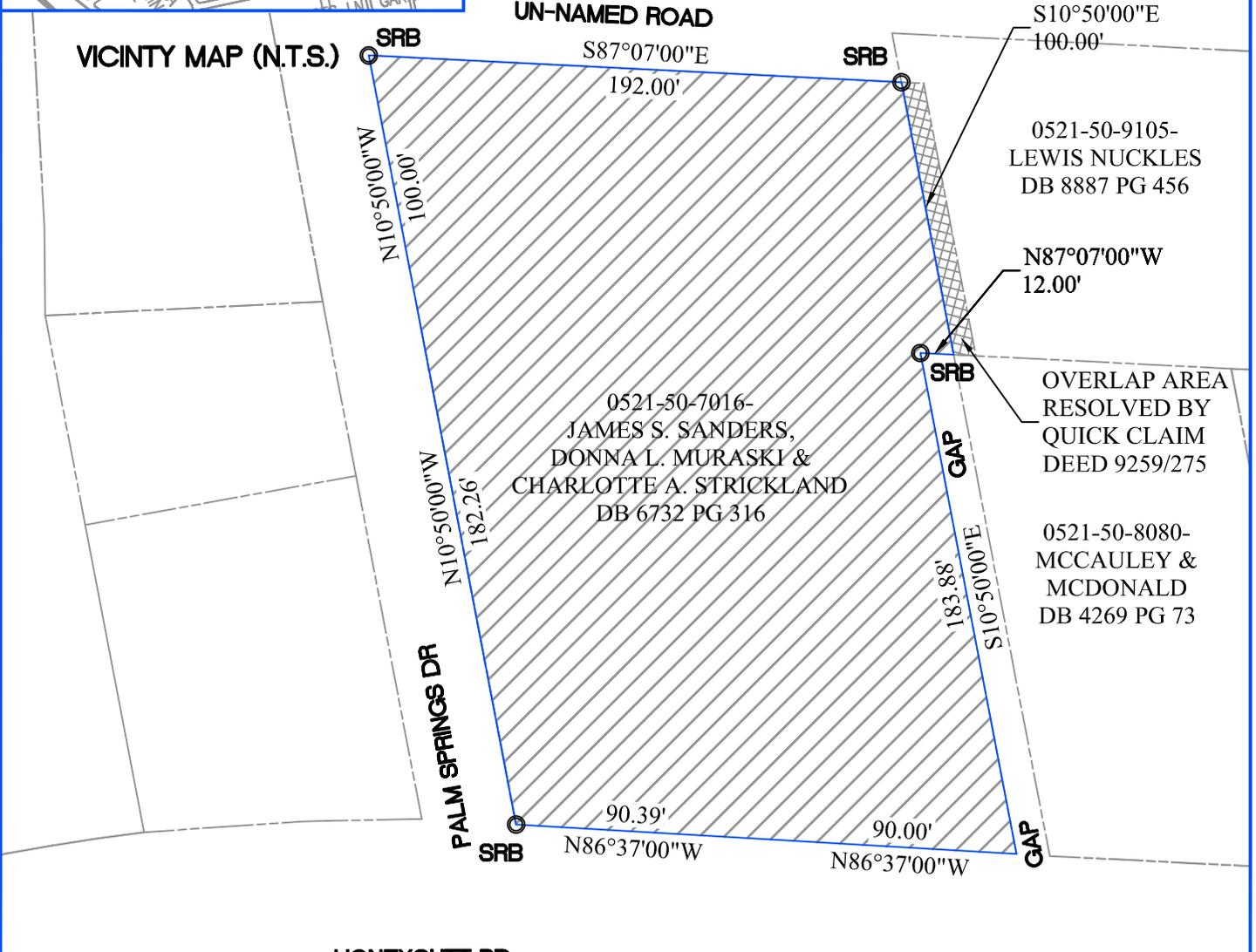
Academic Training-Fort Bragg	Farmland	Historical District-Fort Bragg	Neighborhood Activity Node	Policy Directed Light Commercial
Activity Node	Governmental	Light Commercial	Office & Institutional	Policy Directed Office & Institutional
Airfield Operations-Fort Bragg	Heavy Commercial	Light Industrial	One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



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

 ANNEXATION AREA

**DB 6732
PG 316**



VICINTY MAP (N.T.S.)

UN-NAMED ROAD

S10°50'00"E

100.00'

0521-50-9105-
LEWIS NUCKLES
DB 8887 PG 456

N87°07'00"W
12.00'

OVERLAP AREA
RESOLVED BY
QUICK CLAIM
DEED 9259/275

0521-50-7016-
JAMES S. SANDERS,
DONNA L. MURASKI &
CHARLOTTE A. STRICKLAND
DB 6732 PG 316

0521-50-8080-
MCCAULEY &
MCDONALD
DB 4269 PG 73

PALM SPRINGS DR

GAP

S10°50'00"E

183.88'

GAP

90.39'

N86°37'00"W

90.00'

N86°37'00"W

HONEYCUTT RD

EXHIBIT B

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

**PROPOSED ANNEXATION
SANDERS/MURANSKI/STRICKLAND PROP.
0521-50-7016-
± 1.16 ACRES**

DATE 9/10/2013 DRAWN BY CSA
SCALE 1" = 60' CK'D BY CSA

ANNEXATION DATE:
EFFECTIVE DATE:

SHEET 1 OF 1



PALM SPRINGS
MOBILE
HOME
PARK II
919-389-7070



**FOR
SALE**
McLEAN
REAL ESTATE
910-323-1201



6-1-7-1

COVER IT UP Vinyl & Canvas
Civilian & Military Equipment Covers

1003

SHERIFF ANNEX

1007





SPEED
LIMIT
45



1000

1000

CATERING
TAKE-OUT
MARKET PLACE

Penske

SALES
BIG & SMALL
ESTABLISHED

Mufflers & Pipes

Front End Service
Air Conditioning
Tune Up
Brake Service
Fan Belts

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Senior Planner
DATE: September 23, 2013
RE: **P13-24F. The issuing of a Special Use Permit to allow for an automotive wrecker service to be located at Phillips Towing, 314 Alexander Street and being the property of Phillips Leasing Systems LLC.**

THE QUESTION:

Request to issue a Special Use Permit for an automotive wrecker service.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and development

BACKGROUND:

Owner: Phillips Leasing Systems LLC
Applicant: Phillip McCorquodale
Requested Action: SUP Automotive Wrecker Service
Property Address: 314 Alexander Street
Council District: 2
Status of Property: Developed Warehouse
Size: 0.34 acres +/-
Adjoining Land Use & Zoning:
North - HI Parking
South - HI Parking
West – MR-5 Single Family Residential
East – HI Warehouse
Letters Mailed: 52
Land Use Plan: Downtown

ISSUES:

This project will be part of Phillips Towing & Recovery Operations at 314 Alexander Street. The applicant has several properties and existing towing facilities on Alexander Street. Most of the area along Alexander Street is zoned Heavy Industrial. The use requirements associated with Automotive Wrecker Services (Section 30-4.C.4(j) (5)) require that the use be at least 250 feet from any residential district, school or child care center. This use is immediately adjacent to one remaining residence at 247 S. Cool Spring Street and a residence at 304 Alexander Street. A text amendment was approved recently that allows a reduction in the separation requirements requirement through a special use permit, upon showing of good cause with supporting evidence and mitigation of impacts.

The facility will be used to provide maintenance for their existing equipment. Improvements to the site have already been made in order to remove three underground storage and fuel tanks, remove an old modular trailer as well as clean up the existing site and the appearance of the building. Normal business hours will be from 8AM to 5PM, while being available by request for emergency situations.

Existing vegetation on either side of the house located at 247 S. Cool Spring Street is enough to satisfy the Type D buffer required in the special use permit conditions. Along the rear of the house the applicant is requesting to install a block masonry wall in order to screen himself from the single family residential property. There is not enough room along the backside of the applicant's facility to add anything other than a block wall due to the need for a safe aisle space width for the larger truck traffic. The applicant will also place a Type D buffer where applicable along the property line adjacent to the home that sits at 304 Alexander Street.

Due to the nature of the proposed use and the layout of the current property the applicant would like to construct a masonry wall along S. Cool Spring Street and along the portion of Raymond Avenue that is currently zoned LC. This will allow for significantly more screening than currently exists.

This case was heard by the Zoning Commission on August 13, 2013. The Commission voted 5-0 to recommend approval. There was one speaker in favor and none in opposition.

Conditions Recommended by the Zoning Commission and staff:

1. Removal of barbed wire within 90 days.
2. Maintaining the equivalent of a Type D buffer on either side of the residence at 247 S. Cool Spring Street.
3. Installation of Type D buffer along the residence at 304 Alexander Street.
4. No storage of vehicles beyond the front facade of the existing building.

The Zoning Commission and staff recommend Approval of the proposed SUP based on:

1. Conditions listed above.
2. Minimal impact to the surrounding district and existing residences once required landscape buffers and solid walls are in place compared to historic uses on the site.
3. This project is located within the HI zoning district where automotive wrecker services are permitted subject to applicable requirements.
4. Minimal visual impact from Alexander Street which contains various other industrial uses.
5. Once complete, this project will have significantly less impact than the previous use.
6. Applicant's proposal for screening will mitigate buffer concerns from residential uses.

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

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

BUDGET IMPACT:

This action would result in no increase in City services.

OPTIONS:

- 1) Approval of the SUP with conditions (Recommended).
- 2) Approval of the SUP with modified conditions.
- 3) Denial of the SUP.

RECOMMENDED ACTION:

Zoning Commission and Staff Recommends: That the City Council APPROVE the SUP with the four conditions as presented by staff upon a finding that all of the following standards are met:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;

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

ATTACHMENTS:

Zoning Map

Current Land Use

Land Use Plan

**ZONING COMMISSION
CASE NO. P13-24F**

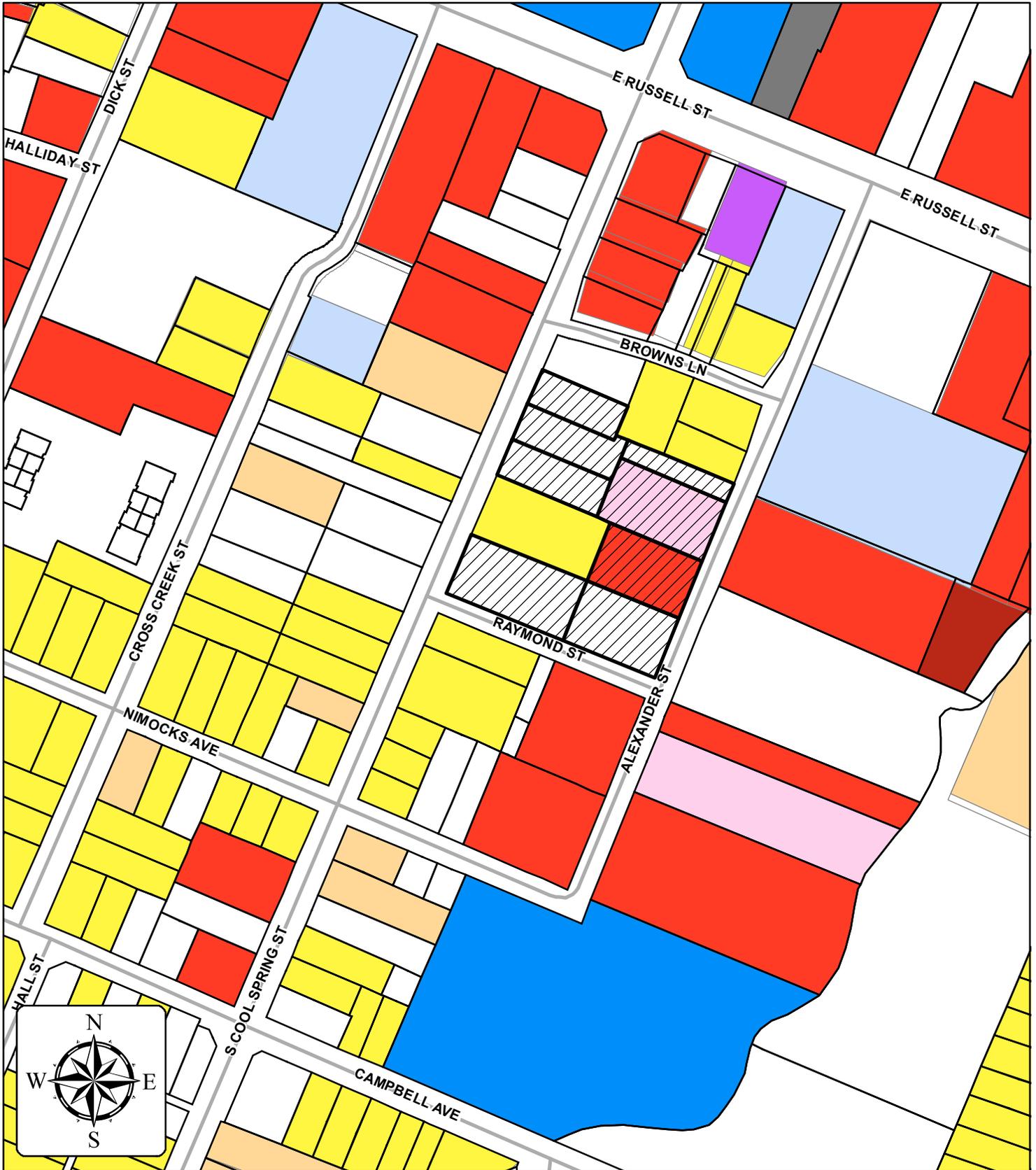


**Request: SUP - Towing & Recovery
Location: 134 Alexander St.**

**Zoning Commission: 8/13/2013 Recommendation: _____
City Council: _____ Final Action: _____
Pin: _____**

Current Land Use

P13-24F

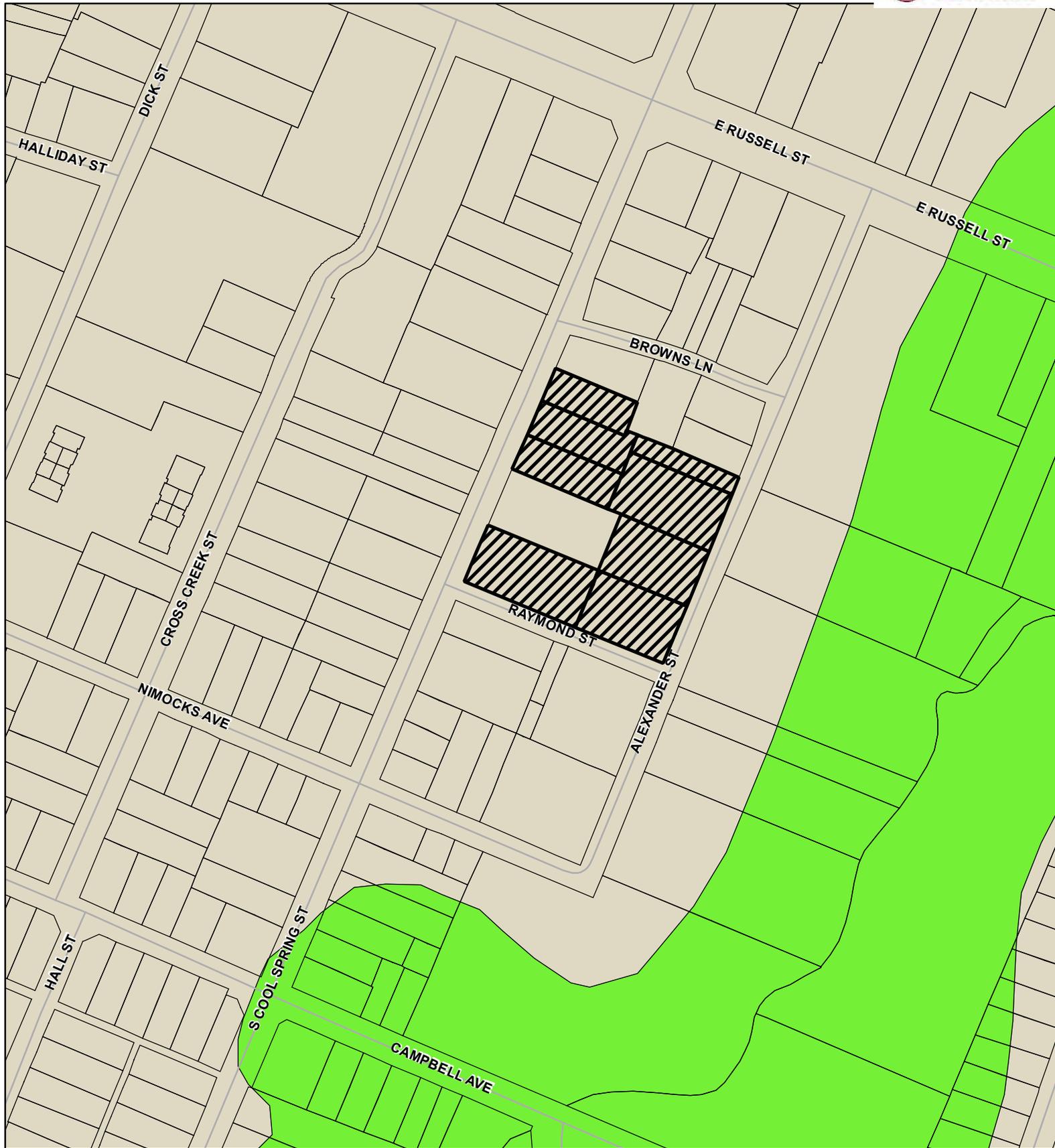


Legend

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

2010 Land Use Plan

Case No. P13-24F



Legend

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

6-2-2011

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Michael Gibson, Parks, Recreation and Building Maintenance
DATE: September 23, 2013
RE: **Moses Mathis "The Bicycle Man" Trail Head Naming Public Hearing**

THE QUESTION:

Should Council approve the naming of the trail head of the Cape Fear River Park Phase II after Moses Mathis?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2 - More Attractive City - Clean and Beautiful

BACKGROUND:

The department will accept bids for Phase II construction of the Cape Fear River Trail in the near future and an opportunity is available to name the Trail Head in honor of Moses Mathis, a community volunteer and leader who gave away bicycles each year to disadvantaged children.

According to the "Naming of City Properties in Honor of Individuals" policy, any City facility or property may be named in honor of deceased individuals only and organizations who have made significant contributions to the quality of life and the community through their achievements, leadership, service and civic or financial donations. Based on the policy, the requirements would be met to name the Trail Head after Mr. Mathis.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

Approve the public hearing for the community's input for the "Moses Mathis, Bicycle Man, Trail Head".

Do not approve the public hearing.

RECOMMENDED ACTION:

Staff recommends that Council move to approve the naming of a Cape Fear River Trail trail head for Moses Mathis in honor of the good work he performed during his life.

ATTACHMENTS:

Naming of City Property In Honor of Individuals policy

SUBJECT – CITY PROPERTY Naming of City Properties in Honor of Individuals	Number 155.4	Revised 6-12-06	Effective Date 3-15-1999	Page 1 of 2
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It is hereby declared to be a policy of the City of Fayetteville that for the naming of all City-owned facilities or properties, except those covered in paragraph B below, the following policy shall apply:

A. General Naming Policy:

1. Any City facility or property may be named in honor of deceased individuals only and organizations who have made significant contributions to the quality of life and the community through their achievements, leadership, service, and civic or financial donations.
2. The City Council will not consider the renaming of any City facility or property which has previously been named for an individual.
3. The City Council shall hold a public hearing before the naming or renaming of any facility or property and the public hearing shall be held in accordance with the City Council policy on public hearings.

B. Naming of Facilities in Cross Creek Linear Park:

For purposes of development of the Cross Creek Linear Park by the Cross Creek Linear Park Corporation, Council delegates the naming of components of the Park to the Corporation with the following provisions:

1. The City Council shall approve the components of the Park eligible for naming rights along with an estimated cost for these components.
2. The named components shall be a part of the approved plan and design of the Park.
3. The Corporation will be able to assign the naming rights of these components without additional action by the City Council.

SUBJECT – CITY PROPERTY Naming of City Properties in Honor of Individuals	Number 155.4	Revised 6-12-06	Effective Date 3-15-1999	Page 2 of 2
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4. The naming of the component shall be reserved for contributions of \$25,000.00 or more. The components of this Park may be named after sitting elected officials or employees of the City as long as other requirements of this policy are met.

C. Naming of Parks and Recreation Facilities:

For the purpose of naming parks and recreation facilities, the following shall apply:

1. All requests shall be accompanied by a recommendation from the Fayetteville-Cumberland Parks and Recreation Advisory Commission.
2. As long as other requirements of this policy are met, the City Council shall, on a case-by-case basis, render a decision as to whether to name parks and recreation facilities to include the athletic fields, or only name the athletic fields.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Nash, AICP, Planner II
DATE: September 23, 2013
RE: **Public Hearing to Consider a Petition Requesting Annexation of a Non-Contiguous Area Known as the Honeycutt Road at Palm Springs Drive Property (Tabled from July 22 and August 26)**

THE QUESTION:

Request to annex (as a satellite area) a site located on Honeycutt Road at Palm Springs Drive in the Eureka Springs community

RELATIONSHIP TO STRATEGIC PLAN:

Strong local economy

BACKGROUND:

This annexation item was originally scheduled for the City Council meeting on July 22. However, due to problems with the legal description of the boundaries of the site, the item was tabled until August 26. On August 26, the item was again tabled until September 23.

The information below has been updated to reflect several recent changes. For example, the site originally consisted of three tax parcels; these three parcels have now been combined into one parcel. The site originally consisted of 1.32 acres; the site is now assumed to have 1.16 acres.

Mr. Eric Nelson proposes new commercial development on a site located on Honeycutt Road at Palm Springs Drive in the Eureka Springs community. This site is not contiguous to the City. (See Vicinity Map, attached.)

There are currently two vacant houses on the site. If the site is annexed and initially zoned as commercial, Mr. Nelson plans to buy the land in the site. He then plans to remove the two vacant houses. He then plans to develop the site commercially. Mr. Nelson has said that he intends to build a Subway Restaurant on the site. However, commercial zoning would allow a range of commercial uses.

Mr. Nelson wants to use PWC water and sewer for the proposed commercial development. The site is in the Fayetteville Municipal Influence Area (MIA). Policy 150.2 requires that the property be annexed before PWC water and/or sewer will be provided or expanded.

Mr. Nelson has not yet purchased the site. Therefore, he has asked the current owners to submit an annexation petition. The City staff received the petition on March 5, 2013. The petition was signed by James Steven Sanders, Donna Lynn Muraski, and Charlotte A. Strickland.

On April 9, 2013, the Zoning Commission held its public hearing on the initial zoning of this area.

On July 22, the City Council was to hold public hearings on the initial zoning and annexation. Prior to this meeting, the City staff attempted to write a legal description for the ordinance, and the staff discovered that there was a gap problem and an overlap problem along the boundaries of this area. (These problems are shown on the attached recombination survey map.) So, on July 22, the public hearings were tabled until the City Council meeting of August 26.

By August 26, the problems had not been resolved, so the public hearings were tabled until September 23.

As the September 23 City Council meeting approaches, the City staff believes the overlap area

boundary problem has been resolved.

Now that the overlap area boundary problem has resolved, the City staff has been able to prepare a legal description for the proposed annexation ordinance. The City staff has also been able to prepare a legal description map. Both the legal description and the legal description map show that the area consists of 1.16 acres, rather than 1.32 acres. Both the legal description and legal description map also show that the area consists of one parcel, rather than three.

ISSUES:

Sufficiency: The City's Real Estate staff has verified that the persons who signed the petition (James Steven Sanders, Donna Lynn Muraski, and Charlotte A. Strickland) are still the owners of the properties. (See attached Sufficiency Memo, updated as of September 12, 2013.)

Services: City operating departments and PWC divisions have reviewed the proposed annexation and they should be able to serve the property.

City Services-The Fire Department has reported that the travel distance is 1.5 miles (4 minutes travel time) from the closest City station. The department's goal is 5.3 minutes for the first arriving unit. The Fort Bragg Fire Department is 2 miles (4.5 minutes travel time) from the site. There should be 24 hour uninterrupted response service for the site. An automatic/mutual aid agreement is currently in place for Fort Bragg and the West Area Fire Departments to provide response coverage to the site. The Police Department reported that it will be able to provide service to the property without any additional staff or equipment. The Engineering and Infrastructure Department reported that it would serve the area as it serves other commercial areas in the City. The Environmental Services Department reported that if the area is developed commercially, the department would not serve the business; instead, services would be provided by a commercial hauler. If the two houses on the property remain and are rented out, the department would be responsible for garbage collection.

PWC Services-PWC Water is available on Honeycutt Road, and a fire hydrant is located along the edge of Honeycutt Road, in front of the two houses. PWC Sewer is about 500 feet away in McArthur Road; an extension would be needed in order to provide sewer to the site. Regarding PWC Electrical service, this site is not within the PWC electrical service area.

Compliance With Satellite Annexation Standards: There are five standards that a satellite annexation must meet in order to be annexed. This area meets the five standards, as shown in the attached ordinance. Regarding the "do not split a subdivision" standard, there is no evidence in the County tax records of this land being included in a subdivision plat. Instead, the property has been conveyed over the years by deed.

Legal Description: The recombination survey map shows an overlap area and a gap area (See attached recombination survey map). The City staff now believes that Mr. Nelson and the petitioners have taken steps to resolve the overlap area, so the staff has been able to prepare a legal description and legal description map for the proposed ordinance. City Council should be able to consider the ordinance at its meeting on September 23.

Effective Date: The 2011 changes to the state annexation law regarding effective dates did not apply to satellite areas. The law remains the same: a satellite annexation may be made effective immediately, or on any specified date within six months from the date of passage.

BUDGET IMPACT:

Analyzing the budgetary impact of an annexation involves comparing projected revenues with projected costs.

Projected Revenues: If this area is annexed, the City will receive revenues from the property tax and the stormwater fee. However, these revenues have not been projected. There will be no population-based revenues, because the area has no population.

Projected Costs: No City operating departments have expressed concerns or unusual increases in

costs to serve this area, if it is annexed.

Budgetary Impact: If this area is annexed, it is expected that revenues will exceed costs. Therefore, it is projected that the fiscal impact will be positive for the City.

OPTIONS:

1. Adopt the Annexation Ordinance with an effective date of September 23, 2013, and include approval of the final initial zoning action consistent with the prior action on the zoning.
2. Adopt the Annexation Ordinance with an effective date within six months of the date of passage of the ordinance, and include approval of the final initial zoning action consistent with the prior action on the zoning.
3. Do not adopt the Annexation Ordinance. This option means the property would remain outside the City and the initial zoning would not occur.
4. Table action on the requested annexation.

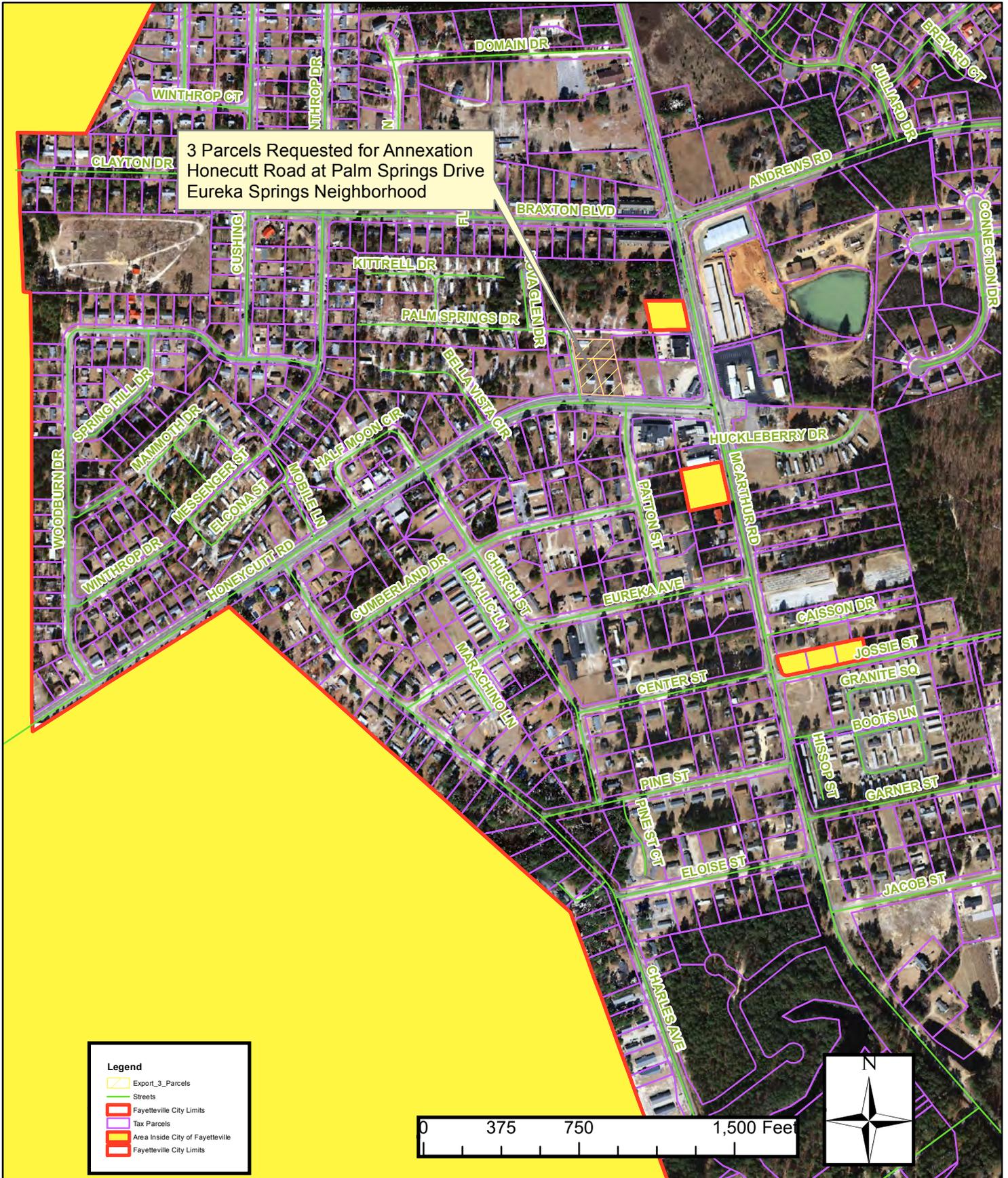
RECOMMENDED ACTION:

City staff recommends Option 1: that the City Council moves to adopt the proposed ordinance annexing the area effective September 23, 2013, and establish the initial zoning consistent with the prior action on the zoning case.

ATTACHMENTS:

Vicinity Map
Recombination Survey Map
Basic Information Sheet About the Area
Sufficiency Memo
Proposed Ordinance
Legal Description Map

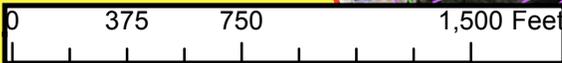
Vicinity Map
 Satellite Annexation Petition Area
 Honeycutt Road at Palm Springs Drive



3 Parcels Requested for Annexation
 Honeycutt Road at Palm Springs Drive
 Eureka Springs Neighborhood

Legend

- Export_3_Parcels
- Streets
- Fayetteville City Limits
- Tax Parcels
- Area Inside City of Fayetteville
- Fayetteville City Limits



Originally Prepared: 3/21/13 by Planning & Zoning Division, Development Services Dept, City of Fayetteville
 Updated:

BASIC INFORMATION ABOUT THE AREA
Information Updated as of: September 12, 2013
Date Petition Received: 3/5/13
Ordinance Adoption Date: / Effective Date:

1. Name of Area:	Honeycutt Road at Palm Springs Drive Property
2. Name of Petitioner:	James Steven Sanders, Donna Lynn Muraski, Charlotte A. Strickland
3. Location/Address/Directions to Property:	<u>General Location:</u> In the Eureka Springs Community. <u>Addresses:</u> 1022 and 1024 Honeycutt Road, 1030 Palm Springs Drive. <u>Directions:</u> From Ramsey Street, turn west on McArthur Road. Go about 3.2 miles to Honeycutt Road. Turn west on Honeycutt Road. Area is at NE corner of Honeycutt Road and Palm Springs Drive.
4. Tax Identification Number (PIN):	1 recently-created parcel makes up the area: 0521-50-7016 (Note: 3 parcels previously made up the area: 0521-50-7080, 0521-50-6080, 0521-50-7104.
5. Fire Department Affected by Annexation:	Fayetteville (Formerly Westarea)
6. Is the Area Contiguous?	No
7. Is the Area in the Fayetteville MIA (Municipal Influence Area)?	Yes
8. Type of Annexation:	Petition-initiated non-contiguous (satellite) area
9. Background:	Mr. Eric Nelson, the developer, wants to build a new Subway restaurant on the land that makes up the annex area. The owners of the land have petitioned for annexation. If the area is annexed, it is expected that Mr. Nelson will purchase the land and build the restaurant.
10. Reason the Annexation was Proposed:	The area is in the Fayetteville MIA. The developer wants to build a restaurant on the land. The restaurant will need PWC water and sewer. Policy 150.2 requires that the land be annexed before PWC utilities can be provided.
11. Number of Acres in Area:	1.16 acres more or less. (Note: When the petition was submitted, it was believed that the area consisted of 1.32 acres. This was the sum of the number of acres for each of the 3 tax parcels that originally made up the area.)
12. Type of Development in Area:	A recent aerial photo shows one house on each of the original parcels. However, one house has been removed. When ownership changes and construction of new restaurant begins, it is expected that the other two houses will be removed.
13. Present Conditions:	a. <u>Present Land Use:</u> Residential (2 houses) & vacant parcel b. <u>Present Number of Housing Units:</u> 2 (both are vacant) c. <u>Present Demographics:</u> Total Pop=0 (because both houses vacant) d. <u>Present Streets:</u> None e. <u>Water and Sewer Service:</u> PWC water is available (in Honeycutt Road, adjacent to the area). Sewer is about 500 feet away (in McArthur Road). f. <u>Electrical:</u> Not within the PWC electrical service area. g. <u>Present Tax Value:</u> Land Val=\$15,000; Bldg Val=\$76,046; XF Val=\$354; Total Value=\$91,400
14. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> If the area is annexed, it is expected that the present owners will sell their land to Mr. Nelson, the developer. Mr. Nelson plans to build a Subway Restaurant on the land. b. <u>Development Controls</u> 1. <u>Land Use Plan</u> a. <u>2010 Plan (Updated with North Fayetteville Plan)-Medium Density Residential</u> 2. <u>Zoning</u> a. <u>Current Zoning in County:</u> R6A b. <u>Requested Zoning After Annexation:</u> LC 3. <u>In Fay Airport Impact Zone?-No</u> 4. <u>In Fay Airport Overlay District?-No</u> 5. <u>In Simmons Airfield Noise Contour? No</u> 6. <u>Plans Already Approved by County? No</u>
15. Expected Future Conditions:	a. <u>Future Land Use</u> –Developer expects to build a Subway restaurant. b. <u>Future Number of Housing Units:</u> Total=0 (0 HU x 90% occupancy rate*=0 occupied HU) * Based on 2010 Census for Fayetteville c. <u>Future Demographics:</u> Total Pop=0 (0 occupied HU x 2.45 avg household size*=0) *Based on 2010 Census for Fayetteville d. <u>Future Streets:</u> none expected e. <u>Water and Sewer Service:</u> Water and sewer expected to be provided by PWC. f. <u>Electric Service:</u> Not in PWC electrical service area, so another entity will serve. g. <u>Future Tax Value:</u> Land Val=\$000; Bldg Val=\$000; XF Val=\$000; Total Value=\$000

MEMO

To: David Nash, Planning Department

From: Brandy R. Bishop, Senior Paralegal

CC: To the file

Date: April 5, 2013/Updated 7/22/2013/Updated 9/12/2013

Re: Sufficiency of Annexation Petition

SIGNERS OF THE PETITION: James Steven Sanders, Donna Lynn Muraski and
Charlotte A. Strickland

Linda D. Sanders, unmarried, ½ undivided interest and Charlotte A. Strickland, unmarried, ½ undivided interest per recorded Deed 6732, Page 316, are the record owners of 3 metes and bounds tracts. Linda D. Sanders died testate on December 30, 2004, devising the property to James Steven Sanders and Donna Lynn Muraski by Will dated December 7, 2004 and probated in Cumberland County Clerk's Estate File # 05 E 35.

0521-50-6080- Maj Pt of Lot 1 Honeycutt Road M&B

0521-50-7080- Maj Pt of Lot 2 Honeycutt Road M&B

0521-50-7104- Lt 100 x 200 (0.46 Acres +/-) M&B

My search ended [September 11, 2013 at 8:00 a.m.](#)

[Petition is now sufficient!](#)

Annexation Ordinance No: _____

Honeycutt Road at Palm Springs Drive Property-Located in the Eureka Springs Community- Includes 1 Tax Parcel (0521-50-7016) (Previously Included 3 Tax Parcels: 0521-50-7080, 0521-50-6080, 0521-50-7104)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the City of Fayetteville has investigated the sufficiency of the petition; and

WHEREAS, the City of Fayetteville has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on September 23, 2013, after due notice by publication on September 13, 2013; and

WHEREAS, the City Council further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the City of Fayetteville;
- b. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another municipality than to the primary corporate limits of the City of Fayetteville;
- c. The area described is so situated that the City of Fayetteville will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite

corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Fayetteville;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous property owned by John Steven Sanders, Donna Lynn Muraski, and Charlotte A. Strickland (consisting of 1.16 acres more or less) is hereby annexed and made part of the City of Fayetteville, North Carolina as of September 23, 2013:

**Metes and Bounds Legal Description
for the Annexation of the Honeycutt Road at Palm Springs Drive Property
(Prepared by Staff of City Real Estate Division)**

BEGINNING at a point in the Northern right-of-way margin of Honeycutt Road, said point of beginning also being the southwest corner of a tract of land described as TRACT TWO per a deed recorded in Deed Book 6732, Page 316, Cumberland County Registry and running thence North 10 degrees 50 minutes 00 seconds West 282.26 feet to a point; thence South 87 degrees 07 minutes 00 seconds East 192.00 feet to a point; thence South 10 degrees 50 minutes 00 seconds East 100.00 feet to a point; thence North 87 degrees 07 minutes 00 seconds West 12.00 feet to a point; thence South 10 degrees 50 minutes 00 seconds East 183.88 feet to a point; thence North 86 degrees 37 minutes 00 seconds West 180.39 feet to the **POINT AND PLACE OF BEGINNING**, and containing 1.16 Acres more or less.

Note: This approximately 1.16 acre annexation area, located in the Eureka Springs community, is in the northeastern corner of the intersection of Honeycutt Road and Palm Springs Drive. The area consists of 1 recently-created tax parcel: 0521-50-7016. (This recently-created parcel previously consisted of 3 tax parcels and 3 addresses: 0521-50-7080, at 1022 Honeycutt Rd; 0521-50-6080, at 1024 Honeycutt Rd; and 0521-50-7104, at 1020 Palm Springs Dr.) There are currently two homes in the annexation area; commercial redevelopment is proposed.

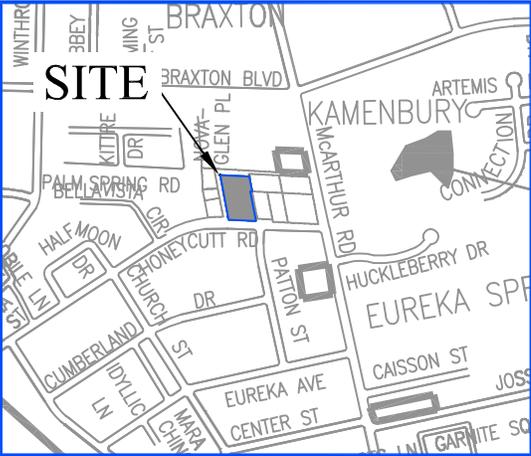
Section 2. Upon and after September 23, 2013, the above-described area (consisting of 1.16 acres more or less) and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville, North Carolina and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville of North Carolina. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Fayetteville shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed area, described in Section 1, together with a certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections as required by G.S. 163-288.1.

Adopted this ___ day of _____, 20__.

Anthony G. Chavonne, Mayor

ATTEST _____
Pamela Megill, City Clerk



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

ANNEXATION AREA

**DB 6732
PG 316**

VICINITY MAP (N.T.S.)

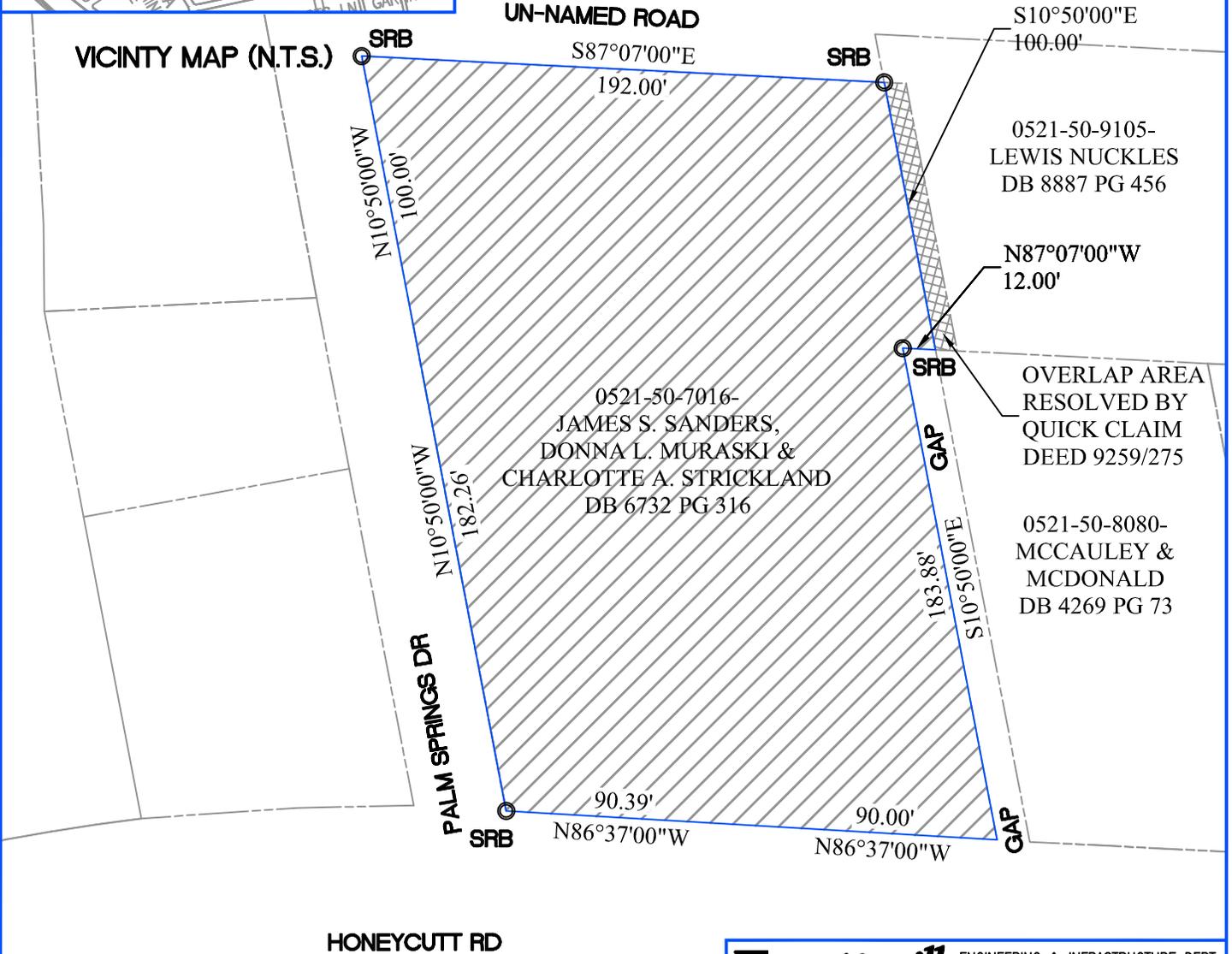


EXHIBIT B

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

**PROPOSED ANNEXATION
SANDERS/MURANSKI/STRICKLAND PROP.
0521-50-7016-
± 1.16 ACRES**

DATE 9/10/2013 DRAWN BY CSA
SCALE 1" = 60' CK'D BY CSA

ANNEXATION DATE:
EFFECTIVE DATE:

SHEET 1 OF 1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Nash, AICP, Planner II
DATE: September 23, 2013
RE: **Public Hearing to Consider a Request from Cumberland County to Annex the Cedar Creek Industrial Park as a Non-Contiguous Area**

THE QUESTION:

Request from Cumberland County to annex (as a satellite) four parcels which make up the Cedar Creek Industrial Park located on Cedar Creek Road

RELATIONSHIP TO STRATEGIC PLAN:

Strong local economy

BACKGROUND:

Around 1999, Cumberland County began developing the Cedar Creek Industrial Park. The park comprises over 470 acres. It is located along Cedar Creek Road, about 1.5 miles east of I-95. The park is about 1.2 miles beyond the existing Fayetteville city limits. (See Vicinity Map, attached.)

The County developed the park for the purpose of providing sites for the location of new industries and businesses. The County hoped that new industries and businesses would locate in the park, which would lead to the creation of new jobs and the enhancement of the tax base. The County has made a major investment in planning/design, land, and infrastructure. For example, two sections of a road (Clark-West Road) have been built, and PWC water and sewer lines have been installed. (See copy of original plat, attached, and copy of the preliminary Master Plan, attached.)

Development sites are now available in the park. However, no industries or businesses have located in the park since it was developed. Development officials believe that the lack of three-phase electrical power service might be hindering effective marketing of the park. Both PWC and the South River Electric Membership Corporation are able to extend three-phase electrical power to the park.

City and County staffs have negotiated an interlocal agreement that would establish an economic development incentive program for the park. The interlocal agreement would bring the park into the City through annexation, and it would establish a specific package of development incentives designed to mitigate the tax consequences of annexation. Both the City Council and the County Commissioners have approved the interlocal agreement. Section 9 of the agreement says that the agreement will become effective upon the effective date of the annexation. (See copy of agreement, attached.)

On July 3, 2013, the City received the final signed copy of the interlocal agreement, along with a legal description. Since Section 1 of the agreement says that the agreement shall be construed to constitute a petition by the County for the annexation of the entire park into the City, the City staff has treated this request as a satellite annexation petition.

On August 13, 2013, the Fayetteville Zoning Commission held an initial zoning public hearing on this annexation request.

On September 23, the City Council will consider the initial zoning of the park as part of the consent agenda, and the City Council will also hold a public hearing on the annexation request.

ISSUES:

Sufficiency: The City's Real Estate staff has verified that the County is the owner of the four parcels that make up the park. (See Sufficiency Memo, attached.)

Services: City operating departments and PWC divisions have reviewed the proposed annexation and they should be able to serve the property.

City Services-The Fire Department has reported that the park is not within the adopted baseline travel time established in the City Fire/EM Standard of Cover document. The travel distance is 7.8 miles from the closest City station (Station 1). The closest County station is Vander, which is 4.0 miles from the park. The primary coverage will need to be contracted with the Vander Fire Department. The proposed City Fire Station 16, proposed for a site on Fields Road, will only be 2.8 miles from the park. The Police Department reported that it does not need any additional resources to serve the park at this time, since the park is close to the city limits and there are no businesses or industries in the park as of now. The Engineering and Infrastructure Department reported that it would provide street maintenance, storm drainage, and sign maintenance services. The Environmental Services Department reported that industries and businesses in the park would be served by commercial garbage haulers. This department noted that the Master Plan for the park shows recreation and open space (with a trail, a nature area, and a botanical preserve) along the southern edge of the park. The department raised the question of who would pay for maintenance of the trail and botanical preserve.

PWC Water and Sewer Services-PWC Water has already been installed in both the eastern and western sections of Clark-West Road. PWC Sewer has already been installed in the eastern section of Clark-West Road. At the end of the eastern section of Clark-West Road, the PWC sewer turns south toward a sewer lift station. From that lift station, sewer is forced under the Cape Fear River toward the Rockfish Wastewater Treatment Plant, where the sewer is treated.

PWC Electrical and Street Light Services-PWC Electrical lines currently serve the sewer lift station (which is located along the southern edge of the park). It is from this sewer lift station that PWC would be able to serve other sites in the park with three-phase electrical power, if the South River EMC fails to make such service available. (The park is in the South River EMC Electrical Service Territory.) PWC does not currently serve the park with street lights.

Other Providers of Electrical and Street Light Services-Both Duke Energy and South River EMC have electrical lines near the park. However, this park is in an area designated as the South River EMC Service Territory. The interlocal agreement provides that if South River fails to provide three-phase electrical service to the park, then PWC will provide this. Regarding Street Lights, South River EMC does not currently serve the park with street lights. PWC reports that it will provide street lights, if South River EMC is unable to do so.

Compliance With Satellite Annexation Standards-There are five standards that a satellite annexation must meet in order to be annexed. This area meets the five standards, as shown in the attached ordinance.

Whether Annexation of the Park Might Discourage Industries and Businesses from Locating in the Park-If the park is annexed, industries and businesses that might locate in the park would have to pay City taxes. However, the interlocal agreement contains incentives to offset the higher City taxes. (For each year during a period of ten years, a project would receive a grant-back of 70% of the City taxes paid. For each year during a period of five years, a project would receive a grant-back of 50% of the County taxes paid.) If the park is annexed, industries and businesses would also have lower costs for PWC water and sewer, because PWC rates are less inside the City than outside the City. Finally, if the park is annexed, three-cycle electrical service will be available to industries and businesses that locate in the park.

Estimated Acreage-According to page 1 of the interlocal agreement, the Cedar Creek Industrial Park consists of 474 acres. However, according to the map drawn by the City staff and the legal description prepared by the City staff, the area to be annexed consists of 471.52 acres. There are three reasons for this difference. (1) The figure of 474 acres is based on the sum of the number of acres for the four original tracts that made up the park, as shown on the original plat for the park recorded in 1999 (at Plat Book 99, page 33). However, since 1999, a 5.501 acre tract at the entrance to the park was deeded to a church. (2) The annexation boundary includes the western section of Clark-West Road; the acreage of this road was probably not included in the original acreage of the park. (3) The annexation boundary runs along the eastern side of Evans Dairy

Road, rather than along the western boundary of Evans Dairy Road as shown on the original plat.

Effective Date: The 2011 changes to the state annexation law regarding effective dates did not apply to satellite areas. The law remains the same: a satellite annexation may be made effective immediately, or on any specified date within six months from the date of passage.

BUDGET IMPACT:

Analyzing the budgetary impact of an annexation involves comparing projected revenues with projected costs. Two situations are considered below.

Current Conditions in the Park:

Projected Revenues-There will be no property tax revenues, because all of the land in the park is currently vacant and owned by Cumberland County, which means the land is exempt from taxation. There will be no population-based revenues, because the area has no population.

Projected Costs-With no industries or businesses in the park, service demands should be minimal, so no service costs are projected. There would normally be the cost of contracting with the Vander Fire Department, but without any taxable value, these costs are projected as zero.

Future Conditions (As Development Occurs):

Projected Revenues-As industries and businesses begin to locate in the park, they will purchase sites, and these sites, along with new buildings, will become taxable. This means the City will receive property tax revenue. However, the amount of tax revenue to the City will be reduced by the incentives built into the interlocal agreement. (For each year over a period of ten years, a project will receive a grant-back of 70% of the City property taxes paid.) After a project has benefitted from the grant-back for ten years, the grant-back will end, and the City will then receive the full tax revenue from the project.

Projected Costs-Service demands will increase as industries and businesses locate in the park, but it is not possible to project these costs. There might be a cost for contracting with the Vander Fire Department, but it is not possible to project this cost at this time.

OPTIONS:

1. Adopt the Annexation Ordinance with an effective date of September 23, 2013, and include approval of the final initial zoning action consistent with the prior action on the zoning.
2. Adopt the Annexation Ordinance with an effective date within six of the date of passage of the ordinance, and include approval of the final initial zoning action consistent with the prior action on the zoning.
3. Do not adopt the Annexation Ordinance. This option means the industrial park would remain outside the City and the initial zoning would not occur. This option also means that the interlocal agreement (with the economic development incentives) would not go into effect.
4. Table action on the requested annexation.

RECOMMENDED ACTION:

City staff recommends Option 1: that the City Council moves to adopt the proposed ordinance annexing the area effective September 23, 2013, and establish the initial zoning consistent with the prior action on the zoning case. Annexing the area effective September 23, 2013 means that the interlocal agreement (with the economic development incentives) will become effective on September 23, 2013.

ATTACHMENTS:

Vicinity Map

Cedar Creek Industrial Park_Plat Book 99-Page 33

Preliminary Master Plan-Cedar Creek Industrial Park

Interlocal Agreement Re: Economic Development Incentives for Cedar Creek Industrial Park

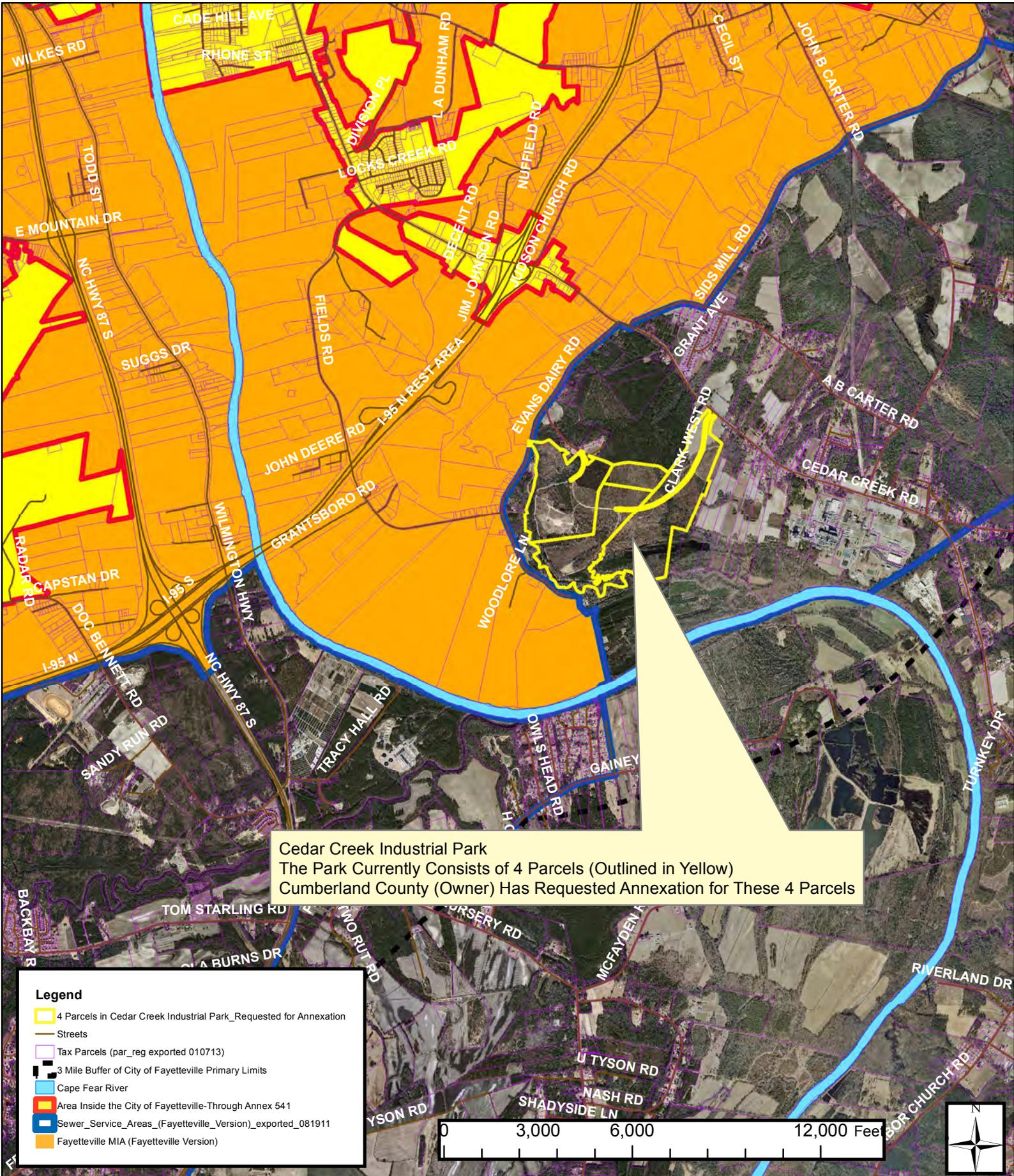
Sufficiency Memo

Basic Information Sheet About the Area

Proposed Ordinance

Legal Description Map

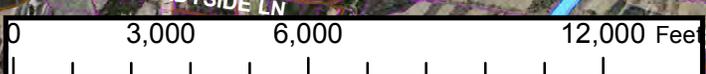
Vicinity Map
 Cedar Creek Industrial Park
 Cumberland County Has Requested Annexation of the 4 Parcels That Currently Make Up the Park



Cedar Creek Industrial Park
 The Park Currently Consists of 4 Parcels (Outlined in Yellow)
 Cumberland County (Owner) Has Requested Annexation for These 4 Parcels

Legend

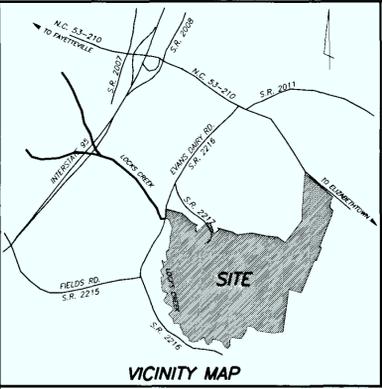
- 4 Parcels in Cedar Creek Industrial Park_Requested for Annexation
- Streets
- Tax Parcels (par_reg exported 010713)
- 3 Mile Buffer of City of Fayetteville Primary Limits
- Cape Fear River
- Area Inside the City of Fayetteville-Through Annex 541
- Sewer_Service_Areas_(Fayetteville_Version)_exported_081911
- Fayetteville MIA (Fayetteville Version)



State of North Carolina, CUMBERLAND County, RONALD DAVID PLUMMER, certify that this plat was drawn under my supervision from an actual survey made under my supervision (see description recorded in Book 08 shown, Page 10, etc.) that the boundaries not surveyed are clearly indicated by lines from information found in Book 08 shown, Page 10, etc. that the ratio of precision as calculated is 1"=300' and that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this day of FEBRUARY, A.D., 1999.

The survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land. The survey is of an existing parcel or parcels of land and does not create a new site plan or change an existing street.

Professional Surveyor Seal for Ronald D. Plummer, L-2763, Registration Number.



Professional Engineer Seal for Mason G. O'Brien, 2-23-99, Date.

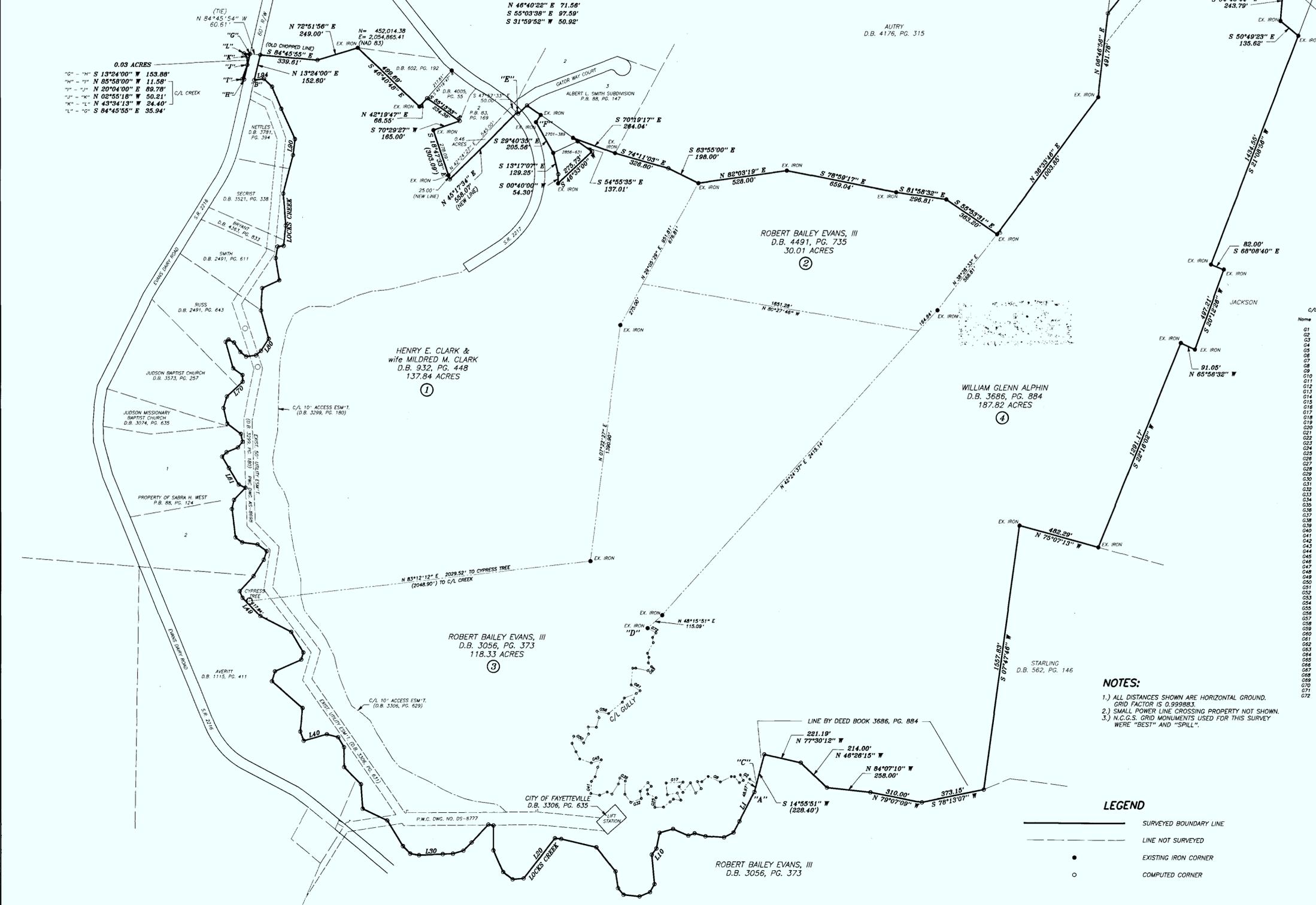


Table with 3 columns: Name, Bearing, Distance. Lists bearings and distances for various points along the Locks Creek line.

Table with 3 columns: Name, Bearing, Distance. Lists bearings and distances for various points along the Gully line.

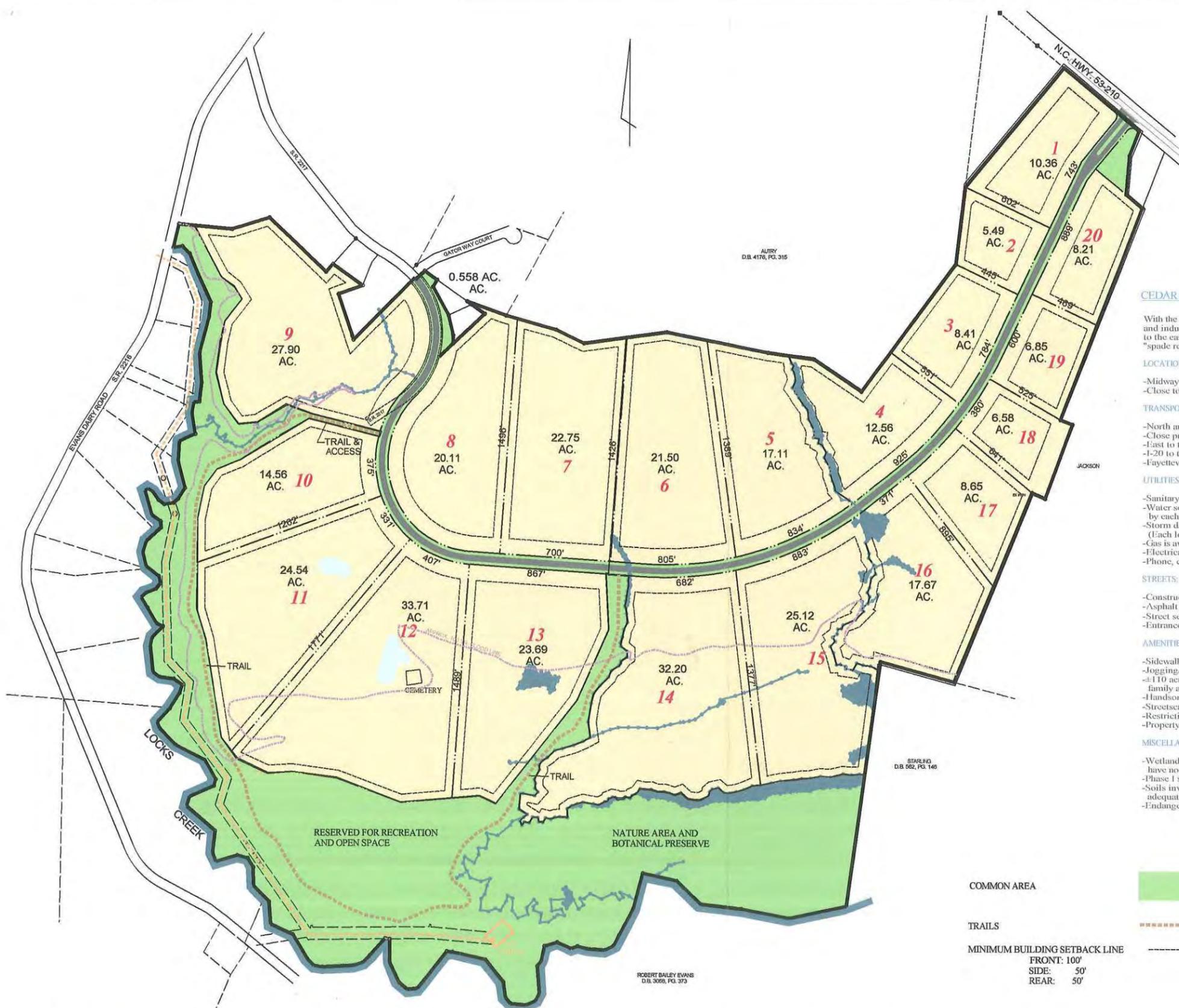
NOTES: 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND. GRID FACTOR IS 0.999883. 2) SMALL POWER LINE CROSSING PROPERTY NOT SHOWN. 3) N.C.S.G. GRID MONUMENTS USED FOR THIS SURVEY WERE "BEST" AND "SPILL".

LEGEND: SURVEYED BOUNDARY LINE, LINE NOT SURVEYED, EXISTING IRON CORNER, COMPUTED CORNER.

PROPERTY OF COUNTY OF CUMBERLAND CEDAR CREEK INDUSTRIAL PARK. CEDAR CREEK TWP. CUMBERLAND CO., N.C. SCALE: 1" = 300'. FEBRUARY 1999.



MOORMAN, KIZER & REITZEL, INC. 115 BROADFOOT AVE. FAYETTEVILLE, N.C. PHONE (910) 484-5191 FAX (910) 484-0388



CEDAR CREEK BUSINESS CENTER

With the development of Cedar Creek Business Center, an aesthetical environment for business and industry will be created in southeastern North Carolina. Located on NC 53, only one mile to the east of Interstate 95 By-Pass and the city of Fayetteville, NC, the park offers beautiful "spade ready sites" with strong attributes as listed below.

LOCATION:

- Midway on the Atlantic Seaboard.
- Close to northeast and southeast markets.

TRANSPORTATION:

- North and south on I-95 By-Pass.
- Close proximity to I-40 (30 minutes).
- East to the Port of Wilmington (90 minutes).
- I-20 to the west to Atlanta (90 minutes).
- Fayetteville Regional Airport only 10 minutes from site.

UTILITIES:

- Sanitary sewer services (minimum 6' depth) stubbed to each lot.
- Water services to be provided from installed 12" distribution main; size as required by each business.
- Storm drainage outlets provided for each lot to receive pre-construction 10 year storm. (Each lot required to retain difference between pre and post construction).
- Gas is available from North Carolina Natural Gas Corporation.
- Electrical distribution with on site substation and loop feed to insure redundancy.
- Phone, cable connectivity provided to insure high speed telecommunications.

STREETS:

- Constructed to "Industrial Standards"
- Asphalt paving, concrete curb and gutters and storm drainage
- Street section is 41 ft. in width provides for future turn lane.
- Entrance has divided median.

AMENITIES:

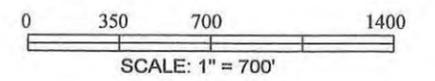
- Sidewalks along street.
- Jogging/nature trail connecting from sidewalk along creek.
- ±110 acres of common area with areas for nature preserve, sports fields, open play, family activities and picnics.
- Handsome entrance signage and landscaping.
- Streetscape planting.
- Restrictive signage and wayfinding throughout the Park.
- Property Owners Association formed to insure integrity of common areas.

MISCELLANEOUS:

- Wetlands were located and the Park planned to minimize impacts-building sizes should have no impacts.
- Phase I surveys have been completed and no problems determined.
- Soils investigations have been completed and reports are available generally supporting adequate soil bearing capacity with minor alterations for light weight structures.
- Endangered species - A survey has been completed and no endangered species were found.

- COMMON AREA
- TRAILS
- MINIMUM BUILDING SETBACK LINE
FRONT: 100'
SIDE: 50'
REAR: 50'

PRELIMINARY



**INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE
AND CUMBERLAND COUNTY RELATED TO ECONOMIC DEVELOPMENT
INCENTIVES PROGRAM FOR CEDAR CREEK INDUSTRIAL PARK**

THIS INTERLOCAL AGREEMENT is entered into between the CITY OF FAYETTEVILLE, Cumberland County, North Carolina, (“City”), and CUMBERLAND COUNTY, North Carolina, (“County”) for the purpose of establishing an economic development incentive program for the Cedar Creek Industrial Park.

WITNESSETH:

Whereas, the County owns the 474-acre Cedar Creek Industrial Park (“the Park”) in Cedar Creek Township, Cumberland County, as shown on the plat recorded in Plat Book 99 at page 33 in the Cumberland County Register of Deeds; and

Whereas, the County developed the Park for the purpose of providing sites for the location of new industries and businesses in the County to increase employment and the tax base; and

Whereas, no industries or businesses have located in the Park since its development; and

Whereas, the County has installed the infrastructure necessary to provide water and wastewater service to the Park; and

Whereas, City policy supports annexation prior to the extension of new water or wastewater service; and

Whereas, the Park is not currently within the City; and

Whereas, three-phase electrical power service is not currently available in the Park; and

Whereas, the City has installed three-phase electrical power service to its wastewater pump station on site and is willing and able to extend that service to other lots in the Park; and

Whereas, the South River Electric Membership Corporation (“South River”) has also offered to extend three-phase power to the Park; and

Whereas, the governing bodies of both the County and the City believe that removing all impediments to development and specifically ensuring that all utilities are readily available, is essential to the effective marketing of the Park for industrial and business sites; and

Whereas, both the City and the County believe that the effective marketing of the Cedar Creek Industrial Park is in the best interests of their respective constituencies.

Now therefore, in consideration of the mutual covenants and promises stated below, the County and the City agree as follows:

1. **ANNEXATION PETITION.** This agreement shall be construed to constitute a petition by the County for the annexation of the entire Park into the City pursuant to G.S. § 160A-58.1, (legal description and map attached) subject to all the conditions set forth herein.

2. **STATUTORY REQUIREMENTS.** The City acknowledges that it has determined that this annexation will comply with all applicable statutory requirements.

3. **WATER AND SEWER INFRASTRUCTURE.** The parties acknowledge that ownership of the water and sewer infrastructure installed by the County in the Park is vested in the City pursuant to the prior agreement of the parties.

4. **STREET INFRASTRUCTURE.** The parties acknowledge that ownership of the street and curbing installed in the Park and designated as “Clark West Road” and all the right-of-way or easements in which the street, curbing and utilities are located, all as shown on the plat entitled “R/W Dedication Clark West Road Cedar Creek Industrial Park” filed in Plat Book 117 at page 26, shall vest in the City upon the annexation.

5. **UTILITY SERVICE.** The City, through its Public Works Commission, shall construct the necessary infrastructure for the provision water, wastewater, and of three-phase electrical power service to the Park, should South River fail to make such available, at no cost to the County.

5.1. The City’s obligation to provide the utility service to the Park shall arise at such time as the County shall notify the City that a business, industry or tenant shall occupy any site in the Park. The City shall coordinate the installation of the electric power, should South River fail to respond to said notification from the County on a timely basis, and other utility service infrastructure with the construction of such industrial and business facilities so that the electrical service needed by any business, industry or tenant is available at such time as the construction of the business or industrial facility is completed.

5.2. Service will be provided in the right-of-way adjacent to the service lot without any cost to the service tenant. Standard service connection charges and connection costs,

including on necessary on site improvements, will be the responsibility of the service tenant.

6. **ZONING.** Upon annexation, the City shall zone the Park with the City zoning classification that most closely matches the zoning classification in which the Park was placed by the County when it was in the County's zoning jurisdiction and the City shall maintain zoning classifications in the Park that are appropriate for a broad range of manufacturing, industrial and business uses.

7. **SUBDIVISION.** The City shall accommodate the further subdivision of the Park by the County for its intended use for industrial and business purposes. The County acknowledges that any further subdivision of the Park shall be subject to the City's subdivision and development controls.

8. **ECONOMIC DEVELOPMENT INCENTIVES.** The governing boards of the County and the City acknowledge that the industrial and business development of the Park will be of mutual benefit to their respective jurisdictions by enhancing the growth of jobs and the tax base. In furtherance of that mutual benefit, and as particular consideration for this agreement, the parties shall provide economic development incentives to any industry or business locating within the Park outside the scope of the parties' existing joint economic development incentives policy. For any project locating within the Park which otherwise qualifies for economic development incentives under the parties' existing joint economic development policy, the County and the City shall provide the economic development incentives set forth below. In the event the parties' existing joint economic development incentives policy should be amended, the amended joint economic development incentives policy shall be used to determine whether a project locating in the Park otherwise qualifies for economic development incentives. In the event the parties' existing joint economic development incentives policy is rescinded by either party, the County shall determine whether a project locating in the Park otherwise qualifies for economic development incentives.

8.1. **COUNTY INCENTIVES.** The term of years for which any project shall be granted economic development incentives by the County shall be five years, commencing in the first full calendar year that the project's facility has been constructed and equipped and the project has employed the number of employees it has obligated to employ. For each year of the five-year term for which the project complies with its obligations under

any incentive agreement, the County shall pay cash incentives calculated as grant-back of 50% of the County's property taxes actually paid by the project.

8.2. CITY INCENTIVES. The term of years for which any project shall be granted economic development incentives by the City shall be ten years, commencing in the first full calendar year that the project's facility has been constructed and equipped and the project has employed the number of employees it has obligated to employ. For each year of the ten-year term for which the project complies with its obligations under any incentives agreement, the City shall pay cash incentives calculated as a grant-back of 70% of the City's property taxes actually paid by the project.

8.3. INDUCEMENT AUTHORIZED. By this agreement, the governing boards of each of the parties confer upon any agency which has been given the authority to engage in economic development activities on behalf of the parties, the right to rely on this agreement as a binding offer of economic development incentives to those projects locating in the Park and otherwise eligible for economic development incentives.

9. EFFECTIVE DATE. This agreement shall become effective upon the effective date of the annexation as requested in Paragraph 1.

10. TERM. This agreement shall remain in effect for as long as the County owns a developable lot within the Park and continuing until the parties' obligations as set out in Section 8 have been fully satisfied.

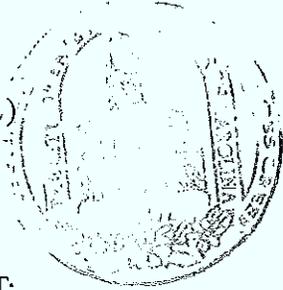
11. TERMINATION. Pursuant to NCGS 158-7.4, this agreement may only be terminated or amended by mutual agreement of the parties.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 25th day of March, 2013,

CITY OF FAYETTEVILLE

(SEAL)



By: Anthony G. Chavonne
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Pamela Megill
PAMELA MEGILL, City Clerk

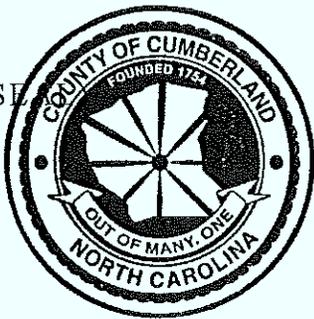
Approved for legal sufficiency:

Robert M. Howell
City Attorney

Approved and adopted at the regular meeting of the Cumberland County Board of Commissioners held April 15, 2013.

CUMBERLAND COUNTY

(SEAL)



By: Jimmy Keefe
JIMMY KEEFE, Chairman
Cumberland County Board of Commissioners

ATTEST:

Candice N. White
CANDICE WHITE, Clerk
Cumberland County Board of Commissioners

Approved for legal sufficiency:

A. Monroff
County Attorney

Legal Description of the Cedar Creek Industrial Park Annexed by the City of Fayetteville

Being that property located in Cedar Creek Township, Cumberland County, North Carolina, as shown on the plat entitled, "Property of County of Cumberland Cedar Creek Industrial Park," prepared by Moorman, Kizer & Reitzel, Inc, February, 1999, and recorded in the Office of the Cumberland County Register of Deeds in Plat Book 99 at page 33, to which plat reference is made for a complete metes and bounds description, save and except that parcel conveyed to Falling Run Missionary Baptist Church by the deed from County of Cumberland dated December 20, 2002, and recorded in the Office of the Cumberland County Register of Deeds in Deed Book 5950 at page 018, consisting of approximately 5.501 acres.

MEMO

To: David Nash, Planning Department

From: Brandy R. Bishop, Senior Paralegal

CC: To the file

Date: July 22, 2013/Updated August 9, 2013

Re: Sufficiency of Annexation Petition

SIGNERS OF THE PETITION: County of Cumberland
Signed by Jimmy Keefe, Chairman for the
Cumberland County Board of Commissioners

County of Cumberland per recorded Deed 5044, Page 76, is the record owner for the 137.84 acre tract. **County of Cumberland** per recorded Deed 5041, Page 322, is the record owner for the 30.01 acre tract and the 117.03 acre tract. **County of Cumberland** per Deed 5040, Page 851, is the record owner for the 174.44 acre tract.

- 1: 0455-50-4306- 137.84 Acres (Tract 1 Plat Book 99, Page 33)
- 2: 0455-70-6817- 30.01 Acres (Tract 2 Plat Book 99, Page 33)
- 3: 0454-69-6034- 117.03 Acres (Major Portion of Tract 3 Plat Book 99, Page 33)
- 4: 0455-80-9154- 174.44 Acres (Major Portion of Tract 4 Plat Book 99, Page 33)

My search ended August 8, 2013 at 8:00 a.m.

This petition is now sufficient!

BASIC INFORMATION ABOUT THE AREA
Information Updated as of: September 12, 2013
Date Request & Legal Description Received: 7/3/13
Ordinance Adoption Date: / Effective Date:

1. Name of Area:	Cedar Creek Industrial Park-Cedar Creek Road
2. Name of Owner:	Cumberland County
3. General Location/Address/ Directions to Property:	<u>General Location:</u> East of the City of Fayetteville, along Cedar Creek Road, east of I-95. <u>Address:</u> Not yet assigned <u>Directions:</u> Get on Cedar Creek Road. Cross I-95. Go about 1.5 miles beyond I-95. Turn right on Clark-West Road, which is the main entrance to park.
4. Tax Identification Number (PIN):	4 parcels make up the park: 0455-50-4306, 0455-70-6817, 0454-69-6034, 0455-80-9154.
5. Fire Department Affected by Annexation:	0101-Vander
6. Is the Area Contiguous?	No
7. Is the Area in the Fayetteville MIA (Municipal Influence Area)?	No (but area is in the Sewer Service Area)
8. Type of Annexation:	Petition-initiated non-contiguous (satellite) area
9. Background:	Around 1999, Cumberland County began developing the Cedar Creek Industrial Park. The County has made a major investment in planning/design, land, and infrastructure. Part of a road (Clark-West Road) has been built, and PWC water and sewer have been installed. However, the land in the park is still vacant. The City and County staffs have negotiated an interlocal agreement that would bring the park into the City and establish a specific package of development incentives designed to mitigate the tax consequences of annexation. Both the City Council and the County Commissioners have approved the interlocal agreement.
10. Reason the Annexation was Proposed:	Section 1 of the interlocal agreement provides that the agreement shall be construed to constitute a petition by the County for the annexation of the entire park into the City.
11. Number of Acres in Area:	474 (according to the annexation agreement); 471.52 acres (according to City's legal description)
12. Type of Development in Area:	Industrial Park (all development sites in the park are currently vacant)
13. Present Conditions:	a. <u>Present Land Use:</u> Vacant b. <u>Present Number of Housing Units:</u> 0 c. <u>Present Demographics:</u> Total Pop=0 d. <u>Present Streets:</u> Two sections of one street have been built (Clark-West Road) e. <u>Water and Sewer Service:</u> PWC water is available. PWC sewer is available. f. <u>Electrical:</u> Based on GIS, a PWC electrical line currently serves a PWC sewer pump station located in the southern part of the park. g. <u>Present Tax Value:</u> \$0. Reason: land is owned by County, so it is exempt.
14. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> To market and sell the development sites in the park to businesses and industries. b. <u>Development Controls</u> 1. <u>Land Use Plan</u> a. <u>2010 Plan-Heavy Industrial and Open Space</u> 2. <u>Zoning</u> a. <u>Current Zoning in County:</u> M(P) b. <u>Requested Zoning After Annexation:</u> HI 3. <u>In Fay Airport Impact Zone?</u> -No 4. <u>In Fay Airport Overlay District?</u> -No 5. <u>In Simmons Airfield Noise Contour?</u> No 6. <u>Plans Already Approved by County?</u> Yes. (Case 01-107, as of 4/7/06)
15. Expected Future Conditions:	a. <u>Future Land Use:</u> Industrial Park b. <u>Future Number of Housing Units:</u> Total=0 (0 HU x 90% occupancy rate*=0 occupied HU) * Based on 2010 Census data for Fayetteville c. <u>Future Demographics:</u> Total Pop=0 (0 occupied HU x 2.45 avg household size*=0) *Based on 2010 Census data for Fayetteville d. <u>Future Streets:</u> It is anticipated that the two sections of Clark-West Road will eventually connect with each other. e. <u>Water and Sewer Service:</u> Water and sewer expected to be provided by PWC. f. <u>Electric Service-</u> Three-phase electrical service-by either PWC or South River. g. <u>Future Tax Value:</u> Cannot be projected, because type of tenants is not known.

Annexation Ordinance No: _____

**Cedar Creek Industrial Park-
Located on Cedar Creek Road-
Includes 4 Tax Parcels- (0455-50-
4306, 0455-70-6817, 0454-69-6304,
0455-80-9154)**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF FAYETTEVILLE, NORTH CAROLINA**

WHEREAS, the Fayetteville City Council and the Cumberland County Board of Commissioners have both adopted an interlocal agreement related to an economic development incentive program for the Cedar Creek Industrial Park; and

WHEREAS, Section 1 of the agreement said, “This agreement shall be construed to constitute a petition by the County for the annexation of the entire Park into the City pursuant to G.S. Section 160A-58.1, (legal description and map attached) subject to all the conditions set forth herein;” and

WHEREAS, the City Council has treated the request from the County to be an annexation petition under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the City of Fayetteville has investigated the sufficiency of the petition; and

WHEREAS, the City of Fayetteville has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on September 23, 2013, after due notice by publication on September 13, 2013; and

WHEREAS, the City Council further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the City of Fayetteville;
- b. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another municipality than to the primary corporate limits of the City of Fayetteville;

- c. The area described is so situated that the City of Fayetteville will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Fayetteville;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous property owned by Cumberland County (consisting of 471.52 acres more or less) is hereby annexed and made part of the City of Fayetteville, North Carolina as of September 23, 2013:

**Metes and Bounds Legal Description
for the Annexation of the Cedar Creek Industrial Park
(Prepared by Staff of City Real Estate Division)**

BEGINNING at a point located in the western margin of NC HWY 58-210, said point also being the northernmost corner of Tract 4, per a plat entitled “PROPERTY OF COUNTY OF CUMBERLAND CEDAR CREEK INDUSTRIAL PARK”, duly recorded in Book of Plats 99, Page 33, Cumberland County registry and running thence South 50 degrees 40 minutes 03 seconds East 343.19 feet to a point; thence South 39 degrees 25 minutes 50 seconds West 139.61 feet to a point; thence with an arc of a curve to the left having a radius of 350 feet a distance of 202.62 feet to a point having a chord bearing and distance of South 22 degrees 50 minutes 46seconds West 199.80 feet to a point; thence South 10 degrees 40 minutes 11 seconds West 147.71 feet to a point; thence South 06 degrees 46 minutes 56 seconds West 133.41 feet to a point; thence South 83 degrees 13 minutes 04 seconds East 20.30 feet to a point; thence South 50 degrees 49 minutes 23 seconds East 479.36 feet to a point; thence South 21 degrees 08 minutes 56 seconds West 1224.22 feet to a point; thence South 68 degrees 08 minutes 40 seconds East 82.00 feet to a point; thence South 20 degrees 12 minutes 26 seconds West 497.21 feet to a point; thence North 65 degrees 56 minutes 32 seconds West 91.05 feet to a point; thence South 22 degrees 16 minutes 02 seconds West 1291.17 feet to a point; thence North 75 degrees 07 minutes 13 seconds West 482.29 feet to a point; thence South 07 degrees 47 minutes 46 seconds West 1557.83 feet to a point; thence South 78 degrees 13 minutes 07 seconds West 373.15 feet to a point; thence North 79 degrees 07 minutes 09 seconds West 310.00 feet to a point; thence North 84 degrees 07 minutes 10 seconds West 258.00 feet to a point; thence North 46 degrees 26 minutes 15

seconds West 214.00 feet to a point; thence North 77 degrees 30 minutes 12 seconds West 221.19 feet to a point; thence South 14 degrees 55 minutes 51 seconds West 228.40 feet to a point; thence South 27 degrees 37 minutes 24 seconds West 191.75 feet to a point; thence South 27 degrees 56 minutes 45 seconds West 75.25 feet to a point; thence South 62 degrees 41 minutes 30 seconds West 62.20 feet to a point; thence North 86 degrees 21 minutes 34 seconds West 110.59 feet to a point; thence North 74 degrees 49 minutes 45 seconds West 66.38 feet to a point; thence South 69 degrees 05 minutes 31 seconds West 39.68 feet to a point; thence North 66 degrees 35 minutes 12 seconds West 98.51 feet to a point; thence South 74 degrees 07 minutes 41 seconds West 82.54 feet to a point; thence South 11 degrees 32 minutes 54 seconds West 94.14 feet to a point; thence South 37 degrees 44 minutes 03 seconds West 44.64 feet to a point; thence South 05 degrees 16 minutes 00 seconds East 172.38 feet to a point; thence South 28 degrees 36 minutes 54 seconds West 53.86 feet to a point; thence South 66 degrees 45 minutes 38 seconds West 66.51 feet to a point; thence North 83 degrees 56 minutes 53 seconds West 95.74 feet to a point; thence North 40 degrees 33 minutes 33 seconds West 49.95 feet to a point; thence North 08 degrees 41 minutes 07 seconds West 100.06 feet to a point; thence North 39 degrees 06 minutes 14 seconds West 180.57 feet to a point; thence North 77 degrees 03 minutes 37 seconds West 212.63 feet to a point; thence North 84 degrees 27 minutes 47 seconds West 37.33 feet to a point; thence South 38 degrees 17 minutes 43 seconds West 297.30 feet to a point; thence South 84 degrees 21 minutes 46 seconds West 66.06 feet to a point; thence North 51 degrees 22 minutes 03 seconds West 71.56 feet to a point; thence North 25 degrees 07 minutes 00 seconds West 137.41 feet to a point; thence North 00 degrees 04 minutes 58 seconds East 146.56 feet to a point; thence North 81 degrees 33 minutes 05 seconds West 30.41 feet to a point; thence South 42 degrees 36 minutes 34 seconds West 144.58 feet to a point; thence South 45 degrees 45 minutes 46 seconds West 67.82 feet to a point; thence South 73 degrees 14 minutes 39 seconds West 64.96 feet to a point; thence South 87 degrees 30 minutes 35 seconds West 60.62 feet to a point; thence South 87 degrees 23 minutes 01 seconds West 139.32 feet to a point; thence North 81 degrees 10 minutes 55 seconds West 53.24 feet to a point; thence North 44 degrees 04 minutes 56 seconds West 62.36 feet to a point; thence North 31 degrees 30 minutes 15 seconds West 177.30 feet to a point; thence North 65 degrees 06 minutes 27 seconds West 158.39 feet to a point; thence North 04 degrees 10 minutes 57 seconds West 142.50 feet to a point; thence North 44 degrees 31 minutes 59 seconds West 141.83 feet to a point; thence North 00 degrees 24 minutes 03 seconds West 115.22 feet to a point; thence North 31 degrees 20 minutes 57 seconds West 67.37 feet to a point; thence North 75 degrees 42 minutes 30 seconds West 68.95 feet to a point; thence South 74 degrees 13 minutes 31 seconds West 141.57 feet to a point; thence North 20 degrees 55 minutes 28 seconds West 59.64 feet to a point; thence North 06 degrees 13 minutes 31 seconds West 138.29 feet to a point; thence North 49 degrees 11 minutes 34 seconds West 238.81 feet to a point; thence North 16 degrees 30 minutes 48 seconds East 61.97 feet to a point; thence North 66 degrees 11 minutes 53 seconds East 170.12 feet to a point; thence North 16 degrees 10 minutes 59

seconds East 42.09 feet to a point; thence North 30 degrees 42 minutes 16 seconds West 140.51 feet to a point; thence North 62 degrees 49 minutes 25 seconds West 205.29 feet to a point; thence North 44 degrees 49 minutes 40 seconds West 148.07 feet to a point; thence North 22 degrees 55 minutes 08 seconds West 41.40 feet to a point; thence North 42 degrees 33 minutes 21 seconds East 120.27 feet to a point; thence North 32 degrees 04 minutes 06 seconds East 113.39 feet to a point; thence North 19 degrees 18 minutes 45 seconds East 53.40 feet to a point; thence North 54 degrees 50 minutes 39 seconds West 66.43 feet to a point; thence North 82 degrees 39 minutes 34 seconds West 91.98 feet to a point; thence North 53 degrees 21 minutes 26 seconds West 50.07 feet to a point; thence North 06 degrees 45 minutes 08 seconds West 167.59 feet to a point; thence North 13 degrees 42 minutes 21 seconds East 54.23 feet to a point; thence North 43 degrees 52 minutes 47 seconds East 97.59 feet to a point; thence North 65 degrees 03 minutes 58 seconds West 44.23 feet to a point; thence North 30 degrees 40 minutes 57 seconds West 113.56 feet to a point; thence North 31 degrees 08 minutes 35 seconds West 78.10 feet to a point; thence North 45 degrees 11 minutes 49 seconds East 36.73 feet to a point; thence North 67 degrees 44 minutes 51 seconds East 73.33 feet to a point; thence North 38 degrees 47 minutes 26 seconds East 42.92 feet to a point; thence North 12 degrees 10 minutes 12 seconds West 46.07 feet to a point; thence North 52 degrees 42 minutes 07 seconds West 101.86 feet to a point; thence North 13 degrees 15 minutes 17 seconds West 92.76 feet to a point; thence North 16 degrees 58 minutes 54 seconds East 71.03 feet to a point; thence North 47 degrees 25 minutes 10 seconds East 127.39 feet to a point; thence North 02 degrees 52 minutes 22 seconds West 39.51 feet to a point; thence North 54 degrees 16 minutes 49 seconds West 68.35 feet to a point; thence North 15 degrees 59 minutes 00 seconds West 159.57 feet to a point; thence North 52 degrees 29 minutes 12 seconds East 21.98 feet to a point; thence North 52 degrees 29 minutes 12 seconds East 21.98 feet to a point; thence South 61 degrees 45 minutes 33 seconds East 36.16 feet to a point; thence South 34 degrees 31 minutes 59 seconds East 65.38 feet to a point; thence South 51 degrees 54 minutes 59 seconds East 44.07 feet to a point; thence North 82 degrees 38 minutes 21 seconds East 59.34 feet to a point; thence North 48 degrees 26 minutes 47 seconds East 39.50 feet to a point; thence North 32 degrees 41 minutes 25 seconds East 82.86 feet to a point; thence North 15 degrees 12 minutes 16 seconds West 173.04 feet to a point; thence North 03 degrees 50 minutes 53 seconds East 128.90 feet to a point; thence North 65 degrees 10 minutes 02 seconds East 110.52 feet to a point; thence North 09 degrees 15 minutes 13 seconds West 133.14 feet to a point; thence North 09 degrees 57 minutes 29 seconds East 67.66 feet to a point; thence North 81 degrees 53 minutes 42 seconds East 35.68 feet to a point; thence North 06 degrees 00 minutes 09 seconds East 118.75 feet to a point; thence North 04 degrees 10 minutes 26 seconds West 188.66 feet to a point; thence North 14 degrees 21 minutes 33 seconds East 233.56 feet to a point; thence North 06 degrees 56 minutes 51 seconds East 94.37 feet to a point; thence North 24 degrees 43 minutes 50 seconds West 195.24 feet to a point; thence North 2 degrees 24 minutes 19 seconds West 139.07 feet to a point; thence North 45 degrees 40 minutes 49

seconds West 65.04 feet to a point; thence South 81 degrees 58 minutes 00 seconds West 58.56 feet to a point; thence North 13 degrees 24 minutes 00 seconds East 152.60 feet to a point; thence South 84 degrees 45 minutes 55 seconds East 339.61 feet to a point; thence North 72 degrees 51 minutes 56 seconds East 249.00 feet to a point; thence South 46 degrees 40 minutes 48 seconds East 499.69 feet to a point; thence North 42 degrees 19 minutes 47 seconds East 66.55 feet to a point; thence South 55 degrees 13 minutes 33 seconds East 234.38 feet to a point; thence South 70 degrees 29 minutes 27 seconds West 165.00 feet to a point; thence South 18 degrees 47 minutes 33 seconds East 303.09 feet to a point; thence North 45 degrees 17 minutes 34 seconds East 558.07 feet to a point; thence South 47 degrees 57 minutes 33 seconds East 9.99 feet to a point; thence North 46 degrees 40 minutes 22 seconds East 71.56 feet to a point; thence South 55 degrees 03 minutes 38 seconds East 97.59 feet to a point; thence South 31 degrees 59 minutes 52 seconds West 50.92 feet to a point; thence South 29 degrees 40 minutes 35 seconds East 205.56 feet to a point; thence South 13 degrees 17 minutes 07 seconds East 129.25 feet to a point; thence South 00 degrees 40 minutes 00 seconds West 54.30 feet to a point; thence North 46 degrees 33 minutes 00 seconds East 275.73 feet to a point; thence North 54 degrees 55 minutes 35 seconds West 137.01 feet to a point; thence South 70 degrees 19 minutes 17 seconds East 264.04 feet to a point; thence South 74 degrees 11 minutes 03 seconds East 326.80 feet to a point; thence South 63 degrees 55 minutes 00 seconds East 198.00 feet to a point; thence North 82 degrees 03 minutes 19 seconds East 528.00 feet to a point; thence South 78 degrees 59 minutes 17 seconds East 659.04 feet to a point; thence South 81 degrees 58 minutes 32 seconds East 296.81 feet to a point; thence South 55 degrees 53 minutes 31 seconds East 363.20 feet to a point; thence North 36 degrees 33 minutes 46 seconds East 1003.85 feet to a point; thence North 06 degrees 46 minutes 56 seconds East 491.78 feet to a point; thence North 39 degrees 25 minutes 50 seconds East 994.32 feet **TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 471.52 ACRES MORE OR LESS.**

LESS AND EXCEPTING all of that 0.34 acre tract commonly known as the PWC Lift Station Site, said tract was conveyed to the City of Fayetteville, by Deed Book 3306, Page 635, Cumberland County Registry and being more particularly described as follows:

PIN#: 0454-67-3469-

TO REACH THE POINT OF BEGINNING, BEGIN at a point North 87 degrees 12 minutes East 1520.07 feet from an existing iron pipe at the eastern-most corner of the Geiger Property recorded in Book 2693, Page 15, Cumberland County, North Carolina Registry (the bearing on Geiger's southeast line being North 32 degrees 30 minutes East) and running thence North 48 degrees 30 minutes East, 150.00 feet to a point; thence South 41 degrees 30 minutes East 100.00 feet to a point; thence South 48

degrees 30 minutes West 150.00 feet to a point; thence North 41 degrees 30 minutes West, 100.00 feet to THE POINT AND PLACE OF BEGINNING CONTAINING 0.34 ACRES, MORE OR LESS.

Section 2. Upon and after September 23, 2013, the above-described area (consisting of 471.52 acres more or less) and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville, North Carolina and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville of North Carolina. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Fayetteville shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed area, described in Section 1, together with a certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections as required by G.S. 163-288.1.

Adopted this ___ day of _____, 20__.

Anthony G. Chavonne, Mayor

ATTEST _____
Pamela Megill, City Clerk

EXHIBIT B

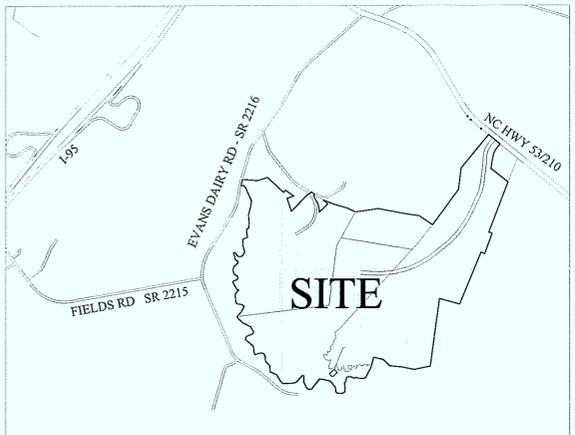
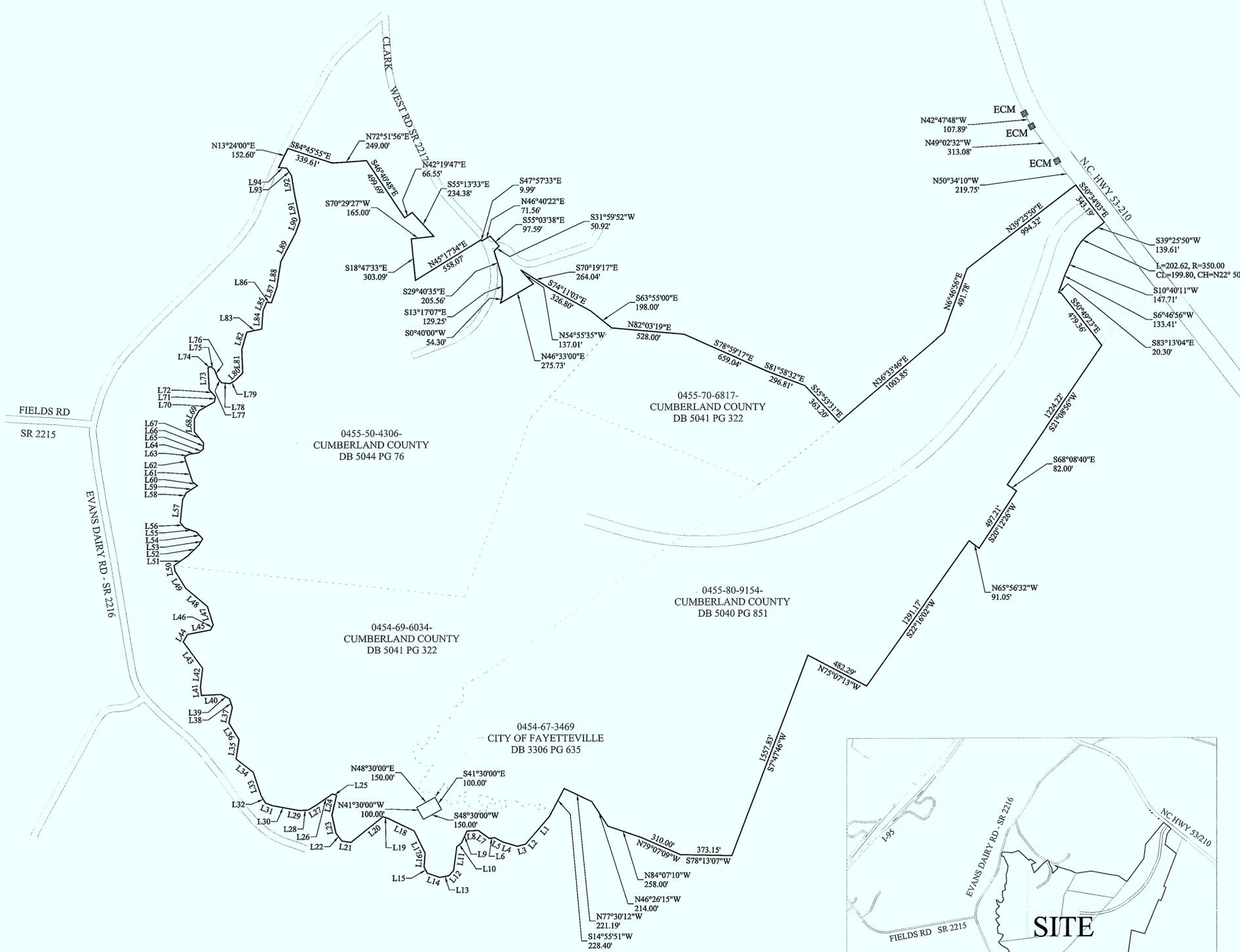
THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

ANNEXATION AREA

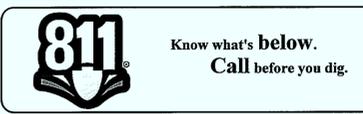
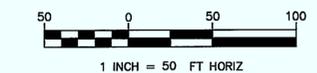
REFERENCES:

- PLAT BOOK 117 PAGE 26
- PLAT BOOK 99 PAGE 33
- PLAT BOOK 168 PAGE 4
- PLAT BOOK 78 PAGE 16
- DEED BOOK 4461 PAGE 63

C/L Locks Creek			C/L Locks Creek		
Line #	Length	Direction	Line #	Length	Direction
L1	191.75	S27° 37' 24.00"W	L48	205.29	N62° 49' 25.00"W
L2	75.25	S27° 56' 45.00"W	L49	148.07	N44° 49' 40.00"W
L3	62.20	S62° 41' 30.00"W	L50	41.40	N22° 55' 08.00"W
L4	110.59	N86° 21' 34.00"W	L51	120.27	N42° 33' 21.00"E
L5	66.38	N74° 49' 45.00"W	L52	113.39	N32° 04' 06.00"E
L6	39.68	S69° 05' 31.00"W	L53	53.40	N19° 18' 45.00"E
L7	98.51	N66° 35' 12.00"W	L54	66.43	N54° 50' 39.00"W
L8	82.54	S74° 07' 41.00"W	L55	91.98	N82° 39' 34.00"W
L9	94.14	S11° 32' 54.00"W	L56	50.07	N53° 21' 26.00"W
L10	44.64	S37° 44' 03.00"W	L57	167.59	N6° 45' 08.00"W
L11	172.38	S5° 16' 56.00"E	L58	54.23	N13° 42' 21.00"E
L12	53.86	S28° 36' 54.00"W	L59	97.59	N43° 52' 47.00"E
L13	66.51	S66° 45' 38.00"W	L60	44.23	N65° 03' 58.00"W
L14	95.74	N83° 56' 53.00"W	L61	113.56	N30° 40' 57.00"W
L15	49.95	N40° 33' 33.00"W	L62	78.10	N31° 08' 35.00"W
L16	100.06	N8° 41' 07.00"W	L63	36.73	N45° 11' 49.00"E
L17	180.57	N39° 06' 14.00"W	L64	73.33	N67° 44' 51.00"E
L18	212.63	N77° 03' 37.00"W	L65	42.92	N38° 47' 26.00"E
L19	37.33	N84° 27' 47.00"W	L66	46.07	N12° 10' 12.00"W
L20	297.30	S38° 17' 43.00"W	L67	101.86	N52° 42' 07.00"W
L21	66.06	S84° 21' 46.00"W	L68	92.76	N13° 15' 17.00"W
L22	71.56	N51° 22' 03.00"W	L69	71.03	N16° 58' 54.00"E
L23	137.41	N25° 07' 00.00"W	L70	127.39	N47° 25' 10.00"E
L24	146.56	N0° 04' 58.00"E	L71	39.51	N2° 52' 22.00"W
L25	30.41	N81° 33' 05.00"W	L72	68.35	N54° 16' 49.00"W
L26	144.58	S42° 36' 34.00"W	L73	159.57	N15° 59' 00.00"W
L27	67.82	S45° 45' 46.00"W	L74	21.98	N52° 29' 12.00"E
L28	64.96	S73° 14' 39.00"W	L75	36.16	S61° 45' 33.00"E
L29	60.62	S87° 30' 35.00"W	L76	65.38	S34° 31' 59.00"E
L30	139.32	S87° 23' 01.00"W	L77	44.07	S51° 54' 59.00"E
L31	53.24	N81° 10' 55.00"W	L78	59.34	N82° 38' 21.00"E
L32	62.36	N44° 04' 56.00"W	L79	39.50	N48° 26' 47.00"E
L33	177.30	N31° 30' 15.00"W	L80	82.86	N32° 41' 25.00"E
L34	158.39	N65° 06' 27.00"W	L81	173.04	N15° 12' 16.00"W
L35	142.50	N4° 10' 57.00"W	L82	128.90	N3° 50' 53.00"E
L36	141.83	N44° 31' 59.00"W	L83	110.52	N65° 10' 02.00"E
L37	115.22	N0° 24' 03.00"W	L84	133.14	N9° 15' 13.00"W
L38	67.37	N31° 20' 57.00"W	L85	67.66	N9° 57' 29.00"E
L39	68.95	N75° 42' 30.00"W	L86	35.68	N81° 53' 42.00"E
L40	141.57	S74° 13' 31.00"W	L87	118.75	N6° 00' 09.00"E
L41	59.64	N20° 55' 28.00"W	L88	188.66	N4° 10' 26.00"W
L42	138.29	N6° 13' 31.00"W	L89	233.56	N14° 21' 33.00"E
L43	238.81	N49° 11' 34.00"W	L90	94.37	N6° 56' 51.00"E
L44	61.97	N16° 30' 48.00"E	L91	195.24	N24° 43' 50.00"W
L45	170.12	N66° 11' 53.00"E	L92	139.07	N22° 24' 19.00"W
L46	42.09	N16° 10' 59.00"E	L93	65.04	N45° 40' 49.00"W
L47	140.51	N30° 42' 16.00"W	L94	58.56	S81° 58' 00.00"W



VICINITY MAP



REV. #	DESCRIPTION	REV. BY	DATE
REVISIONS			

DRAWN : C. ALLEN	PROJECT NAME
DESIGN : C. ALLEN	NAME : PROJECT NAME
CHECK : C. ALLEN	SCALE : 1"=400'
APPROVED : G. RODRIGUEZ	DATE : 7/5/2013

PROPOSED ANNEXATION
CEDAR CREEK INDUSTRIAL PARK
± 471.52 ACRES

PLAN TYPE:	SHEET NUMBER
	1 OF 1

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Rochelle Small-Toney, Deputy City Manager
DATE: September 23, 2013
RE: **Economic Development Task Force**

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Pamela J. Megill, City Clerk
DATE: September 23, 2013
RE: **NC League of Municipalities (NCLM) Annual League Business Meeting Voting Delegates**

THE QUESTION:

Who will be the voting delegates to represent the City of Fayetteville at the NCLM's Annual Business Meeting Tuesday, October 23, 2012?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3 - More Efficient City Government - Cost-Effective Service Delivery

BACKGROUND:

Each year one voting delegate and one alternate voting delegate may be selected to represent the City at the NCLM Annual Business Meeting. (Please see attached memo).

ISSUES:

N/A

BUDGET IMPACT:

OPTIONS:

Designate one voting delegate and/or one alternate voting delegate.

RECOMMENDED ACTION:

City Council designate one voting delegate and one alternate voting delegate to represent the City of Fayetteville at the NCLM Annual Business meeting.

ATTACHMENTS:

NCLM Voting Delegate

IMPORTANT VOTING INFORMATION
PLEASE READ

TO: Managers/Clerks *Pre-registered* for Conference
FROM: S. Ellis Hankins, Executive Director
Regan Brown Reynolds, Senior Executive Assistant
DATE: September 2012
SUBJECT: Designation of Voting Delegate for 2012 Annual League Business Meeting

Under the League Constitution and the voting procedure established by the League Board of Directors, each member municipality sending delegates to the Annual Conference is required to designate one voting delegate and one alternate voting delegate. The vote of your municipality at the League's Annual Business Meeting on **Tuesday, October 23, 2012, at 8:30 a.m.** may be cast only by a designated voting delegate or alternate voting delegate.

Please use the enclosed reply postcard to indicate the delegates designated by your governing board, and return it in time to reach the League office no later than Friday, October 14, 2012.

Voting delegates may pick up their voting cards from the League's Voting Credentials Desk in the Charlotte Convention Center, during registration hours on Sunday, October 21, Monday, October 22, or Tuesday, October 23 prior to the Business Meeting. We encourage you to designate a voting delegate in advance as it saves waiting in line and will avoid confusion prior to the start of the Business Session.

Enclosure

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Kristoff Bauer, Deputy City Manager
DATE: September 23, 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.
The City Council voted on September 9, 2013 to table this item until September 23, 2013. The stated purpose of this delay was to provide an opportunity for the preparation of a revised resolution based on Council feedback.

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.

The attached resolution reflects changes made in response to Mayor and Council feedback.

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.

ATTACHMENTS:

Revised PWC Realignment Resolution

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF FAYETTEVILLE
REGARDING THE PUBLIC WORKS COMMISSION**

WHEREAS, the City of Fayetteville is authorized to own and operate utilities including water, wastewater, and electricity as set out in Article 16 of the North Carolina General Statutes (NCGS) § 160A; and

WHEREAS, the City has delegated a portion of its authority to operate these utilities to a Public Works Commission (“PWC”) appointed by the City Council through terms specified in Chapter VI of the City of Fayetteville Charter (“Charter”); and

WHEREAS, the Charter of the City of Fayetteville grants Fayetteville PWC specific property management and rate setting authority with the charge of exercising that authority in the “best interest of the City;” and

WHEREAS, the City Council, by operation of law, is the policy making and financial oversight body for all municipal operations of the City of Fayetteville; and

WHEREAS, the City Council recognizes the opportunity for improved operational coordination between the entities, and desires to streamline support function so as to promote better coordination of policies and practices, as well as to identify and realize any potential cost savings and provide more complete support services to the entire City organization; and

WHEREAS, the Fayetteville PWC, in a letter from the members of the Commission signed and dated February 1, 2013, acknowledged and agreed “that both the City and PWC have a strategic goal to review and consider consolidation of duplicate functions”...declared a willingness “to work cooperatively with the City to jointly determine where further consolidation should be considered and would be beneficial to both the City and PWC”... and stated that “PWC has the same desires to act in the best interest of the taxpayers and ratepayers as the City Council does in terms of being good fiscal stewards, eliminating unnecessary redundancy and duplication, and operating as efficiently and cost effectively as practicable;” and

WHEREAS, the City initiated a study by DavenportLawrence to identify areas for potential change that would be beneficial to the City of Fayetteville through capturing efficiencies and improving operational coordination consistent with best industry and local government practices (the “Study”);

WHEREAS, the City Council has determined that the actions set out in this Resolution are in the best interest of the City of Fayetteville and its citizens.

36 **NOW, THEREFORE, BE IT RESOLVED** on behalf of the citizens of Fayetteville, that the City
37 Council, through the actions described herewith, shall reinforce its oversight and policy responsibilities
38 inherent in its role as the governing body of the City of Fayetteville; shall reestablish the City's treasury
39 role as defined in the Charter; shall realign oversight for legal, communications and branding; shall
40 revise cost plans and Service Level Agreements for existing joint services; and shall continue the study
41 of support services to identify any efficiencies from possible realignment and consolidation of support
42 services.

43
44 **BE IT FURTHER RESOLVED** that the City Manager and Fayetteville PWC are directed to
45 work collaboratively to identify organizational, procedural, and other changes necessary to fully and
46 effectively provide for the City Council to satisfy its fiduciary responsibilities. A review of all accounts
47 held by the Fayetteville PWC shall be conducted to determine which accounts shall be transitioned over
48 to the control of the City's Treasurer (Chief Financial Officer) to manage for the benefit of the utility
49 and administered in accordance with the terms of the City's bond order. Such transition shall be made
50 within the current fiscal year, and shall be done in full consultation with appropriate local government
51 finance authorities, the City Attorney, bond counsel, and in accordance with Generally Accepted
52 Accounting Principles (GAAP) so as to offer full assurance of financial stability while maintaining
53 continuous and reliable utility operations.

54
55 **BE IT FURTHER RESOLVED** that the City Council has the statutory responsibility under
56 NCGS § 159-13 to annually adopt a budget ordinance making appropriations for the budget year in such
57 sums as the City Council may consider sufficient and proper, whether greater or less than the sums
58 recommended by the City Manager, or the Fayetteville PWC, for operations under the respective control
59 of each. To aid in the City Council's effort to pursue shared services and the elimination of duplication,
60 the City's Budget Officer shall present the budget for FY2015 in sufficient detail to identify proposed
61 appropriations for all support services by department, function or project, and for matters relating to
62 employee pay and benefits. The Fayetteville PWC is directed to provide this information in a format
63 acceptable to the City's Budget Officer to assist with the furtherance of this objective.

64
65 **BE IT FURTHER RESOLVED** that the statutory authority for the appointment of a City Attorney
66 rests with the City Council. The City Attorney is charged with the responsibility of providing legal
67 guidance to the City Council and all operations of the City of Fayetteville. As such, all legal services,
68 including any need for specialized legal services shall be provided through the City Attorney. The City

69 Attorney is directed to develop a Service Level Agreement to describe performance expectations and
70 identify operational and procedural changes necessary to ensure that all City Functions are appropriately
71 supported with legal services and to implement those changes within 90 days.

72

73 **BE IT FURTHER RESOLVED** that the City Council desires a consistent and coordinated overall
74 messaging and branding effort in the community and recognizes that it has an interest in supporting a
75 variety of cultural arts, recreation, and other programs that promote the general welfare, and has the
76 authority to do so under Article 21 and Article 18 of NCGS § 160A. Accordingly, Fayetteville PWC is
77 directed to develop a logo and utility name transition consistent with the overall City of Fayetteville
78 branding and communicate any new or alternative branding or logos to the City Council for review and
79 approval prior to adoption and implementation. Fayetteville PWC is directed to seek authorization and
80 direction from City Council on all “Legislative Advocacy” issues. Fayetteville PWC is directed to
81 identify and track essential utility public information and education expenditures that are necessary to
82 continue to support utility operations. In addition, Fayetteville PWC is directed to identify and track
83 “community support” and other non-essential expenditures and administer such funds for the remainder
84 of the fiscal year to avoid disruption. The City Manager shall recommend to the City Council a new
85 policy for budgeting such resources in the next fiscal year so that the responsibility for these
86 expenditures transfers to the City Council.

87

88 **BE IT FURTHER RESOLVED** that the City Council has determined that Fayetteville PWC’s
89 current practice of operating a fiber optic communications network is not consistent with its delegation
90 of authority under the Charter. Additionally, the City Council has expressed concern that the existing
91 cost plans for Fleet Maintenance and Purchasing are not acceptable. The City Manager and the
92 Fayetteville PWC are directed to develop new Service Level Agreements and cost plans that eliminate
93 that inconsistency and unsupported overhead expenses and mark-ups and to implement those plans
94 within 90 days.

95

96 **BE IT FURTHER RESOLVED** that the City Council recognizes that it has an interest in supporting
97 economic development activities as set out in NCGS Chapter 158. The City Manager and PWC
98 Commission are directed to develop a transition plan updating the terms of the transfer of financial
99 resources budgeted for economic development activities as soon as practicable within the current fiscal
100 year. A Service Level Agreement should be developed to describe performance expectations. This
101 Agreement should include resource allocations appropriate to advance the utility’s continued interest in

102 supporting economic development insofar as such development supports the continued growth and
103 sustainability of the utility by expansion of the customer base and improvement in the City's overall
104 economy.

105

106 **BE IT FURTHER RESOLVED** that an appropriate City Council Member(s) will be identified to serve
107 as liaison to PWC and coordinate the study of support services. The City Manager and Fayetteville PWC
108 are directed to work with the Council designee(s) and DavenportLawrenceto review support services
109 departments; to identify any efficiencies from possible realignment and consolidation in the following
110 departments; and to identify and recommend a plan for the realignment and consolidation, and improved
111 coordination, of support services functions to include by way of example and not limitation: human
112 resources, communications, finance and treasury, budgeting and capital planning, information
113 technology, organizational development, strategic planning, audit, procurement, fleet management, call
114 center, emergency management and disaster preparedness, and such other activities as may be in the best
115 interest of the City consistent herewith. Furthermore, the City Manager and the Fayetteville PWCare
116 directed to cooperate with each other to initiate a second phase of the Study; and are authorized to
117 execute a service contract within budgeted resources.

118

119 This Resolution shall be interpreted to authorize the City Manager, the City Attorney and Fayetteville
120 PWC to broadly carry out the intent of the City Council, and any errors or omissions shall not be
121 deemed to be limiting upon either in the furtherance of the policy objectives of the City Council.

122

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

126

127

CITY OF FAYETTEVILLE

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ANTHONY G. CHAVONNE, Mayor

133

ATTEST:

134

135

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137

PAMELA J. MEGILL, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: September 23, 2013
RE: **Uninhabitable Structures Demolition Recommendations**
225 S. Eastern Boulevard
540 Frink Street
516 Lamon Street
520 Lamon Street
217 Old Wilmington Road

THE QUESTION:

Ordinances to demolish blighted structures.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

225 S. Eastern Boulevard

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant commercial structure that was the subject of a fire in December 2012. As a result of the fire the structure was inspected and condemned as a dangerous structure on December 18, 2012. A hearing on the condition of the structure was conducted on January 9, 2013, in which the owner attended. A subsequent Hearing Order to repair or demolish the structure within 120 days was issued and mailed to the owner on January 10, 2013. To date there have been no permitted repairs to the structure.

The utilities to the structure have been disconnected since December 2012. In the past 24 months there have been 142 calls for 911 service to the property. There have been 6 code violation cases with no pending assessments. The low bid for demolition is \$1,489.00.

540 Frink Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a dangerous structure on November 13, 2012. A hearing on the condition of the structure was conducted on January 9, 2013, in which the owner responded but did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the property within 90 days was issued and mailed to the owner on January 10, 2013. To date there has been little repair done to the structure. The utilities to the structure have been disconnected since June 2010. In the past 24 months there have been 5 calls for 911 service to the property. There have been 5 code violation cases with no pending assessments. The low bid for demolition is \$1,900.00.

516 Lamon Street

516 Lamon Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on November 21, 2012. A hearing on the condition of the property was conducted on December 5, 2012, in which the owner did not attend. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on December 6, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since September 2008. In the past 24 months there have been 7 calls for 911 service to the property. There have been 9 code violation cases with a pending assessment of \$1,261.50. The low bid for demolition is \$2,500.00.

520 Lamon Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected

and condemned as a blighted structure on November 21, 2012. A hearing on the condition of the property was conducted on December 5, 2012, in which the owner did not attend. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on December 6, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since June 2011. In the past 24 months there have been 53 calls for 911 service to the property. There have been 6 code violation cases with a pending assessment of \$656.30. The low bid for demolition is \$2,500.00.

217 Old Wilmington Road

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on June 13, 2012. A hearing on the condition of the property was conducted on September 5, 2012, in which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on September 6, 2012. To date there have been no repairs to the structure. In the past 24 months there have been 5 calls for 911 service to the property. There have been 9 code violation cases with a pending assessment of \$1,029.21. The low bid for demolition is \$1,900.00.

ISSUES:

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

BUDGET IMPACT:

The demolition of these structures will be \$10,289.00; there will be additional costs for asbestos testing and abatement if needed.

OPTIONS:

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

RECOMMENDED ACTION:

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

ATTACHMENTS:

Aerial Map-225 S. Eastern Boulevard

Docket- 225 S. Eastern Boulevard

Ordinance- 225 S. Eastern Boulevard

Photo 1- 225 S. Eastern Boulevard

Photo 2- 225 S. Eastern Boulevard

Photo 3- 225 S. Eastern Boulevard

Aerial Map- 540 Frink Street

Docket- 540 Frink Street

Ordinance- 540 Frink Street

Photo 1- 540 Frink Street

Photo 2- 540 Frink Street

Photo 3- 540 Frink Street

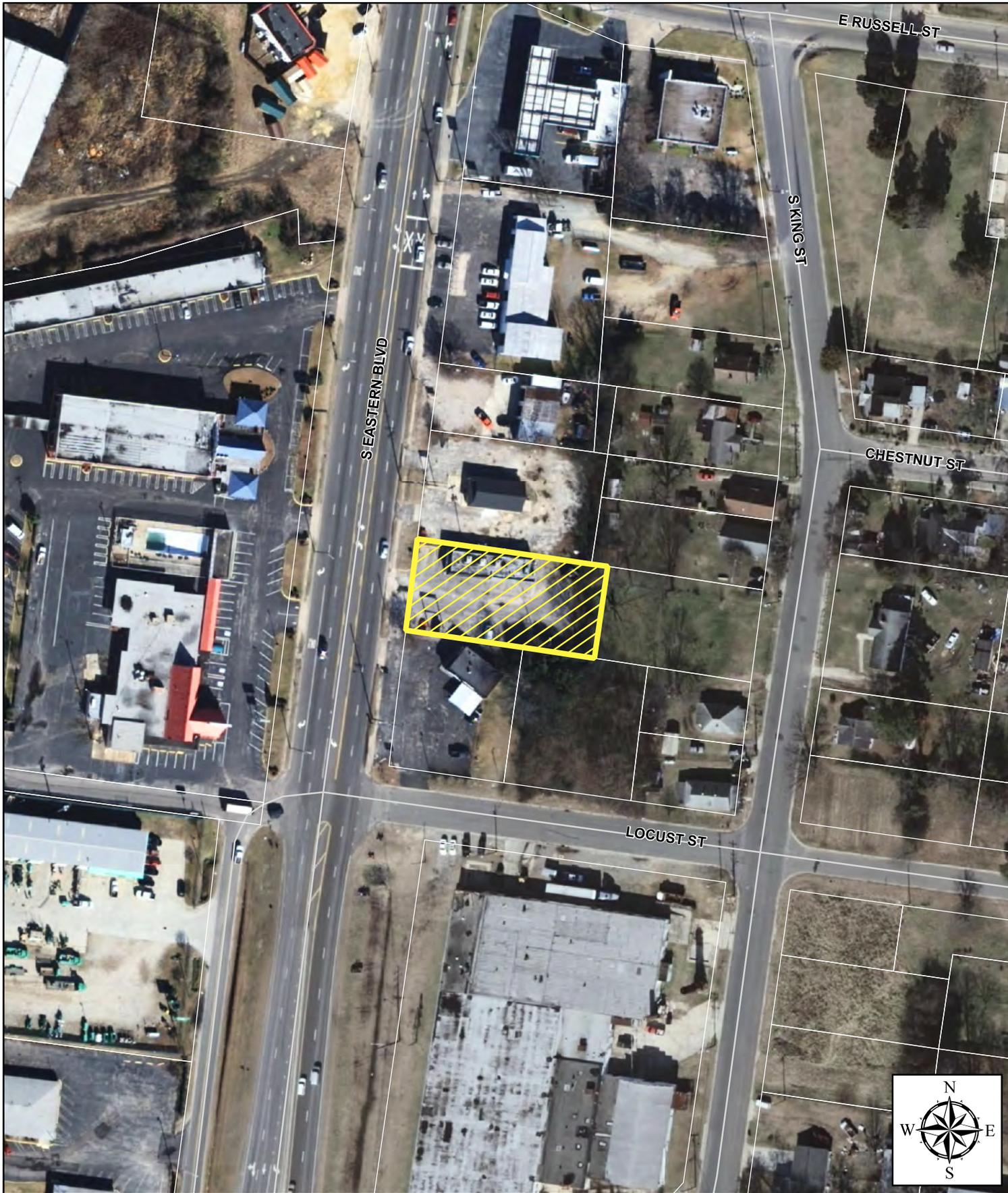
Photo 4- 540 Frink Street

Photo 5- 540 Frink Street

Aerial Map- 516 Lamon Street

Docket- 516 Lamon Street

Ordinance- 516 Lamon Street
Photo 1- 516 Lamon Street
Photo 2- 517 Lamon Street
Photo 3- 516 Lamon Street
Photo 4- 516 Lamon Street
Photo 5- 516 Lamon Street
Aerial Map- 520 Lamon Street
Docket- 520 Lamon Street
Ordinance- 520 Lamon Street
Photo 1- 520 Lamon Street
Photo 2- 520 Lamon Street
Photo 3- 520 Lamon Street
Photo 4- 520 Lamon Street
Aerial Map- 217 Old Wilmington Road
Docket- 217 Old Wilmington Road
Ordinance- 217 Old Wilmington Road
Photo 1- 217 Old Wilmington Road
Photo 2- 217 Old Wilmington Road
Photo 3- 217 Old Wilmington Road
Photo 4- 217 Old Wilmington Road



Location: 225 S. Eastern Boulevard
PIN: 0447-01-3000

TO: Mayor
 City Council Members
 City Manager
 City Attorney

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

Location	225 S. Eastern Boulevard
Property Owner(s)	Reginald Cromartie, Fayetteville, NC
Date of Inspection	December 18, 2012
Date of Hearing	January 9, 2013
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 120 days mailed January 10, 2013
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since December 2012.
	.
Police Calls for Service (past 2 yrs)	142

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

This is the 23rd day of September, 2013.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

225 S. Eastern Boulevard
PIN 0447-01-3000

To reach the beginning corner of the tract herein conveyed, start at the point where the northern margin of Lucust Street intersects the eastern margin of Eastern Boulevard, and runs thence North 5 degrees 21 minutes East 132.0 feet to an iron stake which is the Beginning Corner of the tract herein conveyed; and running thence from said Beginning Corner and with the eastern margin of Eastern Boulevard North 5 degrees 21 minutes East 91.0 feet to an iron stake; thence South 84 degrees 39 minutes East 172.85 feet to an iron stake; thence South 5 degrees 21 minutes East 91.0 feet to an iron stake; thence South 84 degrees 39 minutes East 172.85 feet to an iron stake; thence South 5 degrees 21 minutes West 91.0 feet to an iron stake; thence North 8 degrees 39 minutes West 172. 85 feet to the beginning point.

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

Reginald Cromartie
1517 Seabrook Road
Fayetteville, NC 28301

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before May 10, 2013.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.

- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,489.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this ___23rd___ day of ___September___, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

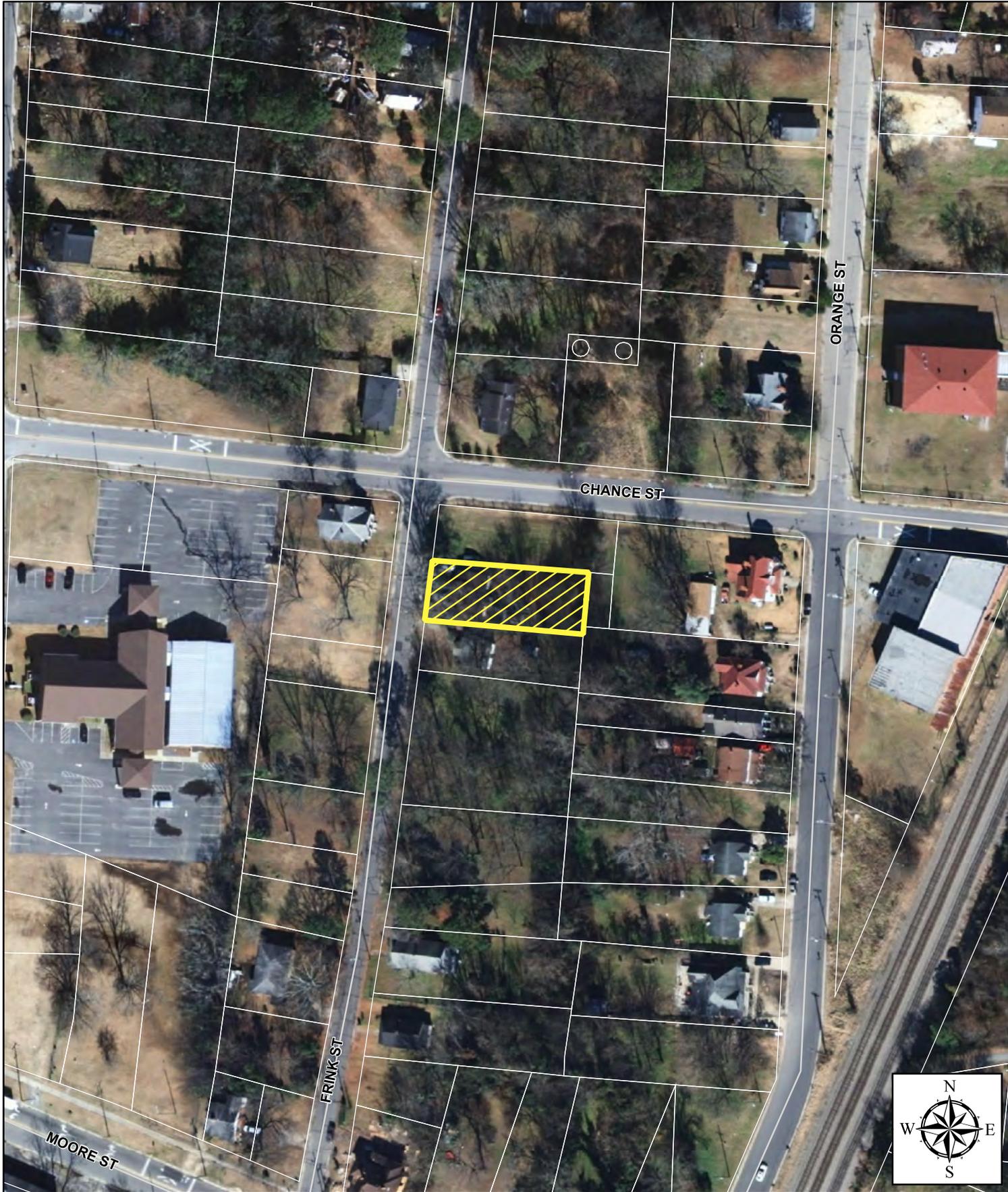


7-4-4-1



7-4-5-1





Location: 540 Frink Street
PIN: 0437-58-1081

TO: Mayor
 City Council Members
 City Manager
 City Attorney

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

Location	540 Frink Street
Property Owner(s)	Stanford Autry, Fayetteville, NC
Date of Inspection	November 13, 2012
Date of Hearing	January 9, 2013
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 90 days mailed January 10, 2013
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since June 2010.
	.Hearing was advertised in the Fayetteville Observer newspaper.
Police Calls for Service (past 2 yrs)	5

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

This is the 23rd day of September, 2013.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

540 Frink Street
PIN 0437-58-1081

BEGINNING at a point in the eastern margin of Frink Street at a point South 04 degrees West 53 feet from the intersection of the eastern margin of Frink Street with the Southern margin of Chance Street and runs thence South 88 degrees East 158 feet to a point at the fence; thence South 04 degrees West 60 feet; thence North 88 degrees West 158 feet to the Eastern margin of Frink Street; thence North 04 degrees East as the eastern Margin of Frink Street 60 feet to the BEGINNING.

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

Stanford Autry
410 Atwell Drive
Fayetteville, NC 28314

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before April 10, 2013.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,900.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 23rd day of September, 2013.

CITY OF FAYETTEVILLE

BY: Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

5210



DANGER
This door is locked at all times. If you have a key, please use it. If you do not have a key, please call the office at 521-1234.
FBI
2nd Floor, 1000 Main St.
New York, NY 10001



7-4-11-1



7-4-12-1



7-4-13-1



7-4-14-1



Location: 516 Lamon Street
PIN: 0447-05-2072

TO: Mayor
 City Council Members
 City Manager
 City Attorney

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

Location	516 Lamon Street
Property Owner(s)	Charlie Simmons, Willie Mae Simmons, Willie Bullard Simmons, Fayetteville, NC
Date of Inspection	November 21, 2012
Date of Hearing	December 5, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed December 6, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since September 2008.
	.
Police Calls for Service (past 2 yrs)	7

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

This is the 23rd day of September, 2013.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

516 Lamon Street
PIN 0447-05-2072

LEGAL: Western 45 feet of Lot 17 and eastern half of Lot 18 of the Harry Fleishman Land per Plat Book 11, Page 45 of the Cumberland County Registry, [Less and Excepting that certain parcel sold out in Deed Book 4025, Page 735 of the Cumberland County Registry.](#)

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

Walter H. Simmons
4208 NC Highway 210 S
Fayetteville, NC 28312- 7586

Charlie Simmons, C/O Willie P. Simmons
2437 Culbreth Road
Fayetteville, NC 28312-7578

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before February 6, 2013.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$2,500.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 23rd day of September, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



DANGER



7-4-19-1



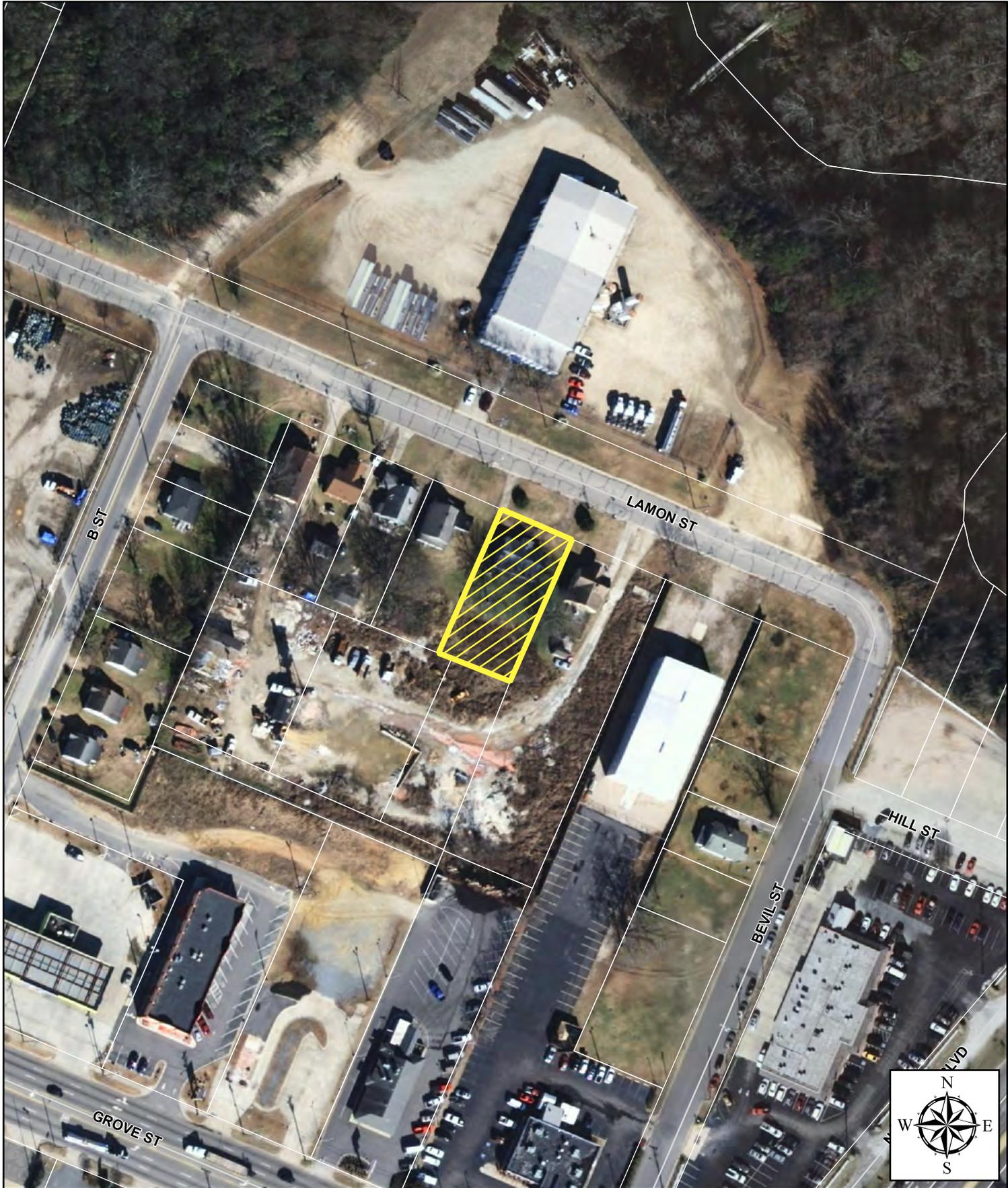
7-4-20-1



7-4-21-1



7-4-22-1



Location: 520 Lamon Street
PIN: 0447-04-3949

TO: Mayor
 City Council Members
 City Manager
 City Attorney

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

Location	520 Lamon Street
Property Owner(s)	Charlie Simmons, Willie P. Simmons, Walter H. Simmons, Fayetteville, NC
Date of Inspection	November 21, 2012
Date of Hearing	December 5, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 90 days mailed December 6, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since June 2011.
	.
Police Calls for Service (past 2 yrs)	53

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

This is the 23rd day of September, 2013.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

520 Lamon Street
PIN 0447-04-3949

BEING all of Lot No. Sixteen (16) and the eastern 15 feet of Lot No. Seventeen (17) of the Subdivision of Harry Fleishman land located in the City of Fayetteville, North Carolina, as shown on a plat recorded in Map Book 11 at Page 45, Cumberland County Registry, described as follows:

BEGINNING at an iron located on the south margin of Lamon Street and being 288.5 feet from the western margin of Beville Street and runs thence South 26 degrees 20 minutes West 151.75 feet to an iron, being the easternmost corner of Lot No. Fifteen (15); thence North 63 degrees 40 minutes West 75.00 feet to an iron; thence North 26 degrees 20 minutes East 151.75 feet to an iron on the south margin of Lamon Street; thence South 63 degrees 40 minutes East 75.00 feet with the south margin of Lamon Street to the beginning.

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

Charlie Simmons, Willie Mae Simmons, and Willie Bullard Simmons as Trustee
4116 NC Highway 210 S
Fayetteville, NC 28312

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before March 6, 2013.

- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$2,500.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this ___23rd___ day of ___September_____, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



B

520

A

DANGER



7-4-27-1







Location: 217 Old Wilmington Road
PIN: 0437-81-6874

TO: Mayor
 City Council Members
 City Manager
 City Attorney

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

Location	217 Old Wilmington Road
Property Owner(s)	Marie Reddick Simpson, Chesterfield, VA
Date of Inspection	June 13, 2012
Date of Hearing	September 5, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 90 days mailed September 6, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since November, 2010.
	.
Police Calls for Service (past 2 yrs)	5

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

This is the 23rd day of September, 2013.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

217 Old Wilmington Road
PIN 0437-81-6874

Beginning at the Northwest corner of Lot #9, on the Eastern margin of the Wilmington Road 100 feet from the Northern margin of Davis, and running thence with the said road North 24 degrees 15 minutes East 50 feet to a stake, the Southwest corner of Lot #5; thence with the line of that lot South 67 degrees 45 minutes East 147.58 feet to a stake; the Northwest corner of Lot #8; thence with the line of that lot South 24 degrees 45 minutes West 50 feet to stake, the Northwest corner of Lot #9; thence with the line of that lot North 67 degrees 45 minutes West 147.59 feet to the beginning. Being all of lot #7, as shown on plat duly filed for record in book of Plats No. S7, page 9 in the office of the Register of Deeds for Cumberland County, North Carolina.

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

Marie Reddick Simpson
7011 Holridge Court
Chesterfield, VA 23832-8442

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before November 11, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.

- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,900.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this ___23rd___ day of ___September___, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



WUM 3090

217

DANGER
DO NOT ENTER
PROPERTY IS UNDER
REPAIR





7-4-35-1



7-4-36-1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Pamela Megill, City Clerk
DATE: September 23, 2013
RE: **Monthly Statement of Taxes for August 2013**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS:

Monthly Statement of Taxes - August 2013

FAYETTEVILLE MACC LEDGER

August 2013

2003-2013

DATE	REPORT #	REMITTED TO FINANCE	2013 CC	2013 VEH	2013 REVIT CC	2013 REVIT VEH	2013 FVT	2013 FTT	2013 SW	2013 FAY STORM WATER	2013 FAY SOLID WASTE FEE
08/01/13	2013-024	51,169.22	16,268.66	14,097.04	3.86	19.70	1,653.90	1,653.89	672.00	1,344.00	874.00
08/02/13	2013-025	42,068.06	11,236.26	12,906.51	0.00	34.91	1,230.00	1,230.00	351.44	702.89	656.90
08/05/13	2013-026	47,463.33	6,931.49	21,311.21	9.96	17.34	2,740.00	2,740.00	144.00	288.00	418.00
08/06/13	2013-027	44,408.44	14,150.76	13,893.80	0.00	0.00	1,805.00	1,805.00	233.30	466.59	776.79
08/07/13	2013-028	17,200.86	6,150.66	3,566.88	3.86	0.00	450.00	450.00	108.00	216.00	266.00
08/08/13	2013-029	59,786.42	31,144.69	13,100.45	0.00	0.44	1,780.00	1,780.00	456.00	912.00	228.00
08/09/13	2013-030	46,908.95	10,001.64	20,370.20	0.00	7.27	2,670.00	2,670.00	177.84	355.67	525.15
08/12/13	2013-031	67,773.15	12,622.21	30,429.15	0.00	220.85	3,455.00	3,455.00	374.16	748.33	956.85
08/13/13	2013-032	23,341.40	8,106.80	5,879.61	0.00	0.93	775.68	775.69	168.47	336.94	457.49
08/14/13	2013-033	35,371.20	11,395.20	7,199.04	0.00	9.92	1,045.00	1,045.00	408.00	816.00	456.00
08/15/13	2013-034	49,483.12	19,007.69	10,741.92	0.00	35.60	1,225.00	1,225.00	365.90	731.80	588.69
08/16/13	2013-035	157,455.04	122,110.69	14,464.60	0.00	76.90	1,315.00	1,315.00	2,280.00	4,560.00	646.00
08/19/13	2013-036	118,110.51	68,293.34	19,758.06	22.12	0.00	1,890.00	1,890.00	2,803.38	5,606.75	4,545.36
08/20/13	2013-037	154,709.75	119,983.71	8,334.45	0.58	0.00	662.41	662.41	2,662.36	5,324.73	7,480.83
08/21/13	2013-038	236,090.77	183,944.61	13,209.72	4.29	0.00	1,075.00	1,075.00	5,894.85	11,789.70	12,283.04
08/22/13	2013-039	92,684.36	70,312.14	3,999.55	5.68	0.00	485.00	485.00	1,853.22	3,706.42	4,234.52
08/23/13	2013-040	513,394.92	425,575.58	13,214.10	72.33	2.36	1,295.00	1,295.00	15,577.28	31,154.54	18,852.03
08/26/13	2013-041	709,356.75	575,328.18	21,855.94	706.48	79.97	2,315.00	2,315.00	23,580.40	47,160.78	26,677.26
08/27/13	2013-042	230,487.88	182,747.99	6,800.70	344.75	0.00	825.00	825.00	8,568.10	17,136.19	6,118.00
08/28/13	2013-043	306,990.95	265,593.82	10,370.40	297.25	0.00	1,190.00	1,190.00	6,052.35	12,104.69	6,755.93
08/29/13	2013-044	319,666.33	248,862.34	14,515.03	719.03	0.00	1,510.00	1,510.00	11,941.06	23,882.12	9,503.36
08/30/13	2013-045	392,851.92	201,824.33	27,335.47	611.08	0.85	2,465.00	2,465.00	43,703.02	87,406.05	11,206.90
TOTALS		3,716,773.33	2,611,592.79	307,353.83	2,801.27	507.04	33,856.99	33,856.99	128,375.13	256,750.19	114,507.10

TRUE
 MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)
 CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE
 FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

FAYETTEVILLE MACC LEDGER

2003-2013

2013 ANNEX	2012 CC	2012 VEH	2012 REVIT CC	2012 REVIT VEH	2012 FVT	2012 FTT	2012 SW	2012 FAY STORM WATER	2012 FAY RECYCLE FEE	2012 ANNEX
0.00	2,924.69	6,248.17	175.20	0.00	783.08	783.07	55.08	110.16	174.43	0.00
0.00	3,081.96	6,810.41	0.00	0.00	771.43	771.42	46.58	93.15	147.50	0.00
0.00	1,893.28	6,609.82	0.00	0.00	847.63	847.63	54.82	109.65	173.62	0.00
0.00	2,336.98	5,157.20	0.00	11.03	640.00	640.00	36.00	72.00	114.00	0.00
0.00	452.30	3,616.29	0.00	0.00	437.42	437.42	0.00	0.00	0.00	0.00
0.00	1,312.42	5,737.09	0.00	0.00	680.00	680.00	45.19	90.39	143.12	0.00
0.00	399.71	5,218.33	0.00	0.00	728.33	728.33	19.99	39.97	63.29	0.00
0.00	2,206.46	8,373.15	25.37	0.00	1,085.00	1,085.00	318.08	636.18	356.10	0.00
0.00	1,205.11	3,409.28	0.00	0.00	505.00	505.00	24.00	48.00	114.00	0.00
0.00	3,958.57	5,262.06	0.00	0.00	700.00	700.00	116.84	233.68	369.99	0.00
0.00	4,860.03	7,003.76	0.00	0.00	860.00	860.00	67.63	135.27	290.19	0.00
0.00	1,600.06	5,884.43	0.00	0.00	820.00	820.00	36.00	72.00	114.00	0.00
0.00	2,665.75	5,307.19	7.58	1.96	647.92	647.93	34.68	69.35	109.80	0.00
0.00	2,345.71	3,571.17	0.00	0.00	498.81	498.81	48.27	96.54	153.71	0.00
0.00	(68.13)	4,424.88	0.00	0.00	493.08	493.08	(12.00)	(24.00)	(38.00)	0.00
0.00	2,255.64	3,004.38	0.00	0.00	319.27	319.27	120.00	240.00	152.00	0.00
0.00	545.61	3,692.49	0.00	0.00	454.20	454.20	12.00	24.00	38.00	0.00
0.00	2,137.49	4,346.54	0.00	0.00	543.97	543.98	113.95	227.89	138.01	0.00
0.00	1,994.80	1,995.55	0.00	0.00	321.61	321.61	72.00	144.00	38.00	0.00
0.00	266.26	1,693.38	0.00	0.00	226.92	226.92	12.00	24.00	38.00	0.00
0.00	1,351.57	3,320.48	0.00	0.00	382.46	382.45	48.00	96.00	152.00	0.00
0.00	4,153.37	5,633.79	0.00	7.14	766.94	766.93	111.38	222.77	200.71	0.00
0.00	43,879.64	106,319.84	208.15	20.13	13,513.07	13,513.05	1,380.49	2,761.00	3,042.47	0.00

FAYETTEVILLE MACC LEDGER

2003-2013

2011 CC	2011 VEH	2011 REVIT CC	2011 REVIT VEH	2011 FVT	2011 FTT	2011 SW	2011 FAY STORM WATER	2011 FAY RECYCLE FEE	2011 ANNEX	2010 CC	2010 VEH	2010 REVIT CC
472.86	470.95	0.00	0.00	45.00	45.00	0.00	0.00	0.00	0.00	417.94	18.93	0.00
64.27	304.36	0.00	0.00	60.00	60.00	0.00	0.00	0.00	0.00	0.00	24.26	0.00
160.64	277.93	0.00	0.00	73.54	73.54	147.54	295.08	0.00	0.00	74.56	29.68	0.00
722.32	134.91	0.00	0.00	41.59	41.59	27.34	54.68	86.59	0.00	194.63	33.58	0.00
0.00	157.44	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	2.83	137.89	0.00
33.21	319.01	0.00	0.00	55.00	55.00	0.00	0.00	0.00	0.00	0.00	15.78	0.00
109.07	125.84	0.00	0.00	33.60	33.60	0.00	0.00	0.00	0.00	120.55	0.00	0.00
39.42	(107.70)	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	14.88	17.24	0.00
104.65	111.13	0.00	0.00	43.75	43.75	0.00	0.00	0.00	0.00	0.00	(12.51)	0.00
140.67	188.07	0.00	0.00	50.00	50.00	0.00	0.00	0.00	0.00	126.31	9.05	0.00
255.64	34.90	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	25.61	0.00
9.16	104.15	0.00	0.00	45.00	45.00	0.00	0.00	0.00	0.00	0.00	81.36	0.00
38.20	261.92	0.00	0.00	60.00	60.00	0.00	0.00	0.00	0.00	230.79	33.00	0.00
524.04	237.17	0.00	0.00	31.54	31.54	24.00	48.00	76.00	0.00	172.74	31.51	0.00
92.33	133.65	0.00	0.00	36.80	36.80	0.00	0.00	0.00	0.00	59.90	46.44	0.00
98.11	55.57	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	22.80	0.47	0.00
100.08	142.70	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	12.20	69.73	0.00
227.97	10.21	0.00	0.00	30.00	30.00	3.62	7.26	11.49	0.00	0.00	63.58	0.00
756.66	8.12	0.00	0.00	5.00	5.00	12.00	24.00	38.00	0.00	456.00	77.98	0.00
72.21	150.09	0.00	0.00	40.00	40.00	0.00	0.00	0.00	0.00	0.00	23.35	0.00
142.86	257.37	0.00	0.00	34.87	34.87	0.00	0.00	0.00	0.00	44.78	0.00	0.00
464.65	250.25	0.00	0.00	35.00	35.00	60.00	120.00	0.00	0.00	371.62	80.90	0.00
4,629.02	3,628.04	0.00	0.00	830.70	830.70	274.50	549.02	212.08	0.00	2,322.53	807.83	0.00

FAYETTEVILLE MACC LEDGER
2003-2013

2010 REVIT VEH	2010 FVT	2010 FIT	2010 SW	2010 FAY STORM WATER	2010 FAY RECYCLE FEE	2010 ANNEX	2009 & PRIOR CC	2009 & PRIOR VEH	2009 & PRIOR REVIT CC	2009 & PRIOR REVIT VEH	2009 & PRIOR FVT	2009 & PRIOR FTT
0.00	15.00	15.00	0.00	0.00	0.00	0.00	136.08	97.48	0.00	0.00	32.31	12.31
0.00	10.29	10.28	0.00	0.00	0.00	0.00	0.00	122.01	0.00	0.00	46.71	31.70
0.00	17.76	17.75	0.00	0.00	0.00	0.00	12.63	63.53	0.00	0.00	10.00	0.00
0.00	8.78	8.77	0.00	0.00	0.00	0.00	0.00	9.42	0.00	0.00	5.00	5.00
0.00	20.00	20.00	0.00	0.00	0.00	0.00	0.00	97.56	0.00	0.00	25.00	15.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	161.04	0.00	0.00	40.00	15.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	930.11	72.38	0.00	0.00	12.57	2.57
0.00	10.00	10.00	0.00	0.00	0.00	0.00	35.00	4.47	0.00	0.00	5.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	99.61	0.00	0.00	17.67	2.68
0.00	20.00	20.00	12.00	24.00	38.00	0.00	0.00	(35.32)	0.00	0.00	10.00	10.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	25.24	34.03	0.00	0.00	10.00	5.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	48.89	73.39	0.00	0.00	29.06	9.05
0.00	10.00	10.00	0.00	0.00	0.00	0.00	1,459.76	224.53	0.00	0.00	58.06	25.00
0.00	10.00	10.00	12.00	24.00	38.00	0.00	74.77	93.58	0.00	0.00	22.12	7.13
0.00	22.52	22.51	0.00	0.00	0.00	0.00	109.90	150.38	0.00	0.00	40.00	25.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	42.68	37.84	0.00	0.00	10.00	5.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	7.04	144.60	0.00	0.00	34.24	24.24
0.00	5.00	5.00	0.00	0.00	0.00	0.00	6.54	69.74	0.33	0.00	25.00	5.00
0.00	10.00	10.00	12.00	24.00	38.00	0.00	0.00	28.35	0.00	0.00	5.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	154.43	0.00	0.00	10.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	197.19	0.00	0.00	40.00	10.00
0.00	20.00	20.00	60.00	120.00	0.00	0.00	379.14	203.86	0.00	0.00	46.11	23.61
0.00	219.35	219.31	96.00	192.00	114.00	0.00	3,267.78	2,104.10	0.33	0.00	533.85	233.29

FAYETTEVILLE MACC LEDGER

2003-2013

August 2013

2009 & PRIOR SW	2009 & PRIOR FAY STORM WATER	2009 & PRIOR FAY RECYCLE FEE	2009 & PRIOR ANNEX	FAY INTEREST	REVIT INTR	SW INTR	FAY STORM WATER INTEREST	ANNEX INTEREST	SOLID WASTE INTEREST	FTT INTEREST	TOTAL TAX & INTEREST
0.00	0.00	0.00	25.78	1,383.84	12.75	3.65	7.29	2.19	11.56	102.37	51,169.22
0.00	0.00	0.00	0.00	1,138.85	0.00	3.48	6.96	0.00	11.03	102.50	42,068.06
0.00	0.00	0.00	0.00	955.77	0.00	4.64	9.25	0.00	11.17	91.87	47,463.33
0.00	0.00	0.00	0.00	788.37	0.88	6.42	12.82	0.00	20.31	66.98	44,408.44
0.00	0.00	0.00	0.00	470.48	0.00	0.00	0.00	0.00	0.00	49.83	17,200.86
36.00	72.00	80.00	0.00	902.06	0.00	3.42	6.83	0.00	10.81	69.47	59,786.42
0.00	0.00	0.00	0.00	1,143.99	0.00	17.17	34.36	0.00	36.36	73.06	46,908.95
0.00	0.00	0.00	0.00	1,179.02	0.80	27.58	55.13	0.00	24.75	100.67	67,773.15
0.00	0.00	0.00	0.00	544.49	0.00	1.75	3.52	0.00	8.34	50.57	23,341.40
0.00	0.00	0.00	0.00	854.02	0.00	10.75	21.49	0.00	34.05	72.81	35,371.20
0.00	0.00	0.00	0.00	942.68	0.00	5.84	11.62	0.00	23.99	70.09	49,483.12
0.00	0.00	0.00	0.00	775.08	0.00	1.76	3.50	0.00	5.55	79.41	157,455.04
0.00	0.00	0.00	0.00	1,251.16	0.58	1.88	3.75	0.00	5.95	74.76	118,110.51
0.00	0.00	0.00	0.00	808.07	0.00	10.09	20.17	0.00	31.97	46.81	154,709.75
144.00	0.00	0.00	16.04	689.36	0.00	1.69	3.37	1.45	6.19	51.31	236,090.77
0.00	0.00	0.00	0.00	549.77	0.00	105.89	17.49	0.00	11.06	31.59	92,684.36
0.00	0.00	0.00	0.00	465.49	0.00	0.88	1.76	0.00	2.78	50.46	513,394.92
0.00	0.00	0.00	0.00	710.36	0.11	3.34	6.71	0.00	8.93	55.72	709,356.75
0.00	0.00	0.00	0.00	647.50	0.00	10.24	20.47	0.00	18.64	27.62	230,487.88
0.00	0.00	0.00	0.00	410.39	0.00	1.64	3.27	0.00	5.20	28.45	306,990.95
0.00	0.00	0.00	0.00	667.99	0.00	3.52	7.02	0.00	11.13	38.83	319,666.33
60.00	120.00	0.00	0.00	1,241.28	0.66	54.53	109.06	0.00	16.70	78.82	392,851.92
240.00	192.00	80.00	41.82	18,520.02	15.78	280.16	365.84	3.64	316.47	1,414.00	3,716,773.33