



FAYETTEVILLE CITY COUNCIL
AGENDA
APRIL 26, 2011
7:00 P.M.
CITY HALL COUNCIL CHAMBER

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 ANNOUNCEMENTS AND RECOGNITIONS

6.0 PUBLIC FORUM

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

7.0 CONSENT

7.1 Approve Minutes:

- December 13, 2010 - Regular Meeting
- January 22, 2011 - Departmental Presentations Budget Workshop
- January 24, 2011 - Dinner and Discussion Meeting
- January 24, 2011 - Regular Meeting
- February 7, 2011 - Work Session
- February 14, 2011 - Regular Meeting
- February 23, 2011 - Agenda Briefing
- March 23, 2011 - Agenda Briefing
- April 11, 2011 - Special Meeting
- April 18, 2011 - Special Meeting

7.2 Approval of the 2011-2012 Community Development Annual Action Plan

**7.3 Global Positioning System/Automatic Vehicle Location (GPS/AVL)
Enterprise Solution Award**

7.4 Approve Award of Audio-Visual (A/V) Contract for Veterans Park Visitor Center

Presenter(s): Craig Hampton, Special Projects Director

7.5 Budget Ordinance Amendment 2011-11 (General Fund)

7.6 Budget Ordinance Amendment 2011-12 (General Fund)

7.7 Special Sign Permit Request for temporary event signs for the Cumberland CommuniCare Barbecue Event

7.8 Adopt a Resolution Confirming Non-Inclusion of a portion of an Unnamed Alley off of Old Wilmington Road in the City of Fayetteville Street Plan

7.9 Tax Refunds of Greater Than \$100

7.10 Resolution Accepting the Financing Proposal of Bank of America, N.A. for the Acquisition of the Site, Construction & Equipping of a New Fire Station & the Acquisition of the Festival Park Plaza Office Building & Set the Public Hearing for May 9, 2011

8.0 PUBLIC HEARINGS

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

8.1 Revision to the Uniform Street and Thoroughfare & Lighting Ordinance
Presenter(s): Jeffery P. Brown, PE, Engineering & Infrastructure Director

8.2 Public Hearing for Consideration of a Resolution to Adopt a New Redistricting Map
Presenter(s): David Nash, Planner II and Deborah Stagner, Redistricting Consultant

8.3 Case No. P11-03F. Rezoning of 0.7 acres at 150 Carvers Falls Road from R6 Residential District to C3 Commercial District. Nathan Elmon Page, Jr. and wife Cindy L. Page owners.
Presenter(s): Craig Harmon, Planner

8.4 Public Hearing (Quasi-Judicial) - Request for a Waiver to make payment in-lieu of installation of a sidewalk along 8736 King Road
Presenter(s): Marsha Bryant, Planner

8.5 Public Hearing on the Proposed Probationary Rental Occupancy Permit (PROP) Ordinance and Program
Presenter(s): Doug Hewett, Assistant City Manager

- 8.6 Public Hearing - Taxicab Fare Rate Increase
Presenter(s): Bart Swanson, Development Services, Housing and Code Enforcement Division Manager

9.0 OTHER ITEMS OF BUSINESS

- 9.1 Uninhabitable Structure Recommended for Demolition - 516 Link Street
Presenter(s): Bart Swanson, Housing and Code Enforcement Division Manager
- 9.2 Revenue and Expenditure Report for Annually Budgeted Funds for the Six-Month Period Ended December 31, 2010 and 2009
Presenter(s): Lisa Smith, Chief Financial Officer
- 9.3 Consider Adoption of Resolution Authorizing Condemnation to Acquire Easements and Property for Storm Drainage Improvement Projects
Presenter(s): Jeffery P. Brown, PE, Engineering & Infrastructure Director

10.0 ADMINISTRATIVE REPORTS

- 10.1 Monthly Statement of Taxes for March 2011

11.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

Individuals who have not made a written request to speak on a nonpublic 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
APRIL 26, 2011 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
APRIL 27, 2011 - 10:00 PM
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: Mayor and Members of City Council
FROM: City Clerk's Office
DATE: April 26, 2011
RE: **Approve Minutes:**

- December 13, 2010 - Regular Meeting
- January 22, 2011 - Departmental Presentations Budget Workshop
- January 24, 2011 - Dinner and Discussion Meeting
- January 24, 2011 - Regular Meeting
- February 7, 2011 - Work Session
- February 14, 2011 - Regular Meeting
- February 23, 2011 - Agenda Briefing
- March 23, 2011 - Agenda Briefing
- April 11, 2011 - Special Meeting
- April 18, 2011 - Special Meeting

THE QUESTION:

Should 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 meeting (s) on the referenced date (s) 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:

December 13, 2010 - Regular Meeting Minutes
January 22, 2011 - Departmental Presentations Budget Workshop Minutes
January 24, 2011 - Dinner & Discussion Meeting Minutes
January 24, 2011 - Regular Meeting Minutes
February 7, 2011 - Work Session Minutes
February 14, 2011 - Regular Meeting Minutes

February 23, 2011 - Agenda BRiefing Meeting Minutes

March 23, 2011 - Agenda Briefing Minutes

April 11, 2011 - Special Meeting Minutes

April 18, 2011 - Special Meeting Minutes

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
DECEMBER 13, 2010
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); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Benjamin Nichols, Chief Officer of Fire/Emergency Management
Rob Anderson, Chief Development Officer
Lisa Smith, Chief Financial Officer
Jeffery Brown, Engineering & Infrastructure Director
Rusty Thompson, City Traffic Engineer
Karen Hilton, Planning and Zoning Division Manager
David Nash, Planner II
Craig Harmon, Planner II
Marsha Bryant, Planner II
Glenn Harbeck, Consultant, Harbeck & Associates
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Reverend Dave Michalski of Manna Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 787.

Mayor Chavonne at this time proceeded to Item 5.0, announcements and recognitions, prior to approval of the agenda.

5.0 ANNOUNCEMENTS AND RECOGNITIONS

Mr. Benjamin Nichols, Chief Officer of Fire/Emergency Management, recognized Mr. Derek Esterly of Boy Scout Troop 787 and presented him with a Certificate of Thanks and Chief's Coin for building a picnic table for Fire Station 5 and assembling his Troop to clean around the fire station.

Council Members Chavonne and Haire, on behalf of the City Council and City of Fayetteville, recognized Mr. Cedric Pearson, founder of the Dynamic Youth Production Center, and presented a Certificate of Excellence in recognition of his dedicated, enthusiastic, and untiring commitment to the youth of the City and in honor of him being awarded the Governor's Medallion Award for Volunteer Service. Mr. Pearson followed with comments regarding the program and thanked the Council and community for their support.

Mayor Chavonne at this time proceeded to Item 4.0, approval of agenda.

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4.0 APPROVAL OF AGENDA

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

5.1 Recognition of Wesley Meredith

Mayor Chavonne, on behalf of the City Council and City of Fayetteville, recognized Council Member Wesley Meredith and presented a City Key for his devoted interest and untiring commitment to the citizens of Fayetteville while serving as Council member for District 9 from 2005 through 2010. Council Member Meredith expressed gratitude for serving on the Council and thanked his family and the voters for their support.

5.2. City Council District 9 Replacement

A. District 9 Candidates to Address City Council

Mayor Chavonne presented this item and explained it was Council's responsibility to appoint a representative for District 9 and had received tremendous responses from qualified applicants. He then proceeded to introduce the following candidates alphabetically who in turn provided their qualifications and visions for the community and the district.

Mr. James W. Arp, Jr.
Ms. Belva DeMendoza
Ms. Juanita Gonzalez
Mr. John W. Hurley (withdrew his application)
Mr. Tony D. McKinnon, Sr.
Mr. Ralph Reagan

Mayor Chavonne, on behalf of the City Council, thanked the applicants for sharing their visions of the community.

B. City Council Vote on District 9 Replacement

Mayor Chavonne explained the voting would be in alphabetical order by last names, each Council member would have one vote, the City Clerk would record the votes, and the candidate receiving the most votes would be the District 9 Designate. A vote was held on the candidates with the following result:

Candidate	Vote	Votes Made By
James W. Arp, Jr.	5	Chavonne, Davy, Meredith, Hurst, and Bates
Belva H. DeMendoza	0	
Juanita Gonzalez	0	
John W. Hurley	0	
Tony D. McKinnon, Sr.	5	Massey, Mohn, Haire, Applewhite, and Crisp
Ralph Reagan	0	

MOTION: Mayor Pro Tem Haire moved to hold a vote between Candidates Arp and McKinnon.
SECOND: Council Member Bates
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Massey)

A vote was held on the tied candidates with the following result:

Candidate	Vote	Votes Made By
James W. Arp, Jr.	6	Chavonne, Davy, Meredith, Haire, Hurst, and Bates
Tony D. McKinnon, Sr.	4	Massey, Mohn, Applewhite, and Crisp

Mr. James W. Arp was voted the District 9 replacement.

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5.3 Recognition of Doug Hewett, Assistant City Manager, ICMA.

Mr. Dale Iman, City Manager, presented this item and stated an award was announced at the 96th meeting of the International City/County Management Association (ICMA). Mr. Iman recognized Mr. Doug Hewett, Assistant City Manager, for his outstanding accomplishments and presented the Assistant Excellence in Leadership Award from the ICMA. Mr. Hewett expressed gratitude for the recognition.

6.0 PUBLIC FORUM

Ms. Melinda Harrington, 10001 Brook Street, Fayetteville, NC 28305, on behalf of Fayetteville Beautiful and Sustainable Sandhills, provided information on the environmental and economic impact of plastic bags.

7.0 CONSENT

MOTION: Council Member Mohn moved to approve the consent agenda with the exception of Item 7.4.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

7.1 Approve minutes:

- August 18, 2010 - Agenda Briefing Meeting
- September 13, 2010 - Regular Meeting
- September 22, 2010 - Agenda Briefing Meeting
- September 27, 2010 - Regular Meeting
- October 4, 2010 - Regular Meeting

7.2 Resolution adopting the 2011 City Council meeting dates calendar.

RESOLUTION OF THE FAYETTEVILLE, NORTH CAROLINA, CITY COUNCIL TO ADOPT THE 2011 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF CITY COUNCIL REGULAR MEETINGS FOR 2011. RESOLUTION NO. R2010-086.

7.3 Request to surplus used airfield regulators.

7.4 Pulled for discussion by Council Member Mohn.

7.5 Authorize the Mayor to execute a contract with Cherry, Bekaert and Holland to audit accounts for Fiscal Year 2010-2011.

7.6 Capital Project Ordinance Closeouts 2011-7 through 2011-12 (Transit capital projects and street resurfacing), Capital Project Ordinance Partial Closeout 2011-13 (FY 2008 and FY 2009 street paving projects), and Special Revenue Fund Project Ordinance Closeouts 2011-3 through 2011-5 (Homeland Security, COPS Technology, and Gangs Across the Carolinas Grants).

7.7 Tax refunds of greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Cape Fear Supply Co., Inc., T/A Comtech	2005-2009	Corrected Assessment	\$1,082.23
Total			<u>\$1,082.23</u>

7.8 Approval of FY 2012 Federal Legislative Agenda.

7.4 Approval of a site for the proposed Hope VI Business Park.

This item was pulled for discussion by Council Member Mohn.

Mr. Victor Sharpe, Community Development Director, presented this item and stated the redevelopment of the Old Wilmington Road

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neighborhood would revitalize the community by (1) replacing existing distressed public housing units and obsolete infrastructures with new mixed-income rental and owner occupied dwelling units, (2) providing new housing opportunities for disadvantaged persons, (3) providing community and support services to former residents of the Delona Gardens and Campbell Terrace communities, (4) locating owner occupied and rental units throughout the Old Wilmington Road neighborhood as well as off-site units, and (5) creating a market demand for further development and revitalization in the neighborhood. He explained the City had allocated \$1 million to acquire land for development of the Business Park as one of its commitments for the Hope VI Revitalization Project. He stated the recommended site was on Gillespie Street due to its proximity to downtown and provided information on the site.

Council Member Mohn inquired whether interested developers had contacted the City and the basis for the selection of the site. Mr. Sharpe responded the first step in the process was to assemble the land and then develop a request for proposal to attract developers. He stated the site was recommended by staff because of the proximity to downtown, the land being vacant which would be less costly to acquire, the available utilities, and the City currently owning property within the site.

Council Member Meredith inquired whether there was a five-year completion requirement and the possibility of the County waiving the \$8,000.00 foreclosure tax. Mr. Sharpe responded in the negative regarding the completion requirement and stated the County was not receptive to waiving the foreclosure taxes.

Mayor Chavonne inquired if there was County support. Mr. Dale Iman, City Manager, responded the County committed a substantial amount of funds to the project. Ms. Karen McDonald, City Attorney, clarified the County's position was that under state law they could not waive the taxes.

Council Member Bates inquired of the necessity for condemnation. Mr. Sharpe explained that condemnation was the alternative should the owners not be willing to sale. Ms. McDonald explained that should condemnation be initiated, a resolution would be presented to Council for action. Mr. Iman clarified this was a request for approval of the area for the Business Park and not condemnation of property and added that other sites could be considered.

Council Member Meredith requested a motion to be recused.

MOTION: Council Member Massey moved to recuse Council Member Meredith.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

Council Member Bates inquired if the grant was a binding agreement. Ms. McDonald responded that the City would have potential exposure if they were to back out of the commitment as the grant was awarded based on the commitments from all participants.

Council Member Crisp inquired on the options should developers not be interested in the project. Mr. Iman responded proposals had been pursued and staff would continue efforts to formulate a successful project.

Council Member Davy inquired if other Hope VI packages from other cities had similar binding agreements. Mr. Sharpe responded the City's goal was to have a competitive application. He stated the projects were different in other cities and counties. He stated based on the commitments of the City, County, and PWC, they felt it definitely strengthened the application to a point where it was approved.

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Council Member Crisp inquired if they approve and acquire the properties and move forward with requests for proposal and got nothing significant from developers, what would be the course of action. Mr. Iman responded they would keep revising the proposal until the project was successful. He explained the Hope VI project was not all about providing affordable quality housing, it was also about reversing the trend of poverty by putting a component in the project that would create jobs and provide jobs for the people that were going to be living in the Hope VI area. He stated it was a viable and very important component and something that HUD looked upon very favorably.

MOTION: Council Member Bates moved to follow staff's recommendation to approve acquisition of property for the Hope VI Business Park located on Gillespie, Blount, and Chase Streets as indicated on the site map.

SECOND: Mayor Pro Tem Haire

VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Crisp and Mohn) (Council Member Meredith abstaining)

MOTION: Council Member Massey moved to unrecuse Council Member Meredith.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

8.0 PUBLIC HEARING

Mr. David Nash, Planner II, presented this item and reviewed the mailing process, history, and objective of Items 8.1 and 8.2 and introduced Mr. Glen Harbeck, Consultant for Harbeck & Associates.

8.1 Consideration of the Hospital Area Plan for the Owen Drive/Village Drive area.

Mr. Glen Harbeck, Consultant for Harbeck & Associates, presented this item and provided an overview of the key public meetings held, the eleven principles of the plan, the existing conditions, and the site map. He stated there were three issues remaining and provided the following options on each issue for consideration:

Issue 1: How far down Village Drive do they go with the office zoning which is Area 2, Village Drive, west of Conover.

Option A: Planning staff recommended taking the future land use leading to rezoning as far as Roxie Avenue.

Option B: Planning Commission recommended continuing down Village Drive to complete the entire stretch of the road.

Issue 2: How far down Boone Trail do they go with the office zoning which is Area 3, Boone Trail, west of Owen. Analysis suggested no change.

Option A: Adopt the plan as recommended and revisit the issue in five years or whenever Boone Trail was widened.

Option B: Adopt the plan as recommended and revisit the issue sooner than recommended.

Issue 3: What type of zoning might be best along the west side of Owen Drive immediately north of the hospital which is Area 6, area north of the main hospital campus.

Option A: Planning staff recommended changing the future land use for the first three lots on the west side of Owen Drive south of Sandhurst to the blue

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area indicated on the site map and consider future P2 zoning for all three lots if requested.

Option B: Planning staff recommended not changing the future land use for the first lot on the west side of Owen Drive south of Sandhurst to the red area on the site map and consider future commercial zoning if requested.

Mr. Harbeck presented the following summary of the options for action:

- Option 1: Approve the plan as drafted with Option A boundary (to Roxie Avenue as recommended by staff).
- Option 2: Approve the plan with Option B boundary (to Wayne Lane as recommended by the Planning Commission).
- Option 3: Approve the plan with a boundary other than that recommended by the Planning Commission or staff.
- Option 4: Approve the plan with modifications to aspects of the plan.
- Option 5: Table action with specific direction to staff regarding additional research or issues to address for further consideration.
- Option 6: Deny the plan, leaving in place the existing 2010 Land Use Plan which calls for residential development along the south side of Village Drive and behind the properties fronting Owen Drive.

Council Member Hurst inquired why they could not extend to Fargo Drive as the surrounding property owners had expressed support in the extension. Mr. Harbeck responded the extension would result in offices across the street from residences on Fargo Drive which was something they would like to avoid if possible.

A question and answer period ensued regarding buffering requirements and notification to property owners on the other streets with Mr. Harbeck explaining the new buffering standards would require a 20-foot high buffered hedge which would be opaque in color and a condition could be placed on a special use permit to place a buffer against the road. He also explained that the property owners immediately behind those lots had not had the same opportunity to be made aware through the plan that they could have a nonresidential property behind them as a part of the plan. He suggested maybe having the property owners bring it back as a separate action following adoption of the plan so that they were provided the opportunity to provide adequate notice to the property owners immediately adjoining the extension.

Council Member Crisp inquired if they had gone all the way down to Wayne Lane with notification to the citizens under Option 2. Mr. Harbeck responded in the affirmative.

This is the advertised public hearing set for this date and time. The public hearing opened at 9:00 p.m.

Mr. Al Hartness, MD, 514 Owen Drive, Fayetteville, NC 28303, appeared in opposition and requested his property be contiguous with the proposed zoning of the adjacent properties.

Ms. Nancy Clark-Shakir, 1105 Martindale Drive, Fayetteville, NC 28304, appeared in opposition and stated she was in favor of Option B for Village Drive. She expressed concern that the proposed land use would encroach into the neighborhoods.

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Mr. George Roy Duke, 3614 Village Drive, Fayetteville, NC 28304, appeared in opposition and stated eight residential properties had been omitted from the plan and later added and those property owners were in support of Option B.

Mr. Harold Smelcer, 3209 Boone Trail, Fayetteville, NC 28306, appeared in opposition and requested there be an option to extend on Boone Trail to Fargo Drive.

Mr. Randy LaBarge, 3205 Boone Trail, Fayetteville, NC 28306, appeared in opposition and requested that the buffer zone be extended.

There being no one further to speak, the public hearing closed at 9:13 p.m.

Council Member Meredith inquired if the properties would be considered nonconforming once rezoned. Ms. Karen Hilton, Planning and Zoning Division Manager, clarified the plan was not a request to rezone at this time but to provide guidance to Council in preparation for future rezoning requests.

MOTION: Council Member Hurst moved to approve the Hospital Area Plan with Option B and extend the boundaries of Area 3 to Fargo Drive.

SECOND: Council Member Bates

Mayor Chavonne clarified that Council Member Hurst's motion was to extend Village Drive to Wayne Lane on the first question.

Mayor Chavonne requested clarification on the Boone Trail part in Council Member Hurst's motion. Council Member Hurst clarified Area 3 would be extended to include the seven properties down to the thoroughfare of Fargo Drive.

Mayor Chavonne inquired if Council Member Hurst's motion included anything on the third question. Council Member Hurst responded in the negative.

Mr. Harbeck clarified there was one lot in the southwest corner of Village Drive, which was Wayne Lane, that would also be part of the motion. He stated his understanding was they wanted to take it all the way down to the library.

A question and answer period ensued regarding who was notified with Ms. Hilton responding notification had been a minimum of 500 feet from what was shown on the study area. She stated the 500 feet would barely take the notifications to the intersection at Fargo Drive and if the boundary were changed, there would be properties 500 feet beyond that that would not have been noticed.

Council Member Davy inquired of Ms. Nancy Clark-Shakir if she was in favor of Option B, Area 4. Ms. Shakir stated her concern with the plan being approved was that years down the road Roxie Avenue could be rezoned. Mr. Harbeck explained they were not suggesting any change in zoning for the side streets unless there came a time when an entire side street could be rezoned.

Council Member Davy requested clarification on voting for Option B as to whether Roxie Avenue and the other side streets would come back if rezoned. Mr. Harbeck clarified there was no intent as part of the plan to change the future land use or to change the zoning of the side streets along Roxie Avenue.

Mayor Chavonne requested clarification on the recommendation for the third component dealing with the Owen Drive area. Mr. Harbeck clarified the third choice on Owen Drive was to make the three lots future office use or commercial.

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Mayor Chavonne inquired of Council Member Hurst if his motion spoke to that issue. Council Member Hurst responded in the negative.

Mayor Chavonne inquired what would happen if the third area was not included in the motion.

Due to confusion it was decided to take one item at a time and Council Member Hurst concurred.

RESTATED MOTION:

Council Member Hurst moved to approve the Hospital Area Plan with Option B boundary.

SECOND: Council Member Bates

Mayor Chavonne clarified the boundary would be one lot beyond Wayne Lane to the library.

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Hurst moved to approve the Hospital Area Plan with extending the boundary on Boone Trail to Fargo Drive.

SECOND: Mayor Pro Tem Haire

Council Member Crisp inquired if they were on safe ground regarding notification if they went beyond the boundary that was stated in the letter. Ms. McDonald responded it was her understanding that all of the property owners were here and were united in their interest for the change.

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Meredith, Mohn, and Applewhite)

MOTION: Council Member Hurst moved to approve staff's recommendation that the three lots starting with Dr. Hartness's lot at the southwest corner of Sandhurst and Owen Drives and going south would all be blue and as a correction they would make the other lot that contains the CVS parking lot red.

SECOND: Council Member Mohn

Mr. Harbeck explained the plan would be revised based on Council's actions.

Council Member Applewhite inquired whether the notification process would be affected relating to the revision. Ms. McDonald responded it was her understanding that property owners were notified and Ms. Hilton clarified all property owners in the study area and 500 feet beyond the edges received notification of the plan.

VOTE: UNANIMOUS (10-0)

8.2 Consideration of the Hospital Area Overlay Ordinance for the Owen Drive/Village Drive area.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and reviewed the recent steps in the process; the relationship between the plan and the standards of the Overlay Ordinance; the purposes of the Hospital Area Overlay; what an overlay district was; applicability and process; land uses and development standards; site maps; building heights and roof forms; and the landscaping, buffering, and sidewalk requirements. She presented the following options:

1. Approve Overlay ordinance as drafted with Option A boundary (Village Drive to Roxie Avenue) (staff recommendation)
2. Approve Overlay Ordinance as drafted with Option B boundary (Village Drive to Wayne Lane) (Commission recommendation)

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3. Approve Overlay Ordinance with a boundary other than that recommended by staff or Commission
4. Approval Overlay Ordinance with modifications to the proposed standards
5. Table action with specific direction regarding additional research or issues for further consideration
6. Deny the proposed Overlay Ordinance leaving existing zoning and standards in place

She stated staff and the Planning Commission recommended approval of the Overlay Ordinance standards. She stated staff recommended boundaries with Option A on Village Drive and the Planning Commission recommended boundaries with Option B on Village Drive.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing opened and closed at 9:51 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW SECTION TO CHAPTER 30, ZONING, ORDINANCE OF THE CITY OF FAYETTEVILLE TO CREATE A HOSPITAL AREA OVERLAY DISTRICT. ORDINANCE NO. S2010-011A.

MOTION: Council Member Hurst moved to approve the Hospital Area Overlay Ordinance standards and also the boundaries of Option B and Boone Trail to Fargo Drive and Area 4 recommended by staff off Owen Drive.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

8.4 Public hearing to consider a voluntary annexation petition - Fullblock, Inc. - 135 Airport Road.

Ms. Karen Hilton, Planning and Zoning Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She stated plans were submitted to the County and the applicant was requesting PWC water. She stated the property was in the Municipal Influence Area (MIA), and when a property owner requests water or sewer service from PWC, they must request annexation from the City within that MIA.

This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing opened and closed at 9:54 p.m.

MOTION: Council Member Bates moved to adopt with an effective date of December 13, 2010.
SECOND: Council Member Meredith
VOTE: UNANIMOUS (10-0)

8.3 Public hearing to consider a voluntary annexation petition requested by Cape Fear Multifamily, LLC, formerly Atlantic Multifamily, LLC, for 17.56+ acres on Black and Decker Road.

Ms. Karen Hilton, Planning and Zoning Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She stated this was in the Municipal Influence Area (MIA) and they were requesting sewer and water service. Ms. Hilton stated the plan was for a 272-unit apartment complex which the County had already approved.

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This is the advertised public hearing set for this date and time. There was no one present to speak and the public hearing opened and closed at 9:57 p.m.

MOTION: Council Member Meredith moved to adopt with an effective date of December 13, 2010.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

9.0 OTHER ITEMS OF BUSINESS

9.1 Consideration of the Unified Development Ordinance November 2010 Council Draft, which would amend the City Code by replacing Chapter 25, Subdivision, and Chapter 30, Zoning, with a new Chapter 30, Unified Development Ordinance (UDO).

Mr. Rob Anderson, Chief Development Officer, presented this item and stated staff recommended adoption of the ordinance deleting Chapters 30 and 25 and replacing with the November Draft UDO including Amendments A through H. He stated any amendments could be dealt with individually upon adoption of the ordinance. He provided an overview of Amendments A through H.

Council Member Haire stated street connections could be subject to an appeal if at least five citizens brought it to the City's attention. Mr. Anderson concurred and stated the appeal process would add a considerable amount of time to the development process. He stated they were trying to balance the interest of the citizen's need to know and ability to interact with the developer's need to move forward at a reasonable pace.

Council Member Crisp stated under the proposed motion for Amendment H it states "Upon completion of the edits, staff will report to the Council all edits to the UDO to establish this policy. Council will then have the opportunity . . . ". He stated he would like the wording to be "Council may then modify, correct, or amend the UDO including errors or omissions."

Mr. Anderson suggested that the same change be made to the proposed motion for Amendment A.

A question and answer period ensued regarding the affect the ordinance would have signage with Mr. Anderson responding they added language in the UDO which would allow greater flexibility in the location of signs but off-site signage would not be allowed.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW UNIFIED DEVELOPMENT ORDINANCE BY RESCINDING CHAPTER 25, SUBDIVISIONS, AND AMENDING CHAPTER 30, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2010-012.

MOTION: Council Member Crisp moved to adopt the ordinance with Amendments A through H as modified, repealing existing development regulations and replacing them with the Unified Development Ordinance of November 2010 Draft fully effective as of July 1, 2011, or upon conclusion of remapping, whichever is later.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

9.2 Uninhabitable structures recommended for demolition:

- 1031 Bunce Road
- 725 Bunce Road
- 6768 Bailey Lake Road

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Mr. Rob Anderson, Chief Development Officer, presented this item and informed Council that no action would be required for 725 Bunce Road as the structure at the location was no longer there. He then presented site maps of the properties and photos showing the damage to the structures at 1031 Bunce Road and 6768 Bailey Lake Road.

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 (6768 BAILEY LAKE ROAD). ORDINANCE NO. NS2010-014.

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 (1031 BUNCE ROAD). ORDINANCE NO. NS2010-015.

MOTION: Council Member Crisp moved to adopt the ordinances and demolish the structures as recommended for demolition at 1031 Bunce Road and 6768 Bailey Lake Road.
SECOND: Council Member Meredith
VOTE: UNANIMOUS (10-0)

9.3 Approval of construction contract for Franklin Street Parking Deck to LeChase Construction Services, LLC, lowest responsive, responsive bidder, in the amount of \$6,132,000.00.

Mr. Rusty Thompson, City Traffic Engineer, presented this item and provided background on the project. He stated 13 contractors provided submittals and 7 were selected. He presented a parking deck site plan and exterior and interior design plans. He stated due to ARRA funding, the contract must be awarded prior to December 31, 2010. The following bids were received:

LeChase (Durham, NC)	\$6,132,000.00
Rodgers Builders (Charlotte, NC)	\$6,248,500.00
JeDunn Construction (Charlotte, NC)	\$6,411,700.00
JM Thompson (Raleigh, NC)	\$6,568,300.00
Barnhill Contracting (Raleigh, NC)	\$6,688,200.00
Donley's (Richmond, VA)	\$6,873,700.00

MOTION: Council Member Bates moved to award the construction contract to LeChase Construction Services, LLC, in the amount of \$6,132,000.00 which was the lowest responsive bid received by the City.
SECOND: Council Member Hurst
VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Applewhite and Mohn)

9.4 Adoption of Municipal Speed Ordinances.

Mr. Rusty Thompson, City Traffic Engineer, presented this item and stated the ordinances had been provided to NCDOT and investigations conducted.

Council Member Crisp expressed concerns with the changes in the speed limits. Mr. Thompson responded he would contact NCDOT to set up a meeting to discuss his concerns.

Council Member Bates inquired if mail boxes could be moved to the side of the street that the owner lives on. Mr. Thompson responded this request could be made on other streets.

MUNICIPAL SPEED ORDINANCES. ORDINANCE NO. NS2010-016.

MOTION: Council Member Crisp moved to adopt the Municipal Speed Ordinances for concurrence with NCDOT.
SECOND: Council Member Bates

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VOTE: UNANIMOUS (10-0)

9.5 Consider adoption of resolution authorizing condemnation to acquire easements for the Hoke Loop Road Sidewalk Project.

Mr. Jeffery Brown, Engineering and Infrastructure Director, presented this item and provided background information. He presented a site map and showed photos of the properties that would require condemnation to acquire easements. He stated the next step would be for Council to adopt the resolution authorizing condemnation. He stated after this step, the City would notify the property owners that the City plans to file condemnation within 30 days.

A question and answer period ensued regarding if the properties were occupied, the footage of the easement, and the deposit with the court. Mr. Brown responded the properties were occupied, and footage of the easement would be no more than 6 feet, and monies deposited with the Clerk of Court would eventually be distributed to the property owners.

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY. RESOLUTION NO. R2010-087.

MOTION: Council Member Mohn moved to adopt the resolution authorizing the necessary easements for the project through condemnation in order to keep the project moving forward.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

9.6 Presentation of the Appointment Committee recommendation to the Board of Appeals on Dwellings and Buildings.

Council Member Hurst presented this item and stated the Appointment Committee met on December 6, 2010, to fill a vacancy on the Board of Appeals on Dwellings and Buildings. He stated the Committee selected Mr. Jon H. Hunt to fill the vacancy.

MOTION: Council Member Hurst moved for Council to accept the recommendation for appointment and to also maintain regularity of the Board of Appeals on Dwellings and Buildings to a specific meeting date and time which would be established by polling the members for their availability and with that provide the members with a designated meeting schedule when cases occur.

SECOND: Council Member Crisp

Council Member Bates inquired why this had come about. Council Member Hurst responded there was a death of a member that they were not aware of and there had been two cases without a quorum, specifically the Prince Charles Hotel.

VOTE: UNANIMOUS (10-0)

10.0 ADMINISTRATIVE REPORTS

10.1 Revenue and expenditure reports for annually budgeted funds for the three-month period ended September 30, 2010 and 2009.

Ms. Lisa Smith, Chief Financial Officer, presented this item and pointed out key points from the reports regarding increase in revenues, loan proceeds not budgeted for new year, increase in interfund transfers, increase in property tax collections, sales tax revenues not changing, Powell Bell revenues exceeding budget, and increase in permits and fees.

Mayor Chavonne inquired what the projection was for sales tax in the budget that was approved for this year compared to what was received last year. Ms. Smith responded that the amount they budgeted

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for sales tax last year was lower than what was budgeted for the current year and could provide specifics on the weekly report.

Mayor Chavonne inquired if the permits and fees increase was due to the rise in the fees or more activity. Mr. Iman responded the activity was up.

Council Member Meredith inquired if the Powell Bill funds included portions they would receive from Fort Bragg due to population. Ms. Smith responded in the affirmative and explained there was an agreement with Spring Lake for a portion of those funds and the reimbursements have not been made yet.

Council Member Bates stated it had been two years since the storm water fee had been raised and so far they were at less than 10 percent. He inquired why they were not up to speed on storm water repairs. Ms. Smith responded there was progress being made. She stated they had completed a lot of design and were now moving to prepare the items for bid. She stated it was a challenge because of the role of the Local Government Commission (LGC). She stated the LGC's goal was to make sure that when the City borrowed money they were ready to commence the project.

10.2 Tax refunds of less than \$100.00.

Name	Year	Basis	City Refund
BB&T Equipment			
Finance	2009	Taxes Paid in Wrong County	\$93.43
TOTAL			\$93.43

10.3 Monthly statement of taxes for November 2010.

2010 Taxes	\$21,995,871.08
2010 Vehicle Taxes	363,989.62
2010 Revit	13,750.28
2010 Vehicle Revit	358.69
2010 FVT	46,036.64
2010 Transit Tax	46,036.67
2010 Storm Water	462,825.31
2010 Fay Storm Water	925,650.65
2010 Recycle Fee	1,238,583.23
2010 Annex	10.95
2009 Taxes	\$16,564.47
2009 Vehicle Taxes	48,587.43
2009 Revit	48.87
2009 Vehicle Revit	10.95
2009 FVT	7,683.06
2009 Transit Tax	7,678.09
2009 Storm Water	417.79
2009 Fay Storm Water	835.58
2009 Recycle Fee	862.95
2009 Annex	17.92
2008 Taxes	1,857.75
2008 Vehicle	3,284.72
2008 Revit	0.00
2008 Vehicle Revit	0.00
2008 FVT	616.28
2008 Transit Tax	435.58
2008 Storm Water	130.33
2009 Fay Storm Water	48.00
2008 Recycle	84.00
2008 Annex	0.00
2007 Taxes	534.90
2007 Vehicle	1,448.24
2007 Revit	0.00
2007 Vehicle Revit	0.00

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2007 FVT	248.68
2007 Storm Water	60.00
2007 Fay Storm Water	0.00
2007 Annex	0.00
2006 and Prior Taxes	1,535.92
2006 and Prior Vehicle	2,382.94
2006 and Prior Revit	0.00
2006 and Prior Vehicle Revit	0.00
2006 and Prior FVT	504.95
2006 and Prior Storm Water	33.63
2006 Annex	0.00
Interest	13,540.28
Revit Interest	6.05
Storm Water Interest	102.12
Fay Storm Water Interest	70.24
Annex Interest	1.56
Fay Recycle Interest	102.12
Total Tax and Interest	\$25,202,848.52

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 11:05 p.m.

Respectfully submitted,

JENNIFER K. PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
DEPARTMENTAL PRESENTATIONS BUDGET WORKSHOP
FIRE STATION #14
632 LANGDON STREET, FAYETTEVILLE, NC
JANUARY 22, 2011
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Designate James W. Arp, Jr. (District 9)

Absent: Council Member Robert A. Massey, Jr. (District 3) (NCLM Delegate)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Lisa Smith, Chief Financial Officer
Ron McElrath, Human Relations Director
John Kuhls, Human Resource Development Director
Stanley Victrum, Chief Information Officer
Brad Whited, Airport Director
Randy Humes, Transit Director
Ron Macaluso, Project Administrator
Rob Anderson, Chief Development Officer
Victor Sharpe, Community Development Director
Jerry Dietzen, Environmental Services Director
Michael Gibson, Parks & Recreation Director
Jeffery Brown, Engineering & Infrastructure Director
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

Mr. Dale Iman, City Manager, briefed the Council on the goals of the workshop and provided an outline of the power point presentation. He stated staff was seeking early guidance for the budget. Mr. Iman provided a brief history of the council-manager form of government.

Mr. Iman then proceeded to review the power point beginning with the City Manager's office, which included Management Services, Risk Management, and City Attorney's office, as follows:

CITY MANAGER'S OFFICE

Who We Are and What We Do

Ensures the City government provides services that makes Fayetteville a better place for all. This task is accomplished through careful coordination of supporting Council policy development, providing policy implementation, and operations and personnel management. Management Services and Risk Management are divisions of the City Manager's office, and assist in the execution of these key tasks.

Resources from Adopted FY 2011 Budget

FTE's: 6

Budget: \$883,524

Advancing Council's Strategic Plan

Involvement and/or lead for Targets for Action include Rental Registration/PROP, Franklin Street Parking Deck, and NC Veterans Park.

Organizational Challenges

- Employee recruitment and retention, retirement
- No comprehensive pay plan
- Adequacy of support services due to insufficient staffing levels
- Increased demands for service
- Increased costs of providing services, stagnant resources
- Unknown state funding
- Unfunded state and federal mandates
- Low per capita tax base

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Ad Valorem Tax Comparisons

Property Tax Revenue Per Capita, FY 2008		
	Amount	Rank
High Point	\$571	1
Greensboro	\$546	2
Durham	\$507	3
Charlotte	\$499	4
Raleigh	\$476	5
Cary	\$459	6
Wilmington	\$457	7
Winston-Salem	\$427	8
Fayetteville	\$306	9

Organizational Opportunities

- Growth and transition of local economy.
- Continue to form strategic partnerships with Cumberland County, PWC, and the Chamber.
- Continuous improvement in service delivery.
- Enhancement of the quality of life for the community.

MANAGEMENT SERVICES

Who We Are and What We Do

Provides comprehensive, professional services that proactively communicate information and provide support to the citizens of Fayetteville through corporate communications and strategic planning, legislative affairs, research and analysis, special projects, event support, City Clerk, and print shop and mailroom operations.

Resources from Adopted FY 2011 Budget

FTE's: 10

Budget: \$741,805.00

RISK MANAGEMENT

Who We Are and What We Do

- Risk assessment
- Preventions and claims administration
- Safety and workers compensation
- Wellness program
- Occupational health nurse

Resources from Adopted FY 2011 Budget

FTE's: 5

Operating Budget: \$749,073.00

CITY ATTORNEY'S OFFICE

Who We Are and What We Do

Provides legal advice to the City Council, City Manager, and City departments; enforcement of ordinance violations; draft and approve legal documents; ordinance, resolution, and legislative drafting; and review and approve as to legal form contracts and other agreements.

Resources from Adopted FY 2011 Budget

FTE's: 7

Budget: \$1,131,964.00

Ms. Lisa Smith, Chief Financial Officer, then proceeded to review the Finance Department's power point as follows:

Who We Are

Responsible for managing the City's financial resources and processes, coordinating financial planning, and provide accurate and timely financial information to citizens, City Council, management, and other parties. There are approximately 1,550 employees paid every two weeks, approximately 240 vendor checks issued each week, 4,955 licenses issued through Finance fiscal year-to-date, 96 federal and state grants in FY 2010. At June 30, 2020, there were \$108.3 million in cash and investments, \$417.0 million in capital assets, and \$37.4 million in bonds, notes, and capital leases.

What We Do

- Policies and regulations: The Local Government Budget and Fiscal Control Act, Governmental Accounting Standards (GASB), and Federal and state laws.

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- Functions: Annual and multi-year financial planning, debt management, investments, accounting functions, and financial reporting and audit coordination

Resources

- FY 2011 budget is \$2.52 million: Property tax collection (\$656,000), purchasing services (\$289,000), and financial operations (\$1.575 million)
- People: 19 full-time positions
- Equipment: JDEdwards financial system (16 years old and integrated with Human Resources and purchasing modules). Needs to be upgraded and/or replaced.

Strategic Plan

- Support the City's mission principles: Being "Financially Sound" and providing "Full Range of Quality Municipal Services" in a "Cost Effective Manner".
- Core value - Stewardship
 - Completed FY 2010 CAFR in-house
 - City administered \$20.7 million in Federal and State grant programs with no questioned costs in FY 2010
 - Completed parking deck financing in August 2010
- Support numerous FY 2011 policy and management actions outlined in the Strategic Plan

Challenges and Opportunities

- Challenges
 - Increasing expectations with stagnant or shrinking resources
 - Internal preparation of CAFR
 - Enhanced financial planning and financial reporting
 - Proliferation of grants - 56 in FY 2005; 96 in FY2010
 - Economic development incentive agreements
 - Document retention for grant and bond compliance
 - Achieve internal audit expectations
 - Recruiting and retaining good employees
- Opportunities
 - Enhanced collection of license fees and assessments
 - Process improvements related to assessment inquiries and payroll entry

Mr. Ron McElrath, Human Relations Director, then proceeded to review the Human Relations Department's power point as follows:

Who We Are

The mission of the Fayetteville-Cumberland County Human Relations Department is "To provide civil rights and equal opportunity access with positive relations within the City of Fayetteville and Cumberland County for their workforces and for persons visiting our great community." As of 2003, jurisdiction increased from 143,000 to 304,000 through an interlocal agreement with Cumberland County Commissioners.

What We Do

- Serve as the City's Americans with Disabilities Act (ADA) Coordinator.
- Serve as Equal Opportunity Officer for F.A.S.T.
- Provide efficient and effective staff support for the Fayetteville-Cumberland Human Relations Commission (Sec. 2-39 of City Code) and the Fayetteville Fair Housing Board (Chapter 10 of City Code).
- Work with and through community groups and organizations to promote community unity.
- Investigate and mediate external and internal complaints (employment, housing, and public accommodations, etc.).

Resources

Budget

- \$254,529 General Revenue (GR): 3 City staff members and 1 County employee
- Human Relations Commission (17 members): 11 City, 4 County, and 2 Military

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- Fair Housing Board (5 members)

Strategic Plan

- Community Unity: Advocating for an inclusive community where trust, mutual respect, acceptance, fairness, and equity.
- Activities
 - Human Relations Commission Annual Awards and Recognition Banquet
 - Open Forums
 - MLK Scholarship Program
 - Fair Housing Workshop
 - Feed Fayetteville (Homeless Stand Down)
 - Working with and serving on key community boards
 - Staffing the Greater Fayetteville Cumberland United monthly dialogue on social justice and race relations
 - Provide technical assistance and/or training to businesses, governmental agencies, United Way Leadership Program, realtors, and apartment managers

Successes

- Provided human relations training (50 employees) and technical assistance to Housing Authority staff
- Provided "cultural competence" training to 150 Mental Health employees and service providers
- Provided "Prevention of Sexual Harassment" training to the Eastover Fire Department (35 firefighters)
- Consultations with Apartment Association, Operation Inasmuch, Cumberland Community Action Program (CCAP), as well as the Census as staff Co-chair for the City's efforts
- Conflict resolution, consulting, and serious incidents investigations as directed by the City Manager

Challenges and Opportunities

- Challenges
 - We need to return to the 2003-2004 staffing level which consisted of 4 City GR positions and 1 County funded position
 - Addition of City-wide ADA responsibilities
 - Title VI and Civil Rights requirements for transit
 - Adequate staffing level that will enable us to provide more acceptable service levels to more areas
 - Adequate office space with walls to the ceiling to provide confidentiality while serving clients, City employees, and conducting investigations
 - Comparable salaries for staff
- Opportunities
 - Create and develop a Youth Council county-wide in partnership with the School Board, Parks and Recreation, and Human Relations Commission
 - Conduct more public meetings for citizen input on human relations issues

Mr. John Kuhls, Human Resource Development Director, then proceeded to review the Human Resource Development Department's power point as follows:

What We Are

Supporting the mission by supporting City departments to be successful by selecting, retaining, and developing a committed and valued workforce. There are 1,544 employees as of December headcount report. There are 14 budgeted full-time HRD employees

What We Do

Oversee policies for recruitment and selection/new hire orientation; benefits management (new hires, terms, retirees); leaves of absences/return to work; position classification/compensation; rules of conduct/discipline/grievance procedures; performance management; training and development; and records management and compliance.

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Resources

- HRD budget is \$1.2 million - 81% personnel, 15.7% operating, and 3.3% contract services/other charges
- HRD staff (excluding director) - 7 assigned to HR functions, 3 assigned to OD&T functions, and 3 assigned to office support functions

Strategic Plan

- Departmental successes for FY 09/10:
 - o 219 hires; 6 assessment centers completed
 - o New short-term and long-term disability benefit options presented/approved for new plan year
 - o Developed new performance management system
 - o All EEOC matters resolved in favor of City
- Targets of Action
 - o Pay study is priority funding request; address turnover
 - o Control costs while offering competitive benefits
 - o New HRIS tool allowing improved efficiencies/reporting
 - o Supervisory development training program
 - o Expand training through on-line courses
 - o Access staff resources of HRD against City departmental needs/demands

Challenges and Opportunities

- Turnover challenges (pay and benefits)
 - o IT and Transit impacted significantly recently
 - o HRD recruited three times for Analyst position
 - o Other departments experiencing same issues
- Internal equity challenges (Morale) - New hires replacing tenured employees at same or greater pay
- Opportunities
 - o HRD department that is a proactive responder instead of reactive responder to issues/needs
 - o Competitive pay grades and funded performance management system
 - o Supervisory development
 - o City of Fayetteville moving towards an "Employer of Choice"

Mr. Stanley Victrum, Information Technology Director, then proceeded to review the Information Technology Department's power point as follows:

What We Are

Stewards of the City's enterprise IT assets. Integral component of every City Departments' administration and operation. Facilitators of information flow/sharing between the City Departments and to the general public.

What We Do - Programs

- Enterprise IT strategic Analysis, Planning, Coordination, and project management
- Enterprise data center management for both City administration and public safety
- Enterprise applications, network, telephony, and desktop support, management and development
- End-user IT training
- Enterprise IT asset procurement and inventory management

Resources

- FY 10-11 IT Operating Budget and People

City	Budget	# of IT FTEs	# of City FTEs	Est. Total Pop
Fayetteville	\$3.5M	21	1,600	207K
PWC	\$3.1M	20	614	88K Water Customers
Durham	\$5.4M	39	2,381	228K
Winston-Salem	\$8.5M	47	2,460	228K

- IT staff functional "Breakout": 3 Administration, 1 IT Project Management, 4 Data and Voice Networks, 7 Desktop Support and Inventory, 1 GIS, 1 Business Analyst, 2 Programming and Analysis, 2 Web Development and Maintenance

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- Equipment: 1,200+ desktop/laptop/mobile data systems, 350+ voice/smart-phone cell phones, 70+ physical and virtual servers, 58 physical sites and their network infrastructure, 50+ enterprise and department applications, 10 City web points of presence, 1 enterprise telephone system, -1 public safety (E-911) telephone system

Strategic Plan - Departmental Successes

- Replaced/upgraded the public safety dispatch and records management systems
- Completed Phase I and II of the 911 Communications Criminal Information Interface Project
- Migrated City cell phones to Verizon Wireless
- Launched the new City web site
- Completed the Server Virtualization Project - Phase I
- Upgraded several remote Recreation Centers' and Fire Station #19's data links to higher speeds
- Upgraded all the workstations in the City 911 Communications Center
- Deployed the mobile office capability for City Inspections and Code Enforcers to link to the new Inspections and Code Enforcement System
- Upgraded the City Hall data Center A/C System
- Upgraded the City IT work order system, implementing an end-user self serve module
- Upgraded the City central voicemail system

Challenges and Opportunities

- Challenges
 - Current workload
 - Received 8,107 calls for service in CY 2010
 - 25 enterprise IT projects remaining for FY 20-11
 - 16 maintenance IT projects remaining for FY 10-11
 - IT Staff retention
 - In CY 2007-2009: 3 FTE staff turnovers per year
 - In CY 2010: 7 FTE turnovers (5 of these in Q4CY10)
 - As of 1/1/2011: 5 of 21 FTE positions are vacant
 - Generally takes 2+ months to fill a position and 2+ months for position acclimation
 - "BRAC Effect" and other local competition for IT staff
 - Experiencing appreciable delays in the delivery of basic IT services to the end-user departments
- Opportunities
 - Using contract staff as funding is available
 - Possibly adding IT staff in upcoming budget cycles
 - Requesting a review/reclassification of IT positions
 - Using on-line or eLearning for end-user training
 - Using part-time IT staff to augment the FTE staff
 - Migrating to a virtualized desktop and server infrastructure
 - Realigning IT staff duties to better meet City IT needs

Mr. Brad Whited, Airport Director, then proceeded to review the Airport's power point as follows:

Who We Are

- Airport Enterprise Fund and Airport Commission
- Safe and Efficient Aviation facilities and services
 - Airline service to the world and private/corporate aviation access
 - 2010 historical record of 509,000 airline passengers
 - 200 to 300 thousand meeters/greeters
 - Economic development of business and aviation jobs
 - 456 direct jobs (all businesses)
 - Direct economic impact \$57 million per year*
 - Indirect economic impact \$75 million per year*
 - Induced economic impact \$14 million per year*

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- Total Economic impact \$148 million per year*

*Source NCDOT Aviation Division - 2006 Airport Economic Impact Study

What We Do - Programs

- Maintain FAA Airport Certificate
- Maintain TSA Security Plan
- Plan for maintenance and expansion of airport facilities
- Contract with businesses to provide a variety of services for customers
- Regional Fire Training Facility

Resources

- Budget: 5 cost centers totaling \$4.6 million and \$7.7 million for capital/grant projects
- People: 15 Airport positions, 5 Police and 6 Firefighters
- Equipment: Acquiring 3 electric carts (green initiative)

Strategic Plan

- Non-Stop Air Service to Washington, D.C.
- Linked to City Goal #1 Strong Local Economy
- Air service study showed good demand
- Future desire to seek direct service to New York City
- Support City Council Goal #4 - More Attractive City

Challenges and Opportunities

- Challenges
 - New financial analyst every 1.5 years (turnover)
 - Vacancies in support departments (HR, IT, Legal)
 - Airline bankruptcies and consolidation
 - Secondary runway rehabilitation
 - South General Aviation Area - Lack of sewer
- Opportunities
 - Increased passenger traffic - new air service
 - Expansion of DOD contractors office/training space
 - Corporate/business development/industrial parks

Mr. Randy Humes, Transit Director, then proceeded to review the Transit Department's power point as follows:

Who We Are

We are the public transportation department within the City of Fayetteville. The F.A.S.T. system operates within the 92 square miles of the City limits. We have 34 revenue vehicles on 21 fixed routes and 13 para-transits. The following services are provided:

- Weekday (8 routes) - 5:30 a.m. to 7:30 p.m.
- Weekday (4 routes) - 5:30 a.m. to 10:30 p.m.
- Saturday (8 routes) - 7:30 a.m. to 7:30 p.m.
- Saturday (4 routes) - 5:30 a.m. to 10:30 p.m.

What We Do

Provide safe, effective, reliable, courteous, and innovative public transportation to the citizens of the City of Fayetteville. We operate 12 fixed routes; 1 contract route; and provide complementary Para transit (F.A.S.T. TRAC!). We follow the Federal Transit Administration legislation, regulations, and guidance for grants. We are the designated recipient of FTA funds (formula 5307,5316,5317; discretionary 5309). We follow the Fayetteville NC Code of Ordinances and the Transit Department Administrative Policies.

Resources

- Transit Budget: FY 11 = \$5,705,358
- Staffing: 49 fulltime operators, 15 temp operators, 13 in maintenance, 16 in operations, 4 office staff, 1 assistant director, 1 director
- Revenue Equipment
 - 35' buses (MB): (4) 1999, (5) 2008, (3) 2009, (5-H) 2010, (3-H) 2011 (Last of Upgrades); Fleet Upgrade = 81%
 - 25' LTVs (MB): (3) 2009, (1-H) 2010 (Replacement); Expanded Fleet by 20%
 - FAST TRAC! (DR)
 - Conversion Vans: (2) 2007, (7) 2008, (4) 2009

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Efficiencies and Unfunded Mandates

- Efficiencies
 - o Increased ridership by 23% from FY 2009 to FY 2010
 - o Increased operating hours on 3 routes; started and extended hours on a fourth route
 - o Improved the revenue vehicle fleet age average from 1999 to 2009
 - o Installed new Transfer Center; renovated admin facility; Cross Creek Mall shelters; several shelters and benches
- Unfunded Mandates
 - o ADA/Paratransit - cannot be capacity constrained
 - o Emissions standards 2010

Strategic Plan

- Target for Action - Multi-Modal Transfer Center (MMTC)
 - o Continue the property acquisition process (2 properties remaining). Assist with relocation, as required.
 - o Removal of old Cintas buildings
 - o Initiate the engineering design process for construction level drawings
 - o Seek additional federal funding
- Without great public transportation, the City cannot progress forward to become the choice metropolitan place to live

Challenges and Opportunities

- Challenges
 - o Finding qualified candidates that can meet Transit employment requirements
 - o Retaining operators - leaving for more pay
 - o Staffing the department with the correct positions and quantity of personnel
 - o Funding to implement the TDP as adopted by Council
- Opportunities
 - o Restructure the department for more efficient operation
 - o Develop partnerships to better serve the metropolitan area

Mr. Rob Anderson, Chief Development Officer, then proceeded to review the Development Services Department's power point as follows:

Development Services Department

Total Budget: \$4,012,514
Total Employees: 43

Administration Division

Budget: \$280,290
Number of Employees: 3

Building Plan Review and Inspections Division

Budget: \$1,374,777
Number of Employees: 18

Housing and Code Enforcement Division

Budget: \$1,219,200
Number of Employees: 12

Planning and Zoning Division

Budget: \$1,138,231
Number of Employees: 10 (2 positions are currently being filled)

Planning and Zoning Core Principle

The Land Use Plan is the vision of the desired outcome in a community for the built environment. The Zoning Ordinance contained in the Unified Development Ordinance is the regulatory system to achieve the vision

Commissions the Planning and Zoning Division Supports

Planning Commission, Zoning Commission, Board of Adjustment, Historic Resources, Joint Appearance Commission, City Council, and Technical Review Committee

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Planning and Zoning Challenges

- Unified Development Ordinance (UDO) Administrative Manual
- New City-wide zoning map to correspond with the UDO
- Pro-active planning similar to the hospital area plan
- Magnet plan review and public portal
- Targets for Action

Strategic Plan - Targets for Action

- Unified Development Ordinance
- Bragg Boulevard Corridor Development
- Hospital Area Plan
- Ramsey Street Corridor Development
- Rental Property Program (collaboration)
- Sign Ordinance
- Tree Preservation Ordinance
- Sidewalk Policy and Plan (UDO Policy)
- Military Business Park Development
- Downtown Development Plan (collaboration)

Building Plan Review and Inspections Status/Challenges

- New Organizational Model with Division Manager
- See Handout on 2010 Construction Activity
- Commercial Plans Examiner
- Cross Training
- Magnet and Public Portal Based Operations with Digital Plan Review
- Automobile Leasing/Purchase

Housing and Code Enforcement

- New Organizational Model with Division Manager
- Demolition Activity including Nonresidential (CD collaboration)
- Code Review - Ongoing
- Procedures Review - Ongoing
- Communication Instruments Review - Ongoing
- Taxis and Commercial Corridors

Nonresidential Demolition

Mr. Victor Sharpe, Community Development Director, then proceeded to review the Finance Department's power point as follows:

COMMUNITY DEVELOPMENT

Mission

Provide decent, safe, and affordable housing. Create positive economic development situations resulting in job opportunities. Expansion of the tax base. Provide staff support to the Fayetteville Redevelopment Commission.

Activities

- Administer the HUD CDBG and HOME grants
- Administer American Recovery and Reinvestment Act Grants - HPRP and CDBG-R
- Administer EDI Special Grants
- Coordinate and support special economic and community development projects

Highlights from Last Year

- Housing: Completed 187 rehabilitation jobs (19 owner-occupied 168 emergency repair), 80 multi-family affordable housing units, 9 single-family affordable housing units; demolished 29 dilapidated structures; assisted 6 families with mortgage and down payment assistance; and provided homebuyer education classes to 199 persons.
- Economic Development: Provided funds for 2 downtown loans and 1 business assistance loan; completed 8 façade improvement grants; 49 full-time and 7 part-time jobs created; assisted 692 small business clients.
- Community Development: Assisted 60 households with water and sewer assessment and plumber hook-up fee; 7,187 individuals came through the NRCs for various training programs; 136 persons completed computer classes; 20 completed medical terminology classes; and provided assistance to 68 kids for after school/summer tutoring.
- Homelessness: Partnered with nonprofits to provide 4,354 breakfasts, 4,284 lunches, shelter 406 persons; assisted 10 persons through the utility deposit program; provided 9 grants to homeless shelters.

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Programs and Activities

- Housing Programs
- Economic Development Programs
- Community Development Programs
- Homeless Programs
- Downtown Development

Budget

- General fund budget totals \$1,069,596
 - o \$311,116 for operations
 - o \$758,480 is for economic development activities
- Action Plan budget totals \$4,595,181.00
- CDBG - \$1,568,083.00; HOME - \$893,673.00

People

- 10 full-time and 4 part-time employees
- Partnerships with nonprofit organizations

Strategic Plan

- Hope VI Redevelopment Plan: Coordination of projects for the City's commitments to the project.
- Murchison Road Corridor Development: Working on completion of redevelopment plan.
- Military Business Park Development: Administering the City's EDI Special Projects Grants from HUD. Received \$1,251,150.00 for construction of infrastructure.
- Downtown Development Plan Review: Preparing plan for update

Challenges

- Threat of reduced CDBG funds
- Resources for the homeless
- City-wide economic development activities
- Administrative capacity

Opportunities

- Continued Residential Façade Grant Program in 2010-2011 as a result of ARRA funds.
- Partnership with Cumberland County Community Development to provide additional resources for the homeless (shelter).

Mr. Jerry Dietzen, Environmental Services Director, then proceeded to review the Environmental Services Department's power point as follows:

Who We Are

To provide quality, efficient collection of municipal waste and recyclables with exceptional service delivery and to partner with our citizens and stakeholders as we transition to a more sustainable community.

What We Do

- Service 59,601 homes (from one to seven units)
- 12 yard waste routes 4 days per week
- 23 garbage routes 4 days per week
- 576 residents have backdoor collections
- 9 bulky item collection routes 5 days per week by zip code
- Dead animals and illegal dumping
- Cart maintenance
- One recycling route for City facilities and drop-off sites
- Answer and manage calls from residents (1FAY)
- Sustainability program and citizen education
- Manage recycling contract, but parts, fuel depot

Resources

- People - 105 budgeted: 7 Office Staff, 7 Route Supervisors, 84 Collection Staff, 2 Cart Techs, 5 Call Takers
- Equipment: 40 front-line garbage trucks, 8 backup garbage trucks, 2 cart repair trucks, 1 recycling truck, 1 dead animal truck, 7 pickup trucks, 2 backup pickup trucks, 1 jeep, No take-home vehicles

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Budget

Solid waste services	\$7,124,739.00
Bulky collection	758,637.00
Administration	553,720.00
City Customer Call Center	208,365.00
Total General Fund Budget	<u>\$8,645,461.00</u>
Curbside recycling budget (contracted)	\$2,570,440.00

Benchmarking and Strategic Plan

- Relevant benchmark gage for solid waste services
 - Final report on City services for fiscal year 2008-2009 - UNC School of Government
 - 17 North Carolina cities participating
 - Fayetteville outperforms the state average in all categories
- Targets for Action - Multifamily and commercial recycling
- How our operations impact goals of the City
 - Goal 3: Cost Effective Service Delivery
 - Goal 4: More Attractive City - Less trash and less visual blight - Incorporate "green buildings" concepts/LEED equivalency

Needs

- New customer service software
- Incentives to improve recycling rates
- New Call Center space
- Additional truck parking space for growth
- Lower cost equipment maintenance
- Real-time truck routing and service monitoring system
- Continued funding for maintenance on our operations facilities
- Funding for the performance pay plan

Departmental Successes

- Efficient garbage truck replacements
- Energy efficiency and conservation block grant projects
- Multi-family recycling ordinance development
- Sustainability Master Plan
- LEED equivalency on new buildings
- Energy audit program on City-owned buildings with 3 grant-funded positions
- Idle reduction policy
- Transfer facility lease/new construction

Challenges and Opportunities

- Challenges
 - Multifamily recycling implementation
 - Transitioning to fully-automated garbage trucks
 - Completion of the EECBG projects
 - Meeting expectations with potential budget reductions
 - Outsourcing - avoiding negative impacts
 - More citizen participation in recycling
 - Staff retention - 15% turnover in 2010 (20 employees)
- Opportunities
 - Energy savings via efficiency/recommendations
 - Potential outsourcing of garbage truck maintenance
 - Air quality improvements via EVs, hybrids, cleaner fuels, and new technology
 - Increased diversion through multifamily, then commercial recycling programs

Mr. Michael Gibson, Parks and Recreation Director, then proceeded to review the Parks and Recreation Department's power point as follows:

Who We Are

• Fayetteville-Cumberland County Parks, Recreation and Maintenance Department	
Administrative	15
Recreation	51
Parks	60

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Building Maintenance	17
Right-of-Way	12
Seasonal	192
Total	<u>348</u> employees

- Over 1,000 acres of public park land in over 100 park sites
- Two facility complexes - Lamon Street and Reid Ross
- Four special use facilities - Festival, Freedom Memorial, Liner Parks, and J. P. Riddle Stadium
- Eight Specialty sites - Therapeutic, senior citizen, senior fitness, transportation museum, nature center, public outdoor swimming pool and splash pad
- Three regional parks - Arnette, Lake Rim and Mazarick
- Greenway Corridor - Cape Fear River Trail
- 15 recreation centers
- Over 100 City-owned buildings

What We Do - Programs

- Youth/Adult Recreation Programs
- Senior Citizens Services
- Nature Center
- Special Olympics
- Building Maintenance
- Urban Forestry
- Right-of-Way Maintenance
- Youth/Adult Athletics
- Nature Center
- Special Events
- Adopt-A-Street/Site
- Parks Maintenance
- Horticulture and Cemetery
- Leaf Collection

Resources - Budget

Total Department	\$15,230,649
City Parks and Recreation	\$8,833,800
County Parks and Recreation	\$3,762,565
Building Maintenance	\$1,752,219
Right-of-Way Maintenance	\$882,065

Strategic Plan

- Youth Council Development
- City Goal #5: Greater Community Unity - Pride in Fayetteville
- Success: Partnering with Human Relations
- Master Plan Bond Referendum Planning
- City Goal #2: Growing City, Livable Neighborhoods - A Great Place to Live
- Success: Developed bond outline based on master plan

Challenges and Opportunities

- Challenges
 - Process improvement (Business Park, Departmental Reasoning, Applying Knowledge, Defining Success)
 - Building trust between local governments;
 - Competing for funding;
 - Making services more accessible such as online registration
 - Nonresident participation in programs
 - Facility maintenance
 - City beautification
- Opportunities
 - Youth Development Program
 - Cumberland County School Partnership
 - Internal Strategic Plan
 - Marketing Parks and Recreation Services
 - Bond Proposal Plan
 - Corporate Sponsorships
 - City-County Parks and Recreation Consolidation

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- o Nonresident fee policy

Deferred Building Maintenance

% of Deferred Budget Available per 100 Buildings	
Annual deferred maintenance budget	\$52,500
Annual Amount Available per 100 buildings	\$520
% of budget available per 100 buildings	1.00%

Mr. Jeffery Brown, Engineering & Infrastructure Director , then proceeded to review the Engineering & Infrastructure Department's power point as follows:

Who We Are

- Maintain existing infrastructure while developing and implementing plans to construct additional infrastructure
- Divisional Breakdown: Construction Management Division, Engineering Division, Real Estate Division, Storm Water Division, Street Maintenance Division (724,39 Miles Maintained), Traffic Services Division (Over 200 Signals)

What We Do

- Support to all departments - Engineering and Real Estate
- Storm Water Management
 - o Quality and Quantity
 - o Public Education and Outreach
- Street Maintenance and Resurfacing
- Engineering Design and Review
- Construction Oversight
- Signal System Management and Parking
- Right-of-Way Management
- Infrastructure Maintenance
 - o Potholes and Cave-ins
 - o Sidewalk Repairs
 - o Storm Drainage System Repairs and Replacement

Resources

- Budget and Employees

Construction Management	6	\$591,477
Engineering	13	\$1,073,000
Real Estate	3	\$213,928
Storm Water	26	\$9,851,031
Street Maintenance	36	\$3,320,600
Traffic Services	17	\$2,209,073
- Needs
 - o Work Order System (included in the ITP)
 - o Staffing - CIP Management, CM Inspectors, Engineering and Office Space
 - o Aging Fleet

Strategic Plan

- TFP - Franklin Street Parking Deck
 - o Construction to begin January 2011
 - o Construction complete by December 2011
- TFA - Sidewalk Policy and Plan
 - o Sidewalk inventory and needs analysis
 - o Identify all possible funding sources
- Departmental Successes
 - o ARRA grants for storm water projects
 - o Snow and ice removal during inclement weather
 - o Sidewalk projects
 - o Paving of soil streets

Challenges and Opportunities

- Challenges
 - o Staff retention (competitive pay plan)
 - o Capital project funding (resurfacing, sidewalks, etc.)
 - o Upcoming storm water regulatory requirements
 - o Aging workforce

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- o Increased operational cost
 - o Keeping up with technology
 - o Increased workload
 - Opportunities
 - o Departmental restructuring to improve efficiency
 - o Staff development
 - o Work order system with GIS capabilities
- Mr. Tom Bergamine, Chief of Police, then proceeded to review the Police Department's power point as follows:

Who We Are

- The FPD is committed to leading the community problem-solving efforts that improve the quality of life for all citizens of Fayetteville.
 - o Campbellton Bureau
 - o Cross Creek Bureau
 - o Operations Support Bureau
 - o Service Bureau
- 1993-2010 Calls for Service Increase
 - 1993: 163,070
 - 2010 % Increase: 219,428 34.56%
- Statistics

2009-2010 Comparison - Raw Numbers			
	2009	2010 % Reduction	
Part 1 Crime	14,786	13,822	-7.75%
Tot Violent Crime	1,268	1,088	-14.20%
Tot Prop Crime	13,498	12,534	-7.14%
1992-2010 Crime Index Comparison (per 100,000 population)			
	1991	2010 % Reduction	
Part 1 Crime Index	13,493	6,556	-51.41%
Tot Violent Crime Index	2,081	524	-74.82%
Tot Prop Crime Index	11,412	6,032	-47.14%
2006-2010 Crime Index Comparison (per 100,000 population)			
	2006	2010 % Reduction	
Part I Crime Index	8,356	6,556	-21.54%
Tot Violent Crime Index	756	524	-30.69%
Tot Prop Crime Index	7,599	6,032	-20.62%

What We Do

- Road Map
 - o Community Wellness Plan
 - Intelligence Led Policing
 - Operational Efficiency
 - Community Partnerships
 - Crime Prevention
 - o Accredited since 1989
- Key Programs
 - o Mapping/FOCUS
 - o Community Watch
 - o B Street and Bonnie Doone
 - o Youth Programs
 - o Repeat Offender Program
 - o Social Networking
 - o Operation Ceasefire

Resources

- Budget
 - Pers: \$35,676,467.00
 - Oper: 4,393,682.00
 - Capital: 1,440,859.00
 - Other: 218,125.00
 - Contract: 189,019.00
 - Total \$41,918,152.00
- People
 - o Authorized - 561 (383 Sworn, 178 nonsworn)
 - o Grant positions, COPS, and JAC ARRA Funds

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- Equipment Needs Highlights
 - MDCs
 - Rifles
 - Ammo
 - Tasers
 - In Car Cameras
 - Infrared Cams
 - Portable Barricades
 - Upgrade Desktops
 - Latent Comparator

Strategic Plan

- Targets for Action
 - Police staffing
 - Communications
- City Goals Impacted
 - Growing City/Livable Neighborhoods
 - Greater Tax Base
- Department Successes
 - 47 New CW Groups
 - Reduction in overall crime -7.75%
 - Reduction in violent crime -14.20%
 - Reduction in youth offender crime - 8.48%
 - Reduction in traffic related deaths -22%
 - Recruiting/staffing

Challenges and Opportunities

- Community Challenges
 - Demographics
 - Social issues
 - Repeat offenders
 - Crime rate
- Government Challenges
 - Reduced state budget
 - Infrastructure
- Department Challenges
 - Operations Tempo
 - PERF recommendation
 - Information/911 Tech
- Opportunities
 - Family Justice Center
 - Special Victims Unit
 - Partnerships
 - Youth Repeat Offender Program
 - Drug/Sobriety Court
 - Fort Bragg Relations
 - BRAC
 - Great Oaks
 - Social Media
 - Police Foundation

Mr. Benny Nichols, Fire Chief, then proceeded to review the Fire Department's power point as follows:

Mission Statement

The Fayetteville/Fire Emergency Management Department is committed to the preservation of life, property, and the environment in our community through effective public education, fire code enforcement, and emergency response. We are dedicated to achieving customer satisfaction while serving with R.E.S.P.E.C.T.

Services Provided

- Fire suppression
- Emergency medical first responder
- Technical rescue
- Hazardous Materials Response
- Emergency Management Planning/Response
- Fire Code Enforcement
- Public Fire Education

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- Smoke Detector Installation
- Child Safety Seat Installation/Inspection
- Airport Crash-Fire-Rescue

Resources

- Budget
 - \$23,041,486.00
 - 83% allocated to personnel cost
 - \$1,100.00 per employee annually for supplies and materials
 - \$133.00 per employee annually for training and development
- Personnel: 330 personnel, minimum staffing of 87 per shift
- Equipment: 16 fire stations (16 engines, 5 aerials, 6 squads plus a host of specialized units)

Strategic Plan

Departmental strategic plan adopted that compliments City of Fayetteville Strategic Plan. Moves the department closer to accreditation.

TFA - Construction of Fire Station 19

- Anticipated completion in Mid-November
- Personnel included in SAFER Grant
- Improved coverage

Major 2010 Successes

- Developed Department Strategic Plan
- Implemented TeleStaff
- Completed Policy Review
- Completed Self Assessment
- Completed Community Risk Analysis
- Constructed New Drill Tower
- Implemented Unsafe Building Marking System
- Established New Recruit List

Challenges

- Recruitment and retention
 - Entry Level
 - Diversity
 - Support Staff
- Increasing Call Volume (74% EMS)
 - 2008 - 22552 calls for service
 - 2009 - 23174 calls for service
 - 2010 - 25152 calls for service
- Competing for IT and HRD Support
- Meeting Standard of Cover - Need in identified growth areas: 4 additional stations; 4 engines, 1 aerial, 2 squads

Opportunities

- Accreditation
- Career Development - FSU/FTCC degree program
- EMS Transport
- Services Consolidation
 - PSAPs and Records Management
 - Fire Inspections
 - Emergency Management
- Technology Advancement
 - MCTs
 - AVL
 - Paperless reporting and recordkeeping

Council Member Crisp requested staff to provide Council examples of Pay Plans from other cities for review. Mr. Iman informed Council that HRD would provide this information.

Council Member Bates inquired whether there were alternate options the City could utilize to manage the tax collection process. Ms. Smith responded the present system was a good one.

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Council Member Applewhite questioned whether they could offer options when people call the City of selecting 1 for English, 2 for Spanish. Mr. Iman responded this was not inexpensive.

Council Member Crisp questioned whether it was an option to offer pay plan Citywide, if there was a model Council could review regarding across the board pay plan, for example Wake County, and was this an upcoming process. Mr. Kuhls replied in the affirmative.

Council Member Davy inquired about a repeat property owners tracking system and Mayor Chavonne proposed a habitual property owner process. (second time administrative fee). In response, Mr. Kristoff Bauer, Assistant City Attorney, proposed a single notification addressing all violations.

Council Member Davy questioned gateways renovation funding. Mr. Bauer stated that was under Parks and Recreation and Mr. Sharpe added there was a \$2,000.00 grant available to be utilized in low income areas in the redevelopment areas.

Council Member Bates inquired whether the City had an incentive plan to increase recycling, questioned a holiday pickup cycle, and proposed that citizens be able to trade smaller recycle bins for larger bins, instead of having to purchase new bins. Mr. Dietzen stated Waste Management would be contacted regarding days for holiday which would be submitted in the budget.

Mr. Doug Hewett, Assistant City Manager, stated the NCLM Advocacy Goals were posted Friday. Council directed these be posted on the City Website.

Mr. Iman thanked staff and Council members.

2.0 ADJOURNMENT

There being no further business, the meeting adjourned at 2:15 p.m.

Respectfully submitted,

JENNIFER PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

012211

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FAYETTEVILLE CITY COUNCIL
DINNER AND DISCUSSION MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
JANUARY 24, 2011
6:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Dale E. Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney

Mayor Chavonne called the meeting to order.

Mr. Kristoff Bauer, Assistant City Manager, distributed pictures of the church on Hillsboro Street. He explained the owner had removed asbestos and the engineer stated the building was structurally sound. Thus, he questioned whether Council wanted to proceed with the demolition ordinance or enter into an agreement regarding rehabilitation of the structure.

Discussion ensued regarding potential liability and concerns of constituents in the area.

Consensus was for staff to research all the issues and bring back to the next meeting.

Mayor Chavonne then reviewed the agenda and asked if there were questions. He also passed out information regarding the City Manager's evaluation scheduled for Thursday, January 27, 2011.

Mr. Dale Iman, City Manager, passed out the Revenue and Expenditure Report. Consensus was to review at future meeting.

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

012411

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JANUARY 24, 2011
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); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Rob Anderson, Chief Development Officer
Victor Sharpe, Community Development Director
Jeffery Brown, Engineering and Infrastructure Director
Karen Hilton, Planning and Zoning Manager
James Rose, PWC Chief Administrative Officer
Rebecca Rogers Carter, Management Services Manager
David Steinmetz, Code Enforcement Administrator (Zoning)
Frank Lewis, Senior Code Enforcement Administrator
Michelle Thompson, Cherry, Bekaert & Holland, L.L.P.
Doug Peters, Executive Director, Fayetteville-Cumberland County Chamber of Commerce
Allen Davis, Rural Broadband, LLC
Rita Perry, 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 David Gira, Associate Pastor with Haymount United Methodist Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 705, sponsored by Fayetteville Christian Church on Rosehill Road.

4.0 Administration of Oath of Office to District 9 Designate - James William Arp, Jr.

Mr. James William Arp, Jr., was sworn in by The Honorable Paul M. Newby, Associate Justice of the North Carolina Supreme Court. Mr. Arp thanked his family for their support.

5.0 APPROVAL OF AGENDA

MOTION: Mayor Chavonne moved to approve the agenda with the addition of Item 10.6, closed session for consultation with the City Attorney.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

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6.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Massey announced that the North Carolina League of Municipalities hosted their first Advocacy Goals Conference wherein League members come together to debate and approve the League's Advocacy Agenda for the next two years. He advised the goals could be viewed on the League's website.

7.0 PUBLIC FORUM

Mr. Brian Lyncook, 1511 Pinebrook Drive, Fayetteville, NC 28314, alerted the public and Council on the dangers of identity theft. He stated more information was available on the Federal Trade Commission website at www.ftc.gov or his website at www.lyncook.com.

Ms. Regina McLean, 731 Greenland Drive, Fayetteville, NC 28305, expressed concerns regarding an incident that involved the police.

Ms. Priscilla Hudson, 2919 Peacock Street, Hope Mills, NC 28348, introduced the new ABA professional basketball team of Fayetteville "The Fayetteville Flights". She stated they were in need of facilities to practice, transportation, and endorsement and requested support from Council.

Ms. Gwen York, 5703 Cypress Road, Fayetteville, NC 28304, expressed concerns regarding domestic violence and lack of assistance from the Police Department.

Mr. Marquis Jackson, 1709 Winnabow Drive, Fayetteville, NC 28306, announced a Break the Cycle campaign was scheduled for January 29, 2011, and requested support from Council.

8.0 CONSENT

MOTION: Council Member Bates moved to approve the consent agenda with the exception of Item 8.4.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

8.1 Adoption of calendar for Fiscal Year 2012 budget process.

8.2 Approve purchase of one 45' hybrid bucket truck.

The Public Works Commission approved bid award for purchase of one 45' hybrid budget truck (with the option to purchase additional units within a one-year period) to Altec Industries, Birmingham, AL, in the total amount of \$184,067.00. Bids were received November 16, 2010, as follows:

Altec Industries (Birmingham, AL)	
(Kenworth Cab and Chassis).....	\$184,067.00
Terex Utilities, Inc. (Glen Allen, VA)	\$191,915.00
Altec Industries (Birmingham, AL)	
(International Cab and Chassis).....	\$192,245.00
Peterbilt Truck Center (Dunn, NC)	\$193,740.00
*Altec Industries (Birmingham, AL)	
(Freightliner Cab and Chassis).....	\$183,380.00
*Cooper Kenworth (Raleigh, NC)	\$165,450.00

*Bids were determined to be noncompliant. Contained exceptions which were not acceptable.

8.3 Adopt a resolution declaring jointly-owned real property surplus and authorizing a quitclaim of the City's interest in order to expedite Cumberland County's sale of property.

RESOLUTION DECLARING PROPERTY EXCESS TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE IN THE PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2011-001.

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- 8.4 Pulled for discussion by Council Member Bates.
- 8.5 Case No. P10-41F. Rezoning 0.37 acres at 597 Oliver Street from P1 Professional District to P2 Professional District. Ginny Queen, owner.
- 8.6 Case No. P10-43F. The initial zoning of 2.14 acres of recently annexed property at 135 Airport Road to M2 Industrial Zoning District. Fullblock Inc., owner.
- 8.7 Case No. P10-44F. The initial zoning of 20.43 acres of recently annexed property at Black and Decker Road, east of Legion Road to R5 Residential Zoning District. Atlantic Multifamily LLC, owner.
- 8.8 Landscape Maintenance Agreement I-95 Exit 49.
- 8.4 Adopt a resolution authorizing the FY 2011 Transit Multi-Modal Center grant agreement with the North Carolina Department of Transportation.

This item was pulled for discussion by Council Member Bates.

Mr. Dale Iman, City Manager, presented this item and stated the Transit Department received a Federal Transportation Administration grant in the amount of \$1,329,845.00 to be used for property acquisition, relocation, and potential demolition costs associated with the Multi-Modal Transportation Center. He stated there was a stipulation that there be a 20 percent match and the North Carolina Department of Transportation (NCDOT) agreed to meet 10 percent of the total match in the amount of \$166,231.00 and the City would provide the remaining 10 percent of \$166,231.00. He stated the Council budgeted for the grant on October 11, 2010, and in order for the City to enter into a grant agreement, a resolution authorizing the City Manager enter into the contract with NCDOT was needed.

RESOLUTION AUTHORIZING CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
RESOLUTION NO. R2011-002.

MOTION: Council Member Bates moved to not adopt the resolution authorizing the grant agreement with the North Carolina Department of Transportation.

SECOND: Council Member Crisp

Council Member Mohn requested clarification that the City's match would not be coming from the FAST operating budget. Mr. Iman responded in the affirmative and clarified it would come from the Capital Project Ordinance that was adopted by Council.

VOTE: FAILED by a vote of 3 in favor (Council Members Bates, Crisp, and Mohn) to 7 in opposition

MOTION: Council Member Massey moved to adopt the resolution authorizing the grant agreement with the North Carolina Department of Transportation.

SECOND: Council Member Hurst

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

9.0 PUBLIC HEARING

- 9.1 Case No. P10-40F. The rezoning of 0.941 acres at 874 Strickland Bridge Road from C1P Commercial District to C3 Commercial Conditional Zoning District. Wildemar and Kyung Guzman, owners.

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, 2010 Land Use

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Plan, and past rezoning through the County. He stated the purpose of the current rezoning request was to allow for an auto repair garage to be located on the property and the developer offered the following conditions: (1) heavy auto repair would be the only C3 use allowed, (2) the property would retain all uses of the current C1P district, (3) the use would be limited to one auto repair garage, (4) auto repair hours of operation would be limited to Monday through Saturday, 8:00 a.m. to 5:00 p.m., and (5) the site plan which was revised to meet all aspects of the City's ordinance. He stated the Zoning Commission and staff recommended denial of the rezoning based on (1) the 2010 Land Use Plan called for low-density residential, (2) the property was currently zoned R10 Residential to the west and south, (3) the 2030 Growth Vision Plan cautioned against rezoning additional land to commercial when there was an abundance of unused commercially zoned property in the area; and (4) commercial zoning would not serve as a good buffer to residential zoning.

This is the advertised public hearing set for this date and time. The public hearing opened at 7:39 p.m.

Mr. Jonathan Elliott, 6541 Raeford Road, Fayetteville, NC 28304, appeared in opposition based on the reasons provided by the Zoning Commission and expressed concern for the residential properties surrounding the property.

There being no one further to speak, the public hearing closed at 7:42 p.m.

MOTION: Council Member Crisp moved to deny the rezoning of the property at 874 Strickland Bridge Road from C1P to C3/CZ.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

10.0 OTHER ITEMS OF BUSINESS

10.1 Update on the Fiber-To-The-Home (FTTH) concept exploration.

Mr. James Rose, PWC Chief Administrative Officer, presented this item and provided background information on the project. He stated they had contracted with Rural Broadband, LLC, to conduct the feasibility study and develop the business plan. He introduced Allen Davis with Rural Broadband, LLC.

Mr. Allen Davis explained they were contracted to develop a fiber-to-the-premise (FTTP) plan that would place fiber optic facilities to every residential and commercial location. He stated it was set up as a stand alone operation and every element was self-sufficient and designed to operate independent of the City and the Public Works Commission. He provided an overview of the FTTP system expansion plan and explained the benefits. He provided the FTTP project capitalization assumptions as follows:

Capital Budget	\$228,980,184.00
Capitalized Interest	25,675,000.00
Issuance Expense	2,093,115.00
Excess Proceeds	1,701.00
Total Amount Financed	<u>\$256,750,000.00</u>

Mayor Chavonne requested that Mr. Rose provide background information on the project for the benefit of Council Member Arp. Mr. Rose provided background information and stated a market survey resulted in positive feedback from the community and Council directed staff to find out how much the endeavor would cost. He stated if Council wished to move forward they would need to find funding options or funding sources. He stated another option would be to continue to look at emerging technologies that cost less. He stated there was an ad hoc committee made up of a staff member from the City and Public Works Commission and a member of the Public Works Commission and City

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Council. He recommended the ad hoc committee meet and come back with a recommendation.

A question and answer period ensued regarding the possibility of expanding from the existing fiber network, the services that would be provided, the savings to the customers, the timeframe to complete the plan, and the feasibility of the plan.

10.2 Consideration of a Memorandum of Understanding with Fayetteville State University for the acceptance and demolition of the Washington Drive Junior High School property for the implementation of their Historically Black Colleges and Universities (HBCU) grant.

Mr. Victor Sharpe, Community Development Director, presented this item and stated Fayetteville State University (FSU) was in receipt of an HBCU grant which would pay for and assist in the redevelopment of the school site once the property was demolished. He stated the City would be contributing up to \$30,000.00 in the demolition cost through one of their existing grant programs as well as providing \$25,000.00 in in-kind support for the redevelopment of the gateway of the Martin Luther King, Jr. Park pursuant to the Master Plan. He stated they would be providing contract management for the demolition process and that FSU in turn would utilize grant funds to pay for the cost of the demolition. He stated staff was recommending approval of the Memorandum of Understanding and acceptance of the property.

Council Member Bates inquired if no funds would be exchanged as indicated in the agreement. Mr. Kristoff Bauer, Assistant City Manager, explained no funds would be exchanged specifically for the transfer of the property. He further explained that after the property was cleaned up and the City was reimbursed by FSU for the cost of cleanup, then the property would be given to FSU at no additional cost.

MOTION: Council Member Bates moved to approve the Memorandum of Understanding and to accept and demolish the Washington Drive Junior High School property.
SECOND: Council Member Applewhite
VOTE: UNANIMOUS (10-0)

10.3 Request for sidewalk waiver for development within the City's MIA, for Vander Community Center at Rock Hill Road and Sunnyside School Road.

Mr. David Steinmetz, Code Enforcement Administrator, presented this item and provided background information on the approval of the development of the project. He stated the property was within the City's Municipal Influence Area (MIA), and therefore a concrete sidewalk must be constructed along the entire length of the property prior to a final building inspection. He stated Vander Civic Association was applying for a waiver through the County and explained it was brought before Council because the property was within the MIA. He showed site maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings. He stated staff was recommending the waiver request be denied on Rock Hill Road, and that along Sunnyside School Road sidewalk segments be installed at the corners to connect with the existing walking trail, with the applicant dedicating the easements for the portions outside the public right-of-way. He provided the following reasons for the denial:

- Residential and commercial development as well as a school exist nearby, particularly near the Rock Hill Road side.
- As a public park the likelihood of pedestrian traffic would be high, particularly during the occasional events, and safe access was a priority.

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- There were existing improvements near the Sunnyside School Road right-of-way that could provide adequate safe access for that portion.
- Retrofitting the site in the future would be more costly and disruptive and would not meet current safety considerations.

Council Member Hurst inquired on the length of the proposed sidewalk on Rock Hill Road and the estimated cost. Mr. Steinmetz responded 500 feet and the cost would be approximately \$15,000.00.

Mayor Chavonne inquired if the community would have access to the state safe routes to school grant and if that had been explored to see if there would be an opportunity for funding. Mr. Jeffery Brown, Engineering and Infrastructure Director, responded those funds could possibly be accessed through the North Carolina Department of Transportation.

MOTION: Council Member Bates moved to recommend to the Cumberland County Joint Planning Board that the waiver request be denied on Rock Hill Road and along side Sunnyside School Road sidewalk segments be installed at the corners to connect with the existing walking trail with the applicant dedicating the easements for the portions outside the public right-of-way.

SECOND: Council Member Davy

VOTE: UNANIMOUS (10-0)

10.4 Uninhabitable structures demolition recommendations for 220 Scott Avenue and 5802 Shenandoah Drive.

Mr. Frank Lewis, Senior Code Enforcement Administrator, presented this item and stated the structure at 220 Scott Avenue was approximately 40 years old. He stated the case was started back in 2007 in which they attempted to work with the owner to no avail. He stated the property continues to deteriorate as the owners have done nothing and presented photos of the damage. He stated the owner attended a hearing in July 2010 wherein the City offered the owner an opportunity to apply to Community Development for the acquisition and demolition program with no response to date.

Mr. Lewis stated the inside of the structure located at 5802 Shenandoah Drive sustained substantial damage from a fire that occurred in August 2010. He stated the owner had not attempted any repairs and presented photos of the damage. He stated the owner was given the opportunity to take advantage of the acquisition and demolition program with no response to date.

Council Member Applewhite inquired why 5802 Shenandoah Drive had come before Council so soon. Mr. Lewis responded it was before Council tonight because the owner had made no attempt to work with the City or repair the damages. He explained with fire damage to a structure, they generally wait 30 days during which time they watch the property for repairs and wait for permits or plans. He stated the owner had said he was going to repair it to no avail and the owner was advised the issue would go before City Council.

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 (220 SCOTT AVENUE). ORDINANCE NO. NS2011-001.

MOTION: Council Member Davy moved to adopt the proposed ordinances authorizing the demolition of the structures at 220 Scott Avenue and 5802 Shenandoah Drive.

SECOND: Council Member Bates

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Council Member Bates inquired if the structure at 5802 Shenandoah Drive was beyond repair. Mr. Lewis responded there were no engineering statements on the structure. Mr. Iman clarified the inspectors provide that service and do not require engineering certificates of the structural stability of a property. He stated the building inspectors go out and look at the properties and determine whether or not they were worth salvaging or whether the cost of replacement would exceed the value of the properties.

Mr. Lewis stated the building inspectors had not gone out to assess the property and the property was repairable but the owner had seemed to abandon the property.

FRIENDLY AMENDMENT:

Council Member Arp made a friendly amendment to adopt the ordinance authorizing demolition of 220 Scott Avenue and that the property owner at 5802 Shenandoah Drive be allowed 90 additional days to come to reconciliation with the Inspections Department on the status of the property, and if after 90 days no status was reached then Council would reconsider demolition of the property.

Council Member Davy accepted and Council Member Bates did not accept the friendly amendment.

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

MOTION: Council Member Davy moved to adopt the proposed ordinance authorizing demolition of 220 Scott Avenue.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

MOTION: Council Member Crisp moved to postpone action for 90 days for the property located at 5802 Shenandoah Drive.

SECOND: Council Member Arp

Discussion ensued regarding lack of communication from the property owner and the timeframe of the demolition process.

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Applewhite, Bates, and Hurst)

10.5 (a) FY 2011 Strategic Plan Policy and Management Action Agenda 1st quarter update.

Ms. Rebecca Rogers-Carter, Management Services Manager, presented this item and reviewed the components of the strategic plan to include the vision statement, mission statement, and core values. She provided a recap of the FY 2011 policy and management agenda targets for action.

Mayor Pro Tem Haire stated they were at one point looking at the Jasper Street area as part of their priorities and strategic planning and inquired why the project had come off the list. Mr. Dale Iman, City Manager, responded the Jasper Street intersection had not come off the list. He stated they were having difficulty attracting a developer willing to do a project at that location. He explained the funding mechanism to provide funds for the redevelopment of the Jasper Street site would require a developer willing to do the development. He stated the City could not apply for funds without commitment from a developer.

Council Member Hurst inquired if there was a projected date for the sidewalk inventory to come back to Council. Mr. Jeffery Brown, Engineering and Infrastructure Director, responded the plan was to have the inventory completed by the end of the fiscal year.

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Council Member Hurst inquired if the November 22, 2010, bid for Fire Station 19 was awarded to CSI. Mr. Brown responded in the affirmative.

Council Member Massey requested clarification that all the phases that were discussed and worked on during the Murchison Road study were still there. Mr. Iman clarified the plans were in place but would require private-sector investment as well as public-sector investment.

Mayor Chavonne suggested bringing this item to a future work session. Mr. Iman responded Mr. Victor Sharpe, Community Development Director, had planned to bring this back to Council at the March work session but needed to confer with the consultant before bringing back to Council.

10.5 (b) Fayetteville-Cumberland County Chamber of Commerce quarterly Economic Development Report.

Mr. Doug Peters, Executive Director, Fayetteville-Cumberland County Chamber of Commerce, presented this item and provided an update on the economic development activities. He stated they were graded on investments in the community, job creation, retention visits with existing industry, the number of contacts made either by fielding inquiries about investment in the community or calling on companies they believe were strong fits for the particular market, and national marketing placements and provided quarterly updates on the targets.

A question and answer period ensued regarding the employment impact of Panera Bread.

10.6 Closed session for consultation with the City Attorney.

MOTION: Mayor Pro Tem Haire moved to go into closed session for consultation with the City Attorney.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

The regular session recessed at 9:15 p.m. The regular session reconvened at 10:05 p.m.

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

11.0 ADMINISTRATIVE REPORTS

11.1 Monthly statement of taxes for December 2010 from the Cumberland County Tax Administrator.

2010 Taxes	\$12,602,099.50
2010 Vehicle Taxes.....	360,040.94
2010 Revit	46,730.81
2010 Vehicle Revit	363.04
2010 FVT	45,497.69
2010 Transit Tax	39,927.43
2010 Storm Water	136,602.85
2010 Fay Storm Water....	273,205.84
2010 Recycle Fee	84,719.88
2010 Annex... ..	0.00
2009 Taxes	\$23,372.87
2009 Vehicle Taxes	59,834.57
2009 Revit	0.42
2009 Vehicle Revit	24.66
2009 FVT	9,173.72
2009 Transit Tax	9,173.71
2009 Storm Water	533.56
2009 Fay Storm Water....	1,067.10
2009 Recycle Fee	1,233.58

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2009 Annex.....	11.21
2008 Taxes	1,269.31
2008 Vehicle	3,155.54
2008 Revit	3.33
2008 Vehicle Revit	0.00
2008 FVT	649.63
2008 Transit Tax	514.62
2008 Storm Water	214.39
2009 Fay Storm Water.....	48.35
2008 Recycle	84.61
2008 Annex.....	7.20
2007 Taxes	451.95
2007 Vehicle	1,441.10
2007 Revit	0.00
2007 Vehicle Revit.....	0.00
2007 FVT	333.87
2007 Storm Water	33.51
2007 Fay Storm Water	33.92
2007 Annex.....	0.00
2006 and Prior Taxes	679.77
2006 and Prior Vehicle	2,780.31
2006 and Prior Revit	0.00
2006 and Prior Vehicle Revit	0.00
2006 and Prior FVT	624.35
2006 and Prior Storm Water	50.28
2006 Annex.....	13.50
Interest	13,839.09
Revit Interest	3.60
Storm Water Interest	120.20
Fay Storm Water Interest	108.12
Annex Interest	7.04
Fay Recycle Interest	121.33
Total Tax and Interest	\$2,775,874.75

10.0 ADJOURNMENT

There being no further business, the meeting adjourned.

Respectfully submitted,

JENNIFER PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
FEBRUARY 7, 2011
5:00 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); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

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

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Lisa Smith, Chief Financial Officer
John Kuhls, Human Resource Development Director
Jeffery Brown, Engineering and Infrastructure Director
Michael Gibson, Parks and Recreation Director
Victor Sharpe, Community Development Director
Karen Hilton, Planning and Zoning Manager
James Rose, PWC Chief Administrative Officer
Gloria Wrench, PWC Purchasing Manager
Rebecca Rogers Carter, Management Services Manager
Deborah Mintz, Executive Director, Arts Council of Fayetteville/Cumberland County
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 Haire.

3.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Haire moved to approve the agenda with the addition of Item 5.0, a closed session for consultation with the City Attorney, and renumbering Item 5.0 to 5.1.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 City Council Policy 135.1 - Non-Profit Funding

Mr. Dale Iman, City Manager, presented this item and stated the policy was reviewed and discussed at the last work session at which time Council directed staff to review the processes used by the Arts Council and the Community Development Department. Mr. Iman recognized Ms. Deborah Mintz, Executive Director, Arts Council of Fayetteville/Cumberland County, and Mr. Victor Sharpe, Community Development Director.

(a) Arts Council Distribute Funding Process for Arts and Cultural Services

Ms. Deborah Mintz, Executive Director, Arts Council of Fayetteville/Cumberland County, presented this item and provided background information. She stated the North Carolina Legislature recognized the importance of arts in all communities and created the

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"Grass Roots Arts Funding" legislation and the Arts Council was created to provide services and distribute funds on behalf of the state specifically. She stated that due to nonprofits approaching both the City and County for funding, in 1993 the funding process was streamlined by allowing the Arts Council to distribute funding on behalf of the City and County. She explained the grant categories and stated operating support and special project grants were matched dollar to dollar. She stated the Arts Council partnered with Cumberland County public and private schools, Fort Bragg schools, and local arts agencies to build collaborations between schools and cultural resources. She stated project support funding was available to all 501(c)(3) local nonprofit agencies, educational institutions, and government entities in Cumberland County who produce programs of artistic and cultural merit. She stated \$10,000.00 was provided to the Fayetteville/Cumberland County Parks and Recreation Department for after-school programs.

Mayor Pro Tem Haire inquired how agencies were notified of the available grants. Ms. Mintz responded through press releases, the Arts Council website, and postcards mailed to all local registered nonprofits.

Council Member Crisp inquired how the funds were distributed. Ms. Mintz responded agencies receive up to 80 percent of the awarded fees upon execution of all required contracts and supporting documents and 20 percent upon approval of the agency's final report by the Arts Council.

Council Member Crisp inquired what the impact would be if the City did not provide the funding to the Arts Council. Ms. Mintz responded it would affect those services provided by the Arts Council and provided by those agencies with whom they contract to provide services.

A discussion period ensued regarding the use of funds from the occupancy tax with Ms. Mintz explaining that any funding received from the occupancy tax would have to be used for tourism related projects.

(b) Community Development's Nonprofit Funding Application Process

Mr. Victor Sharpe, Community Development Director, presented this item and stated a Consolidated Plan was adopted by Council every five years setting goals and priorities in the areas of housing, community development, economic development, and homelessness. He stated the Annual Action Plans were part of the Consolidated Plan process and contained the programs being funded. He explained part of the process dealt with Community Development having a public and private partnership with nonprofit agencies whereby each year they send out requests for proposal. He stated the Consolidated Plan was the guiding force for the types of projects they would look at. Mr. Sharpe explained community development funding included contracting with providers to provide job skills training and job counseling, household budget counseling services, and personal finance workshops.

Mr. Sharpe explained the organizations were rated through a Risk Analysis Matrix based on program complexity, sub-recipient capacity, recent problems, and past on-site monitoring. He stated the recommended projects would then be forwarded to the Fayetteville Redevelopment Commission as part of the Annual Action Plan, then to City Council for final approval. He stated it was a HUD requirement that sub-recipients be monitored annually. He stated the same process was used for developer funding but was more competitive.

Mayor Pro Tem Haire inquired how organizations were notified of the available funding. Mr. Sharpe responded notification was through a block ad in the newspaper and direct mailing to the nonprofits.

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A question and answer period ensued regarding the rating of applications and funding availability with Mr. Sharpe explaining after rating the applications, they review the available funding. He stated they were not always able to recommend the full amount being requested.

Discussion ensued regarding placing more information on the City's website and what would be eligible for community development funding.

Council Member Massey requested staff study the current policy and make it consistent with the current practices of the Arts Council and Community Development Department. Mr. Iman explained the law had changed and the local policy was not changed to reflect the change of the occupancy tax.

Consensus of Council was to update the current policy consistent with the current practice and improve communication and publicity.

4.2 Revision to the Purchasing Policy for Local Business Support

Ms. Karen McDonald, City Attorney, presented this item. She presented background information and stated Council had requested that the policy be brought back with PWC staff available for questions. She recognized the members of the PWC staff in attendance.

Mr. James Rose, PWC Chief Administrative Officer, stated they reviewed the policy adopted by the County and there was an issue with the statement "to the greatest extent possible" being somewhat vague. He stated they buy different types of products and services and some of the transactions were governed by state statutes. He explained there were no statutes governing services unless it was architectural, engineering, and surveying services. He further explained there was a special statute that stated you could make awards for those services without regard to price. He stated there were statutes for material supplies and equipment and those between \$30,000.00 and \$90,000.00 would be an informal contract and would not have to get prices. He stated anything over \$90,000.00 in that category would have to entertain formal bids. He stated with construction, the threshold was from \$30,000.00 to \$500,000.00 which was informal and anything over \$500,000.00 was in the formal category. He stated if a 5 percent discount were imposed, then neighboring cities could do that, and this would then put the City in a position of a vendor that not only supplies the Fayetteville market but also other counties and cities.

Mayor Pro Tem Haire requested clarification on the vague statement of "to the greatest extent possible". Mr. Rose clarified the verbiage was fine but that he would add a section that would make it clear that they were not talking about architectural, engineering, and surveying services. He stated he would advise that the policy be reviewed more.

Mayor Pro Tem Haire inquired if they could allow a preference on what goes out to bid. Mr. Rose responded it would be anything under \$30,000.00. He stated the general statute makes a distinction between formal and informal contracts. He stated formal contracts would be the ones that were brought to the Public Works Commission and City Council for approval which would be for purchase of material, supplies, equipment, and construction and they would be formally bid. He explained \$30,000.00 or less would be for materials, supplies, equipment, and construction. He stated PWC staff polled the School of Government who stated the percentage should be no more than 5 percent for those contracts under \$30,000.00.

Council Member Arp inquired if other municipalities had the 5 percent policy in place. Ms. McDonald responded she researched this issue in May and that she did not find any policies. She stated at that time, the impetus for this was the governor's executive order for which the governor initiated a "price matching". She explained if a

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vendor placed a bid and a local vendor were to bid within 5 percent, then they would have the opportunity to match that price. She stated at that time interest was expressed by Council to initiate a program such as that at the local level. However, research indicated it was not permissible for municipalities to do so. She stated the County adopted their policy and therefore the question was whether Council was interested in adopting a similar policy.

Mr. Rose suggested they not take any action and do another study to see if other municipalities have changed.

Consensus of Council was to direct staff to conduct a survey on other municipalities.

4.3 Equal Employment Opportunity (EEO) Report/Recruitment Process Update

Mr. John Kuhls, Human Resource Development Director, presented this item and provided an overview of the Equal Employment Opportunity Report to include recruitment and career builder efforts, new employee orientations, practices and policies working with departments, and assessment centers.

A question and answer period ensued regarding being more diversified.

No action was taken on this item.

4.4 Street Paving Selection Process

Mr. Jeffery Brown, Engineering and Infrastructure Director, presented this item and provided an overview of the survey process and the City's current practices. He stated a pavement condition survey would be completed this fiscal year to determine the pavement condition rating on all City-maintained streets. He stated streets would be selected for resurfacing based on the assigned rating on the survey. He stated the last pavement evaluation survey was conducted in 2006. He stated the survey would be on all City streets which totaled 724 miles. He provided information on the conditions of the streets, the different seals, utilities, and re-patching.

A question and answer period ensued regarding the affects on utilities, quality of patch jobs, and inspection requirements.

Mr. Brown stated the survey would be completed by July and presented to Council.

No action was taken on this item.

4.5 Maintenance Standards for Private Streets

Mr. Jeffery Brown, Engineering and Infrastructure Director, presented this item and provided an overview of the issues for private streets to include emergency vehicle access, residential garbage collection, lack of maintenance, and no right-of-way being associated with the streets. He presented the required standards before the City would accept maintenance of the streets.

A question and answer period ensued regarding right-of-way ownership with Mr. Brown explaining the right-of-way could be dedicated but not accepted by anyone for maintenance. He further explained the owner that dedicated the right-of-way with the initial plat would be the legal owner of the street unless there was a homeowners association making the homeowners responsible for the right-of-way. He stated there was no other way to enforce street maintenance on private streets unless the City acquired the necessary right-of-way which could require condemnation.

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Mayor Chavonne inquired if there was a minimum standard for private streets to provide public safety access. Mr. Brown responded it was impossible to enforce such standards. Ms. Karen McDonald, City Attorney, explained it would be difficult to enforce minimum standards through litigation. She explained if lawsuits were initiated against the property owners for compliance of minimum standards, the owners could still not maintain the property and a judgment would be entered which would result in a lien against the property and no compliance. She stated the other option would be condemning the property for compliance.

Concerns were raised and discussion ensued regarding access not being available to emergency vehicles. Ms. Karen McDonald stated if Council wanted staff to identify the streets, they could initiate litigation to do that or they could initiate condemnation to try to acquire it but there was no easy answer.

Consensus of Council was to direct the City Attorney to research the options further.

4.6 UDO Zoning Implementation Process Update

Ms. Karen Hilton, Planning and Zoning Manager, presented this item. She provided background information and stated the primary task of the implementation would be the remapping of approximately 76,000 parcels in the City. She provided an update on the process and timeline. She stated they would begin distributing public information in March using every means available, such as television, newspaper, flyers, posters, etc., which would provide information on the uses and standards. She stated they would also hold several public meetings.

Consensus of Council was to direct staff to provide Council with electronic copies of all UDO power points presented to Council to date.

4.7 Site Solutions Proposal for Assisting with Bond Package

Mr. Michael Gibson, Parks and Recreation Director, presented this item and provided background information. He stated in 2006, Site Solutions assisted the City in the development of the Parks and Recreation Master Plan (Master Plan) and they were again recommending the use of Site Solutions to assist with the development of the bond package that would promote the park expansion and improvements identified in the Master Plan. He stated there were 15 projects identified in the bond package and each project would address the following 12 elements: operational objectives, user demographics, operational costs, initial fee assumptions, other revenue, operational cost, construction cost, service areas, vicinity maps, prototype plan, staffing, and Council districts.

A discussion period ensued regarding the projects.

Consensus of Council was to direct staff to provide Council with a list of the projects and conduct a similar discussion with the County.

Mr. Dale Iman, City Manager, inquired if the funding would come back to Council. Mr. Gibson stated the projected total cost of the contract would be between \$48,000.00 and \$49,000.00. Mr. Iman inquired if the contract was on the next agenda. Mr. Gibson responded in the affirmative.

No action was taken on this item.

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4.8 Revenue and Expenditure Report for Annually Budgeted Funds for the Four-Month Period Ended October 31, 2010 and 2009

Ms. Lisa Smith, Chief Financial Officer, presented this item. She reviewed key points from the reports and explained the difference between the actual, annual, and allocated budgets.

Discussion and a question and answer period ensued regarding the information in the reports.

No action was taken on this item.

4.9 Council Member Request(s): (In order of receipt date)

(a) Council Member Mohn - Revise Council Policy 115.11, Replacing a Vacancy on the City Council

Council Member Mohn presented this item and stated he felt there was confusion with the existing policy stating 30 days from the date of vacancy and would like to revise the policy to set out the procedures that were followed during the recent vacancy for use by future Councils.

Discussion ensued regarding the flexibility of the policy, the definition of event, and the requirements of state statute.

Council Member Mohn requested that staff revise the policy outlining the procedure that the Council took to appoint Mr. Arp with the understanding that future Councils may or may not follow it and to define the event.

Council Member Mohn's request did not receive the necessary support.

No action was taken on this item.

(b) Mayor Chavonne - Request to Study a Reduction in Sewer Extension Schedule for Phase V Annexation Areas

Mayor Chavonne presented this item and stated he was requesting a study to request staff and PWC to look at the current model for sewer extension to see if that extension could be scheduled to be shortened, i.e., do more in a shorter period of time.

Consensus of Council was to direct staff to proceed with the study.

(c) Mayor Chavonne - Request to Study a Reduction in the 8 Percent Interest Rate for Sewer Assessments

Mayor Chavonne presented this item and stated he was requesting a study on the reduction of the 8 percent interest rate for sewer assessments.

Consensus of Council was to direct staff to proceed with the study.

5.0 Closed Session for Consultation with the City Attorney

MOTION: Mayor Pro Tem Haire moved to go into closed session for consultation with the City Attorney.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (10-0)

The regular session recessed for the closed session and the regular session reconvened after the closed session.

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5.1 ADJOURNMENT

There being no further business, the meeting adjourned.

Respectfully submitted,

JENNIFER PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
FEBRUARY 14, 2011
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); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Benjamin Nichols, Chief Officer of Fire/Emergency Management
Rob Anderson, Chief Development Officer
Lisa Smith, Chief Financial Officer
Jeffery Brown, Engineering & Infrastructure Director
Rusty Thompson, City Traffic Engineer
Karen Hilton, Planning and Zoning Division Manager
David Nash, Planner II
Craig Harmon, Planner II
Marsha Bryant, Planner II
Glenn Harbeck, Consultant, Harbeck & Associates
Rita Perry, 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 Pastor Marvin Price, Founder of Common Ground Ministry, Inc.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was recited by those in attendance.

4.0 APPROVAL OF AGENDA

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

5.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Chavonne announced the National Youth-At-Risk Conference along with the National Network for Educational Renewal named Pauline Jones Elementary School a "High Flying School for 2011" and would be receiving this honor at the National Youth-At-Risk Conference to be held March 6-9, 2011, in Savannah, Georgia. Council Members Chavonne and Davy, on behalf of the City Council, presented a Certificate of Excellence to students, parents, faculty, and staff of Pauline Jones Elementary School to recognize and celebrate them being honored as a "High Flying School for 2011" and in special recognition and appreciation of their continued commitment to excellence in education. Ms. Tonya Lock, SGA President, thanked Council Members Chavonne and Davy and Police Chief Tom Bergamine and Police Captain Kenneth Eaker for their support and presented small tokens of appreciation to the City Council.

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Council Members Chavonne and Hurst, on behalf of the City Council, presented City Coins to Ms. Katie Elizabeth Mills, Miss Fayetteville 2011, and Ms. Elizabeth Adkins, Miss Fayetteville Outstanding Teen 2011. Ms. Mills thanked the Council and Fayetteville for their support and described her platform in the pageant as well as Mr. Adkins' platform.

Council Members Chavonne and Massey, on behalf of the City Council, presented a Proclamation to Ms. Patricia Fortuna, Human Relations Commission Chair, and Mr. Ron McElrath, Human Relations Director, proclaiming February 2011 Human Relations Month. Ms. Fortuna thanked the City Council for joining with the Governor in this very important proclamation and supporting the Human Relations Commission.

6.0 PUBLIC FORUM

Mr. Alphonso Whitfield, III, The Vital ToolBox, stated he was representing a group of all-equity investors that reached a tentative agreement with Mr. Chen to redevelop the hotel. He stated they would like to meet with City staff in an effort to positively move forward to make the opportunity that they see become real and profitable and bring jobs to downtown Fayetteville. He stated they hope to reach agreements with adjacent property owners to bring together a comprehensive development plan for the property.

Mr. Charlton Johnson, 334 J. Point Place, Fayetteville, NC 28301, expressed concerns with the F.A.S.T. bus system.

Ms. Tammy Simmons-Morse, Community Against Pedophiles, 908 Carolina Avenue, Fayetteville, NC 28301, expressed concerns with a home in her neighborhood being rented to five registered sex offenders that was not registered as a group home.

Mr. Brian Watson, 2841 Skye Drive, Fayetteville, NC 28303, on behalf of Hillsboro Partners, spoke regarding 1301 Hillsboro Street and provided a history of the property. He stated their original intention at purchase was to demolish the building due to fire damage. He stated upon further investigation, it was determined the fire damage was minimal, was limited to the roof structure, and could be easily repaired. He stated they provided a letter to the City Council from their engineers certifying the structural integrity of the building. He stated the building was cleaned up and secured and that there were multiple church groups interested in purchasing the property. He stated they were committed to completing the roof repairs and the exterior aesthetic repairs no later than April 15, 2011.

Mr. Luther Tinsley, 2748 George Owen Road, Fayetteville, NC 28306, on behalf of Hillsboro Partners, spoke regarding 1301 Hillsboro Street and stated he had a petition signed by 80 people in the neighborhood who would like to see the church remain a church. He stated renovation of the building would provide jobs in the area and felt the historical value of the church had not been taken into consideration. He stated they were requesting that Council delay the order to demolish the church.

Mr. Neill Lindsay, 531 West Russell Street, Fayetteville, NC 28302, spoke regarding the Multi-Modal Transportation Center and stated downtown business operators felt the location was not right. He stated they were not opposed to the concept but were opposed 100 percent to the location. He expressed concerns regarding potential of traffic and parking problems.

Mr. Greg Johnson spoke regarding a woman in Fayetteville diagnosed with tetanus. He stated out of 50 cases in 2009, 40 percent of those people died and in 2010 she was the only one diagnosed in the United States with the disease. He announced they were holding a

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fundraiser on March 26, 2011, at 4115 Legion Road, Hope Mills, NC, from 10:00 a.m. to 4:00 p.m., to bring awareness of the disease and support to the family.

Ms. Joann Adams, 210 Central Drive, Fayetteville, NC 28301, spoke regarding the property at 1301 Hillsboro Street and expressed concern with the danger of the structure and graffiti. She stated the people in the community want the building to be demolished.

Ms. Susan Hesnard, 2130 Baywater Drive, Fayetteville, NC 28304, spoke regarding the Multi-Modal Transportation Center and expressed opposition to the project.

Mr. William Gillis, 7715 Climbing Tree Lane, Fayetteville, NC 28306, spoke regarding the Multi-Modal Transportation Center and expressed opposition to the project and the use of condemnation to acquire the properties.

7.0 CONSENT

MOTION: Council Member Massey moved to approve the consent agenda.
SECOND: Council Member Hurst
VOTE: UNANIMOUS (10-0)

- 7.1 Consideration of revisions to City Code Chapter 2, Article II, Sec. 2-42, Public Art Commission; composition and responsibilities.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 2-42, PUBLIC ART COMMISSION; COMPOSITION AND RESPONSIBILITIES. ORDINANCE NO. S2011-001.

- 7.2 Adopt a resolution confirming non-inclusion of a portion of Ardmore Drive and a portion of Baldwin Avenue on Street Plan.

RESOLUTION CONFIRMING NON-INCLUSION OF A PORTION OF ARDMORE DRIVE AND A PORTION OF BALDWIN AVENUE IN THE CITY OF FAYETTEVILLE STREET PLAN. RESOLUTION NO. R2011-003.

- 7.3 Adopt a resolution confirming non-inclusion of a portion of Nimocks Avenue and a portion of an unnamed alley off of Old Wilmington Road on Street Plan.

RESOLUTION CONFIRMING NON-INCLUSION OF A PORTION OF NIMOCKS AVENUE AND A PORTION OF AN UNNAMED ALLEY OFF OF OLD WILMINGTON ROAD IN THE CITY OF FAYETTEVILLE STREET PLAN. RESOLUTION NO. R2011-004.

- 7.4 Addition of streets to the City of Fayetteville's System of Streets.

- 7.5 Adoption of municipal speed ordinances.

MUNICIPAL SPEED ORDINANCE. ORDINANCE NO. NS2011-002.

- 7.6 Adopt a resolution designating the Chief Financial Officer of the City to declare official intent to reimburse expenditures under United States Department of Treasury Regulations on behalf of the City.

RESOLUTION DESIGNATING THE CHIEF FINANCIAL OFFICER OF THE CITY TO DECLARE OFFICIAL INTENT TO REIMBURSE EXPENDITURES UNDER UNITED STATES DEPARTMENT OF TREASURY REGULATIONS ON BEHALF OF THE CITY. RESOLUTION NO. R2011-005.

- 7.7 Budget Ordinance Amendment 2011-6 (General Fund and Airport).

This amendment appropriated \$266,610.00 in the General Fund to fund the first debt service payment for the parking deck loan, and

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transferred existing budgeted funding between the Information Technology and Police Departments; the Parks, Recreation and Maintenance and Environmental Services Departments; and the City Attorney's office and the Engineering and Infrastructure Department. This amendment also appropriated \$173,359.00 of net assets for the Airport Fund to facilitate the early repayment of an interfund loan from the General Fund.

7.8 Special Revenue Fund Project Ordinance Closeouts 2011-6 (FY 08 Operation Ceasefire) and 2011-7 (FY 06 Homeland Security).

The projects were completed in a previous fiscal year and the revenues and expenditures audited. This would formally authorize closure of the projects for accounting purposes.

7.9 Special Revenue Fund Project Ordinance 2011-7 (FY 2011 Operation Ceasefire Program).

The ordinance established the budget for the Operation Ceasefire Program for fiscal year 2011. The program was funded by a \$21,800.00 grant awarded by the State of North Carolina Department of Crime Control and Public Safety, Division of the Governor's Crime Commission. The grant funded supplies and other operating costs of the program.

7.10 Special Revenue Fund Project Ordinance 2011-8 (FY 2011 Juvenile Restitution Program).

The ordinance appropriated \$129,735.00 for the Juvenile Restitution Program for fiscal year 2011.

7.11 Adopt resolution to accept a report of unpaid taxes for 2010 and direct the advertisement of tax liens.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE
ADVERTISEMENT OF TAX LIENS. RESOLUTION NO. R2011-006.

7.12 Bid recommendation - voltage regulators.

The Public Works Commission approved bid award for purchase of three 833kVA, 7.2kV voltage regulators, PWC Stock No. 1-245-013 to HD Supply Utilities, Wake Forest, NC, low bidder meeting specifications in the total amount of \$125,240.01, with option to purchase additional quantities within a one-year period upon agreement of both parties. Bids were solicited from five vendors with three vendors responding. Bids were received December 8, 2010, as follows:

Bidders	Unit Cost	Total Cost
HD Supply Utilities (Wake Forest, NC).....	\$41,746.67\$125,240.01
**Stuart C. Irby (Rocky Mount, NC).....	\$27,921.00\$83,763.00
**Siemens Energy (Richland, MS).....	\$33,765.00\$101,295.00
**HD Supply Utilities (Wake Forest, NC) (Alternate).....	\$34,175.14\$102,471.42

**The bids submitted were found to be noncompliant to specifications.

7.13 PWC financial matters - budget amendments.

The Public Works Commission approved the following financial matters:

1. Annexation Phase V - Project 1 Capital Project Fund, Amendment #4, Final Close: The amendment closed out the Capital Project Fund and allowed the distribution of the remaining balance to the City General Fund (\$688,156.00) and PWC Phase V Annexation Reserve Fund (\$727,903.00. One million dollars was previously transferred to each of the

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City General Fund and PWC W/S Fund. Total project cost was \$11,017,183.00.

2. Annexation Phase V Reserve Fund - Amendment #3: The amendment reduced the transfer from PWC Water/Wastewater General Fund of \$727,903.00 and received the transfer of \$727,903 from the Annexation Phase V Project 1 Capital Project Fund.

3. Electric, Water/Wastewater and Fleet Maintenance Internal Service Fund Amendment #2:

Electric Fund

- Increase the transfer to City - Street lights by \$130,000.00
- Decrease General and Administration - Contingency by \$130,000.00
- Increase Capital Expenditures - Structures and improvements/parking deck by \$281,000.00
- Provide for a renewable energy loan - \$2,000,000.00
- Reduce generation plant - Cross Creek methane project by \$2,054,925.00
- Reduce appropriation to electric net assets by \$226,075.00

Water/Wastewater Fund

- Reduce the appropriation to the Annexation Phase V CPF by \$727,903.00
- Increase the appropriation to the water/wastewater net assets by \$727,903.00

Fleet Maintenance Internal Service Fund

- Increase capital expenditures - Fleet storage building conversion by \$200,000.00
- Increase appropriations from FMISF net assets \$200,000.00

7.14 Interlocal agreement for fiber services.

7.15 Site Solutions proposal for assisting with bond package.

8.0 OTHER ITEMS OF BUSINESS

8.1 Consider adoption of resolution authorizing condemnation to acquire right-of-way for the Murchison Road Sidewalk Project.

Mr. Jeffery Brown, Engineering and Infrastructure Director, presented this item and provided background information. He stated Fayetteville State University (FSU) executed a municipal agreement with North Carolina Department of Transportation (NCDOT) making FSU responsible for right-of-way acquisition with NCDOT funding the construction at \$20,000.00. He stated FSU executed a memorandum of understanding with the City making FSU responsible for funding right-of-way from Council Street to Langdon Street and the City responsible for funding right-of-way from Langdon Street to Lakeland Street. He stated the City acquired 11 parcels needed to complete the construction of the sidewalk with 1 outstanding parcel remaining. He stated the City offered \$830.00 for the needed right-of-way and the owner was not interested in selling the right-of-way but the entire parcel. He stated that option was declined and the City made numerous attempts to contact the owner unsuccessfully.

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY. RESOLUTION NO. R2011-007.

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MOTION: Council Member Bates moved to approve.
SECOND: Council Member Massey
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Crisp)

8.2 Consider recommended award for Veterans Park exhibit item.

Mr. Craig Hampton, Special Projects Director, presented this item and explained a ribbon exhibit was being recommended for the North Carolina Veterans Park Visitor Center. He stated the ribbon exhibit would replicate all service ribbons given to all service members of the five branches of the military. He stated this was reviewed by the project management team and the Content Committee and they were recommending the high bid which was the only bid that met the specifications.

Mayor Chavonne inquired if it was the bid from CG&D. Mr. Hampton responded in the affirmative and stated the bid was in the amount of \$98,270.17.

A question and answer period ensued regarding the design of the display, the order placement of the ribbons, and the capability to add ribbons to the display.

MOTION: Council Member Bates moved to award the contract as recommended to CG&D Studios.
SECOND: Mayor Pro Tem Haire
VOTE: UNANIMOUS (10-0)

8.3 Consider award of Sole Source Contract for Veterans Park exhibit item.

Mr. Craig Hampton, Special Projects Director, presented this item and explained the placement of the globe exhibit at the Veterans Park Visitor Center. He stated the design architect spent many months reviewing different vendors and manufacturers for this particular item. He stated one of the design criteria that they tried to follow in the process was "Made in America" and also using North Carolina indigenous materials whenever they could. He stated an investigation led them to a vendor in North Dakota and they had spent the last two months negotiating specifications and pricing. He stated this was the only known source they had found after four months of investigation. He explained the design of the globe and stated it would be remotely operated from a touch screen which would allow visitors to pick an area and the globe would rotate on three dimensions with a laser pointer pointing to the area.

MOTION: Council Member Davy moved to award the contract as recommended to Bohl Iron Works, LLC, for \$117,500.00
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

Mayor Chavonne requested that Mr. Hampton provide the information for the opening of the Veterans Park. Mr. Hampton responded the dedication for the Park would be July 4, 2011, at 10:00 a.m.

8.4 Adopt a resolution authorizing condemnation to acquire property for the Multi-Modal Transportation Center.

Mr. Doug Hewett, Assistant City Manager, presented this item and stated this item was requesting authorization for acquisition through condemnation of properties located on a portion of 135 Robeson Street and at 500 West Russell Street for use as a Multi-Modal Transportation Center. He provided a brief history of the project. He reviewed an aerial of the site and stated to date the City had acquired three of the five parcels and had been unsuccessful in acquiring the remaining two parcels. He stated given negotiations, they felt it was unlikely they would be successful without further City Council action. He reviewed the FTA requirements for the property acquisition.

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A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY
(PARCEL 1). RESOLUTION NO. R2011-008A.

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY
(PARCEL 2). RESOLUTION NO. R2011-008B.

MOTION: Council Member Applewhite moved to approve the resolution authorizing acquisition of the properties at 135 Robeson Street and 500 West Russell Street as recommended.
SECOND: Council Member Hurst
VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Mohn, Bates, Crisp, and Haire)

8.5 Presentation of Appointment Committee recommendations for boards and commissions appointments.

Council Member Hurst presented this item and requested the City Council accept the following recommendations for the March 2011 vacancies:

BOARDS/COMMISSIONS	RECOMMENDATIONS	TERM
Airport Commission	Katherine Marable	Fill-in
Fair Housing	David B. Lucas	2nd
	Charles Gibbs	1st
	Delisa Berhow	1st
	Neil Grant (Category 3)	2nd
Historic Resources Commission	Eric Lindstrom (Category 4)	1st
	John S. Duvall, Sr. (Category 5)	1st
	Catherine M. Mansfield (Category 6)	2nd
	Paul H. Monroe (Category 6)	2nd
	Calvin J. Dalton (Category 6)	1st
	Sara Hayes (Category 6)	1st
Joint City and County Senior Citizens Advisory Commission	Carey D. Berg	Fill-in
Linear Park Corporation	Molly Arnold	2nd
	Amy Renee Wilson	Fill-in
North Carolina Firemen's Relief Fund Board of Trustees	Robert A. Nobles	2nd
Personnel Review Board - 1 vacancy remaining	Alicia L. Chinlund	2nd
	Catherine L. Ramos	1st
Fayetteville Planning Commission	Maurice Wren	Fill-in
Public Arts Commission	Dell K. Hollstein (Museum of Arts)	2nd
	Dwight Smith (Arts Council)	2nd
	Suzanne Frank (Arts Council)	1st
Wrecker Review Board	Lloyd Lietz	Fill-in

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

Mayor Chavonne inquired if there were requirements for any of the positions on the Linear Park Corporation or were they open to citizens at-large. Council Member Hurst responded the City Manager, City Chief Financial Officer, and five at-large.

VOTE: UNANIMOUS (10-0)

Council Member Hurst stated there was an at-large vacancy remaining on the Linear Park Corporation and one vacancy on the Personnel Review Board.

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly statement of taxes for January 2011.

2010 Taxes \$9,544,76.45
2010 Vehicle Taxes 368,611.48

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2010 Revit	36,159.05
2010 Vehicle Revit	290.07
2010 FVT	46,825.74
2010 Transit Tax	6,825.75
2010 Storm Water	311,288.26
2010 Fay Storm Water...	622,552.59
2010 Recycle Fee	208,677.17
2010 Annex.....	35.87
2009 Taxes	12,152.38
2009 Vehicle Taxes	44,581.49
2009 Revit	0.00
2009 Vehicle Revit	0.00
2009 FVT	7,147.42
2009 Transit Tax	7,147.43
2009 Storm Water	2,171.23
2009 Fay Storm Water...	4,342.46
2009 Recycle Fee	529.12
2009 Annex.....	0.00
2008 Taxes	4,010.41
2008 Vehicle	1,989.49
2008 Revit	0.00
2008 Vehicle Revit	0.00
2008 FVT	481.50
2008 Transit Tax	326.49
2008 Storm Water	2,041.51
2008 Fay Storm Water...	3,939.03
2008 Recycle	131.28
2008 Annex.....	0.00
2007 Taxes	3,807.73
2007 Vehicle	1,037.94
2007 Revit	0.00
2007 Vehicle Revit	0.00
2007 FVT	225.00
2007 Storm Water	2,006.44
2007 Fay Storm Water	3,888.00
2007 Annex.....	0.00
2006 and Prior Taxes	52,056.49
2006 and Prior Vehicle	2,332.47
2006 and Prior Revit	0.00
2006 and Prior Vehicle Revit	0.00
2006 and Prior FVT	567.65
2006 and Prior Storm Water	11,628.00
2006 Annex.....	95.49
Interest	69,679.36
Revit Interest	126.02
Storm Water Interest	8,743.77
Fay Storm Water Interest	3,540.87
Annex Interest	17.46
Fay Recycle Interest	876.21
Total Tax and Interest	\$11,437,632.57

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 11:05 p.m.

Respectfully submitted,

JENNIFER PENFIELD
Deputy City Clerk
021411

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
FEBRUARY 23, 2011
4:00 P.M.**

Present: Mayor Pro Tem Darrell J. Haire (District 4)

Council Members Keith Bates, Sr. (District 1); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); James W. Arp, Jr. (District 9)

Absent: Council Members Anthony G. Chavonne; Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Theodore W. Mohn (District 8)

Others Present: Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Craig Harmon, Planner II
Karen Hilton, Planning and Zoning Division Manager
David Steinmetz, Senior Zoning Administrator
Members of the Press

Mayor Pro Tem Haire called the meeting to order and offered invocation.

Mr. David Steinmetz, Senior Zoning Administrator, reviewed the sign and banner request from MWR.

City staff presented the following items scheduled for the Fayetteville City Council's February 28, 2011, agenda:

CONSENT ITEMS:

Case No. P11-02F. Rezoning of four properties totaling 1.19 acres at 1018, 1010, 1009 Ellis Street and 828 Wilbon Drive from C1 Commercial District to R5 Residential District. Grace Baldwin, Yvette Bullard, David McLaurin, and Daniel Washington, owners.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the area was zoned years ago for commercial use and at one time there was a neighborhood store and junkyard in the area. Since that time, the store has burned down and the junkyard has to be removed by January 1, 2012. He stated the rezoning request was precipitated by the owner of the store lot because of not being able to build a house on his property since it was zoned commercial. He stated the owners were requesting the rezoning so that their properties would match the surrounding properties and so that they could rebuild their homes if necessary. He stated the Zoning Commission and Planning staff recommended approval to R5 based on the properties being adjacent to and surrounded by similar residential zoning and uses and the rezoning would allow the owners to rebuild their homes in case they were destroyed.

PUBLIC HEARING ITEMS:

Case No. P11-01F. Rezoning 81.38 acres at west of All American and northwest of Santa Fe Drive and south of Fort Bragg from R10 Residential District to R6 Residential District. John Koenig and wife, Margarete, owners.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property had no direct road access and since this was a straight rezoning to R6, there were no conditions or plan to

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lock in the access to any future development and this was a concern expressed by residents in the adjoining subdivision. He stated if development plans were submitted, City staff would evaluate the proposed access at that time. He stated a valid protest petition was filed by the adjoining property owners. He stated Zoning Commission and Planning staff recommended approval to R6 based on although the 2010 Land Use Plan recommended low-density zoning for the property, staff and Zoning Commission agreed that medium-density was appropriate because (1) the property was adjacent to low- and medium-density residential and (2) the property was separated from the existing residential development by a creek and flood plain, which would also provide a buffer between the All American Highway and the existing single-family residential.

Discussion ensued regarding the proposed use and whether the City Council could prohibit connection to Southwick.

Case No. P11-04F. Special Use Permit for mini-storage warehouses. 1.98 acres at 2638 Legion Road. Rorie Investments, LLC, owner.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and provided overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the Zoning Commission and Planning staff recommended approval subject to the following conditions:

1. The site plan;
2. Construction and operation of such facilities shall comply with the provisions of the general statutes of the State of North Carolina and any other applicable federal, state, or local codes including the City of Fayetteville Fire Code;
3. All required driveway permits shall be obtained;
4. The construction of the facilities and the future expansion indicated on the site plan must comply with the City's regulations regarding mini-warehouses at the time of construction;
5. The Special Use Permit would be null and void if the mini-warehouses would not receive a permit to construct within two years from the date of approval of the Special Use Permit; and
6. All outside lighting must be shielded to prevent light trespass to other properties.

OTHER ITEMS OF BUSINESS:

Consideration of a Planned Neighborhood District (PND) General Site Plan application for property located on the southeast side of Bingham Drive across from Lakeridge Drive. Containing 56.22 acres more or less and being the property of Edgar L. Maness and wife and Robert C. Draughon and wife.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and distributed a handout outlining the City of Fayetteville Re-Mapping Project. She stated the handout highlights the schedule and process for moving forward with creating a new Official Zoning Map for the City's new Unified Development Ordinance, which was adopted in December 2010.

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ADJOURNMENT

There being no further business, the meeting adjourned at 5:35 p.m.

Respectfully submitted,

JENNIFER PENFIELD
Deputy City Clerk

DARRELL J. HAIRE
Mayor Pro Tem

022311

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FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
MARCH 23, 2011
4:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1) (departed at 5:35 p.m.); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8), James W. Arp, Jr. (District 9) (departed at 5:35 p.m.)

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
David Nash, Planner II
Deborah Stagner, Consultant, Tharrington Smith, LLP
Members of the Press

Mayor Chavonne called the meeting to order.

City staff presented the following items scheduled for the Fayetteville City Council's March 28, 2011, agenda:

Update on Unified Development Ordinance

Ms. Karen Hilton, Planning and Zoning Division Manager, provided an update on the Unified Development Ordinance and the mapping process.

Redistricting Process

Ms. Karen McDonald, City Attorney, presented this item and introduced Ms. Deborah Stagner, Consultant with Tharrington Smith, LLP.

Ms. Stagner gave an overview of the redistricting process. She stated the target date for the submission would be May 1, 2011, and consensus of the City Council was to hold a public hearing April 26, 2011.

The Council outlined its preferences in the redistricting process as follows:

1. To follow precincts lines when possible;
2. To keep general districts as is; and
3. To keep streets and neighborhoods in the same district and neighborhoods.

There was no further discussion. Council agreed to meet at 5:00 p.m. on April 11, 2011, in the Lafayette Room to view the proposed maps.

Closed Session

MOTION: Council Member Bates moved to go into closed session for consultation with attorney and litigation involving Festival Park Plaza.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (10-0)

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The regular session recessed at 5:10 p.m. The regular session reconvened at 5:45 p.m.

MOTION: Council Member Applewhite moved to go into open session.
SECOND: Mayor Pro Tem Haire
VOTE: UNANIMOUS (8-0)

ADJOURNMENT

There being no further business, the meeting adjourned at 5:45 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

032311

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FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
LAFAYETTE ROOM
APRIL 11, 2011
5:00 P.M.

Present: Mayor Anthony G. Chavonne

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

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

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Jeffrey Brown, Engineering and Infrastructure Director
Karen Hilton, Planning and Zoning Division Manager
David Nash, Planner II
Deborah Stagner, Consultant, Tharrington Smith, LLP
Nathan Walls, Public Information Specialist
Members of the Press

Mayor Chavonne called the meeting to order.

MOTION: Council Member Mohn moved to approve the agenda.
SECOND: Council Member Massey
VOTE: UNANIMOUS (8-0)

The invocation was offered by Mayor Pro Tem Haire.

1.0 CONSENT

MOTION: Council Member Bates moved to approve the consent agenda.
SECOND: Council Member Massey
VOTE: UNANIMOUS (8-0)

1.1 Special Sign Permit Request for temporary event signs for the Fayetteville Duck Derby to be held May 7, 2011, at Campbellton Landing.

Staff recommended Council grant the special sign permit with a limit of 25 signs to be put out April 23, 2011, and removed by May 9, 2011, with locations to be negotiated by staff.

1.2 Special event sign request for the La Leche League annual baby fair on May 14, 2011.

Staff recommended Council grant the special event sign request with a limit of 25 signs to be put out May 14, 2011, and removed by May 16, 2011, with locations to be negotiated by staff.

1.3 Set public hearing for revisions to Uniform Street and Thoroughfare Lighting Ordinance.

Staff recommended Council move to set the public hearing for April 25, 2011, to receive comments on the revisions.

1.4 Consideration of a resolution fixing a date for a public hearing on a resolution that will adopt a new redistricting map.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, FIXING A DATE FOR A PUBLIC HEARING ON A

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RESOLUTION THAT WILL ADOPT A NEW REDISTRICTING MAP. RESOLUTION NO. R2011-016.

- 1.5 Consideration of corrections to Resolution No. R2011-012 assigning 18 annexation areas to the current City Council election districts.

CORRECTED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCOUNTING FOR EIGHTEEN ANNEXATIONS OF TERRITORY TO THE CITY OF FAYETTEVILLE. RESOLUTION NO. R2011-017.

2.0 OTHER ITEMS OF BUSINESS

- 2.1 Presentation of consideration of redistricting maps for proposed revisions to the electoral districts.

Ms. Deborah Stagner, Consultant with Tharrington Smith, LLP, presented this item and distributed handouts of the redistricting maps labeled Alternates 1 and 3 and a table containing population comparisons for the current districts and the proposed districts for Council's review.

Council Member Applewhite inquired if there was any provision where a city would not have to redistrict such as opting out. Ms. Stagner responded if the members were elected at-large, there was no requirement to redistrict, however, she was not sure regarding opting out.

Ms. Stagner explained Council had requested that she prepare one plan that took the incumbent's residence into account and one plan that did not. She stated in Alternate 1 she had maintained the current shape of the districts as this was a priority of Council and maintained the African-American population as close to the current benchmark as possible to avoid any retrogression. She stated both plans split more precincts than the current plan, but Alternate 1 kept those to a minimum. She stated there were 28 whole precincts and 46 split precincts in the current plan, 22 whole precincts and 60 splits in Alternate 1, and 17 whole precincts and 71 splits in Alternate 3. She stated Alternate 3 was closer overall in keeping the districts to the ideal size and slightly increased the majority-minority percentage in three of the four districts, but expressed there were more splits. She explained if they were trying to avoid splitting precincts, they may not be able to maintain the majority-minority district. She reviewed the maps explaining the make up of the districts.

Council Member Applewhite inquired if any consideration was made to the voting age population. Ms. Stagner responded in the negative but explained it may be something to look at as far as retrogression. She stated she had not prepared those numbers but could take a look at them.

Ms. Stagner presented the Alternate 1 plan with an overlay of the current plan to show the move of the district lines from the current plan. Discussion ensued regarding the plan with Ms. Stagner responding to questions from Council.

Concerns were raised regarding the decrease in the minority percentage in three to four districts. Ms. Stagner explained she tried to keep minority percentage as high as possible but stated it was difficult bringing several of the precincts up in population without affecting minority percentage.

Council Member Massey inquired how many of the 60 splits were in the minority districts. Ms. Stagner reviewed the 60 splits on the map but did not have breakdown of number. She stated trying to move an entire precinct moves too many people out of a district into another district. She stated they could go back and look at that if there was a concern.

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Ms. Stagner presented the Alternate 3 plan with an overlay of the current plan to show the move of the district lines and stated there were more changes with this plan but brought the districts closer to ideal sizes. Discussion ensued regarding the plan with Ms. Stagner responding to questions from Council.

Discussion ensued regarding the numbers across the board. Ms. Stagner stated the current plan was the benchmark and the goal was not to fall below the benchmark. Ms. Stagner stated the issue was trying to increase the overall total population.

Discussion ensued regarding the military population. Ms. Stagner explained Fort Bragg had a low voter turnout which was in District 3.

Council Member Massey requested that the districts remain as close to the current districts as possible to minimize confusion to voters. Ms. Stagner explained Alternate 1 maintains the current shape of the districts to a greater extent than Alternate 3.

Council Member Mohn inquired which plan would have a greater likelihood of approval by the Department of Justice. Ms. Stagner responded both plans were defensible as far as avoiding retrogression to the extent that they can.

A majority of Council expressed a preference for Alternate 3 with Council Members Massey and Haire requesting another meeting to review minor revisions regarding some of the streets and the maps.

Council Member Crisp expressed a preference for Alternate 1.

Ms. Stagner explained Alternate 3 had more changes to the existing districts. She advised Council that she would leave Alternate 3 as is and create an Alternate 3A plan with the tweaks for Council to review side by side and Council concurred.

Consensus of Council was to hold a special meeting Monday, April 18, 2011, at 5:00 p.m. in the Lafayette Room to review the revisions prior to the public hearing on April 26, 2011.

2.2. Closed Session

MOTION: Mayor Pro Tem Haire moved to go into closed session for consultation with the attorney.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

The regular session recessed at 6:15 p.m. The regular session reconvened after the closed session.

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

SECOND: Council Member Massey

VOTE: UNANIMOUS (9-0)

There being no further business, the meeting adjourned.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

041111

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FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
LAFAYETTE ROOM
APRIL 18, 2011
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members 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); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Absent: Keith Bates, Sr. (District 1)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Brian Leonard, Assistant City Attorney
Tom Bergamine, Chief of Police
Benny Nichols, Fire Chief
John Kuhls, Human Resource Development Director
David Nash, Planner II
Deborah Stagner, Consultant, Tharrington Smith, LLP
Nathan Walls, Public Information Specialist
Members of the Press

Mayor Chavonne called the meeting to order.

Mr. Dale Iman, City Manager, provided a storm update and reviewed the progress being made to date. He stated they were sharing information with the residents by placing message boards in the neighborhoods, distributing flyers, and at command points. He stated Progress Energy hoped to have 95 percent of electric back in service by Tuesday night. He stated the roads were clear in the neighborhoods but access was being regulated to give residents time to search for and go through their belongings. He provided information regarding the debris removal, safety of the water, and trash pickup.

Mr. Benny Nichols, Fire Chief, stated they were taking precautionary measures such as not allowing the use of chainsaws by unqualified individuals and stated they were referring all volunteers to the American Red Cross. He stated they were moving into the recovery mode and reviewed the steps being taken to ensure compliance with FEMA to receive reimbursements and funding.

Mr. Tom Bergamine, Chief of Police, provided information regarding the inspections being conducted; the work on a water main break; the distribution of ice, water, and snacks; curfew schedule; areas being blocked due to utility work being conducted; shuttle bus pick up; and access cards being made for visitors and contractors. He stated the concerns of the residents were looting and scavenging and when the power would be back on. He stated they were working with the Sheriff's Department in manning the barricades.

Mr. Iman stated they would provide updates to Council as progress was being made.

A question and answer period ensued regarding any federal reimbursement and Mr. Iman explained the timeline and process for FEMA funding.

Presentation and Consideration of the Redistricting Maps for Proposed Revisions to the Electoral Districts

Ms. Deborah Stagner, Consultant with Tharrington Smith, LLP, presented this item and distributed handouts of the maps and a table containing population comparisons for Alternates 3, 3A, and 3B for Council's review. She explained Alternate 3A showed variations from

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Alternate 3 and Alternate 3B showed variations from Alternate 3A based on recommendations made by Council. She responded to questions from Council.

A majority of Council expressed a preference for Alternate 3A with Council Member Crisp expressing a preference for Alternate 3B.

Council Member Applewhite requested that the apartment complex be placed back in her district. Ms. Stagner stated she could add the apartment complex back to Council Member Applewhite's district and proceeded to show the recommendation on what would now be called Alternate 3C.

Discussion ensued regarding moving citizens from districts for Council Members Crisp and Hurst with Ms. Stagner showing the recommendation on Alternate 3C.

Consensus of Council was to present Alternate 3C at the April 26, 2011, public hearing.

Ms. Stagner stated she would take the recommendations and look at them for any red flags and send to David Nash for dissemination and publication.

There being no further business, the meeting adjourned.

Respectfully submitted,

BRIAN LEONARD
Assistant City Attorney

ANTHONY G. CHAVONNE
Mayor

041811

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor Sharpe, Community Development Director
DATE: April 26, 2011
RE: **Approval of the 2011-2012 Community Development Annual Action Plan**

THE QUESTION:

Is the 2011-2012 Community Development Annual Action Plan consistent with the priorities, goals and objectives of the 2010-2015 Consolidated Plan?

RELATIONSHIP TO STRATEGIC PLAN:

More Attractive City - Clean and Beautiful; Revitalized Downtown - A Community Focal Point; Growing City, Livable Neighborhoods - A Great Place to Live and Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

- The City of Fayetteville updated its Consolidated Plan last year. This plan is a comprehensive plan addressing the City's housing, homeless, community development, and economic development needs for the five-year period of 2010-2015.
- The plan contains goals, objectives, and implementation strategies for each of the plan's elements. The Annual Action Plan describes the activities to be funded or implemented.
- In an effort to provide citizens an opportunity to participate in the process of developing the Annual Action Plan, the Community Development Staff held five citizen participation meetings. These meetings were held in various locations throughout the City.
- Request for proposals were solicited to affordable housing developers and non-profit organizations to provide services consistent with the Consolidated Plan.
- A staff public hearing was held on March 10, 2011 and the Fayetteville Redevelopment Commission held a public hearing on April 14, 2011.
- A draft copy of the plan has been made available in various locations for review and comments for 30 days from April 1, 2011 through April 30, 2011. No comments have been received to date.
- The Fayetteville Redevelopment Commission voted to forward to City Council a recommendation of approval of the Annual Action Plan.

ISSUES:

- We have received updated information regarding the reduction of the CDBG and HOME grants: CDBG is receiving a 16% reduction and HOME a 12% reduction.
- Original assumptions used were 7.5% for CDBG and 9% for HOME.
- Adjustments have been made in the attached budget.
- The additional reductions are reflected in the housing rehabilitation line item.
- If additional funds are received above the projected amounts, we recommend that they be replaced in the housing rehabilitation line.

BUDGET IMPACT:

- \$113,400 in revenue will go the general fund as a cost allocation for the Community Development operations.
- \$157,286 from the general fund is required as a match to the HOME grant.

OPTIONS:

Approve proposed plan.

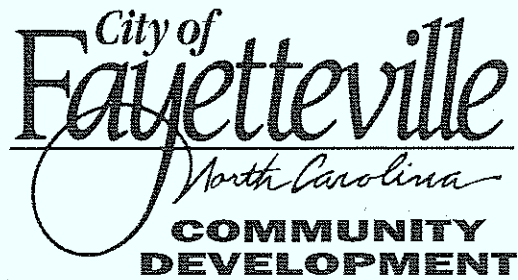
Modify proposed plan.

RECOMMENDED ACTION:

Approve the 2011-2012 Community Development Annual Action Plan.

ATTACHMENTS:

2011-2012 CD Annual Action Plan



2011-2012 ONE-YEAR ACTION PLAN

Community Development Department • 433 Hay Street • Fayetteville, NC 28301
(910) 433-1590 • www.cityoffayetteville.org

CITY OF FAYETTEVILLE, NORTH CAROLINA

2011-2012 ACTION PLAN

**COMMUNITY DEVELOPMENT BLOCK GRANT
AND
HOME INVESTMENT PARTNERSHIP PROGRAM**

Mayor & City Council

Anthony G. Chavonne, Mayor
Darrell J. Haire, Mayor Pro Tem, District 4
Keith A. Bates, Sr., District 1
Kady-Ann Davy, District 2
Robert A. Massey, Jr., District 3
Robert Thomas Hurst, Jr., District 5
William Joseph Leon Crisp, District 6
Valencia A. Applewhite, District 7
Theodore W. Mohn, District 8
Jim Arp, District 9

Fayetteville Redevelopment Commission

Charnell Green, Chairman
Carlos Swinger, Vice Chairman
Steven Barnard
Brook Browning
Cassandra Haire
Dineen Morton
Lynne Vick

City Manager

Dale Iman

Assistant City Managers

Kristoff Bauer and Doug Hewitt

Community Development Director

Victor D. Sharpe

COMMUNITY DEVELOPMENT DEPARTMENT

433 HAY STREET

FAYETTEVILLE, NC 28301

www.cityoffayetteville.org

910-433-1590

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Executive Summary

The City of Fayetteville's 2011-2012 One-Year Action Plan is based on the housing and community development goals set forth in the 2010-2015 Consolidated Plan. City Council approved Fayetteville's fourth Consolidated Plan on April 26, 2010. The plan is designed to comprehensively address the City's housing, economic development, community development and homeless needs for the five-year period 2010-2015. The plan contains goals, measurable objectives and strategies for each of the plan's elements. In order to implement the strategies identified in the Consolidated Plan, the City prepares an annual One-Year Action Plan. The projects contained in the 2011-2012 One-Year Action Plan are designed to address the community needs identified in the five year Consolidated Plan. The core goals of the action plan are presented below.

Housing

1. Improve the condition of the low-income housing stock.
2. Increase the supply of affordable housing.
3. Increase homeownership opportunities.

Economic Development

1. Recruit and develop local businesses.
2. Attract businesses to the downtown plan area and redevelopment plan areas.
3. Retain local businesses in the downtown plan area and redevelopment plan areas.
4. Support economic development activities that create jobs and expand the City's tax base.
5. Identify redevelopment projects that will eliminate blighted commercial properties within the Murchison Rd., HOPE VI, Fayetteville Renaissance Plan and other redevelopment plan areas.

Community Development

1. Offer training programs that develop job skills to help low to moderate-income persons improve their earning potential.
2. Continue to improve neighborhood accessibility to various human services.
3. Continue to provide support to the City's efforts to extend water and sewer to newly annexed areas, pave remaining unpaved streets within the City limits, and various community improvements.
4. Provide support in the implementation of the recommendations in the City's redevelopment plans.
5. Provide programs for the youth and seniors in low-moderate income areas.
6. Help foster neighborhood pride in low-moderate income areas of the City of Fayetteville.

Homeless

1. Implement the priorities of the 10-Year Plan to End Homelessness.
2. Provide support to homeless services and programs.
3. Support of a homeless tracking system throughout the continuum of care.
4. Collaborate with local human services agencies to develop programs designed to

break the cycle of homelessness.

2011-2012 One year Action Plan

The 2011-2012 One-Year Action Plan describes the activities to be funded or implemented during the program year. The plan contains goals, objectives, and description of projects and activities that implement the strategies established in the Consolidated Plan. Also included are the appropriate forms required by the US Department of Housing and Urban Development. This One-Year Action Plan constitutes second annual plan of the 2010-2015 five-year Consolidated Plan. It sets forth a description of activities for the use of funds that are expected to become available during the coming fiscal year and establishes goals and objectives for those activities. The City expects the following resources to be available to implement its community development strategies during the 2011-2012 program year.

2011-2012 Funding Sources	Amount
Community Development Block Grant (CDBG)	\$ 1,317,189
CDBG Program Income	\$ 224,730
HOME Investment Partnership (HOME)	\$ 786,432
HOME Program Income	\$ 305,577
CDBG & HOME Prior Year	\$ 984,596
Prior Year Program Income	\$ 127,466
<u>City (HOME match)</u>	<u>\$ 157,286</u>
Total	\$ 3,903,276

These funds are used to develop a coordinated and comprehensive means of addressing the core goals identified in the plan.

The City's One-Year Action Plan describes 29 projects to be undertaken during the program year; the projects and activities proposed for 2011-2012 are summarized below:

Summary of 2011-2012 Proposed Action Plan Projects

<u>Housing Activities</u>	<u>Budget</u>	<u>Benchmark</u>	<u>Activity Type</u>	<u>Funding</u>
Down payment Assistance Program	15,000	5	Homes purchased	HOME
Mortgage Assistance Program	75,000	5	Homes purchased	HOME
Housing Rehabilitation Program	882,003	160	Homes repaired	HOME/CDBG
Acquisition & Demolition Program	75,000	20	Houses acquired/demolished	CDBG
Eastside Green III Apartments	160,000	40	Apartments built	HOME
Freedom Ridge Apartments for Homeless Veterans	162,500	24	Transitional housing	HOME
CHDO Activities	166,650	5	Homes built	HOME
Homebuyers Education	8,520	175	Persons assisted	CDBG
HOPE VI Affordable Housing Project	350,000	72	Apartments built	HOME
HOPE VI property acquisition	374,500	20	Acquisition	CDBG
	2,269,173	526		
<u>Economic Development</u>				
Business Assistance Program	225,000	6	Jobs created	CDBG
Downtown Loan Pool	487,000	6	Jobs created	CDBG
Women's Center of Fayetteville	34,000	35	Clients Assisted	CDBG
Façade Grant Program	25,000	5	Jobs created	CDBG
Fayetteville Business & Professional League	12,500	50	Clients Assisted	CDBG
Fayetteville Technical Community College	4,603	20		
Small Business Retention Grant Program	25,000	5	Jobs created	CDBG
Section 108 Payment	78,000	2	Payments	CDBG
	891,103	129		
<u>Community Development</u>				
Neighborhood Resource Centers	167,000	8,000	Client Visits	CDBG
Beautification	6,000	5	Projects completed	CDBG
Street Paving Assessment Fee Assistance	3,000	3	Persons assisted	CDBG
Water and Sewer Assessment Fee Assistance	75,000	40	Persons assisted	CDBG
	251,000	8,048		
<u>Homeless Services</u>				
Homeless Shelter Assistance Program	7,000	14	Utility assistance provided	CDBG
Utility Deposit Assistance Program	3,000	10	Clients assisted	CDBG
Homeless Client Assistance Program	2,000	25	Clients assisted	CDBG
Hope Center Homeless Shelter	10,000	1,000	Clients served	CDBG
Operation Inasmuch Day Center	20,000	33,600	Meals served	CDBG
Fresh Touch Ministries, Inc.	5,000	7,000	Meals served	CDBG
	47,000	41,649		
Program Administration	335,000			CDBG
	110,000			HOME
	445,000			
Total All Projects and Activities	3,903,276	50,352	Benchmark	

All of the projects will be located within the municipal limits with the majority taking place within low to moderate-income communities through out the City.

PLANNING PROCESS

Citizen Participation

The City of Fayetteville's community development planning process is designed to encourage maximum citizen participation and input in the development of the consolidated plan. City staff conducted citizen participation meetings in six locations throughout the City. Meeting sites were strategically located in areas that either had concentrations of low to moderate-income persons or were near project sites that might impact the surrounding community. In this manner, bringing the forum to the community encouraged citizen participation. The meetings were advertised on the local community channel, with flyers and advertised in the local newspaper. Meetings were scheduled as follows:

December 2, 2010	Cliffdale Library
December 16, 2010	Massey Hill Recreation Center
January 6, 2011	Fire-Station 14, 632 Langdon Street
January 13, 2011	Good Hope Missionary Baptist Church
January 20, 2011	Bal Perazim Christian Center

During these meetings City staff made presentations on the Consolidated Planning process, reviewed HUD national objectives, discussed community development activities, programmatic information and reviewed the action plan schedule of events. This format ensured that citizens would be better informed on how community development funds had been used and the impact on the community and provides them with necessary information about the City's Consolidated Plan and One Year Action Plan. A summary of the citizen comments is included on page 52.

Public Hearings

Two official public hearings are held on the Consolidated Plan. City staff held the first hearing on March 10, 2011 at 7:00 p.m. in the Council Chambers at City Hall. This meeting was held after all of the citizen participation meetings had been held. The meeting was advertised in the Fayetteville Observer, on March 1, 2011. This meeting afforded an opportunity for City staff to publicly summarize and review citizen input gathered from throughout the community.

The Fayetteville Redevelopment Commission will hold a second public hearing on April 14, 2011 at 7:00 p.m. in the Council Chambers at City Hall. The meeting was advertised in the Fayetteville Observer on April 1, 2010. The proposed One Year Action Plan will be publicly presented to the Fayetteville Redevelopment Commission for their approval and recommendation to City Council.

Public Comment on the 2011-2012 Action Plan

The City publicly advertised that draft copies of the proposed 2011-2012 One Year Action Plan would be available for public comment. The period of public comment on the City's One Year Action Plan is for 30 days. The comment period started on April 1, 2011 through April 30, 2011. The One Year Action Plan is being made available for public inspection at the City's neighborhood resource centers, all local branches of the public library, all of the City's recreation centers and the offices of the Community Development Department and the Human Relations Department.

Adoption

City Council considered the 2011-2012 Annual Action Plan at its work session on April 4, 2011. The Plan will be considered by City Council at its meeting on April 26, 2011.

Lead Agency

The City of Fayetteville Community Development Department serves as lead agency in coordinating the preparation of the Action Plan.

COMMUNITY DEVELOPMENT PROGRAMS

Community Development Block Grant

The Community Development Block Grant (CDBG) Program is HUD's primary program for promoting community revitalization throughout the country. CDBG funds are used for a wide range of community development activities directed toward neighborhood revitalization, economic development, and improved community facilities and services.

The CDBG program is authorized under Title I of the Housing and Community Development Act of 1974, as amended. The primary objective of the program is the development of viable urban communities. The CDBG program is designed to provide, principally for low to moderate-income persons decent housing, a suitable living environment, and expanded opportunities. To achieve these goals, the CDBG regulations outline eligible activities and the national objectives that each activity must meet.

The CDBG projects and activities presented in the City's 2011-2012 One Year Action Plan must meet one of the three broad national objectives found in the CDBG regulations. The CDBG national objectives are listed below.

- To benefit low and moderate income persons;
- To aid in the prevention or elimination of slums or blight; and
- To meet community development needs to meet a particular urgency.

The City is responsible for assuring that each eligible activity conducted under the CDBG program meets one of these national objectives.

HOME Investment Partnership

The HOME Investment Partnerships (HOME) program affirms the Federal Government's commitment to provide decent, safe, and affordable housing to all Americans and to alleviate the problems of excessive rent burdens, homelessness, and deteriorating housing stock. HOME provides funds and general guidelines to State and local governments to design affordable housing strategies that address local needs and housing conditions. HOME strives to meet both the short-term goal of increasing the supply and availability of affordable housing and the long-term goal of building partnerships between State and local governments and private and nonprofit housing providers.

HOME was created by the National Affordable Housing Act of 1990 and has been amended several times by subsequent legislation. HOME funds are allocated by formula to grantees to operate the program. Grantees must commit and spend their allocated funds within certain time-frames or they lose the funds.

The HOME projects and activities presented in the City's 2011-2012 One Year Action Plan must meet one of the two national objectives found in the HOME regulations. The HOME program national objectives are listed below.

- To expand the supply of decent, safe, sanitary and affordable housing; and
- To strengthen public private partnerships.

The City is responsible for assuring that each eligible activity conducted under the HOME program meets one of these national objectives. The national objectives for these two programs are the foundation for the City's Consolidated and One year Action Plans.

Reports on Progress

The City prepares a Consolidated Annual Performance and Evaluation Report (CAPER) that informs citizens on the use of the City's Community Development Entitlement funds and their impact in the community. Additionally, HUD makes regular visits to the City to assess and evaluate local programs and practices. The City's Community Development staff provides quarterly reports to the Fayetteville Redevelopment Commission.

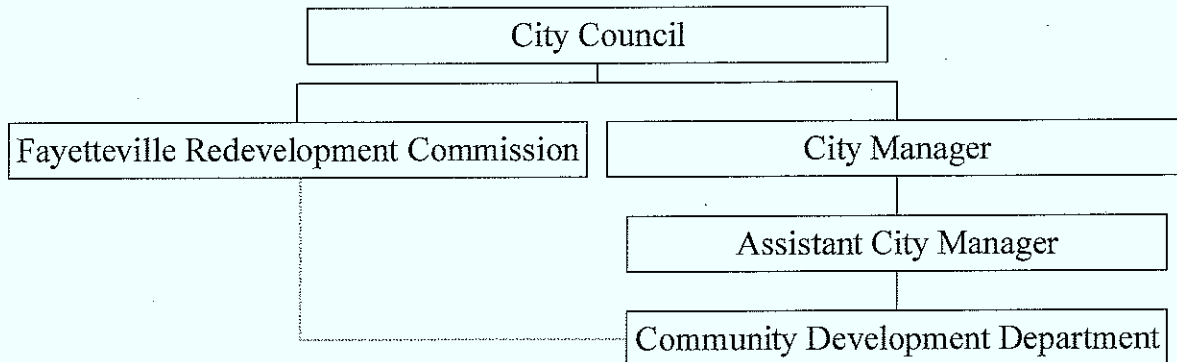
COMMUNITY DEVELOPMENT DEPARTMENT

Mission Statement

The Community Development Department is committed to providing quality service and opportunities to citizens in need of decent, safe and affordable housing; creating positive

economic development situations resulting in job opportunities for low to moderate-income persons and expansion of the tax base.

The Community Development Department administratively supports the activities of the Fayetteville Redevelopment Commission. The organizational relationship of the Fayetteville Redevelopment Commission to the City is presented in the organizational chart below.



On December 28, 1977, the Fayetteville City Council appointed the Fayetteville Redevelopment Commission as the primary citizen participation mechanism, most specifically, for projects planned and implemented through the City's Community Development Block Grant and HOME programs. The Fayetteville Redevelopment Commission formulates and recommends policy to the Council on housing and community and economic development issues with emphasis on older, declining lower income neighborhoods; and plans and implements the City's Community Development programs. The Fayetteville Redevelopment Commission members are listed below.

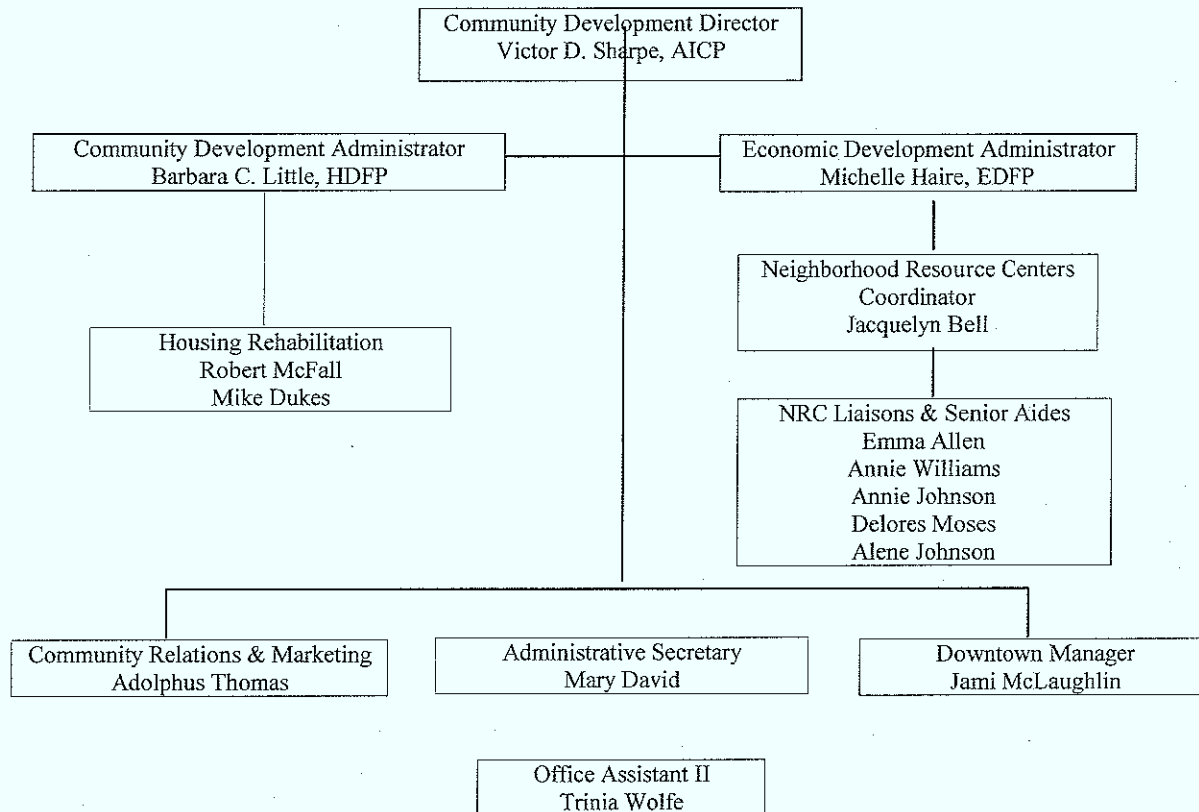
Fayetteville Redevelopment Commission

Steven Barnard
Brook Browning
Charnell Green
Cassandra Haire

Dineen Morton
Carlos Swinger
Lynn Vick

The department staffing level is ten (10) full time positions and four (4) part-time. The department also utilizes the services of senior aides through Work Force Development, and volunteers to accomplish department goals and provide employment enhancing and enriching experiences for the participants.

Community Development Department Organizational Chart



Primary Functions

The primary functions of the department are as follows:

- Administer the CDBG and HOME programs;
- Develop programs and facilitate activities consistent with national objectives;
- Manage programs to ensure compliance;
- Gather and analyze information to develop recommendations for programs/activities;
- Manage the City's Neighborhood Resource Center network (3 NRCs);
- Develop, recommend and implement economic development programs and strategies to attract community investment and expand the tax base;
- Advocate and facilitate activities by other groups/individuals to fulfill community objectives;
- Expansion of affordable housing, individual investors and Community Housing Development Organizations (CHDOs);
- Promotion of capacity building and economic development;

-
- Support activities of community organizations;
 - Maintain, coordinate and support the activities of the Fayetteville Redevelopment Commission under the direction of the Community Development Director;
 - Keep the Commission informed of all CDBG/HOME grant and redevelopment activities;
 - Provide technical and analytical support;
 - Process and review requests for assistance;
 - Develop, recommend and implement programs to increase homeownership opportunities to improve the condition of the City's housing stock, and to alleviate the financial burden of City services provided to low to moderate income household; and
 - Provide a liaison with other agencies, organizations and City Departments.

The Community Development Department is structured to enhance service delivery and improve its effectiveness to implement the strategies and activities arising from its mission statement.

HOUSING

Per the housing study conducted last year, nearly 40% of all households in both Cumberland County and the City of Fayetteville have household incomes at \$35,000 or less or at a median income of around \$26,735. Therefore, the current study still reveals that thousands of households in our area remain poor or nearly poor, and continue to experience housing problems. The wages of these very low to extremely low income households continue to be a major barrier to affordable housing. In addition, the current unemployment rate is at 12%, being the highest amongst the protected classes (females and minorities) and more than double white civilians, which also affects the protective classes' ability to be adequately housed. See the chart below referencing our area's labor force which indicates that of the 52,253 unemployed civilians in our area, 57% are women vs. 43% males and 60% are minorities vs. 40% white civilian labor.

The City of Fayetteville's current population is 200,564 with over one third of all households in our area experiencing some type of housing problem. Households considered to have a housing problem are those without a complete kitchen or bathroom, contain more than one person per room, and/or pay more than 30% of their income to cover housing expenses. Housing problems are greatest amongst larger families and lowest amongst the elderly (23% for elderly compared to 58% for all other households). Most affordable housing units developed are one or two bedroom rental units that do not accommodate larger families, causing them to be the largest group that is cost burden as they rent or purchase larger more expensive dwellings.

Rent that over stretches a household's budget also leads to credit problems that make it difficult to contemplate buying a home, even if income increases to a level that would make that possible. Other contributing factors are down payment and closing cost requirements; and little new construction at the affordable end of the price scale in the city. Considering these factors, community input and the findings of the housing study, the City has identified the following priority housing needs:

1. Increase the supply of affordable housing;
2. Improve the condition of the low-income housing stock; and
3. Increase homeownership opportunities.

Activities in the City's housing activities are designed to meet the needs identified in the 2010-2015 Consolidated Plan. Housing benchmarks for the 2011-2012 One-Year Action Plan are presented below followed by descriptions of each activity.

2011-2012 Housing Benchmarks

Description	Estimated Cost	Estimated Units	Percent Budget	Percent Unit	Type
Down payment Assistance	\$15,000	5	.62%	.94%	Homes purchased

Mortgage Assistance Program	\$75,000	5	3.3%	.94%	Homes purchased
Housing Rehabilitation	\$882,003	160	39%	30.41%	Homes repaired
Acquisition and Demolition Program	\$75,000	20	3.3%	3.8%	Houses acquired and demolished
Eastside Green III Apartments	\$160,000	40	7%	7.6%	Apartments built
Freedom Ridge Apartments for Homeless Veterans	\$162,500	24	7.1%	4.56%	
CHDO activities	\$166,650	5	7.3%	.95%	Homes built or acquired and rehabilitated
Homebuyer's Education	\$8,520	175	.50%	33.2%	Persons assisted
HOPE VI Affordable Housing Project	\$350,000	72	15.4%	13.68%	Apartments built
HOPE VI property acquisition	\$374,500	20	16.5%	3.8%	Properties acquired
Total	\$2,269,173	526	100%	100%	

Performance Measurements

Program	Objective	Outcome	Outcome Statement	Indicators
Down payment Assistance Program	Provide decent affordable housing	Affordability	Affordability for the purpose of providing decent affordable housing	Housing units purchased 5
Mortgage Assistance Program	Provide decent affordable housing	Affordability	Affordability for the purpose of providing decent affordable housing	Housing units purchased 5
Housing Rehabilitation Program	Create suitable living environments	Sustainability	Sustainability for the purpose of creating suitable living environments	Owner occupied and investor owner units rehabilitated 165
Acquisition and Demolition Program	Provide decent affordable housing	Affordability	Affordability for the purpose of providing decent affordable housing	Houses rehabilitated 20
Eastside Green III Apartments	Provide decent affordable housing	Affordability	Affordability for the purpose of providing decent affordable housing	Rental housing units constructed 40
CHDO Activities	Provide decent affordable housing	Affordability	Affordability for the purpose of providing decent affordable housing	Housing units constructed and sold 5
Freedom Ridge Apartments for	Provide decent affordable	Provide decent	Affordability for the purpose of providing	Transitional housing units constructed for

Homeless Veterans	housing	affordable housing	decent affordable housing	24 individuals
Homebuyer Education	Provide decent affordable housing	Accessibility	Accessibility for the purpose of providing decent affordable housing	Participants receiving counseling 175
HOPE VI Affordable Housing Project	Provide decent affordable housing	Affordability	Affordability for the purpose of providing decent affordable housing	Housing units constructed 72
HOPE VI Property Acquisition	Provide decent affordable housing	Affordability	Affordability for the purpose of providing decent affordable housing	Properties acquired 20
Freedom Ridge Apartments for Homeless Veterans	Provide decent affordable housing	Affordability	Affordability for the purpose of providing decent affordable housing	Beds provided 24

Activities in the City's housing activities are designed to meet the needs identified in the 2010-2015 Consolidated Plan. Housing benchmarks for the 2011-2012 One-Year Action Plan are presented below followed by descriptions of each activity.

Down-payment Homeownership Assistance

Eligibility Citation - 24 CFR Part 92.205 (a)(1)

This program provides a low-interest loan at 3% to low to moderate-income homebuyers. The repayment of the loan begins after a five-year period of deferment, and interest is not accrued during the deferment period. The home must be located within the City limits with an approved mortgage from a City participating lender. The maximum amount of assistance the homebuyer can obtain is \$3,000 per housing unit. The loan is to be used to contribute to either the down payment or closing costs required when purchasing a home. The loan is secured by the borrower's execution of a promissory note and deed of trust that outlines recapture provisions in accordance with 24 CFR Part 92.254. Liens coinciding with loan terms are placed on all properties. The City has partnered with Consumer Credit Counseling Services to provide homebuyer workshops and credit counseling to prospective low to moderate-income homebuyers. The workshops are offered monthly, and applicants must receive workshop certification to participate in the program. The City encourages Kingdom CDC and the Fayetteville Area Habitat for Humanity to make presentations to potential homebuyers during these workshops. The City allocated \$15,000 for this activity, and anticipates 5 low to moderate home buyers will receive assistance during the 2011-2012 program year. This activity meets priority housing need number 3 (HOME).

Mortgage Assistance Program

Eligibility Citation - 24 CFR Part 92.205 (a)(1)

This program provides a low interest second mortgage at 2% to reduce the overall cost of financing needed to purchase a single-family home. By reducing the cost of financing, purchasing power is increased and homes are made more affordable to low to moderate-income homebuyers. The maximum amount of assistance that the homebuyer can obtain is \$20,000 or 19% of the purchasing price whichever is less. The purchasing price of the home cannot exceed the Federal Housing Administration's (FHA's) current mortgage

limit. The home must be located within the City limits with an approved first mortgage from a City participating lender. The repayment term of the loan shall begin and be equal to the repayment term of the first mortgage, generally 30 years. The loan is secured by the borrower's execution of a promissory note and deed of trust that outlines recapture provisions in accordance with 24 CFR Part 92.254. Liens coinciding with loan terms are placed on all properties. As with the Down Payment Assistance Program, the applicant must receive the certification from the homebuyer education workshop in order to participate in the program. The City allocated \$75,000 for this activity and anticipates 5 low to moderate income buyers will receive assistance this program year. This activity meets priority housing need number 3 (HOME).

Housing Rehabilitation

Eligibility Citation - 24 CFR Part 570.202, 24 CFR Part 92.205(a)(1)

This program provides housing rehabilitation services for substantial home repairs in excess of \$5,000 and for emergency home repairs of \$5,000 or less. Substantial repairs are made with a revolving loan pool that provides low-interest loans to low-to-moderate income homeowners and investor owners with rental property to make necessary repairs. Homeowners requiring immediate or emergency home repair assistance of \$5,000 or less are referred to the emergency home repair program; this assistance is provided as a grant. However, income requirements will dictate whether the household will receive a deferred payment loan or low-interest loan if assistance of more than \$5,000 is provided under the revolving loan pool. Applicants at or below 50% of the Fayetteville's median family income (mfi) are eligible to be recommended for a deferred loan. Applicants at 51% to 80% are eligible for a low-interest loan with interest rates from 0-5% depending upon household income. Investor owners are offered a low interest loan at 5%. Investors must avail their properties to rent to low to moderate-income persons for a period of affordability based upon the amount of funds borrowed to make the repairs. The term of the loan is made equivalent to the period of affordability. Recapture periods for all loans are based upon the loan amount. Liens coinciding with loan terms are placed on all properties. The loan is secured by the borrower's execution of a promissory note and deed of trust that outlines the recapture provisions. This activity meets priority housing needs number 2 (HOME/CDBG).

Under the emergency home repair program, priority is given to homes that have serious problems such as bad flooring, bad stairs, and roofing needs. Services also include modifications to improve accessibility and mobility for disabled residents, and weatherization and energy efficiency services including HVAC installation and replacement. Fayetteville Urban Ministry has coordinated the program on behalf of the City since the 1995-96 program year. This program effectively leverages City funding through the extensive utilization of volunteers and donated materials.

In addition to the actual repairs, construction management services provided include lead based paint hazard assessments, work write-ups, bid letting and site inspections. The City allocated \$882,003 for this activity, and anticipates repairing 160 homes during the 2011-2012 program year. This activity meets priority housing needs number 2 (HOME/CDBG).

Community Housing Development Organization (CHDO) Activities

Eligibility Citation - 24 CFR Part 92.300

Community Housing Development Organizations or CHDOs are nonprofit organizations whose purpose is to provide decent and affordable housing to low/mod income persons. In order to be certified as a CHDO, a non-profit organization must meet HUD regulatory requirements pertaining to their legal status, organizational structure and capacity and experience. The City has partnered with and certified four local CHDOs to increase the supply of affordable housing: Kingdom Community Development Corporation (Kingdom); Cumberland Community Action Program (CCAP), Fayetteville Area Habitat for Humanity (FAHFH, a subcontractor of CCAP), and the Women's Center of Fayetteville.

Throughout the years, the City has partnered with CCAP to build and sell affordable single-family dwellings to low to moderate-income homebuyers in Habitat Village located in the Old Wilmington Road area. Since July 6, 1992, the City has conveyed 50 lots to CCAP/FAHFH for the construction of affordable housing in this area, and Habitat Village has been completely built out. The City continues to contract with FAHFH independently to develop affordable single-family homes annually. The City provided assistance to Habitat for Humanity for the construction and infrastructure of five homes during the 2009-2010 program year and shall contract with them to develop five additional homes during the 2011-2012 program year to avail and make affordable to low to moderate income families. All homes to be built by FAHFH beginning with the 2009-2010 program year and the succeeding program years shall be built in the designated Hope VI project area also located in the Old Wilmington Road area until 105 single family homes have been constructed in this area.

The City contracted with Kingdom in 1996 to construct 12 single-family units in the development known as Fairley Estates located on Vanstory Street in the Old Wilmington road area. This CHDO has completed nine homes in Fairley Estates since project inception, with the remaining three lots having later been identified as not being conducive for development. Kingdom since has completed the construction of phase two of the Fairley Estates development located parallel to Vanstory Street of the Old Wilmington Road area, which upon completion added 20 units of mixed income affordable housing to the area at project completion. The City also assisted Kingdom with predevelopment and infrastructure costs for phase two of Fairley Estates. To date, Kingdom has newly constructed all 20 single-family affordable housing units in Fairley Estates II; and shall assist with the construction of affordable single family homes for the Hoped VI project area in upcoming program years. The City, however, will not be contracting with Kingdom during the 2011-2012 program year in providing CHDO services to build affordable single family homes.

The City began contracting with the Women's Center of Fayetteville as a certified CHDO during the 2008-2009 program year to rehabilitate ten affordable rental housing units that were rented to very low income families at or below 30% the area income median. Since then they have also contracted with the Women's Center to newly construct three affordable single-family housing units during the 2009-2010 program year and to acquire

and rehabilitate two single-family units during the 2010-2011 program year. The City shall also contract with the Women's Center to acquire and rehabilitate an additional two single-family units to make available to rent to low to moderate income families during the 2011-2012 program year.

The City will continue to work with local CHDOs to build their capacity to produce affordable housing and leverage other resources. CHDO activities are expected to provide 5 additional single-family dwellings during the 2011-2012 program year by the Fayetteville Area Habitat for Humanity. The City has allocated \$166,650 for this activity. This activity meets priority housing need number 1 (HOME).

Acquisition and Demolition Program

Eligibility Citation - 24 CFR Part 570.208 (a)(3)

In effort to eliminate blight within the City limits of Fayetteville and with the use of CDBG funding, the Acquisition and Demolition Program is designed to acquire, demolish, and remove property that is abandoned, unsafe, seriously damaged, or deteriorated beyond reasonable financial costs to effectively rehabilitate so that the vacant parcels may be used for the future affordable housing development. This program may also be used for the demolition of structures in which acquisition is not required. Eligible properties for the most part have to be those that are significantly deteriorated and in uninhabitable and unsafe condition or extensively damaged by fire or natural disaster and/or creating a serious risk to public health and safety. Eligible applicants and participants of the program are investors, developers, subrecipients, CHDOs, non-profits and respective members of various departments relevant to the situation to include the City's Community Development, Inspections, Health, Police and Fire Departments. A grant or an award of up to \$5,000, dependent upon the current market value of the subject structure may be provided for the purpose of acquiring a dilapidated structure from the homeowner that is in need of demolition. On an average, the purchasing offers shall equate to 10% of the property's enlisted real property value, ranging from a minimum offer of \$1,000 and a maximum offer of \$5,000. A grant or an award of up to \$7,500 for housing structures and \$30,000 for commercial or institutional properties may also be provided to the lowest bidder to demolish any program eligible properties for demolition. The City allocated \$75,000 for this activity, and anticipates assisting 20 housing units during 2011-2012 program year. This activity shall make vacant parcels available to later meet priority housing need number 1 (CDBG).

Eastside Green III Apartments

Eligibility Citation - 24 CFR Part 92.205(a)(1)

This project is for the construction of a third phase of Eastside Green Apartments, located off of Cedar Creek Road. The city shall utilize its home funds to leverage other private and public dollars to construct 40 additional affordable rental units for low to moderate families and individuals. Rents are projected to range from \$343 to \$526 per month dependent upon family size and income.

The City approved a \$320,000 loan of its HOME funds towards the construction of this multi-million dollar project. The City was scheduled to distribute loan proceeds over two

program years; in amounts of \$160,000 in year 2010-2011 and \$160,000 in year 2011-2012. Construction began during the program year end of 2010-2011 and is expected to be completed by year end of 2012. This project meets priority housing need number 1(HOME).

HOPE VI Affordable Housing Project

Eligibility Citation - 24 CFR Part 92.205(a)(1)

This project is for the construction of the affordable housing in association with the HOPE VI Revitalization Grant received by the Fayetteville Metropolitan Housing Authority. The City proposes to fund this project as part of its commitment to the HOPE VI Revitalization Grant Project.

The Fayetteville Metropolitan Housing Authority was awarded a HOPE VI Revitalization Grant in the amount of \$20 million dollars in March 2008. The grant, part of approximately \$113 million in public and private funds, will be used to help in the revitalization of the Old Wilmington Road area in downtown Fayetteville. The grant will support the redevelopment of two public housing developments, Campbell Terrace and Delona Gardens, with modern housing that reflects the architecture of Fayetteville and seamlessly blends the residential and natural environments with the urban center. The 249 units of distressed public housing at Delona Gardens and Campbell Terrace are being replaced with 747 mixed-income rental and homeownership dwellings. It includes 223 units being built on the current public housing site and an additional 399 units built on other vacant sites in the Old Wilmington Road community. Another 125 units will be built in greater Fayetteville. Working families and elderly citizens will have a variety of new accommodation choices including single-family homes, townhouses, senior cottages, walk-up apartments and a senior complex.

The City allocated \$350,000 for this activity to leverage the additional funds to construct affordable housing units during 2008-2009 program year and an additional \$350,000 during the 2009-2010 program year that was rolled over in total equating to \$700,000 that was expended during the 2010-2011 program year, and shall expend an additional \$350,000 during the 2011-2012 program year. This project meets priority housing need number 1(HOME).

Homebuyer Education

Eligibility Citation - 24 CFR Part 92.300

The City will contract with CCAP, which is also a certified CHDO, to offer homebuyer education classes free of charge to low to moderate-income families interested in purchasing a home. The City and Cumberland County jointly fund and sponsor the homebuyer education classes offered by CCAP. Subjects covered include the benefits of homeownership, shopping for a home and obtaining financing; training is provided by certified housing counselors. Homebuyers with credit issues can receive additional credit counseling to develop a repair plan to fit individual needs. In order to maximize accessibility, homebuyer education classes are held monthly; class sites are rotated between the neighborhood resource centers and CCAP's home office in downtown

Fayetteville. The City allocated \$6,000 for this activity, and anticipates providing homebuyer education to approximately 125 participants during the 2011-2012 program year. The City also allocated an additional \$2,520 for credit counseling fees to benefit 75 low-to-moderate income applicants, totaling \$8,520. This activity meets priority housing need number 3 (CDBG).

HOPE VI - Property Acquisition

Eligibility Citation - 24 CFR Part 570.208 (a)(3)

This project is for the acquisition of property to be used for the construction of the affordable housing in association with the HOPE VI Revitalization Grant received by the Fayetteville Metropolitan Housing Authority. The City proposes to fund this project as part of its commitment to the HOPE VI Revitalization Grant Project.

The Fayetteville Metropolitan Housing Authority was awarded a HOPE VI Revitalization Grant in the amount of \$20 million dollars in March 2008. The grant, part of approximately \$113 million in public and private funds, will be used to help in the revitalization of the Old Wilmington Road area in downtown Fayetteville. The grant will support the redevelopment of two public housing developments, Campbell Terrace and Delona Gardens, with modern housing that reflects the architecture of Fayetteville and seamlessly blends the residential and natural environments with the urban center. The 249 units of distressed public housing at Delona Gardens and Campbell Terrace will be replaced with 747 mixed-income rental and homeownership dwellings. It includes 223 units to be built on the current public housing site and an additional 399 units built on other vacant sites in the Old Wilmington Road community. Another 125 units will be built in greater Fayetteville. Working families and elderly citizens will have a variety of new accommodation choices including single-family homes, townhouses, senior cottages, walk-up apartments and a senior complex.

This year's funding is the third year of the City's five year commitment. The City allocated \$374,500 for this activity. This project meets priority housing need number 2 (CDBG).

Community Development Activities

The City's Community Development activities are focused on helping low to moderate-income residents acquire needed information, knowledge and skills to improve their employment opportunities, beautification programs to help improve community appearance; and capacity building activities to help non-profit organizations to become more productive. In addition the City provides assistance to help low income residents pay assessment fees for their share of capital improvement costs.

The City has identified the following objectives for its HUD funded community development activities:

1. Offer training programs that develop job skills to help low to moderate-income

- persons improve their earning potential.
2. Continue to improve neighborhood accessibility to various human services;
 3. Continue to provide support to the City's efforts to extend water and sewer to newly annexed areas, pave remaining unpaved streets within the City limits, and various community improvements.
 4. Provide support in the implementation of the recommendations in the City's redevelopment plans.
 5. Provide programs for the youth and seniors in low-moderate income areas
 6. Help foster neighborhood pride in low-moderate income areas of the City of Fayetteville

The City's community development activities are designed to meet the needs identified in the 2010-2015 Consolidated Plan. Community development benchmarks and performance measurements for the 2011-2012 One-Year Action Plan are presented below followed by descriptions of each activity.

2011-2012 Community Development Benchmarks

Description	Estimated Cost	Estimated Units	Percent Budget	Percent Unit	Type
Neighborhood Resource Centers	167,000	8,000	67%	99.4%	Client Visits
Beautification	6,000	3	2%	.03%	Projects completed
Street Paving Assessment Fee Assistance	3,000	10	1%	.12%	Persons assisted
Water and Sewer Assessment Fee Assistance	75,000	40	30%	.49%	Persons assisted
Total	251,000	8,048	100%	100%	

Performance Measurements

Program	Objective	Outcome	Outcome Statement	Indicators
Neighborhood Resource Centers	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Participants benefiting from the use of the public facility 8,000
Beautification Program	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable environments	Improvement projects completed in low income neighborhoods 3
Street Paving Assessment Fee Assistance Program	Sustainability for the purpose of creating suitable	Affordability	Affordability for the purpose of creating suitable living	Housing units assisted 5

	environments		environments	
Water and Sewer Assessment Fee Assistance Program	Sustainability for the purpose of creating suitable environments	Affordability	Affordability for the purpose of creating suitable living environments	Housing units assisted 40

Neighborhood Resource Centers

Eligibility Citation - 24 CFR Part 570.208 (a) (1), 24 CFR Part 570.201 (e)

Neighborhood Resource Centers (NRCs) are facilities that offer training opportunities for low to moderate-income residents. NRCs are strategically located within the city limits of Fayetteville in areas near the city bus line to benefit citizens and are ideal facilities to accommodate job skills training and informational workshops with a computer lab available daily with free access. The Community Development staff continues to seek ways to expand the NRC network into other needed areas within the city limits. There are future plans to open a new NRC in the Old Wilmington Road community as part of the HOPE VI revitalization project.

The City's recreation centers are strategically located throughout the City and can also be used to carry out similar activities as those held in the NRC's. The Community Development staff will work with the staff of the recreation centers to coordinate and bring services to these areas within the city limits and extending the NRC Network. The current NRC's operated by City staff and/or a Senior Aide from Workforce Development are listed below:

- Seabrook NRC, 708 Langdon Street, across from Fayetteville State University;
- Westover NRC, 267 Bonanza Dr., in the Westover Recreation Center; and
- Massey Hill NRC, 1612 Camden Rd., in the Massey Hill Recreation Center

The City has provided funds to assist with the development of affordable housing rental complexes throughout the City and an NRC is located on each of these sites. These NRCs are only available to the residents of the affordable housing complexes and are not managed by the City. The private developer has hired staff to manage these centers.

These centers are listed below:

- Longview Green NRC, 117 Longview Drive in the Longview Green Apartment Complex;
- Blanton Green NRC, 1024 Lauren McNeill Loop in the Blanton Green Apartment Complex;
- Haymount Manor NRC 2040 Elvira Street in the Haymount Manor Apartment Complex;
- Rosehill West NRC 1945 James Hammer Way in the Rosehill West Apartment Complex;
- Bunce Manor NRC, 3450 Denise Place in the Bunce Manor Apartment Complex;
- Bunce Green NRC, 34 Distinct Circle in the Bunce Green Apartment Complex;
- and

- Eastside Green NRC, Cedar Creek Road, in the Eastside Green Apartment Complex

NRCs connect service users with service providers, targeting the unemployed or underemployed citizens ranging in ages from 18-50. Educational opportunities for the youth and activities for senior citizens are also welcome in the centers. Services and training opportunities include, but are not limited to, GED classes, computer classes, various job skills training, small business workshops, medical terminology, and homebuyer education. Local agencies invited to provide services and workshops in the NRCs include the Employment Security Commission, Fayetteville Technical Community College, Fayetteville State University, Consumer Credit Counseling, Workforce Development, Work First, the Department of Social Services, Center for Economic Empowerment and Development (CEED), and other City departments and local agencies. The NRC network also partners with local agencies to host bi-annual job fairs attracting a minimum of 5,000 job seekers at each event.

The City solicited proposals from qualified instructors and will contract with a minimum of four instructors to provide computer classes and other job skills training throughout the program year, rotating them at the various centers. This will include an after-school youth tutoring program. Daytime and evening computer classes will be provided at all of the NRC's throughout the program year in addition to a daytime class being offered at the Blue St. Senior Citizen Center. There will also be a minimum of 30 other training opportunities and informational workshops scheduled during the program year rotating throughout the centers.

The NRC network operates with one full-time and four part-time city staff persons, two senior aides provided by Workforce Development, and volunteers. The donation of time and services by volunteers performs a very important role in maintaining the NRC network. The Retired Senior Volunteers Program (RSVP) provides volunteers in addition to local citizens volunteering on their own. Tasks conducted by volunteers include, but are not limited to, performing clerical duties, performing light housekeeping tasks, distributing flyers, working with staff members, assisting staff at special events and operating the NRC's in the scheduled absence of assigned staff. The City allocated \$167,000 for this activity and expects approximately 8,000 citizens to utilize the NRCs during the program year. This activity meets prior Community Development needs, numbers 1, 2 and 5 (CDBG).

Beautification

Eligibility Citation - 24 CFR Part 570.208 (a)(1), 24 CFR Part 570.201(c)

This activity is designed to help foster neighborhood pride by helping to improve the appearance of low-moderate income neighborhoods. In order to participate, the neighborhood must have an active community organization that meets regularly. The project may include the installation of neighborhood signs; landscaping for investor-owners with multiple units; purchasing shrubs and flowers and code enforced clearance activities. Participation and maintenance of the beautification project must be done by residents. Non-profit organizations within such areas, or investor-owned properties that

have multiple properties rehabilitated may also qualify. The City has created a standard design for community signs. This will reduce beautification cost and enable the City to work with more communities.

The City allocated \$6,000 for this activity for the 2011-2012 program year. This activity meets priority community development need number 6. (CDBG)

Street Paving Assessment Fee Assistance

Eligibility Citation – 24 CFR Part 570.208 (a)(1), 24 CFR Part 570.201(c)

The City has implemented a bond-financed street-paving program to upgrade its infrastructure. In order to decrease the financial burden of the street paving assessment fees, the City uses CDBG funds to pay up to \$1,000 towards the fee for low to moderate-income property owners that occupy their homes. However, since there is very little number of streets remaining unpaved within the City limits, the need for this program is becoming less with the passing of each program year. Therefore, assessment fee assistance is expected to benefit only 3 low-moderate income property owners during the 2011-2012 program year, and the City allocated \$3,000 for this activity for the program year. This activity meets priority community development need number 4 (CDBG).

Water and Sewer Assessment Fee Assistance

Eligibility Citation – 24 CFR Part 570.208 (a)(1), 24 CFR Part 570.201(c)

The City continues an aggressive annexation campaign to eliminate potential health hazards through the extension of water and sanitary sewer lines. In order to decrease the financial burden from the installation of the water and sanitary sewer lines to all low to moderate income persons, the City previously increased its income eligibility criteria from 60% or below the area income median to 80% or below the area income median, and has expanded its program to include providing assistance with plumber hook-ups costs. Currently, the City uses CDBG funds to provide grants in the amount of \$2,000 each for water and/or sewer assessments in the only remaining eligible annexation area of V-A to receive the assistance, \$500 for plumber hook-up fees to homeowners with incomes at or below 80% of the median family income for Fayetteville in annexation areas III-A to IV-B, and \$900 for plumber hook-up fees for income eligible homeowners in annexation area V-A during the 2011-2012 program year. Additionally, there is no time limit to apply for plumber hook-up fee assistance and it still remains available to income eligible families living in the previously annexed areas of 3A (Bonnie Doone, Cottonade, Summer Hill, Fillyaw Rd, Four Seasons, Horseshoe Rd and Ponderosa), 3B (Lafayette Village, South Hills, and Gallup Acres), 4A (Tiffany Pines, Warrenwood, Rollingwood and Pleasant Acres), 4B (Sherwood Park, Quail Ridge, Ashton Forest, Queensdale, Beaver Creek, Beaver Creek South, Arran Lakes West, and Williamsburg Plantation), and 5A (Arran Lakes-east of Bingham Drive, Arran Hills, Arran Lakes West, Arran Park, Blue Springs Woods, Carver Falls Road, Cliffdale Estates, Cliffdale West, Fairfield, Farrington, Green Briar Lake, Kingswood, Lagrange, Lake Point, Lake Rim Estates, McArthur Road/Ramsey Street, Montibello, North Plymouth Street-east of Cape Fear River, Northwood Estates, Porter Place, Ramsey Street, Rayconda, Raynor Drive, Roundtree, Shadowland, Shenandoah, Shenandoah North, Southgate, Summerhill, Turnbridge, Village Hills, Wells Place, Wendover, and Woodmark). This program does not provide compensation of reimbursement of costs already expended by the

homeowner for water and sewer assessments or plumber fee services; and homeowners are eligible to apply for assistance up until two years from the assessment roll approval date which serves as the official notice, which makes only area 5A currently still eligible to receive assessment assistance. The City allocated \$75,000 for this activity for the program year. This activity meets priority community development need number 4 (CDBG).

Economic Development Activities

The City of Fayetteville's vision includes a vibrant downtown and a strong local economy. The activities included in this section focus on small business development activities with a concentration on economic development activities in the downtown area in support of the Fayetteville Renaissance Plan and the City's redevelopment plan areas throughout the community. The Economic Development section has 5 core goals:

1. Recruit and develop local businesses;
2. Attract businesses to the downtown plan area and redevelopment plan areas;
3. Retain local businesses in the downtown plan area and redevelopment plan areas;
4. Support economic development activities that create jobs and expand the City's tax base; and
5. Identify redevelopment projects that will eliminate blighted commercial properties within the Murchison Rd., HOPE VI, Fayetteville Renaissance Plan and other redevelopment plan areas.

The City's economic development activities are designed to meet the needs identified in the 2010-2015 Consolidated Plan. Economic development benchmarks for the 2011-2012 One-Year Action Plan presented below followed by descriptions of each activity.

2011-2012 Economic Development Benchmarks

Description	Estimated Cost	Estimated Units	Percent Budget	Percent Unit	Type
Business Assistance Program	\$225,000	6	25%	5%	Jobs
Downtown Loan Program	\$487,000	6	55%	5%	Jobs
CEED's Women's Business Center	\$34,000	35	4%	26%	Clients
Façade Improvement Grant Program	\$25,000	5	2%	4%	Jobs
Fayetteville Business and Professional League	\$12,500	50	1%	38%	Clients
Fayetteville Technical Community College	\$4,603	20	1%	16%	Clients
Section 108 Loan Payment	\$78,000	2	9%	2%	Loan Payments
Small Business Retention Grant Program	\$25,000	5	2%	4%	Jobs
Total	\$ 891,103	129	100%	100%	

Program	Objective	Outcome	Outcome Statement	Indicators
Business Assistance Loan Program	Create economic opportunities	Affordability	Affordability for the purpose of creating economic opportunities	Jobs Created 6
Downtown Loan Program	Create economic opportunities	Affordability	Affordability for the purpose of creating economic opportunities	Jobs created 6
CEED's Women's Business Center	Create economic opportunities	Accessibility	Accessibility for the purpose of creating economic opportunities	Clients Assisted 35
Façade Grant Program	Create economic opportunities	Affordability	Affordability for the purpose of creating economic opportunities	Jobs Created/LMI Areas Assisted 5
Fayetteville Business and Professional League	Create economic opportunities	Accessibility	Accessibility for the purpose of creating economic opportunities	Clients assisted 50
Fayetteville Technical Community College	Create economic opportunities	Affordability	Affordability for the purpose of creating economic opportunities	Clients Assisted 20
Section 108 Loan Payment Capitol Project	Create economic opportunities	Accessibility	Accessibility for the purpose of creating economic opportunities	Loan Payments 2
Small Business Retention Grant Program	Create economic opportunities	Affordability	Affordability for the purpose of creating economic opportunities	Jobs Created/LMI Areas Assisted 5

Business Assistance Program

Eligibility Citation - 24 CFR Part 570.203 (b)

This loan program assists both new and expanding small businesses within the city limits of Fayetteville. Small businesses needing additional equity or down payment assistance in order to qualify for primary financing from a Bank and who meet all of the City's

program guidelines may apply. The City will offer a subordinated loan up to 25% or a maximum of \$125,000 of the total loan funds needed.

The interest rate on approved City loans will be 5% fixed for the term of the loan. As an incentive to encourage business activity in the City's redevelopment plan areas, the City will offer a 3% fixed interest rate. The business is required to create or retain at least one full-time equivalent job for each \$50,000 loaned by the City's program. The City allocated \$225,000 for this program and anticipates a minimum of two loans will be provided this program year and a minimum of 6 jobs will be retained or created and made available to low to moderate-income persons. The Community Development Department facilitates the program. This activity meets priority economic development objective numbers 1, 2, 3, 4, and 5 (CDBG).

Downtown Loan Program

Eligibility Citation - 24 CFR Part 570.203 (b)

This program offers a low interest loan to relocating or expanding small businesses in the downtown area. Loan funds are available to assist with the acquisition, construction or renovation of commercial buildings. Each business that participates with this program is required to retain or create jobs and make them available to low to moderate-income persons. For each \$50,000 loaned, one full-time equivalent job must be created or retained by the business. For over fourteen years this program has been funded through the partnership between the City of Fayetteville and local banks. Currently there are five banks that participate with the program. The City commits 40% of its CDBG funds for each approved loan with a 4% fixed interest rate and the participating lenders fund the remaining 60% of each loan at a variable prime rate.

This loan program is available to qualifying businesses that are located within the 3,000 acres identified in the Fayetteville Renaissance Plan, including Murchison Rd (Census Tract 10); the loan program area map is shown in Attachment C. Loan funds range from \$50,000 up to \$300,000, with larger loans considered on a case by case basis. The City allocated \$487,000 for this program and anticipates a minimum of two loans will be provided this program year with a minimum of 6 jobs created or retained by those businesses. The Community Development Department facilitates this program. This activity meets priority economic development objective numbers 2, 3, 4, and 5 (CDBG).

CEED Women's Business Center

Eligibility Citation - 24 CFR Parts 570.201 (o) (1) and 570.201 (o) (3)

The Center for Economic Empowerment and Development (CEED), formerly the Women's Center of Fayetteville, is a non-profit organization established to improve the economic environment and create opportunities for individuals and to provide a resource center for women in crisis. Its Women's Business Center, a program of CEED, has served the community for over twelve years by assisting persons in all phases of small business development. The goal of the business center is to create employment and business opportunities for low to moderate-income individuals through self-employment and increased job opportunities in the area. The business center provides counseling, business plan assistance, access to funding, and training to entrepreneurs for starting and expanding a business. The City allocated \$34,000 for this activity and anticipates at least

450 small business entrepreneurs will be served during the program year resulting in the start-up or expansion of at least 35 businesses. This activity meets priority economic development objective numbers 1 and 4 (CDBG).

Façade Improvement Grant Program

Eligibility Citation – 24 CFR Parts 570.202 (a) (3), 24 CFR Part 570.203 (b) and 24 CFR Part 570.208 (a) (1)

This program is designed to promote the revitalization of facades of active, ongoing for-profit businesses through the rehabilitation of commercial building exteriors and landscapes. This effort will benefit the City by removing blight; expanding the tax base, and increasing the economic vitality of the downtown Fayetteville Renaissance Plan area and the City's redevelopment plan areas. These redevelopment plan areas include Massey Hill, Bonnie Doone, Deep Creek Rd., 71st Township, HOPE VI and the Murchison Road plan areas.

An eligible business must be located within the boundaries of any of the plan areas and meet all other program requirements. The City of Fayetteville will provide a 50% matching reimbursement grant up to \$5,000 for each façade renovated. Each business that participates with this program is asked meet a job creation or retention requirement by creating or retaining at least one full time equivalent job. If a small business is financially unable to meet the job creation or retention requirement then since this program assists only projects in low to moderate-income areas, then it will be a low to moderate income area benefit. The City allocated \$25,000 to fund this activity and anticipates assisting 5 businesses resulting in 5 jobs being created or retained and/or 5 commercial properties in low to moderate-income areas being improved. The Community Development Department facilitates this program. This activity meets priority economic development objective numbers 2, 3, 4 and 5 (CDBG).

Fayetteville Business and Professional League

Eligibility Citation - 24 CFR Part 570.201 (o) (1)

The Fayetteville Business and Professional League (FBPL) is a non-profit agency that is a strong advocate of small businesses for the socially and economically disadvantaged population. The FBPL is a chartered member of the National Business League, a pioneer African-American Trade Association, and was formed in 1967. The current president of the FBPL is the Director of the Fayetteville Business Center. The FBPL has worked as a collaborator and partner with the Fayetteville Business Center to successfully provide technical assistance, entrepreneurial workshops and meet other needs of small businesses that wish to start or expand their business.

The FBPL will host a Youth Entrepreneurship & Investment Camp during the summer for 5 days of intensive training in business and entrepreneurship. These camps are designed for low-income youth to improve their business, academic and life skills. The targeted participants for both camps come from underserved communities and have little or no working knowledge of financial matters or issues as pertaining to investments, credit issues, financial planning and other related topics. Camp attendees will have a full schedule of speakers, business simulations and group discussions. The focus of the camp

is to teach youth how to handle their money through financial literacy, investment and the rewards of becoming an entrepreneur.

The FBPL in collaboration with the Fayetteville State University Small Business Technical Development Center (SBTDC) will offer scholarships for ten low to moderate-income participants to enroll in the NXLevel course for business start-ups. Each enrollee will receive 10 weeks of training, a completed business plan and a website for their business. Topics will include developing a business concept, marketing strategies, business fundamentals, and all other topics necessary in order to successfully start and manage a small business.

The FBPL will also host a HUB Contractor Business Academy that will include subject matter that is greatly needed by new and existing contractors to include Bidding and Estimating, OSHA 10 Certification, and N. C. General Contractor Exam preparation seminars targeting a minimum of 15 low to moderate-income class participants. The academy teaches essential skills for managing a competitive construction business in today's market. The City allocated \$12,500 to fund these activities. These activities meet priority economic development objective numbers 1 and 4 (CDBG).

Fayetteville Technical Community College

Eligibility Citation - 24 CFR Part 570.201 (o) (1)

Fayetteville Technical Community College (FTCC) will offer the Rural Entrepreneurship through Action Learning (REAL) curriculum to low to moderate-income community members and recent graduates who are interested in starting their own business in service-related fields such as cosmetology, HVAC, carpentry, welding and others in the Fayetteville area. This training will provide participants with the skills to become self-sufficient and successful in their own business. The REAL curriculum uses active learning and experiential methods which has proven to be a highly successful teaching style for adults and entrepreneurs. In addition to this 24 hour curriculum, participants will also receive 20 hours of training in QuickBooks and financial management. The City has allocated \$4,603 to fund this activity to sponsor 20 low to moderate-income participants during the program year. This activity meets priority economic development objective numbers 1 and 4 (CDBG).

Small Business Retention Grant Program

Eligibility Citation – 24 CFR Part 570.203 (b) and 24 CFR Part 570.208 (a) (1)

This program is designed to assist with the expansion costs of small business with the objective of retaining businesses in the City's redevelopment plan areas. Each redevelopment plan area is unique with its own issues and opportunities. Funds are available to existing small business owners located within one of the boundaries of the Murchison Rd., Massey Hill, Bonnie Doone, 71st Township, Deep Creek Rd., Fayetteville Renaissance and HOPE VI redevelopment plan areas.

The City of Fayetteville will provide a 50% matching grant up to \$5,000 for eligible expenses. The business applicant will have to provide an equal match to the grant award being requested. Grants for inventory, furniture, fixtures, equipment, and interior and

exterior renovations will be considered for this program. Some requests may not be eligible considering the business type and will be considered on a case by case basis. Salaries, rent, and building related expenses (phone bills, electricity, etc.) are not eligible expenses for this program.

This program frees up operating cash flow to fund the day to day working capital expenditures of the business or to take advantage of other opportunities, such as purchasing additional inventory. The goal of this program is to retain jobs or create jobs making them available to a low to moderate-income person. If a small business is financially unable to meet the job creation or retention requirement then since this program assists only projects in low to moderate-income areas, then it will be a low to moderate income area benefit. The City allocated \$25,000 to fund this activity and anticipates assisting 5 businesses resulting in 5 jobs being created or retained or resulting in a low to moderate income area benefit.. The Community Development Department facilitates this program. This activity meets priority economic development objective numbers 3 and 4 (CDBG).

Homeless Activities

The City supports of the Continuum of Care Planning Council, the lead entity for the planning and coordination in the Cumberland County Continuum of Care. The City does not receive Emergency Shelter Grants and therefore the funding of homeless services is very limited. We remain focused on providing technical support for service providers.

The City continues its partnership with Cumberland County and local homeless providers to strengthen the Continuum of Care for the homeless. The City will continue to provide technical assistance to organizations that serve the homeless. The Fayetteville/Cumberland County Continuum of Care, which is organized by The Cumberland County Community Development Department, covers the entire County including the City of Fayetteville.

The Fayetteville Police Department continues to assign a police officer to provide a uniform way to work with and identify homeless persons. The program has facilitated an effective communication network between the City and local homeless providers. The homeless project officer assists individuals with getting shelter, clothing, food, financial assistance and other services available through local homeless providers. The homeless project officer works closely with the Cumberland County Continuum of Care Planning Council. The City has provided this service since 1993.

The City continues its emergency utility assistance available to homeless shelters and provides assistance to shelters to assist in purchasing supplies for homeless individuals such as hygiene kits, blankets, and other necessities. The City also offers a Homeless Utility Deposit grant program designed to assist homeless clients with out-of-the pocket expenses needed to pay utility deposits (gas, electricity, water and sewer) when leaving transitional housing for private housing.

The City assists in the emergency shelter located at 913 Person Street. The homeless shelter formerly known as former HOPE Center is a 21-bed facility that is operated by Gospel Service Benevolent, Inc. This activity is one of the priorities on the 10-Year Plan to End Homelessness.

The City is working closely with the Fayetteville/Cumberland County Continuum of Care Planning Council (FCCCOPC), the lead entity for planning and coordination in the Fayetteville/Cumberland County Continuum of Care. This group was developed from the membership of the Coalition on Services to the Homeless and other homeless services providers. The Council's missions is to facilitate the coordination of the community's human services agencies and the community-at-large in order to adequately set strategies for addressing the needs of Cumberland County's homeless individuals and families and those at risk of homelessness through a Continuum of Care system. The City collaborates with local agencies to develop to programs that focus on breaking the cycle of homelessness through job skill training and ultimately permanent employment to transition the homeless to mainstream society.

The service area of the Fayetteville/Cumberland County Continuum of Care encompasses the entire county, including the areas within the city limits of Fayetteville. The objectives and strategies implemented by the City to address homeless needs are listed below. They are designed to complement the objectives and strategies identified by the Continuum of Care Planning Committee which are reflected in the County's Consolidated Plan.

The goal of the continuum of care is to address the needs expressed above with a direct plan of action to increase housing and services for the homeless while increasing community awareness surrounding the needs of this segment of the local community.

Once a year the Fayetteville/Cumberland Continuum of Care conducts the Point In Time survey, which is a tool used by HUD nationally to count the number of homeless in a local area. The number of homeless counted for Cumberland County in January 2011 was 1061 people.

Ten-Year Plan to End Homelessness

The Cumberland County Board of Commissioners and the Fayetteville City Council have adopted a Ten-Year Plan to End Homelessness and is now working with the continuum of care planning council and volunteers to implement the priorities in the plan. The plan addresses the needs of both the chronically homeless population as well as families who are struggling with the issue of homelessness. Priorities include a public awareness campaign, the opening of more shelter space, and a homeless day center, all which are underway. This activity was started in the 2005-2006 and completed during the 2008-2009 program year. Many recommendations of the plan have been implemented.

The City has identified the following objectives for its homeless activities:

1. Implement the priorities of the 10-Year Plan to End Homelessness.
2. Provide support to homeless services and programs.
3. Support of a homeless tracking system throughout the continuum of care.

4. Collaborate with local human services agencies to develop programs designed to break the cycle of homelessness.

Homeless activity benchmarks for the 2011-2012 One-Year Action Plan are presented below followed by activity descriptions.

2011-2012 Homeless Activity Benchmarks

Description	Estimated Cost	Estimated Units	Percent Budget	Percent Unit	Type
Homeless Shelter Assistance	\$7,000	14	15%	.03%	Shelters
Utility Deposit Assistance	\$3000	10	6%	.02%	Clients
Homeless Client Assistance	\$2000	25	5%	.06%	Clients
Hope Center Homeless Shelter	\$10,000	1,000	21%	2.4%	Shelter
Operation Inasmuch Day Center	\$20,000	33,600	43%	80.7%	Clients
Fresh Touch Ministries, Inc.	\$5,000	7,000	11%	16.80%	Meals Served
Total	\$47,000	41,649	100%	100%	

Performance Measurements

Program	Objective	Outcome	Outcome Statement	Indicators
Homeless Shelter Assistance Program	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Homeless shelters served 25
Utility Deposit for Homeless Clients Program	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Homeless clients served 15
Homeless Assistance Program	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Homeless clients served 25
Hope Center Homeless Shelter	Create suitable living	Accessibility	Accessibility for the purpose	Homeless clients served

	environments		of creating suitable living environments	1,000
Operation Inasmuch Day Center	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Meals served 33,600
Fresh Touch Ministries	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Meals served 7,000

Homeless Shelter Assistance Program

Eligibility Citation - 24 CFR Part 570.208 (a)(2), 24 CFR Part 570.201(e)

In order to provide assistance to local non-profits operating homeless shelters, the Homeless Shelter Assistance program has been established to provide utility assistance to homeless shelters. The demand for assistance is greatest during the extreme temperature of the winter and summer months. The shelter utility assistance is limited to four times a year with a maximum benefit of \$1,000.00

The Homeless Shelter Reimbursement Program is designed to assist homeless shelter providers with supplies and equipment expenses needed to assist the homeless. Local non-profits operating homeless shelters may submit current receipts and be reimbursed up to \$500.00 in the program year to assist with operating costs. Shelters must be a member of the Fayetteville/Continuum of Care and meet the requirements set by the Community Development Department. The City has allocated \$7,000 for this program. This activity meets priority homeless need 2 and 4 (CDBG)

Utility Deposit for Homeless Clients

Eligibility Citation - 24 CFR Part 570.208 (a)(2), 24 CFR Part 570.201(e)

The Homeless Utility Deposit for Homeless Clients is a grant designed to assist homeless clients with out-of-the pocket expenses needed to pay utility deposits (gas, electricity, water and sewer) when leaving transitional housing for private housing. The maximum amount of utility deposit will not exceed \$300.00. The homeless client must successfully complete a transitional housing program administered by a member of the Fayetteville/Continuum of Care Planning Council. The client must have been employed and financially stable for six months or more. If not employed, the client should receive monthly financial assistance from another reliable source such as Social Security Administration, Veterans Administration, Government Retirement Program or other sources of income. The City has allocated \$3,000 for this program. This activity meets priority homeless need 2 and 4 (CDBG)

Homeless Assistance Program

Eligibility Citation – 24 CFR Part 570.208 (a)(2), 24 CFR Part 570.201(e)

The Homeless Assistance Program is designed to assist homeless persons through the assistance of the City's Homeless Project Police Officer. The City of Fayetteville provides a police officer to assist the homeless with needed services to ensure their safety and well-being. The Homeless Assistance Program will provide funds for the Homeless Project Officer to purchase items such as blankets, toiletries and bus passes to homeless persons who are in need of shelter. The Homeless Project Officer also conducts a Homeless Stand-down to connect homeless persons to immediate services twice a year. The Homeless Assistance Program also is designed to assist in the participation of other homeless efforts as needed by the Community Development Department. The City has allocated \$2,000 for this program. This activity meets priority homeless need 2 and 4 (CDBG).

Hope Center Homeless Shelter

Eligibility Citation – 24 CFR Part 570.208 (a)(2), 24 CFR Part 570.201(e)

The Hope Center Emergency Shelter is located 913 Person Street. This shelter targets chronically homeless men. The City Council has approved the Gospel Services Benevolent, Inc., as the organization to operate the facility. The facility has 21 beds. The residents are given assistance with housing, employment and counseling. The City provides utilities for the shelter during its operation. The City has allocated \$10,000 for this program. This activity meets priority homeless need 1, 2 and 4 (CDBG).

Operation Inasmuch Homeless Day Center

Eligibility Citation – 24 CFR Part 570.208 (a)(2), 24 CFR Part 570.201(e)

The Fayetteville Area Operation Inasmuch operates a homeless day resource center. The Day Center is opened to homeless persons who are looking to increase their self-sufficiency and independence through on-site programs and services. The day center will host a breakfast each morning for the homeless and provide counseling. The City will assist by providing funds for food used for the breakfast meals. The City has allocated \$20,000 for this program. This activity meets priority homeless need 2 and 4 (CDBG).

Fresh Touch Ministries

Eligibility Citation – 24 CFR Part 570.208 (a)(2), 24 CFR Part 570.201(e)

Fresh Touch Ministries serves the homeless by offering food preparation services and referral for resources to the homeless population in Fayetteville. The organization's long-term goal is to provide temporary housing, counseling and job training. The City will assist by providing funds for food for the meals that are served. The City has allocated \$5,000 for this program. This activity meets priority homeless need 2 and 4 (CDBG).

PROGRAM ADMINISTRATION

HUD regulations allow the City to expend not more than 20 percent of the sum of the grant, including program income for CDBG program activities and 10 percent of the

percentage of the sum of the grant including program income for the HOME program for payment of reasonable administrative and planning costs.

Eligible costs

Administrative and planning costs include but are not limited to:

- (a) General management, oversight and coordination;
- (b) Salaries, wages, and related costs of the participating jurisdiction's staff;
- (c) Monitoring progress and compliance with program requirements;
- (d) Preparing reports and other documents related to the program for submission to HUD;
- (e) Coordinating the resolution of audit and monitoring findings;
- (f) Evaluating program results against stated objectives; and
- (g) Travel costs incurred for official business in carrying out the program;
- (h) Administrative services performed under third party contracts or agreements;
- (i) Capacity building and training activities for staff and non-profits;
- (j) Fair housing and activities to affirmatively further fair

Planning Activities

The City continues to work with other agencies and nonprofit groups to build partnerships to further the mission of the Community Development Department.

Indirect Cost Allocation

The City utilizes a cost allocation plan prepared in accordance with OMB Circular A-87 to distribute indirect costs to the CDBG and HOME programs. The City anticipates indirect cost allocation charges of \$122,850 during the 2011-2012 program year.

HOME Matching Requirements

Jurisdictions participating in the HOME program are required to make contributions to housing that qualifies as affordable housing. During a fiscal year, the contributions or match must total not less than 25 percent of the HOME funds drawn from the jurisdiction's HOME Investment Trust Fund Treasury account in that fiscal year for project costs, unless the participating jurisdiction has received a reduction in the match requirement. HUD allows for a reduction in the match requirement if the jurisdiction meets certain fiscal distress criteria. The City has appropriated the required funds to match HOME project costs. When the City reimburses itself eligible HOME expenditures, the City draws the sum of total expenditure minus the required match. Consequently the City's required HOME match is realized when the funds are drawn from the treasury.

OTHER ACTIONS

- The City is an active participant and contributor to the five-year HOPE VI project in which our City's Public Housing Authority was awarded \$20 million in HOPE VI funding to revitalize the Old Wilmington Road community by developing additional units in the area to benefit seniors, single family homeowners and

renters and by replacing 249 public housing complex units located at Campbell Terrace and Delona Gardens in the Old Wilmington Road area of Fayetteville with approximately 600 newly constructed onsite and offsite mixed income affordable housing units. Tremendous progress was made during the 2010-2011 program year with the completion of Dogwood Manor located on Alfred Street that provides 36 affordable newly constructed rental units for seniors, Curtis Lane Family Rental located on Curtis Lane that provides 184 affordable newly constructed rental units to benefit low to moderate income families, Oak Run (Phase I) located on Old Wilmington Road which is the first phase replacement of Campbell Terrace that provides 112 affordable newly constructed rental units, Six (6) of 105 affordable single family homes to be built for low to moderate income homeowners located on Old Wilmington Road, and Bunce East Apartments located on Bunce Road that provides 72 affordable newly constructed rental units to benefit low to moderate income families.

- The City previously received \$385,584 in CDBG-R funds and spent \$280,000 of these funds on the newly developed Residential Façade Grant Program that provided up to \$5,000 as a grant to assist low to moderate homeowners with needed exterior repairs. The Residential Façade Grant Program was a very successful program that provided assistance to a total of 113 homes before funding ran out in February of the 2010-2011 program year. Approximately an additional \$285,000 in CDBG funds were also used to complete projects for the Residential Façade Grant Program. This program not only preserved and improved the homeowner's housing unit, but aesthetically improved the overall appearance of the City's residential neighborhoods as it removed blight. The City also increased the funding of its Acquisition and Demolition Program with a portion of its CDBG-R funds.
- Due to the anticipated decrease in CDBG allocated funds to entitlements and other funded municipalities and consortiums, the City of Fayetteville decreased its program offerings to include those in the housing division in which there was little or no demand or in which funding was no longer available, which resulted in the elimination of the Replacement Housing Program that benefited denied Owner Occupied Rehab Program applicants with too much repair work in comparison to the home's current value or the program's maximum cap up to \$50,000 in assistance per application; the IDA Program that provided a \$1,000 matching grant to eligible homebuyers saving up to purchasing a home; the Residential Façade Grant Program in which the original funding source of CDBG-R funds ran out that provided a \$5,000 grant to assist eligible homeowners with exterior repairs; and any additional affordable housing projects other than those scheduled and committed to assist the City's Hope VI project.
- The City also reduced the Street Paving Assessment Assistance Program from its annual budget of \$10,000 to benefit 10 families to \$3,000 to benefit 3 families. This program is also expected to be eliminated in the near future due to its lack of demand and/or not being necessary to benefit families within the City.

- The City has increased its marketing efforts for both formerly existing and new programs within the Housing Division to include radio broadcastings, the posting of public service announcements (PSAs) on the local television informational channel, its participation in local agencies' housing expos, fairs and meetings regarding available housing programs and the updating of the department's web pages.
- The elimination of Residential Façade Grant Program has in turn increased or returned the demand for the City's Owner Occupied Rehabilitation Program.
- Revisions were made to the City's Acquisition and Demolition Program during the program year for increasing the elimination of blight by increasing the total award amount in providing demolitions to housing units to \$7,500 to cover the costs of state required asbestos risk assessments and for the removal of asbestos materials if found, to include the demolition of mobile home housing units, commercial properties and churches; with a maximum amount for demolition to commercial properties and churches of \$30,000.
- The Strategic Alliance of Business Resources for Entrepreneurs (SABRE) is a coalition of government supported, not-for-profit organizations whose mission is to help individuals create and grow successful businesses in the Fayetteville area. The alliance continues to expand, but current members of this group include staff from the City's Community Development Department, Fayetteville-Cumberland County Chamber of Commerce, Center for Economic Empowerment and Development, Fayetteville Business Center, Cumberland Regional Improvement Corporation, FSU's Small Business and Technology Development Center, SCORE, North Carolina Military Business Center, Procurement Technical Assistance Center, Veterans Business Outreach Center at FSU, Cumberland County Public Library, FTCC Small Business Center, SBA, Hope Mills and Spring Lake Chambers of Commerce. The goal of SABRE is to make it easier for individuals and small businesses to access the resources most suited to their particular needs.
- The City's Downtown Development Manager is responsible for assisting downtown revitalization and business development efforts as well as providing ongoing communication with business and property owners in the downtown area. This position has been incorporated into the Community Development Department.
- The City of Fayetteville continues to offer a property tax grant back program to provide incentives to qualifying development projects in a designated Economic Development Incentive Zone. The primary objective of the program is to induce private investment thereby improving the economic health and diversity of the City and increasing the City's property tax base. Given the difficulty in

determining the precise economic impact of a particular development project, the City has chosen to base the amount of the incentive on the increase in the taxable value of the property involved in the project, not including land value. The taxable value of the property after improvements have taken place will be compared to the taxable value of the property before the improvements were made to determine the increase in the taxable value of the property. In order to be eligible for incentives under this program, a project must have improved the taxable value of the associated property by at least \$500,000.

- The HUB Zone Empowerment Contracting Program provides federal contracting opportunities for qualified small businesses located in distressed areas. This program was enacted into law as part of the Small Business Reauthorization Act of 1997. The program falls under the auspices of the U. S. Small Business Administration. A HUB Zone is a historically underutilized business zone that is located in a qualified census tract (as defined in section 42(d)(5)(C)(i)(1) of the Internal Revenue Code of 1986). Cumberland County has eight census tracts identified as HUB Zones. These census tracts are 1, 2, 4, 10, 12, 13, 24 and 35. The HUB Zone Empowerment Contracting Program stimulates economic development and creates jobs in urban and rural communities by providing federal contracting preferences to small businesses located in distressed areas or HUB Zones. These contracting preferences go to small businesses that obtain HUB Zone certification through the SBA. To qualify a business must be small by SBA size standards, have it's principal office located in a HUB Zone, be operated and controlled by a U. S. citizen and at least 35% of its employees must reside in a HUB Zone.
- An Urban Progress Zone is defined as an area comprised of one or more contiguous census tracts, census block groups, or both, or parts thereof; all of the area is located in whole within the primary corporate limits of a municipality with a population of more than 10,000 and meet other conditions as defined in the most recent federal decennial census. The City of Fayetteville has two approved zones. The first zone includes Census Tracts 10, 22, 23 and 24 (block groups 1, 2 and 5). Congress amended the program guidelines for establishing a zone in August 2007 and this allowed the City to apply and receive an approval for a second urban progress zone. This second zone includes Census Tracts 12 and 13. Article 3J Credits offer enhanced state tax credits to eligible businesses located in an urban progress zone. This tax credit program narrows its focus on job creation and business investment. Municipalities can apply for one or more zones as long as they meet the guidelines for establishing a zone. The zone is intended to provide economic incentives to simulate new investment and job creation in economically distressed urban areas.

Lead-Based Paint Hazards

Lead poisoning is one of the worst environmental threats to children in the United States. While anyone exposed to high concentrations of lead can become poisoned, the effects are most pronounced among young children.

All children are at higher risk to suffer lead poisoning than adults, but children under age six are even more vulnerable because their nervous systems are still developing. At high levels, lead poisoning can cause convulsions, coma and even death. Such severe cases of lead poisoning are now extremely rare, but do still occur. At lower levels, observed adverse health effects from lead poisoning in young children include reduced intelligence, reading and learning disabilities impaired hearing and slowed growth.

Since the 1970s, restrictions on the use of lead have limited the amount of lead being released into the environment. As a result, national blood lead levels for children under the age of six declined by 75% over the 1980s and dropped another 29% through the early 1990s. Despite the decline in blood-lead levels over the past decade, as many as 900,000 children in the United States still have blood lead levels above 10µg/dL (micrograms of lead per deciliter of whole blood). These levels are unacceptable according to the Centers for Disease Control and Prevention (CDC) which lowered blood lead intervention levels for young children from 25µg/dL to 10µg/dL in 1991. Many of these lead-poisoned children live in low-income families and in old homes with heavy concentrations of lead-based paint. The CDC identified the two most important remaining sources of lead hazards to be deteriorated lead-based paint in housing built before 1978 and urban soil and dust contaminated by past emissions of leaded gasoline.

The national goal for blood lead levels among children ages six months to five years is to limit elevations above 15µg/dL to no more than 300,000 per year and to entirely eliminate elevations above 25µg/dL.

Housing with Lead-Based Paint Hazards

According to HUD, lead paint is typically found in homes that were constructed prior to 1978. Since 27% of the housing inventory in the County outside of the City was built prior to 1980, the probability of finding lead paint in existing residential units is very high.

The following table provides estimates of the number of occupied housing units (renter and owner) that are suspected of containing lead based paint.

More than one in three renter units (38%) located in the County outside of the City are suspected of containing lead based paint. The incidence among owner units is closer to one in four units (27%).

The findings listed below are reflective of the data analysis conducted as part of the Housing and Homeless Needs Assessment for Cumberland County outside of

Fayetteville. These findings will serve as the basis for developing priorities and implementation strategies for the County's federal entitlement program activities.

Large families were the smallest household type (by number) among extremely low income renters but experienced the highest rates of housing problems and cost burden. However, all household types in this income group have significant housing problems with high rates of cost burden and extreme cost burden. Typically, rental assistance is the greatest need among these households, as well as housing rehabilitation of substandard units.

Housing problems ranged from 34% for elderly owners up to 70% for large families. The degree of cost burden ranged from 33% for elderly owners up to 61% for small families. The degree of extreme cost burden ranged from a low of 8% among large families to a high of 26% among all other household types. Similar to other lower income homeowners, housing rehabilitation for these households would be beneficial.

Hispanic households accounted for 5.9% of total households and 4% of all homeowner households in Cumberland County outside of Fayetteville in 2000. They also represented 4% of all lower income homeowners. However, the rate of housing problems experienced by this ethnic group (71% to 100%) were higher than among black non-Hispanics and white non-Hispanics of similar income levels.

Black non-Hispanic households accounted for 37.5% of total households and 28% of all homeowner households in the County outside of the City in 2000. They represented 35% of all lower income homeowners. Rates of housing problems ranged from 66% to 78% for these households.

Twenty-four percent (24%) of the 5,068 elderly with a disability reported that they had a self-care disability that limited their ability to dress, bath, or get around inside their home without assistance. Forty-six percent (46%) of the elderly with a disability reported that their disability limited their ability to go outside their home alone to shop or visit a doctor's office. Thirteen percent (13%) of all elderly persons were living below the poverty level; 866 (17%) of all elderly persons with a disability had income levels below poverty.

Of the 534 elderly and extra-elderly renter households with incomes below 80% of the MFI, 244 (46%) experienced housing problems in 2000. Of the 1,277 elderly and extra-elderly owner households with incomes below 80% of the MFI, 586 (46%) experienced housing problems.

The 2000 Census reported that there were 139,497 non-institutionalized persons age 5 and over in Cumberland County outside of Fayetteville. Of these, 29,320 (21%) reported a disability. There were 10,127 working age persons between the ages of 16 to 64 with a disability who were unemployed. 4,742 (16%) of the 29,320 disabled persons were living below poverty.

More than one in three renter units (38%) located in the County outside of the City are suspected of containing lead based paint. The incidence among owner units is closer to one in four units (27%). HUD's final rule on lead-based paint, effective September 15, 2000, has not significantly impacted the County's housing programs. There has not been a trend of increasing rehabilitation costs required per unit for rehabilitation activities due to lead-based pain. The County will continue to comply with HUD regulations concerning lead-based paint testing, abatement, and education.

Local Estimates

While the prevalence of lead-based paint hazards varies by region, housing unit age and household income among other factors, the national percentages of lead-based paint in occupied housing were applied to the number of housing units in Cumberland County to estimate the percentage of housing units that could contain hazards.

Estimated Incidence of Lead-Based Paint in Housing Stock, 2009 (Cumberland County Outside of Fayetteville)						
	Owner Units Estimated			Renter Units Estimated		
			Units with			Units with
Year Built	Total Units	% with LBP	LBP	Total Units	% with LBP	LBP
1980- Present	34,820	x 0 =	0	25,590	x 0 =	0
1960-1979	26,150	x 0.62 =	16,213	16,265	x 0.62 =	10,084
1940-1959	6,295	x 0.80 =	5,036	5,245	x 0.80 =	4,196
Before 1940	1,330	x 0.90 =	1,197	1,820	x 0.90 =	1,638
Total	68,595		22,446	48,920		15,918

Based on these estimates, as many as 38,364 occupied housing units in Cumberland County could contain lead-based paint. Of these units with lead-based paint, 22,446 are owner-occupied and 15,918 are occupied by renters. Up to 5,276 houses may have deteriorated lead-based paint.

Lead-Based Paint Hazard Reduction

The federal Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992) amends the Lead-Based Paint Poisoning Prevention Act of 1971, which is the law covering lead-based paint in federally funded housing. These laws and subsequent regulations issued by the U.S. Department of Housing and Urban Development protect young children from lead-based paint hazards in housing that is financially assisted or being sold by the federal government.

In Fayetteville, evaluations of the prevalence of lead-based paint in housing units are conducted by project and lead abatement is prescribed for all dwellings targeted for rehabilitation. In addition, all assisted housing tenants are informed of the hazards of

lead-based paint. The Cumberland County Health Department provides ongoing consultation to local housing staff.

Local monitoring and compliance

The City of Fayetteville allocates CDBG and HOME funds annually to implement actions designed to accomplish goals and objectives that meet community needs identified in its Consolidated Plan. Consequently the City is responsible for ensuring that funding recipients (i.e., subrecipients and CHDOs) comply with applicable regulations and requirements governing their administrative, financial and programmatic operations. In accordance with 24 CFR 91.230, the City utilizes a local monitoring and compliance plan that describes the standards and procedures that will be used to monitor activities carried out in furtherance of the 2010-2011 One-Year Action Plan and will be used to ensure long-term compliance with requirements of the programs involved; the plan also includes a schedule of projected monitoring visits for the program year.

The City's monitoring and compliance plan is designed to accomplish the following objectives:

- To determine if project activities are consistent with the service agreement and conducted in a timely manner.
- To determine eligibility of costs charged to the project under applicable laws and CDBG/HOME regulations and reasonable in light of the services or products delivered.
- To determine if activities are conducted with adequate control over program and financial performance and in a way that minimizes opportunities for waste, mismanagement, fraud and abuse.
- To assess if the subrecipient/CHDO has continuing capacity to carry out the approved project.
- To identify potential problem areas and to assist the subrecipient/CHDO in complying with applicable laws and regulations.
- To assist subrecipient/CHDO in resolving compliance problems through discussion, negotiation, and the provision of technical assistance and training.
- To provide adequate follow-up measures to ensure that performance and compliance deficiencies are corrected by subrecipient/CHDO, and not repeated.
- To ensure that the maintenance of required records is accomplished.

The monitoring visit is followed with written a report detailing concerns, comments and/or recommendations for improvement.

In addition to on-site visits, the City also monitors subrecipient activities through the review of reports and draw requests. Each subrecipient is required to submit monthly or quarterly written reports on the progress of their CDBG-or HOME-funded activities. These reports indicate how well the subrecipient is performing against the targets set in the grant agreement. They submit requests for reimbursement of project expenses as needed (usually monthly) with sufficient back-up detail to support the request (e.g. copies of payrolls or paid invoices). Reimbursements are made after the expense has been

incurred and reviewed for eligibility by the City. Particular attention is paid to compliance with eligibility and National Objective requirements. Other areas of emphasis during monitoring visits are project performance, contract compliance, financial management, record management, procurement practices and compliance with civil rights requirements.

Subrecipient/CHDO On-Site Monitoring Review Policy

The City's monitoring activities are designed to determine whether a subrecipient/CHDO is providing services or conducting activities in compliance with local, state and federal regulations and the requirements of the service agreement. The first step is to schedule the on-site review with the respective subrecipient/CHDO. At least one monitoring visit will be conducted with the subrecipient/CHDO during a fiscal year. Additional monitoring visits may be scheduled if the activity is determined to be high risk or at the City's discretion. After the monitoring visit is scheduled, a confirmation letter that identifies the information and items needed in preparation for the visit will be mailed to the subrecipient/CHDO.

An entrance conference is held on-site with executive director and/or appropriate financial/program staff immediately before the monitoring begins. The conference is used to make sure the staff has a clear understanding of the purpose and scope of the monitoring visit from the very beginning. The City will use the following monitoring instruments during the on-site review to assess the subrecipient's compliance with applicable laws and regulations for CDBG/HOME assistance.

Annual subrecipient/CHDO On-Site Monitoring Review

The City will utilize the following checklist during onsite monitoring of subrecipient/CHDO activities. Items checked for CHDO only are so indicated.

- Productivity: number of household's assisted/units completed during the fiscal year
- Meeting of national objective
- Meeting of contract statement of work/scope of success.
- Meeting of eligible/ineligible activities compliance
- Verification of income assistance given to low to moderate income persons
- Application/approval process
- General income characteristic of beneficiary
- Racial/ethnic groups served during fiscal year
- Number of female - headed households served during fiscal year
- Financial status
 - Financial management system
 - Payroll records
 - Cost allowability
 - Review of records maintenance
 - Overall accomplishments
- CHDO qualification/recertification

- Review legal status
 - Confirm organization under state/local law
 - Purpose of organization
 - Confirm no individual benefit
 - Geographical service area
 - Non-profit status
- Review organizational structure
 - Composition of the Board of Directors
 - Low-income community representation
 - Low-income input
 - Public –sector limits
- Eligible use of HOME funds

The following items are also indicated on this form: subrecipient's name, telephone number, responsible party/title, and type of activity/description and activity location.

Monitoring Review Sampling Result Sheet

This form is used to document specific findings of records reviewed (whether sampled or comprehensive) to document national objective requirements, fulfillment of contract objectives, consistency and compliance with the contracted scope of services, test for activity eligibility and low to moderate income verifications for persons assisted. For each record reviewed, the applicant/beneficiary's name, address or location of service, and telephone number are indicated.

Contract Objectives Check-Off List

This document is used to assess whether the scope of services and key contract objectives have been met by respective subrecipient/CHDO. This form enlists the subrecipient contract provisions.

Exit Conference

At the end of the visit, key subrecipient/CHDO staff members are met with again to present the tentative conclusions from the monitoring visit. The conference has four objectives:

- to present preliminary results of the monitoring visit;
- to provide an opportunity for the subrecipient to correct any misconceptions or misunderstandings on the City's part;
- to secure additional information from subrecipient staff to clarify or support their position; and
- To provide an opportunity for the subrecipient/CHDO to report steps they being taken to correct deficiencies identified in the monitoring visit.

Follow-Up Letters

Two-follow up letters shall be mailed to subrecipient regarding the results of the review. The first letter will serve to document requests for additional information not readily available at time of review; concerns; and/or findings (whether subsequently resolved or outstanding.) After receipt of the first follow-up letter, the subrecipient shall be allowed

ten working days to satisfy requests and/or to respond to concerns and findings. The subrecipient should then be mailed a final follow up letter that will state whether or not issues stated in the first follow-up letter have been resolved or satisfied. This letter both documents and provides for additional requests by the City for any issues that remain outstanding.

Affirmatively Furthering Fair Housing

Basis for the Analysis of Impediments to Fair Housing Choice

Each year, the U.S. Department of Housing and Urban Development [HUD] requires Community Development Block Grant [CDBG] entitlement grantees [such as Cumberland County the City of Fayetteville] to submit a certification that they will affirmatively further fair housing and that their grants will be administered in compliance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act of 1968. Title VIII of the Civil Rights Act of 1968, as amended, commonly known as the Fair Housing Act, prohibits discrimination in the sale or rental of housing on the basis of race, color, religion, sex, and national origin. The Act was amended in 1988 to provide stiffer penalties, establish an administrative enforcement mechanism and to expand its coverage to prohibit discrimination on the basis of familial status and disability. The Act also requires the Secretary of HUD to administer the Department's Housing and Community Development Programs in a manner that affirmatively furthers fair housing.

Provisions to affirmatively further fair housing (AFFH) are principal and long-standing components of HUD's housing and community development programs. These provisions flow from the mandate of Section 808(e)(5) of the Fair Housing Act which requires the Secretary of HUD to administer the Department's housing and urban development programs in a manner to affirmatively further fair housing¹.

Local entitlement communities meet this obligation by performing an "*Analysis of Impediments to Fair Housing Choice* [AI] within their communities and developing (and implementing) strategies and actions to overcome these barriers based on their history, circumstances, and experiences. In other words, Cumberland County and the City of Fayetteville will define the problems, develop solutions, and be held accountable for meeting the standards they set for themselves. This analysis identifies the impediments to Fair Housing Choice in the jurisdiction, assesses current fair housing initiatives, and describes actions the jurisdiction will take to overcome the identified impediments. If Cumberland County and the City of Fayetteville identify local impediments to fair housing choice, these grantees will take actions that address the impediments, at which time HUD will presume that the grantee is meeting its obligation and certifying to affirmatively further fair housing by:

¹ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 1: Fair Housing Planning Historical Overview, Page 13)*. March 1996.

- Analyzing and eliminating housing discrimination within the jurisdiction;
- Promoting fair housing choice for all persons;
- Providing opportunities for racially and ethnically inclusive patterns of housing occupancy;
- Promoting housing that is physically accessible to all persons to include those persons with disabilities;
- And, fostering compliance with the nondiscrimination provisions of the Fair Housing Act.

By following this process, Cumberland County and the City of Fayetteville promote fair housing choice for all persons, to include Protected Classes, as well as providing opportunities for racially and ethnically inclusive patterns of housing occupancy, identifies structural and systemic barriers to fair housing choice, and promoting housing that is physically accessible and usable by persons with disabilities.

Through its Community Planning and Development [CPD] programs, HUD's goal is to expand mobility and widen a person's freedom of choice within an area they choose to live. The Department also requires Community Development Block Grant [CDBG] Program grantees (those Entitlement jurisdictions such as Cumberland County and the City of Fayetteville that administer the above identified CPD Programs) to document AFFH actions in the CDBG and Comprehensive Housing Affordability Strategy [CHAS] annual performance reports that are submitted to HUD.

Definitions

As defined in *The Fair Housing Planning Guide*, the definition of Affirmatively Further Fair Housing [AFFH] requires a grantee to:

- Conduct an analysis to identify impediments to fair housing choice within the jurisdiction;
- Take appropriate actions to overcome the effects of any impediments identified through the analysis;
- And, maintain records reflecting the analysis and actions taken in this regard².

² U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 1: Fair Housing Planning Historical Overview, Page 14)*. March 1996.

As described in *The Fair Housing Planning Guide*, the CHAS statute at Section 104(21) defines the term “certification” within the context of the Certification to Affirmatively Further Fair Housing [AFFH] to be:

- A written assertion
- Based on supporting evidence
- Available for inspection by the Secretary, the Inspector General and the public
- Deemed accurate for purposes of this Act unless the Secretary determines otherwise after:

1. Inspecting the evidence
2. Providing due notice and opportunity for comment³.

In carrying out its local Analysis of Impediments to Fair Housing Choice, Cumberland County and the City of Fayetteville utilized the following definition of Fair Housing Choice as outlined by HUD:

- The ability of persons of similar income levels to have available to them the same housing choices regardless of race, color, religion, sex, national origin, familial status, or handicap.

As defined in *The Fair Housing Planning Guide*, the definitions of impediments to fair housing choice include:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin⁴.

Limitations of This Analysis

The following information, herein defined as Cumberland County and the City of Fayetteville’s *Analysis of Impediments to Fair Housing Choice*, was prepared for the purposes as previously described. Therefore, this report seeks to identify impediments and develop a proposed Fair Housing Action Plan as proposed solutions. Many of the impediments identified in this report will require additional research and on-going analysis by the City and County’s Community Development Staff. This report does not constitute a comprehensive planning guide but simply provides analysis as to the current situation and prepares a plan of action to address existing impediments.

³ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 1: Fair Housing Planning Historical Overview, Page 16)*. March 1996.

⁴ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 2: Preparing For Fair Housing Planning, Page 26)*. March 1996.

Findings

The following are findings of the Analysis of Impediments conducted in March of 2010 by WFN, Inc. along with their suggested recommendations:

Impediments and Proposed Fair Housing Action Plan

Impediment #1 – Accessibility to Effective Public Transportation

Public transportation plays a role in expanding the supply of affordable housing to groups in need and others protected under fair housing laws. At issue is the ease with which a citizen can travel from home to work if he/she lives in a lower income area or an area of minority concentration. If public transportation from a lower cost neighborhood is inefficient in providing access to employment centers, that neighborhood becomes inaccessible to those without dependable means of transportation, particularly very low-income residents, the elderly, and persons with disabilities.

While the City of Fayetteville does provide public transportation options through its Fayetteville Area System of Transit (FAST), it does not have adequate service routes to all areas of the City or into areas outside of Fayetteville to the rest of Cumberland County; has limited hours of operation which does not provide assistance for those working 2nd and 3rd shift jobs or on weekends (especially Sunday), and the length of time it takes a citizen to utilize the current bus routes can be quite lengthy according to rider feedback.

Recommendation

The City of Fayetteville conducted a Transit Development Plan (TDP) in March 2009. In order to address the issues raised in the TDP and this *Analysis*, the City should proceed to implement the recommendations and begin to expand FAST services, routes and operating hours, to include Sunday and late evening operations.

Cumberland County lacks any form of Public Transportation system aside from the few routes operated through FAST to Fort Bragg and Hope Mills. In order to achieve true Fair Housing Choice, the County should conduct a TDP of its own and look into either assisting the City of Fayetteville expand FAST's services into the County or develop its own transit system.

Impediment #2 - Expanding Affordable Housing Choices

Although Cumberland County has relatively low-cost housing, not all groups benefit. Much of the housing for sale, even at the lower end, is priced beyond the means of lower-income families. While rental housing is less expensive, the majority of multi-family housing consists of smaller one- and two- bedroom units.

Historically, the region has had a sufficient stock of single-family home rentals, but where larger households have difficulties is locating housing with three or more bedrooms. The cost to rent these larger single family homes can be expected to increase beyond the reach of many low-income minority households. In fact, according to the

2008 Census Estimates, 48% of all renters pay 30% or more of their incomes on rent alone.

Moreover, demographic data show that minority families on average have lower per capita income and larger household sizes in nearly all communities. These families find themselves in a highly competitive market for the few larger rental units available. Poverty rates for single females with children are high across the county.

There is insufficient financing to develop the amount of affordable housing required to address the needs of lower income households as evidenced by the waiting lists for assisted housing, public housing and Section 8 Rental Assistance Program.

Recommendation

While both the City and County have taken recent actions to increase the supply of affordable housing, further steps are needed to develop a viable affordable housing strategy together with effective implementing policies to include more subsidized housing. Continuing to utilize HUD grants to further fund new and existing housing development and rehabilitation projects, especially affordable rental units, is highly recommended for both the City and County.

Another method to remove this impediment would be the study and potential use of inclusionary zoning and density bonuses. Researching successful efforts made in other jurisdictions across would be recommended.

Impediment #3 – Lack of Public Education/NIMBYism

The current amount of Fair Housing education classes, workshops, informational materials and programs is limited within both the County and City. Public opposition to affordable rental and for-sale housing suggests that citizens misunderstand the potential benefits.

In fact, in the Fair Housing Survey, 58% of all respondents said they were not familiar with the Fair Housing laws. When asked if they knew how to file a Fair Housing report in Cumberland County and the City of Fayetteville, 77% did not know how. This shows a lack of education in place and needs to be addressed before true Fair Housing Choice can exist in the City and County.

Recommendation

While the Fayetteville-Cumberland Human Relations Department already has promotional and information materials readily available, to remove this impediment, they should further conduct an education and outreach campaign targeting housing providers and consumers using multiple media vehicles in English, Spanish, and other major languages common to Cumberland County and the City of Fayetteville residents. The Fayetteville-Cumberland Human Relations Department should employ enforcement testing and follow-up investigation of fair housing complaints in a timely manner. If litigated successfully, results should be published in local media to strengthen public knowledge of Fair Housing Law.

Impediment #4 - Mortgage Lending

Equal opportunity to credit, or fair lending, is one of the cornerstones of fair housing. It is a step in purchasing a home where discrimination can prevent a qualified buyer from successfully obtaining a home. Lenders continue to more frequently deny minority applicants than White applicants, even when controlling for income. Upper income Black applicants, those earning over 120% of median income, were more likely to be denied home loans than White applicants earning between 50% and 79% of median income.

Unfortunately, origination and denial rates in home lending only tell half the story. Predatory lending, defined by HUD and the U.S. Department of the Treasury as lending involving deception or fraud, manipulation of borrowers through aggressive sales tactics, or taking unfair advantage of a borrower's lack of understanding about loan terms, threatens low-income and minority loan applicants. These practices are often combined with loan terms that, alone or in combination, are abusive or make the borrower more vulnerable to abusive practices.

With an origination rate of less than 50%, the HMDA data suggests discriminatory mortgage lending practices. The data indicates targeting of sub-prime loans towards minorities and other predatory lending practices.

Recommendation

The HMDA data indicates targeting of sub-prime loans towards minorities and other predatory lending practices. The Fayetteville-Cumberland Human Relations Department, in conjunction with the North Carolina Human Relations Commission, should distribute educational materials on predatory lending to vulnerable groups, including minorities and seniors.

Further research and testing into the mortgage lending and underwriting practices is required to determine if any "predatory" practices limiting Fair Housing Choice exist. The County and City should initiate a variety of monitoring activities that provide information on the results of policies, practices, and procedures used within the housing industry.

Activities can range from reviewing and analyzing data available to the general public, such as HMDA data, to conducting Fair Housing Audits to determine the extent of discriminatory practices (if any) in a particular segment of the housing market, to sending in testers from different racial, ethnic and income-level backgrounds.

Possible penalties for those found "guilty" of predatory lending practices could be enforcement of fines against the person(s) and/or organization involved, getting HUD, the FDIC and FTA involvement in enforcement actions, and seeking to legal actions through class-action/civil lawsuits.

Impediment #5 - Land Use and Zoning

Zoning regulations were examined to determine if the entitlement jurisdiction encourages development and maintenance of affordable housing or imposes barriers to the detriment

of affordable housing. Planning tools of interest include inclusionary zoning ordinances and density bonuses.

Land use and zoning regulations are sometimes used to discriminate against people under the guise of preserving “neighborhood character”. Zoning and land use policies relating to occupancy restrictions, family definition, and constraints on group homes for persons with disabilities were reviewed for their effect on fair housing choice. No jurisdiction limits the number of occupants in a dwelling beyond the number allowed by the Uniform Housing Code.

The County and City’s definition of family excludes unrelated groups of more than five persons. State statutes that interpret federal disability law give groups of up to six persons the right to live in residential neighborhoods without conditional or special use permits. Furthermore, Fair Housing Law prohibits discrimination on the basis of familial status.

Recommendation

Both the City and County need to consider adopting zoning ordinances specifically focusing on reasonable accommodations for persons with disabilities, especially as it relates to housing.

The City already has incorporated a Fair Housing Code into its Code of Ordinances. The County should also adopt a similar code to enforce both private and non-profit housing developers to be held accountable for adhering to Fair Housing laws and regulations.

The County and City should monitor the effectiveness of the policies adopted in the 2030 Growth Vision Plan over the next five years. If they do not appear to be effective in furthering Fair Housing Choice for its residents, then another potential code both the County and City should consider is inclusionary zoning. Inclusionary zoning promotes fair housing choice by directly allocating a percentage of new housing to low and very low-income residents. Its effect is to distribute lower income residents throughout a city, increasing neighborhood diversity. Larger numbers of affordable units can be realized, funded in part by private investment.

Conclusion

While the City of Fayetteville and Cumberland County are working towards achieving and furthering Fair Housing Choice for its citizens, there are still potential impediments in place that need to be resolved and further researched. The decision that lies before each jurisdiction is simple:

- 1) Continue towards achieving Fair Housing Choice by being proactive in its approach in systemically reviewing all facets of Fair Housing Choice; or
- 2) Decide that the current efforts and programs in place are sufficient

The recommendations proposed in this analysis to address the issues with Public Transportation, the limited supply of affordable housing, zoning laws, public education and potential predatory lending practices can help both the City of Fayetteville and

Cumberland County achieve the reality of a community that truly has Fair Housing Choice.

It's a choice between complacency or proactively affirmatively furthering Fair Housing Choice that will make both the City of Fayetteville and Cumberland County a "better place for all of its citizens."

The City will also pursue the following:

- Expand the City's partnership with Habitat for Humanity and Kingdom Community Development Corporation utilizing their proven capacity as a low price housing producer to effectively lower the price levels;
- Aggressively pursuing multi-family affordable housing projects such as the Eastside Green Apartments III, Bunce East Apartments, and providing funding assistance to the development of units within the designated Hope VI area.
- Making loans designed to create jobs via the Downtown Loan program and the Business Assistance Program;
- Continue to make housing programs available to members of the protected classes;
- Continue relationship with Independent Living Program to cooperatively fund accessibility improvements. Ensure funds are available to renters;
- Include set-a-side of accessible units as a priority for funding development proposals with HOME funds (compatible with North Carolina Housing Finance Agency). Direct developers to Independent Living Program for guidance with design, referral of clients;
- Continue to support the long-term creation of a County-wide transit authority that can provide public transit County-wide; and
- Work with the Planning Department to consider revisions to Zoning Ordinance to ensure low cost housing options be sited widely in community.

HOME Program Recapture Provision

All units receiving HOME Program funds are required to comply with a designated affordability period as described above. The City of Fayetteville can ensure continued affordability through the recapture of its initial investment. The proceeds will be reprogrammed and used for other HOME eligible activities. Once the HOME funds are repaid, the property is no longer subject to the affordability requirements.

The City will make every effort to preserve affordability and avoid project default; however, in the event of a foreclosure, a transfer in lieu of foreclosure, or an assignment to HUD, the PJ must repay the HOME account. If the ownership of the housing is conveyed pursuant to a foreclosure sale, the amount of recapture due will be only the net proceeds from the sale. The recapture provisions and period of affordability on each

HOME-assisted unit are enforced through the deed restrictions that are recorded as a part of each real estate closing.

AVAILABLE RESOURCES, INSTITUTIONAL STRUCTURE, AND GOVERNMENTAL COORDINATION

Housing

Federal programs provide the bulk of resources utilized to provide safe sanitary and affordable housing in Fayetteville. Housing resources are also available from state programs, and community development housing organizations (CHDO's). Other non-profits, churches and foundations are existing, potential resources of affordable housing.

Federal Programs

Community Development Block Grant (CDBG.)

The City receives an annual allocation of CDBG program funds from HUD. These funds are allocated based on such factors as city population, poverty levels, and the percentage of low-income persons. As previously noted, these funds are intended to develop viable urban communities for low to moderate-income persons. The City's housing activities are primarily funded with HOME funds but significant CDBG resources are utilized to provide housing rehabilitation services (including emergency home repair).

HOME Investment Partnership

The City qualifies as a participating jurisdiction to receive an annual allocation of HOME Investment Partnership program (HOME) funds from HUD to conduct housing activities. HOME funds require a local match of non-federal funds. The City has to match 25 % of its HOME allocation.

HUD Section 8 Rental voucher and Certificate Program

HUD assists low- and very low-income families in obtaining decent, safe, and sanitary housing in private accommodations by making up the difference between what they can afford and the approved rent for an adequate housing unit. The Fayetteville Metropolitan Housing Authority operates this program.

Section 202

The Section 202 Supportive Housing for the Elderly Program helps expand the supply of affordable housing with supportive services for the elderly. The funds are available from HUD as competitive grants. It provides low-income elderly with options that allow them to live independently in the community. The Section 202 program provides capital advances to finance the construction and rehabilitation of structures that will serve as supportive housing for very low-income elderly persons, and the program also provides rent subsidies for the projects to help make them affordable. For the first time this year, a portion of the Section 202 funding has been set-aside to provide grants for converting existing Section 202 independent living residences into assisted living facilities. Eligible

applicants for this program are private nonprofit organizations and nonprofit consumer cooperatives

Public Housing Comprehensive Grant

The comprehensive grant program is the primary source of modernization funds for physical improvements to public housing units and for improvements to the management and operational practices for existing public housing projects for large public housing authorities (PHAs). HUD makes these funds available to help public housing agencies correct physical and management deficiencies and keep units in the housing stock safe and desirable places to live. The Fayetteville Metropolitan Housing Authority receives funding from this program.

Federal Low-Income Housing Tax Credits

These tax credits are used to encourage developers to produce rental housing for low-income households by allowing a 10-year federal tax credit, which is calculated on the project's qualified basis. The program is overseen by the N.C. Federal Tax Reform Allocation Committee and is administered by the North Carolina Housing Finance Agency. Multi-family affordable housing developments utilizing this program in Fayetteville include Longview Green, Blanton Green, Rosehill West, Haymont Manor, Bunce Green, and Bunce Manor, and Maple Ridge.

State Programs

The North Carolina General Assembly created the North Carolina Housing Finance Agency in 1973. Its mission is to lead in creating affordable housing opportunities through the effective investment of public and private capital, professionalism, and responsiveness to the needs of its partners and the people it serves. The Agency operates federal and state housing programs including the Mortgage Revenue Bond Program, Low-Income Housing Tax Credit Program and N.C. Housing Trust Fund. Using these and other sources of funds, including earnings, the Agency provides a variety of services ranging from low-cost mortgages for first-time homebuyers to helping local governments, nonprofit organizations and private owners develop affordable homes and apartments.

Local Programs

Private Financial Institutions

Most of the local banks offer affordable mortgage products and first time homebuyer financing programs that offer higher allowable debt ratio's, lower fees and higher loan to value ratios. These programs can be coupled with down-payment and gap financing assistance available from the City, County and the State to low to moderate-income homebuyers.

INSTITUTIONAL STRUCTURE

The housing provider community in Fayetteville is comprised of local government departments, non-profit housing organizations and for profit affordable housing developers.

Government Agencies

City of Fayetteville Community Development Department

The City's Community Development department develops and administers housing programs designed to finance housing rehabilitation loans, leverage other funds to attract the development of multi-family affordable housing, assist CHDO's to develop single family affordable housing and provides grants for emergency home repairs. The department utilizes HUD entitlement dollars and program income earned from loan proceeds and payoffs to fund its housing activities.

Fayetteville Metropolitan Housing Authority

The Fayetteville Metropolitan Housing Authority is a public housing organization that administers low-income housing programs. Though the Mayor appoints the board members, it receives funding directly from HUD. The Fayetteville Metropolitan Housing Authority has 1,045 housing units. One hundred twenty-four of these are scattered-site units located inside and outside the city. The remaining 921 are located in 12 project sites. The City is currently partnering with FMHA on its 2008 HOPE VI Revitalization Grant by committing funding, vacant land and waiving of filing fee and permit fee. FMHA received a 20 million dollar grant to revitalize the Old Wilmington Road area by replacing 249 existing distressed public housing units and obsolete infrastructure with 747 new mixed-income rental units (550) and homeownership dwellings (105), and providing 72 new housing units for disadvantaged persons at seven scattered sites.

Cumberland County Community Development Department

Cumberland County qualifies as an urban county and also receives HUD entitlement funds. The County is the lead agency for a consortium representing the remaining units of local government out side of Fayetteville and offers a slate of programs similar to the City's. Though the County's Community Development programs are designed to benefit non-city residents, the City and County have partnered to jointly fund multi-family housing developments in the city. The City is also currently partnering with the County to develop and share the expense of housing studies and assessments, and with the offering of various workshops and events.

Other Government Agencies

Several other City of Fayetteville departments also have an impact on housing in Fayetteville. The Inspections department enforces the zoning, building, housing and property maintenance ordinances. The Planning department reviews development plans, reviews and updates zoning and subdivision ordinances and makes recommendations to the Planning Commission on rezoning petitions. The Human Relations Department administers the City's Fair Housing Ordinance and investigates and resolves fair housing complaints.

Nonprofits

Cumberland Community Action Program

Cumberland Community Action Program (CCAP) develops and operates a diverse group of programs to meet needs of the low-income community. Programs include Consumer Credit Counseling Services, Community Food Bank, Head Start, SHARE and a Weatherization program. CCAP also has been certified as a CHDO (Community Housing Development Organization).

Fayetteville Urban Ministry

Fayetteville Urban Ministry has conducted an emergency repair program for local low to moderate-income homeowners since 1993. The program focus is on repairing substandard housing conditions that require immediate attention. All services are provided without charge to service recipients. The extensive use of volunteers and donated materials maximizes the City's funds. Donated new, surplus and recycled materials and partnerships with other providers leverages resources and helps to lower costs thereby maximizing the number of clients served.

Habitat for Humanity

The Fayetteville Area Habitat for Humanity has been active in the Old Wilmington Road and Massey Hill areas of downtown Fayetteville. Their primary activities include the construction affordable housing to be purchased by low-income homebuyers. Habitat has been certified as a CHDO (Community Housing Development Organization).

Kingdom Community Development Corporation

Kingdom Community Development Corporation (Kingdom) partners with the City to construct affordable single-family housing. For the past several years, the City has been working with Kingdom to complete Phase II of Fairley Estates, a twenty-lot subdivision. The City will continue to partner with Kingdom in the development of an affordable housing.

The Women's Center of Fayetteville

The Women's Center of Fayetteville is the newest certified CHDO for the City that has played an active role in acquiring and rehabilitating single family detached units for either rent or for lease to own, acquiring and rehabilitating multifamily housing units for rent, and very recently in new construction of single family detached units. The City will continue to partner with the Women's Center in various CHDO eligible activities.

GOVERNMENTAL COORDINATION

The City, Cumberland County, non-profits and private developers have partnered on several significant affordable housing developments. These collaborations have enhanced the leveraging of funds to implement projects that would have been difficult to implement individually.

Private Housing Developers

The City has partnered with United Developers on several affordable housing developments for low-income renters. United Developers is a locally owned company that specializes in low income tax credit projects. During the 2010-2011 program year, the City proposes to partner with United Developers and Evrytanian Association of America “Velouchi” and the North Carolina Housing Foundation, Inc. to provide additional affordable housing units. The City has developed a Request for Proposal (RFP)/Application process to provide for full and open competition in the request for funding for affordable housing development projects constructed by private housing developers.

Relationships Among Housing Organizations

The representation of members on the boards and committees of different housing organizations facilitate cooperation and coordination among local housing organizations. Representatives of the City, the County, local non-profits, bankers and real-estate professionals serve on an affordable housing advocacy group known as the Affordable Housing Network of Fayetteville and Cumberland County. In addition, the Mayor appoints the Fayetteville Metropolitan Housing Authority's board members and reviews the organization's budget prior to submission of their comprehensive grant application. The City also participates in the Cumberland County Continuum of Care planning committee.

STRATEGY TO OVERCOME GAPS

Housing Development Capacity

The City has worked closely with CHDO's and non-profits to facilitate and sponsor the provision of technical assistance. The City currently has four certified CHDO's – Kingdom Community Development Corporation, Cumberland Community Action Program, Fayetteville Area Habitat for Humanity and the Women's Center of Fayetteville. The City works with these organizations to provide affordable housing in the City. The City will continue to work existing housing development organizations and encourage development of other organizations.

Public-Private Partnerships

The City will continue to offer low-interest housing rehabilitation loans to encourage owner investors to provide affordable housing for low-income renters. This method provides program income needed to fund housing development activities. The City continues to expand its partnerships with The Fayetteville Area Habitat for Humanity, Kingdom Community Development Corporation, Cumberland Community Action Program, Fayetteville Urban Ministry and the Women's Center of Fayetteville.

AVAILABLE RESOURCES, INSTITUTIONAL STRUCTURE, AND GOVERNMENTAL COORDINATION

Community Development

The City funds its Community Development activities through the use of the City's CDBG entitlement funds. The City also utilizes partnerships with local Human Service agencies and volunteers to leverage financial and human resources.

INSTITUTIONAL STRUCTURE

Community Development Department

The City of Fayetteville Community Development Department develops and coordinates programs that enhance the accessibility of services to at-risk adults. These services are distributed through the Neighborhood Resource Center Network. Ongoing activities in the resource centers include GED classes, job skills training, computer training, medical terminology classes, internet access to the Employment Security Commission, home-buyer education workshops and community meetings. Community Development staff coordinate special activities with the local human service providers in response to community demand.

Parks and Recreation Department

The City of Fayetteville/Cumberland Parks and Recreation Department is the primary entity responsible for the provision of recreational programs and facilitates, improving the City's appearance and maintaining streets and storm drainage. They expanded the outreach and accessibility of recreation programs through joint use agreements with the school system. In this manner, the City makes capital improvements on school property that can be utilized by the school and the surrounding community.

Department of Social Services

The Department of Social Services provides specific social services, financial and medical assistance to all persons within Cumberland County who demonstrate need and meet eligibility criteria prescribed by state and federal law. Services are available to: all age groups, adult services, Income maintenance services, and family and children's services

Employment Security Commission

Employment Security Commission offers services in employer insurance accounts, employment counseling, industrial services, job placement, labor market information, unemployment insurance and veteran's programs.

Social Security Administration

The Social Security Administration assist individual in filing for benefits: Medicare, survivors, retirement, disability and supplemental security income; also social security cards.

Fayetteville Technical Community College

Fayetteville Technical Community College provides specialized and general education in the following areas: business, engineering technology, general education, health education, public service and vocational education. The City has partnered with Fayetteville Technical Community College to provide GED and ABE classes at all resource centers.

Fayetteville State University

Fayetteville State University is a constituent of the University of North Carolina offering baccalaureate programs in 24 disciplines such as accounting, business administration, economics, education, mathematics, computer science, public administration, psychology, sociology, etc. It also offers graduate programs in business administration, education, mathematics, history, psychology and teaching.

Methodist University

Methodist University offers bachelor's degrees in over 70 fields of studying communications, justice studies, business administration, education, and social work. New majors and concentrations recently added include interdisciplinary studies of clandestine labs, church leadership, and radio communications. The University also offers three master's degree programs.

Junior League of Fayetteville

The Junior League of Fayetteville focuses on Child Welfare under their Community Assistance Program Fund. All applicants must be a non-profit organization. They are also committed to supporting and promoting services in the areas of aging, downtown revitalization volunteerism, environmental awareness, substance abuse, education and adolescent pregnancy.

Florence Rogers Charitable Trust

The Florence Rogers Charitable Trust was established under the will of Florence L. Rogers and is a private foundation making grants to qualified recipients. The grant seed money is used to try new ideas concerning education, recreation, welfare of children, and the improvement of the quality of life within our geographical area.

Cumberland Community Foundation, Inc

Cumberland Community Foundation, Inc. seeks to meet the needs of the community, rather than those of individual organizations. The foundation makes discretionary grants for a wide range of philanthropic purposes in arts and cultural affairs, civic affairs and community development, conservation and the environment, education, health and medical care, social welfare, youth welfare, and other fields for the benefit of Cumberland County.

Child Care Solutions

Child Care Solutions offers Subsidy, Quality Improvement, Quality Support, Special Needs and Transportation Grants. These grants are used to provide: financial help to parents with child care assistance on a short term basis; enables licensed homes and

centers to progress to 3 star or above rated license within one year; allow child care facilities to maintain spaces for children with special needs and enables child care facilities to offer transportation to and from facility.

Partnership for Children

The Partnership for Children of Cumberland County is the nonprofit organization charged with implementing North Carolina's Smart Start and *More-at-Four* school-readiness programs for children from birth through age five. This organization has a successful record of improving the quality of child care, parenting resources, access to health care, and other support systems for Cumberland County's children.

United Way of Cumberland County

United Way of Cumberland County strives to advance the common good by focusing on the building blocks for a good life: education, income, and health. At United Way, we recognize that lasting changes are achieved by addressing the underlying causes of problems. United Way partners with other nonprofit agencies to improve lives right here in Cumberland County.

These agencies teach organizations about the available funding sources; grant writing and how to find grant writing resources on the Web, fundraising, assessing and marketing your business, kinds of loans and choosing the right bank. The coordination of these services will continue to be of utmost importance to this department as we provide citizens and organizations with survival skills.

The City will continue to seek opportunities to develop partnerships with local organizations to meet community development needs of Fayetteville residents. Capacity building workshops have been provided to assist local non-profit organizations, small businesses and the general population in developing skills in grant writing, board development, business skills, budgeting, etc. Local organizations such as The Women's Center and Small Business and Technology Development Center (FSU); the Junior League of Fayetteville, Cumberland Community Foundation, Inc., Child Care Solutions and Florence Rogers Charitable Trust have partnered with the City to conduct capacity building workshops.

AVAILABLE RESOURCES, INSTITUTIONAL STRUCTURE, AND GOVERNMENT COORDINATION

Economic Development

AVAILABLE RESOURCES

The City of Fayetteville, County of Cumberland, Fayetteville-Cumberland County Chamber of Commerce, Public Works Commission (PWC), and the Fayetteville Area Convention and Visitors Bureau serve as the major coordinators of strategies addressing economic development for Fayetteville and Cumberland County. Representatives from

each of these organizations comprise a group referred to as the "Economic Development Senior Management Team". This committee meets as needed to discuss ongoing and planned economic development projects. This allows for better coordination of all projects within the City and prevents any organization from duplicating projects. Each organization can play a part in all projects and bring their areas of expertise to the table. It is a collaborative effort to market the community to attract new businesses and expand existing businesses to make the City of Fayetteville a more viable community.

GOVERNMENT AGENCIES

The City of Fayetteville Community Development Department

The Community Development department plays a major role in coordinating the City's economic development activities. The Community Development department facilitates the Downtown Loan Program, Business Assistance Loan Program, Façade Improvement Grant Program, and the Small Business Retention Grant Program. The department utilizes CDBG HUD entitlement dollars and earned program income from loan program proceeds to fund its economic development programs. The department continues to develop incentive programs to promote economic development citywide, assists businesses locating in the City, promotes the reuse of vacant buildings, and the creation of jobs for low to moderate-income persons. The department collaborates with other agencies to provide the needed technical assistance or loan information to assist small business entrepreneurs with their start-up or expansion needs.

Cumberland County Community Development Department

Cumberland County also receives entitlement funds from HUD since it qualifies as an urban county. The County administers a micro-loan program that provides assistance to small business entrepreneurs. Loans are available to assist with the purchase of property, facility or site improvements, capital equipment purchases, inventory, machinery, and working capital for businesses located in Cumberland County.

Public Works Commission (PWC)

The Public Works Commission was created on March 4, 1905, through an act of the State Legislature, to manage, operate, and supervise the three utilities electric, water, and sanitary sewer, as well as, to be responsible for operating the city market stalls, and to test weights and measures. The vision of PWC is to improve the quality of life in the Fayetteville/Cumberland County areas providing a range of competitive utility services to the region. Its mission is to be a competitive provider of reliable utility-related services to its customers while providing a reasonable return to the citizens of Fayetteville. PWC's Business Development Department and Special Projects Department serve as major assets on the Senior Management Team. PWC has developed an incentive plan that we hope will help to encourage in-fill development within the City of Fayetteville. The incentives in the form of facility investment fee waivers or credits are available for new construction within the 3,000 acres of the Fayetteville Renaissance Plan area and also identified corridors which have experienced limited new development in recent

years. FIF credits are awarded for new construction where the developer is installing water and sanitary sewer mains within the balance of the incorporated area of the City of Fayetteville.

Other Government Agencies

Other City and County Departments play a vital role in economic development within the municipal boundaries of Fayetteville and Cumberland County. As development projects evolve, staff from the Inspections, Planning, Transit, Airport and Engineering Departments participates in the economic development process as it relates to their areas of concern and expertise.

NON-PROFIT AGENCIES

Fayetteville-Cumberland County Chamber of Commerce

The Fayetteville-Cumberland County Chamber of Commerce plays a vital role in the economic development in the community. Their responsibilities include taking a leadership role in defining a view of the future for the business community, reflecting and supporting all elements of the business community, and are governed by a board of directors that is designed to provide strong leadership and effective oversight. The Chamber is also a member of the Strategic Alliance for Business Resources of Entrepreneurs (SABRE).

Fayetteville Area Convention and Visitors Bureau (CVB)

The Fayetteville Area Convention and Visitors Bureau is a private, not-for-profit organization that aggressively promotes and sells Fayetteville and Cumberland County as an attractive destination site for meetings and visitors. The Fayetteville area has experienced an exciting evolution to emerge as a leader in commerce, industry, and agriculture for southeastern North Carolina. Proximity to one of the country's largest military installations impacts the area with a wonderful cultural diversity reflected in every aspect of the community from festivals and museums, dining and shopping, to recreation and golf, theater and nightlife.

Downtown Alliance

The Downtown Alliance of Fayetteville is a non-profit organization made up of downtown merchants. Their mission is to encourage business, residential, and retail growth in downtown Fayetteville, to promote the downtown to the public, and to represent the common interests of downtown merchants, professionals, property owners, and residents. The members that make up this organization can be any corporation, firm or individual subscribing to the purposes of the organization if the person owns property or a business, has offices located in, resides in, or is employed in, the downtown municipal services district area.

Small Business Centers

(Members of the Strategic Alliance for Business Resources for Entrepreneurs) (SABRE)

Fayetteville Business Center

The Fayetteville Business Center is a business incubator that promotes, assists and encourages small business entrepreneurs and fosters economic growth in the City of Fayetteville. The Business Center serves entrepreneurs who reside as tenants with office space and furniture at below market rate rent along with other support services from the faculty at Fayetteville State University's (FSU) School of Business and Economics. The economic development Master Plan of Fayetteville State University originally stated the need to offer various seminars/workshops for individuals seeking information and training to start and grow their business. The seminars offered at the center are marketed to businesses located in the low-income areas of the City. The Business Center also utilizes the Community Developments network of neighborhood resource centers as a way of marketing the seminars and as a location to conduct a number of the seminars. The Business Center is also certified to process loan applications for an express loan program called the Small Office Home Office Community Express Loans to assist small business entrepreneurs with start-up or expansion needs.

Women's Business Center

The Women's Center of Fayetteville (WCOF) is a non-profit organization established to improve the economic environment and create opportunities for individuals and to provide a resource center for women in crisis. The Women's Business Center, a program of the WCOF, has served the community for over eleven years by assisting persons in all phases of small business development. The purpose of the center is to create employment and business opportunities for low to moderate-income individuals through self-employment and increased job opportunities in the area. The center provides counseling and seminars to entrepreneurs in starting and expanding a business. The center has a certified credit counselor on staff that processes loan applications for the Small Office Home Office (SOHO) Community Express Loan Program, the Business Loan Express (BLX) Program and Micro-loan Program to assist small business entrepreneurs with start-up and expansion needs.

Cumberland Regional Improvement Corporation (CRIC)

Cumberland Regional Improvement Corporation is a non-profit business and community development organization. CRIC assists small business owners in the process of start-up or expansion. They provide counseling services and assists in finding financial aid to meet small business needs. CRIC operates in partnership with the North Carolina Institute of Minority Economic Development, Inc. and the North Carolina Rural Center. CRIC's mission is to create an environment in which North Carolina's diverse population and low-wealth sectors of the population can achieve widely shared prosperity through business and economic development expansion programs, in addition to increasing the affordable housing stock for residents of Cumberland County. CRIC has a staff with over 40 years combined experience in the field of business development assistance, and federal and state procurement assistance. In addition to its staff CRIC participates in a

network of other business professional that enables its clients to access information and services across the state.

Fayetteville Technical Community College Small Business Center

The Center for Business and Industry is designed to serve the employee or prospective employee of our business and industry community. This modern facility is located on Fayetteville Technical Community College's main campus and is primarily used for local business and industry training. Services are generally concerned with educational programs required to upgrade skills in businesses and industries throughout the county. The Small Business Center is located in this facility and offers a variety of services designed to assist small business owners to include specialized seminars, a resource center, business counselor, and a statewide network. The latest in literature and audiovisual materials on operating a small business are available in the Small Business Center's resource room. A small business counselor is available at the Small Business Center to provide advice on starting a new business or operating an existing business. Through the Center for Business and Industry, the Continuing Education Division is offering another dimension of customized courses with flexible schedules and quality instruction.

Fayetteville State University (FSU) Small Business and Technology Development Center (SBTDC)

The North Carolina Small Business and Technology Development Center (SBTDC) helps small business owners (and those interested in starting a business) meet the challenges of today's business environment, manage that ever-changing world, and plan for the future of their business. They do this by providing management counseling and educational services to small and mid-sized businesses across the state affiliated with a college or university such as Fayetteville State University on Murchison Road in the City of Fayetteville. Their mission is to help North Carolina businesses grow and create new jobs within the state. Most of the services are free of charge, and all SBTDC services are confidential.

State Programs

Urban Progress Zones

Article 3J Tax Credits offer enhanced tax credits to eligible businesses located in an urban progress zone. This tax credit program narrows its focus on job creation and business investment. Municipalities can apply for one or more zones as long as they meet the guidelines for establishing a zone. The zone is intended to provide economic incentives to simulate new investment and job creation in economically distressed urban areas.

An Urban Progress Zone is defined as an area comprised of one or more contiguous census tracts, census block groups, or both, or parts thereof; all of the area is located in whole within the primary corporate limits of a municipality with a population of more than 10,000 and meet other conditions as defined in the most recent federal decennial census. The City of Fayetteville has two approved zones. The first zone includes

Census Tracts 10, 22, 23 and 24 (block groups 1, 2 and 5). Congress amended the program guidelines for establishing a zone in August 2007 and this allowed the City to apply and receive an approval for a second urban progress zone. This second zone includes Census Tracts 12 and 13.

North Carolina Historic Preservation State Tax Credits

A 20% state tax credit is available for rehabilitations of income-producing historic properties that also qualify for the 20% federal investment tax credit. In effect, the combined federal-state credits reduce the cost of a certified rehabilitation of an income-producing historic structure by 40%. A new state tax credit of 30% for qualifying rehabilitations of non-income producing historic structures, including owner-occupied personal residences is available. There is no equivalent federal credit for such rehabilitations.

Federal Programs

Federal Historic Preservation Tax Credits

This tax credit program is one of the nation's most successful and cost-effective community revitalization programs. The program fosters private sector rehabilitation of historic buildings and promotes economic revitalization. This tax incentive is available for buildings that are National Historic Landmarks, that are listed in the National Register, and that contribute to National Register Historic Districts and certain local historic districts. Properties must be income producing and must be rehabilitated according to standards set by the Secretary of Interior. Eligible projects may receive a 20% rehabilitation tax credit equal to 20% of the amount spent to rehabilitate the building. There is also a 10% tax credit for the rehabilitation of non-historic, non-residential buildings built before 1936.

Hub Zone Empowerment Program

The HUB Zone Empowerment Contracting Program provides federal contracting opportunities for qualified small businesses located in distressed areas. This program was enacted into law as part of the Small Business Reauthorization Act of 1997. The program falls under the auspices of the U. S. Small Business Administration. A HUB Zone is a historically underutilized business zone that is located in a qualified census tract (as defined in section 42(d)(5)(C)(i)(1) of the Internal Revenue Code of 1986). Cumberland County has eight census tracts identified as HUB Zones. These census tracts are 1, 2, 4, 10, 12, 13, 24 and 35. The HUB Zone Empowerment Contracting Program stimulates economic development and creates jobs in urban and rural communities by providing federal contracting preferences to small businesses located in distressed areas or HUB Zones. These contracting preferences go to small businesses that obtain HUB Zone certification through the SBA. To qualify a business must be small by SBA size standards, have it's principal office located in a HUB Zone, be operated and controlled by a U. S. citizen and at least 35% of its employees must reside in a HUB Zone.

U.S. Small Business Administration (SBA)

The SBA, established in 1953, provides financial, technical and management assistance to help Americans start, run, and grow their businesses. With a portfolio of business loans, loan guarantees, and disaster loans worth more than \$45 billion, in addition to a venture capital portfolio of \$13 billion, SBA is the nation's largest single financial backer of small businesses. Last year, the SBA offered management and technical assistance to more than one million small businesses. The SBA also plays a major role in the government's disaster relief by making low-interest recovery loans to both homeowners and businesses. North Carolina's district office is located in Charlotte and is responsible for the delivery of many of these programs and services to all 100 counties in North Carolina.

Local Programs

Downtown Loan Program

The City partnered with local banks to create a loan pool of funds to encourage commercial investment in the downtown area. The City puts in 40% of each loan and offers a 4% fixed interest rate and the banks share the other 60% of the loan at a variable prime rate. The loan proceeds can be used to construct, purchase and renovate a downtown commercial building. Available loans range from \$50,000 to \$300,000, but larger loans can be considered. For each \$50,000 borrowed the business must create or retain at least one full-time equivalent job and make it available to a low to moderate-income person.

Business Assistance Loan Program

This program was created to stimulate small business start-ups or expansions within the municipal boundaries of the City of Fayetteville, including the City's redevelopment plan areas. Small businesses needing additional equity to qualify for primary financing from a Bank and who meet the City's program guidelines may apply. The City will offer a loan up to 25% or a maximum of \$125,000 of the total loan funds. The City's loan is held at a 5% fixed interest rate unless the business is investing in one of the City's redevelopment plan areas in which case a 3% fixed interest rate is available. The business is required to create or retain at least one full-time equivalent job for each \$50,000 loaned by the City's program.

City of Fayetteville Façade Improvement Grant Program

This program is designed to promote the revitalization of facades of active, ongoing for-profit businesses through the rehabilitation of commercial building exteriors and landscapes. This effort will benefit the City by removing blight, expanding the tax base, and increasing the economic vitality of the downtown Fayetteville Renaissance Plan area and the City's redevelopment plan areas. These redevelopment plan areas include Massey Hill, Bonnie Doone, Deep Creek Rd., 71st Township and the Old Wilmington Rd. plan areas. An eligible business must be located within the boundaries of any of the plan areas and meet all of the program requirements. The City of Fayetteville will provide a 50% matching reimbursement grant up to \$5,000 for each façade renovated. Each business that participates with this program must meet a job creation requirement and

create at least one full time equivalent job and make it available to a low to moderate-income person.

Small Business Retention Grant Program

This program is designed to assist with the operating costs of an expanding small business with the objective of retaining businesses in the City's redevelopment plan areas. Each redevelopment plan area is unique with its own issues and opportunities. Funds are available to existing small business owners located within one of the boundaries of the Murchison Rd., Massey Hill, Bonnie Doone, 71st Township, Deep Creek Rd., Fayetteville Renaissance and HOPE VI redevelopment plan areas.

The City of Fayetteville will provide a 50% matching reimbursement grant up to \$5,000 for eligible expenses. The business applicant will have to provide an equal match to the grant award being requested. Grants for inventory, furniture, fixtures, equipment, and interior and exterior renovations are eligible for this program. Salaries, rent, and building related expenses (phone bills, electricity, etc.) are not eligible expenses for this program. This program frees up operating cash flow to fund the day to day working capital expenditures of the business or to take advantage of other opportunities, such as purchasing additional inventory, etc. Each business must be able to create at least one full time equivalent job and make it available to a low to moderate-income person.

City of Fayetteville Economic Development Incentive Zone

The City's property tax incentive program is meant to provide incentives to qualifying development projects in the City's Economic Development Incentive Zone. The primary objective of the program is to induce private investment thereby improving the economic health and diversity of the City and increasing the City's property tax base. Given the difficulty in determining the precise economic impact of a particular development project, the City has chosen to base the amount of the incentive on the increase in the taxable value of the property involved in the project, not including land value.

The economic impact of a proposed project within the defined area could also be evaluated using methods that include employment data such as job creation, wages and benefits, and related factors. For this particular incentive program, however, the incentive amount will be based solely on the increase in the taxable value of the property involved in the project. The taxable value of the property after improvements have taken place will be compared to the taxable value of the property before the improvements were made to determine the increase in the taxable value of the property. In order to be eligible for incentives under this program, a project must have improved the taxable value of the associated property by at least \$500,000. For the purposes of this program, increases in the value of land will not be considered in the calculation to determine the incentive payment.

Summary of Citizen Comments CITIZEN PARTICIPATION MEETINGS

Good Hope Missionary Baptist Church - January 13, 2011

What Community Needs:

1. Storm water problems/ Deep Creek Road Community (to provide information on where are they prioritized)
2. House on McIver Street (abandoned) homeless constantly breaks in after owner re-boards the building. How often are police patrolling the area?
3. Problem with speeding on Deep Creek Road. Would like speed bumps installed.

What City Needs:

1. Over grown limbs hanging over hwy (at Troy Drive @ IGA)

Massey Hill Recreation Center - December 16, 2010

What the Community needs:

1. Abandoned houses in the community. Can they be purchased and used to house seniors?

Fire Station #14 - January 6, 2011

1. Increase the sidewalks down Murchison Road
2. Interested in the official signage of an unidentified subdivision (North Street)
 - a. Fairview Park (upper Part of North Street)
 - b. 1000 block (unknown)

Massey Hill Community Watch Meeting - February 8, 2011

- Fencing (wrought iron) around gateway entrance area
- Increased patrolling f/loitering in gateway area
- Need a grocery store
- Would like to have a Wal-Mart
- Need recreation for youth (suggest: skating rink or bowling alley in an available bldg.)

Fayetteville Redevelopment Commission – April 14, 2011
Public Hearing

Three speakers spoke at the public hearing.

- Ann Griffin – on behalf of Habitat for Humanity
- Renee Elder – on behalf of request for funding for Veterans Empowering Veterans
- Lou Huddleston – in support of request for funding by Veterans Empowering Veterans

FY2011-2012 Projected Resources and Expenditures

ATTACHMENT A

2011 INCOME GUIDELINES

Family Size	Very Low Income 30% of Median	Low Income 50% of Median	60% of Median	Moderate Income 80% of Median
1	11,050	18,400	22,080	29,400
2	12,600	21,000	25,200	33,600
3	14,200	23,650	28,380	37,800
4	15,750	26,250	31,500	42,000
5	17,050	28,350	34,020	45,400
6	18,300	30,450	36,540	48,750
7	19,550	32,550	39,060	52,100
8	20,800	34,650	41,580	55,450

ATTACHMENT B

Certifications

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing - The jurisdiction will affirmatively further fair housing which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan - It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME Programs.

Drug Free Workplace - it will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -

- (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking on of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted.
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-lobbying - To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form - LLL "Disclosure Form to Report Lobbying", in accordance with its instructions; and
3. It will require that the language of paragraph (n) of this certification be included in the

award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction - The Consolidated Plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency With Plan - The housing activities to be undertaken with CDBG, HOME, ESG and HOPWA funds are consistent with the strategic plan.

Section 3 - It will comply with Section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official
Title: Mayor

Date

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation - It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan - Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan - It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds - It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities that benefit low and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available;
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2011-2012, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the portion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of the fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force - It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination Laws - The grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint - Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with the requirements of 24 CFR §570.608;

Compliance with Laws - It will comply with all applicable laws.

Signature/Authorized Official
Title: Mayor

Date

Specific HOME Certifications

The HOME Participating Jurisdiction certifies that:

Tenant Based Rental Assistance - If the participating jurisdiction intends to provide tenant based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs - it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance - before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official
Title: Mayor

Date

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government may take action authorized under the Drug-free Workplace Act.
3. For grantees other than individuals, Alternate I applies. (This is the information to which jurisdictions certify).
4. For grantees who are individuals, Alternate II applies. (Not applicable jurisdictions.)
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or state highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if previously identified the

workplaces in question (see paragraph five).

8. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code):

City of Fayetteville

433 Hay Street

Fayetteville NC, 28301

Check if there are workplaces on file that are not identified here; The certification with regard to the drug-free workplace required by 24 CFR part 24, subpart F.

9. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules.

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C.812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Fayetteville, N.C.: Downtown Loan Area



MAP 2

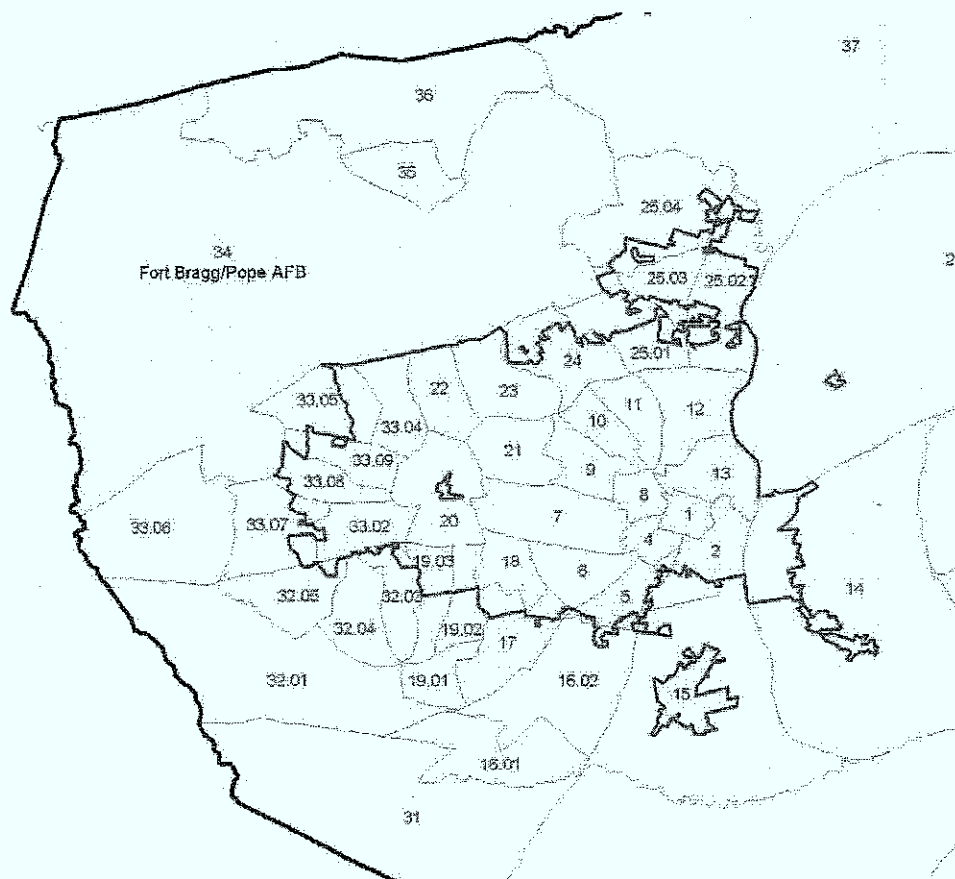
HOPE VI Revitalization Project Area



MAP 3

Low Income Census Tracts

As shown on map below, in the City, 12 census tracts have 51 percent or more low income households. The census tracts are CT 15 – 100 percent (six of six households residing in the census tract, all have a disability, all are age 75 and over), CT 13 – 79.6 percent, CT 2 – 79 percent, CT 10 – 75.6 percent, CT 4 – 66.3 percent, CT 12 – 60.4 percent, CT 1 – 60.3 percent, CT 32.03 – 59.5 percent, CT 5 – 57.4 percent, CT 24 – 54.6 percent, CT 22 – 51.5 percent, and CT 33.02 – 51 percent.



- Fayetteville City Boundary
- Census Tracts
- Low Income Concentrations*

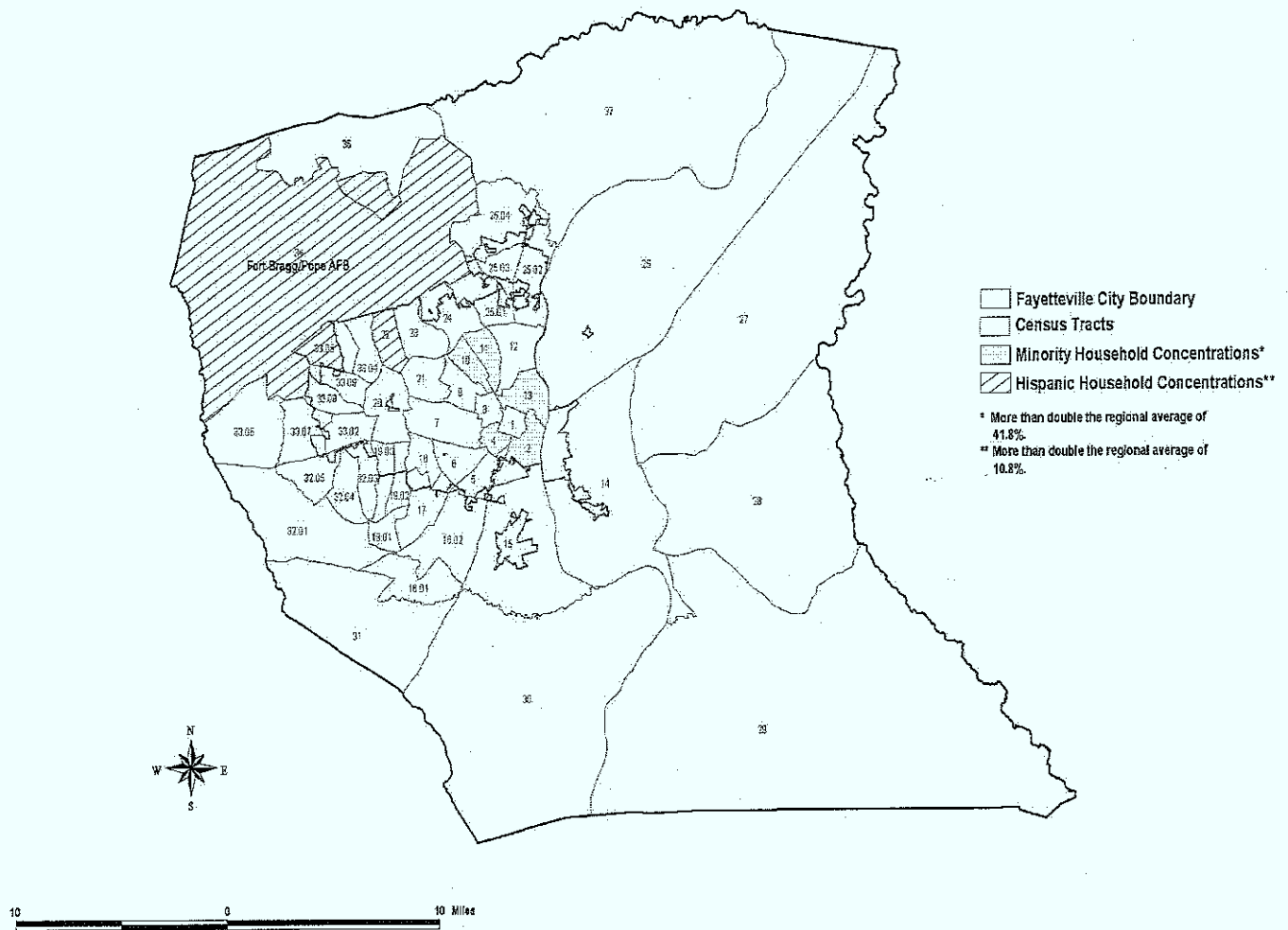
* City of Fayetteville census tracts where 51% or more of households with income at or below 80% of MFI.

Cumberland County outside of Fayetteville census tracts where 51% or more of households have income at or below 80% of MFI.

MAP 4

Household by Race and Hispanic Origin

Map 2-2
Households by Race and Hispanic Origin



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager and Stanley Victrum, Chief Information Officer
DATE: April 26, 2011
RE: **Global Positioning System/Automatic Vehicle Location (GPS/AVL) Enterprise Solution Award**

THE QUESTION:

Staff requests that Council approve the award of a contract for the Global Positioning System/Automatic Vehicle Location (GPS/AVL) Enterprise Solution for transit and public safety vehicles and equipment.

RELATIONSHIP TO STRATEGIC PLAN:

Goal #3 - Objective #2 - Services delivered in a cost-effective manner

Goal #3 - Objective #3 - Investing in the City's future infrastructure, facilities and equipment

BACKGROUND:

This is a stated "Management In Progress 2010-2011" Item (#12) in the City's Strategic Plan.

At the regular meeting on February 28, 2011, Council approved a bid award to Mentor Engineering for this system. Subsequent to that approval, it was determined that the bid submitted by Mentor was not in compliance with FTA DBE requirements, therefore, it was decided that the bid award should be rescinded and the project should be re-bid. It was also determined that Council could rescind the previous award and consider the new bid award during the same meeting.

A second advertisement for bids was issued on March 24, 2011 and bids were due on April 13, 2011. Bids were solicited from nineteen (19) vendors with one (1) vendor responding. Mentor Engineering, Calgary, Alberta, Canada, submitted on the re-bid and maintained their previous bid price. In addition, Mentor Engineering will utilize a DBE subcontractor for 5% of the work on this project, and is in compliance with FTA DBE requirements. The DBE goal for this project was 1%.

ISSUES:

None

BUDGET IMPACT:

	Capital Estimate	Actual Cost Based on Bid
Transit	\$539,012.00	\$360,313.00
Public Safety	\$464,116.70	\$389,699.00

OPTIONS:

- (1) Rescind prior bid award and award bid on the readvertised project according to staff recommendation.
- (2) Rescind prior bid award; do not award contract on readvertised project and provide further direction to staff.

RECOMMENDED ACTION:

- (1) Rescind bid award of February 28, 2011 to Mentor Engineering.
- (2) Approve bid award for the readvertised project to Mentor Engineering, Calgary, Alberta, Canada, in the amount of \$750,012.00 for hardware, software, and professional services for the Global Positioning System/Automatic Vehicle Location (GPS/AVL) Enterprise Solution.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Hampton, Special Projects Director
DATE: April 26, 2011
RE: **Approve Award of Audio-Visual (A/V) Contract for Veterans Park Visitor Center**

THE QUESTION:

Does Council wish to approve the low recommended bid for audio-visual equipment for the Veterans Park Visitor Center?

RELATIONSHIP TO STRATEGIC PLAN:

Goal #1, objective #5-attract more military-based industries
Goal #4, objective #3-increase green space throughout the city
Goal #5, objective #5-marketing the city
Goal #6, objective #3-Develop World Class North Carolina Veterans Park

BACKGROUND:

The visitors center within Veterans Park will have a variety of exhibits and displays. The audio-visual equipment and services provided by this bid award is for the Group Stories Theater and the Individual Story Booths. An exhibit diagram showing these two exhibit elements is attached for information purposes. The Group Stories Theater includes a large screen display wall that will constantly play public domain military, broad topic stories, and a brief introductory and welcome video of the park. It will be capable of broadcast television feeds and closed circuit live television from anywhere in the world. The Individual Story Booths will play, on-demand, individual veteran's stories of service personnel, including letters written in wars past. The stories were collected from the NC Division of Archives and History from actual North Carolina veterans.

City/PWC purchasing issued the bid documents on March 10, 2011. A copy of the bidders list is attached. We received only one bid on March 29, 2011. That single bid exceeded the engineering estimate by almost 40% and was rejected. Bids were reissued on March 30, and bids were opened again on April 14, 2011. Two bids (copies attached) were received as follows:

Imagination System, Inc. Raleigh, NC=\$165,653.00;
Quality Sound & Video, Fayetteville, NC=\$176,127.50.

Both bidders meet all bid specifications without exception. The low bidder, Imagination System, Inc. was the same vendor that provided and installed the recent council chamber AV upgrade. The bid review committee, consisting of staff from PWC purchasing, COF staff, the AV engineering consultant, and the architect for the visitor center and exhibits, has reviewed the bids for compliance and agrees that both bids submitted meets all conditions and specification of the bid and they are judged to be responsive, responsible, and technically capable of providing and installing the equipment within the required time frame. Consistent with the award criteria of NCGS 143-129 (copy attached) the committee recommends award of the contract to the low bidder, Imagination Systems, Inc. of Raleigh, NC in the amount of \$165,652.00.

ISSUES:

No issues with the low bidder. They are providing all material and equipment as specified and the City of Fayetteville has a previous successful similar contract with the low bidder. The low bidder will provide a 100% performance bond for the project.

BUDGET IMPACT:

The final bid total is about 10% more than the AV engineer's estimate but is not judged to be

excessive in any area. Sufficient funds to cover the expenditure are available and currently budgeted with the Veterans Park budget.

OPTIONS:

1. Award the contract as recommended to Imagenation Systems, Inc. in the amount of \$165,652.00.
2. Do not award and provide guidance to staff

RECOMMENDED ACTION:

1. Award the contract as recommended to Imagenation Systems, Inc. in the amount of \$165,652.00

ATTACHMENTS:

Visitors Center Exhibit Layout

AV Bidders List April 2011

AV Bid Results

NC General Statute for Bid Award Criteria

SYMBOLS

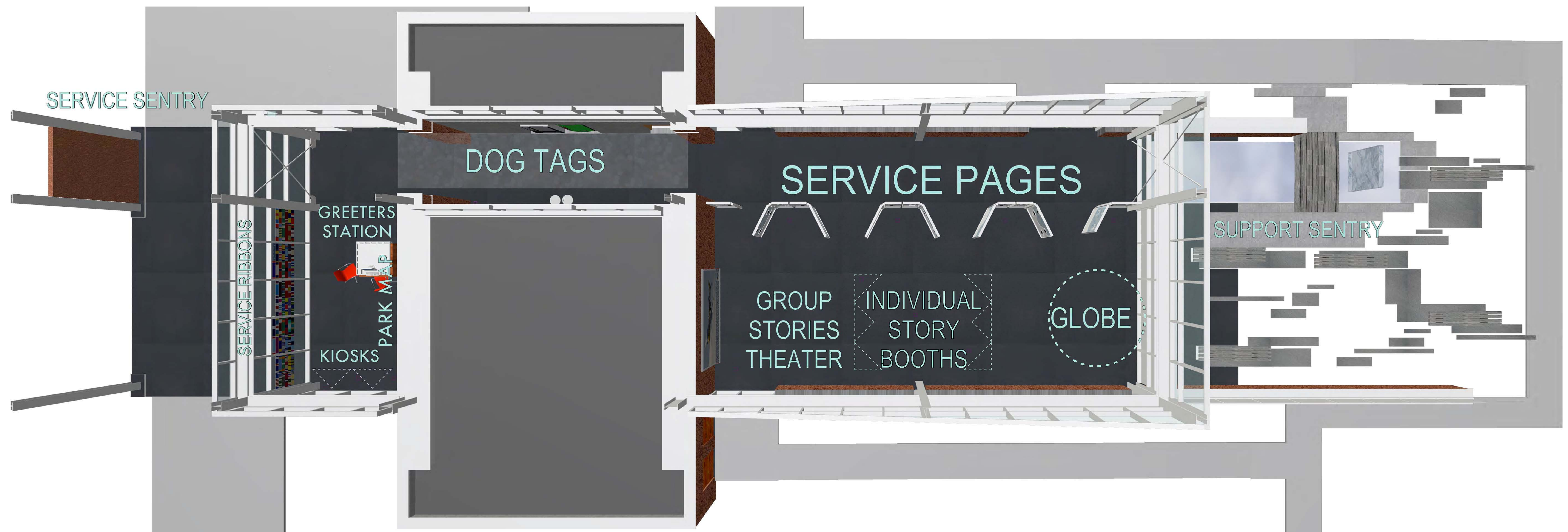
- Service Sentry
- Service Ribbons
- Dog Tags
- Support Sentry

ORIENTATION

- Greeter's Station
- Park Map
- Kiosks

STORIES

- Service Pages
- Group Stories Theater
- Individual Story Booths
- Globe



CLIENT

NORTH CAROLINA VETERANS PARK

DESIGN TEAM

City of
Fayetteville
North Carolina
433 Hay Street
Fayetteville, NC 28301

Visitor Center

Construction Documenting Exhibit Diagram

CONCEPTUAL DESIGN FOR ILLUSTRATIVE
PURPOSES ONLY AND SUBJECT TO CHANGE

City of Fayetteville

DATE: 2010.04.15



Kimley-Horn and Associates, Inc.



landscape architects



Bid List
NC Veterans Park Audio Visual System

Clark Powell
141 Kitty Hawk Drive
Morrisville, NC 27560
Ph. (800)568-1099
Fax: (919) 484-8110
Email: randy@clark-powell.com (Randy Lane)

Whitlock Group-RTP
4020 Stirrup Creek Drive, Suite 111
Durham, NC 27703
Ph. (919)806-1009
Fax: (919)806-1016
Email: reids@whitlock.com (Sean Reid)

Technical Video Systems
527 E. Chatham Street, Suite B
Cary, NC 27511
Ph. (919)380-8212
Toll Free: (877)359-5313
Fax: (919)380-7505
Email: tvsync@techvid.tv

Draughon Brothers Inc.
127 Maxwell Street
Fayetteville, NC 28301
Ph. 484-7131
Fax: 484-7132
Email: purchasing@draughonbrothers.com

Brooks Pro Sound & Lighting
715 Rowan Street
Fayetteville, NC 28301
Ph. 483-7160
Fax: 483-9698
Email: brooksprosound@yahoo.com

Quality Sound Enterprise
833 Bragg Blvd.
Fayetteville, NC 28301
Ph. 483-1212
Fax: 483-4083
Email: mark@qualitysoundinc.com

ImageNation Systems Inc.
3029 Stony Brook Drive, #104
Raleigh, NC 27604
Ph. (919)876-6833
Fax: (866)325-9244
Email: CSG@ISAV.BIZ

Bid List
NC Veterans Park Audio Visual System

✓ Clark Powell
141 Kitty Hawk Drive
Morrisville, NC 27560

Randy Hall 200 562-1099

All-Pro Video
2940-7 Trawick Road
Raleigh, NC 27604

202-222-1122 (disconnected)

✓ Whitlock Group-RTP ~~DR~~
4020 Stirrup Creek Road, Suite 111
Durham, NC 27703

919-806-1009 fax void

Technical Video Systems
527 E. Chatham Street, Suite B
Cary, NC 27511

919-467-1111 left message

Draughon Brothers Inc.
127 Maxwell Street
Fayetteville, NC 28301

910-481-1111

715 ~~719~~ Brooks Pro Sound & Lighting
Rowan Street
Fayetteville, NC 28301

910-481-1111

Quality Sound Enterprise
833 Bragg Blvd.
Fayetteville, NC 28301

483-4212

ImageNation Systems Inc.
3029 Stony Brook Drive, #104
Raleigh, NC 27604

*919-876-6233 Chris
left message

VETERANS PARK PROJECT

BIDDER INFORMATION

Name of Company IMAGENATION Systems Inc
Address 549 Pylon Drive, Raleigh NC 27606
Phone No. 919-834-3440 Fax No. 919-834-3441
E-Mail Address ggs@ISAV.BIZ
Federal I.D. No. 56-2207904
SDBE, Minority or Woman Owned Business Enterprise Yes ☒ No
Bid Submitted By: GARY SURABIAN
(Name Printed Out)
[Signature]
(Signature)
Title: V.P.
Date: 4-12-11

Bid #1 1 of 3

Veterans Park Project for City of Fayetteville
Submitted by Imagenation Systems 4/12/2011

Qty	Description	Model #	Unit Price	Total	Notes
9	PLANAR	MX46-L-ERO	6,245.00	56,205.00	
9	PLANAR	955-0155	189.00	1,701.00	
3	PLANAR	572-1927	52.00	156.00	
3	PLANAR	572-1928	52.00	156.00	
3	PLANAR	572-1925	36.00	108.00	
3	PLANAR	572-1926	36.00	108.00	
1	PLANAR	955-0126	-	-	Included
3	PLANAR	Synlink Bridge CA-DVID-DVIV-0.05	-	-	Included
3	PLANAR	955-0160	-	-	Included
9	PLANAR	902-0676	210.00	1,890.00	
1	PLANAR	905-0039	4,450.00	4,450.00	
1	CISCO	SLM2024T-NA	415.00	415.00	
1	BELKIN	F1DC102P-SR	1,299.00	1,299.00	
1	BOSE	Control Space ESP-88	2,830.00	2,830.00	
2	BOSE	EDR (PC 041764)	500.00	1,000.00	
1	BOSE	EDR (PC 041763)	435.00	435.00	
1	BOSE	CC-64 Control Center	1,000.00	1,000.00	
2	BOSE	Digital Controller II	500.00	1,000.00	
2	BOSE	Panaray MA-12 (PC 40189)	720.00	1,440.00	
2	BOSE	WB-MA12/MA12EX	55.00	110.00	
1	BOSE	Panaray MB-4 (PC 040192)	510.00	510.00	
1	BOSE	MB-4 U Bracket (PC 027056)	62.00	62.00	
4	BOSE	Panaray 502A (PC 040170)	640.00	2,560.00	
2	BOSE	Panaray 502B (PC 040091)	1,410.00	2,820.00	
4	BOSE	WCB-5	60.00	240.00	
2	BOSE	CSB-5A	45.00	90.00	
2	NADY	3WA-1700	500.00	1,000.00	
1	PIONEER	BDP-V6000	999.00	999.00	
1	ALCORN MCBRIDE	V4PRO	4,995.00	4,995.00	
5	ALCORN MCBRIDE	SHOWTOUCH	2,995.00	14,975.00	
1	ALCORN MCBRIDE	DVMHD-8400	2,995.00	2,995.00	
1	ALCORN MCBRIDE	8-TraXX	2,395.00	2,395.00	
4	ROLLS	PA202	202.00	808.00	Chg QTY as per Drawings
1	SENNHEISER	EW-500-945-G3-Freq. C	1,390.00	1,390.00	
4	SOUNDTUBE	FPS6020-II	405.00	1,620.00	Chg to New Model
4	SOUNDTUBE	AC-WB4	140.00	560.00	New Bracket
1	CABLES TO GO	40505	45.00	45.00	
1	MIDDLE ATLANTIC	MRK-4431-AV	2,540.00	2,540.00	
1	MIDDLE ATLANTIC	CBS-MRK-31	145.00	145.00	

BD #1 293

Veterans Park Project for City of Fayetteville
Submitted by Imagenation Systems 4/12/2011

Qty	Description	Model #	Unit Price	Total	Notes
1	SUPERLOGISTICS	SL-1U-A10-LG	800.00	800.00	
1	ISAV	LABOR	38,500.00	38,500.00	Installation
1	ISAV	MATERIALS	5,000.00	5,000.00	Installation
1	ISAV	PERFORMANCE BOND	4,000.00	4,000.00	Installation
1	Shipping		2,300.00	2,300.00	Installation

✓ 165,652.00
OK W/A

Bid #1 3 of 3

VETERANS PARK PROJECT

BIDDER INFORMATION

Name of Company Quality Sound & Video
Address 833 Maple Blvd. Fayetteville NC 28301
Phone No. 910 4831212 Fax No. 910 4834083
E-Mail Address MARK @ QUALITY SOUND INC. COM
Federal I.D. No. 56 1160537
SDBE, Minority or Woman Owned Business Enterprise Yes ☒ No
Bid Submitted By: MARK N. LYNCH
(Name Printed Out)
Mark Lynch
(Signature)
Title: President
Date: 4/13/11

NC VENDOR PREFERENCE
VA CERTIFIED VETERAN OWNED SMALL BUSINESS

BD #2 1 of 3

Quality Sound and Video

Our name is our business!

Quality Sound & Video

833 Bragg Boulevard
Fayetteville, NC 28301

Project Number 123413

4/13/2011 Page: 1 ** Proposal **
910-483-1212

PWC
Sandy Martin
Elizabethtown Road
Fayetteville, NC 28301

Public Works Commission (910) 483-1382
Sandy Martin
201 Hay St # 101
Fayetteville, NC 28301

C16058 910-223-4335 Fax: 910-483-1429

Project Title: NC Veterans Part AV System

Qty	Mfg-Item No.	Description	Unit Price	Extended
We will supply and install the following:				
1		Planar MX46-L-6X2 LCD Video Wall		
9		Planar MX46-L-ERO	8,580.00	77,220.00
9		Planer 955-0155 Cable Kit	216.00	1,944.00
3		Planar 572-1927 Top cover SNB46	66.00	198.00
3		Planar 572-1928 Bottom cover SNB46	68.00	204.00
3		Planar 572-1925 Side cover SNB46	68.00	204.00
3		Planar 572-1926 Side cover SNB46	68.00	204.00
1		Planar 955-0162 Accessory Kit - Included in Above		
3		Planar Synlink Bridge CA DVID-DVID-0.5 Dual Link DVI	29.00	87.00
3		Planar 9550-0160 Quad Controller Module - Included in above		
9		Planar 902-0676 Redundant Power Supply	248.00	2,232.00
1		Planar 905-0039 Labor and Factory Commissioning	4,550.00	4,550.00
1		Cisco SLM2024T 24 Port Switch	285.00	285.00
1		Belkin F1DC102P-SR 19" LCD IU Rack Console	1,200.00	1,200.00
1 BSS		Networked Signal Processor	2,548.00	2,548.00
2 BSS		Digital Processor Input Card	252.00	504.00
1 BSS		Digital Processor Output Card	252.00	252.00
1 BSS		Touchpanel Remote Control for BLU100	1,330.00	1,330.00
2 Shure		Dual Channel Digital Controller	720.00	1,440.00
2 JBL		Line array column, 100 cm tall, 16 2	779.00	1,558.00
2		Mounting Bracket (included in above)		
1 JBL		Dual 10" Subwoofer for Control Series White or Black	611.00	611.00
1		Mounting Bracket (included in above)		
4 JBL		Controlled Array Speaker w/mount - White	260.00	1,040.00
2 JBL		CONTROL 50CS/T SUBWOOFER WHITE	338.00	676.00
4		Mounting Bracket (included in above)		
2		Mounting Bracket (included in above)		
2 Crown		4 Channel 70V 200W/per Audio Amplifier	1,316.00	2,632.00
1		Pioneer PBD-V6000 BluRay Player	1,013.00	1,013.00
1		Alcorn V4PRO Show Controller	4,982.00	4,982.00
5		Alcorn Showtouch Touch Panel	2,987.00	14,935.00
1		Alcorn DVMHD-8400 Digital Video Machine HD	2,987.00	2,987.00
1		Alcorn 8-TraXX MP3 Player	2,389.00	2,389.00
4 Rolls		20+20 Watt Mini Amp	203.00	812.00
1 Shure		Includes SLX2/SM58 Handheld Transmitter with SM58 Microphone	638.00	638.00
4 SoundTube		Sound Focusing Speaker System	434.00	1,736.00

Bd #2 293

Quality Sound and Video

Our name is our business!

Quality Sound & Video

833 Bragg Boulevard
Fayetteville, NC 28301

Project Number 123413

4/13/2011 Page: 2 ** Proposal **
910-483-1212

Qty	Mfg-Item No.	Description	Unit Price	Extended
4		Mounting Bracket for Above	150.00	600.00
1	Rapco	Sgl Gang Wall Plate, 1 3.5, 1 HD15	34.00	34.00
1	Visiplex	44 Space Rack	2,477.00	2,477.00
1	Visiplex	CASTER BASE FOR NEW MRK 31"DP	150.00	150.00
1		Superlogics SL-iU-A10-LG Computer	615.00	615.00
NOTE: Sales Tax must be added to materials if applicable				
SUBTOTAL - EQUIPMENT				134,287.00
INSTALLATION				
3000	WestPenn	22AWG Shielded Mic/Line Cable	105.00 M	315.00
3000	WestPenn	14AWG Stranded Speaker Wire	358.00 M	1,074.00
2100	WestPenn	Category 5e Unshielded Twisted 4 Pair Wire	115.00 M	241.50
2000	WestPenn	RG59/U Type Coaxial Cable	147.00 M	294.00
13	Visiplex	1 Space Economy Vent Panel	10.00	130.00
1	APC	2200 VA Rack Mount UPS	1,118.00	1,118.00
3	SNA	HiDef Video Cable 2 Meters	34.00	102.00
2	COVID	VGA Jumper cable 3'	15.00	30.00
3	COVID	RS232 Cable 75 ft	81.00	243.00
4	COVID	DVI to DVI Cable 15'	50.00	200.00
1		Logistics/Freight	6,157.00	6,157.00
1		Lot, Hardware, Connectors, Cables	2,576.00	2,576.00
244		Installation Labor Man Hour	65.00	15,860.00
90		Programmer Labor Man Hour	150.00	13,500.00
SUBTOTAL - INSTALLATION				41,840.50

Legend: M=1000Ft

This ** Proposal ** is Valid for 30 Days.

=====

✓
ok KWA

\$176,127.50

Mark N. Lynch, President

I Accept This Quote

Date: _____

Visit our web site at www.qualitysoundandvideo.com

This proposal includes the costs associated with installing this list of equipment items only. The programming labor shown provides for basic functionality programming of programmable devices. Custom programming will be quoted based on the complexity of the customer request. Final payment is due upon completion or first beneficial use. Final payment will be due regardless of minor functionality issues covered under warranty if the system is being used by the buyer.

Bid # 2 3 g 3

§ 143-129. Procedure for letting of public contracts.

(a) Bidding Required. – No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than five hundred thousand dollars (\$500,000) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ninety thousand dollars (\$90,000) may be performed, nor may any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, unless the provisions of this section are complied with; provided that The University of North Carolina and its constituent institutions may award contracts for construction or repair work that requires an estimated expenditure of less than five hundred thousand dollars (\$500,000) without complying with the provisions of this section.

For purchases of apparatus, supplies, materials, or equipment, the governing body of any political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the manager, school superintendent, chief purchasing official, or other employee the authority to award contracts, reject bids, or readvertise to receive bids on behalf of the unit. Any person to whom authority is delegated under this subsection shall comply with the requirements of this Article that would otherwise apply to the governing body.

(b) Advertisement and Letting of Contracts. – Where the contract is to be let by a board or governing body of the State government or of a State institution, proposals shall be invited by advertisement in a newspaper having general circulation in the State of North Carolina. Where the contract is to be let by a political subdivision of the State, proposals shall be invited by advertisement in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to advertise solely by electronic means, whether for particular contracts or generally for all contracts that are subject to this Article, shall be approved by the governing board of the political subdivision of the State at a regular meeting of the board.

The advertisements for bidders required by this section shall appear at a time where at least seven full days shall lapse between the date on which the notice appears and the date of the opening of bids. The advertisement shall: (i) state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials, or equipment may be had; (ii) state the time and place for opening of the proposals; and (iii) reserve to the board or governing body the right to reject any or all proposals.

Proposals may be rejected for any reason determined by the board or governing body to be in the best interest of the unit. However, the proposal shall not be rejected for the purpose of evading the provisions of this Article. No board or governing body of the State or political subdivision thereof may assume responsibility for construction or purchase contracts, or guarantee the payments of labor or materials therefor except under provisions of this Article.

All proposals shall be opened in public and the board or governing body shall award the contract to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract.

In the event the lowest responsible bids are in excess of the funds available for the project or purchase, the responsible board or governing body is authorized to enter into negotiations with the lowest responsible bidder above mentioned, making reasonable changes in the plans and specifications as may be necessary to bring the contract price within the funds available, and may award a contract to such bidder upon recommendation of the Department of Administration in the case of the State government or of a State institution or agency, or upon recommendation of the responsible commission, council or board in the case of a subdivision of the State, if such bidder will agree to perform the work or provide the apparatus, supplies, materials, or equipment at the negotiated price within the funds available therefor. If a contract cannot be let under the above conditions, the board or governing body is authorized to readvertise, as herein provided, after having made such changes in plans and specifications as may be necessary to bring the cost of the project or purchase within the funds available therefor. The procedure above specified may be repeated if necessary in order to secure an acceptable contract within the funds available therefor.

No proposal for construction or repair work may be considered or accepted by said board or governing body unless at the time of its filing the same shall be accompanied by a deposit with said board or governing body of cash, or a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five percent (5%) of the proposal. In lieu of making the cash deposit as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand forthwith make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond. This deposit shall be retained if the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory surety as

required herein.

Bids shall be sealed and the opening of an envelope or package with knowledge that it contains a bid or the disclosure or exhibition of the contents of any bid by anyone without the permission of the bidder prior to the time set for opening in the invitation to bid shall constitute a Class 1 misdemeanor.

(c) Contract Execution and Security. – All contracts to which this section applies shall be executed in writing. The board or governing body shall require the person to whom the award of a contract for construction or repair work is made to furnish bond as required by Article 3 of Chapter 44A; or require a deposit of money, certified check or government securities for the full amount of said contract to secure the faithful performance of the terms of said contract and the payment of all sums due for labor and materials in a manner consistent with Article 3 of Chapter 44A; and the contract shall not be altered except by written agreement of the contractor and the board or governing body. The surety bond or deposit required herein shall be deposited with the board or governing body for which the work is to be performed. When a deposit, other than a surety bond, is made with the board or governing body, the board or governing body assumes all the liabilities, obligations and duties of a surety as provided in Article 3 of Chapter 44A to the extent of said deposit.

The owning agency or the Department of Administration, in contracts involving a State agency, and the owning agency or the governing board, in contracts involving a political subdivision of the State, may reject the bonds of any surety company against which there is pending any unsettled claim or complaint made by a State agency or the owning agency or governing board of any political subdivision of the State arising out of any contract under which State funds, in contracts with the State, or funds of political subdivisions of the State, in contracts with such political subdivision, were expended, provided such claim or complaint has been pending more than 180 days.

(d) Use of Unemployment Relief Labor. – Nothing in this section shall operate so as to require any public agency to enter into a contract which will prevent the use of unemployment relief labor paid for in whole or in part by appropriations or funds furnished by the State or federal government.

- (e) Exceptions. – The requirements of this Article do not apply to:
- (1) The purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment from:
 - (i) the United States of America or any agency thereof; or (ii) any other government unit or agency thereof within the United States. The Secretary of Administration or the governing board of any political subdivision of the State may designate any officer or employee of the State or political subdivision to enter a bid or bids in its behalf at any sale of apparatus, supplies, materials, equipment, or other property owned by: (i) the United States of America or any agency thereof; or (ii) any other governmental unit or agency thereof within the United States. The Secretary of Administration or the governing board of any political subdivision of the State may authorize the officer or employee to make any partial or down payment or payment in full that may be required by regulations of the governmental unit or agency disposing of the property.
 - (2) Cases of special emergency involving the health and safety of the people or their property.
 - (3) Purchases made through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies.
 - (4) Construction or repair work undertaken during the progress of a construction or repair project initially begun pursuant to this section.
 - (5) Purchase of gasoline, diesel fuel, alcohol fuel, motor oil, fuel oil, or natural gas. These purchases are subject to G.S. 143-131.
 - (6) Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. Notwithstanding any other provision of this section, the governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract.

In the case of purchases by hospitals, in addition to the other exceptions in this subsection, the provisions of this Article shall not apply when: (i) a particular medical item or prosthetic appliance is needed; (ii) a particular product is ordered by an attending physician for his patients; (iii) additional products are needed to complete an ongoing job or task; (iv) products are purchased for "over-the-counter" resale; (v) a particular product is needed or desired for experimental, developmental, or research work; or (vi) equipment is already installed, connected, and in service under a lease or other agreement and the governing body of the hospital determines that the

equipment should be purchased. The governing body of a hospital shall keep a record of all purchases made pursuant to this subdivision. These records are subject to public inspection.

- (7) Purchases of information technology through contracts established by the State Office of Information Technology Services as provided in G.S. 147-33.82(b) and G.S. 147-33.92(b).
- (8) Guaranteed energy savings contracts, which are governed by Article 3B of Chapter 143 of the General Statutes.
- (9) Purchases from contracts established by the State or any agency of the State, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, and conditions as established in the State contract.
- (9a) Purchases of apparatus, supplies, materials, or equipment from contracts established by the United States of America or any federal agency, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, and conditions as established in the federal contract.
- (10) Purchase of used apparatus, supplies, materials, or equipment. For purposes of this subdivision, remanufactured, refabricated or demo apparatus, supplies, materials, or equipment are not included in the exception. A demo item is one that is used for demonstration and is sold by the manufacturer or retailer at a discount.
- (11) Contracts by a public entity with a construction manager at risk executed pursuant to G.S. 143-128.1.
- (12) **(Repealed effective July 1, 2011)** Build-to-suit capital leases with a private developer under G.S. 115C-532.

(f) Repealed by Session Laws 2001-328, s. 1, effective August 2, 2001.

(g) Waiver of Bidding for Previously Bid Contracts. – When the governing board of any political subdivision of the State, or the person to whom authority has been delegated under subsection (a) of this section, determines that it is in the best interest of the unit, the requirements of this section may be waived for the purchase of apparatus, supplies, materials, or equipment from any person or entity that has, within the previous 12 months, after having completed a public, formal bid process substantially similar to that required by this Article, contracted to furnish the apparatus, supplies, materials, or equipment to:

- (1) The United States of America or any federal agency;
- (2) The State of North Carolina or any agency or political subdivision of the State; or
- (3) Any other state or any agency or political subdivision of that state, if the person or entity is willing to furnish the items at the same or more favorable prices, terms, and conditions as those provided under the contract with the other unit or agency. Notwithstanding any other provision of this section, any purchase made under this subsection shall be approved by the governing body of the purchasing political subdivision of the State at a regularly scheduled meeting of the governing body no fewer than 10 days after publication of notice that a waiver of the bid procedure will be considered in order to contract with a qualified supplier pursuant to this section. Notice may be published in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to publish notice solely by electronic means for a particular contract or for all contracts under this subsection shall be approved by the governing board of the political subdivision. Rules issued by the Secretary of Administration pursuant to G.S. 143-49(6) shall apply with respect to participation in State term contracts.

(h) Transportation Authority Purchases. – Notwithstanding any other provision of this section, any board or governing body of any regional public transportation authority, hereafter referred to as a "RPTA," created pursuant to Article 26 of Chapter 160A of the General Statutes, or a regional transportation authority, hereafter referred to as a "RTA," created pursuant to Article 27 of Chapter 160A of the General Statutes, may approve the entering into of any contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment without competitive bidding and without meeting the requirements of subsection (b) of this section if the following procurement by competitive proposal (Request for Proposal) method is followed.

The competitive proposal method of procurement is normally conducted with more than one source submitting an offer or proposal. Either a fixed price or cost reimbursement type contract is awarded. This method of procurement is generally used when conditions are not appropriate for the use of sealed bids. If this procurement method is used, all of the following requirements apply:

- (1) Requests for proposals shall be publicized. All evaluation factors shall be identified along with their

relative importance.

- (2) Proposals shall be solicited from an adequate number of qualified sources.
- (3) RPTAs or RTAs shall have a method in place for conducting technical evaluations of proposals received and selecting awardees, with the goal of promoting fairness and competition without requiring strict adherence to specifications or price in determining the most advantageous proposal.
- (4) The award may be based upon initial proposals without further discussion or negotiation or, in the discretion of the evaluators, discussions or negotiations may be conducted either with all offerors or with those offerors determined to be within the competitive range, and one or more revised proposals or a best and final offer may be requested of all remaining offerors. The details and deficiencies of an offeror's proposal may not be disclosed to other offerors during any period of negotiation or discussion.
- (5) The award shall be made to the responsible firm whose proposal is most advantageous to the RPTA's or the RTA's program with price and other factors considered.

The contents of the proposals shall not be public records until 14 days before the award of the contract.

The board or governing body of the RPTA or the RTA shall, at the regularly scheduled meeting, by formal motion make findings of fact that the procurement by competitive proposal (Request for Proposals) method of procuring the particular apparatus, supplies, materials, or equipment is the most appropriate acquisition method prior to the issuance of the requests for proposals and shall by formal motion certify that the requirements of this subsection have been followed before approving the contract.

Nothing in this subsection subjects a procurement by competitive proposal under this subsection to G.S. 143-49, 143-52, or 143-53.

RPTAs and RTAs may adopt regulations to implement this subsection.

(i) Procedure for Letting of Public Contracts. – The Department of Transportation ("DOT"), The University of North Carolina and its constituent institutions ("UNC"), and the Department of Administration ("DOA") shall monitor all projects in those agencies and institutions that are let without a performance or payment bond to determine the number of defaults on those projects, the cost to complete each defaulted project, and each project's contract price. Beginning March 1, 2011, and annually thereafter, DOT, UNC, and DOA shall report this information to the Joint Legislative Committee on Governmental Operations. (1931, c. 338, s. 1; 1933, c. 50; c. 400, s. 1; 1937, c. 355; 1945, c. 144; 1949, c. 257; 1951, c. 1104, ss. 1, 2; 1953, c. 1268; 1955, c. 1049; 1957, c. 269, s. 3; c. 391; c. 862, ss. 1-4; 1959, c. 392, s. 1; c. 910, s. 1; 1961, c. 1226; 1965, c. 841, s. 2; 1967, c. 860; 1971, c. 847; 1973, c. 1194, s. 2; 1975, c. 879, s. 46; 1977, c. 619, ss. 1, 2; 1979, c. 182, s. 1; 1979, 2nd Sess., c. 1081; 1981, c. 346, s. 1; c. 754, s. 1; 1985, c. 145, ss. 1, 2; 1987, c. 590; 1987 (Reg. Sess., 1988), c. 1108, ss. 7, 8; 1989, c. 350; 1993, c. 539, s. 1007; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 367, s. 6; 1997-174, ss. 1-4; 1998-185, s. 1; 1998-217, s. 16; 2001-328, s. 1; 2001-487, s. 88; 2001-496, ss. 4, 5; 2005-227, s. 1; 2006-232, s. 2; 2007-94, s. 1; 2007-322, s. 4; 2007-446, s. 6; 2010-148, s. 1.2.)

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: April 26, 2011
RE: **Budget Ordinance Amendment 2011-11 (General Fund)**

THE QUESTION:

This budget ordinance amendment will appropriate \$76,625 from privilege license fees paid by electronic gaming operations to restore non-profit funding reductions enacted with the fiscal year 2011 budget.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle: Financially Sound City Government

BACKGROUND:

- At its August 2, 2010 work session, City Council expressed a consensus agreement to restore up to \$76,625 of funding reduced from various non-profits agencies should sufficient funding be received from privilege licenses for electronic gaming operations.
- As of March 23, 2011, \$101,248 has been received in electronic gaming operation privilege license fees.
- This budget ordinance amendment will increase current fiscal year funding for the organizations listed below as follows:

Airborne and Special Operations Museum	\$18,750
Friends of the Park Foundation (Fascinate-U Museum)	\$16,000
Arts Council of Fayetteville/Cumberland County	\$25,000
Center for Economic Empowerment & Development*	\$9,375
Child Advocacy Center	<u>\$7,500</u>
Total	\$76,625

*Formerly known as the Women's Center. The funds will be administered through the Chamber of Commerce contract.

ISSUES:

None

BUDGET IMPACT:

See background information above.

OPTIONS:

- Adopt the budget ordinance amendment and authorize funding increases for the listed non-profit agencies.
- Do not adopt the budget ordinance amendment or authorize funding increases for the the listed non-profit agencies.

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the budget ordinance amendment.

ATTACHMENTS:

Budget Ordinance Amendment 2011-11

2010-2011 BUDGET ORDINANCE AMENDMENT
CHANGE 2011-11

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

That the City of Fayetteville Budget Ordinance adopted June 28, 2010 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, 2010 and ending June 30, 2011, 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>			
Other Taxes	\$ 2,473,767	\$ 76,625	\$ 2,550,392
All Other General Fund Revenues and OFS	138,487,724	-	138,487,724
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 140,961,491</u>	<u>\$ 76,625</u>	<u>\$ 141,038,116</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, 2010, and ending June 30, 2011, 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>			
Other Appropriations	\$ 21,906,831	\$ 69,125	\$ 21,975,956
Police	43,367,184	7,500	43,374,684
All Other General Fund Departments	75,687,476	-	75,687,476
Total Estimated General Fund Expenditures	<u>\$ 140,961,491</u>	<u>\$ 76,625</u>	<u>\$ 141,038,116</u>

Adopted this 26th day of April, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa T. Smith, Chief Financial Officer
DATE: April 26, 2011
RE: **Budget Ordinance Amendment 2011-12 (General Fund)**

THE QUESTION:

Council is asked to approve this budget ordinance amendment to appropriate \$1,575,055 from General Fund fund balance to provide initial funding for expenditures relating to the April 16, 2011 tornadoes. It is anticipated that approximately 75% of these expenditures will be eligible for reimbursement from the Federal Emergency Management Agency (FEMA). The State may also choose to reimburse a portion of the remaining costs.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle: Financially Sound City Government

Vision Principle A: A Great Place to Live - Means a clean and safe community.

BACKGROUND:

- \$1,567,255 will be appropriated to the Environmental Services Department budget based on early estimates for expenditures related to debris clean-up activities, including contracted collection and disposal, required monitoring of the collection process, and rental message boards.
- \$7,800 will be appropriated to the Fire & Emergency Management Department budget for temporary staffing to perform administrative duties associated with the collection and compilation of data for FEMA reporting requirements.
- Additional budget amendments related to tornado response and recovery may be necessary in the near future.

ISSUES:

None

BUDGET IMPACT:

See the budget impact outlined above.

OPTIONS:

- Adopt the budget ordinance amendment.
- Do not adopt the budget ordinance amendment.

RECOMMENDED ACTION:

Staff recommends that Council adopt the budget ordinance amendment as presented.

ATTACHMENTS:

Budget Ordinance Amendment 2011-12

2010-2011 BUDGET ORDINANCE AMENDMENT
CHANGE 2011-12

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

That the City of Fayetteville Budget Ordinance adopted June 28, 2010 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, 2010 and ending June 30, 2011, 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	\$ 8,101,862	\$ 1,575,055	\$ 9,676,917
All Other General Fund Revenues and OFS	132,936,254	-	132,936,254
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 141,038,116</u>	<u>\$ 1,575,055</u>	<u>\$ 142,613,171</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, 2010, and ending June 30, 2011, 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>			
Environmental Services	\$ 8,665,279	\$ 1,567,255	\$ 10,232,534
Fire & Emergency Management	23,175,724	7,800	23,183,524
All Other General Fund Departments	109,197,113	-	109,197,113
Total Estimated General Fund Expenditures	<u>\$ 141,038,116</u>	<u>\$ 1,575,055</u>	<u>\$ 142,613,171</u>

* Reflects presumed adoption of Budget Ordinance Amendment 2011-11, also presented on April 26, 2011.

Adopted this 26th day of April, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen Hilton, Planning & Zoning Division Manager
DATE: April 26, 2011
RE: **Special Sign Permit Request for temporary event signs for the Cumberland CommuniCare Barbecue Event**

THE QUESTION:

Should the special request for temporary event signs for the Cumberland CommuniCare Barbecue Event be approved?

RELATIONSHIP TO STRATEGIC PLAN:

Partnership of Citizens

BACKGROUND:

The Sign Ordinance contains a provision, Section 30-259, allowing special permits for temporary on and off premises signs for festivals and major events for the purposes of giving directions and information. The request is subject to the approval of City Council who may limit the number.

ISSUES:

The City Council has routinely approved similar requests for up to 25 signs two weeks prior to the event for similar events for several years. The Cumberland CommuniCare Barbecue will be held on May 27, 2011 at 2800 Raeford Road (Highland Shopping Center). The applicant is asking for 20 signs to be placed at various locations throughout the City of Fayetteville. Due to past practice staff recommends Council grant the special sign permit for 20 signs to be put out May 19, 2011 and removed by May 28, 2011.

BUDGET IMPACT:

OPTIONS:

1. Grant the special sign permit for up to 20 signs to be removed by the end of the day, May 28, 2011.
2. Grant the special sign permit with a different number and or different dates to be placed out.
3. Deny the special sign permit request.

RECOMMENDED ACTION:

Staff recommend that Council move to grant the special sign permit for up to 20 signs located in accordance with staff approval and to be removed by the end of the day May 28, 2011.

ATTACHMENTS:

CCBBQ Sign Permit Request



April 6, 2011

MEMORANDUM

TO: Zoning Section

FROM: Lieutenant Darry R. Whitaker (L-12)
Cross Creek Investigative Division

SUBJECT: Obtaining a Sign Permit
For Cumberland CommuniCare Barbecue Event

On Friday, May 27th, CommuniCare will be hosting their annual Barbecue Fundraiser. The event will be held at 2800 Raeford Road inside the Highland Shopping Center (Harris Teeter Parking Lot). The event is scheduled from 11:00am-7:00pm.

There will be approximately twenty (20) signs throughout Fayetteville promoting the event on Monday, May 23rd. Our signs will be placed on Private Property and not on the Right-of-Way or areas prohibited by the CITY OF FAYETTEVILLE.

If you have any questions, please contact Lt. Whitaker with the Fayetteville at 910-433-1910 or Sarah Hallock with Cumberland County CommuniCare at 910-829-9017.

Thank you for your consideration concerning this matter.

Lt. Darry R. Whitaker (L-12)
Cross Creek Juvenile/Persons Unit
Fayetteville Police Department
467 Hay Street
Fayetteville, North Carolina 28301
Office: 910.433.1910/Cell: 910.237.7877
dwhitaker@ci.fay.nc.us

467 HAY STREET
FAYETTEVILLE, NC 28301-5565
(910) 433-1819
www.cityoffayetteville.org
An Equal Opportunity Employer

122nd NATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE Engineering and Infrastructure Director
DATE: April 26, 2011
RE: **Adopt a Resolution Confirming Non-Inclusion of a portion of an Unnamed Alley off of Old Wilmington Road in the City of Fayetteville Street Plan**

THE QUESTION:

How best to respond to a request from Fayetteville Metropolitan Housing Authority to declare a portion of an Unnamed Alley off of Old Wilmington Road free from City Maintenance. This resolution of non-inclusion on a city street plan helps enable the adjacent property owner to better develop the property around it.

RELATIONSHIP TO STRATEGIC PLAN:

A Growing City – A Great Place to Live

BACKGROUND:

The portion of the Unnamed Alley off of Old Wilmington Road was identified on Plat 8, Page 80 dated October 1933 and Plat 12, Page 21 dated June 1948.

ISSUES:

- That portion of the Unnamed Alley off of Old Wilmington Road identified on attached map was never opened or used for public access nor was it a part of any approved street plan.
- No lots will be landlocked.
- The Requestor is an abutting property owner.
- A Public Hearing is not required for this action

BUDGET IMPACT:

There is no significant impact on the budget for this project.

OPTIONS:

- Adopt the attached resolution of non-inclusion for a portion of Unnamed Alley off of Old Wilmington Road.
- Do not adopt the resolution.

RECOMMENDED ACTION:

Adopt the attached resolution of non-inclusion for a portion of Unnamed Alley off of Old Wilmington Road.

ATTACHMENTS:

Resolution
Map

***RESOLUTION CONFIRMING NON-INCLUSION OF A PORTION OF
AN UNNAMED ALLEY OFF OF OLD WILMINGTON ROAD IN THE CITY
OF FAYETTEVILLE STREET PLAN***

WHEREAS, the City of Fayetteville, NC, has requested that a determination be made of whether a portion of an Unnamed Alley off of Old Wilmington Road, as shown on the copy of a map attached to this Resolution, is shown as a future street on a street plan adopted by the City of Fayetteville pursuant to G.S. § 136-66.2; and

WHEREAS, the City of Fayetteville has examined its records, and has determined that its street plan does not include the unopened portion of the Unnamed Alley off of Old Wilmington Road as depicted on attached map.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fayetteville finds that the above-described portion of the Unnamed Alley off of Old Wilmington Road has not been included in a street plan adopted pursuant to North Carolina General Statutes 136-66.2.

ADOPTED this the 26th day of April 2011.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Jennifer Penfield, Deputy City Clerk

HOUSING AUTHORITY

RESERVED

FAYETTEVILLE GRADED SCHOOL

NORTH CHURCH

CAPE FEAR DEVELOPMENT

BLUE HOMES, INC., OWNER

FAYETTEVILLE, N. C.

SCALE 1" = 40'

JUNE, 1948

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CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: April 26, 2011
RE: **Tax Refunds of Greater Than \$100**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

Approved by the Cumberland County Special Board of Equalization for the months of February and March 2011.

ISSUES:

None.

BUDGET IMPACT:

The refunds total \$464.34.

OPTIONS:

Approve the refunds.

RECOMMENDED ACTION:

Approval.

ATTACHMENTS:

Tax Refunds of Greater Than \$100



April 11, 2011

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's of February and March 2011.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Watson, Jo Ann	9500247	2008-2009	Corrected Assessment	169.02
Kocher, Anthony	9050550	2005-2008	Double Listing	295.32
TOTAL				\$464.34

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: April 26, 2011
RE: **Resolution Accepting the Financing Proposal of Bank of America, N.A. for the Acquisition of the Site, Construction & Equipping of a New Fire Station & the Acquisition of the Festival Park Plaza Office Building & Set the Public Hearing for May 9, 2011**

THE QUESTION:

If Council wishes to proceed with the financing of the Festival Park Plaza Office Building and Fire Station 19, Council is requested to adopt the attached resolution and set a public hearing on the proposed financing.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: More Efficient City Government - Cost Effective Service Delivery. Objective 2: Services delivered in a Cost Effective Manner and Objective 3: Investing in City's future infrastructure, facilities and equipment

Goal 6: Revitalized Downtown - A Community Focal Point. Objective 5: Increase building occupancy with successful businesses

BACKGROUND:

- Council has taken several actions related to the construction and financing of Fire Station 19 including the adoption of the five-year capital improvement plan, a capital project ordinance, reimbursement resolution and contract award for construction.
- On March 28, 2011, Council authorized the settlement agreements for the Festival Plaza Office Building (FPPO).
- The next step in the process is to obtain financing for the acquisition of the office building and the acquisition of the site and construction of the fire station.
- Since the FPPO, LLC has a swap agreement secured by the building and the cost to terminate the swap could not be recouped through the refinancing, staff recommends maintaining the swap agreement and entering into a variable rate loan to acquire the office building.
- To improve the financing rates for the FPPO, the City included the financing of Fire Station 19 in its request for financing proposals.
- The City received financing proposals from Bank of America and Wells Fargo as follows:

	Bank of America (BOA)	Wells Fargo	Benefit (Cost) of BOA vs Wells Fargo
Taxable Loan	LIBOR + 0.75%	LIBOR + 0.75%	0
Swap Rate Paid by City	6.55%	6.43%	(0.12%)
Swap Rate Received by City	LIBOR + 1.25%	LIBOR + 0.75%	0.50%
All-in Taxable Cost of Funds (Festival Plaza Building)	6.05%	6.43%	0.38%
Tax-Exempt Loan (Fire Station)	62.5% LIBOR + 0.60%	70% LIBOR + 0.75%	7.5% LIBOR + 0.15%

- The projected not to exceed cost for the total financing is \$8,000,000.
- Staff recommends accepting the proposal from Bank of America through adoption of the attached resolution and setting the public hearing on the

proposed financing for May 9.

- At the conclusion of the public hearing, Council will be asked to take several actions including: adoption of a resolution making necessary findings related to the proposed financing contract; approval of the financing team and authorization to submit an application to the LGC for the financing.

ISSUES:

None.

BUDGET IMPACT:

See background information above. Additional information will be provided in the May 9 agenda package.

OPTIONS:

- Proceed with the financing and adopt the attached resolution and set the public hearing for May 9, 2011.
- Do not proceed with the financing, do not acquire Festival Park Plaza Office Building, and seek competitive bids for the financing of Fire Station 19.

RECOMMENDED ACTION:

If Council wishes to proceed with the financing, adopt the attached resolution and set the public hearing for May 9, 2011.

ATTACHMENTS:

Resolution for Financing with BofA

The City Council of the City of Fayetteville, North Carolina held a regular meeting in the Council Chambers at City Hall located at 433 Hay Street in Fayetteville, North Carolina, the regular place of meeting, at 7:00 p.m. on April 26, 2011.

Present: Mayor Anthony G. Chavonne, presiding, and Council Members

Absent: Council Members

Also Present: _____

* * * * *

The following resolution the title of which was included in the council consent agenda and copies of which had been previously distributed to each Council Member with the agenda package:

RESOLUTION ACCEPTING THE PROPOSAL OF BANK OF AMERICA, N.A. IN CONNECTION WITH AN INSTALLMENT FINANCING FOR THE ACQUISITION OF THE SITE, CONSTRUCTION AND EQUIPPING OF A NEW FIRE STATION AND THE ACQUISITION OF THE FESTIVAL PARK PLAZA OFFICE BUILDING BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA

WHEREAS, the City of Fayetteville, North Carolina (the “City”) intends to enter into an installment financing agreement pursuant to Section 160A-20 of the General Statutes of North Carolina for the purpose of providing funds, together with any other available funds, to pay the costs of (a) acquiring the site for, constructing, and equipping a new fire station and (b) acquiring the Festival Park Plaza Office Building (collectively, the “Project”);

WHEREAS, the City has solicited proposals from banks to provide the financing for the Project; and

WHEREAS, upon careful review and consideration of the proposals submitted by banks to provide such financing, the City desires to accept the proposal of Bank of America, N.A. (the “Lender”);

NOW, THEREFORE, BE IT RESOLVED by the City Council (the “City Council”) of the City of Fayetteville, North Carolina (the “City”) as follows:

1. The proposal of the Lender to provide financing through an installment financing agreement for the purpose of providing funds, together with any other available funds, to pay the costs of the Project is hereby accepted, subject to further approval of the particular documentation related thereto by the City Council.

2. The City Manager and the Chief Financial Officer of the City are each hereby authorized and directed to execute and deliver such documentation as may be necessary to accept the proposal of the Lender.

3. This resolution shall take effect immediately upon its passage.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was adopted by the following vote:

Ayes: _____

Noes: _____

* * * * *

I, Jennifer Penfield, Deputy City Clerk of the City of Fayetteville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of said City at a regular meeting held on April 26, 2011, as it relates in any way to the

passage of the foregoing resolution relating to an installment financing agreement by said City and that said proceedings are recorded in the minutes of said City Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and official seal of said City this 26th day of April, 2011.

Deputy City Clerk

[SEAL]

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: April 26, 2011
RE: Revision to the Uniform Street and Thoroughfare & Lighting Ordinance

THE QUESTION:

Whether Council wants to adopt the proposed changes to the Uniform Street and Thoroughfare Lighting Ordinance.

RELATIONSHIP TO STRATEGIC PLAN:

Desirable Neighborhoods

BACKGROUND:

- Council adopted the Uniform Street and Thoroughfare Lighting Ordinance in February 2010 with an effective date of March 1, 2010.
- The purpose of the ordinance is to establish uniformity for the location of lights as well as how the lights are paid for.
- Progress Energy is regulated by the Utilities Commission (Commission). In order for Progress Energy to comply with the Ordinance, Progress Energy filed an amendment to its existing tariff with the Commission. On February 22, 2011 the Commission heard oral argument on the proposed tariff. During the oral argument, the Commission raised questions about the wording of the City's ordinance as it pertained to directing Progress Energy to bill its customers for street lighting services.

ISSUES:

- The NC Utilities Commission has some concern over some minor wording of the ordinance that involves the billing of residential customers.
- The NC Utilities Commission most likely will not approve the revised tariff filed by Progress Energy unless the existing ordinance is revised. The revised tariff will allow Progress Energy to collect the energy cost for the street lights directly from the residential customers.

BUDGET IMPACT:

Without the adoption of the proposed change, Progress Energy will not be allowed to bill the residential customers for street lights within their perspective subdivision. If that is the case, then the City will have to continue to pay for the monthly energy cost of providing this service.

OPTIONS:

- Adopt the amendment as proposed to the Uniform Street and Thoroughfare Lighting Ordinance.
- Edit the proposed amendment and then adopt.
- Take no action.

RECOMMENDED ACTION:

Adopt the amendment as proposed to the Uniform Street and Thoroughfare Lighting Ordinance.

ATTACHMENTS:

Ordinance Amendment
Proposed Change

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AMENDING SECTION 24-344 OF CHAPTER 24, 29, STREETS AND SIDEWALKS, OF
THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE**

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

Section 1. Section 24-344 is amended by deleting the same in its entirety and substituting therefor the following:

Sec. 24-344. Billing for street lights.

Residents in residential developments with street lighting shall directly pay the utility for the lighting service under utility tariffs applicable to such service through their individual residential electric service accounts. The city shall pay for street lighting service to thoroughfares or other areas that fail to meet the availability requirement of utility tariffs.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

Adopted this _____ day of _____, 2011.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

JENNIFER PENFIELD, Deputy City Clerk

Please note the following is not the entire Chapter. The only sections that follow are those being revised.

Chapter 24

STREETS AND SIDEWALKS

ARTICLE X. UNIFORM STREET AND THOROUGHFARE LIGHTING ORDINANCE

Sec. 24-344. - Billing for street lights.

Residents in residential developments with street lighting shall directly pay the utility for the lighting service under utility tariffs applicable to such service through their individual residential electric service accounts. The city shall pay for street lighting service to thoroughfares or other areas that fail to meet the availability requirement of utility tariffs.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Nash, Planner II
DATE: April 26, 2011
RE: **Public Hearing for Consideration of a Resolution to Adopt a New Redistricting Map**

THE QUESTION:

Should the City Council approve a Resolution adopting a new redistricting map?

RELATIONSHIP TO STRATEGIC PLAN:

Partnership of Citizens

BACKGROUND:

On March 28, the City's redistricting consultant, Ms. Deborah Stagner, reported to the City Council that the new 2010 Census block-level data shows population imbalances among the City's nine electoral districts. State law allows the City to revise its electoral district boundaries for the purpose of correcting population imbalances shown by a new federal census.

On April 11, Ms. Stagner presented two new redistricting maps to the City Council; these were labelled as Alternative 1 and Alternative 3. (There was no Alternative 2 map.) Most members of the City Council stated that they preferred the Alternative 3 map over the Alternative 1 map. However, several members requested some revisions in the Alternative 3 map.

On April 18, Ms. Stagner will present two maps labelled as Alternative 3A and 3B, with the revisions requested.

PDF versions of the alternative maps are attached. Note that the toolbar allows the viewer to zoom in and turn layers on and off. The proposed new districts are shown in various colors, as explained in the map legend. The district number of each proposed new district is shown with a red number. The current Council electoral districts are shown by a green line, and the current district number is shown with a green number.

A notice of the public hearing was published in The Fayetteville Observer on Wednesday, April 20 and on Sunday, April 24. Maps have been available for viewing in the lobby of City Hall. Maps have also been posted on the City's website at <http://www.cityoffayetteville.org/election>

ISSUES:

A major consideration in the process is the Fall municipal election cycle, which requires that the U.S. Justice Department complete the preclearance review by July 19 to allow filing in the new districts. To meet that schedule, the Council must soon approve the new districts so that the preclearance review can begin.

BUDGET IMPACT:

The monetary cost of adopting a resolution would be the costs for preparing a submission to the Justice Department and the costs for advertising the availability of the submission.

OPTIONS:

1. Adopt the attached resolution (with a specified alternative map). **(Recommended)**
2. Do not adopt the attached resolution (with a specified alternative map).
3. Defer action (which may involve preparation of new alternatives and an additional hearing).

RECOMMENDED ACTION:

Staff recommends that the City Council adopt the attached resolution with a specified alternative. Staff does not have a recommendation on which alternative should be specified and adopted.

ATTACHMENTS:

Resolution Adopting a New Redistricting Map

PDF Version of Alternative 1 (With Current Districts Added)

PDF Version of Alternative 3 (With Current Districts Added)

PDF Version of Alternative 3A (With Current Districts Added)

PDF Version of Alternative 3B (With Current Districts Added)

PDF Version of Alternative 3C (With Current Districts Added)

CITY OF FAYETTEVILLE

26 April 2011

**RESOLUTION ADOPTING NEW DISTRICT BOUNDARIES
FOR ELECTION OF CITY COUNCIL MEMBERS**

WHEREAS, the Fayetteville City Council has nine members who are elected by district;
and

WHEREAS, those districts are subject to the constitutional and statutory requirement of one-person/one-vote; and

WHEREAS, the City Council has recently received and reviewed the population of the districts as determined by the 2010 federal census; and

WHEREAS, the City Council has determined that the population of the districts is out of balance and that the boundaries of the districts need to be altered to provide equal representation;
and

WHEREAS, the City Council is authorized and required by North Carolina General Statutes 160A-23(b) to revise its electoral district boundaries to correct population imbalances shown by a federal census; and

WHEREAS, the City Council has discussed redistricting at public sessions held on March 23, April 11, and April 18, 2011; and

WHEREAS, on April 26, 2011, the City Council held a public hearing to review and consider a proposed plan for redrawing the district boundaries; and

WHEREAS, the redistricting plan entitled "Fayetteville Alternative ____" considered by the City Council and presented to the public would satisfy the requirements of one-person/one-vote by creating no district with a deviation of more than five percent above or below the ideal size;

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

1. The boundaries of the nine districts for election of the City Council are altered to follow the lines depicted on the attached map entitled "Fayetteville Alternative ____."
2. The attached map has been prepared from United States Census Bureau maps and the boundaries have been drawn to follow census block lines. A list of the census blocks in each district is attached for reference and to resolve any issue that might arise concerning the boundaries of the districts.

3. The new district boundaries shall be used for the next election of the Fayetteville City Council and for each subsequent election until the boundaries are altered according to law.
4. A copy of this resolution and the map showing the district boundaries shall be retained in the Office of the City Clerk.
5. Copies of the map shall be provided to the Cumberland County Board of Elections with the request that the board notify residents of Fayetteville of changes in the districts in which they vote.
6. The new district lines shall be submitted to the United States Justice Department for preclearance under Section 5 of the federal Voting Rights Act, and the new boundaries shall take effect upon such preclearance.

ADOPTED by the City Council this 26th day of April 2011.

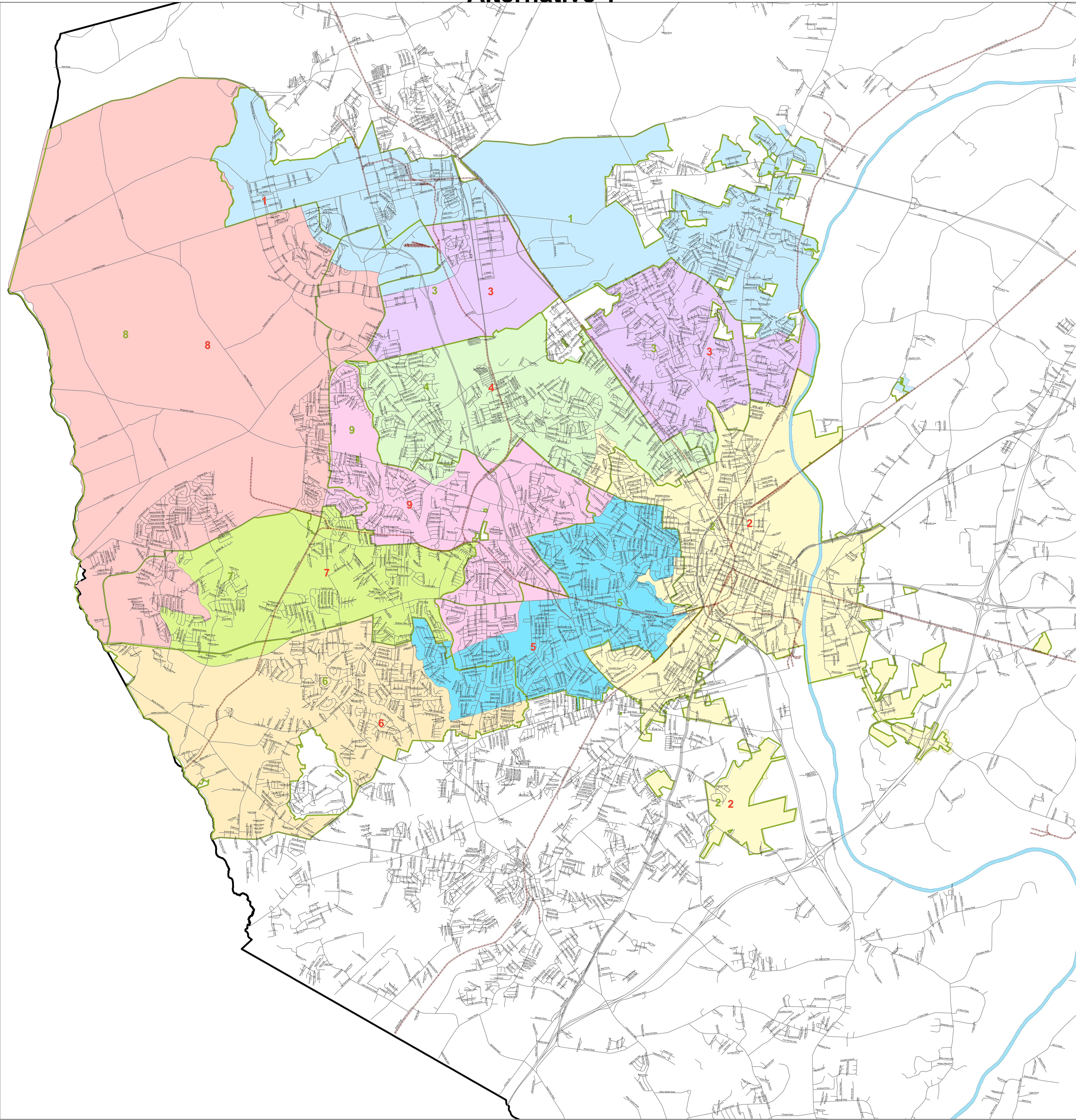
Anthony G. Chavonne, Mayor

ATTEST:

City Clerk

Redistricting After the 2010 Census

Alternative 1



Streets (Based on Census Bureau's LUCA "AllLines" File)

Railroads (Based on Census Bureau's LUCA "AllLines" File)

Current District Boundaries (13D)

Cape Fear River

Fayetteville Alt1

DISTRICT

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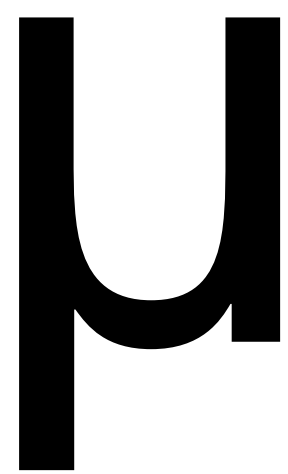
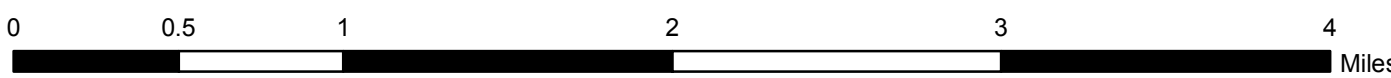
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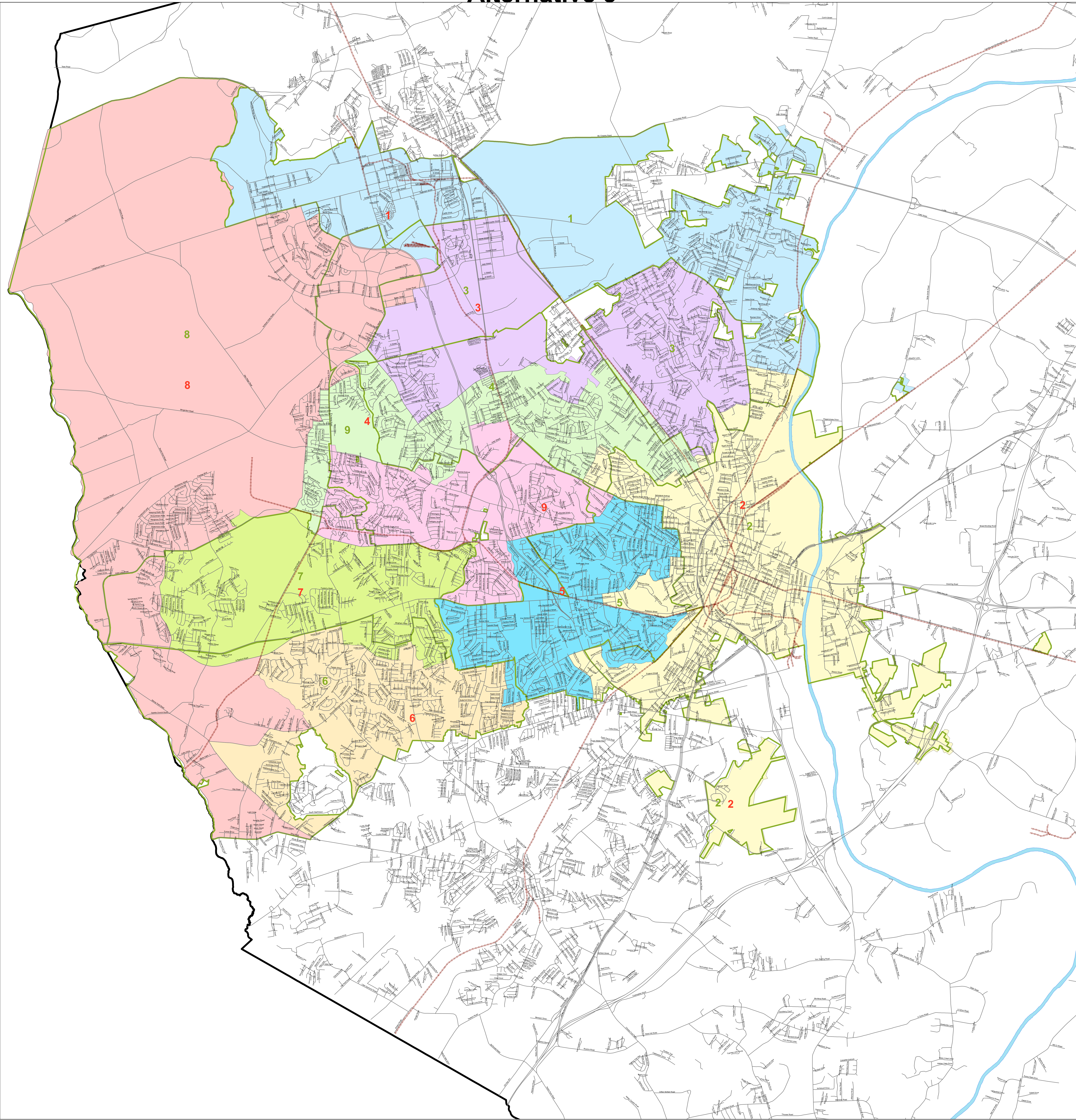
Cumberland County Boundary

Notes:
(1) The boundaries of the part of Fort Bragg annexed into Fayetteville are based on the description in Section 1 of HB 2414. Digitized on 9/5/08 by staff of Fayetteville Planning Department.
(3) Map printed on 4/11/11 by Fayetteville Planning Department.



Redistricting After the 2010 Census

Alternative 3



Streets (Based on Census Bureau's LUCA "AllLines" File)

Railroads (Based on Census Bureau's LUCA "AllLines" File)

Current District Boundaries (13D)

Cape Fear River

Fayetteville Alt3

DISTRICT

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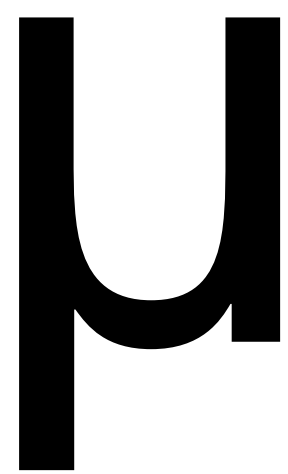
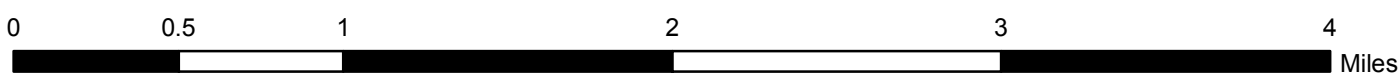
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Cumberland County Boundary

Notes:

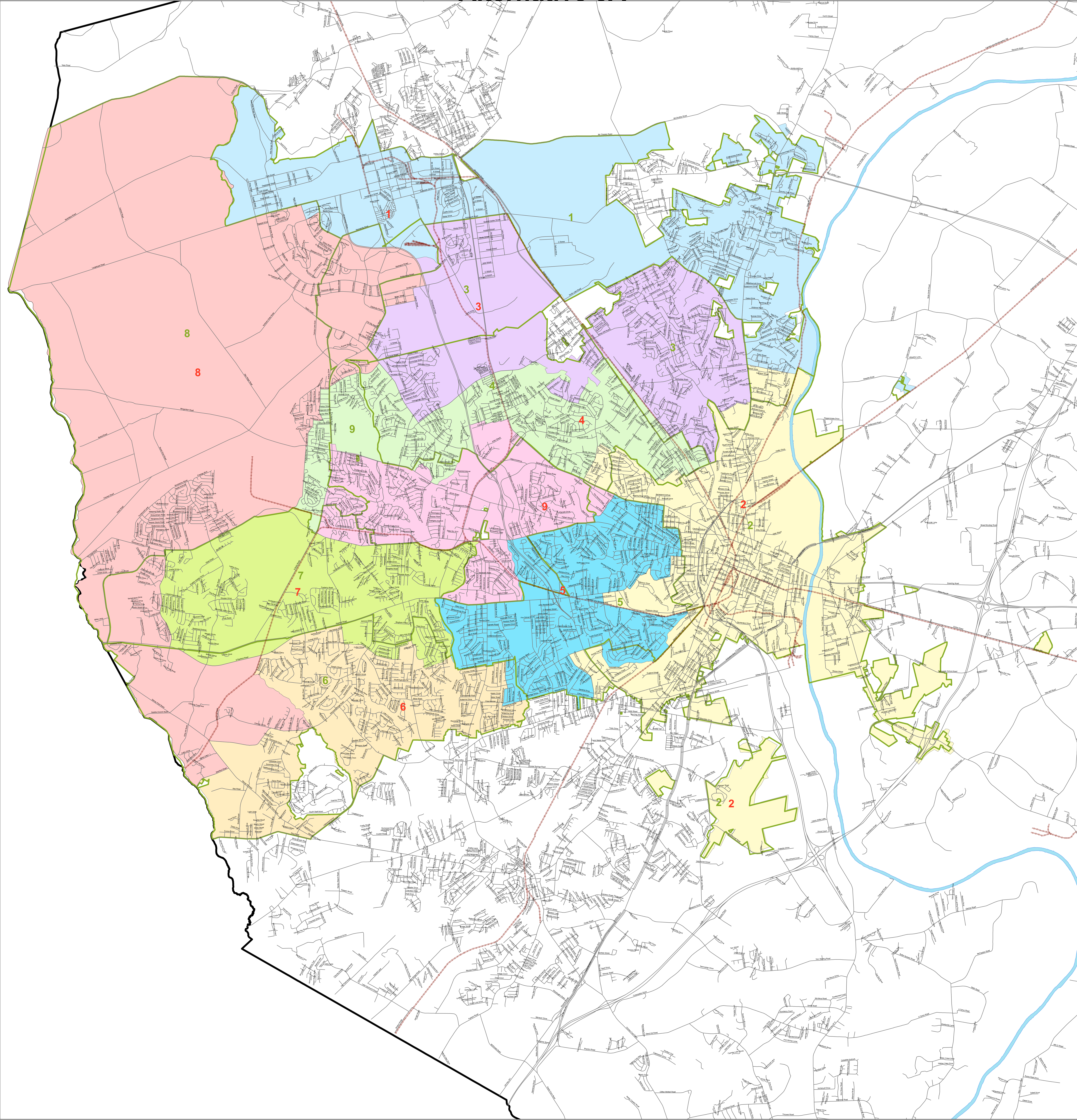
(1) The boundaries of the part of Fort Bragg annexed into Fayetteville are based on the description in Section 1 of HB 2414. Digitized on 9/5/08 by staff of Fayetteville Planning Department.

(3) Map printed on 4/11/11 by Fayetteville Planning Department.



Redistricting After the 2010 Census

Alternative 3A



Streets (Based on Census Bureau's LUCA "AllLines" File)

Railroads (Based on Census Bureau's LUCA "AllLines" File)

Current District Boundaries (13D)

Cape Fear River

Fayetteville Alt3A

DISTRICT

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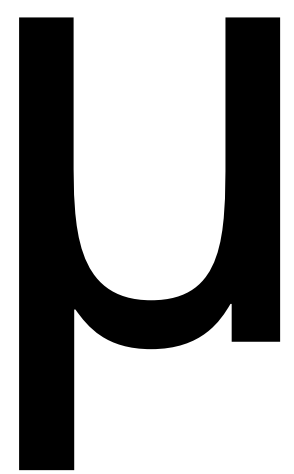
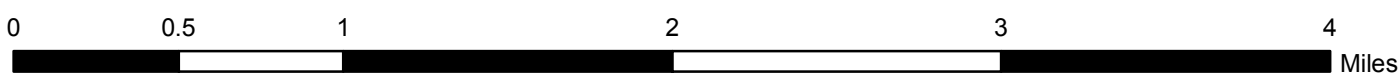
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Cumberland County Boundary

Notes:

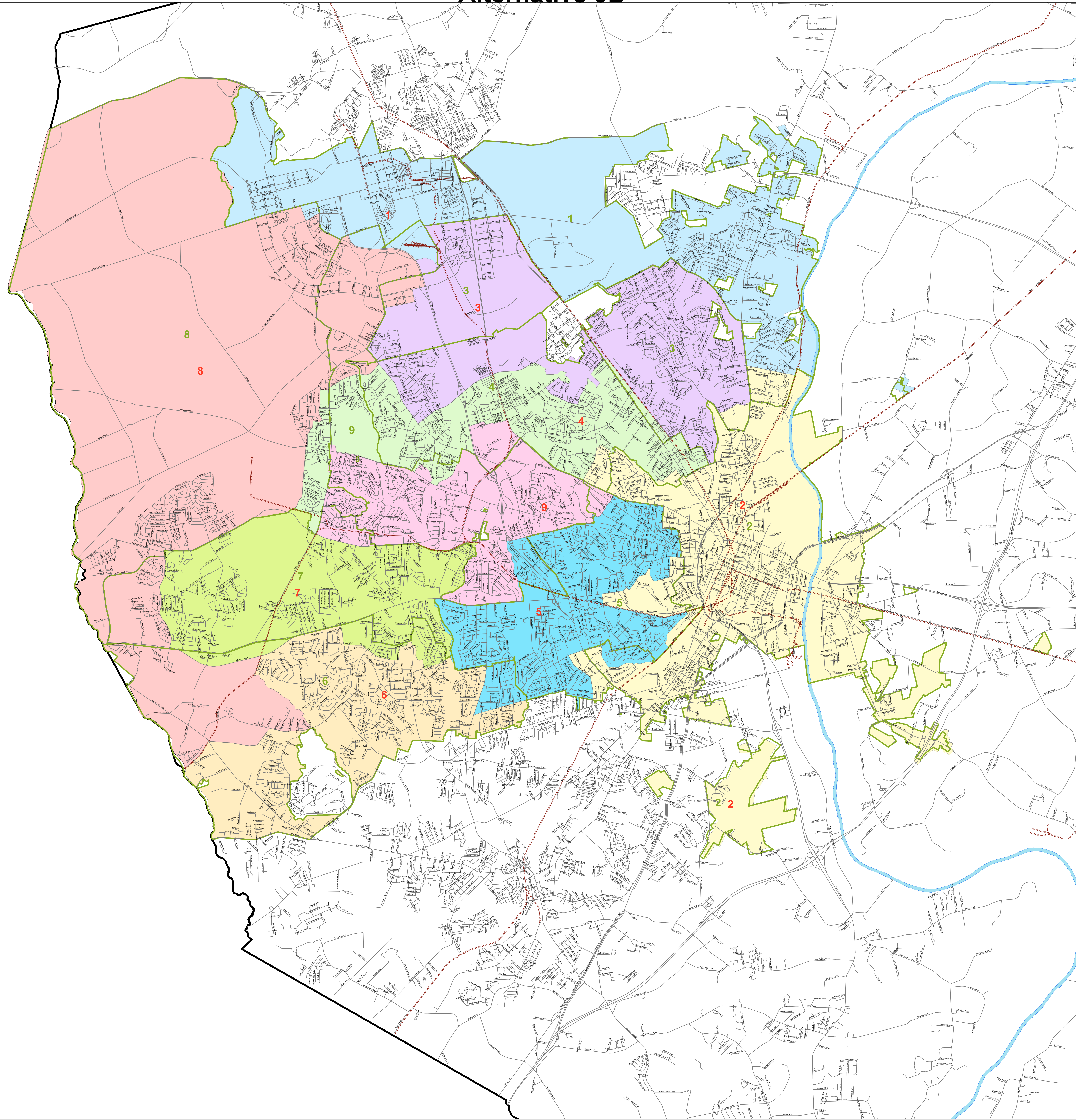
(1) The boundaries of the part of Fort Bragg annexed into Fayetteville are based on the description in Section 1 of HB 2414. Digitized on 9/5/08 by staff of Fayetteville Planning Department.

(3) Map printed on 4/15/11 by Fayetteville Planning Department.



Redistricting After the 2010 Census

Alternative 3B



Streets (Based on Census Bureau's LUCA "AllLines" File)

Railroads (Based on Census Bureau's LUCA "AllLines" File)

Current District Boundaries (13D)

Cape Fear River

Fayetteville Alt3B

DISTRICT

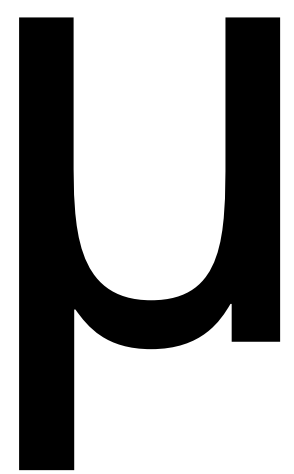
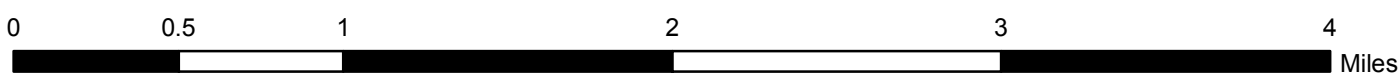
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Cumberland County Boundary

Notes:

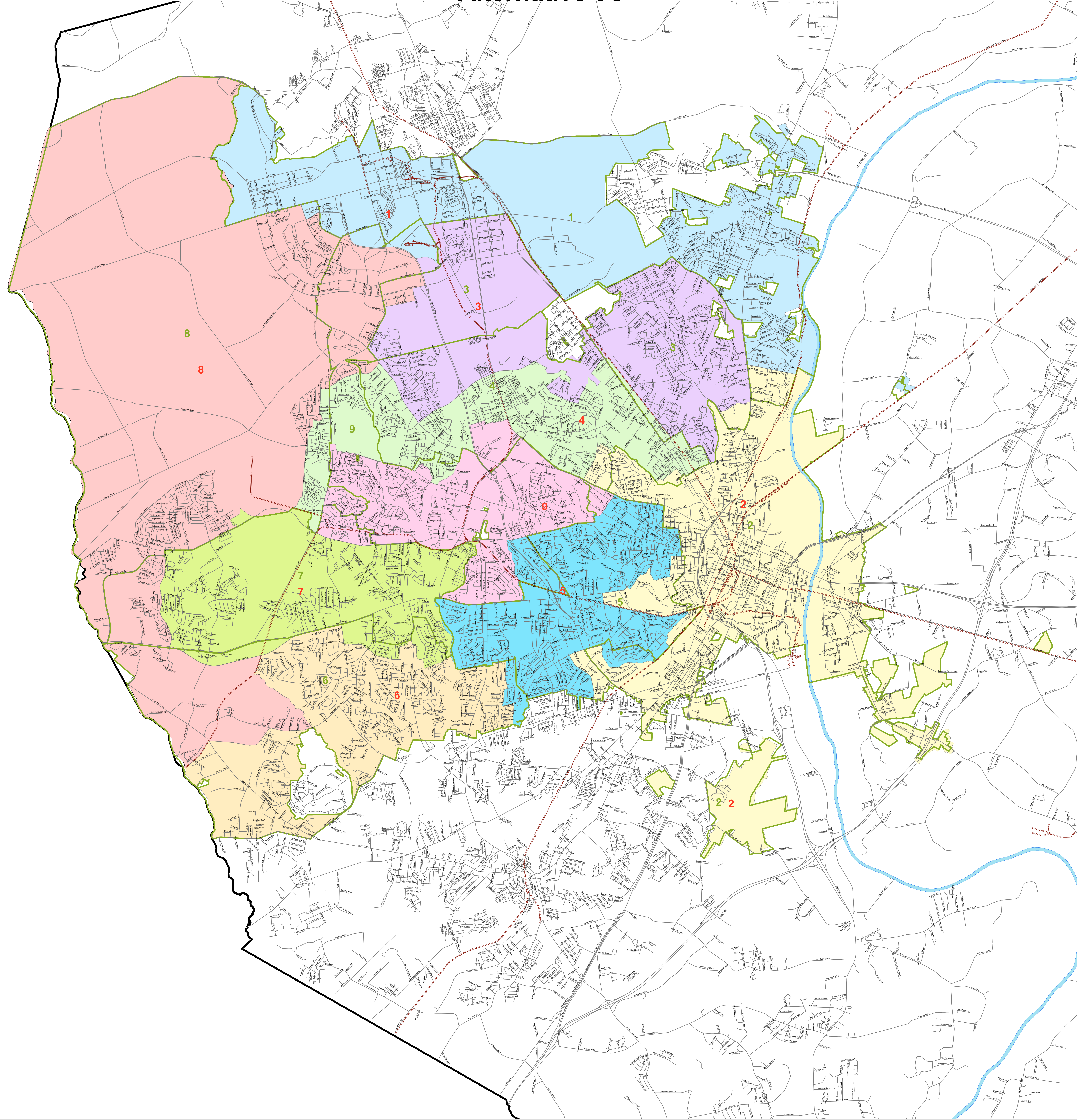
(1) The boundaries of the part of Fort Bragg annexed into Fayetteville are based on the description in Section 1 of HB 2414. Digitized on 9/5/08 by staff of Fayetteville Planning Department.

(3) Map printed on 4/15/11 by Fayetteville Planning Department.



Redistricting After the 2010 Census

Alternative 3C



Streets (Based on Census Bureau's LUCA "AllLines" File)

Railroads (Based on Census Bureau's LUCA "AllLines" File)

Current District Boundaries (13D)

Cape Fear River

Fayetteville Alt3C

DISTRICT

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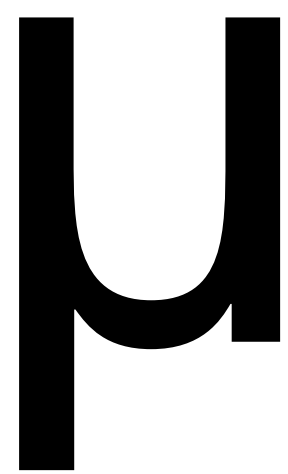
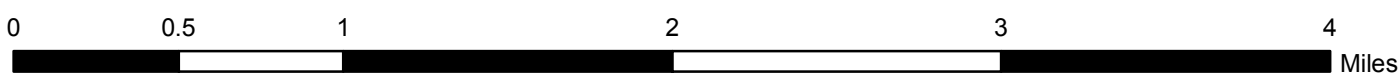
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Cumberland County Boundary

Notes:

(1) The boundaries of the part of Fort Bragg annexed into Fayetteville are based on the description in Section 1 of HB 2414. Digitized on 9/5/08 by staff of Fayetteville Planning Department.

(3) Map printed on 4/19/11 by Fayetteville Planning Department.



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner
DATE: April 26, 2011
RE: **Case No. P11-03F. Rezoning of 0.7 acres at 150 Carvers Falls Road from R6 Residential District to C3 Commercial District. Nathan Elmon Page, Jr. and wife Cindy L. Page owners.**

THE QUESTION:

Should a residentially zoned property be rezoned to a commercial zoning district?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

This application was received on December 7, 2010, prior to the approval of the UDO text on December 13, 2010 and the initiation of the UDO zoning remapping process.

Owner: Nathan Elmon Page, Jr. and wife Cindy L. Page

Applicant: Garris Neil Yarborough

Requested Action: R6 to C3

Property Address: 150 Carvers Falls Road

Status of Property: Vacant - fenced in

Size: 0.7 acres +/-

Existing Land Use: Vacant Residential
Adjoining Land Use & Zoning: North - R5 Residential Apartments / South - R6 Residential Single Family and Vacant / R6 Residential Single Family and Vacant / C3 & C1 Commercial

2010 Land Use Plan: Medium Density Residential

Letters Mailed: 19

R6 - Primarily a single-family residential district but with smaller lot areas per family required, permitting more frequent use of two-family and multifamily structures.

C3 - Heavy Commercial - Primarily for heavy retail and service establishments and wholesale establishments providing services to residents of the Fayetteville area and which require large amounts of ground area and easy access to the city highway system.

ISSUES:

This property borders other C3 heavy commercial zoning in the form of an auto repair establishment. There are apartments across Carvers Falls from this property and there is very limited development behind this property. This request would expand an existing C3 use. Carvers Falls right-of-way separates this property from the existing multifamily development.

Zoning Commission and Staff recommend APPROVAL of the rezoning to C3 based on:

1. The property is adjacent to similar commercial zoning and use;
2. Although the 2010 Land Use Plan calls for residential use on this property, staff believes that this property would serve as a natural end point to the commercial development on Carvers Falls Road.
3. The property to the rear is currently undeveloped.

If the requested rezone is approved, then the zoning for this property will be translated to the CC Community Commercial zone under the UDO during the remapping process.

BUDGET IMPACT:

New property tax revenue; no significant increase in cost of providing public services.

OPTIONS:

- 1) Approve rezoning the property to C3 (Recommended);
- 2) Approve rezoning the property to a more restrictive zoning district;
- 3) Deny the rezoning of the property to C3

RECOMMENDED ACTION:

Zoning Commission and Staff recommend that the City Council move to APPROVE the rezoning from R6 Residential District to C3 Commercial District based on the reasons provided above (in issues).

ATTACHMENTS:

Zoning Map

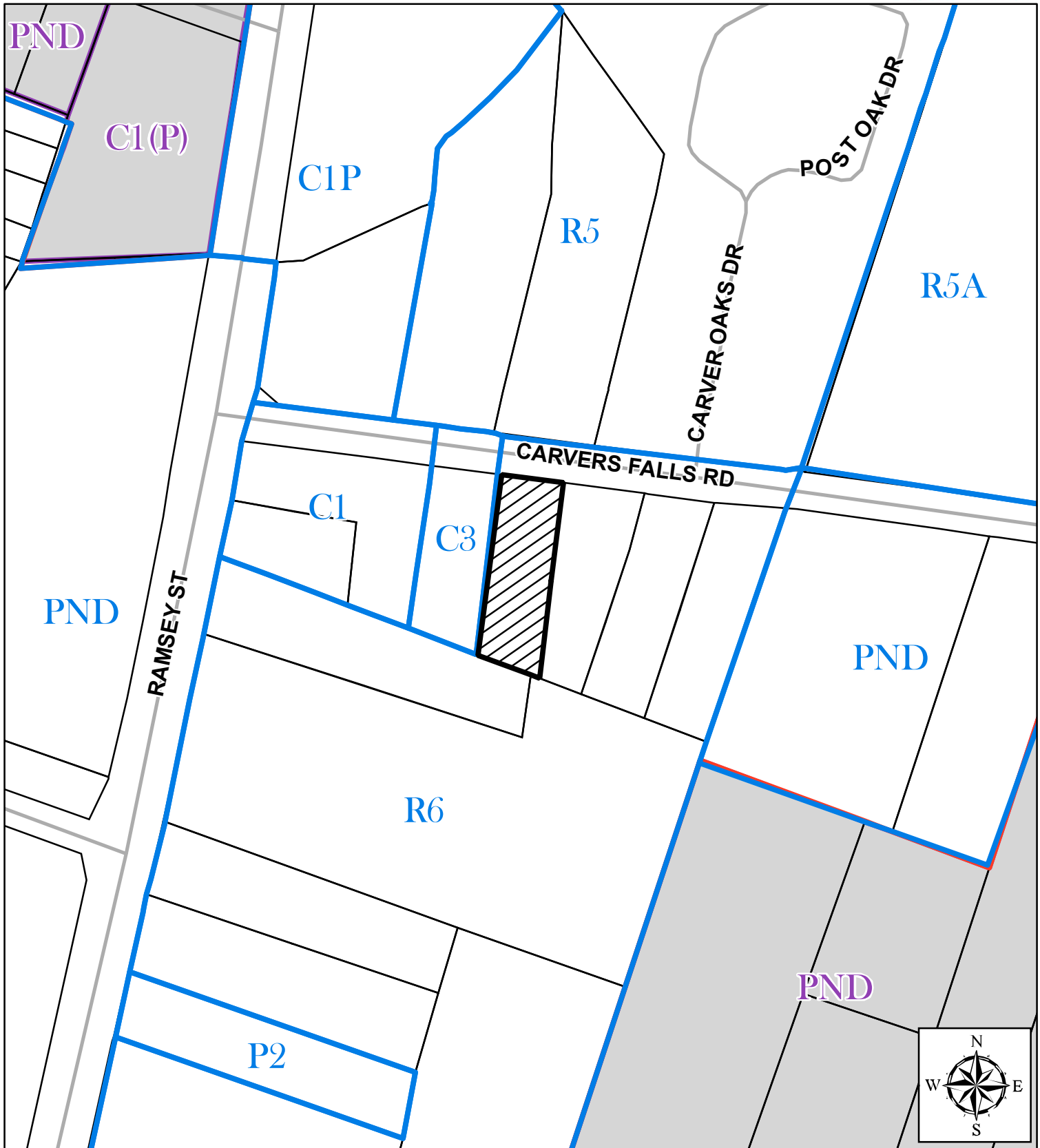
Current Landuse

2010 Plan

Ortho Photo

Zoning Commission Minutes

ZONING COMMISSION
CASE NO. P11-03F

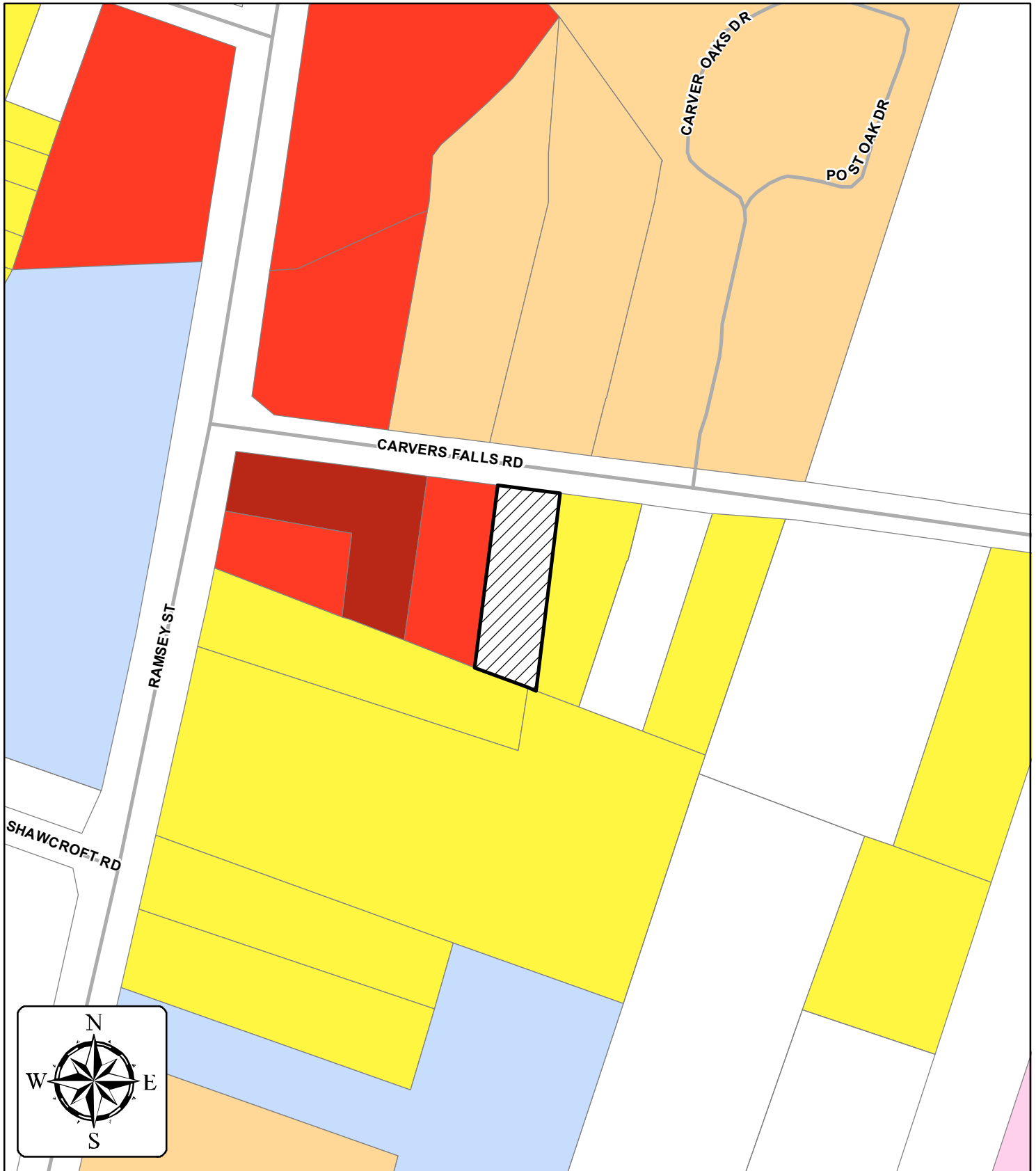


Request: R6 to C3
Location: 150 Carvers Falls Rd.
Acreage: .7 +/- acres

Zoning Commission: 03/08/2011 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0530-99-1420

Current Land Use

P11-03F

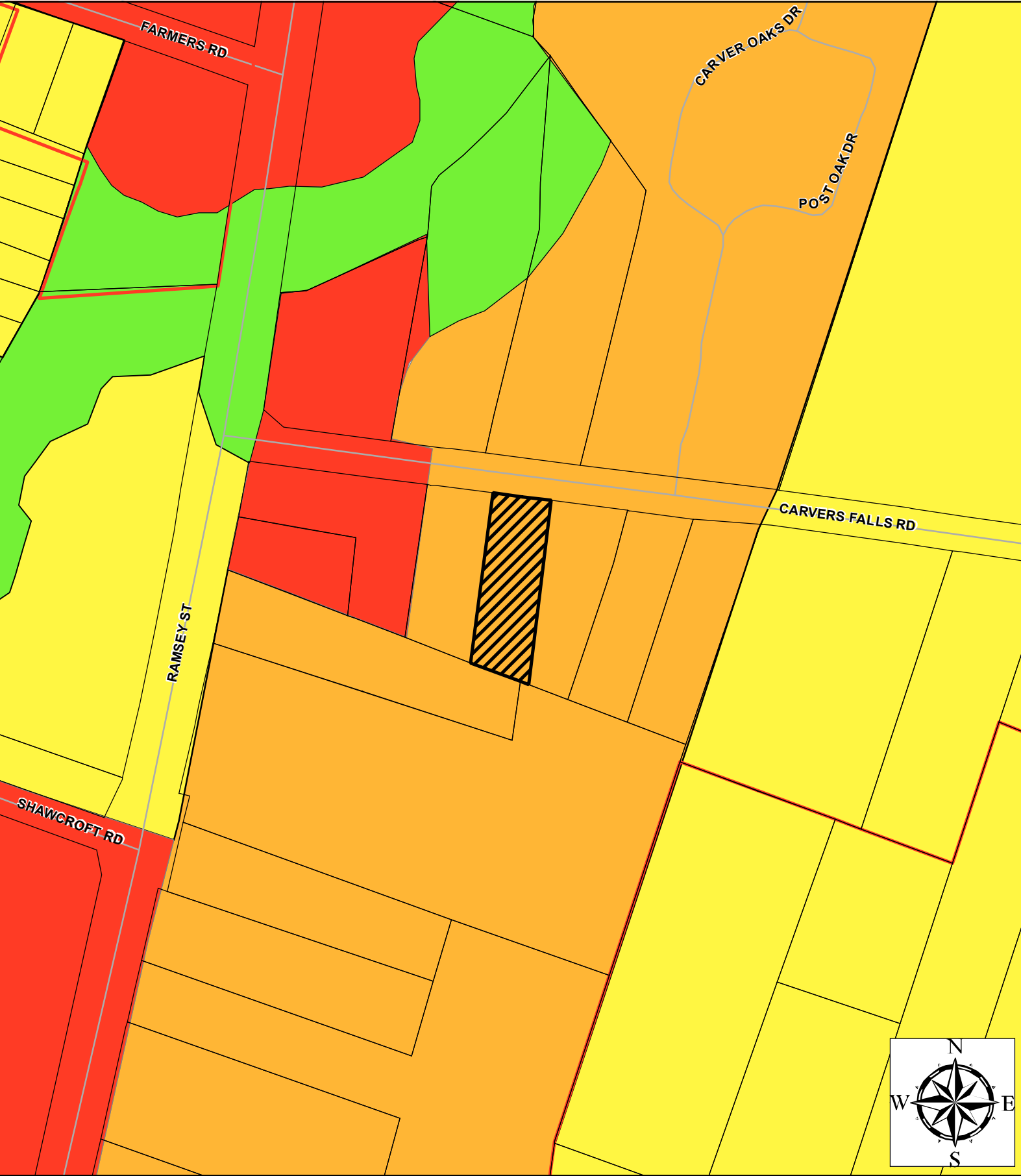


Legend

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. P11-03F



Legend

Medium Density Residential	Office / Institutional	Governmental
Light Commercial	Heavy Commercial	Low Density Residential

8-3-3-1



**CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBER
1ST FLOOR, CITY HALL
MARCH 8, 2011 @ 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Marshall Isler
John Crawley
Locket Tally
Steve Mannell
Tom Speight

MEMBERS ABSENT

Martin J. Hendrix

OTHERS PRESENT

Karen Hilton, Planning Manager
Mr. Brian Myer, Asst. City Atty
David Steinmetz, Inspections
Craig Harmon, Planner

Mr. Paoni explained the Commission members' job was to conduct a public comment meeting, listening carefully to both sides to make recommendations that would be forwarded to City Council for final action. Each side will be given fifteen (15) minutes, collectively, to speak and must be signed up prior to the meeting. Request for Special Use Permits are quasi-judicial and speakers must be sworn in before speaking. Any aggrieved party has ten (10) days from today's meeting to file an appeal with the City Clerk's Office, located on the second floor of City Hall

I. APPROVAL OF AGENDA

Mr. Crawley made a motion to approve the agenda. Mr. Mannell seconded the motion. A vote was taken and passed unanimously.

II. APPROVAL OF THE MINUTES FROM THE JANUARY 25, 2011 MEETING

Mr. Isler made a motion to approve the minutes from the January 25, 2011 meeting. Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

III. REGULAR ITEM

- A. Case No. P11-03. The rezoning from R6 Residential to C3 Commercial or a more restrictive zoning district, for the off-season storage of RV's camper trailers and boats on property located at 150 Carvers Fall Road. Containing 0.70 acres more or less and being the property of Nathan Elmon Page Jr. and wife, Cindy L. Page.**

Mr. Harmon presented the case. Mr. Harmon gave an overview of the location. He explained the current land use for the property and the surrounding areas. He stated that the 2010 plan called for Medium Density Residential.

Mr. Harmon explained that this property borders other C3 heavy commercial zoning in the form of an auto repair establishment and there are apartments across Carvers Falls from this property. He explained that there is very limited development behind this property. Mr. Harmon explained that this request would expand an existing C3 use and that Carvers Falls right-of-way separates this property from the existing multifamily development.

Mr. Harmon explained that Staff's recommendation is that the Zoning Commission move to recommend APPROVAL the rezoning to C3 based on the reasoning that the property is adjacent to similar commercial zoning and use; that although the 2010 Land Use Plan calls for residential use on this property, staff believes that this property would serve as a natural end point to the commercial development on Carvers Falls Road and that the property to the rear is currently undeveloped.

Mr. Harmon asked if there were any questions of the Commission. There were none.

Mr. Paoni called for any speakers wanting to speak about the request.

Mr. Neil Yarborough spoke on behalf of the property owners. He appeared in favor of the request. He explained that the property owners would just like to expand the C3 zoning from the property adjacent to it. Mr. Yarborough explained that he spoke with city staff to determine what zoning would be best for what his clients would like to do with the property. Mr. Yarborough explained that the property owners would like be able to park RV's on the property. Mr. Yarborough showed the Commission a photograph slide show of the property explaining the property and the surrounding properties.

There was no one else to speak about the request.

Mr. Paoni made a motion to recommend the approval of the property to C3. Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

IV. OTHER

Ms. Hilton gave the Commission a briefing about the UDO and remapping preparation and process.

V. ADJOURNMENT

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Marsha Bryant, Planner
DATE: April 26, 2011
RE: **Public Hearing (Quasi-Judicial) - Request for a Waiver to make payment in-lieu of installation of a sidewalk along 8736 King Road**

THE QUESTION:

Is there evidence to support the requested sidewalk waiver and allow payment in-lieu of construction of a sidewalk along King Road? (This is a quasi-judicial public hearing.)

RELATIONSHIP TO STRATEGIC PLAN:

Desirable Neighborhoods

BACKGROUND:

The owners submitted plans for an expansion of an existing mini-storage facility. At the time of review by the Technical Review Committee the owners were informed that a sidewalk would be required along the entire road frontage of the property. The owners subdivided the property and constructed a sidewalk along the frontage where the mini-storage facility is located (312 feet). Prior to finalizing development of the facility and storm-water pond area the owners had a recombination of the property done, thus now requiring a sidewalk along an additional 244 feet of road frontage.

The Planning Commission considered the waiver request at its meeting on March 22.

ISSUES:

The City's Engineering and Planning staff have noted that:

- The existing guardrail prevents locating the sidewalk along the roadway.
 - The narrow bridge prevents extension of the sidewalk across the bridge.
 - The property drops steeply approaching the bridge and remains a low wetland area beyond that.
- The City's Engineering Department supports the request to allow payment in-lieu of construction due to the continuation of the sidewalk not being beneficial to the citizens or the City based upon existing location of the guard rail and the topography.

Due to the quasi-judicial nature of this request all of the following findings of fact must be shown to approve the waiver request:

- A waiver may be granted if the developer can show that the provision would cause unnecessary hardship if strictly adhered to.
- A waiver may be granted due to topographical or other conditions peculiar to the site.
- A waiver may be granted if the intent of the ordinance is not destroyed.

BUDGET IMPACT:

Payment in-lieu of construction of the sidewalk would be approximately \$8,489. This fee would be placed into the sidewalk fund. These funds are allocated to install sidewalks within Fayetteville City limits.

OPTIONS:

1. Make a motion to approve the request and state the required findings of fact that were met to approve the payment in-lieu of installation of the sidewalk. **(Recommended)**
2. Make a motion to deny the request and state the required findings of fact that were not met, therefore requiring the sidewalk to be installed along the entire road frontage of the property where

the mini-storage facility is located.

RECOMMENDED ACTION:

City Staff and the Planning Commission recommend Option 1, that City Council move to approve the request sidewalk waiver based on stated findings and allow the payment in-lieu of construction of the sidewalk.

ATTACHMENTS:

Site Plan

Picture

Ordinance regarding Waivers

Vicinity Map

Zoning Map

Applicants letter of request

City Engineer Recommendation letter



8-4-2-1

Sec. 25-3. Same--Procedure.

(a) *Submission of preliminary sketch to planning staff.*

(1) A preliminary sketch of the proposed subdivision shall be submitted to the planning staff and reviewed by the department before any improvements shall be made in the subdivision. Sufficient copies of this sketch, as required by the planning agency, shall be submitted to the planning staff in accordance with the schedule approved by the planning agency for filing and transmittal to affected city departments.

(2) The planning staff shall review the preliminary sketch in collaboration with the public works commission and the city engineer and shall determine its compliance with the regulations, and shall incorporate the city engineer's recommendation concerning the preliminary plat into the conditions of approval.

(3) The staff shall review this sketch, determine its compliance with official city plans, and shall negotiate with the subdivider for required changes in order that the subdivider may comply with the provisions of this chapter and may negotiate for other changes as may be found desirable. After such review by the staff and where agreement is reached between the staff and the subdivider, the subdivider may then proceed to construct improvements of this chapter and to prepare and submit the final plat.

(4) Whenever the planning department and subdivider cannot agree on the conditions of approval, the planning agency shall consider the matter and make a recommendation to city council.

(b) *Procedure for waiver.*

(1) If a waiver is requested under any of the provisions of this chapter, the planning agency shall consider the matter, hold a public hearing, and make a recommendation to city council. **Factors that the planning agency may consider in determining whether or not to recommend to city council that a waiver be granted are as follows: a waiver may be granted if the subdivider can show that a provision of these requirements would cause unnecessary hardship if strictly adhered to and where, because of a topographical or other conditions peculiar to the site, the planning agency finds that a departure may be made without destroying the intent of such requirements.**

(2) Any person aggrieved by the recommendation of the planning agency shall have the right to appeal the action of the planning agency in writing to the clerk of the city within ten days of the action of the planning agency. If an appeal is timely filed, then the city council shall hold a public hearing with prior notice being published in accordance with section 30-392(a), of this Code.

(3) If the planning agency's recommendation was to grant the waiver, and no appeal is filed pursuant to section (2) of this subsection, then at its next regular council meeting following the expiration of time provided for appeal in section (2) of this subsection, the city council shall have the right to grant the waiver without further public hearing. Any action on the part of the city council under this section other than to approve the recommendation of the planning agency shall require a public hearing, which may be set upon a simple majority vote of the actual membership of the city council. Notice and advertisement of this public hearing shall be done in accordance with chapter 30-392(a), of this Code.

(4) If the action of the planning agency is to recommend denial of the waiver request, and no appeal is taken within the time prescribed pursuant to section (b) of this subsection, then, the action recommended by the planning agency shall be deemed to be the final action of the city council.

Planning Commission - Waiver Request
A1 Lakeview Storage - Case No. 07-30F



Request: Waviers to not install a sidewalk
Location: North side of Fisher Road

Pin : 9484-58-7653 and 9484-58-9412

Sidewalk Waiver Request
A1 Lakeview Storage - King Road - Case No. 07-30F



Request: Waviers to not install a sidewalk
Location: Northern side of King Road
3.09 acres - 244 feet of road frontage

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

A-1 LAKEVIEW SAFE STORAGE
8736 KING RD.
FAYETTEVILLE N.C. 28306

PHONE (910) 424-5900

FAX (910) 425-3047

CITY OF FAYETTEVILLE
PLANNING BOARD
433 HAY STREET
FAYETTEVILLE N.C. 28301

FEBRUARY 28, 2011

GENTLEMEN:

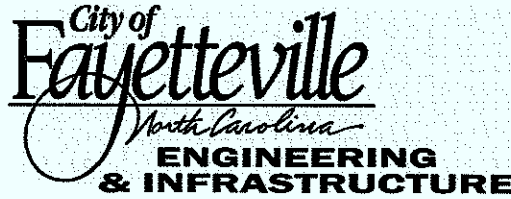
WE, WRK INVESTMENTS LLC, THE OWNERS AND DEVELOPERS OF A-1 LAKEVIEW SAFE STORAGE RESPECTFULLY REQUEST THAT WE BE ALLOWED TO PAY A FEE IN LIEU OF PUTTING IN THE REMAINING 230 FEET OF SIDEWALK ACROSS THE FRONT OF OUR PROPERTY.

THE SIDEWALK PORTION IS BEHIND A GUARD RAIL INTO A MARSH AND ENDS IN THE CENTER OF STEWART'S CREEK., OUR PROPERTY LINE. WE FIND THAT THIS DOES NOT LOOK FEASIBLE BUT IS REQUIRED BY STATUTE . I AM ENCLOSING PICTURES AND A SMALL MAP FOR YOUR USE.

THANK YOU FOR YOUR CONSIDERATION.

WRK INVESTMENTS LLC

Mary N. King
MARY N. KING



MEMORANDUM

TO: Karen Hilton, Planning and Zoning Division Manager

FROM: Giselle Rodríguez, PE, Interim City Engineer *GR*

DATE: March 10, 2011

SUBJECT: Recommendations for payment in-lieu of sidewalk installation – King Rd. Mini Storage

After reviewing the development on King Rd. for the installation of mini storage facilities it is my recommendation that payment in-lieu of the construction of the required sidewalk be provided by the owner. The existing sidewalk along a portion of the property frontage will lead the new sidewalk to be located behind the existing guardrail along the right-of-way and continue to a stopping point at the top of the bank of Stewart's Creek. The installation of the sidewalk will not promote effective pedestrian traffic. It will greatly benefit the City as well as the citizens of Fayetteville to use this money to construct sidewalk in a location where there is high pedestrian traffic.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Doug Hewett, Assistant City Manager
DATE: April 26, 2011
RE: **Public Hearing on the Proposed Probationary Rental Occupancy Permit (PROP) Ordinance and Program**

THE QUESTION:

Does the draft ordinance meet City Council's interest with regard to the development of a PROP program?

RELATIONSHIP TO STRATEGIC PLAN:

Vision 2025: The City of Fayetteville is a great place to live with a choice of desirable neighborhoods

Mission Statement: The City provides service that makes Fayetteville a better place for all

Goals 2015: Growing City, Livable Neighborhoods - A great place to live

2010-11 Target for Action: Rental Registration and Probationary Rental Occupancy Permit

BACKGROUND:

The City Council has explored a variety of programs since 2007 to address problem residential rental properties throughout the city. In late 2010, the City Council directed staff to complete work on a Probationary Rental Occupancy Permit (PROP) program modeled after a similar program in Raleigh, NC.

Staff from the City Manager's Office, City Attorney's Office, Police Department, and Development Services worked through a variety of scenarios to develop proposed PROP program. If enacted, the program would address repeated problem residential-rental properties that violate city codes or are the site of criminal activities that result in arrests.

At City Council's March 7, 2011 Work Session staff presented the attached ordinance for the City Council's review. Following discussion, City Council set a public hearing for Tuesday, April 26, 2011 to receive feedback on the draft ordinance.

ISSUES:

Q: What is the intent of the Probationary Rental Occupancy Permit, PROP, Ordinance?

A: The PROP ordinance is intended to address "problem rental properties" in established neighborhoods, and is targeted toward properties where violations occur, not all rental properties. The goal is that no PROP will ever be issued, because if this is the case it means that rental property owners throughout the city are ensuring that their properties are well-kept, up to City code, are well-monitored and their tenants are respectful of their neighbors.

Q: Does the PROP ordinance require that all rental properties get a permit?

A: No. A permit is only required for INDIVIDUAL UNITS (not an entire apartment house or complex) where a problem has been identified, and that problem has not been resolved within the "grace period", or where a pattern of repeat violations is established. Rental complexes that include more than 20 units are exempt from the PROP, unless a pattern of regular noncompliance is identified by city staff at a unit in such a development, and the City Council agrees to allow a PROP to be required on the entire rental complex. The PROP does not apply to rooming houses, rest homes or hotels.

- Q: Does the PROP ordinance apply to owner-occupied dwellings as well?
- A: No. The PROP ordinance only applies residential housing units offered for rent.
- Q: When is a PROP required?
- A: If a violation of any of the City's nuisance or housing regulations is identified a citation is issued and sent to the property owner, and the owner is given time to address the problem. Depending on the violation and the frequency of violations at this address, a PROP may be required for that property. Also, if arrests for criminal activity or repeated noise violations are issued by the Police at a single address in a 24-month period, a PROP may be required for that residential housing unit. Also, if, within a 24-month period, repeated pattern of code violations followed by remediation of the problem within the grace period happens at a single address, a PROP may be required at that address.
- Q: What happens when a PROP is required?
- A: A letter is issued to the property owner requiring them to complete a form to register for the permit and pay a fee within 10 days of notice, plus notify any tenants of the requirement for a PROP. The permit will "sunset" or become void in two years if no further violations occur at the property. There is also a per year fee due during the permit period.
- Q: What happens if there are more violations at the same address during the permit period?
- A: The two-year permit will be extended for an additional two years from the date of any violation. Repeated problems may result in permits for ALL of the units owned by that property owner that are subject to a PROP being revoked for two years.
- Q: How is a problem identified?
- A: Inspectors may identify a problem that is obvious outside the unit just by driving by, such as overgrown vegetation or more than one unlicensed vehicle on the property. In order to enter a unit and inspect for housing code violations, inspectors must be invited inside by the owner/renter, have probable cause evidence, or a search warrant must be issued by the courts. Inspectors will respond to complaints issued by neighbors, but depending on the nature of the problem, there may be no violation of City code, and no citation will be issued in that case. Also, calls to the e911/Police will result in response by uniformed police officers, if the problem is a criminal violation or noise ordinances, as the situation warrants.
- Q: Why aren't tenants held responsible?
- A: Tenants are responsible if a criminal citation is issued, but ultimately the condition of the property and the activities of the tenants must be closely monitored by the property owner. Property owners are expected to write clear expectations of tenant behavior relative to neighbors into leases, and take action to encourage tenants to comply with these expectations or seek evictions of problem tenants. The PROP ordinance allows staff to apply the ordinance reasonably and to grant extra time to comply or waivers of ordinance requirements to those property owners who are taking every possible measure to deal with problem tenants.
- Q: If enacted, what impact would N.C. House Bill 554 have on PROP?
- A: As drafted the Bill, attached, would invalidate the PROP program. Specifically, the Bill states that a city may not "adopt or enforce any local ordinance that would require any owner or manager of rental property to obtain any permit or permission from the city to...rent real property." A property that is entered into PROP would require that a permit be obtained. The Bill has not yet been adopted so were Council to adopt the PROP program it would be valid until the state legislation passed. If it were to pass, it

would become effective once it became law. At that point the ordinance would have no legal effect since the local ordinance is not enforceable if it is contradictory to state law.

Additionally, section (a) of the Bill will also have an impact n that the inspections process would be restricted and may make it more difficult to place properties into PROP.

BUDGET IMPACT:

The attached ordinance provides entry into the PROP program for repeated violations of code violations and/or criminal activity at residential rental property. To administer the program staff believes it will take the additional following positions: full-time housing inspector, full-time paralegal, and a 1/2 time office assistant. In addition to the recurring personnel there would also be ongoing operational costs. As an offset to those annual costs, participants would be required to pay entry and annual fees while in the PROP program. However, the revenues generated by participants to this program will not cover the ongoing costs to run the program solely.

Staff estimates that the annual expenditure for the PROP program will be approximately \$132,000 and will be slightly offset with annual revenues from fees of approximately \$7,500. The cost of the program has been included in draft FY 2012 City budget pending City Council direction.

OPTIONS:

Following the public hearing, City Council can:

1. Adopt the PROP ordinance and program as presented/amended, establishing an effective date for the program to commence;
2. Take no action and provide direction to staff.

RECOMMENDED ACTION:

Adopt the PROP ordinance and program with an implementation date of July 1, 2011.

ATTACHMENTS:

PROP Fees

Draft PROP Ordinance

NCGA HB 554: Residential Building Inspections

Proposed PROP Fees

PROP Application Fee		\$200
PROP Permit	\$300 first year, \$500 subsequent year	
Arbitration Fee for Appeal	\$145 per appeal	
Citations		
Administrative fee	\$200 per violation plus costs to the city for service of orders and notices	
1st Violation	\$50 plus \$50 per day of non-compliance following written notice	
2nd Violation	\$250 plus \$100 per day of non-compliance following written notice	
3rd Violation	\$250 plus \$250 per day of non-compliance following written notice	
Violation during a period of revocation	\$500 plus \$500 per day of non-compliance following written notice	
Condominium or townhouse development common area violation	\$500 plus \$250 per day of non-compliance following written notice	
Apartment project common area violation	\$500 plus \$250 per day of non-compliance following written notice	
Failure of licensed rental agency employee or duly appointed process service agent to contact City after receipt of notice of violation	\$100 first violation or \$250 subsequent violations, plus \$100 each continuing day	
Refusal by a duly appointed process service agent to accept service of process, notice of violation or orders from City after receiving notice of violation	\$100 first violation or \$250 subsequent violations, plus \$100 each continuing day	

4/19/2011

Please note the following is not the entire chapter. A new article _____ is being created as follows.

Chapter 14

HOUSING, DWELLINGS AND BUILDINGS

ARTICLE _____. PROBATIONARY RENTAL OCCUPANCY PERMIT * 3-02- 11

Sec. 14-63. Findings and declaration of necessity.

(a) *Findings.* Housing in the city consists of owner-occupied and tenant-occupied properties and the two types of housing are in general parity. The substantial majority of complaints about and violations of the code provisions adopted to assure minimum adequate housing arise from tenant occupied property. State law and this code impose the responsibility to provide minimally adequate housing for tenants on the property owner. Existing remedial measures in the code are insufficient to achieve prompt code compliance resulting in significant adverse impacts on the public health, safety, and welfare of the city including the quality of life for tenants, affected neighborhoods and the city to expedite compliance with the code at such properties and thereby assure better quality housing for tenants and the neighborhood, the Council finds it necessary to adopt additional remedial measures for more effective compliance with the code at such properties.

(b) *Declaration of necessity.* It is deemed necessary in order to promote public health, welfare, good order and safety of the city and its residents that persons renting residential properties where there exist certain unsafe building, minimum housing, zoning or nuisance code violations should be subject to a permitting system. Permitting will:

- (1) Reduce the likelihood that these residential housing accommodations will become public nuisances in violation of N.C.G.S 19-1(b).
- (2) Promote responsible management of these housing accommodations.
- (3) Assist in providing a safe habitat for residents and neighbors of these facilities.
- (4) Safeguard property values.
- (5) Reduce the likelihood that housing accommodations where such problems most frequently have arisen and which are unfit for human habitation, dangerous, or injurious to the public will exist or be occupied.
- (6) Expedite repair of residential housing accommodations where such problems arise.

Sec. 14-64. Definitions.

Unless the context clearly indicates otherwise, the following words and phrases as used in this article shall have the following meanings:

- (a) *Business affiliate.* A person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, the owner of a probationary residential rental dwelling of any property. Solely for purposes of this definition, the terms "owns," "is owned," and "ownership" mean ownership of an equity interest, or the equivalent thereof, of ten percent of [or] more.
- (b) *Dwelling.* A dwelling unit used for residential purposes other than a dwelling unit in a bed and breakfast inn, hotel or motel, guest house, rest home, rooming house, boarding house, lodging house, or tourist home.
- (c) *Dwelling unit.* One or more rooms physically arranged as to create an independent housekeeping establishment with separate facilities for cooking, sleeping, and toilet. A dwelling unit can be occupied by only one family. A dwelling unit can also contain a utility apartment or rented rooms in accordance with the Fayetteville City Code.
- (d) *Fifth degree of kinship.* Collateral kin within five degrees of kinship removed from the owner with the degree of kinship to be computed as provided in G.S. § 104A-1.
- (e) *Housing code.* The provisions of the Fayetteville City Code, Chapter 14.
- (f) *Development Services Department.* The Development Services Department of the City of Fayetteville.
- (g) *Licensed rental agency.* A rental agency holding a current privilege license issued by the State of North Carolina pursuant to G.S. §§ 105-41(a) (8) or (9).
- (h) *Notice of violation.* A city issued list of failures to comply with the city code at the dwelling included in the notice sent to the owner(s) pursuant to G.S. §§ 160A-428 and 160A-429 and Chapters 14, 16, 22 and 30 of the Fayetteville City Code.
- (i) *Owner.* Any person who alone, or jointly, or severally with others:
 - (1) Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
 - (2) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such

person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereto, to the same extent as if the person were the owner; or

- (3) For violations of the housing code, shall be a mortgagee of record.
- (j) *Person.* Associations, corporations, limited liability companies, company, firm, partnerships, joint ventures, public or private institutions, corporations, trusts, estates, utilities, cooperatives, commissions, boards, condominiums, interstate bodies and bodies politic and corporate as well as to individuals or other legal entities.
- (k) *Probationary rental occupancy permit.* A permit issued to the owner of a probationary rental residential dwelling pursuant to this article.
- (l) *Probationary rental residential dwelling.* A dwelling unit, other than a utility apartment, including the premises of the dwelling unit which is the site of:
 - (1) A violation of Fayetteville City Code by re-occupancy of a dwelling previously found unsafe;
 - (2) A violation of Fayetteville City Code by re-occupancy before certification of compliance with the housing code by the Development Services Department;
 - (3) Activities resulting in (a) a third conviction for violation of Chapter 17-7 through 17-16 of the Fayetteville City Code, Noises Ordinances, within the twenty-four (24) month period following notice of the first conviction or (b) a third civil penalty for violation of Chapter 17-7 through 17-16, within the 24-month period following notice from the police department of the first notice of violation;
 - (4) A violation of Chapter 14 of the Fayetteville City Code by the failure to repair, vacate, or demolish within the time provided for compliance with the Code in the order issued by the Development Services Department pursuant to G.S. § 160A-429;
 - (5) A violation of the Fayetteville City Code § 14-31 by housing more inhabitants than permitted in the dwelling;
 - (6) A zoning vehicle violation by the failure to comply in a timely manner with an order issued by Development Services Department due to the unlawful storage of unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles on the premises;

- (7) A second nuisance abatement pursuant to the Fayetteville City Code within a 24-month period;
 - (8) A second citation for violation of Sections 6-226 through 6-230 or Sections 6-241 through 6-243 of the Fayetteville City Code within a twenty-four (24) month period;
 - (9) A fourth notice of violation within a 24-month period, when the prior notices of violations were resolved by corrective action and without issuance of any order or mandate for corrective action, of any of the following Chapters or sections: Chapter 14, Section 16-311, Sections 16-354 through 16-356, Sections 22-11 through 22-18 of the Fayetteville City Code and upon implementation of the Unified Development Ordinance, Article 30-4, Section D, Subsections 3(h) and 3(s) of the Unified Development Ordinance.
 - (10) Activities resulting in a third arrest for a criminal activity on the premises of the dwelling following notice from the police department within the twenty-four (24) month period following notice from the first arrest for a criminal activity on the premises of the dwelling.
- (m) *Public nuisance violation.* A determination by a code enforcement official that any of the nuisances listed in _____ exists at a property which determination is included in a notice sent to the property owner pursuant to _____.
- (n) *Violation.* A determination by a code enforcement official or a judge, after a notice of violation of the city code and an opportunity for response to the noticed alleged failures, that an order or other mandate should issue to the owner or any other person imposing a sanction or requiring further actions to comply with the city code, including without any limitation the payment of civil penalties or administrative fees, implementation of corrective measures, or cessation of activities which are not authorized by the city code, or conviction of a criminal code offense for failure to comply with the code provisions listed in (l) of this section.
- (o) *Zoning vehicle violation.* A determination that unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles are present on the premises in violation of the zoning code including the provisions at Sections 16-354 through 16-356.
- (p) *Criminal Activity.* Means arrest of a tenant or tenant guest for conduct on the premises of the dwelling under any of the following:
- (1) General Statute 14-204;
 - (2) General Statute 14-71.1 on the premises;

- (3) General Statute 18B-300;
- (4) N.C. General Statute 14-409 or N.C. General Statute 14-415.1;
- (5) General Statute 14-292;
- (6) General Statute 14-288.2;
- (7) General Statute 90-95;

Sec. 14- 65. Permitting of probationary rental residential dwellings.

(a) Unless compliance with this article is deemed pursuant to Section _____, it shall be unlawful for an owner to rent, to receive rental income from, or to offer for rent, any probationary rental residential dwelling required to be permitted under this part without first obtaining a permit for the dwelling under this part or when the permit issued under this part is revoked. The owner of a probationary rental residential dwelling shall hold a permit under this part for each probationary rental residential dwelling and shall abide by the standards in Section _____ in order to be eligible to retain the permit. Each probationary rental residential dwelling is a separate dwelling for fee purposes and for the requirement to be permitted. When an apartment house consisting of multiple dwelling units is required to have a probationary rental occupancy permit as a result of a violation which applies to the building as a whole, a single permit will be required for the building as a whole which permit will be issued to the owner of the building, however each dwelling unit within the building which separately qualifies as a probationary rental residential dwelling shall be subject to separate permit fees and the requirement to be permitted. The Development Services Department shall assign violations in common areas of an apartment complex to the apartment house nearest to the common area where the violation occurred.

(b) Every application for the probationary rental occupancy permit prescribed herein, or a permit amendment to add another probationary rental residential dwelling to the permit, shall be upon a form approved by the director of the Development Services Department or his designee and shall be filed with the Development Services Department. Every application shall be made under oath and shall contain the information required to show the owner is eligible for a permit under this article and sufficient information to enable the Development Services Department to determine that the standards of Section _____ are being, or will be, met at any probationary rental residential dwelling to be permitted. Within 30 days of receipt of a complete application and a non-refundable application fee of **\$200**, the Development Services Department shall review each application and determine whether the application should be approved. The Development Services Department shall deny any application which does not satisfy the minimum requirements of this article and any application submitted by an owner during a period of permit revocation.

(c) The permit fee shall be **\$300** for the first year of the permit. The annual fee for subsequent years shall be **\$500**. Such fee shall be due and payable when the permit issues with annual fees for subsequent years due and payable annually.

(d) Any person required to have a probationary rental occupancy permit shall be permitted for two years. If a violation of the permit occurs, the permit requirement is extended for the probationary rental residential dwelling covered by the permit for two years following the

date of the violation. To be released from the requirement for a probationary rental occupancy permit, the owner must have had no violation of any of the code provisions listed in _____ and the standards in _____ for the two-year period immediately before the permit period ends and the dwelling must be approved as compliant with the code in a final inspection. Final inspections will be conducted only upon the request of the owner. When the owner fails to request an inspection within 90 days after the date the permit requirement was due to expire, the Development Services Department, after written notice to the owner and tenant, shall inspect the permitted dwelling for compliance with the code provisions listed in _____ and the standards in Section _____.

(e) Any person taking title to a permitted probationary rental residential dwelling shall be the holder of the probationary rental occupancy permit. Any person taking title to a probationary rental residential dwelling not previously holding a permit shall apply for a probationary rental occupancy permit. The new owner of the dwelling unit, who is not a prior owner or related by marriage or within the fifth degree of kinship to the seller, may request that the director of the Development Services Department or his designee remove the requirement that the dwelling have a probationary rental occupancy permit. For the request to be eligible for consideration, the new owner must:

- (1) Have paid all outstanding fees and civil penalties for the dwelling;
- (2) Have no violations or pending violations of this article issued to the new owner;
- (3) Obtain from the Development Services Department a determination that the dwelling complies with the standards in Section _____; and
- (4) Submit an affidavit which shows proof of title transfer, that the new owner is not a prior owner, not related by marriage or within the fifth degree of kinship to the seller, is not a business affiliate of the prior owner, and that the lease for the dwelling includes a provision making violations of the city code by the tenant grounds for eviction.

(f) A temporary permit shall be issued by the Development Services Department if the final decision on a complete application is not made at the end of the 30-day review period. The temporary permit will expire 30 days following an inspection which finds the dwelling to be ineligible to hold a permit under this article; upon issuance of the Probationary Rental Occupancy Permit for the dwelling; or upon denial of the application for a Probationary Rental Occupancy Permit. The Development Services Department shall not charge a fee for a temporary permit.

(g) An application shall be accompanied by a notarized statement from a competent person agreeing to appointment as process service agent for receipt of a notice of violation or order from the city for all violations at the dwelling unless each notice of violation or order previously sent from the city to the owner of the dwelling was delivered and no such notices of violation or orders returned to the city. The refusal of service by the process service agent of a notice of violation or order, or a notice of violation or orders returned undelivered, shall be

grounds to revoke the permit. When a notice or order under this article is returned undelivered, the Development Services Department may require the appointment of a process service agent as a condition for continuing to hold the permit. Failure by the owner to maintain a duly appointed process service agent, or to appoint a process service agent within 30 days of being so ordered, shall be grounds to revoke the Probationary Rental Occupancy Permit.

(h) The Development Services Department shall maintain a list of all dwellings and dwelling units which are probationary rental residential dwellings and subject to the permit requirements of this article. The Development Services Department shall send a copy of the list of probationary rental residential dwellings, which shows whether each listed dwelling is permitted, to the office of the city clerk, for public inspection, at least once every 30 days. The Development Services Department shall use other reasonable means to make the list publicly available including the information systems for public access to city information.

(i) Reserved.

The Council, by ordinance, may add the dwelling to the PROP program upon finding that existing remedial provisions have been inadequate to abate the detrimental impact on the tenants, the adjacent properties, the dwelling and the neighborhood.

Sec. 14-66. Standards.

(a) The permittee shall respond to the department making contact, either in person or by telephone within two business days after being contacted at the telephone number provided in the application, to the police department, the fire department, or the Development Services Department. The permittee shall submit to the department making the contact, within three days of the response, written documentation of the response. The permittee may designate a licensed rental agency as the person responsible for responding to calls for assistance from the police department, the fire department, or the Development Services Department. The designated agency must have at least one agent located in the city or within 50 miles of the city's planning jurisdiction who is authorized by it to respond to calls. The designation shall be effective only after a notarized statement is submitted to the Development Services Department in which the responsible employee is identified and agrees to accept the duty.

(b) The permittee shall maintain the dwelling so that it does not violate any applicable provision of the zoning code, minimum housing code, or other code provision listed in the definition of probationary rental residential dwelling at Section _____.

(c) The permittee shall maintain a current list of occupants. Upon request, by city inspectors, police, and fire and emergency response personnel investigating violations or potential violations of this article, the permittee shall present the list of occupants to the investigating personnel.

(d) The permittee shall obtain a Section _____ certificate of housing code compliance before a vacant probationary rental residential dwelling with an unresolved notice of violation of the housing code is occupied by another tenant.

(e) The permittee shall comply with the requirements of this article.

(f) The public works commission shall not provide water service to a vacant probationary rental residential dwelling which is in violation of the housing code until a certificate of housing code compliance has been issued for the dwelling pursuant to Section _____, unless the director of the public utilities department determines such service is necessary for public health reasons and will not be used by occupants of the dwelling for residential purposes.

(g) Within 30 days of the designation of a dwelling as probationary residential rental dwelling, the owner shall deliver a written notification, using the form approved by the Development Services Department, to each tenant that the dwelling is a probationary rental residential dwelling. Prior to entering into a rental agreement, whether oral or written, the permittee shall provide written notification, using the form approved by the Development Services Department, to each prospective tenant that the dwelling is a probationary rental residential dwelling. In the notification, the permittee shall explain the possible enforcement actions which can be applied for violations of the probationary rental occupancy permit. The permittee shall provide proof of the delivery to the Development Services Department along with a copy of the notification within ten days of receipt of proof of delivery.

(h) Within 30 days of the designation of a dwelling as probationary residential rental dwelling, the owner of a condominium or a dwelling in a townhouse development, shall deliver a written notification, using the form approved by the Development Services Department, to the association or governing body which controls the property commonly owned and associated with the dwelling, that the dwelling is a probationary rental residential dwelling. In the notification, the permittee shall explain the possible enforcement actions which can be applied for violations of the probationary rental occupancy permit on the common property of the association. The permittee shall provide proof of the delivery to the Development Services Department along with a copy of the notification within ten days of receipt of proof of delivery.

(i) Within 30 days of the designation of an apartment house as probationary residential rental dwelling and when the persons owning the apartment house and the apartment complex are not the same person, the owner of an apartment house shall deliver a written notification, using the form approved by the Development Services Department, to the owner of the apartment project which controls the property commonly owned and associated with the apartment house, that the apartment house is a probationary rental residential dwelling. In the notification, the permittee shall explain the possible enforcement actions which can be applied for violations of the probationary rental occupancy permit on the common property of the apartment complex. The permittee shall provide proof of the delivery to the Development Services Department along with a copy of the notification within ten days of receipt of proof of delivery.

Sec. 14-67. Compliance with provisions.

(a) Any person required by this article to have a permit for a probationary rental residential dwelling who files a complete application for any required permit within ten days following notice from the Development Services Department that this article applies to, the dwelling shall be deemed compliant with this article unless and until the application is denied.

(b) It shall be unlawful to rent, to receive rental income from, or to offer for rent a dwelling subject to the permit requirements of this article beginning ten days after service of notice by the Development Services Department that a permit is required under this part unless a complete application for a _____ permit has been submitted for the dwelling.

(c) Any person who holds a G.S. §§ 105-41(a)(8) or (9) privilege license as a rental agency, and is not the record owner of the probationary rental residential dwelling, shall be deemed compliant with this article upon filing with the Development Services Department an affidavit or other notarized statement that the agency relationship has been terminated and that the failure to comply with the noticed violations was caused by the record owner's refusal to comply with the article.

(d) Any person who has been designated as a process service agent and is not the record owner of the probationary rental residential dwelling shall be deemed compliant with this article upon promptly notifying the Development Services Department that the notice or order delivered for service cannot be delivered to the owner and upon filing with the Development Services Department an affidavit or other notarized statement that the agency relationship has been terminated and that all prior notices and orders were delivered to the owner.

(e) If the activities, violations, or abatements which individually or cumulatively could cause a property or dwelling to be deemed a probationary rental residential dwelling are the result of tenant behavior or actions, an owner shall be entitled to relief from any such violation(s) [i.e., the violation(s) shall not be counted as a strike against the owner] by evicting or removing the tenant, so long as the owner can show that the tenant behavior or action is the basis of the eviction or removal of the tenant. No owner may obtain relief for more than two violations in any three-year period per dwelling under this subsection. Any owner who evicted or removed the tenant as a result of the tenant causing such violation(s), whether such removal is the result of a tenant voluntarily vacating the dwelling or as a result of court action, shall be deemed compliant with this article upon filing with the Development Services Department an affidavit or other notarized statement stating that (1) the tenant cited for the violation no longer resides at the dwelling, or (2) the attached complaint was filed to evict the tenant and listing the actions showing diligence in effecting the eviction and attaching a copy of the signed lease with the required right to evict. An owner shall also be entitled to relief from any subsequent violation(s) that occur while the action to evict the tenant is pending upon a similar showing to the Development Services Department.

If the court has denied the owner's diligent pursuit to evict the tenant, it shall be sufficient if the owner does not renew the tenant's lease at the end of the then current term and instead terminates the lease.

When an owner shows an inability to access the dwelling for purposes of effecting remedial activity as ordered by the Development Services Department pursuant to Chapter 14 due to a court order in an eviction proceeding, the failure to complete the required remedial activity as previously ordered by the Development Services Department is not a violation for purposes of determining whether the dwelling is a probationary rental residential dwelling until 30 days after the expiration of the court order barring access or within such additional time for compliance as is provided by the Development Services Department.

(f) Any mortgagee of record, not otherwise defined as an owner, shall be deemed compliant with this article unless and until the other owners of the probationary rental residential dwelling fail to comply with notices of violations or orders, including for the payment of civil penalties. A mortgagee of record, not otherwise defined as an owner, shall not be liable for civil penalties or administrative fees in excess of the liability of the other owners.

Sec. 14-68. Enforcement.

Enforcement may be by any one or a combination of the following methods, and the institution of an action under any of these methods shall not relieve any party from any civil proceeding prescribed for violations of this article. When a violation continues from day to day without interruption, a new and separate violation occurs when the violation continues after service of the notice or order of the immediately preceding violation for the unlawful activity.

(a) *Civil penalties.*

(1) Any person who shall rent, or offer for rent, a probationary rental residential dwelling without first applying for and obtaining a permit as required in Section _____ or who shall rent, or offer for rent, a probationary rental residential dwelling permitted under this article in violation of this article shall be subject to a civil penalty as follows:

- a) **\$50** for a first violation, and each continuing day of noncompliance following written notice thereof shall result in the assessment of an additional civil penalty **\$50** per day;
- b) **\$250** for a second violation, and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of **\$100** per day;
- c) **\$250** for a third violation, and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of **\$250** per day;
- d) **\$500** for a violation during a period of revocation, and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of **\$500** per day;

- e) **\$500** against the owner of common property in a condominium or townhouse development for each violation occurring on the common area of a dwelling subject to this article, and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of **\$250** per day; and
 - f) **\$500** against the owner of an apartment project with common property used by an apartment house for each violation occurring on the common area of an apartment house subject to this article, and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of **\$250** per day.
- (2) Any duly appointed licensed rental agency employee who, after receiving written notice of a violation by the city, fails to contact the city as stated in the standards found in Section _____ (a) shall be subject to a civil penalty of **\$100**. Thereafter, each and every subsequent single violation occurring on the same probationary rental residential dwelling shall be assessed a civil penalty of **\$250** and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of **\$100** per day.
 - (3) Any duly appointed process service agent who, after receiving written notice of a violation or an order from the city, refuses to accept service of process or delivery of notices of violation or orders from the city in accordance with the agent's notarized statement attached to the application submitted for the dwelling shall be subject to a civil penalty of **\$100**. Thereafter, each and every subsequent single violation occurring on the same probationary rental residential dwelling shall be assessed a civil penalty of **\$250** and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of **\$100** per day.
 - (b) *Equitable remedies, including injunctions.* As authorized by the city Council, the city may apply to the courts for any appropriate equitable remedy to enforce the provisions of this article, including mandatory or prohibitory injunctions commanding the party to correct the unlawful condition or cease the unlawful use of the business.
 - (c) *Revocation of permit.*
 - (1) For each dwelling where a second violation of this article occurs within 24 months of the most recent violation of this article, the Development Services Department shall issue an order revoking the residential rental occupancy permit for a period of 2 years, or when no permit had been issued the dwelling, making the probationary residential rental dwelling ineligible for a permit for a period of 2 years.

- (2) For each dwelling where a third violation of this article occurs within 24 months of the most recent violation of this article, the Development Services Department shall issue an order revoking every probationary rental occupancy permit issued to, or held in the name of the owner of the dwelling where the violation occurred, for a period of 2 years, and making the owner ineligible to hold a probationary rental occupancy permit for a period of 2 years.
 - (3) Ten days following the service on the permittee of a written recommendation by the director of the Development Services Department or his designee which describes the nature of any violation, the director of the Development Services Department or his designee may revoke a permit issued pursuant to Section _____ if it is determined that the permittee has violated any provision of this article and other means of enforcement have failed to deter the permittee from operating in violation of this article.
- (d) *Probationary status.* Following a determination that a permittee under this article has violated the provisions of this article, the permittee shall be sent a notice that the permit is on a probationary status and will be revoked for a period of 24 months if the permittee commits a second violation during the 24-month period following the first violation. Following a determination that a permittee under this article has violated the provisions of this article a second time within any 24-month period, the permittee shall be sent a notice that the permit is on a probationary status and if the permittee commits a third violation during the 24-month period following the first violation, every probationary rental occupancy permit issued to, or held in the name of the owner where the violation occurred, will be revoked for a period of 24 months.
- (e) *Cancellation of revocation orders.* The director of the Development Services Department or his designee shall cancel an order revoking a probationary rental occupancy permit when the owner requesting cancellation of the revocation order has paid all outstanding fees and civil penalties for the dwelling and the owner has no pending appeals of any notices or orders and:
 - (1) Within five working days of the service of the order, the owner obtains approval from the Development Services Department of a management plan for the dwelling to achieve full compliance with the standards in Section _____ within the time otherwise provided by the Fayetteville City Code, or such time as the Development Services Department finds reasonable and;
 - (2) The owner by power of attorney appoints a licensed rental agency to manage the property for the two-year period following the approval; or

- (3) Within 15 days of the service of the order, the new owner of the dwelling unit, who is not a prior owner, not related by marriage or within the fifth degree of kinship to the seller, is not a business affiliate of the prior owner, submits an affidavit so attesting along with proof of title transfer, pays all outstanding fees and civil penalties, and shows the Development Services Department that the dwelling complies with the standards in Section _____.

Sec. 14-69. Appeal.

Any permittee, owner or other person served with notice or an order under the provisions of this article, including denial of a request pursuant to Section _____, may appeal the notice or order in the following manner:

- (1) An appeal must be filed in writing with the director of the Development Services Department or his designee within 30 days after service of the written notice or order of the director of the Development Services Department or his designee on the petitioner. The written appeal shall identify the application of the article at issue and provide the reasons the petitioner contends that it was wrongly applied and any supporting documentation. An appeal challenging a notice that a dwelling is qualified as a "probationary rental residential dwelling" pursuant to Section _____ may include an appeal of the basis for the citations resulting in the determination that the dwelling is qualified as a "probationary rental residential dwelling" pursuant to Section _____.
- (2) Unless the director of Development Services or his designee decides to allow the requested relief based on the appeal request, the director of the Development Services Department or his designee, which shall send each appeal request to the board of appeals on dwellings and buildings, shall consider both the applicable code provisions and equitable factors in resolving the appeal. If the person who files an appeal of a notice that a dwelling is qualified as a "probationary rental residential dwelling" pursuant to Section _____ shows that the owner did not cause and, with the use of reasonable measures, could not have prevented the actions or activities leading to the citations which qualified the dwelling as a "probationary rental residential dwelling" pursuant to Section _____ the board of appeals on dwellings and buildings may reverse the order.
- (3) An appeal may be taken from any decision of the board of appeals on dwellings and buildings to arbitration by giving notice of appeal to the city council within 30 days after service of the written decision of the board of appeals on dwellings and buildings. Notice of appeal shall be given by delivery of a written statement to the city clerk stating the grounds for the appeal and providing the city clerk with a copy of the written decision of the board of appeals on dwellings and buildings. The written appeal shall identify the application of the article at issue and provide the reasons the petitioner contends that it was wrongly applied. The director of the Development Services Department or his designee and the

appealing party shall select an arbitrator from the Cumberland County district court list of arbitrators. The arbitration shall be conducted, to the extent practicable, in accordance with the Supreme Court rules for court-ordered arbitration in North Carolina. The arbitrator shall be paid a fee equal to the maximum fee specified in such rules. The arbitrator shall consider both the applicable code provisions and equitable factors in resolving the appeal. If the person who files an appeal of a notice that a dwelling is qualified as a "probationary rental residential dwelling" pursuant to Section _____ shows that the owner did not cause and, with the use of reasonable measures, could not have prevented the actions or activities leading to the citations which qualified the dwelling as a "probationary rental residential dwelling" pursuant to Section _____, the arbitrator may reverse the order.

- (4) All decisions of the director of the Development Services Department or his designee, the board of appeals of housing and dwellings and the arbitrator shall be served on the petitioner.
- (5) The enforcement of an order issued by the Development Services Department which includes the revocation of a residential rental occupancy permit shall be stayed upon the filing of an appeal and until a final order is issued by the director of the Development Services Department or his designee or the arbitrator.

Sec. 14-70. Administrative fee and arbitration fee.

(a) *Fee for each violation.* Any person who violates this article shall pay an administrative fee of **\$200** per violation and the costs to the city of service of orders and notices.

(b) *Fee for arbitration.* Any person who files an appeal shall pay an administrative fee of **\$145** to the city at the time the appeal request is made. Failure to pay the administrative fee shall cause the appeal to be denied. The person who filed the appeal shall be responsible for paying one-half of the costs of the arbitration fee. If the person who appeals is the prevailing party, the administrative fee and the portion of the arbitration fee shall be reimbursed.

Sec. 14-71. Methods of service.

(a) Unless otherwise provided, notices, orders or other documents issued pursuant to this article shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the notices, orders or other documents may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(b) If the identities of any owners or whereabouts of persons are unknown and the same cannot be ascertained by the Development Services Department or the PROP Team of the police department in the exercise of reasonable diligence, or if the owners are known but have

refused to accept service by registered or certified mail, and the Development Services Department shall make an affidavit to that effect, stating the steps taken to determine and locate the persons in interest, then the serving of such complaint or order upon such owners or persons may be made by publication in a newspaper having general circulation in the city at least once no later than time at which personal service would be required under this article. Where such service is by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(c) In order to assist the Development Services Department and the police department with the service of notices, orders and other documents pursuant to this article, an owner who submits an affidavit showing a failure to receive a notice of violation and who affirms in the affidavit submitted to the Development Services Department or the PROP Team of the police department that the address listed in the Cumberland County tax records has been changed to the correct address at which the owner can receive further notices, shall have the prior violation removed from consideration for the Probationary Rental Residential Dwelling determination so long as the owner continues to maintain a correct address with the Cumberland County tax records and does not refuse to accept service of any notice at the address listed with the Cumberland County tax records.

(d) In order to assist owners who desire to better monitor activities at their properties, the police department shall notify an owner as provided in (a) of this Section within ten business days of an activity at the property by a tenant or a guest of a tenant that can or will cause the property to be qualified as a probationary rental residential dwelling. In addition and to the extent practicable, a notice to the owner shall be provided in the most expeditious manner available, including notice sent by electronic mail or facsimile to the locations provided in the Rental Registration. Failure to send or deliver the more expeditious notice shall not impede the enforcement of the PROP program against the owner.

Sec. 14-72. Relation to other laws.

Nothing in this article shall authorize or condone any violation of federal, state, and city fair housing laws and state landlord and tenant laws. This article shall not diminish any private right of action of any person.

State law references: State Fair Housing Act, G.S. Ch. 41A; landlord and tenant, G.S. Ch. 42.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

2

HOUSE BILL 554
Corrected Copy 4/4/11

Short Title: Residential Building Inspections. (Public)

Sponsors: Committee on Rules, Calendar, and Operations of the House (Primary Sponsor)
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Commerce and Job Development.

March 31, 2011

A BILL TO BE ENTITLED
AN ACT REQUIRING COUNTIES AND CITIES TO HAVE REASONABLE CAUSE
BEFORE INSPECTING RESIDENTIAL BUILDINGS OR STRUCTURES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-364 reads as rewritten:

"§ 153A-364. Periodic inspections for hazardous or unlawful conditions.

(a) The inspection department ~~shall~~ may make periodic inspections, subject to the board of commissioners' directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in residential buildings within its territorial jurisdiction. Except as provided in subsection (b) of this section, the inspection department may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building. For purposes of this section, the term 'reasonable cause' means (i) the landlord or owner has a substantial history of noncompliance with the county's ordinances on unsafe buildings; (ii) there has been a report that substandard conditions exist within the building or an occupant has requested that the building be inspected; or (iii) the inspection department has actual knowledge of an unsafe condition within the building that was acquired as a result of routine business activities conducted by the county. In conducting inspections authorized under this section, the inspection department shall not discriminate between single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings. In addition, it shall make any necessary inspections when it has reason to believe that such conditions may exist in a particular building. In exercising these powers, each member of the inspection department has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(b) A county may require periodic inspections under subsection (a) of this section as part of a targeted effort to respond to blighted or potentially blighted conditions within a Community Development Block Grant geographic area that has been so designated by the board of commissioners, the Department of Commerce, Division of Community Assistance, or the United States Department of Housing and Urban Development.

(c) In no event may a county (i) require any registration of residential rental property; (ii) adopt or enforce any local ordinance that would require any owner or manager of rental property to obtain any permit or permission from the county to lease or rent residential real property; (iii) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a Certificate of



1 Occupancy; or (iv) levy a special fee or tax on residential rental property that is not also levied
2 against other commercial and residential properties."

3 **SECTION 2.** G.S. 160A-424 reads as rewritten:

4 **"§ 160A-424. Periodic inspections.**

5 (a) The inspection department ~~shall~~ may make periodic inspections, subject to the
6 council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in
7 residential buildings or structures within its territorial jurisdiction. Except as provided in
8 subsection (b) of this section, the inspection department may make periodic inspections only
9 when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or
10 unlawful conditions may exist in a residential building or structure. For purposes of this
11 section, the term 'reasonable cause' means (i) the landlord or owner has a substantial history of
12 noncompliance with the city's ordinances on unsafe buildings or structures; (ii) there has been a
13 report that substandard conditions exist within the building or structure or an occupant has
14 requested that the building or structure be inspected; or (iii) the inspection department has
15 actual knowledge of an unsafe condition within the building or structure that was acquired as a
16 result of routine business activities conducted by the city. In conducting inspections authorized
17 under this section, the inspection department shall not discriminate between single-family and
18 multifamily buildings or structures or between owner-occupied and tenant-occupied buildings
19 or structures. In addition, it shall make inspections when it has reason to believe that such
20 conditions may exist in a particular structure. In exercising this power, members of the
21 department shall have a right to enter on any premises within the jurisdiction of the department
22 at all reasonable hours for the purposes of inspection or other enforcement action, upon
23 presentation of proper credentials.

24 (b) A city may require periodic inspections under subsection (a) of this section as part
25 of a targeted effort to respond to blighted or potentially blighted conditions within a
26 Community Development Block Grant geographic area that has been so designated by the city
27 council, the Department of Commerce, Division of Community Assistance, or the United States
28 Department of Housing and Urban Development.

29 (c) In no event may a city (i) require any registration of residential rental property; (ii)
30 adopt or enforce any local ordinance that would require any owner or manager of rental
31 property to obtain any permit or permission from the city to lease or rent residential real
32 property; (iii) require that an owner or manager of residential rental property enroll or
33 participate in any governmental program as a condition of obtaining a Certificate of
34 Occupancy; or (iv) levy a special fee or tax on residential rental property that is not also levied
35 against other commercial and residential properties."

36 **SECTION 3.** This act is effective when it becomes law.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bart Swanson, Development Services, Housing and Code Enforcement Division Manager
DATE: April 26, 2011
RE: **Public Hearing - Taxicab Fare Rate Increase**

THE QUESTION:

Should the taxi fare rates be increased?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: Growing City, Livable Neighborhoods-A Great Place To Live-Improve Mobility within the City; Transportation.

BACKGROUND:

Fayetteville Code of Ordinances Section 26-106 authorizes the City Council to establish the maximum rate fare to be charged by taxi operators. The last revision to the maximum rate fares was April 28, 2008. On January 12, 2011, the Fayetteville Taxicab Franchises through their representative, Joseph Robinson, submitted a written request to the City Council for a fare increase of the existing rates.

The existing rate fares are a \$2.00 drop fee, \$2.10 per mile, and a \$15.00 an hour wait time. The proposed increase is \$2.10 drop fee, \$2.40 per mile, and a \$18.00 an hour wait time. The City Council referred the request to the Taxi Review Board for further study.

Staff conducted a survey of all 47 licensed taxi franchise operators on the proposed rate fare increase. 30 operators responded, 26 of those were in favor of the proposed increase. On March 15, 2011, the Taxi Review Board heard testimony related to the proposed rate fare increase. The Board voted in favor of passing the proposed increase to the City Council for consideration with no recommendation. At the meeting on April 4, 2011, the City Council discussed the proposed rate fare increase and directed staff to set the matter for public hearing.

In response to Council questions, staff performed further research regarding comparable rates. Attached is a table with 11 comparable cities in North Carolina. The current rate places Fayetteville 4th among the twelve jurisdictions. The proposed rate increase would move Fayetteville to 10th ordered from least to most expensive based upon a 5 mile trip. This information was not available to the Taxi Review Board. Staff was not able to determine if other cities are considering increases at this time.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

- For City Council to adopt the requested taxicab fare rate increase
- For City Council to modify and adopt the requested taxicab fare rate increase
- For City Council to take no further action

RECOMMENDED ACTION:

Consider the proposed taxicab fare rate increase as requested by the Taxi Review Board.

ATTACHMENTS:

Current City of Fayetteville Taxi Rate Fee Chart

Proposed Rate Fare Increase from Joseph Robinson

North Carolina Cities Taxi Fare Rate Survey

*City of Fayetteville***EFFECTIVE 4/28/2008****Rate of Fare**

The franchise owner has been approved by the City of Fayetteville, NC to operate a taxicab.

The maximum rate of fare to be charged shall be established by the city council from time to time, and a copy thereof shall be maintained in the taxi inspector's office.
(Sec.26-106 of the City of Fayetteville Ordinance)

David E. Steinmetz
Taxi Inspector

TAXICAB RATE CARD (Effective 04/28/2008)----IF METER IS NOT OPERATING, DO NOT PAY

MILEAGE RATES:	EXTRA CHARGES FOR ITEMS HANDLED BY DRIVER:
First 1/6 Mile (or Fraction)-----\$2.00	Hand Bags in Excess of One Person \$0.10
Each Additional 1/6 Mile-----\$.35	Foot Lockers/Duffle Bag \$0.50
SHARED RIDE METER:	Trunks \$1.00
Rate No.:	Trunks Requiring Two Men to Handle \$1.50
1--First 1/6 Mile (or Fraction)---\$2.00	Groceries in Bags & Packages in Arms No Charge
Each Additional 1/6 Mile-----\$.35	BULKY ITEMS:
2--\$2.00 drop & \$.35 for each 1/4 Mile	Fifty cents (\$.50) for each article, container, or commodity
3--\$2.00 drop & \$.35 for each 1/3 Mile	(such as, but not limited to, bags, cartons, boxes or crates of
4--\$2.00 drop & \$.35 for each 1/2 Mile	groceries, coals, feed, fertilizer, rolls of roofing paper, etc.)
	weighing more than fifty (50) pounds.
WAITING TIME: Each 1minute period (or Fraction)-----	\$.25 or \$15.00/hour
There will be an additional surcharge of \$1.00 per trip between 12:00 A.M. & 5:00 A.M.	
Rates are applicable to all points in Fayetteville and within five miles of the city limits	
NO CHARGE MAY BE MADE IN EXCESS OF RATES SHOWN & NO PAYMENT MADE IN EXCESS OF AMOUNT ON METER	

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NO CHARGE MAY BE MADE IN EXCESS OF RATES SHOWN & NO PAYMENT MADE IN EXCESS OF AMOUNT ON METER	

Joseph A. Robinson
890 Santiato Drive
Fayetteville, NC 28314-6527
robijacdm@msn.com
(910 309-7176)

January 12, 2011

RE: Centrodyne Silent 600 Series Taximeter

City Manager and City Council

It has come to my attention after checking with Centrodyne Corporation of America that fare increment can only be change in .05 not .02 increments. Therefore, each 1/6 mile will need be increase to .40 = \$2.40 a mile and wait time to .30 a minute = \$18.00 a hour. All members of the Fayetteville City Taxicab Association (FCTA) will be notify on January 13, 2011.

Sincerely,



Joseph A. Robinson

To: City Manager and City Council

Revised Copy dated January 12, 2011

From: Fayetteville Taxicab Franchises

Re: Proposal taxicab rate increase

We like to request that the city council consider increasing the maximum taxicab fare. Our last rate increase had been approved to .10 a mile overall with an effective date of April 28, 2008.

Drop First 1/6 mile is \$2.00 change with an increase Drop to \$2.10
Each addition 1/6 mile is .35 = \$2.10 a mile change with an increase to .40 = \$2.40 a mile
These are the proposals rates and drops in various cities throughout the country.

Rates	Fayetteville	Wilmington	Philadelphia	Raleigh	Durham	Minneapolis
Per Mile	\$2.40	\$2.10	\$2.30	\$4.45	\$2.00	\$2.20
Drop	\$2.10	\$2.00	\$2.70	\$3.50	\$3.60	\$2.50

Joe Robinson of Light Force Taxi Service will be our representative at city council. He will provide evidence in support of proposed rate increase. Many owners and operators feel or express their belief that a rate increase for the taxicab industry was necessary and well overdue.

Franchises fee \$15.00

Taxicab Permit approximately \$30.00 increase July 2010

Quarterly inspection \$200.00 annually

NC State inspection Fees?

Oil changes monthly \$30.00

Transmission oil changes every 60,000 miles

Commercial liability insurance \$800.00 - \$900.00 Every 6 months

All overall maintenance has gone up ?

Vehicle registration \$75.00

Fuel cost \$3.10 a gallon and rising

Meals ?

Misc. paperwork ie. Money receipt book, invoice book, log-in sheets, cartridge, postage

Dispatch fees \$33.00 daily, Fayetteville City Taxicab Association (FCTA) dues a month

Sincerely,


Joseph A. Robinson

Incl.: Supporting documentations/Petition for rate increase

TAXI RATE SURVEY As of 04-12-2011

City	Source	Pop in 1,000s	Drop Fee	Rate Per Mile	Wait Time	Per	5 mile trip cost
Goldsboro	PD Taxi Inspector	38	\$ 1.75	\$ 2.00	\$ 0.20	min	\$ 11.75
Winston-Salem	City Dept of Transportation	229	\$ 1.80	\$ 2.10	\$ 0.30	min	\$ 12.30
Jacksonville	PD Taxi Inspector	70	\$ 2.50	\$ 2.00	\$ 0.20	min	\$ 12.50
Fayetteville Current	Taxi Inspector	200	\$ 2.00	\$ 2.10	\$ 0.25	min	\$ 12.50
Raleigh RDU	multiple web sites	403	\$ 3.50	\$ 1.95			\$ 13.25
High Point	multiple web sites	104	\$ 2.80	\$ 2.10	\$ 0.30	min	\$ 13.30
Greensboro	PD Taxi Inspector	269	\$ 2.80	\$ 2.10	\$ 0.30	min	\$ 13.30
Wilson	City Dept of Transportation	49	\$ 3.50	\$ 2.00	\$ 0.30	min	\$ 13.50
Wilmington	multiple web sites	106	\$ 3.00	\$ 2.10	\$ 0.35	min	\$ 13.50
Durham	Gracie Chamblee	228	\$ 3.60	\$ 2.00	\$ 0.25	min	\$ 13.60
Fayetteville Proposed	Taxi Inspector	200	\$ 2.10	\$ 2.40	\$ 0.30	min	\$ 14.10
Raleigh	multiple web sites	403	\$ 1.95	\$ 2.50	\$ 0.25	min	\$ 14.45
Charlotte	multiple web sites	731	\$ 2.50	\$ 2.50	\$ 0.50	min	\$ 15.00

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: April 26, 2011
RE: **Uninhabitable Structure Recommended for Demolition - 516 Link Street**

THE QUESTION:

Would the demolition of this structure help to enhance the quality of life in the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

516 Link Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. This structure was inspected and condemned on December 16, 2010 as a dangerous or vacant/abandoned structure. A hearing was held, which the owner did not attend. A period of 60 days was given to repair or demolish the structure; there has been no progress made.

ISSUES:

This property has been a constant problem in the community for some time; Code Enforcement has issued 12 notices of violation to the owners dating back to January, 2010. The structure has been vacant since September 2009; it is constantly unsecure and littered with trash from the people hanging out on the property. There have been 166 calls for 911 service in the past 24 months.

BUDGET IMPACT:

The demolition of this structure will have a minimal impact on the budget.

OPTIONS:

- Adopt the ordinance ordering demolition of the structure.
- Defer any action until a later date.
- Abstain from any action and allow the structure to remain.

RECOMMENDED ACTION:

Staff recommends that Council adopt the proposed ordinance ordering the demolition of the structure.

ATTACHMENTS:

Docket-- 516 Link Street
Ordinance- 516 Link Street
Aerial Map- 516 Link Street
Photograph- 516 Link Street
Photograph- 516 Link Street
Photograph- 516 Link Street

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 Link Street
Property Owner(s)	St. Mary's Home Care Agency, Inc. Fayetteville, NC
Date of Inspection	December 16, 2011
Date of Hearing	January 7, 2011
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed January 19, 2011
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since September 2009.
Police Calls for Service (past 2 yrs)	166

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 26th day of April, 2011.

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 Link Street
PIN 0437-93-8663

Beginning at a point in the southern margin of Martin Street, which point is South 63 degs. 30 minutes East 425 feet from the intersection of the southern margin of Martin Street with the eastern margin of "B" Street, and running thence South 26 deg. 30 minutes West 136.4 feet to a stake in the southern line of the original tract of which this is a part; thence with said southern line South 65 degs. 10 minutes East 50 feet to a stake in said line; thence North 26 degs. 30 minutes East 134.7 feet to a stake in the southern margin of Martin Street; thence with said street margin North 63 degs. 30 minutes West 50 feet to the BEGINNING, AND BEING Lot No. 10 in the subdivision of Nannie Martin lands as surveyed and platted by C.C. Howard, Surveyor, in July 1941. See map of same duly recorded in Book of Plats No. 10, page 13, in the office of the Register of Deeds of Cumberland County, and being also the identical lands described in the deed dated February 21, 1948 and recorded in Book 517, at page 14, Cumberland County Registry.

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

St. Mary's Home Care Agency, Inc.
PO Box 2702
Fayetteville, NC 28304

- (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 19, 2011.

- (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 \$1,789.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this 26th day of April, 2011.

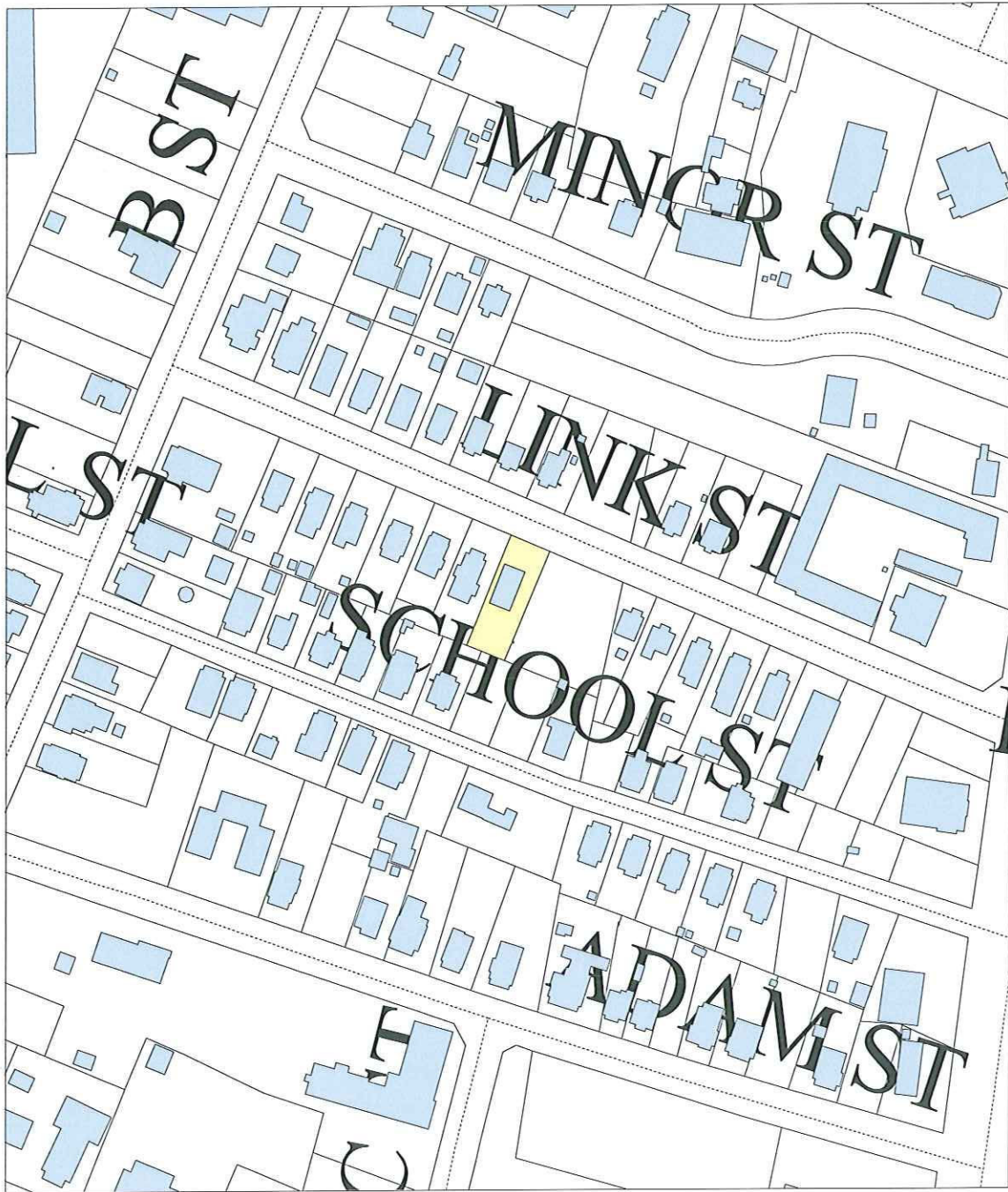
CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor


ATTEST:

Rita Perry, City Clerk


City Of Fayetteville Inspections Department




Legend



Streets




Zoning



Parcels

Text

Street Name



Group Homes

9 - 1 - 3 - 1



9-1-4-1



9-1-5-1



9-1-6-1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: April 26, 2011
RE: **Revenue and Expenditure Report for Annually Budgeted Funds for the Six-Month Period Ended December 31, 2010 and 2009**

THE QUESTION:

Information Report Only

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

Goal 3: More Efficient City Government - Cost Effective Service Delivery. Objective 1: Greater accountability for performance, results and transparency.

BACKGROUND:

- This report provides cumulative revenue and expenditure information for the City's annually budgeted funds for the six-month period ended December 31, 2010 and 2009. The report consists of two main sections: 1) revenues by major category by fund and 2) expenditures by major category by fund. The expenditure section of the report also provides expenditure data by department for the General Fund.
- The report includes revenue and expenditure data for the current fiscal year (column "Actual thru December 2010"), with comparison columns for the current year's budget (column "Annual Budget as of December 2010" and "Allocated Budget as of December 2010") and revenue and expenditure data through the same period in last fiscal year (column "Actual thru December 2009"). The expenditure section of the report also includes a column for "Encumbrances" which represents commitments by the City to obtain items or services or other expenditures for which payments have not yet been made.
- The report also includes a column that calculates the positive or negative variance between the "Allocated Budget As of December 2010" column compared to the "Actual thru December 2010" column.
- Revenues and expenditures are generally recorded on a cash basis throughout the year and accounting adjustments are made at year-end to account for revenues and expenditures that need to be recorded back to the fiscal year before it is formally closed.
- Sales taxes include revenues for the six-month period ended December 31, 2010 for the current fiscal year, and for comparative purposes, for the six-month period ended December 31, 2009 for the prior fiscal year in this report.
- Also, quarterly utility taxes are received from the State approximately 75 days after the period to which they apply; therefore, utility tax revenues are included through the quarter ended December 31, 2010 for the current fiscal year, and for comparative purposes, for the quarter ended December 31, 2009 for the prior fiscal year in this report.

ISSUES:

None.

BUDGET IMPACT:

Not applicable. Information report only.

OPTIONS:

Not applicable.

RECOMMENDED ACTION:

No action required. Information report only.

ATTACHMENTS:

December 2010 Revenue & Expenditure Report

**General Fund Revenue Report
For the Period Ended
December 31, 2010**

Description	Actuals thru December 2009	Annual Budget As Of December 2010	Allocated Budget As Of December 2010*	Actuals thru December 2010	Allocated Budget Variance Positive / (Negative)
Ad Valorem Taxes					
Current Year Taxes	43,970,582	57,288,982	44,095,432	42,853,458	(1,241,974)
Prior Year Taxes	810,926	1,026,000	743,272	735,736	(7,536)
Penalties & Interest	92,220	318,000	90,126	87,667	(2,459)
Other Taxes					
Vehicle License Tax	315,529	619,500	309,850	313,245	3,395
Privilege License Tax	928,336	1,066,450	1,006,995	935,416	(71,579)
Franchise Fees	86,059	323,817	74,867	105,473	30,606
Vehicle Gross Receipts	172,834	464,000	167,812	228,452	60,640
Intergovernmental Revenues					
Federal	432,880	694,953	353,490	405,194	51,704
State					
Sales Taxes	15,127,881	30,754,690	15,453,622	15,412,835	(40,787)
Utility Taxes	4,979,715	9,850,241	4,958,795	5,068,763	109,968
Other	5,281,415	6,133,351	5,019,121	5,076,333	57,212
Local	2,141,173	4,053,757	2,024,523	2,156,952	132,429
Functional Revenues					
Permits and Fees	869,864	1,918,200	887,410	1,345,484	458,074
Property Leases	151,034	582,414	260,841	104,103	(156,738)
Engineering/Planning Services	176,978	373,050	176,666	213,667	37,001
Public Safety Services	375,198	1,204,574	558,636	464,995	(93,641)
Environmental Services	37,400	73,293	36,519	37,540	1,021
Parks & Recreation Fees	520,650	1,094,800	479,317	546,015	66,698
Other Fees and Services	45,405	90,221	46,728	28,490	(18,238)
Other Revenues					
Refunds and Sundry	400,007	632,156	367,003	355,300	(11,703)
Indirect Cost Allocation	541,478	1,157,958	560,280	532,527	(27,753)
Special use assessment	83,501	170,000	71,655	128,465	56,810
Sale of Assets & Materials	80,521	180,500	66,476	189,241	122,765
Investment Income	6,613	750,000	7,705	13,293	5,588
Other Financing Sources					
Proceeds from Bonds	-	-	-	-	-
Proceeds from Refunding Bonds	8,759,246	-	-	-	-
Proceeds from Loans	750,000	-	-	-	-
Interfund Transfers	4,344,982	10,479,372	5,714,873	5,714,829	(44)
Capital Leases	-	-	-	-	-
Fund Balance Appropriation	-	7,768,513	-	-	-
TOTAL	<u>91,482,427</u>	<u>139,068,792</u>	<u>83,532,014</u>	<u>83,053,473</u>	<u>(478,541)</u>

* The budget for December is generally allocated based on the annual percentage of revenue received as of December 31, 2009, with the exception of Investment Income, Other Financing Sources and Fund Balance Appropriation.

**Operating Funds Revenue Report
For the Period Ended
December 31, 2010**

Description	Actuals thru December 2009	Annual Budget As Of December 2010	Allocated Budget As Of December 2010*	Actuals thru December 2010	Allocated Budget Variance Positive / (Negative)
Parking Fund					
Functional Revenues	140,690	329,185	148,392	143,952	(4,440)
Other Revenues	-	-	-	-	-
Investment Income	-	3,000	-	-	-
Total	140,690	332,185	148,392	143,952	(4,440)
Central Business Tax District Fund					
Ad Valorem Taxes	73,371	131,287	75,019	77,953	2,934
Investment Income	-	840	-	-	-
Fund Balance	-	91,181	-	-	-
Total	73,371	223,308	75,019	77,953	2,934
Stormwater Fund					
Stormwater Fees	4,019,114	5,099,839	4,008,855	3,893,839	(115,016)
Intergovernmental	20,000	-	-	-	-
Other Functional Revenues	-	-	-	-	-
Other Revenues	10,777	-	-	-	-
Investment Income	-	66,007	-	-	-
Interfund Transfers	-	-	-	-	-
Fund Balance	-	4,685,185	-	-	-
Total	4,049,891	9,851,031	4,008,855	3,893,839	(115,016)
Emergency Telephone System Fund					
Intergovernmental	353,435	1,060,306	441,794	441,794	-
Investment Income	-	10,500	-	-	-
Interfund Transfers	5,998	-	-	-	-
Fund Balance	-	342,894	-	-	-
Total	359,433	1,413,700	441,794	441,794	-
Risk Management Funds					
Interfund Charges	5,368,541	14,022,088	6,621,718	5,672,880	(948,838)
Other Revenues					
Employee Contributions	1,305,853	3,304,633	1,663,083	1,373,119	(289,964)
Refunds and Sundry	240,601	71,417	39,644	260,145	220,501
Investment Income	-	309,000	-	-	-
Interfund Transfers	1,921,100	-	-	401,000	401,000
Fund Balance	-	19,409	-	-	-
Total	8,836,095	17,726,547	8,324,445	7,707,144	(617,301)
Transit Fund					
Other Taxes	299,094	608,300	302,082	307,324	5,242
Federal Operating Grant	105,581	1,153,128	115,349	323,207	207,858
State Operating Grant	-	533,998	-	-	-
Bus Fares	320,577	679,241	307,611	383,153	75,542
Contract Transportation	81,864	-	-	46,476	46,476
Other Revenue	16,962	20,643	7,958	6,802	(1,156)
Interfund Transfers	1,335,002	2,874,099	1,850,276	1,355,024	(495,252)
Total	2,159,080	5,869,409	2,583,276	2,421,986	(161,290)
Airport Fund					
Intergovernmental Revenues	73,332	145,995	65,845	79,249	13,404
Property Leases	922,553	2,010,100	930,775	1,032,475	101,700
Franchise Fees	499,026	998,322	450,757	579,911	129,154
Landing Fees	197,795	397,685	202,720	197,355	(5,365)
Training Facility Fees	14,500	19,850	11,422	17,425	6,003
Other Revenues	93,423	178,489	80,207	103,759	23,552
Public Safety Reimbursements	42,149	84,297	42,149	42,148	(1)
Investment Income	-	67,000	-	-	-
Interfund Transfers	-	-	-	30,076	30,076
Fund Balance	-	700,000	-	-	-
Total	1,842,778	4,601,738	1,783,875	2,082,398	298,523
Recycling Fund					
Recycling Fees	1,874,556	2,253,910	1,875,605	1,889,839	14,234
Intergovernmental	156,220	296,130	156,226	149,003	(7,223)
Other Revenues	3,323	1,400	1,144	63,733	62,589
Investment Income	-	19,000	-	-	-
Interfund Transfers	-	-	-	-	-
Total	2,034,099	2,570,440	2,032,975	2,102,575	69,600

**Operating Funds Revenue Report
For the Period Ended
December 31, 2010**

Description	Actuals thru December 2009	Annual Budget As Of December 2010	Allocated Budget As Of December 2010*	Actuals thru December 2010	Allocated Budget Variance Positive / (Negative)
LEOSSA Fund					
Interfund Charges	255,318	499,573	249,152	340,179	91,027
Investment Income	-	42,000	-	-	-
Fund Balance	-	12,537	-	-	-
Total	255,318	554,110	249,152	340,179	91,027
City of Fayetteville Finance Corporation					
Investment Income	471	-	-	5	5
Property Leases	245,625	1,449,475	163,125	163,125	-
Total	246,096	1,449,475	163,125	163,130	5
Vehicle Lease Fund					
Interfund Charges	130,898	-	-	-	-
Other Revenues	-	-	-	-	-
Investment Income	-	-	-	-	-
Fund Balance	-	102,215	-	-	-
Total	130,898	102,215	-	-	-

**General Fund Expenditure Report
For the Period Ended
December 31, 2010**

Description	Actuals thru December 2009	Annual Budget As Of December 2010	Allocated Budget As Of December 2010*	Actuals thru December 2010	Allocated Budget Variance Positive / (Negative)	Encumbrances thru December 2010
City Attorney						
Personnel	246,908	580,211	274,166	232,016	42,150	-
Operating / Contract Services	371,753	357,525	217,355	244,436	(27,081)	-
Capital	-	-	-	-	-	-
Other	131	300	140	306	(166)	-
Total	618,792	938,036	491,661	476,758	14,903	-
City Manager						
Personnel	379,404	844,942	399,258	390,061	9,197	-
Operating / Contract Services	22,395	36,082	19,661	22,208	(2,547)	-
Capital	-	-	-	-	-	-
Other	1,522	2,500	1,796	1,127	669	-
Total	403,321	883,524	420,715	413,396	7,319	-
Community Development						
Personnel	65,396	143,368	67,746	67,406	340	-
Operating / Contract Services	304,296	799,287	525,343	249,891	275,452	513,948
Capital	-	-	-	-	-	-
Other	182,336	148,641	171,108	164,430	6,678	-
Total	552,028	1,091,296	764,197	481,727	282,470	513,948
Development Services						
Personnel	1,274,287	2,849,708	1,346,564	1,231,430	115,134	-
Operating / Contract Services	232,869	1,119,034	509,343	340,373	168,970	38,000
Capital	42,087	37,955	37,955	12,636	25,319	-
Other	9,120	5,821	5,821	901	4,920	-
Total	1,558,363	4,012,518	1,899,683	1,585,340	314,343	38,000
Engineering & Infrastructure						
Personnel	1,818,421	4,247,283	2,006,956	1,774,392	232,564	-
Operating / Contract Services	1,646,714	2,558,789	1,444,023	933,562	510,461	176,145
Capital	285,610	441,300	441,300	141,023	300,277	142,260
Other	6,083,547	3,843,567	3,766,315	3,549,236	217,079	-
Total	9,834,292	11,090,939	7,658,594	6,398,213	1,260,381	318,405
Environmental Services						
Personnel	1,982,739	4,592,569	2,170,113	1,963,763	206,350	-
Operating / Contract Services	849,160	2,011,136	875,357	1,041,044	(165,687)	16,406
Capital	356,396	1,606,665	1,606,665	356,665	1,250,000	54,109
Other	317,185	448,817	227,726	253,335	(25,609)	-
Total	3,505,480	8,659,187	4,879,861	3,614,807	1,265,054	70,515
Finance						
Personnel	563,211	1,294,284	611,585	584,925	26,660	-
Operating / Contract Services	616,379	1,288,709	675,190	609,116	66,074	341,452
Capital	20,200	-	-	-	-	-
Other	-	-	-	-	-	-
Total	1,199,790	2,582,993	1,286,775	1,194,041	92,734	341,452
Fire & Emergency Management						
Personnel	8,480,353	19,023,244	8,988,995	8,809,214	179,781	-
Operating / Contract Services	1,182,130	2,453,760	1,205,053	1,125,940	79,113	111,827
Capital	734,241	1,473,042	1,473,042	510,034	963,008	312,458
Other	343,614	225,678	132,121	157,674	(25,553)	-
Total	10,740,338	23,175,724	11,799,211	10,602,862	1,196,349	424,285
Human Relations						
Personnel	98,200	217,439	102,746	100,555	2,191	-
Operating / Contract Services	8,334	33,040	13,562	6,629	6,933	-
Capital	-	-	-	-	-	-
Other	-	5,200	-	503	(503)	-
Total	106,534	255,679	116,308	107,687	8,621	-
Human Resource Development						
Personnel	387,302	984,569	465,236	413,288	51,948	-
Operating / Contract Services	109,615	271,764	119,117	99,815	19,302	21,119
Capital	-	50,000	50,000	-	50,000	-
Other	565	1,281	817	598	219	-
Total	497,482	1,307,614	635,170	513,701	121,469	21,119

**General Fund Expenditure Report
For the Period Ended
December 31, 2010**

Description	Actuals thru December 2009	Annual Budget As Of December 2010	Allocated Budget As Of December 2010*	Actuals thru December 2010	Allocated Budget Variance Positive / (Negative)	Encumbrances thru December 2010
Information Technology						
Personnel	522,594	1,361,461	643,327	607,267	36,060	12,434
Operating / Contract Services	623,199	1,550,143	1,013,679	769,574	244,105	54,824
Capital	50,660	344,597	344,597	151,455	193,142	-
Other	320,185	283,500	218,094	283,500	(65,406)	-
Total	1,516,638	3,539,701	2,219,697	1,811,796	407,901	67,258
Management Services						
Personnel	234,689	594,164	280,759	236,631	44,128	-
Operating / Contract Services	101,289	212,666	103,214	82,511	20,703	26,913
Capital	-	-	-	-	-	-
Other	(30,136)	(36,500)	(26,776)	(29,866)	3,090	3,028
Total	305,842	770,330	357,197	289,276	67,921	29,941
Mayor & Council						
Personnel	124,693	320,633	151,508	132,802	18,706	-
Operating / Contract Services	350,060	237,932	208,497	131,539	76,958	21,746
Capital	-	-	-	-	-	-
Other	1,878	2,050	1,949	1,381	568	-
Total	476,631	560,615	361,954	265,722	96,232	21,746
Other Appropriations						
Personnel	27,707	32,368	15,295	21,916	(6,621)	-
Operating / Contract Services	3,788,028	10,223,932	4,759,777	3,292,864	1,466,913	4,056,638
Capital	-	-	-	-	-	-
Other	12,850,373	10,686,431	4,490,798	4,476,473	14,325	65,594
Total	16,666,108	20,942,731	9,265,870	7,791,253	1,474,617	4,122,232
Parks, Recreation & Maintenance						
Personnel	4,216,862	9,021,262	4,262,790	4,111,378	151,412	-
Operating / Contract Services	2,550,882	5,324,138	2,748,908	2,629,053	119,855	143,812
Capital	62,816	812,139	812,139	287,657	524,482	-
Other	376,723	748,182	498,836	334,479	164,357	-
Total	7,207,283	15,905,721	8,322,673	7,362,567	960,106	143,812
Police						
Personnel	15,854,378	35,688,321	16,863,693	15,706,304	1,157,389	-
Operating / Contract Services	2,231,740	4,714,119	2,300,827	2,441,848	(141,021)	66,923
Capital	584,399	2,445,089	2,445,089	1,543,305	901,784	-
Other	527,082	504,655	267,871	60,585	207,286	-
Total	19,197,599	43,352,184	21,877,480	19,752,042	2,125,438	66,923
Total General Fund						
Personnel	36,277,144	81,795,826	38,650,737	36,383,348	2,267,389	12,434
Operating / Contract Services	14,988,843	33,192,056	16,738,906	14,020,403	2,718,503	5,589,753
Capital	2,136,409	7,210,787	7,210,787	3,002,775	4,208,012	508,827
Other	20,984,125	16,870,123	9,756,616	9,254,662	501,954	68,622
Total	74,386,521	139,068,792	72,357,046	62,661,188	9,695,858	6,179,636

* The personnel budget for December is allocated based on the number of pay periods which have occurred through that date. Capital is allocated at 100%. Operating, Contract Services and Other are generally allocated based on the annual percentage of expenditures as of December 31, 2009.

**Operating Funds Expenditure Report
For the Period Ended
December 31, 2010**

Description	Actuals thru December 2009	Annual Budget As Of December 2010	Allocated Budget As Of December 2010*	Actuals thru December 2010	Allocated Budget Variance Positive / (Negative)	Encumbrances thru December 2010
Parking Fund						
Personnel	-	-	-	-	-	-
Operating / Contract Services	152,176	317,634	169,177	190,423	(21,246)	60,311
Capital	-	-	-	-	-	-
Other	-	14,551	14,551	-	14,551	-
Total	152,176	332,185	183,728	190,423	(6,695)	60,311
Central Business Tax District Fund						
Personnel	-	-	-	-	-	-
Operating / Contract Services	50,000	67,384	57,983	42,745	15,238	-
Capital	-	75,830	75,830	-	75,830	-
Other	50,000	80,094	53,396	64,305	(10,909)	-
Total	100,000	223,308	187,209	107,050	80,159	-
Stormwater Fund						
Personnel	700,480	1,487,735	702,995	644,831	58,164	-
Operating / Contract Services	404,564	2,652,365	1,008,116	923,508	84,608	889,504
Capital	691,415	5,411,662	5,411,662	254,689	5,156,973	362,338
Other	255,526	299,269	299,269	61,459	237,810	-
Total	2,051,985	9,851,031	7,422,042	1,884,487	5,537,555	1,251,842
Emergency Telephone System Fund						
Personnel	25,400	55,279	26,121	1,276	24,845	-
Operating / Contract Services	332,469	680,264	372,677	365,415	7,262	-
Capital	183,930	592,561	592,561	154,691	437,870	274,398
Other	-	85,596	85,596	-	85,596	-
Total	541,799	1,413,700	1,076,955	521,382	555,573	274,398
Risk Management Funds						
Personnel	179,696	384,989	181,918	162,051	19,867	-
Operating / Contract Services	7,201,874	17,329,621	9,302,278	6,316,582	2,985,696	665,958
Capital	-	8,000	8,000	-	8,000	-
Other	2,576,435	3,937	3,938	-	3,938	-
Total	9,958,005	17,726,547	9,496,134	6,478,633	3,017,501	665,958
Transit Fund						
Personnel	1,505,058	3,663,180	1,730,952	1,682,222	48,730	-
Operating / Contract Services	592,190	1,687,934	698,675	914,818	(216,143)	117,184
Capital	-	-	-	-	-	-
Other	204,274	518,295	237,052	278,534	(41,482)	-
Total	2,301,522	5,869,409	2,666,679	2,875,574	(208,895)	117,184
Airport Fund						
Personnel	534,791	1,296,137	612,460	574,613	37,847	-
Operating / Contract Services	558,862	1,457,149	632,482	569,004	63,478	62,060
Capital	48,095	267,320	267,320	122,638	144,682	-
Other	286,933	1,581,132	853,185	845,235	7,950	-
Total	1,428,681	4,601,738	2,365,447	2,111,490	253,957	62,060
Recycling Fund						
Personnel	-	-	-	-	-	-
Operating / Contract Services	937,226	1,988,810	983,553	941,268	42,285	629,325
Capital	-	55,000	55,000	-	55,000	-
Other	-	526,630	263,315	224,922	38,393	-
Total	937,226	2,570,440	1,301,868	1,166,190	135,678	629,325
LEOSSA Fund						
Personnel	219,572	554,110	261,832	232,750	29,082	-
Operating / Contract Services	-	-	-	-	-	-
Capital	-	-	-	-	-	-
Other	-	-	-	-	-	-
Total	219,572	554,110	261,832	232,750	29,082	-
City of Fayetteville Finance Corporation						
Personnel	-	-	-	-	-	-
Operating / Contract Services	-	-	-	-	-	-
Capital	-	-	-	-	-	-
Other	247,285	1,449,475	163,125	163,125	-	-
Total	247,285	1,449,475	163,125	163,125	-	-
Vehicle Lease Fund						
Personnel	-	-	-	-	-	-
Operating / Contract Services	57,075	12	5	12 *	(7) *	-
Capital	-	102,203	102,203	102,203	-	-
Other	-	-	-	-	-	-
Total	57,075	102,215	102,208	102,215	(7)	-

* The personnel budget for December is allocated based on the number of pay periods which have occurred through that date. Capital is allocated at 100%. Operating, Contract Services and Other are generally allocated based on the annual percentage of expenditures as of December 31, 2009.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Jeffery P. Brown, PE, Engineering & Infrastructure Director
DATE: April 26, 2011
RE: **Consider Adoption of Resolution Authorizing Condemnation to Acquire Easements and Property for Storm Drainage Improvement Projects**

THE QUESTION:

Whether Council is willing to authorize condemnation to acquire the necessary easements and properties required for the construction of various storm drainage improvement projects.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods – A Great Place to Live

BACKGROUND:

- Staff has been unsuccessful in acquiring the needed drainage easements for drainage improvement projects within the Seabrook Neighborhood and off Faison Avenue.
- Staff has also been unsuccessful in acquiring fee simple property for the drainage projects within the Forest Hills and Montclair Subdivision.
- These four projects are on the list of projects that the City is in the process of acquiring short term financing in order to move forward with the construction of the improvements.

ISSUES:

- The preliminary schedule is to seek approval from the Local Government Commission (LGC) in July for the financing of the list of storm drainage improvement projects.
- The City must have all the easements and properties acquired that are necessary to make the improvements prior to the LGC approving the financing package.
- Without approval of condemnation, these projects will be delayed, which in turn will delay the approval from the LGC.

BUDGET IMPACT:

The City will not be able to move forward with the approval of the financing of the above projects without condemnation.

OPTIONS:

- Adopt all the resolutions authorizing condemnation of the necessary easements and properties for the project through condemnation in order to keep the project moving forward.
- Adopt a portion of the resolutions authorizing condemnation of the necessary easements and properties for the project through condemnation in order to keep the project moving forward.
- Do not adopt the resolutions which will delay the projects.

RECOMMENDED ACTION:

Adopt all the resolutions authorizing condemnation of the necessary easements and properties for the project through condemnation in order to keep the project moving forward.

ATTACHMENTS:

Forest Hills Resolution
Seabrook Resolution

Montclair Resolution
Faison Resolution
Forest Hills Backup
Seabrook Backup
Montclair Backup
Faison Backup

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

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

***FEE SIMPLE INTEREST FOR STORMWATER DRAINAGE FOR THE FOREST
HILLS DRAINAGE PROJECT***

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

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

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

Parcel Number	Acreage	Owner
0428-35-9444	0.71 acre	James D. Smith

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

ADOPTED this the 26th day of April, 2011, by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G.CHAVONNE, Mayor

ATTEST:

Jennifer Penfield, Deputy City Clerk

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

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

***EASEMENT FOR STORMWATER DRAINAGE FOR THE SEABROOK DRAINAGE
PROJECT***

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

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

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

Parcel Number	Square Footage	Owner
0438-05-4238	2400 sf	James M. Moore Jr. and Estelle

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

ADOPTED this the 26th day of April, 2011, by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Jennifer Penfield, Deputy City Clerk

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

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

**FEE SIMPLE INTEREST FOR STORMWATER DRAINAGE FOR THE MONTCLAIR
DRAINAGE PROJECT**

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

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

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

Parcel Number	Acreage	Owner
0417-42-4230	0.06 acres	Randolph McKoy
0417-42-5104	0.06 acres	Randolph McKoy

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

ADOPTED this the 26th day of April, 2011, by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Jennifer Penfield, Deputy City Clerk

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

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

***EASEMENT FOR STORMWATER DRAINAGE FOR THE RAEFORD FAISON
PROJECT***

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

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

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

Parcel Number	Square Footage	Owner
0417-60-6294	2,423 sf	Larry A. Melvin

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

ADOPTED this the 26th day of April, 2011, by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

BY: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Jennifer Penfield, Deputy City Clerk

Forest Hills - Property Acquisition 0.71 ac



FOREST HILLS DR

MEMORANDUM

TO: Giselle Rodriguez, PE, Interim City Engineer

FROM: Brandy Bishop, Senior Paralegal

DATE: April 14, 2011

SUBJECT: James D. Smith
1918 Forest Hills Drive
Correspondence Log

1-20-11: Attempted phone call no answer and no voicemail service

1-20-11: Mailed letter asking for contact to discuss drainage project

1-25-11: Called home; Mrs. Smith gave me Mr. Smith's cell phone she explained they were about to go to Florida; she said she know he wanted to sell the lot she wasn't sure about an easement

1-25-11: Called Mr. Smith on his cell phone, he said he would like to sell his property and said that a while back someone from the city offered to buy it from him. He did not remember who. I told him I would ask around and call him back; he said I could continue to call his cell his daughter is having surgery so he will be with her in FL and he doesn't know when he will be back

2-7-11: Met with next door neighbor to have permission form signed; he said Mr. Smith was back from FL he saw Mr. Smith talking to the PWC workers yesterday.

2-8-11: Left voicemail for Mr. Smith

2-9-11: Mr. Smith left a voicemail; I returned the call and left him a voicemail; Mary DePina contacted Jim Autry with PWC to see if they were interested in purchasing property as the location would be perfect staging for their outfall; Jim said they would be interested if the price isn't too high

2-10-11: Called Mr. Smith; he said he talked to PWC and they said they would not need anymore of his property; I explained that we would need to acquire another 30' for an easement; he said he wants to sell the property as soon as possible; he bought the property had us release an easement so he could build on it; he paid for building plans and permits, paid to clear the lot and while he was clearing to lot he found a manhole informed us of the manhole and we took the easement back; he lost all that money for nothing. He was very discouraged

2-25-11: Per Mary, I called and left a message for Mr. Smith regarding the City's interest in purchasing the property, no return call

3-2-11: Called Mr. Smith, he said he has been communicated with the man who was going to do the building on his lot and he has expressed an interest in purchasing the lot, the man is having it appraised. Mr. Smith said if after the appraisal comes in if the man doesn't want to purchase the property, he will let us know. I asked what he was offered and he said that the man is waiting on the appraisal to come back.

3-3-11: I called Mr. Smith and told him we had to move quickly and needed to know when and if he found a buyer; he said he would call his friend and see if the appraisal was back yet and he will call me once an offer is made and if we're still interested we can try to beat it.

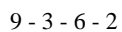
3-14-11: Left message for Mr. Smith no response.

3-15-11: Left message for Mr. Smith and wrote letter regarding timeline asked that he please contact us by 3/25/11

- 3-25-11: Called Mr. Smith, he is in FL again his daughter's surgery was delayed in February due to an allergic reaction to the anesthesia, he said he has been in FL since 3/16/11, he said her surgery went well but he is still there with her until she is back on her feet she has not been doing well. I inquired about the other buyer and he said he would check and get back with me soon
- 3-30-11: Per Mary DePina, called Mr. Smith and offered him tax value for his lot \$14,700, he said that was unacceptable and he is still in FL with his daughter when she is released by the doctor and he feels comfortable leaving her and gets back to Fayetteville he will call me but he has no intentions on taking that low of an amount.
- 4-11-11: Called and left message for Mr. Smith; no response
- 4-12-11: Called Mr. Smith. He said that his friend Ron (the one that was going to build his house for him) offered him \$35,000 for the lot and he would like \$39,000. He's back in Fayetteville, he added up all the costs he incurred including the plans he had from when we released one of the easements we had on the property and then we took the easement back
- 4-12-11: Was given permission to offer \$18,000, called and left message asking to discuss, he called back and left me a message; I called him back and left a message
- 4-14-11 Called and left message for Mr. Smith; no response.

Patterson Circle (Seabrook) - 2400 SF Easement





MEMORANDUM

TO: Giselle Rodriguez, PE, Interim City Engineer

FROM: Brandy Bishop, Senior Paralegal

DATE: April 14, 2011

SUBJECT: James and Estelle Moore
1712 Patterson Circle
Correspondence Log

2-23-11: Mailed letter and attempted to call phone is disconnected

3-3-11: Letter returned unable to forward; OASIS search on the Moore's showed they owned another home in Fayetteville, mailed letter to that property

3-3-11: Left message for a Jane Moore who also lives in Beaufort, NC; Accurint indicated she is a relative, left message she called back and said she is not related to James or Estelle Moore

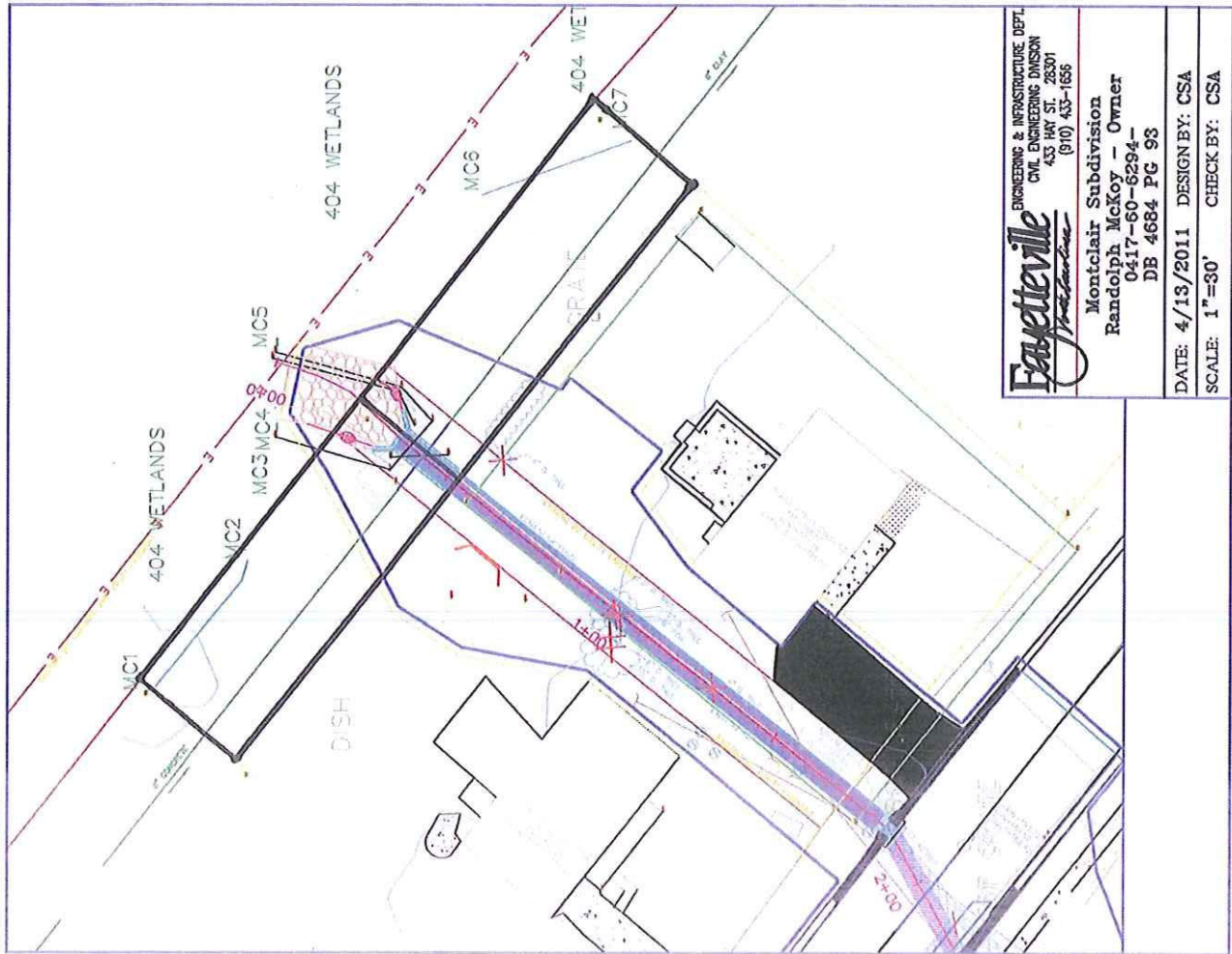
4-12-11: No response from letter; drove to 3517 Bennett Drive to try to catch them in person; minor tenant answered the door she said she didn't know James or Estelle Moore but she would give her mother our number, Asia, the minor child's mother, called me immediately and said the Property Manager they use is Cape Fear Finance, I called Cape Fear Finance they said to mail a letter to them and they would make sure he got it. They couldn't give me any personal information; Mrs. Moore is incompetent and lives in a nursing facility

4-12-11: Mailed letter to Cape Fear Finance for Mr. Moore; no response as of yet

Montclair Subdivision - Property Acquisition



STONEYKIRK DR



Fayetteville <small>ENGINEERING & INFRASTRUCTURE DEPT. CIVIL ENGINEERING DIVISION 433 MAY ST. 28301 (910) 433-1656</small>	
Montclair Subdivision Randolph McKay - Owner 0417-60-6294- DB 4684 PG 93	
DATE: 4/13/2011	DESIGN BY: CSA
SCALE: 1"=30'	CHECK BY: CSA

MEMORANDUM

TO: Giselle Rodriguez, PE, Interim City Engineer

FROM: Brandy Bishop, Senior Paralegal

DATE: April 14, 2011

SUBJECT: Randolph McKoy
Small Pt. of Lots 161 & 162 Montclair, Sec. 3
Correspondence Log

1-28-11: Called left message with woman to have him call me back I believe she was his spouse, she asked what it was about I told her drainage improvements she asked if we wanted to buy some property and I said not at this time just doing some improvements, no return call

2-3-11: Mailed letter asking for contact to discuss drainage project, enclosed copies of the permission form, self-addressed envelope and map detailing exactly what we were would like to do to the property and how it would affect his property

2-23-11: Left message no return call

3-7-11: Left message asking for return call to discuss drainage improvements

4-4-11: Called phone rang several times no answer

4-4-11: Mailed a letter offering to purchase the property for tax value \$300 per lot \$600 all together , no response

4-7-11: Called left message, no response

4-11-11: Called left message; no response

4-12-11: Phone call to follow up on our offer to purchase and he asked for \$1500 per lot said our offer was unacceptable

4-12-11: I asked about his counter offer and was told to offer \$500 per lot; he found that to be unacceptable and said he wanted to think about it. I asked him to call me when he makes a decision. I did tell him of the potential for condemnation.

4-14-11: Mr. McKoy called and wanted to know if we had reconsidered our offer and wanted to offer more money; I said no and asked him if he had reconsidered our offer he said he thinks he should get credit for all the years he's paid taxes on the properties. Last year's tax bills were for \$3.59 each

200 Faison Avenue - 2423 SF Easement

150.22

10.34

138.42

Larry Melvin
0417-60-6294-
DB 4684 PG 93

94.35

82.46

7.30

FAISON AVE

MEMORANDUM

TO: Giselle Rodriguez, PE, Interim City Engineer

FROM: Brandy Bishop, Senior Paralegal

DATE: April 14, 2011

SUBJECT: Larry A. Melvin
200 ABC Faison Avenue
Correspondence Log

1-20-11: Attempted phone call to all 3 phone numbers provided by Accurant; all numbers disconnected

1-20-11: Mailed letter asking for contact to discuss drainage project

2-11-11: Google search of Mr. Melvin and all relatives believed listed on Accurant; no valid phone numbers found

4-11-11: New Accurant search to see if any information was updated (i.e. mailing address or phone number) Found a phone number for Farmer's Day Care and I called because I belied Mr. Melvin's spouse goes by Katie Farmer. Ms. Farmer said her husband works for the Navy and he is out to sea in Libya she gave me his email address so I emailed him.

4-12-11: Mr. Melvin responded quickly to my email asked about the costs and directed me to email document to him, Ms. Farmer doesn't have a Power of Attorney. He said he will execute the document and return it to me as soon as possible.

4-14-11: Sent an email to verify Mr. Melvin received my email regarding the easement; no response.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: City Clerk's Office
DATE: April 26, 2011
RE: **Monthly Statement of Taxes for March 2011**

THE QUESTION:

For information only

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

Attached is the report that has been furnished to the Mayor and City Council by the Cumberland Tax Administrator for the month of March 2011.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

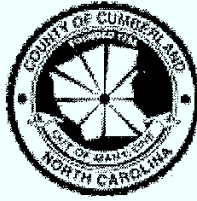
For information only

RECOMMENDED ACTION:

For information only

ATTACHMENTS:

Monthly Statement of Taxes for March 2011



OFFICE OF THE TAX ADMINISTRATOR

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

MEMORANDUM

TO: Fayetteville City Clerk

FROM: Aaron Donaldson, Tax Administrator *AD*

DATE: April 1, 2011

RE: MONTHLY STATEMENT OF TAXES

Attached hereto is the report that has been furnished to the Mayor and governing body of your municipality for the month of March 2011. This report separates the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

Should you have any questions regarding this report, please contact me at 678-7587.

AD/sn
Attachments

Celebrating Our Past....Embracing Our Future

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

DATE	REPORT #	REMITTED TO FINANCE	2010 CC	2010 VEHICLE	2010 CC REVIT	2010 VEHICLE REVIT	2010 FVT	2010 TRANSIT	2010 STORM WATER	2010 FAY STORM WATER
03/01/11	2010-174	128,827.10	79,548.79	22,121.31	410.77	0.00	2,815.00	2,815.00	1,946.14	3,892.29
03/02/11	2010-175	73,669.85	40,761.38	16,126.24	614.89	0.00	2,278.48	2,278.49	992.76	1,985.51
03/03/11	2010-176	55,140.12	26,284.42	12,981.68	562.25	23.99	1,871.50	1,871.49	975.19	1,950.42
03/04/11	2010-177	70,578.91	27,599.15	25,248.77	133.81	0.00	3,519.07	3,519.06	1,092.17	2,184.33
03/07/11	2010-178	92,268.09	33,140.94	37,034.08	43.33	58.49	4,930.00	4,930.00	1,045.74	2,091.48
03/08/11	2010-179	45,753.53	20,053.34	14,654.59	0.00	0.00	2,006.58	2,006.57	533.88	1,067.76
03/09/11	2010-180	53,338.44	23,954.06	14,867.35	1.42	0.00	2,052.04	2,052.07	735.96	1,471.93
03/10/11	2010-181	43,038.25	16,732.77	15,845.95	0.00	0.00	1,945.00	1,945.00	432.92	865.83
03/11/11	2010-182	69,383.48	39,349.74	13,998.20	3,532.98	0.00	1,804.09	1,804.09	729.99	1,459.98
03/14/11	2010-183	120,820.51	57,590.68	35,344.49	2,314.68	115.56	4,481.47	4,481.46	1,844.32	3,688.62
03/15/11	2010-184	36,342.43	16,380.67	9,422.57	0.00	5.16	1,255.82	1,255.84	513.19	1,026.37
03/16/11	2010-185	46,094.81	20,805.87	13,736.85	0.00	43.21	1,580.00	1,580.00	448.04	896.08
03/17/11	2010-186	41,876.33	18,013.15	12,161.58	0.00	28.65	1,534.57	1,534.58	779.04	1,558.08
03/18/11	2010-187	47,103.41	21,928.03	12,869.13	0.00	1.13	1,692.93	1,692.92	860.07	1,720.16
03/21/11	2010-188	74,798.49	37,551.63	23,044.32	361.21	26.67	2,425.99	2,425.99	765.57	1,531.15
03/22/11	2010-189	36,543.38	17,374.71	10,149.52	0.00	0.00	1,290.94	1,290.94	488.82	977.65
03/23/11	2010-190	30,407.34	13,734.10	8,907.91	0.00	0.00	1,225.43	1,225.42	423.49	846.99
03/24/11	2010-191	36,273.76	17,765.56	11,121.95	0.69	11.23	1,180.00	1,180.00	655.45	1,310.90
03/25/11	2010-192	76,711.55	45,077.70	14,833.43	9.05	0.99	1,850.00	1,850.00	1,972.90	3,945.79
03/28/11	2010-193	73,663.63	35,512.27	21,317.01	1,701.20	13.55	2,532.67	2,532.67	1,530.36	3,060.72
03/29/11	2010-194	27,097.45	13,670.54	7,958.38	0.00	0.00	982.43	982.43	278.97	557.95
03/30/11	2010-195	45,232.72	24,736.92	12,101.52	20.50	18.67	1,495.00	1,495.00	541.56	1,083.11
03/31/11	2010-196	99,078.03	60,229.94	19,795.59	36.10	5.21	2,474.07	2,474.06	1,692.88	3,385.76
TOTALS		1,424,041.61	707,796.36	385,642.42	9,742.88	352.51	49,223.08	49,223.08	21,279.41	42,558.86

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)
CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

Page 2 of 5

FAYETTEVILLE MACC LEDGER

MARCH 2011

2000-2010

2008 CC	2008 VEHICLE	2008 CC REVIT	2008 VEHICLE REVIT	2008 FVT	2008 TRANSIT	2008 STORM WATER	2008 FAY STORM WATER	2008 FAY RECYCLE FEE	2008 ANNEX	2007 CC	2007 VEHICLE	2007 CC REVIT
780.90	613.28	0.00	46.28	69.80	53.10	76.79	57.18	100.07	0.00	222.61	54.26	0.00
0.00	123.02	0.00	0.00	50.00	40.00	0.00	0.00	0.00	0.00	0.00	29.37	0.00
5.49	273.02	0.00	0.00	45.00	45.00	0.00	0.00	0.00	0.00	23.85	30.17	0.00
0.00	11.64	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	146.66	0.00
0.00	187.71	0.00	0.00	30.00	20.00	0.00	0.00	0.00	0.00	0.00	15.34	0.00
0.00	131.17	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	0.00	16.48	0.00
92.60	557.90	0.00	0.00	75.00	70.00	0.00	0.00	0.00	0.00	0.00	422.78	0.00
0.00	125.16	0.00	0.00	11.14	11.13	0.00	0.00	0.00	0.00	0.00	120.87	0.00
0.00	47.38	0.00	0.00	15.00	10.00	0.00	0.00	0.00	0.00	0.00	(16.16)	0.00
4.49	136.58	0.00	0.00	25.00	20.00	14.13	0.00	0.00	0.00	0.00	48.77	0.00
0.00	67.51	0.00	0.00	15.00	5.00	0.00	0.00	0.00	0.00	0.00	167.03	0.00
0.00	154.59	0.00	0.00	30.00	20.00	0.00	0.00	0.00	0.00	16.30	26.05	0.00
50.69	318.27	0.00	0.00	45.00	30.00	0.00	0.00	0.00	0.00	0.00	44.86	0.00
260.00	75.04	0.00	0.00	14.80	14.80	12.00	24.00	42.00	0.00	137.93	95.19	0.00
0.00	54.97	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	78.51	0.00
0.00	304.48	0.00	0.00	31.14	16.13	0.00	0.00	0.00	0.00	0.00	162.93	0.00
224.00	119.80	0.00	0.00	35.00	20.00	24.00	0.00	0.00	0.00	82.72	76.55	0.00
0.00	59.21	0.00	0.00	5.00	10.00	0.00	0.00	0.00	0.00	0.00	11.31	0.00
6.33	56.97	0.00	0.00	16.56	16.55	12.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	199.35	0.00	0.00	35.00	25.00	6.20	0.00	0.00	0.00	1.75	130.20	0.00
54.88	81.33	0.00	0.00	15.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
229.43	0.00	0.00	0.00	0.00	0.00	3.50	7.00	12.24	0.00	0.00	23.44	0.00
334.53	10.72	0.00	0.00	15.00	5.00	0.00	0.00	0.00	0.00	37.64	180.96	0.00
2,043.34	3,709.10	0.00	46.28	638.44	501.71	148.62	88.18	154.31	0.00	522.80	1,865.57	0.00

FAYETTEVILLE MACC LEDGER
2000-2010

MARCH 2011

2007 VEH REVIT	2007 FVT	2007 STORM WATER	2007 FAY STORM WATER	2007 ANNEX	2006 & PRIOR CC	2006 & PRIOR VEH	2006 & PRIOR CC REVIT	2006 & PRIOR VEH REVIT	2006 & PRIOR FVT	2006 & PRIOR STORM WATER	2006 ANNEX	INTEREST
0.00	10.27	12.00	0.00	0.00	72.19	149.53	0.00	0.00	35.00	48.00	6.77	3,642.58
0.00	15.00	0.00	0.00	0.00	0.00	276.92	0.00	0.00	40.00	0.00	0.00	2,149.87
0.00	10.00	0.00	0.00	0.00	15.33	194.11	0.00	0.00	20.48	0.00	0.00	1,882.78
0.00	20.00	0.00	0.00	0.00	0.00	158.59	0.00	0.00	31.14	0.00	0.00	1,818.45
0.00	5.00	0.00	0.00	0.00	22.16	156.02	0.00	0.00	50.29	0.00	0.00	2,468.16
0.00	10.00	0.00	0.00	0.00	0.00	134.74	0.00	0.00	5.00	0.00	0.00	1,340.88
0.00	75.00	0.00	0.00	0.00	12.20	423.73	0.00	0.00	105.00	0.00	0.00	2,176.79
0.00	10.00	0.00	0.00	0.00	0.00	84.46	0.00	0.00	30.00	0.00	0.00	1,227.51
0.00	0.00	0.00	0.00	0.00	55.75	63.85	0.00	0.00	20.00	0.00	0.00	2,098.67
0.00	15.00	0.00	0.00	0.00	14.05	226.71	0.00	0.00	20.00	0.00	0.00	3,466.44
0.00	35.00	0.00	0.00	0.00	0.00	(1.37)	0.00	0.00	10.00	0.00	0.00	1,383.27
0.00	15.00	0.00	0.00	0.00	0.00	53.10	0.00	0.00	40.00	0.00	0.00	2,071.81
0.00	10.00	0.00	0.00	0.00	0.00	139.67	0.00	0.00	40.00	0.00	0.00	1,544.17
0.00	15.00	12.00	24.00	0.00	157.46	51.98	0.00	0.00	10.00	0.00	8.20	1,581.99
0.00	10.00	0.00	0.00	0.00	35.66	9.59	0.00	0.00	5.00	0.00	0.00	1,978.94
0.00	27.81	0.00	0.00	0.00	0.00	321.76	0.00	0.00	40.00	0.00	0.00	1,421.54
0.00	10.00	0.00	0.00	0.00	4.30	102.60	0.00	0.00	30.00	0.00	0.00	1,008.36
0.00	10.00	0.00	0.00	0.00	0.00	30.48	0.00	0.00	5.37	0.00	0.00	1,016.33
0.00	0.00	0.00	0.00	0.00	54.77	10.20	0.00	0.00	10.00	0.00	0.00	2,644.11
0.00	15.00	0.00	0.00	0.00	19.63	0.00	0.00	0.00	0.00	0.00	0.00	2,038.04
0.00	0.00	0.00	0.00	0.00	19.55	14.68	0.00	0.00	10.00	0.00	0.00	842.72
0.00	5.00	0.00	0.00	0.00	0.00	38.31	0.00	0.00	25.00	0.00	0.00	1,140.40
0.00	34.38	0.00	0.00	0.00	206.63	222.62	0.00	0.00	44.63	12.00	0.00	3,248.69
0.00	357.46	24.00	24.00	0.00	689.68	2,862.28	0.00	0.00	626.91	60.00	14.97	44,192.50

FAYETTEVILLE MACC LEDGER
2000-2010

MARCH 2011

REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	TOTAL TAX & INTEREST
22.07	109.52	136.71	2.52	181.90	128,827.10
16.74	32.79	65.55	0.00	94.49	73,669.85
8.43	33.12	66.21	0.00	79.47	55,140.12
6.71	35.27	70.54	0.00	65.56	70,578.91
1.52	36.31	72.64	1.36	78.93	92,268.09
0.00	18.37	36.59	0.00	54.73	45,753.53
0.75	28.26	56.52	0.00	62.98	53,338.44
0.00	15.21	30.41	0.00	52.20	43,038.25
124.60	25.98	51.96	0.00	62.55	69,383.48
81.08	66.55	127.71	0.00	71.88	120,820.51
0.00	25.45	50.89	0.00	41.43	36,342.43
0.00	17.51	35.02	0.00	53.01	46,094.81
0.00	36.78	73.56	0.00	63.27	41,876.33
0.00	38.07	76.14	1.76	68.52	47,103.41
12.64	28.60	57.22	0.00	63.02	74,798.49
0.00	16.88	33.77	0.17	29.45	36,543.38
0.00	21.62	32.06	0.00	37.58	30,407.34
0.02	24.75	49.51	0.00	26.51	36,273.76
0.32	72.87	140.53	0.00	82.84	76,711.55
86.08	53.76	107.52	0.00	49.21	73,663.63
0.00	9.54	19.09	0.00	34.18	27,097.45
9.48	20.60	41.19	0.00	46.61	45,232.72
0.58	64.16	123.89	0.00	80.47	99,078.03
371.02	831.97	1,555.33	5.81	1,480.79	1,424,041.61