



FAYETTEVILLE CITY COUNCIL
AGENDA
MAY 13, 2013
7:00 P.M.
Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 PUBLIC FORUM

6.0 CONSENT

6.1 Budget Ordinance Amendment 2013-14 (General Fund - Information Technology)

6.2 Capital Project Ordinance Amendment 2013-28 (Storm Water Drainage Improvements)

6.3 Bid Recommendation for Purchase of four (4) 67 to 26.18 x 13.09 KV LTC Power Transformers

6.4 PWC - Resale of Real Property at 4270 Deadwyler Drive back to former owner

6.5 Setting of Public Hearing on the Fiscal Year 2013-2014 Proposed Budget

6.6 Tax Refunds Greater Than \$100

7.0 PUBLIC HEARINGS

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

- 7.1 Amendment to City Code Chapter 30-5 to increase parking for restaurants
Presenter(s): Karen S. Hilton, Manager, Planning and Zoning
- 7.2 Amendment to City Code Chapter 30-5 to reduce perimeter landscaping
for certain vehicular parking areas
Presenter(s): Karen S. Hilton, Manager, Planning and Zoning
- 7.3 Consider adoption of revised Secondary Fire Zone
Presenter(s): Benjamin Major, Fire Chief

8.0 OTHER ITEMS OF BUSINESS

- 8.1 Revenue and Expenditure Report for Annual Funds for the Nine-Month
Period Ended March 31, 2013
Presenter(s): Lisa Smith, Chief Financial Officer
- 8.2 Uninhabitable Structures Demolition Recommendations
1021 Bragg Boulevard
218 S. C Street
521 Mechanic Street
1337 Taylor Drive
Presenter(s): Scott Shuford, Development Services Director

9.0 ADMINISTRATIVE REPORTS

- 9.1 Tax Refunds Less Than \$100

10.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

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

COUNCIL MEETING WILL BE AIRED

**May 13, 2013 - 7:00 p.m.
COMMUNITY CHANNEL 7**

COUNCIL MEETING WILL BE RE-AIRED

**May 15, 2013 - 10:00 p.m.
COMMUNITY CHANNEL 7**

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

| |
|---------------------------------|
| CITY COUNCIL ACTION MEMO |
|---------------------------------|

TO:

FROM:

DATE: May 13, 2013

RE:

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: May 13, 2013
RE: **Budget Ordinance Amendment 2013-14 (General Fund - Information Technology)**

THE QUESTION:

Budget Ordinance Amendment 2013-14 will appropriate \$310,000 from fund balance in the General Fund to provide additional operating funding for the Information Technology Department.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle 1: City Government is Financially Sound.

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

BACKGROUND:

Fiscal year 2013 expenditures for the Information Technology department are projected to exceed the department's current budget by approximately \$310,000. Primary contributors to the overage include: higher than expected maintenance and software licensing agreement costs; additional contract services support; and additional temporary services support to deploy software upgrades for Police mobile data computers.

Based upon current projections of year-end expenditures for all General Fund departments, total fund expenditures are projected to be within current appropriations. A comprehensive year-end budget ordinance amendment for the General Fund will be submitted for Council consideration at a later date. The appropriation increase for the Information Technology department is needed at this time to permit the department to move forward with planned activities.

ISSUES:

None.

BUDGET IMPACT:

As discussed above.

OPTIONS:

1. Adopt Budget Ordinance Amendment 2013-14.
2. Do not adopt Budget Ordinance Amendment 2013-14.

RECOMMENDED ACTION:

Adopt Budget Ordinance Amendment 2013-14.

ATTACHMENTS:

Budget Ordinance Amendment 2013-14

2012-2013 BUDGET ORDINANCE AMENDMENT
CHANGE 2013-14

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

That the City of Fayetteville Budget Ordinance adopted June 11, 2012 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2012, and ending June 30, 2013, to meet the appropriations listed in Section 2.

| <u>Item</u> | <u>Listed As</u> | <u>Revision</u> | <u>Revised Amount</u> |
|--|-----------------------|-------------------|-----------------------|
| <u>Schedule A: General Fund</u> | | | |
| Fund Balance Appropriation | \$ 9,054,809 | \$ 310,000 | \$ 9,364,809 |
| All Other General Fund Revenues and OFS | 141,112,812 | - | 141,112,812 |
| Total Estimated General Fund Revenues and Other Financing Sources | <u>\$ 150,167,621</u> | <u>\$ 310,000</u> | <u>\$ 150,477,621</u> |

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2012, and ending June 30, 2013, according to the following schedules:

| <u>Item</u> | <u>Listed As</u> | <u>Revision</u> | <u>Revised Amount</u> |
|---|-----------------------|-------------------|-----------------------|
| <u>Schedule A: General Fund</u> | | | |
| Information Technology | \$ 4,375,254 | \$ 310,000 | \$ 4,685,254 |
| All Other General Fund Departments | 145,792,367 | - | 145,792,367 |
| Total Estimated General Fund Expenditures | <u>\$ 150,167,621</u> | <u>\$ 310,000</u> | <u>\$ 150,477,621</u> |

Adopted this 13th day of May, 2013.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa T. Smith, Chief Financial Officer
DATE: May 13, 2013
RE: **Capital Project Ordinance Amendment 2013-28 (Storm Water Drainage Improvements)**

THE QUESTION:

This capital project ordinance amendment will appropriate \$82,900 for the purchase of a camera device to be used for inspecting and recording storm water drain pipe conditions.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle 2: Full Range of Quality Municipal Services

BACKGROUND:

On June 13, 2011 Council adopted Capital Project Ordinance 2011-11, which established the initial budget for planned storm water drainage improvements in a capital projects fund.

The City's trust agreement for its storm water system revenue bonds requires that all storm water system capital expenditures be included in the capital project fund. Consistent with this requirement, Capital Project Ordinance Amendment 2013-28 will expand the scope of the original project ordinance to include all capital expenditures necessary for the maintenance and upkeep of the City's storm water drainage system.

In addition, this amendment will appropriate the necessary funds to purchase a camera device that will provide the potential to improve operational efficiency. The source of funds for the amendment is a \$82,900 transfer from the Storm Water Operating Fund.

ISSUES:

None.

BUDGET IMPACT:

See background above.

OPTIONS:

1. Adopt Capital Project Ordinance Amendment 2013-28.
2. Do not adopt Capital Project Ordinance Amendment 2013-28.

RECOMMENDED ACTION:

Staff recommends that Council move to adopt Capital Project Ordinance Amendment 2013-28.

ATTACHMENTS:

CPOA 2013-28 Stormwater Capital Project Fund

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2013-28 (CPO 2011-11)**

Section 1. The project change authorized is to Capital Project Ordinance 2011-11, adopted June 13, 2011, as amended, for the funding of stormwater drainage improvements and other capital expenditures.

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

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

| | Listed As | Amendment | Revised |
|---|----------------------|------------------|----------------------|
| Interfund Transfer from the Stormwater Fund | \$ 10,267,983 | \$ 82,900 | \$ 10,350,883 |
| Revenue Bond Proceeds | 10,595,000 | - | 10,595,000 |
| | <u>\$ 20,862,983</u> | <u>\$ 82,900</u> | <u>\$ 20,945,883</u> |

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

| | | | |
|----------------------|----------------------|------------------|----------------------|
| Project Expenditures | <u>\$ 20,862,983</u> | <u>\$ 82,900</u> | <u>\$ 20,945,883</u> |
|----------------------|----------------------|------------------|----------------------|

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

Adopted this 13th day of May, 2013.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: May 13, 2013
RE: **Bid Recommendation for Purchase of four (4) 67 to 26.18 x 13.09 KV LTC Power Transformers**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests that Council approve bid recommendation to award bid for purchase of four (4) 67 to 26.18 x 13.09 KV LTC Power Transformers

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of April 24, 2013 approved bid recommendation to award bid for purchase of four (4) 67 to 26.18 x 13.09 KV LTC Power Transformers to WEG Service Co., Duluth, Georgia in the total amount of \$2,649,888.00 and forward to City Council for approval. Bids were received March 26, 2013 as follows:

| Bidders | Total Cost |
|--|----------------|
| WEG Service Company, Duluth, GA | \$2,649,888.00 |
| SPX Transformer Solutions, Inc., Goldsboro, NC | \$2,944,227.00 |
| Siemens Energy, Inc., Cary, NC | \$3,153,200.00 |
| ABB, Inc., South Boston, VA | \$3,596,570.00 |
| HD Supply Power Solutions, Wake Forest, NC | \$3,648,250.00 |

These transformers are budgeted in the CIP Budget. Listed below is the budget and delivery information:

| Location | CIP Reference | CIP Budgeted Amount For Equipment | Unit Cost | Delivery Date |
|---------------------------------------|---------------|-----------------------------------|--------------|-----------------|
| Schedule #1A Cape Fear Substation | EL 53 | \$1,500,000 | \$643,664.00 | April 15, 2014 |
| Schedule #2A Carvers Falls Substation | EL49 | \$1,200,000 | \$643,664.00 | July 15, 2014 |
| Schedule #3A Lafayette Substation | EL47 | \$1,290,000 | \$681,280.00 | April 15, 2015 |
| Schedule #4A Fenix Substation | EL51 | \$ 750,000 | \$681,280.00 | October 5, 2015 |

ISSUES:

N/A

BUDGET IMPACT:

PWC Budget

OPTIONS:

N/A

RECOMMENDED ACTION:

The Public Works Commission recommends to the City Council to award bid for purchase of four

(4) 67 to 26.18 x 13.09 KV LTC Power Transformers to WEG Service Co., Duluth, Georgia in the total amount of \$2,649,888.00.

ATTACHMENTS:

Bid recommendation

Bid delivery and budget information

bid history

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** April 17, 2013

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award bid for the purchase of four (4) 67 to 26.18 x 13.09 KV LTC
Power Transformers
.....

BID/PROJECT NAME: 67 to 26.18 x 13.09 KV LTC Power Transformers

BID DATE: March 26, 2013 **DEPARTMENT:** Electric Substations

BUDGETED AMOUNT: *See attached Excel spreadsheet for budget and delivery information.
.....

| BIDDERS | TOTAL PRICE |
|--|-----------------------|
| <u>WEG Service Company, Duluth, GA</u> | <u>\$2,649,888.00</u> |
| <u>SPX Transformer Solutions, Inc. Goldsboro, NC</u> | <u>\$2,944,227.00</u> |
| <u>Siemens Energy, Inc., Cary, NC</u> | <u>\$3,153,200.00</u> |
| <u>ABB, Inc., South Boston, VA</u> | <u>\$3,596,570.00</u> |
| <u>HD Supply Power Solutions, Wake Forest, NC</u> | <u>\$3,648,250.00</u> |

.....

AWARD RECOMMENDED TO: WEG Service Co., Duluth, GA

BASIS OF AWARD: Lowest evaluated bidder

AWARD RECOMMENDED BY: Michael Clements, PE, Booth & Associates and Joel Brown,
PWC
.....

COMMENTS: Bids were received from five (5) vendors. The lowest evaluated bidder is
recommended.
.....

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BUDGET AND DELIVERY INFORMATION FOR POWER TRANSFORMERS

| | LOCATION | CIP REFERENCE | CIP BUDGETED AMOUNT FOR EQUIPMENT | UNIT COST | DELIVERY DATE |
|--------------|-------------------------|---------------|--------------------------------------|--------------|------------------|
| SCHEDULE #1A | CAPE FEAR SUBSTATION | EL53 | \$1,500,000 | \$643,664.00 | APRIL 15, 2014 |
| SCHEDULE #2A | CARVER FALLS SUBSTATION | EL49 | \$1,200,000 | \$643,664.00 | JULY 15, 2014 |
| SCHEDULE #3A | LAFAYETTE SUBSTATION | EL47 | \$1,290,000 | \$681,280.00 | APRIL 15, 2015 |
| SCHEDULE #4A | FENIX SUBSTATION | EL51 | \$750,000 | \$681,280.00 | OCTOBER 15, 2015 |

BID HISTORY

67 TO 26.18 X 13.09 KV LTC POWER TRANSFORMERS BID DATE: MARCH 26, 2013; 2:00 P.M.

Advertisement

1. Public Works Commission Website 03/11/13 through 03/26/13

List of Organizations Notified of Bid

1. NAACP Fayetteville Branch, Fayetteville, NC
2. NAWIC, Fayetteville, NC
3. N.C. Institute of Minority Economic Development (NCIMED), Fayetteville, NC
4. Cumberland Regional Improvement Corporation (CRIC), Fayetteville, NC
5. Fayetteville Business & Professional League (FBPL), Fayetteville, NC
6. Small Business Technology Development Center (SBTDC), Fayetteville, NC
7. FTCC Small Business Center, Fayetteville, NC
9. Fayetteville Regional Chamber of Commerce, Fayetteville, NC

List of Prospective Bidders

1. WEG Service Company, Duluth , GA
2. SPX Transformer Solutions, Inc., Goldsboro, NC
3. Siemens Energy, Inc., Cary, NC
4. ABB, Inc., South Boston, VA
5. HD Supply Power Solutions, Wake Forest, NC

SDBE/MWBE Participation

WEG Service Co. is not classified as a SDBE, minority or woman-owned business.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, CEO/General Manager Public Works Commission of the City of Fayetteville
DATE: May 13, 2013
RE: **PWC - Resale of Real Property at 4270 Deadwyler Drive back to former owner**

THE QUESTION:

Will the City Council as the governing body approve to allow the previous owner(s) to re-purchase the property located at 4270 Deadwyler Drive?

RELATIONSHIP TO STRATEGIC PLAN:

Quality utility services.

BACKGROUND:

On February 10, 2003 the Fayetteville City Council approved the Assessment Roll for the sanitary sewer and water lines provided within the Phase 4-A Annexation Project Area. An assessment was made on the property located at 4270 Deadwyler Drive. PWC and their attorney mailed numerous collection letters to the owner(s) on record concerning the seriously delinquent assessment. A Default Judgment was entered and on June 11, 2012 the property was offered for sale at the Cumberland County Courthouse. Because no bids were entered by default the City of Fayetteville, C/O PWC became the owner of the property. After an upset bid grace period the property was deeded to the City of Fayetteville, C/O PWC on October 22, 2012. An Order For Possession of Real Property was filed on April 2, 2013 and presently the prior owner is facing eviction. A family member of the prior owner has petitioned PWC through its attorney to purchase the property back for the prior owner. PWC is agreeable to selling the property for a purchase price of \$18,150.00. State statute allows the resale of property purchased at a foreclosure sale to be resold to the former property owner or to any other person formerly having an interest in the property in the discretion of the governing body. The property will be sold without warranties.

ISSUES:

Whether to resale the property located at 4270 Deadwyler Drive to the previous owner in accordance with NCGS 105-376(c)

BUDGET IMPACT:

OPTIONS:

- (1) Initiate eviction proceedings
- (2) Approve to sell the property back to the previous owner(s)
- (3) Provide additional direction to staff

RECOMMENDED ACTION:

PWC recommends allowing the repurchase of the property located at 4270 Deadwyler Drive by the former owner pursuant to state statute.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Theodore L. Voorhees, City Manager
DATE: May 13, 2013
RE: **Setting of Public Hearing on the Fiscal Year 2013-2014 Proposed Budget**

THE QUESTION:

The City Manager and PWC General Manager have submitted fiscal year 2013-2014 recommended budgets for the City and the Electric, Water and Waste Water Funds. On May 28, 2013, the City Manager and PWC General Manager will present overviews of the recommended budgets. Council is asked to set the required public hearing on the budget for June 10, 2013.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principles: Financially Sound; Full Range of Quality Municipal Services; and Services Delivered in a Cost Effective Manner

BACKGROUND:

The City's recommended budget documents, including the budget for its Electric, Water and Waste Water Funds, for fiscal year 2013-2014 have been distributed to City Council and are available for public inspection at the office of the City Clerk and on the city website.

Council is asked to set the required public hearing on the budget for June 10, 2013.

Other steps already scheduled for the budget deliberation process include budget workshops on May 15, 22 and 29, 2013; and, adoption of the budget on June 10, 2013.

ISSUES:

Issues will be discussed and deliberated during scheduled budget workshops.

BUDGET IMPACT:

The budget impact will be discussed and deliberated during scheduled workshops.

OPTIONS:

Schedule the date for the required public hearing on the budget.

RECOMMENDED ACTION:

Set the public hearing to receive comments on the proposed budget for June 10, 2013.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: May 13, 2013
RE: Tax Refunds Greater Than \$100

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

The attached refunds were approved by the Cumberland County Special Board of Equalization during the months of March and April, 2013.

ISSUES:

None

BUDGET IMPACT:

The budget impact is \$1,766.65.

OPTIONS:

Approve the refunds.

RECOMMENDED ACTION:

Approve the refunds.

ATTACHMENTS:

Tax Refunds Greater than \$100



May 13, 2013

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer

FROM: Nancy Peters, Accounts Payable

RE: Tax Refunds of Greater Than \$100

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

| NAME | BILL NO. | YEAR | BASIS | CITY REFUND |
|---|----------|-----------|-------------------------|------------------|
| Branch Banking & Trust Mortgage (C/O Shugart, Mary E. | 2222174 | 2010-2011 | Clerical Error | 410.40 |
| Ghee, Rae D. & Husband Harry J. | 6854727 | 2009-2011 | Corrected Assessment | 392.61 |
| Vick, Walter T. | 2593890 | 2007-2011 | Clerical Error | 963.64 |
| TOTAL | | | | \$1766.65 |

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager, Planning and Zoning
DATE: May 13, 2013
RE: **Amendment to City Code Chapter 30-5 to increase parking for restaurants**

THE QUESTION:

Code amendment to increase the parking allowed for restaurants

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy
Cost-Effective Service Delivery

BACKGROUND:

City Code Chapter 30, the unified development code for the City, in Article 30-5.A.4, establishes a minimum requirement for parking as well as a maximum allowable number of parking spaces. It also provides for administrative review and approval of an alternative parking plan when supported by a parking demand or similar analysis.

For restaurants with or without drive-through services, parking is based on 1 space per 150 square feet. The number of alternative parking requests for significantly more parking than allowed led staff to reassess the basic standards for these two restaurant types.

This specific standard has also been mentioned by representatives of development interests who have been advising on adjustments to the development code.

At a special meeting April 23, 2013, the Planning Commission held a public hearing [no speakers for or against] and recommended approval of the proposed standards.

ISSUES:

Staff analyses included an evaluation of local development and the range of standards cited by the ITE (Institute of Traffic Engineers) manual on parking standards. Staff saw a pattern in which the number of seats was an indicator of the most relevant way to calculate the parking needed. For restaurants with large numbers of seats, it is the number of spaces per seat that best measured the parking needs. For restaurants with fewer seats (which often included the drive-throughs), square footage was a more relevant base for the parking standard.

The attached ordinance retains an important distinction between restaurant types (those with drive-throughs versus with indoor and/or outdoor seating only). The layout also makes it clear that the applicable parking standards, as recommended by the Planning Commission, are related to the number of seats.

BUDGET IMPACT:

None noted.

OPTIONS:

1. Approve as presented (recommended).
2. Approve with changes.
3. Table with direction to staff.
4. Deny.

RECOMMENDED ACTION:

The Planning Commission and Staff recommend that the City Council move to APPROVE the proposed changes to City Code Chapter 30-5 to increase the parking minimum and maximum standards for certain restaurant uses.

ATTACHMENTS:

Draft ordinance to increase restaurant parking

PowerPoint - increase restaurant parking

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO INCREASE THE MINIMUM AND MAXIMUM PARKING STANDARDS FOR RESTAURANTS

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

Section 1. In Table 30-5.A.4.B Minimum Off-Street Parking Standards, modify the use listings and parking standards for the two restaurant entries under Eating Establishments, as shown below

30-5.A.4. (b) Minimum Number of Spaces Required

Unless otherwise expressly stated in this section, the minimum number of off-street parking spaces shall be provided in accordance with Table 30-5.A.4.B, Minimum Off-Street Parking Standards:

| TABLE 30-5.A.4.B: MINIMUM OFF-STREET PARKING STANDARDS | | |
|---|--|--|
| USE CATEGORY | USE TYPE | MINIMUM NUMBER OF PARKING SPACES [1] |
| AGRICULTURAL USE CLASSIFICATION | | |
| ---- | ---- | ---- |
| COMMERCIAL USE CLASSIFICATION | | |
| Uses in the commercial use classification shall not provide more than 140 percent of the minimum number of spaces required except as specifically noted below or through an approved alternative parking plan (see Section 30-5.A.8). | | |
| Eating Establishments | Dinner theater | 1 per every 4 seats |
| | Restaurant, with indoor or outdoor seating | <i>Less than 100 seats:</i> 1 per every 125sf (including outdoor waiting/seating/dining areas). MAXIMUM parking shall be 175% of the minimum. |
| | Restaurant, with drive-through service | <i>100 or more seats:</i> 1 per every 4 seats. MAXIMUM parking shall be 1 space per every 2 seats (including outdoor waiting/seating/dining areas) |
| | Specialty eating establishment | 1 per every 200 sf |

Section 2. In Section 30-5.A.4.(f) Maximum Number of Spaces Permitted, modify Item (1) to add the reference to other standards in Table 30-5.A.4.B, as follows:

30-5.A.4. (f) Maximum Number of Spaces Permitted

(1) Provision Limited to 140 Percent of Minimum

For any use listed under the commercial or industrial use classification in Table 30-5.A.4.B, Minimum Off-Street Parking Standards, the number of off-street parking spaces shall not exceed 140 percent of the minimum number of parking spaces required in Table 30-5.A.4.B, Minimum Off-Street Parking Standards unless specifically provided for in that table, except that additional parking spaces may be allowed through approval of an Alternative Parking Plan in accordance with Section 30-5.A.8.a, Provision over the Maximum Allowed.

Section 3. The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future text amendments as long as doing so does not alter the material terms of the Unified Development Ordinance.

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

ADOPTED this the ____ day of _____, 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

City Council Public Hearing May 13, 2013



City of
Fayetteville
North Carolina





Text Amendment: City Code, Chapter 30-5

Increase the parking allowed for restaurants



Background



- Previous Code: based on seating; no maximum
- Existing standard: based on gross square feet (1/150 sf) but with a maximum of 140%.
- Most new restaurants are requesting more parking than the maximum allowed.
- ITE manual on parking generally has supported the need for more parking than allowed.



Analysis



- Reviewed 22 pending or recent restaurant developments to identify best indicator(s).
- The proposed standards appear to work for all but two of the recent applications expressing need for more parking than allowed, and for all but two of the existing restaurants for which there is a parking count.
- Those exceptions would still have the option of presenting a parking analysis or demand study for administrative review.



Proposed Standards



- One size doesn't fit all.
- Recognizes that seating is a good indicator of the best measure (seating or building area) of parking need.

| Use | Parking Standard |
|--|--|
| Restaurant, with indoor or outdoor seating | Less than 100 seats*: Minimum 1 space/125 sq. ft. Maximum 175% of minimum 100 or more seats*: Minimum 1 space/4 seats Maximum 1 space/2 seats *including outdoor seating |
| Restaurant, with drive-through service | |



Expected Results



- More efficient, predictable review process for applicant.
- Safer, smoother circulation without frequent circling or queuing for a parking space.
- Staff time better allocated to other aspects of the development process.



Options



- Approve as presented (recommended).
- Approve with changes.
- Table with direction to staff.
- Deny.



Recommendation



The Planning Commission and Staff recommend that the City Council move to APPROVE the proposed changes to the parking minimum and maximum standards for restaurants.



City of
Fayetteville
North Carolina

The City of Fayetteville, North Carolina does not discriminate on the basis of race, sex, color, age, national origin, religion, or disability in its employment opportunities, programs, services, or activities.

www.cityoffayetteville.org
www.facebook.com/cityoffayettevillegovernment | [Twitter@CityOfFayNC](https://twitter.com/CityOfFayNC)



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager, Planning and Zoning
DATE: May 13, 2013
RE: **Amendment to City Code Chapter 30-5 to reduce perimeter landscaping for certain vehicular parking areas**

THE QUESTION:

Code amendment to reduce the perimeter landscaping required for "VUAs" (vehicular use areas/parking)

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy

BACKGROUND:

Work with various recent commercial developments and discussions with an advisory committee highlighted the difficulties or negative impacts of the current requirement to provide a minimum of ten feet of landscaping along the edges of vehicular use areas such as parking, when the adjacent property is also in a commercial district.

Staff evaluated this requirement relative to other standards for screening, landscaping and open space in the Code and concluded that this perimeter VUA landscaping standard adds costs and challenges in site layout, for relatively little public benefit when both properties are in a commercial area. When each party contributes ten feet along the adjoining VUA perimeters, the result is a 20' wide swath where more compact (though still landscaped) development patterns are encouraged, without the benefit of coordinated, more intense landscaping.

At a special meeting on April 23, the Planning Commission recommended approval of this proposed code amendment. There were no speakers for or against at that hearing.

ISSUES:

The issue is the balance of enough site flexibility to encourage creative, higher quality investment while achieving public goals for increased tree canopy, screening of automobile use areas, safe access and circulation patterns, and a more pedestrian-friendly development. Current standards are creating twenty foot wide areas between commercial uses that, done in ten foot increments at different times and under different owners, are difficult to design and plant for best long-term public or private value.

Reducing the required perimeter VUA landscape strip allows more flexibility in site design and the allocation of that space to create or strengthen other public spaces such as patio eating areas, canopy tree sites or open spaces.

BUDGET IMPACT:

None noted.

OPTIONS:

1. Approve as presented (recommended).
2. Approve with changes.
3. Table with direction to staff.
4. Deny.

RECOMMENDED ACTION:

Planning Commission and Staff recommend that City Council move to APPROVE the reduced requirements for the perimeter vehicular use area landscaping strip, as presented by staff.

ATTACHMENTS:

Draft Ordinance - perimeter VUA landsc strip

PowerPoint - VUA perimeter lands strip

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO REDUCE PERIMETER VEHICULAR USE AREA STANDARDS IN CERTAIN SITUATIONS.

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

Section 1. Amend Section 30-5.B.4(c) Vehicular Use Area Landscaping, to modify subsection (4) Items a, b and c as follows, to reduce the required perimeter landscape strip:

(4) Perimeter Vehicular Use Area Landscaping Strips

Vehicular use areas shall be separated and screened from all adjoining ~~(developed and vacant)~~ properties by a landscaped strip.

a. ~~Minimum Width~~Continuous Visual Screen in Non-Residential Areas

~~The landscape strip shall be at least ten feet wide. Commercial (non-residential) vehicular use areas shall be separated from adjoining commercial properties with a minimum five foot wide landscape strip. When head-in parking adjacent to the property line includes wheel stops, the minimum width of the landscape strip is reduced to three feet. The landscape strip shall be planted with a continuous visual screen of evergreen shrubs along the property line, with a minimum height of 24 inches at the time of planting. Required sight clearances at driveways and near intersections shall not be subject to this requirement. When a parking lot will be consolidated with an adjacent parcel, the landscaping strip may be eliminated (see Section 30-5.B.4(c)(4)c, below.~~

b. Continuous Visual Screen

~~Evergreen shrubs with a minimum height of 24 inches above grade at time of planting shall be used to form a continuous visual screen excluding required sight clearances at driveways and near intersections. Canopy trees shall be spaced 25 to 40 feet apart, depending on mature size of selected tree species. Where overhead utility lines prevent the use of canopy trees, understory trees may be substituted with a spacing of 15 to 25 feet on center.~~

c. Adjacent to Off-Street Surface Parking on Other Lots

~~Parking lots should be consolidated and circulation systematized when possible with more creative and effective landscaping, pedestrian circulation, and lighting, rather than having a series of smaller-sized parking lots divided by arbitrary lots lines with landscaped buffers. To this end, the vehicular use area landscape strip may be eliminated when the proposed parking lot will be combined with an existing or future adjoining parking lot. Where two or more off-street surface parking lots are located adjacent to one another, but upon different lots, the vehicular use area perimeter landscaping strip may be eliminated, if the abutting parking lots are combined or interconnected with motor vehicular and pedestrian access, and as long as each parking space is not separated from the trunk of a canopy tree by more than 60 feet~~

~~(see Section 30-5.B.4.c.3, Interior Vehicular Use Area Landscaping Standards). A~~
recorded Cross Parking Agreement between the cooperating parties is required to
provide non-exclusive access (for vehicles and pedestrians) to driveways,
maneuvering areas, parking areas, and so on.

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

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

ADOPTED this the ____ day of _____, 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

City Council Public Hearing May 13, 2013



City of
Fayetteville
North Carolina





Text Amendment: City Code, Chapter 30-5

**Reduce the perimeter VUA (Vehicle
Use Area) landscape strip**



Background



- Current standards: minimum of 10' landscaped strip regardless of other existing or potential adjacent development
- Result: a 20' landscaped area between parking areas on any two businesses regardless of other site layout features
- Cross access: required for commercial development in many instances

Existing Standards



**Currently a 10'
perimeter landscape
strip for VUAs for
each property.**

**Illustrated strip is
approximately 20' in
width.**



Proposed Standards



Without cross access

- Require 3' minimum when wheel stops are provided; plant with continuous hedge
- Require 5' minimum when no wheel stops are provided; plant with continuous hedge

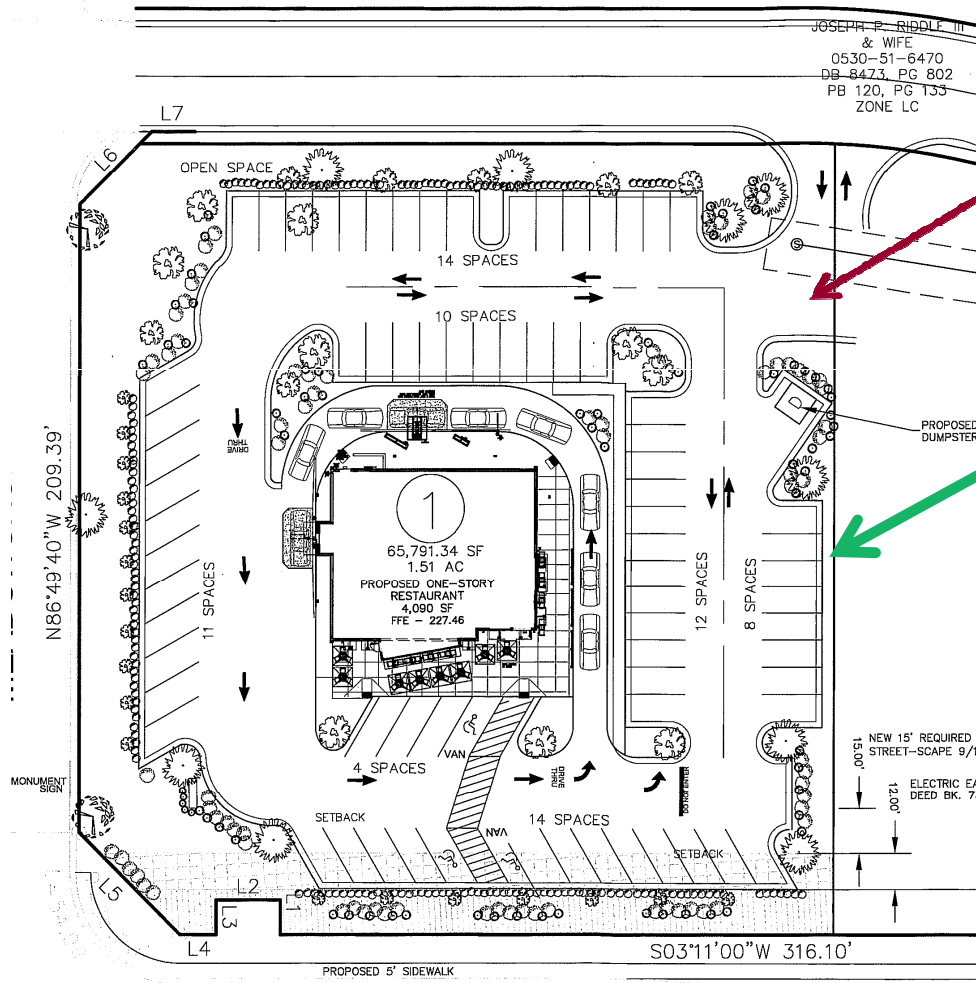
With cross access

- None required if cross access is provided

Proposed Standards



With the cross access, could reduce the minimum 3 or 5' landscape strip to 0.





Analysis



Policy implications:

- Existing standard:
 - counter to more compact, efficient development without significant public benefit
 - no impact on cross access
- Proposed standard (consistent with long range plans)
 - incentive for cross access
 - efficient, compact development pattern, with more site flexibility and opportunity to:
 - add area to other public space, trees and landscaping still being provided through other standards



Options



- Approve as presented (recommended).
- Approve with changes.
- Table with direction to staff.
- Deny.



Recommendation



Planning Commission and Staff recommend that City Council move to APPROVE the reduced requirements for the perimeter vehicular use area landscaping strip, as presented by staff.



City of
Fayetteville
North Carolina

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CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Benjamin Major, Fire Chief
DATE: May 13, 2013
RE: **Consider adoption of revised Secondary Fire Zone**

THE QUESTION:

To consider adoption of revisions to the Secondary Fire Zone.

RELATIONSHIP TO STRATEGIC PLAN:

Vision Principle E: Vibrant Downtown - Well-planned residential and commercial mixed-use developments.

Goal 6: Revitalized Downtown - A Community Focal Point, Maintaining momentum for the Downtown area.

BACKGROUND:

NC GS 160A-435 requires the city council of every incorporated city to pass ordinance(s) establishing and defining primary fire limits. The statute also permits a council to establish secondary fire limits.

The current primary and secondary fire zones in the City of Fayetteville downtown area was adopted in 1961. Since then there have been significant changes in the landscape and development trends in the downtown area, but the fire districts have remained the same. This revision of the secondary fire zone helps to address current development trends adjacent to the downtown area while maintaining fire and life safety protection objectives of the district.

ISSUES:

The primary and secondary fire zones restrict the type of new construction and certain renovations that can occur in the respective zones. Amending the secondary fire zone will further encourage development in the downtown areas without negatively impacting downtown fire safety objectives.

BUDGET IMPACT:

There is no budget impact.

OPTIONS:

- Adopt the revision to the secondary fire zone.
- Do not adopt the revision to the secondary fire zone.

RECOMMENDED ACTION:

Staff recommends Council move to adopt the revision of the secondary fire zone.

ATTACHMENTS:

Ordinance - Secondary Fire Limit

Redlined Ordinance - Secondary Fire Limit

Primary and Secondary Fire Zone - Map

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 11, FIRE PROTECTION AND PREVENTION, ARTICLE I, IN GENERAL, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that the Fire Protection and Prevention Ordinance adopted as Chapter 11 of the Fayetteville Code of Ordinances and last amended September 9, 2002, be amended as follows:

Section 1. Amend Section 11-7 SECONDARY FIRE ZONE ESTABLISHED AND BOUNDARY DEFINED to correct the spelling of “Halliday” Street and to modify the boundaries of the secondary fire zone as follows:

- (1) Beginning at a point in the center line of Halliday Street 150 feet east of Gillespie Street and running thence in an easterly direction along the center line of Halliday Street and its extension to the center line of Cool Springs Street;
- (6) Thence in a westwardly direction 350 feet north and parallel to Grove Street, crossing Ramsey Street, and continuing 350 feet north of and parallel to Rowan Street, to a point in a line 200 feet east of and parallel to the CSX Railroad;
- (7) Thence in a southerly direction with said line, 200 feet east of and parallel to the CSX Railroad and continuing to the centerline of Rowan Street;
- (8) Thence in a south westward direction along the southern margin of the Rowan Street Bridge and continuing to the centerline of Bragg Boulevard;
- (9) Thence in a southerly direction along the centerline of Bragg Boulevard and crossing Hay Street onto Robeson Street to the northern margin of Humphrey Lane;
- (10) Deleted in its entirety
- (11) Deleted in its entirety
- (12) Deleted in its entirety
- (13) Deleted in its entirety
- (14) Deleted in its entirety
- (15) Deleted in its entirety
- (16) Deleted in its entirety

- (17) Deleted in its entirety
- (18) Deleted in its entirety
- (19) Thence eastwardly along the northern margin of Humphrey Lane extension to the southern margin of Kyle Street;
- (25) Thence parallel and 150 feet east of Gillespie Street N 10 degrees E to the centerline of Halliday Street, the point of beginning.

Section 2. Amend Section 11-8 CONSTRUCTION, REPAIRS, ETC., IN FIRE ZONE, Subsection (a), to delete reference to “Appendix F” and replace with “the North Carolina State Building Code” as follows:

- (a) For the purposes of regulating the construction, alteration, or other improvements to buildings and structures within the fire district as established in this chapter, the North Carolina State Building Code is hereby adopted and incorporated by reference.

Section 3. Amend Section 11-8 CONSTRUCTION, REPAIRS, ETC., IN FIRE ZONE to add Subsection 11-8 (c) as follows:

- (c) Within the secondary fire district, upon approval of the City of Fayetteville Building Inspector or his designee, fire retardant wood frame structures shall be permitted to be constructed, enlarged or modified only if all of the following conditions are met:
 - 1. The building shall be constructed in compliance with the N.C. Building Code; and
 - 2. The building shall be equipped with a complete sprinkler system complying with the N.C. Building Code standards and approved by the City of Fayetteville Building Inspector or his designee; and
 - 3. All exterior components, including but not limited to, stairs and balconies shall be constructed of non-combustible materials.

Section 4. The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish and/or accomplish the provisions of this ordinance as long as doing so does not alter the material terms of Chapter 11 of the Fayetteville Code of Ordinances.

Section 5. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

Adopted this _____ day of May, 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

PART II - CODE OF ORDINANCES
Chapter 11 - FIRE PROTECTION AND PREVENTION

ARTICLE I. - IN GENERAL

ARTICLE I. - IN GENERAL

[Sec. 11-1. - Fire prevention code—Adopted; enforcement.](#)

[Sec. 11-2. - Same—Conflicts.](#)

[Sec. 11-3. - Establishment and duties of the fire prevention bureau.](#)

[Sec. 11-4. - Definitions.](#)

[Sec. 11-5. - Penalties.](#)

[Sec. 11-6. - Primary fire zone established and boundary defined.](#)

[Sec. 11-7. - Secondary fire zone established and boundary defined.](#)

[Sec. 11-8. - Construction, repairs, etc., in fire zone.](#)

[Sec. 11-9. - Operating fire hydrant.](#)

[Sec. 11-10. - Failure to comply with order of fire chief.](#)

[Sec. 11-11. - Open burning regulatory authority.](#)

[Secs. 11-12—11-30. - Reserved.](#)

Sec. 11-7. - Secondary fire zone established and boundary defined.

There is hereby established a secondary fire zone whose boundary shall be as follows:

- (1) Beginning at a point in the center line of Halliday Street 150 feet east of Gillespie Street and running thence in an easterly direction along the center line of Halliday Street and its extension to the center line of Cool Spring Street;
- (2) Thence in a northerly direction along the center line of Cool Spring Street crossing Russell and Person Streets to a point 174.75 feet north of the northern margin of Person Street; thence in a westerly direction and parallel with Person Street 164.6 feet; thence in a northerly direction and parallel with Cool Spring Street to the run of Cross Creek;
- (3) Thence in a general northwesterly direction along the run of Cross Creek as it meanders, to a point in a line 250 feet east of and parallel to the eastern margin of Green Street;
- (4) Thence with said line, 250 feet east of and parallel to Green Street, in a northerly direction to Grove Street;
- (5) Thence continuing northwardly with Barges Lane to a point 350 feet north of the northern margin of Grove Street;
- (6) Thence in a westwardly direction 350 feet north of and parallel to Grove Street, crossing Ramsey and continuing 350 feet north of and parallel to Rowan Street, to a point in a line 200 feet east of and parallel to the CSX Railroad;
- (7) Thence in a southerly direction with said line, 200 feet east of and parallel to the CSX Railroad and continuing to the centerline of Rowan Street;
- (8) Thence in a south westward direction along the southern margin of the Rowan Street Bridge and continuing to the centerline of Bragg Boulevard;

PART II - CODE OF ORDINANCES
Chapter 11 - FIRE PROTECTION AND PREVENTION

ARTICLE I. - IN GENERAL

- (9) Thence in a southerly direction along the centerline of Bragg Boulevard and crossing Hay Street onto Robeson Street to the Northern margin of Humphrey Lane;
- (19) Thence eastwardly along the northern margin of Humphrey Lane and its extension to the southern margin of Kyle Street;
- (20) Thence in an easterly direction along the southern margin of Kyle Street and its extension to the western margin of the Atlantic Coast Line property;
- (21) Thence in a northerly direction along the western margin of said property to a point 500 feet south of Russell Street;
- (22) Thence S 70 degrees E parallel and 500 feet south of Russell Street to a point 200 feet west of Worth Street;
- (23) Thence in a southerly direction parallel and 200 feet west of Worth Street to the centerline of Blount Street;
- (24) Thence in an easterly direction along the centerline of Blount Street crossing Gillespie Street to a point 150 feet east of Gillespie Street;
- (25) Thence parallel and 150 feet east of Gillespie Street N 10 degrees E to the centerline of Halliday Street, the point of beginning.

(Code 1961, § 12-12)

Cross reference— Definitions generally, § 1-2.

Sec. 11-8. - Construction, repairs, etc., in fire zone.

- (a) For the purpose of regulating the construction, alteration, or other improvements to buildings and structures within the fire district as established in this chapter, the North Carolina State Building Code is hereby adopted and incorporated by reference.
- (b) Within the secondary fire zone as established by this chapter, no frame or wooden building or structure or addition thereto shall hereafter be erected, altered, or moved, either into the zone or from one place to another within the zone, except as follows:
 - (1) A frame or wooden building or structure used exclusively for residential purposes for not more than four families may be repaired or altered, provided the repairs or alteration does not exceed 50 percent of its market value. This includes the structure and all component parts. The inspection director or the chief of the fire department may require the property owner to furnish him with a certified appraisal from a registered real estate appraiser where there arises a conflict on the market value of such structure. The inspection director or the chief of the fire department will decide on his own motion whether the structure may be repaired, altered or demolished and removed from the premises.
 - (2) No frame or wooden buildings shall be converted or used for a business or commercial purpose but may be converted and used for a religious, charitable or educational purpose, upon the approval of the building inspector and the chief of the fire department. For the purposes of this section, a religious use shall be considered the use of a building as a place of worship; a charitable use shall be considered the use of a building by a nonprofit organization; and educational use shall be considered the use of a building for a school curriculum similar to the public system of the state.
 - (3) Notwithstanding the provisions of subsection (b)(2) of this section, a frame or wooden building or structure may be converted for any use permissible within its zoned area if such building or

PART II - CODE OF ORDINANCES
Chapter 11 - FIRE PROTECTION AND PREVENTION

ARTICLE I. - IN GENERAL

structure, after requested by the owner, has been declared by the city council to be a building or structure with substantial historical or architectural value. Prior to the city council making a determination as to the historical or architectural value of the structure, the owner must first submit the request to the state department of archives and history for a recommendation as to the historical or architectural value of the structure.

- (4) A frame or wooden building or structure may be moved within or into the secondary fire zone on a temporary basis for a period not to exceed six months upon the approval of the inspection director. This temporary permit may be extended for a period of 90 days at a time but must have the written approval of the inspection director, the chief of the fire department and the city council; provided, however, the temporary permit shall be issued for a one-story building or structure not to exceed 2,000 square feet in area.
- (5) After any frame or wooden building or structure is repaired, altered or moved within the secondary fire zone, the building or structure must meet all requirements of the state building code, the city zoning ordinance and all other laws and regulations where applicable.

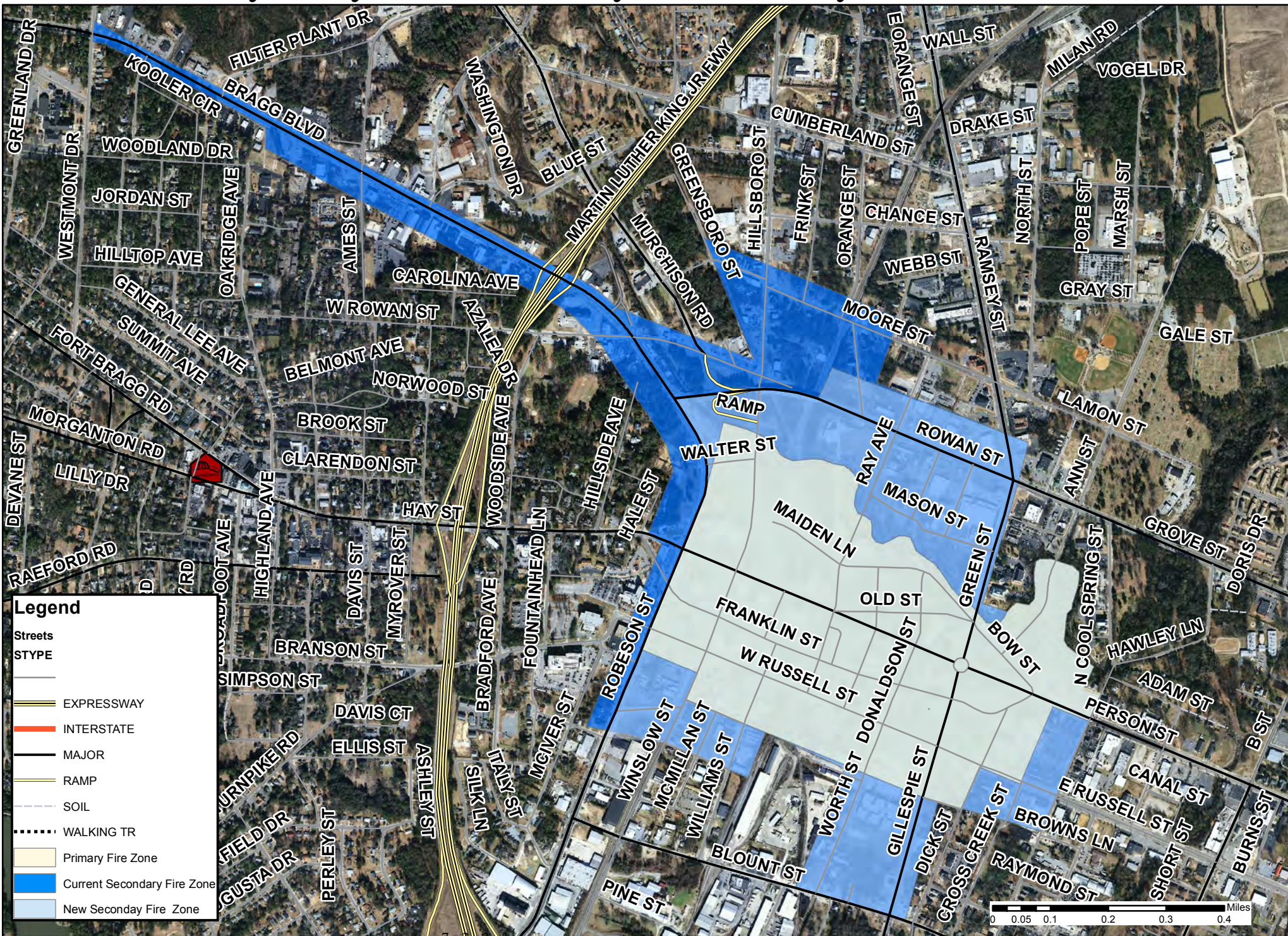
(Code 1961, § 12-13)

- (c) Within the secondary fire district, upon approval of the City of Fayetteville Building Inspector or his designee, fire retardant wood frame structures shall be permitted to be constructed, enlarged or modified only if all of the following conditions are met:
 - 1) The building shall be constructed in compliance with the N.C. Building Code; and
 - 2) The building shall be equipped with a complete sprinkler system complying with the N.C. Building Code standards and approved by the City of Fayetteville Building Inspector or his designee; and
 - 3) All exterior components, including but not limited to, stairs and balconies shall be constructed of non-combustible materials.

Cross reference— Building code, ch. 7.

State law reference— Restrictions within secondary fire limits, G.S. 160A-437.

City of Fayetteville Primary and Secondary Fire Zones



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: May 13, 2013
RE: **Revenue and Expenditure Report for Annual Funds for the Nine-Month Period Ended March 31, 2013**

THE QUESTION:

Staff will present the revenue and expenditure report for the nine-month period ended March 31, 2013.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle: Financially Sound

Core Value: Stewardship

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

Objective 1: Greater accountability for performance, results and transparency

BACKGROUND:

The quarterly report will be provided separately via email no later than Friday, May 10. The report will consist of two main sections: revenues by major category by fund, and expenditures by department and fund.

The report will provide revenue and expenditure data for the current fiscal year (column "Actuals thru March 2013") with comparison data for the same period of the prior fiscal year (column "Actuals thru March 2012"). The current year annual budget will also be provided in the column labeled "Annual Budget as of March 2013".

Positive or negative changes between the "actuals thru March 2013" column and the "Actuals thru March 2012" column will be provided as percentages in the "% Change Actuals" column.

Since sales tax distributions are received approximately 75 days after the period in which they apply, the report will only include sales tax revenues for the seven-month period ended January 31, 2013 for the current fiscal year, and for comparative purposes the seven-month period ended January 31, 2012 for the prior fiscal year.

The quarterly utility taxes are received from the State approximately 75 days after the period to which they apply; therefore, only utility tax revenues for the six-month period ended December 31, 2012 will be included for the current fiscal year, and for comparative purposes the six-month period ended December 31, 2011 for the prior fiscal year.

ISSUES:

None.

BUDGET IMPACT:

The budget impact will be reflected in the quarterly report.

OPTIONS:

Not applicable.

RECOMMENDED ACTION:

No action required. Information only.

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: May 13, 2013
RE: **Uninhabitable Structures Demolition Recommendations**
1021 Bragg Boulevard
218 S. C Street
521 Mechanic Street
1337 Taylor Drive

THE QUESTION:

Ordinances to demolish blighted structures.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

1021 Bragg 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 inspected and condemned as a dangerous structure on October 11, 2012. A hearing on the condition of the structure was conducted on October 31, 2012, in which the owners did not attend. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owners on November 1, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since July 2012. In the past 24 months there have been 11 calls for 911 service to the property. There have been 6 code violation cases with no pending assessments. The low bid for demolition is \$8,675.00.

218 S. C 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 October 25, 2012. A hearing on the condition of the structure was conducted on November 28, 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 November 29, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since November 2008. In the past 24 months there have been 4 calls for 911 service to the property. There have been 6 code violation cases with a pending assessment of \$697.35. The low bid for demolition is \$1,900.00.

521 Mechanic Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on August 3, 2012. A hearing on the condition of the structure was conducted on October 24, 2012, in 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 90 days was issued and mailed to the owners on October 25, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since November 2005. In the past 24 months there have been 16 calls for 911 service to the property. There have been 6 code violation cases with no pending assessments. The low bid for demolition is \$2,345.00.

1337 Taylor Drive

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on August 3, 2012. A hearing on the condition of the structure was conducted on August 23, 2012, in which the owner did not attend. A subsequent

Hearing Order to repair or demolish the structure was issued and mailed to the owner on August 24, 2012. To date there have been no repairs to the structure. The utilities to the structure have been disconnected since July 2006. In the past 24 months there have been 5 calls for 911 service to the property. There have been 4 code violation cases with a pending assessment of \$1,413.28. The low bid for demolition is \$2,545.00.

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 properties will be \$15,465.00; 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-- 1021 Bragg Boulevard

Docket-- 1021 Bragg Boulevard

Ordinance-- 1021 Bragg Boulevard

Photo 1-- 1021 Bragg Boulevard

Photo 2-- 1021 Bragg Boulevard

Photo 3-- 1021 Bragg Boulevard

Photo 4-- 1021 Bragg Boulevard

Photo 5-- 1021 Bragg Boulevard

Photo 6-- 1021 Bragg Boulevard

Aerial Map-- 218 S. C Street

Docket-- 218 S. C Street

Ordinance-- 218 S. C Street

Photo 1-- 218 S. C Street

Photo 2-- 218 S. C Street

Photo 3-- 218 S. C Street

Photo 4-- 218 S. C Street

Photo 5-- 218 S. C Street

Aerial Map-- 521 Mechanic Street

Docket-- 521 Mechanic Street

Ordinance-- 521 Mechanic Street

Photo 1-- 521 Mechanic Street

Photo 2-- 521 Mechanic Street

Photo 3-- 521 Mechanic Street

Photo 4-- 521 Mechanic Street

Photo 5-- 521 Mechanic Street

Aerial Map-- 1337 Taylor Drive

Docket-- 1337 Taylor Drive

Ordinance-- 1337 Taylor Drive

Photo 1-- 1337 Taylor Drive

Photo 2-- 1337 Taylor Drive

Photo 3-- 1337 Taylor Drive

Photo 4-- 1337 Taylor Drive

Photo 5-- 1337 Taylor Drive



Location: 1021 Bragg Boulevard
PIN: 0437-91-7555

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 | 1021 Bragg Boulevard |
| Property Owner(s) | Rita M. Caldwell, Fayetteville, NC; Mary Chonita McKoy Parker, Indianapolis, IN.; CE McKoy Trust, Indianapolis, IN. |
| Date of Inspection | October 11, 2012 |
| Date of Hearing | October 31, 2012 |
| Finding/Facts of Scheduled Hearing | Notice to repair/demolish the structure within 60 days mailed November 1, 2012 |
| Owner's Response | None |
| Appeal Taken (Board of Appeals) | No |
| Other | Utilities disconnected since July 2012. |
| | |
| | |
| Police Calls for Service (past 2 yrs) | 11 |

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 13th day of May, 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:

1021 Bragg Boulevard
PIN 0437-08-7555

BEGINNING at a point in the western margin of Waterworks Road, the Northeast corner of the Fish Pond lot, and running thence North 89 degrees West 290.4 feet (4.40 chains) to the Frank Evans line, thence North 1 degree East 330 feet (5 chains) to the southwest corner of the Gainey lot; thence with Gainey's line South 89 degrees East 290.4 feet (4.40 chains) to the southeast corner of the Gainey lot; thence Approximately with the western margin of the Waterworks Road South 1 degree West 330 feet (5 chains) to the beginning being the same land described in a deed from J.A. Worth and wife, to Emma Stephen, recorded in Book T-4, Page 579, Cumberland County Registry, and containing 2 2/10 acres, according to a survey made April 28th, 1937 by Leslie E. Smith Surveyor.

Less and excepting a tract of land conveyed to the City of Fayetteville in Deed Book 5158, Page 70, Cumberland County Registry and being more particularly described as:

BEGINNING at the intersection of the southwestern right-of-way margin of Ames Street and running thence with Ames Street South 05 derees 41 minutes 50 seconds West 15.0 feet; thence as the western margin of a sight distance North 26 degrees 22 minutes 55 seconds West 25.42 feet to a point in the southwestern right-of-way margin of Bragg Boulevard South 58 degrees 27 minutes 40 seconds East 15.0 feet to the BEGINNING....contains 101.28 feet, more or less.

Less and excepting a tract of land conveyed to the City of Fayetteville in Deed Book 5435, Page 759, Cumberland County Registry and being more particularly described as:

BEGINNING at a point on the northern margin of the property cited in Deed Book 497, Page 96,

Cumberland County Registry, said point also lying in the southern margin of Bragg Boulevard and being located North 58 degrees 27 minutes 40 seconds West 15 feet from the intersection of the said street margin with the western margin of Ames Street; running thence South 26 degrees 22 minutes 55 seconds East 25.42 feet; thence South 04 degrees 11 minutes 32 seconds East 24.68 feet; thence South 04 degrees 11 minutes 32 seconds East 24.68 feet; thence North 31 degrees 09 minutes 47 seconds West 69.90 feet; thence South 61 degrees 42 minutes 07 seconds East 26.20 feet to the BEGINNING....containing 538.81 feet, more or less.

Less and excepting a tract of land conveyed to the RSBD Properties, LLC in Deed Book 7347, Page 64, Cumberland County Registry and being more particularly described as:

BEGINNING at an existing concrete monument at the northwest corner of the tract of which this is a part, said monument also being the southeast corner of Tract Two, Deed Book 7097, Page 341 and runs thence along the northern line of the tract of which this is a part South 80 degrees 07 minutes East 278.82 feet to a rebar set in the western right-of-way (50' R/W) margin of Ames Street (formerly Water Works Drive); thence along said margin South 03 degrees 37 minutes 57 seconds West 133.10 feet to a rebar set at the northern corner of a triangular piece of land conveyed to the City of Fayetteville by Deed Book 5435, Page 759; thence along the sight triangle South 60 degrees 44 minutes 22 seconds West 25.68 feet to a rebar set in the northern right-of-way (100' R/W) margin of Bragg Boulevard, NC 24/87, thence along said margin North 62 degrees 36 minutes 23 seconds West 275.95 feet to the southeast corner of Tract One, Deed Book 7097, Page 341, said point being also a set rebar; thence along the eastern line of Tract One, North 01 degrees 00 minutes East 66.29 feet to the point of beginning, containing 0.70 acres.

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

| | | |
|---------------------------|------------------------------------|------------------------|
| Rita M. Caldwell, Trustee | Mary Chonita McKoy Parker, Trustee | CE McKoy Trust |
| 702 Oakridge Avenue | 5329 Susan Lane | 5329 Susan Lane |
| Fayetteville, NC 28305 | Indianapolis, IN 46226 | Indianapolis, IN 46226 |

- (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 January 1, 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 \$8,675.00 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 __13th____ day of ____May_____, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk





8-2-5-1







8-2-8-1





Location: 218 S. C Street
PIN: 0437-91-1528

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 | 218 S. C Street |
| Property Owner(s) | Mary Woods, Fayetteville, NC |
| Date of Inspection | October 25, 2012 |
| Date of Hearing | November 28, 2012 |
| Finding/Facts of Scheduled Hearing | Notice to repair/demolish the structure within 60 days mailed November 29, 2012 |
| Owner's Response | None |
| Appeal Taken (Board of Appeals) | No |
| Other | Utilities disconnected since November 2008. |
| | |
| | |
| Police Calls for Service (past 2 yrs) | 4 |

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 13th day of May, 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:

218 S. C Street
PIN 0437-91-1528

BEGINNING at the Northeast corner of Lot Number 9, Block "C", of the McDaniel Property, as recorded in Book of Plats 7, Page 9, Cumberland County Registry, said corner also being the southeastern corner of Lot 7, Block "C" of the above referred to plat, and proceeding thence for a first call along the dividing line between said Lots 9 and 7, North 67 degrees 11 minutes West 157.0 feet to a stake at the Northwest corner of Lot No. 9 and the Southwest corner of Lot 7, North 20 degrees 40 minutes East 48.42 feet to the western line of said Lot 7, and the Southwest corner of Lot No. 4, Block "C" of the above referred to plat; proceeding thence along the line between said Lots 7 and 4, South 67 degrees 42 minutes East 155.0 feet to the northeast corner of Lot 7, the same being the Southeast corner of said Lot 4; and continuing thence South 67 degrees 42 minutes East 25.49 feet to a stake in the western right of way margin of "C" Street; thence along said right of way margin of said Street, South 21 degrees 54 minutes West 50 feet to a stake; thence North 67 degrees 11 minutes West 22.49 feet to the point of the BEGINNING, being all of Lot 7, Block "C" of the McDaniel Property as per plat of the same recorded in Book of Plats 7, Page 9, Cumberland County Registry, and the remainder of said property described above (in addition to Lot 7) being that area lying between said Lot 7 as shown on the recorded plat and the actual existing western right of way margin of "C" Street.

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

Mary Woods
284 Ramona Drive
Fayetteville, NC 28303

- (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 January 29, 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 __13th____ day of __May____, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk









**NO
TRESPASSING**
VIOLATION MAY
BE PROSECUTED



8-2-17-1



Location: 521 Mechanic Street
PIN: 0437-57-8317

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 | 521 Mechanic Street |
| Property Owner(s) | William McAllister, Fayetteville, NC; Margaret Jones, Columbia, SC |
| Date of Inspection | August 3, 2012 |
| Date of Hearing | October 24, 2012 |
| Finding/Facts of Scheduled Hearing | Notice to repair/demolish the structure within 60 days mailed October 25, 2012 |
| Owner's Response | None |
| Appeal Taken (Board of Appeals) | No |
| Other | Utilities disconnected since November 2005. |
| | Hearing was advertised in Fayetteville Observer newspaper. |
| | |
| Police Calls for Service (past 2 yrs) | 16 |

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 13th day of May, 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:

521 Mechanic Street
PIN 0437-57-8317

Beginning at a stake in the western margin of Mechanics Street the Southeast corner of David T. Oates' property, and running thence with the western margin of Mechanics Street North 16 degrees 3 minutes East 60 feet to a stake; thence North 75 degrees 5 minutes West 125 feet to a stake; thence South 25 degrees 52 minutes West 41.5 feet to a stake; thence South 66 degrees East 130 feet to the beginning.

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

Margaret Jones
173 Heises Pond Way
Columbia, SC 29229

William McAllister, Jr.
1150 Camden Road
Fayetteville, NC 28306

- (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 January 25, 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 \$2,345.00 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 ____13th____ day of ____May____, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



8-2-21-1

PRIVATE
PROPERTY



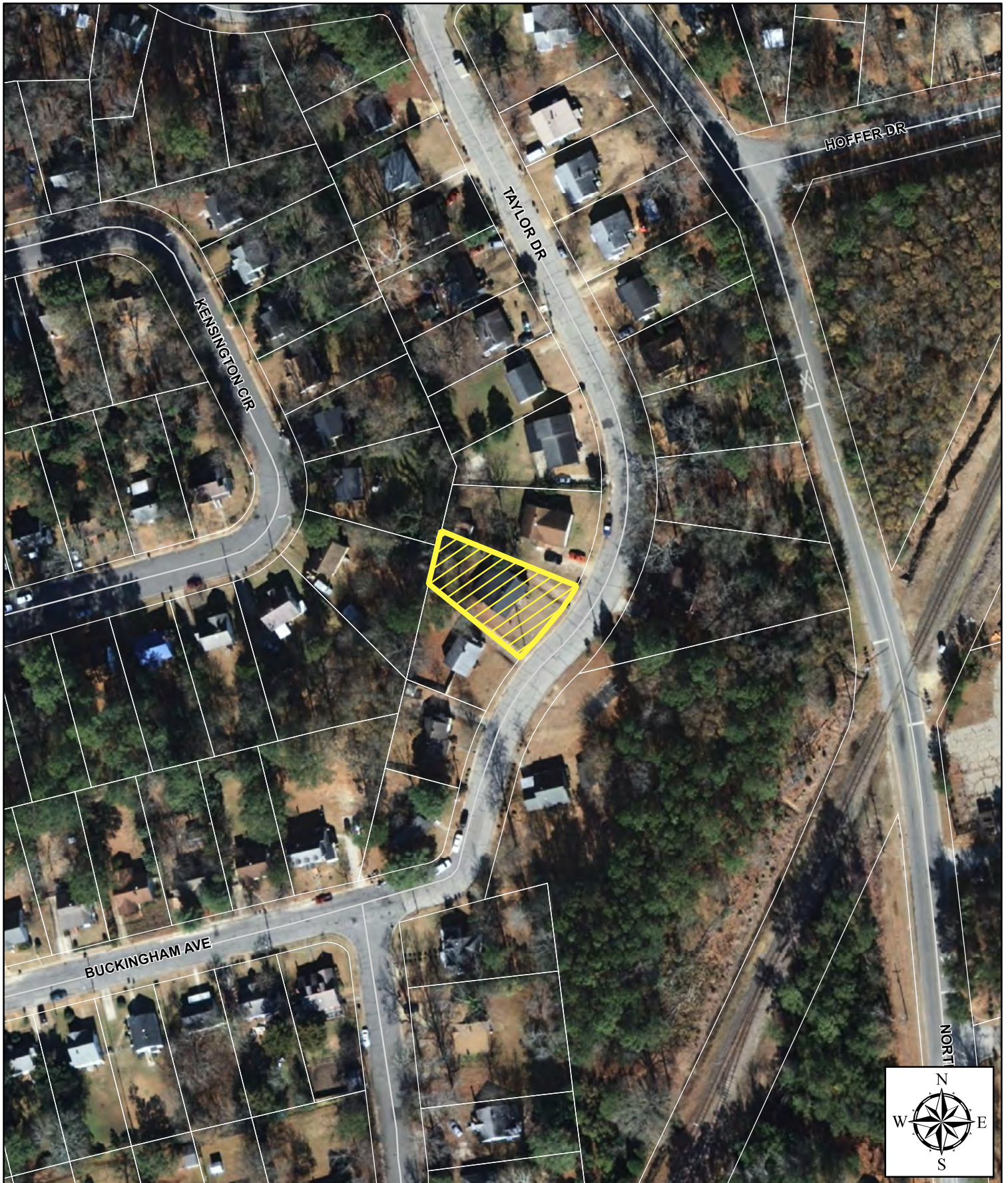
8-2-22-1



8 - 2 - 23 - 1







Location: 1337 Taylor Drive
PIN: 0438-63-5321

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 | 1337 Taylor Drive |
| Property Owner(s) | Reo Rancho LP , Columbia, SC |
| Date of Inspection | August 3, 2012 |
| Date of Hearing | August 23, 2012 |
| Finding/Facts of Scheduled Hearing | Notice to repair/demolish the structure within 60 days mailed August 24, 2012 |
| Owner's Response | None |
| Appeal Taken (Board of Appeals) | No |
| Other | Utilities disconnected since July 2006. |
| | Hearing was advertised in 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 13th day of May, 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:

1337 Taylor Drive
PIN 0438-63-5321

Being all of Lot 4, in a subdivision known as BROOKWOOD COURT, according to a plat of same duly recorded in Book of Plats 13, Page 71, Cumberland County Registry.

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

Reo Rancho, LP
PO Box 488
Columbia, SC 29202

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before October 24, 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 \$2,545.00 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 ____13th____ day of ____May_____, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



HANDS

FOR SALE
\$500 DOWN
\$349 MONTHLY
803-78-1440



FOR SALE
\$4900 DOWN
\$240 MONTHLY
503-775-1400

FOR SALE







| |
|---------------------------------|
| CITY COUNCIL ACTION MEMO |
|---------------------------------|

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: May 13, 2013
RE: **Tax Refunds Less Than \$100**

THE QUESTION:

No action is required for this item. The attached list of refunds is provided only for information.

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

The attached refunds were approved by the Cumberland County Special Board of Equalization during the month of April, 2013.

ISSUES:

None

BUDGET IMPACT:

The budget impact of this item is \$16.02.

OPTIONS:

Not applicable

RECOMMENDED ACTION:

No action is required.

ATTACHMENTS:

Tax Refunds Less Than \$100



May 13, 2013

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer

FROM: Nancy Peters, Accounts Payable

RE: Tax Refunds of Less than \$100

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

| NAME | BILL NO. | YEAR | BASIS | CITY REFUND |
|-------------------------|----------|-----------|-------------------|----------------|
| Barnhill, Michael Wayne | 7731625 | 2008-2011 | Duplicate Listing | 16.02 |
| TOTAL | | | | \$16.02 |