



FAYETTEVILLE CITY COUNCIL
AGENDA
SEPTEMBER 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 CONSENT

6.1 Approve Minutes:

- June 22, 2011 - Agenda Briefing
- June 27, 2011 - Regular Meeting
- July 20, 2011 - Agenda Briefing
- July 25, 2011 - Discussion of Agenda Items Meeting Minutes

6.2 Local Government Resolution (Governor's Highway Safety Program)

6.3 Award Contract for the Purchase of Nineteen (19) Dodge Charger Police Cars

6.4 Award Contract for the Purchase of One (1) 56,000 GVWR Dump Truck with Sand Spreader and Plow

6.5 Award Contract for the Purchase of One (1) 70,000 GVWR Dump Truck with Sand Spreader and Plow

6.6 Award Contract for the Purchase of Six (6) Automated Side Loading Refuse Trucks

- 6.7 Award Contract for the Purchase of Two (2) 39,000 GVWR Dump Trucks with Plows
- 6.8 PWC - Financial Matters: Capital Project Fund Budget Amendments
- 6.9 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.
- 6.10 Budget Ordinance Amendment 2012-2 (General Fund)
- 6.11 Special Revenue Fund Project Ordinance 2012-5 (Gangs Across the Carolinas Training Conference 2011)
- 6.12 Ordinance Amending Chapter 1, General Provisions, and Chapter 22, Solid Waste, Related to Notice and Appeal of Code Violations
Presenter(s): Bart Swanson, Housing and Code Enforcement Division Manager
- 6.13 Tax Refunds Greater Than \$100

7.0 PUBLIC HEARINGS

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

- 7.1 Public Hearing to Consider the City of Fayetteville Hazard Mitigation Plan (a Part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update)

Presenter(s): David Nash, Planner II
- 7.2 Public Hearing to Consider a Petition Requesting Annexation-Submitted by Methodist University-(Meadowcroft Drive-Riverdell Drive Property)

Presenter(s): David Nash, Planner II
- 7.3 Public Hearing to Consider a Petition Requesting Annexation-Submitted by Methodist University-(Longview Drive Extension Property)

Presenter(s): David Nash, Planner II
- 7.4 Public Hearing to Consider a Petition Requesting Annexation-Submitted by Various Owners of Property in the Baywood Point Subdivision
Presenter(s): David Nash, Planner II

8.0 OTHER ITEMS OF BUSINESS

8.1 Uninhabitable Structures Demolition Recommendations

- 806 Eugene Street
- 516 Link Street
- 1639 Rudolph Street

Presenter(s): Bart Swanson, Housing and Code Enforcement Division Manager

8.2 Consideration of a Planned Neighborhood District

(PND) Detailed Development 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.

Presenter(s): Craig M. Harmon, Planner

8.3 A request that a sidewalk not be required to be constructed with the City's MIA (southern side of Eastern Blvd.)

Presenter(s): Marsha Bryant, Planner II

8.4 NC League of Municipalities Annual League Business Meeting Voting Delegates

Presenter(s): Dale Iman, City Manager

9.0 ADMINISTRATIVE REPORTS

10.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

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

**COUNCIL MEETING WILL BE RE-AIRED
SEPTEMBER 28, 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: September 26, 2011
RE: **Approve Minutes:**
- June 22, 2011 - Agenda Briefing
- June 27, 2011 - Regular Meeting
- July 20, 2011 - Agenda Briefing
- July 25, 2011 - Discussion of Agenda Items Meeting Minutes

THE QUESTION:

Should City Council approve the draft minutes as the official record of the proceedings and actions of the associated meeting(s)?

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:

June 22, 2011 - Agenda Briefing Minutes
June 27, 2011 - Regular Meeting Minutes
July 20, 2011 - Agenda Briefing Minutes
July 25, 2011 - Discussion of Agenda Items

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FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JUNE 22, 2011
4:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Kady-Ann Davy (District 2); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); James W. Arp, Jr. (District 9)

Absent: Council Members Keith Bates, Sr. (District 1); Robert A. Massey, Jr. (District 3); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8)

Others Present: 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
Bart Swanson, Housing and Code Enforcement Division Manager
Frank Lewis, Senior Code Enforcement Administrator
Members of the Press

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

City staff presented the following items scheduled for the Fayetteville City Council's June 27, 2011, agenda:

PUBLIC HEARINGS

Case P11-08F. The remapping of all Zoning Districts within the City of Fayetteville to the closest matching or appropriate districts within the new Unified Development Ordinance (UDO) (hearing cycle 2). This cycle of hearings affects the remaining 390 properties.

Mr. Craig Harmon, Planner II, presented this item. He provided background on the UDO process to date and reviewed the purpose of the UDO. He stated three issues had emerged from public input and provided an overview of those issues which included (1) translation of the CIP commercial district, (2) voluntary down zoning or requests for rezonings that reflect a change of use, and (3) translation of the existing R6 residential districts to SF-6 districts under the UDO. He stated there were 390 parcels remaining to be remapped. He stated the Zoning Commission and staff recommended approval of remapping all zoning districts within the City limits as presented by staff.

Consideration of an ordinance amending the Unified Development Ordinance to address errors or clarifications of a number of areas including provisions related to internet sweepstakes uses.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. She provided background on the UDO that was adopted on December 13, 2010, and briefly reviewed the amendments. She stated the Planning Commission and staff recommended approval of the ordinance amending the UDO.

OTHER ITEMS OF BUSINESS

Uninhabitable structure demolition recommendation.

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and provided background information on 504 Carteret Place. He stated the structure received severe structural damage as a result of a fire and was condemned on October 4, 2010. He stated the owner had not attended the hearings and to date there had been no repairs, no permits issued, nor any

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contact with the owners. He stated staff recommended adoption of the ordinance directing the demolition of the structure.

Ordinance amending Chapter 1, General Provisions, and Chapter 22, Solid Waste, related to notice and appeal of code violations.

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and provided background information on the appeal process. He stated by the use of the U.S. first-class mail as a means of serving a civil penalty citation, they could not determine when a recipient actually received the citation as required by the code. He stated this was causing problems for staff when recipients filed appeals or paid the citation penalties several months after the issuance date of a citation, claiming that they had just received the citation within the last ten days. He stated the proposed amendments would require that appeals of citations and payment of citation penalties under Chapter 22 be made within ten working days of the issuance of the citation rather than upon receipt of the citation. He stated adding Chapters 7, 14, and 30 to Section 1-9 would provide the required appeal process for citations issued under these chapters. He stated the recommendation was adoption of the proposed ordinance.

There being no further business, the meeting adjourned.

Respectfully submitted,

BRIAN K. LEONARD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JUNE 27, 2011
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1) (arrived at 7:10 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)

Others Present: Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Victor Sharpe, Community Development Director
John Kuhls, Human Resource Development Director
Scott Shuford, Development Services Director
Jeffery Brown, Engineering and Infrastructure
Director
Bart Swanson, Housing and Code Enforcement Division
Manager
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
David Nash, Planner II
Dawn Driggers, Executive Director, Fayetteville
Metropolitan Housing Authority
Nathan Walls, Public Information Specialist
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 Stephen Johnson, Antioch Church of God.

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 with the addition of Item 8.6, consideration of sponsorship request from Extreme Makeover, Home Edition.

SECOND: Council Member Massey

VOTE: UNANIMOUS (9-0)

5.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Hurst announced the free electronics waste recycling drive held on June 18, 2011, was a big success and thanked everyone for their participation.

Mayor Chavonne recognized Mr. Vinnie Venturella, Fayetteville-Cumberland County Chamber of Commerce. Mr. Venturella announced the community received an Abilene Trophy sponsored by the Abilene, Texas, Chamber of Commerce. He explained the trophy was awarded to the community in Air Mobility Command that was most supportive of its local air force base.

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Mayor Chavonne announced an All American City Award celebration would be held on July 1, 2011, at 6:00 p.m. at the Festival Park.

5.1 Chief Benjamin Nichols, Fayetteville Fire Department

Mayor Chavonne recognized Mr. Benjamin Nichols, outgoing Fire Chief, for his accomplishments and years of dedicated service. Mr. Nichols began by expressing appreciation for being given the opportunity to present Fayetteville's story at the All American City Award contest. He announced the Fire Department successfully completed a week-long peer assessment from the Center of Fire Service Excellence and stated the Fire Department would be recommended for accreditation in August at the 2011 International Association for Fire Chiefs conference. Mr. Nichols introduced his wife, Mrs. Pat Nichols, and expressed appreciation for her support.

Mayor Chavonne, on behalf of the City Council, presented a City Coin to Mr. Nichols for his years of service.

6.0 CONSENT

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

6.1 Adopt a resolution setting a public hearing to consider the paving without petition of certain soil streets.

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT PETITION OF GRACE AVENUE FROM OLD WILMINGTON ROAD 351 FEET TO A DEAD END AND WILMA STREET FROM ROOSEVELT STREET 1,128 FEET TO A CUL-DE-SAC. RESOLUTION NO. R2011-032.

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

Council was asked to officially accept the dedication of streets for maintenance and addition to the City of Fayetteville system of streets. The list included nine streets adding up to a total of 1.01 miles.

6.3 Adoption of City Council Policy No. 115.13, Fund Balance Policy.

6.4 Budget Ordinance Amendment 2011-17 (General Fund and Emergency Telephone System Fund).

The amendment appropriated \$370,000.00 from General Fund fund balance to provide additional funding for debris clean-up expenditures related to the April 16, 2011, tornadoes. In addition, the amendment appropriated a \$972.00 transfer from the General Fund to the Emergency Telephone System Fund for fund expenditures that were not eligible for use of State E-911 funds.

6.5 Capital Project Ordinance Amendment 2011-22 (Series 2005 Bond Issue for Various Infrastructure Improvements, Land Acquisition and FSU Fire Station).

The amendment appropriated an additional \$17,000.00 to the project for project related expenditures that were beyond the authorized scope for use of the bond proceeds.

6.6 Special Revenue Fund Project Ordinance 2011-13 (2011 Badges for Baseball Program).

The ordinance appropriated \$23,331.00 for the 2011 Badges for Baseball Program.

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6.7 Special Revenue Fund Project Ordinances 2012-1 and 2012-2 (FY 2011-2012 HOME and CDBG Program Budgets).

The ordinance appropriated \$1,284,730.00 for the FY 2011-2012 HOME Investment Partnership Program and \$1,750,271.00 for the FY 2011-2012 Community Development Block Grant Program.

7.0 PUBLIC HEARINGS

7.1 Case P11-08F. The remapping of all Zoning Districts within the City of Fayetteville to the closest matching or appropriate districts within the new Unified Development Ordinance (UDO) (hearing cycle 2). This cycle of hearings affects the remaining 390 properties.

Mr. Scott Shuford, Development Services Director, provided opening remarks regarding the efforts made between City staff, City Council, developers, and citizens to make the UDO a success. Ms. Karen Hilton, Planning and Zoning Division Manager, then provided background information on the UDO process to date.

Mr. Craig Harmon, Planner II, then explained the guidelines used in the remapping/translation process and stated there were 390 properties remaining to be remapped. He stated three issues had emerged from public input and provided an overview of those issues which included (1) translation of the CIP commercial district, (2) voluntary down zoning or requests for rezonings that reflected a change of use, and (3) translation of the existing R6 residential districts to SF-6 districts under the UDO.

Mr. Harmon stated staff's recommendation was two-part. He explained the first part of the recommendation was approval of the remapping as recommended by the Zoning Commission and staff with the following four properties to return as staff-initiated rezoning applications to allow more in-depth consideration of specific zoning impacts and to enable appropriate notice to adjacent property owners to be given:

Hendrick Toyota	1969 Skibo Road	0407-97-9135
Tommy Bradford	2350 Bentridge Lane	9496-37-3163
Tommy Bradford	McPherson Church Road (beside railroad tracks)	0417-81-9543
Kingdom Impact Global Ministries	2503 Murchison Road	0428-65-3950

Mr. Harmon explained the second part of the recommendation was to direct staff to engage in aggressive outreach efforts to the public and development community to identify and resolve concerns, including urban agricultural issues, and report to Council the UDO implementation performance measures, any concerns raised by stakeholders, or other implementation issues during at least the Council's next three workshops.

Mr. Shuford informed Council that a valid protest petition was filed for the 390 properties and would require 8 votes in favor.

Council Member Massey inquired what would happen to the UDO if the 8 votes were not received. Mr. Shuford explained it would require the UDO to be deferred.

Council Member Massey requested clarification that the UDO would go into effect after the 390 properties were resolved. Ms. Karen McDonald, City Attorney, clarified that would be accurate based on her understanding of the motion that was made regarding the implementation of the UDO.

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

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Mr. Ed Blanchard, Jr., 103 Roxie Avenue, Fayetteville, NC 28304, appeared in opposition. He expressed concern on the zoning of 3530 Boone Trail and stated once Boone Trail was widened to five lanes, he felt it would become a major thoroughfare.

Mr. Glenn B. Adams, Attorney for Kingdom Impact Global Ministries, 201 Hay Street, Suite 103, Fayetteville, NC 28301, appeared in opposition and expressed concern on the zoning of the property on Murchison Road.

Mr. Garris N. Yarborough, Attorney representing Riddle, Gillis, and Stout Properties, 115 East Russell Street, Fayetteville, NC 28301, appeared in opposition and expressed concern that the remapping would cause a devaluation of his client's properties. He stated they were requesting these issues go back to Planning for further consideration.

Ms. Heather Harrison, 6033 Lakeway Drive, Fayetteville, NC 28306, appeared in opposition. She expressed concern that there was not adequate time to ensure that property owners were not adversely affected and requested the implementation of the UDO be delayed three months until all flaws were corrected.

Mr. Andrew Williams, 6405 Touchstone Drive, Fayetteville, NC 28311, appeared in opposition and expressed concern that his parcels may have fallen through the cracks. He stated they submitted an application before the UDO process to have the zoning of their property looked at and no action was taken.

Mr. John Gillis, 128 South Churchill Drive, Fayetteville, NC 28303, appeared in opposition and expressed concern that the Planning Department stopped processing requests for rezonings.

Mr. Michael Davies, a member of Kingdom Impact Global Ministries, 513 Saint Street, Dunn, NC 28334, appeared in opposition and emphasized the implementation of the remapping of their parcels would be a benefit to the Murchison Road Corridor as well as the community as a whole.

Ms. Emma Pinault, 1100 Clark Street, Fayetteville, NC 28305, appeared in opposition and stated she would like to see the UDO amended to protect the rights of residents to grow food and keep livestock as allowed in the current City ordinance.

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

Mayor Pro Tem Haire inquired why the property of Kingdom Impact Global Ministries would be zoned LC. Mr. Shuford explained the area in front of the property along Murchison Road was zoned C1P and the translation would be LC under the UDO. He explained C1P was used as a catchall for a variety of different situations ranging from a less than an acre site for a service station all the way up to the Cross Creek Mall. He stated there would be a range of commercial designations under the UDO and the property would fall under the LC category because of its scale.

Council Member Mohn inquired if Council could direct that the parcels with issues identified be brought back as a Council-initiated rezoning at no cost to the property owners to work out the differences. Mr. Shuford responded in the affirmative.

Mayor Chavonne inquired if the parcels that had different recommendations from City staff and the property owner would be coming back to Council for a decision to be made. Mr. Shuford responded in the affirmative.

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Council Member Arp inquired what the timeframe would be to resolve the issues. Mr. Shuford responded they would not be successful in resolving all the issues in a short period of time. He explained that possibly 20 percent would fall into the quick to resolve type of circumstances and the remaining 80 percent would either be philosophical issues or there would be rezoning circumstances where Council would hear from the neighbors as well as from staff with regard to possible encroachment into residential areas.

Mayor Pro Tem Haire inquired if the UDO were not to pass, would they still try to resolve the issues. Mr. Shuford responded in the affirmative, but pointed out people were waiting to move forward with anticipated zoning changes under the UDO and they could be held up if the UDO were not approved. He suggested Council follow staff's recommendation but broaden the number of cases that would come back to Council to cover the ones Council was interested in.

Mayor Chavonne requested clarification to expand part one of the recommendation to include any of the properties that were contested. Mr. Shuford replied that could be one option or they could get more specific. He stated approximately 300 of the properties were more or less resolved.

Mayor Chavonne requested affirmation that 379 parcels were before Council tonight and 300 were believed to be uncontested. Mr. Shuford responded in the affirmative.

A question and answer period ensued regarding what parcels would be remapped. Mr. Shuford explained they were recommending that they remap everything and then have those with issues come back and be rezoned from the UDO designation to another UDO designation. He stated this would allow the UDO to be implemented.

Mayor Chavonne inquired if they could approve the 300 parcels that were uncontested and move forward and implement the UDO and continue working with the 79 contested parcels. Ms. McDonald stated she was understanding the Mayor's question to be that if they moved forward with remapping minus the 79 parcels, would that allow the UDO to move forward.

Mayor Chavonne further inquired if they could take action tonight that would allow the UDO to go forward and be applicable to the 75,300 parcels which they were ready to move forward on.

Ms. McDonald requested that Council consider taking a 5-minute recess while staff considered those questions.

Mayor Chavonne declared a five-minute recess.

Mayor Chavonne called the session back to order and advised Items 7.1 and 7.2 would be continued at the end of the meeting.

Mayor Chavonne then proceeded to the next items on the agenda which began with Item 7.3.

7.3 Request from Fayetteville Area Operation Inasmuch to donate a City-owned lot at 538 Frink Street for transitional housing for the homeless.

Mr. Victor Sharpe, Community Development Director, presented this item and provided background information. He showed a vicinity map and gave an overview of the current land use and explained it would be an allowable use under the City's zoning ordinance and would also be allowed under the UDO. He stated it was Fayetteville Area Operation Inasmuch's goal to create a neighborhood of transitional housing with five homeless persons in each of its units along Frink Street. He stated when the City acquired the lot at 538 Frink Street, staff envisioned single-family housing as part of the redevelopment of the

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area by making the lot available to one of the City's community housing development organizations. He stated staff was recommending that Council not approve the request to donate the property located at 538 Frink Street.

Mayor Pro Tem Haire inquired why they were recommending to not donate the property. Mr. Sharpe responded the concern was the intent of the use of the property. He explained there were already 5 unrelated persons living in a house at 601 Frink Street, a duplex being built across the street that would house 5 in each one of the units totaling 15, and the property at 538 Frink Street that would have a modular unit placed on it with an additional 5. He stated the goal of the organization was to continue to create a neighborhood using that type of formula to house persons in need of housing.

Council Member Davy requested further explanation for not approving the request. He stated the issue was the concentration of allowing five unrelated persons in a house. He stated this was an organization picking and choosing people to live together which would be different than allowing five students or five soldiers who have chosen to live together. He stated careful consideration should be given as to whether or not the City wanted to participate in the concentration of that type of use in any area.

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

Ms. Sue Byrd, Executive Director, FAOIAM, 2516 Huntington Road, Fayetteville, NC 28303, appeared in favor and expressed concern for the neighborhood because of blight, littering, prostitution, and drugs. She stated their homes would improve the neighborhood and provided background information on other homes. She stated they chose Frink Street because of its close proximity to the Department of Social Services, Health Department, Employment Security Commission, Social Security Administration, Veteran's Administration, and library and requested Council's support.

Mr. Will White, a person residing at 601 Frink Street, Fayetteville, NC 28301, appeared in favor and expressed support for the FAOIAM organization and the work they do to assist the homeless.

Mr. Cureton L. Johnson, Senior Minister, First Baptist Church, 302 Moore Street, Fayetteville, NC 28301, appeared in favor and expressed support for the FAOIAM organization and the work they do to assist the homeless.

Mr. John Cook, Pastor, Snyder Memorial Baptist Church, 516 Levenhall Drive, Fayetteville, NC 28314, appeared in favor and stated the church started Operation Inasmuch 16 years ago and it was a huge success. He stated Operation Inasmuch was then expanded with FAOIAM to address the homeless problem which was also a huge success. He stated lives were being transformed through FAOIAM and expressed support for the FAOIAM organization.

Mr. Wade Fowler, 2242 Jenna Shane Drive, Fayetteville, NC 28306, appeared in favor and expressed support for the FAOIAM organization and the work they do to assist the homeless.

Mr. Edward C. Scott, former resident at 601 Frink Street, Fayetteville, NC 28301, appeared in favor and expressed support for the FAOIAM organization and the work they do to assist the homeless. He stated FAOIAM assisted him when he was homeless and he would not be where he was today if not for the assistance.

Mr. Arthur Duke, 151 Buckingham Avenue, Fayetteville, NC 28301, appeared in favor and expressed support for the FAOIAM organization and the work they do to assist the homeless.

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Mr. Len Brown, 513 Frink Street, Fayetteville, NC 28301, appeared in opposition and spoke regarding issues with his property being abused by people in the neighborhood and expressed concern that this type housing would make matters worse.

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

MOTION: Council Member Davy moved to donate the property at 538 Frink Street to FAOIAM.

SECOND: Council Member Arp

FRIENDLY AMENDMENT:

Mayor Chavonne made a friendly amendment to direct staff to develop a policy for future property donations.

Council Members Davy and Arp accepted the friendly amendment.

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Applewhite)

8.0 OTHER ITEMS OF BUSINESS

8.1 Uninhabitable structure demolition recommendation - 504 Carteret Place.

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and provided background information. He stated the structure was damaged by fire and condemned as a dangerous structure on October 4, 2010. He stated there was currently a \$250.20 City assessment for lot cleaning and \$2,800.96 outstanding taxes for 2009-2010 on the property. He stated the low bid for the demolition was \$3,500.00. He stated staff was recommending adoption of the ordinance directing the demolition of the structure.

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 - 504 CARTERET PLACE. ORDINANCE NO. NS2011-007.

MOTION: Council Member Bates moved to adopt as recommended.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (10-0)

8.2 Ordinance amending Chapter 1, General Provisions, and Chapter 22, Solid Waste, related to notice and appeal of code violations.

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and stated staff was requesting text amendments of Section 1-9 pertaining to appeals of civil penalties and Section 22-31 pertaining to solid waste penalties for violations. He stated both sections contained language that the appeal of a citation payment would require action within ten days of receipt of the citation. He stated over the years the code requirement for service of citations and notices changed from certified mail to first-class mail and the language requiring appeal for payment within ten days of receipt of a citation was not changed. He stated by the use of first-class mail as a means of serving a civil penalty citation, there was no way to determine when a recipient actually received the citation as required by the code. He stated this was causing problems when recipients filed appeals or paid the citation penalties several months after the issuance date of a citation, claiming that they had just received the citation within the last ten days. He stated the proposed code amendments would require that appeals of citations and payments of citation penalties under Chapter 22 be made within ten working days of the issuance of the citation rather than upon receipt of the citation. He stated this would establish a definitive time period for appeal or payment of the citation.

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Council Member Crisp inquired if the recipient of the citation could appeal to the Board of Adjustment if not happy with the decision of the City Hearing Officer. Mr. Swanson responded in the negative.

MOTION: Council Member Bates moved to send back to staff to work on appeal process and bring back to the work session either in August or September.
SECOND: Council Member Crisp
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Hurst)

8.3 Contract for Economic Development Services with the Fayetteville Cumberland County Chamber of Commerce.

Mr. Kristoff Bauer, Assistant City Manager, presented this item and stated one of the most significant changes made in the revised contract was to provide more concrete information as to the work the Chamber would be doing for the City. He stated there was more specific language regarding reporting requirements. He stated the largest change of the contract was the inclusion of Exhibit A which identified the annual projects that the Chamber would provide periodic reports on.

MOTION: Council Member Bates moved to approve the proposed contract.
SECOND: Council Member Mohn
VOTE: UNANIMOUS (10-0)

8.4 Request by Fayetteville Metropolitan Housing Authority to transfer City-owned land to them for the construction of a childcare facility located on Fisher Street adjacent to Walker-Spivey School.

Mr. Victor Sharpe, Community Development Director, presented this item and stated this was a request from the Fayetteville Metropolitan Housing Authority to transfer City-owned land to them for the construction of a childcare facility located on Fisher Street adjacent to Walker-Spivey School. He reviewed a site plan and survey of the property and surrounding properties and provided background information on the proposed childcare facility. He stated recreational facilities impacted by the transfer and construction of the project would be relocated on site as a cost of the project and new recreational amenities would be created and made available to the public as a part of the project.

Council Member Bates inquired if an elementary school would be started once the Hope VI development occurred. Mr. Sharpe responded the application was written that once the development occurred in the neighborhood, it would recommend that the school be developed as an elementary school to support the community. He stated it would be a perfect fit if that were to occur as they would have a childcare facility and an elementary school on the same site.

Council Member Applewhite inquired of Ms. Driggers what grants they would be applying for and if they felt they would be successful in receiving the grants. Ms. Dawn Driggers, Executive Director, Fayetteville Metropolitan Housing Authority, responded it was a HUD grant and they were very hopeful they would receive the grant.

Council Member Crisp inquired if they could get the land back if the grant did not go through. Ms. Driggers responded the facilities would be built either way. She stated if the grant were to not go through they would just build a smaller facility with the funds that were already set aside for the project.

MOTION: Council Member Davy moved to approve the donation of the property and direct staff to subdivide the property and bring forward a rezoning for Council consideration.

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SECOND: Mayor Pro Tem Haire
VOTE: UNANIMOUS (10-0)

- 8.5 Consider resolution making certain findings and determinations, authorizing the filing of an application with the Local Government Commission, requesting the Local Government Commission to sell bonds at private sale and authorizing and approving the selection of the financing team in connection with the issuance and sale of revenue bonds of the City (Storm Water Projects).

Ms. Lisa Smith, Chief Financial Officer, presented this item and stated the 2012-2016 Capital Improvement Plan included the proposed issuance of \$10,595,000 in bonds to finance various storm water projects. She reviewed the steps taken to date related to the proposed bond issue. She stated the next step would be the adoption of the resolution which would also authorize her to select the winning bank proposal subject to final Council approval at a subsequent meeting.

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION, REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL BONDS AT PRIVATE SALE AND AUTHORIZING AND APPROVING THE SELECTION OF THE FINANCING TEAM IN CONNECTION WITH THE ISSUANCE AND SALE OF REVENUE BONDS OF THE CITY. RESOLUTION NO. R2011-033.

MOTION: Council Member Bates moved to adopt as recommended.
SECOND: Council Member Applewhite
VOTE: UNANIMOUS (10-0)

- 8.6 Consideration of sponsorship request from Extreme Makeover, Home Edition.

Mr. Kristoff Bauer, Assistant City Manager, presented this item and stated the builder requested that the City sponsor the event by providing the following support and waiving the identified fees:

1. Building permit, plan review, and inspection fees associated with the demolition and construction; - Event permit and park use fees associated with the construction "event" and fund raising event;
2. Provide traffic diversion and security for the construction site and the main fund raising event; and
3. Provide sanitation support for both events.

Council Member Crisp inquired if the house would give them tax revenue into perpetuity. Mr. Bauer responded in the affirmative and stated the impact of the production crew and other activity coming to the City during the project would be significant as well.

MOTION: Council Member Applewhite moved to authorize the City to participate in this package of events as a sponsor.
SECOND: Council Member Hurst
VOTE: UNANIMOUS (10-0)

Mayor Chavonne then proceeded with the continuance of Item 7.1.

7.0 PUBLIC HEARINGS - CONTINUED

- 7.1 Case P11-08F. The remapping of all Zoning Districts within the City of Fayetteville to the closest matching or appropriate districts within the new Unified Development Ordinance (UDO) (hearing cycle 2). This cycle of hearings affects the remaining 390 properties.

Council Member Applewhite requested clarification as to whether there were additional options. Mr. Bauer responded they had not

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developed any other alternatives. He stated they met with all the individuals and used any flexibility that they had available to solve the problems. He stated they exhausted their ability to problem-solve the issues. He stated if the Council wanted to do something other than the staff recommendation, then the rezoned process would give them ultimate flexibility to consider those properties on a case-by-case basis and make decisions that would be different from or consistent with staff recommendation or the request from the property owner. He stated they were requesting that Council take action and then move those problem properties to a new process where Council would have more flexibility and more time to address those problems.

MOTION: Council Member Applewhite moved to (1) approve the remapping as recommended by the Zoning Commission and City staff, with the following properties to return as staff-initiated rezoning applications to allow more in-depth consideration of specific zoning impacts and to enable appropriate notice to adjacent property owners to be given; and (2) direct staff to engage in aggressive outreach efforts to the public and development community to identify and resolve concerns, including urban agriculture issues, and report to Council UDO implementation performance measures, any concerns raised by stakeholders, or other implementation issues during at least the Council's next three workshops and to review and improve the administrative manual.

Table Number	Applicant	Address	PIN
N/A	Hendrick Toyota	1969 Skibo Road	0407-97-9135
N/A	Tommy Bradford	2350 Bentridge Lane	9496-37-3163
13	Butch Dunlap	502 Setter Drive	0530-30-8380
32	Kingdom Impact Global Ministries	2503 Murchison Road	0428-65-3950
91	Joe Riddle	Glensford Drive	0417-26-2808
99	Joe Riddle	No address given	0530-41-9723
106	Joe Riddle	Alleghany Road	0416-37-7799
107	Joe Riddle	No address given	0416-47-0684
108	Joe Riddle	No address given	0416-49-5192
111	Joe Riddle	700 McArthur Road	0530-31-2280
112	March Riddle	No address given	9495-36-4773
114	March Riddle	2345 Dundle Road	9495-47-0022
123	March Riddle	Lakeridge Drive	0405-47-0315
125	March Riddle	No address given	0408-82-2846
127	March Riddle	Marshall Road	0417-80-0261
128	March Riddle	No address given	9497-91-3688
131	March Riddle	2377 Dundle Road	9495-37-7365
132	March Riddle	No address given	0429-53-4492
294	Ed Blanchard	3530 Boone Trail	0416-92-4201
298	Joe Riddle	Duncastle Road	0417-17-5787
300	Joe Riddle	6017 Raeford Road	0407-60-3855
301	Joe Riddle	Sycamore Dairy Road	0418-53-3255
302	Joe Riddle	Ramsey Street	0530-51-8477
303	Joe Riddle	Ramsey Street	0530-51-9133
304	Joe Riddle	Ramsey Street	0530-51-6470
305	Joe Riddle	Duncastle Road	0417-17-8758
309	Joe Riddle	160 N. McPherson Church Road	0418-40-7250
312	Joe Riddle	3317 Bragg Boulevard	0418-81-6969
313	John Gillis	No address given	9486-46-9227
314	John Gillis	Gillis Hill Road	9486-33-1108
315	John Gillis	No address given	9486-24-3086
316	John Gillis	2561 Gillis Hill Road	9486-22-8663
317	John Gillis	7593 Raeford Road	9486-55-3779
318	John Gillis	2148 Rim Road	9486-46-9665
319	John Gillis	7604 Raeford Road	9486-56-1164
323	March Riddle	Santa Fe Drive	0408-46-8951
324	March Riddle	No address given	0408-85-0108
326	March Riddle	Shephard Street	0416-89-5706
327	March Riddle	Reilly Road	9498-62-4124

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Table Number	Applicant	Address	PIN
328	March Riddle	Reilly Road	9498-62-4781
340	Tommy Bradford	McPherson Church Road (beside railroad tracks)	0417-81-9543
342	Belvia and Andrew Williams	McCarthy Street	0418-29-4945
343	Belvia and Andrew Williams	No address given	0418-29-5938
344	Belvia and Andrew Williams	No address given	0419-20-6031
345	Belvia and Andrew Williams	409 Bonnie Street	0418-29-4862
346	Belvia and Andrew Williams	No address given	0418-29-5844
347	Belvia and Andrew Williams	114 Bonnie Street	0418-29-6837
348	Belvia and Andrew Williams	110 Bonnie Street	0418-29-7819
349	Cam Stout	Boone Trail Extension	0426-25-5453

SECOND: Council Member Hurst

Council Member Mohn requested clarification that these properties would be the ones that staff would engage and if they could not come to an agreement, then they would come back as a Council-initiated rezoning at the City's expense and Council would make the ultimate decision. Mr. Bauer responded in the affirmative.

Council Member Davy requested clarification that not just those listed above would come back, but others not on the list could also come back. Mr. Shuford responded in the affirmative.

Mayor Chavonne inquired if this action would allow them to get back on considering rezonings in the community. Mr. Shuford responded in the affirmative and stated they had approximately 15 properties that were pending to be considered under the UDO and the motion would enable them to move forward.

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

Due to the protest petition, 8 votes in favor were required to pass the motion.

7.2 Consideration of an ordinance amending the Unified Development Ordinance to address errors or clarifications of a number of areas including provisions related to internet sweepstakes uses.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item.

The public hearing was not held on this item and no action was taken.

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly statement of taxes for May 2011.

2010 Taxes	\$272,339.15
2010 Vehicle	394,585.54
2010 Revit	751.86
2010 Vehicle Revit	498.61
2010 FVT	46,171.23
2010 Transit	46,171.27
2010 Storm Water	7,402.18
2010 Fay Storm Water.....	14,804.34
2010 Fay Recycle Fee	13,082.76
2010 Annex.....	0.00

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2009 Taxes	8,304.62
2009 Vehicle	7,805.95
2009 Revit	28.31
2009 Vehicle Revit	0.00
2009 FVT	1,561.51
2009 Transit	1,561.50
2009 Storm Water	270.97
2009 Fay Storm Water	541.92
2009 Fay Recycle Fee	532.91
2009 Annex	0.00
2008 Taxes	2,916.58
2008 Vehicle	1,955.62
2008 Revit	0.00
2008 Vehicle Revit	0.00
2008 FVT	367.35
2008 Transit	257.35
2008 Storm Water	135.74
2008 Fay Storm Water	96.00
2008 Fay Recycle Fee	84.00
2008 Annex	0.00
2007 Taxes	1,363.14
2007 Vehicle	361.31
2007 Revit	0.00
2007 Vehicle Revit	0.00
2007 FVT	170.26
2007 Storm Water	84.00
2007 Fay Storm Water	96.00
2007 Annex	0.00
2006 and Prior Taxes	7,403.35
2006 and Prior Vehicle	1,013.27
2006 and Prior Revit	0.00
2006 and Prior Vehicle Revit	0.00
2006 and Prior FVT	315.23
2006 and Prior Storm Water	232.09
2006 Annex	0.00
Interest	30,974.50
Revit Interest	21.01
Storm Water Interest	627.73
Fay Storm Water Interest	898.48
Annex Interest	0.00
Fay Recycle Interest	769.11
Total Tax and Interest	\$866,556.75

9.2 Revenue and expenditure report for annually budgeted funds for the nine-month period ended March 31, 2011.

10.0 ADJOURNMENT

There being no further business, the meeting adjourned.

Respectfully submitted,

JENNIFER PENFIELD
Deputy City Clerk

ANTHONY G. CHAVONNE
Mayor

062711

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FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JULY 20, 2011
4:00 P.M.

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

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 4:40 p.m.); Robert A. Massey, Jr. (District 3); Bobby Hurst (District 5); Valencia A. Applewhite (District 7)

Absent: Mayor Anthony G. Chavonne and Council Members William J. L. Crisp (District 6); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Scott Shuford, Development Services Director
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
David Nash, Planner II
Bart Swanson, Housing and Code Enforcement Division Manager
Members of the Press

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

City staff presented the following items scheduled for the Fayetteville City Council's July 25, 2011, agenda:

CONSENT

Community Street Banners for Fayetteville Technical Community College (FTCC) 50th Anniversary

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and provided background information. She explained the banners would depict the College's 50th Anniversary logo and would be limited to 24 inches wide by 72 inches high. She stated the applicant requested to attach a total of 36 banners to utility poles on the FTCC campus and the Botanical Gardens and contacted PWC for approval to attach the banners to the utility poles. She stated the recommendation was that Council grant the special request for up to 36 community street banners for the FTCC 50th Anniversary from September 15, 2011, through March 12, 2012.

PUBLIC HEARINGS

Public Hearing (Quasi Judicial) - Request for a waiver to make payment in lieu of installation of 155 feet of sidewalk along Old Bunce Road, property that abuts a proposed 35-lot single-family residential subdivision.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and provided background information. She stated the developer had indicated that he would like to construct 177 feet of the sidewalk and make payment in lieu of constructing the remaining 155 feet. She stated the developer indicated that approximately 3,169 square feet of wetlands and 27 linear feet of a blue-line stream area would be impacted by the 155 feet of sidewalk. She stated the developer's engineer indicated that approval by the Army Corp of Engineers would be required and believed it would be difficult and expensive to obtain. She noted there were public activity centers, i.e., schools and recreation areas, not far from the site but on the other side of the wetlands area, and if it were possible the sidewalk

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should continue in some manner. She stated the Engineering staff was currently reviewing other possible approaches for a pedestrian pathway/sidewalk that would minimize wetlands/stream impact and would report on those approaches at the public hearing. She explained that due to the quasi-judicial nature of the request, all of the following findings of fact must be shown to approve the waiver request:

1. A waiver may be granted if the developer can show that the provision would cause unnecessary hardship if strictly adhered to.
2. A waiver may be granted due to topographical or other conditions peculiar to the site.
3. A waiver may be granted if the intent of the ordinance is not destroyed.

Ms. Hilton stated the Planning Commission and staff recommended approval of the requested sidewalk waiver based on the stated findings and allow the payment in lieu of construction of the 155 feet of sidewalk.

Mr. Dale Iman, City Manager, pointed out that Bunce Road was programmed for widening to four lanes but no timeline had been identified.

Public hearing to consider a petition requesting annexation by Baywood Point, LLC, and Savvy Homes, LLC, for 16.7 \pm acres on the western side of Baywood Road.

Mr. David Nash, Planner II, presented this item and provided background information. He stated the property was located within the City's MIA and because PWC water and sewer services were requested, a petition requesting annexation was required. He stated staff was working with the current owners to limit any sufficiency issues during Council consideration. He stated there were no identified problems extending services to the petitioned properties. He explained the effective date would be December 31, 2011, since they would not have time to preclear prior to election and staff recommended adoption of the annexation ordinance with an effective date of December 31, 2011.

Consideration of an ordinance amending the Unified Development Ordinance (UDO) to address errors or clarifications.

Mr. Scott Shuford, Development Services Director, presented this item and explained the UDO remapping process involved returning with the entire 75,000 plus properties, re-noticing ~5,000 property owners who live outside the immediate notice area, and re-running the one-half page advertisement. He stated the core principles in the remapping process were (1) being consistent in applying the guidelines such as a 1:1 match, avoidance of creating new nonconforming uses, and a conservative approach for close calls; (2) individual notices not being possible, and (3) the community's expectations being that they stay within the guidelines. He stated at the July 12, 2011, Zoning Commission meeting, they considered the remapping item, heard from Neil Yarborough (39 June protest petition properties), three property owners covered under the June protest petition (Riddle, Gillis, and Stout), and three other property owners. He stated the Zoning Commission recommended to approve the remapping with the above properties zoned as requested by the property owners. He stated at the July 19, 2011, Planning Commission meeting they considered two text amendments--urban agriculture and height limits in LC and CC. He stated the expectations for the July 25, 2011, meeting were that Council would hear from property owners who attended the Zoning Commission meeting, other previously-involved property owners (Kingdom Impact, Williams, Blanchard, etc.), property owners inspired by the Zoning Commission action, and persons still concerned about urban agriculture. He stated the recommendation was to approve the text amendments and remapping as presented by City staff.

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Mr. Dale Iman, City Manager, distributed a memo regarding the Dangerous Animal Task Force National Response Team.

Council Member Applewhite requested information on how success would be defined in the agreement.

Mr. Iman advised of server issues for AOL account users and as a result some Council members may not have been receiving emails from City staff.

There being no further business, the meeting adjourned at 5:20 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

072011

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FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
JULY 25, 2011
5:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:40 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8) (arrived at 6:10 p.m.); James W. Arp, Jr. (District 9)

Absent: Council Member Bobby Hurst (District 5)

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Renner Eberlein, Assistant City Attorney
Scott Shuford, Development Services Director
Anthony Fox, Parker Poe Adams & Bernstein
Members of the Press

Mayor Chavonne called the meeting to order at 5:00 p.m.

Closed session for consultation with the attorney.

MOTION: Mayor Pro Tem Haire moved to go into closed session for consultation with the attorney.
SECOND: Council Member Bates
VOTE: UNANIMOUS (8-0)

The regular session recessed at 5:30 p.m. The regular session reconvened at 6:35 p.m.

MOTION: Mayor Pro Tem Haire moved to go into open session.
SECOND: Council Member Bates
VOTE: UNANIMOUS (9-0)

Mr. Dale Iman, City Manager, provided an update on the eradication of the wild dogs. He stated the County decided not to move forward with the contract.

Mayor Chavonne then reviewed the agenda items and the following information was presented by staff:

PUBLIC HEARINGS

8.3 Public hearing to consider a petition requesting annexation by Baywood Point, LLC, and Savvy Homes, LLC, for 16.7+ acres on the western side of Baywood Road.

Mr. David Nash, Planner II, presented this item and advised the Baywood Point subdivision petition for annexation had not included all property owners. He stated staff was requesting the item be removed from the agenda.

8.4 Consideration of an ordinance amending the Unified Development Ordinance to address errors or clarifications.

Mr. Scott Schuford, Development Services Director, presented this item and reviewed the UDO amendments.

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8.5 Case P11-09F. The remapping of all Zoning Districts within the City of Fayetteville to the closest matching districts within the new Unified Development Ordinance (UDO). This affects all owners of property within the City limits of Fayetteville.

Mr. Scott Schuford, Development Services Director, presented this item and explained the remapping process and options available for homeowners to seek rezoning.

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

072511

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Tom Bergamine, Chief of Police
DATE: September 26, 2011
RE: **Local Government Resolution (Governor's Highway Safety Program)**

THE QUESTION:

The Police Department is applying for funding on behalf of the Cumberland County Sobriety Court to fund 30 ankle bracelets to monitor high risk DWI Offenders who are awaiting trial, as well as Drug/Sobriety Court Training for Police Department personnel involved with the program. The resolution is required by the Governor's Highway Safety Program to ensure the named official, Dale Iman, has the authority to apply for funding on behalf of the City of Fayetteville.

RELATIONSHIP TO STRATEGIC PLAN:

- Great Place to Live: a clean and safe community
- Desirable Neighborhoods: safe and secure neighborhoods

BACKGROUND:

The Police Department has a close working relationship with the Sobriety Court and will act as a pass through agency for this necessary funding.

ISSUES:

None.

BUDGET IMPACT:

There is a required cash match of \$6,987. Funds will be provided by Police Department appropriated grant match funds for FY 11/12.

OPTIONS:

1. Authorize the City Manager to apply for these funds.
2. Do not authorize the City Manager to apply for these funds.

RECOMMENDED ACTION:

Authorize the City Manager to apply for these funds.

ATTACHMENTS:

NCGHSP Resolution - Sobriety Court

North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the City of Fayetteville Police Department (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Fayetteville City Council

(The Governing Body of the Agency)

_____ (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Fayetteville City Council IN OPEN

 (Governing Body)

MEETING ASSEMBLED IN THE CITY OF Fayetteville, NORTH CAROLINA,

THIS _____ DAY OF _____, 20 _____, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That City Manager Dale Iman is authorized to file, on behalf of the Governing

 (Name and Title of Representative)
 Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 39,593.00 to be made to the Governing Body to assist in defraying

 (Federal Dollar Request)
 the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 6,987.00 as

 (Local Cash Appropriation)
 required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by Mayor Anthony Chavonne

(Chairperson/Mayor)

ATTESTED BY _____

 (Clerk)

SEAL

DATE _____

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: September 26, 2011
RE: **Award Contract for the Purchase of Nineteen (19) Dodge Charger Police Cars**

THE QUESTION:

Staff requests approval to award a contract for the purchase of nineteen (19) Dodge Charger Police Cars.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The City currently has the need to purchase nineteen (19) new Dodge Charger Police Cars.

Formal bids were received August 30, 2011 as follows:

Sixteen (16) Marked Dodge Charger Police Cars

Ilderton Dodge Chrysler Jeep, High Point, NC	\$467,280.00
US 1 Chrysler Dodge Jeep, Sanford, NC	\$576,000.00

Three (3) Marked Dodge Charger Police Cars with Kennels

Ilderton Dodge Chrysler Jeep, High Point, NC	\$91,035.00
US 1 Chrysler Dodge Jeep, Sanford, NC	No Bid

ISSUES:

None

BUDGET IMPACT:

Budgeted Amount for (16) Marked Dodge Charger Police Cars - \$528,000

Budgeted Amount for (3) Marked Dodge Charger Police Cars with Kennels - \$106,500

OPTIONS:

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

RECOMMENDED ACTION:

Award contract for the purchase of nineteen (19) Dodge Charger Police Cars to Ilderton Dodge Chrysler Jeep, High Point, North Carolina, in the amount of \$558,315.00.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: September 26, 2011
RE: **Award Contract for the Purchase of One (1) 56,000 GVWR Dump Truck with Sand Spreader and Plow**

THE QUESTION:

Staff requests that Council approve award of a contract for the purchase of one (1) 56,000 GVWR Dump Truck with Sand Spreader and Plow

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

Currently, the City's Street Maintenance Department has the need to purchase one (1) 56,000 GVWR Dump Truck with a Sand Spreader and Plow.

Formal bids were received August 31, 2011 as follows:

Rush International Truck Center, Charlotte, NC	\$118,484.27
Piedmont Truck Center, Greensboro, NC	\$129,675.00
Peterbilt Truck Center of Dunn, Dunn, NC	\$133,336.00
*Tri-Point Truck Center, Raleigh, NC	\$117,924.00

*The bid received from Tri-Point Truck Center did not include the on board scale system for the air ride suspension as required by the City's specifications.

ISSUES:

None

BUDGET IMPACT:

This unit was included in the FY2012 budget at a cost of \$140,000.

OPTIONS:

(1) Award contract as recommended by staff. (2) Not award contract.

RECOMMENDED ACTION:

Award contract to Rush International, Charlotte, NC, the lowest responsible bidder, in the amount of \$118,484.27, for the purchase of one (1) 56,000 GVWR Dump Truck with Sand Spreader and Plow.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: September 26, 2011
RE: **Award Contract for the Purchase of One (1) 70,000 GVWR Dump Truck with Sand Spreader and Plow**

THE QUESTION:

Staff requests approval to award a contract for the purchase of one (1) 70,000 GVWR Dump Truck with Sand Spreader and Plow.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The City's Street Maintenance Department has the need to purchase one (1) 70,000 GVWR Dump Truck with Sand Spreader and Plow.

On November 3, 2010, the City received bids for the purchase of one (1) 70,000 GVWR Dump Truck with Sand Spreader and Plow. Subsequently, Council approved award of a contract to Tri-Point Truck Center for the purchase of this truck on November 22, 2010. The bid documents allowed for the purchase of additional units for a period of up to three (3) years from the original bid award. Additionally, the bid documents allowed for an adjustment in the price of any additional units based on the the Consumer Price Index for New Vehicles as published by the U.S. Bureau of Labor Statistics.

Tri-Point Truck Center has offered to sell the City an additional unit at a cost of \$146,140.00. The original bid price for the unit was \$142,260.00. The cost difference is approximately 2.7% which is below the 4% CPI percent change for new vehicles for the 12 month period ending July 2011. Staff feels the additional cost is reasonable as the unit provided under this contract will be a 2013 model year.

ISSUES:

None

BUDGET IMPACT:

This unit was included in the FY2012 budget at a cost of \$150,000.

OPTIONS:

(1) Award contract as recommended by staff. (2) Not award contract.

RECOMMENDED ACTION:

Award contract for the purchase of one (1) 70,000 GVWR Dump Truck with Sand Spreader and Plow, in the amount of \$146,140, to Tri-Point Truck Center, Raleigh, NC, pursuant to the additional buy clause allowed in the original bid.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: September 26, 2011
RE: **Award Contract for the Purchase of Six (6) Automated Side Loading Refuse Trucks**

THE QUESTION:

Staff requests that Council approve the purchase of six (6) automated side loading refuse trucks pursuant to N.C.G.S. 143-129(g) "piggyback exception".

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The City's Environmental Services Department has the need to purchase six (6) new refuse trucks. N.C.G.S. 143-129(g) allows governmental units to "piggyback" bids from other governmental units when the vendor has agreed to offer the same or more favorable pricing and terms.

Council is asked to approve the purchase of six (6) Mack/Heil Automated Side Loading Refuse Trucks from Carolina Environmental Systems, Inc., Kernersville, NC, at a unit cost of \$233,771, for a total cost of \$1,402,626.00. Carolina Environmental Systems, Inc. has offered the same pricing and terms as those offered in their bid to the City of Asheboro, NC on September 30, 2010. The City of Asheboro subsequently awarded a contract to Carolina Environmental Systems on October 11, 2010.

ISSUES:

None

BUDGET IMPACT:

These trucks were included in the FY2012 budget at a unit cost of \$245,000, for a total cost of \$1,470,000.

OPTIONS:

(1) Approve purchase as recommended by staff. (2) Not approve purchase.

RECOMMENDED ACTION:

Approve the purchase of six (6) Mack/Heil Automated Side Loading Refuse Trucks in the amount of \$1,402,626.00 from Carolina Environmental Systems, Inc., Kernersville, NC.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: September 26, 2011
RE: **Award Contract for the Purchase of Two (2) 39,000 GVWR Dump Trucks with Plows**

THE QUESTION:

Staff requests that Council approve award of a contract for the purchase of two (2) 39,000 GVWR Dump Trucks with Plows

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

Currently, the City's Street Maintenance and Stormwater Departments have the need for two (2) 39,000 GVWR Dump Trucks with Plows.

Formal Bids were received August 31, 2011 as follows:

Tri-Point Truck Center, Raleigh, NC	\$196,074.00
Rush International Truck Center, Charlotte, NC	\$199,036.18
Peterbilt Truck Center of Dunn, Dunn, NC	\$224,534.00
Piedmont Truck Center, Greensboro, NC	\$232,164.00

ISSUES:

None

BUDGET IMPACT:

These units are included in the FY2012 budget at a unit cost of \$95,000, for a total cost of \$190,000. The additional funds to cover the actual cost of the trucks will come from savings realized from the purchase of one (1) 56,000 GVWR Dump Truck which was \$21,000 under budget (Streets), and the purchase of mower attachments which came in approximately \$10,000 under budget (Stormwater).

OPTIONS:

(1) Award contract as recommended by staff. (2) Not award contract.

RECOMMENDED ACTION:

Award a contract to the low bidder, Tri-Point Truck Center, Raleigh, NC, in the amount of \$196,074.00, for the purchase of two (2) 39,000 GVWR Dump Trucks with Plows

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, CEO/General Manager
DATE: September 26, 2011
RE: **PWC - Financial Matters: Capital Project Fund Budget Amendments**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests City Council adopt the following PWC Capital Project Fund Budget Amendments: (1) Amendment #1 – Annexation Phase V-Areas 6 and 7, Capital Project Fund for Fiscal Years 2010-2012; and (2) Amendment #1 – Series 2009 Revenue Bond Capital Project Fund for Fiscal Years 2010-2012.

RELATIONSHIP TO STRATEGIC PLAN:

Lowest Responsible Rates, Most Financially Sound Utility

BACKGROUND:

During their regular meeting of September 14, 2011 the Public Works Commission considered and approved the following financial matters relating to the PWC Capital Project Fund Budget and to forward to City Council for adoption:

1. Amendment #1 – Annexation Phase V – Areas 6 and 7, Capital Project Fund for Fiscal Years 2010-2012. Amendment #1 is to reflect the final cost, adjust interest earnings projection and transfer the remaining balance (\$230,720) to the Series 2009B Revenue Bond Capital Project Fund. This is the final amendment and fund closing.
2. Amendment #1 – Series 2009 Revenue Bond Capital Project Fund for Fiscal Years 2010-2012. Amendment #1 receives \$230,720 from the Annexation Phase V – Area 6 and 7 Capital Project Fund close out, adjusts expected interest earnings, records the cost of issuance allocated to this fund (\$10,257) and increases the expected project cost to \$33,633,712.

ISSUES:

None

BUDGET IMPACT:

PWC Budget Item

OPTIONS:

None

RECOMMENDED ACTION:

Adopt PWC Capital Project Fund Budget Amendments

ATTACHMENTS:

Transmittal Memo

Amendment #1 - Annexation Phase V-Areas 6 and 7

Amendment #1 - Series 2009 Revenue Bond Capital Project Fund



WILSON A. LACY, COMMISSIONER
TERRI UNION, COMMISSIONER
LUIS J. OLIVERA, COMMISSIONER
MICHAEL G. LALLIER, COMMISSIONER
STEVEN K. BLANCHARD, CEO/GENERAL MANAGER

PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE

ELECTRIC & WATER UTILITIES

955 OLD WILMINGTON RD
P.O. BOX 1089
FAYETTEVILLE, NORTH CAROLINA 28302 1089
TELEPHONE (AREA CODE 910) 483-1401
FAX (AREA CODE 910) 829-0207

September 8, 2011

MEMO TO: Steven K. Blanchard, CEO

MEMO FROM: J. Dwight Miller, CFO

A handwritten signature in blue ink, reading "J. Dwight Miller", is positioned to the right of the "MEMO FROM:" line.

SUBJECT: Capital Project Fund Budget Amendments

The Annexation Phase V – Areas 6 and 7 Capital Project Fund, Amendment #1 is to reflect the final cost, adjust interest earnings projection and transfer the remaining balance (\$230,720) to the Series 2009B Revenue Bond Capital Project Fund. This is the final amendment and fund closing.

The Series 2009B Revenue Bond Capital Project Fund, Amendment #1 receives \$230,720 from the Annexation Phase V – Area 6 and 7 Capital Project Fund close out, adjust expected interest earnings, record the cost of issuance allocated to this fund (\$10,257) and increases the expected project cost to \$33,633,712.

Staff recommends that the Commission adopt Amendment #1 to the Annexation Phase V – Areas 6 and 7 Capital Project Fund for Fiscal Years 2010 – 2012, adopt Amendment #1 to the Series 2009B Revenue Bond Capital Project Fund for Fiscal Years 2010 - 2012 and forward to City Council for adoption at their meeting on September 26, 2011.

PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE
Annexation Phase V - Areas 6 and 7 Capital Project Fund
For Fiscal Years 2010- 2012

Amendment #1
Final Close

	Current Approved Budget	Proposed Budget Amendment #1	Recommended Inception to Date Budget
Estimated Revenues and Other Funding Sources			
Series 2009B Revenue Bond proceeds (1)	\$ 5,903,543	\$ (230,720)	\$ 5,672,823
Interest earnings	\$ 29,518	\$ (24,665)	\$ 4,853
Total Revenues and Other Funding Sources	\$ 5,933,061	\$ (255,385)	\$ 5,677,676

Estimated Expenditures and Other Uses

Utility installation cost	\$ 5,933,061	\$ (255,385)	\$ 5,677,676
Total Expenditures and Other Uses	\$ 5,933,061	\$ (255,385)	\$ 5,677,676

(1) Net of financing costs

Final Close

ADOPTED BY COMMISSION
ADOPTED BY CITY COUNCIL

October 28, 2009
November 9, 2009

Proposed
Proposed

<i>September 14, 2011</i>
<i>September 26, 2011</i>

PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE

Series 2009B Revenue Bond Capital Project Fund

For Fiscal Years 2010 - 2012

Amendment #1

	Current Approved Budget	Proposed Budget Amendment #1	Recommended Inception to Date Budget
Estimated Revenues and Other Funding Sources			
Series 2009B Revenue Bonds proceeds (1)	\$ 33,348,735	\$ 230,720	\$ 33,579,455
Cost of Issuance-Adjusted Bond proceeds	\$ -	\$ 10,257	\$ 10,257
Interest Earnings	\$ 166,744	\$ (122,744)	\$ 44,000
Total Revenues and Other Funding Sources	\$ 33,515,479	\$ 118,233	\$ 33,633,712
Estimated Expenditures and Other Uses			
Water and Wastewater Utility Project Costs	\$ 33,515,479	\$ 118,233	\$ 33,633,712
Total Expenditures and Other Uses	\$ 33,515,479	\$ 118,233	\$ 33,633,712

(1) Net of financing costs

ADOPTED BY COMMISSION
ADOPTED BY CITY COUNCIL

October 28, 2009

November 9, 2009

Proposed

Proposed

September 14, 2011

September 26, 2011

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Tami Lewis, Senior Paralegal
DATE: September 26, 2011
RE: **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.**

THE QUESTION:

How best to respond to a request from Cumberland County for assistance in expediting the sale of jointly-owned real property.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government

BACKGROUND:

Cumberland County and the City of Fayetteville received joint title to six properties identified as:

- | | | |
|-----|--------------------|------------------|
| 1- | 1507 Howell Street | PIN 0438-33-5672 |
| 2- | Howell Street | PIN 0438-34-6463 |
| 3 - | Howell Street | PIN 0438-34-6469 |
| 4- | Howell Street | PIN 0438-34-6574 |
| 5- | Howell Street | PIN 0438-34-6599 |
| 6- | Howell Street | PIN 0438-34-7634 |

The County has received an offer to purchase said property and is requesting the City declare the property surplus and quitclaim the City's interest to the County in order to expedite the sale process.

ISSUES:

- The County is in receipt of an offer to purchase the property for a price equaling the foreclosure bid; i.e. \$5,727.95.
- Title to the above subject property is jointly held due to foreclosure by the County in its role as tax administrator
- If the present bids are declined, there is a good chance the properties will remain in joint government ownership not earning taxes and requiring upkeep.

BUDGET IMPACT:

N/A for FY11 budget.

OPTIONS:

1. Accept the County's request and quitclaim the City's title to the County.
2. Decline the County's request.

RECOMMENDED ACTION:

Adopt the attached resolution declaring the properties surplus and authorize the City Manager to sign a quitclaim deed conveying the City's interest to the County.

ATTACHMENTS:

Resolution Declaring Property Excess

Memo from County

Fisher St Maps

**STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND
CITY OF FAYETTEVILLE**

Resolution R2011_____

***RESOLUTION DECLARING PROPERTY EXCESS
TO CITY'S NEEDS AND QUITCLAIMING CITY TITLE
IN THE PROPERTY TO CUMBERLAND COUNTY***

WHEREAS, the City of Fayetteville and the County of Cumberland jointly own real property in Cumberland County, said property being located on Howell Street and having the tax map designation of PIN as listed below; and

- PIN 0438-33-5672 - 1507 Howell Street
- PIN 0438-34-6463 - Howell Street
- PIN 0438-34-6469 - Howell Street
- PIN 0438-34-6574 - Howell Street
- PIN 0438-34-6599 - Howell Street
- PIN 0438-34-7634 - Howell Street

WHEREAS, the City of Fayetteville has a financial interest in the form of getting the real property back on the tax books; and

WHEREAS, the property is surplus to the needs of the City of Fayetteville; and

WHEREAS, the County of Cumberland has received an offer to purchase the parcel and requests that the City of Fayetteville join in the sale of the property by declaring the parcel surplus to the City's needs and quitclaiming the City's title to the County; and

WHEREAS, the City Council of the City of Fayetteville finds such actions to be in the public interest.

NOW THEREFORE, the City Council of the City of Fayetteville hereby declares that the aforesaid real property surplus to City's needs and authorizes its Manager to sign a deed quitclaiming title to the County of Cumberland.

ADOPTED this _____ day of _____, 2011 by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, MAYOR

ATTEST:

Jennifer Penfield, Deputy City Clerk

E:\Real Estate\Lewis\Resolutions\CountyquitclaimRes.doc



OFFICE OF THE COUNTY ATTORNEY

Courthouse, 117 Dick Street - Suite 551 • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7762 • Fax: (910) 678-7758

June 27, 2011

MEMORANDUM:

TO: TAMI LEWIS, SENIOR REAL ESTATE PARALEGAL
CITY OF FAYETTEVILLE

FROM: HOPE N. WARD, OFFICE SUPPORT III

THROUGH: CHRISTY H. TYNDALL, SENIOR LEGAL ASSISTANT

CC: RICK MOOREFIELD, COUNTY ATTORNEY

SUBJECT: TO DECLARE PROPERTIES SURPLUS

Lot 57-67 Kings Terrace 2 PT 1; 1507 Howell St. – PIN 0438-33-5672
Lot 47 Kings Terrace Sub 2 PT 2 – PIN 0438-34-6463
Lot 48 Kings Terrace Sub 2 PT 2 – PIN 0438-34-6469
Lot 49 Kings Terrace Sub 2 PT 2 – PIN 0438-34-6574
Lot 50 Kings Terrace Sub 2 PT 2 – PIN 0438-34-6599
Lot 51 Kings Terrace Sub 2 PT 2 – PIN 0438-34-7634

Our office has recently received a bid offer from Robert Bennett to purchase the above mentioned properties in the amount of \$5,727.95, which is the amount paid at auction. The Commissioner's Deed names both the County and the City as Grantees and is recorded in Book 8525 Page 171 in the Cumberland County Register of Deeds.

Our office is requesting that the City take the necessary steps to declare these properties surplus and quitclaim the properties to the County so that we may proceed with the sale. Based on the attached documentation, Final Report 10-CVD-350 there does not appear to be any City Assessments, unless there is other documentation that can be provided, the City should not expect to receive any proceeds from this sale.

If you have any questions or need additional information, please contact our office.

Celebrating Our Past . . . Embracing Our Future

EASTOVER – FALCON – FAYETTEVILLE – GODWIN – HOPE MILLS – LINDEN – SPRING LAKE – STEDMAN – WADE

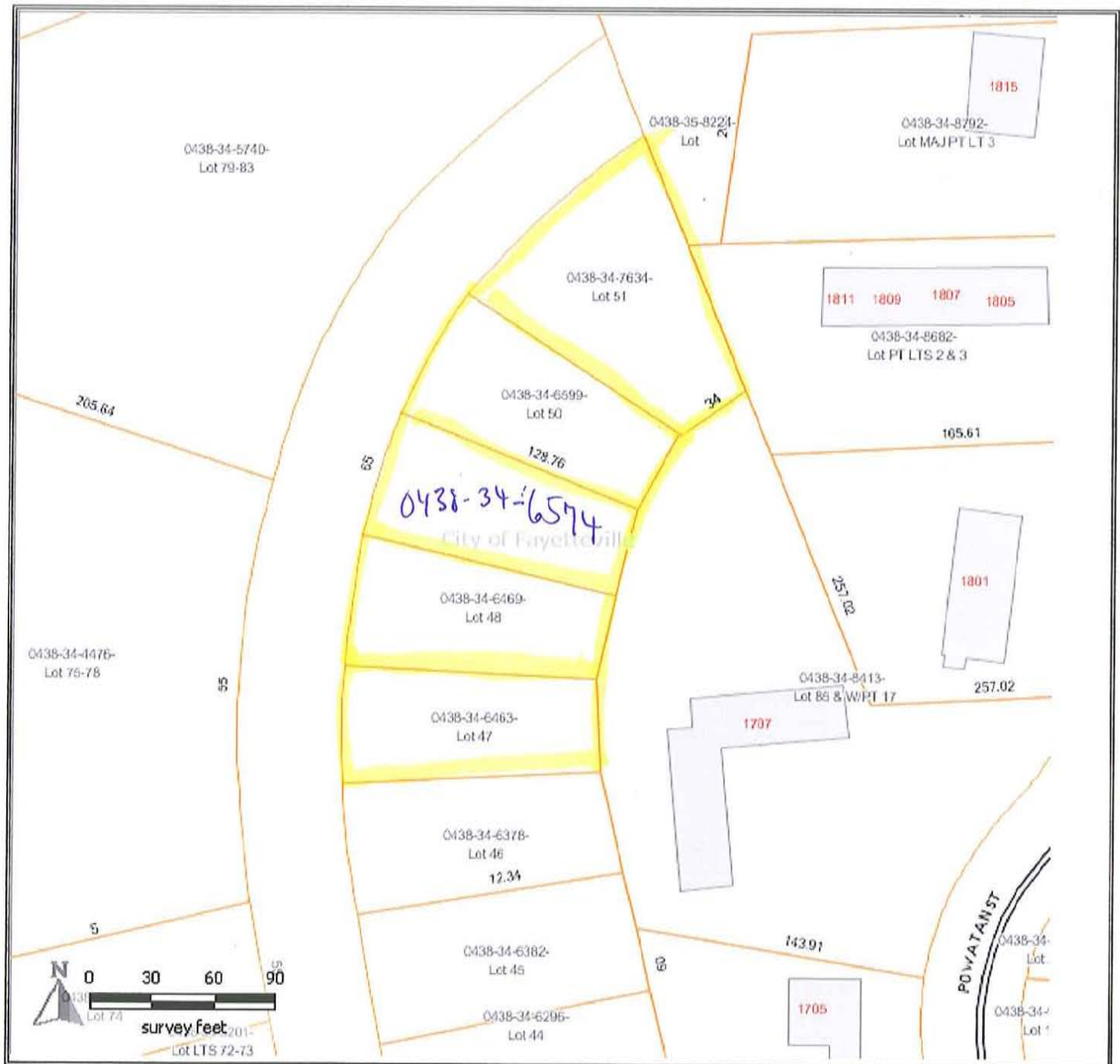


Cumberland County Planning Department

Fayetteville, North Carolina



Created by Public on Tuesday, 28 June 2011



Map Zoom: 500 survey ft

Map Scale: 1:853.3

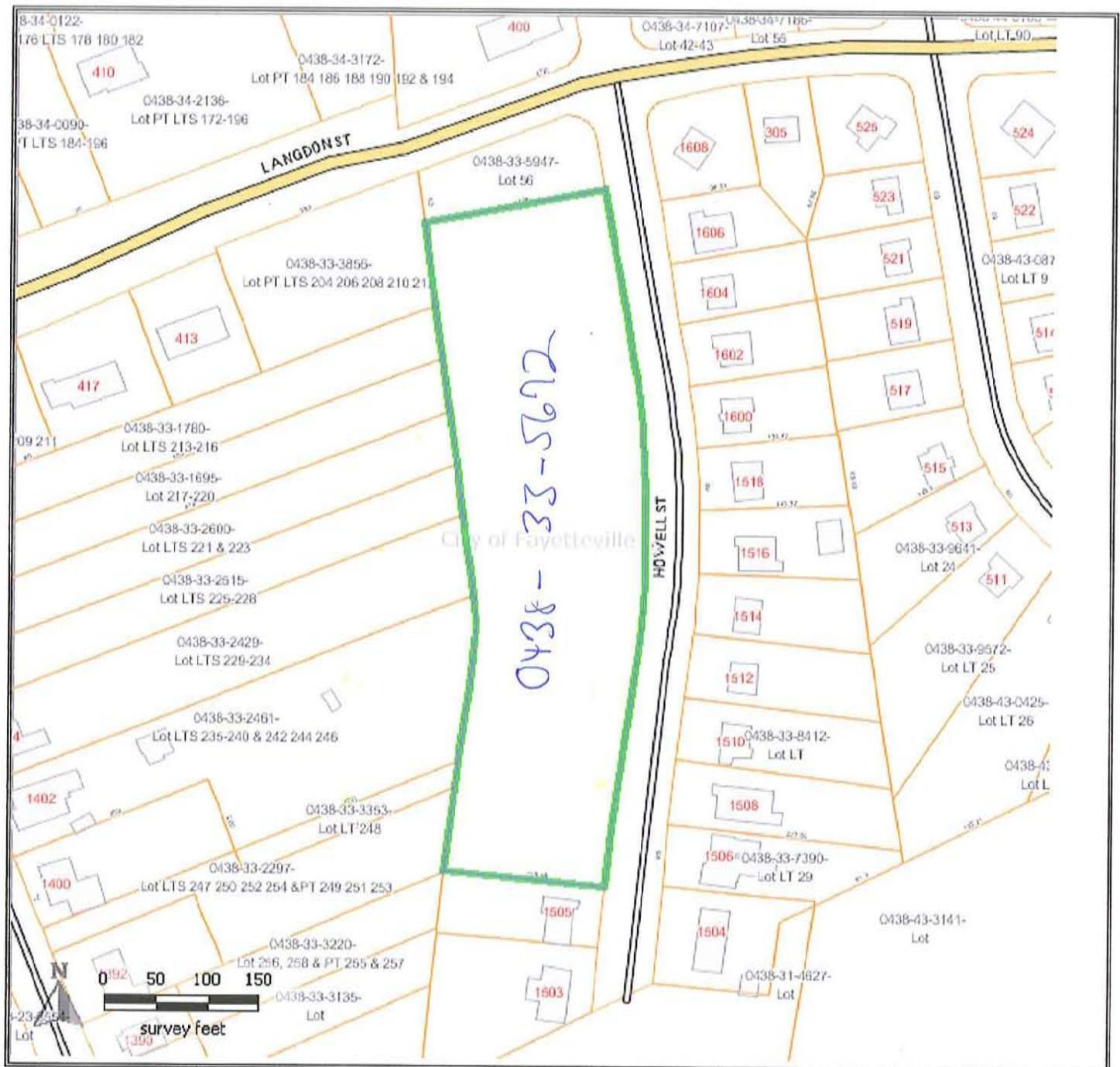


Cumberland County Planning Department

Fayetteville, North Carolina



Created by Public on Tuesday, 28 June 2011



Map Zoom: 1000 survey ft

Map Scale: 1:1,707

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa T. Smith, Chief Financial Officer
DATE: September 26, 2011
RE: **Budget Ordinance Amendment 2012-2 (General Fund)**

THE QUESTION:

Council is asked to approve this budget ordinance amendment to appropriate \$200,000 of expected reimbursements from the Federal and State governments to provide funding for remaining expenditures for the restoration of the debris collection site used after the April 16, 2011 tornadoes.

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:

- It is estimated that approximately \$200,000 will be required to complete the restoration of the debris collection site at Benjamin Martin Elementary School.
- It is expected that the Federal government will reimburse 75% of the expenditures and the State will reimburse the remaining 25%.

ISSUES:

None

BUDGET IMPACT:

As outlined above.

OPTIONS:

- Adopt the budget ordinance amendment.
- Do not adopt the budget ordinance amendment.

RECOMMENDED ACTION:

Staff recommends that Council adopt Budget Ordinance Amendment 2012-2 as presented.

ATTACHMENTS:

Budget Ordinance Amendment 2012-2

2011-2012 BUDGET ORDINANCE AMENDMENT
CHANGE 2012-2

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

That the City of Fayetteville Budget Ordinance adopted June 13, 2011 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, 2011, and ending June 30, 2012, 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>			
Intergovernmental Revenues	\$ 52,652,327	\$ 200,000	\$ 52,852,327
All Other General Fund Revenues and OFS	86,491,701	-	86,491,701
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 139,144,028</u>	<u>\$ 200,000</u>	<u>\$ 139,344,028</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, 2011, and ending June 30, 2012, 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	\$ 8,373,860	\$ 200,000	\$ 8,573,860
All Other General Fund Departments	130,770,168	-	130,770,168
Total Estimated General Fund Expenditures	<u>\$ 139,144,028</u>	<u>\$ 200,000</u>	<u>\$ 139,344,028</u>

Adopted this 26th day of September, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: September 26, 2011
RE: **Special Revenue Fund Project Ordinance 2012-5 (Gangs Across the Carolinas Training Conference 2011)**

THE QUESTION:

This ordinance will appropriate \$62,069 for the 2011 Gangs Across the Carolinas Training Conference. The funding for this program is a \$46,552 grant and a \$15,517 local match.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3: Growing City, Livable Neighborhoods - a Great Place to Live: Consistent improvement in reducing crime rates.

BACKGROUND:

- The North Carolina Department of Crime Control and Public Safety - Governor's Crime Commission has approved a grant, funded by the Federal Byrne Justice Assistance Grant Program, that will cover 75% of the costs of the annual training conference. A local match of 25% must be provided to cover the remaining costs.
- The North Carolina Gang Investigator's Association (NCGIA) will provide the local match of \$15,517.
- The NCGIA will coordinate the annual training conference. Gang specialists and experts from the state of North Carolina and throughout the country will provide needed training on issues such as the latest trends, tactics and safety concerns that are vital in combating gangs and keeping our citizens and officers safe.
- The annual Gangs Across the Carolinas conference is a state-wide training event that over 450 state, local and federal law enforcement attend. This is the largest conference of this type in the southeastern United States. Last year, the Fayetteville Police Department had 17 participants that included 3 nights of hotel stay, registration fees and several meals. This was a value of approximately \$437.00 per person, almost \$7,500 total.

ISSUES:

None.

BUDGET IMPACT:

As noted above.

OPTIONS:

- 1) Adopt Special Revenue Fund Project Ordinance 2012-5.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2012-5.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2012-5.

ATTACHMENTS:

ORD 2012-5

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2012-5

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

Section 1. The project authorized is for the funding of the Gangs Across the Carolinas Training Conference 2011.

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

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

Federal Grant passed through the NC Governor's Crime Commission	\$ 46,552
Local Match - N. C. Gang Investigator's Association	<u>15,517</u>
	<u><u>\$ 62,069</u></u>

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

Project Expenditures	<u><u>\$ 62,069</u></u>
----------------------	-------------------------

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

Adopted this 26th day of September, 2011.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: September 26, 2011
RE: **Ordinance Amending Chapter 1, General Provisions, and Chapter 22, Solid Waste, Related to Notice and Appeal of Code Violations**

THE QUESTION:

Amend Fayetteville Code of Ordinances Sections 1-9, appeals of civil penalties, and Sections 22-31, Solid Waste, to provide for a concise time period to appeal or pay a civil penalty and to add Chapter 7, Building Code, Chapter 14, Housing, Dwellings and Buildings, and Chapter 30, Zoning, to the appeal process stipulated in Sec 1-9.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Attractive City- Clean and Beautiful; Goal 3: Growing City, Livable Neighborhoods

BACKGROUND:

Fayetteville Code of Ordinances Section 1-9 defines the appeal process for the recipient of a civil penalty citation. This section provides that the recipient of the civil penalty may make a written request to the City Attorney's Office for a hearing within ten days of receipt of the citation to be heard by the administrative hearing officer.

Section 1-7 (h) provides that civil penalty citations may be served by U.S. first-class mail to the last known address of the recipient. Section 22-31, Solid Waste, provides that if a civil penalty is not paid within ten days of receipt of the citation, the penalty shall be collected by civil action in the nature of a debt. As an alternative to personal service, this section provides that civil penalty citations may be served by U.S. first-class mail to the last known address of the recipient.

Section 1-9 stipulates the various City of Fayetteville Code of Ordinances Chapters that are subject to the civil penalty process. However, Section 1-9 does not include Chapter 7, Building Code, or Chapter 14, Housing, Dwelling and Buildings. Both of these Chapters provide for the issuance of civil penalty citations for respective code violations without a statutory appeal process.

In the lack of a process, the appeal process of Section 1-9 is currently being used for civil penalty appeals relating to cited violations of these Chapters. On December 13, 2010, the City Council adopted the Unified Development Ordinance (UDO) as Chapter 30 of the Code of Ordinances of the City of Fayetteville. On July 25, 2011, the City Council adopted Ordinance No. S2011-008 (Section 3.) adding a new item (e) to section 30-8.F.3 of the UDO. Item (e) provides that a civil penalty may be appealed in accordance with the procedures and timetables established in Section 1-9 of the Fayetteville Code of Ordinances.

ISSUES:

By the use of U.S. first-class mail as a means of serving a civil penalty citation, there is no way to absolutely determine when a recipient actually received the civil penalty citation. This has caused problems for staff when recipients file an appeal or pay the civil penalty several months after the issuance date of the citation claiming that they had just received the citation within the last 10 days.

There is currently no statutory appeal process for recipients of citations issued for violations of Chapter 7 and Chapter 14.

The proposed text amendments would require that appeals and payments of civil penalties under Chapter 22, be made within 10 business days of the issuance of the citation, thus establishing a definitive date to act on the citation. Adding Chapter 7, Chapter 14 and Chapter 30 to Section 1-9

will provide a statutory appeal process for citations issued under those chapters.

BUDGET IMPACT:

Unknown

OPTIONS:

1. Adopt the proposed text amendment to Fayetteville Code of Ordinances Sections 1-9 and 22-31;
2. Revise the proposed text amendment to Fayetteville Code of Ordinances Sections 1-9 and 22-31;
3. Reject the proposed text amendment to Fayetteville Code of Ordinances Sections 1-9 and 22-31;

RECOMMENDED ACTION:

Adopt the proposed text amendments to Fayetteville Code of Ordinances Sections 1-9 and 22-31.

ATTACHMENTS:

Proposed Amendment to Fayetteville Code of Ordinances Sections 1-9 & 22-31

Fayetteville Code of Ordinances Section 1-7

Fayetteville Ordinance No. s20011-008, Section3

The following amendments pertain to appeal of civil penalties. Please note the following provisions are not the entire chapters. The only sections that follow are those being amended.

Chapter 1

GENERAL PROVISIONS

Sec. 1-9. Appeal of civil penalties.

Whenever the recipient of a citation for a violation of chapter 4, alarm systems regulations; [chapter 7, Building Code](#); chapter 11, fire protection and prevention; [chapter 14, Housing, Dwellings and Buildings](#); article XI of chapter 16, abandoned, junked, and nuisance vehicles; article X of chapter 16, parking; chapter 17, offenses and miscellaneous provisions; chapter 18, parks and recreations; chapter 22, solid waste; chapter 24, streets and sidewalks; chapter 26, taxicabs; and [chapter 30, Zoning](#); has failed to pay a civil penalty as a result of the violation, prior to the initiation of the civil action to enforce the city's remedy, the recipient of the citation shall be notified in writing that:

- (1) The case may be reviewed by an administrative hearing officer to determine the validity of the civil penalty provided the recipient of the citation makes a written request to the city attorney's office for the hearing within ten [business](#) days of ~~receipt of the notice~~ [issuance date of the citation](#) of the opportunity to be heard by the administrative hearing officer;
- (2) The written request for the hearing shall be on a form to be provided with the written notice and the hearing shall be held within 14 days of the receipt of the written request;
- (3) The decision of the hearing officer if in favor of the individual receiving the citation shall be final, but if the hearing officer shall determine that in his opinion the civil penalty is due, then the city may proceed to initiate the civil action, but the decision of the hearing officer shall not be admissible by the city in the prosecution of the action; and
- (4) The hearing officer shall be one of the safelight appeals hearing officers.

Chapter 22

SOLID WASTE

Sec. 22-31. - Penalties for violations.

(a) A violation of section 22-30 shall subject the violator to a civil penalty in accordance with the fee and penalty schedule as approved by city council. A violation of any section of this chapter not specifically addressed in the separate fee and penalty schedule, shall subject the violator to a civil penalty of \$100.00 per violation. Pursuant to G.S. 160A-175(g), each and every day's continuing violation shall be deemed a separate punishable offense. The civil penalty shall be imposed by citation served personally upon the violator by those individuals authorized in section 22-29, or delivered by first class mail followed by delivery confirmation if the first notice is returned within ten ~~working~~ [business](#) days. The citation shall set forth the specific violation, the amount of the

penalty, that each and every day's violation is a separately punishable offense, and that if the penalty is not paid within ten [business](#) days of ~~receipt of the~~ [issuance date of the](#) citation, the penalty shall be collected by civil action in the nature of a debt.

(b) If the penalty as set forth in the citation issued pursuant to subsection (a) of this section is not paid within the prescribed time, then the matter shall be referred to the office of the city attorney, who shall institute an action in the nature of a debt in a court of competent jurisdiction to collect the civil penalty.

(Code 1961, [§ 14-31](#) ; Ord. No. S2010-003A, § 1, 3-22-2010)

Sec. 1-7. - General penalty; enforcement of ordinances; continuing violations.

(a) Unless otherwise specifically provided, violation of any provision of this Code or any other city ordinance shall subject the offender to a civil penalty; except, that where the General Statutes of North Carolina provide specific remedies for violations of provisions of this Code adopted pursuant to such statutes, such remedies available to the city for enforcement of this Code shall be in addition to the remedies hereinafter stated. Where no specific penalty is provided therefore, the violation of any such provision of this Code or any such ordinance shall subject the offender to a fine in accordance with the fee schedule adopted by the city council.

(b) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other city ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the city for equitable relief that there is an adequate remedy at law.

(c) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other city ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the city may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(d) The provisions of this Code and any other city ordinances may be enforced by one, or all or a combination of the remedies authorized and prescribed by this section.

(e) Except as otherwise specifically provided, each day's continuing violation of any provision of this Code or any other city ordinance shall be a separate and distinct offense.

(f) Any ordinances hereafter adopted by the council of the city, the violation of which shall incur a penalty, shall specify whether the enforcement shall be pursuant to the civil penalty or criminal penal provisions of this section.

(g) Upon determination of a violation of any section of this Code, the penalty for which is a civil penalty, the city may cause a warning citation to be issued to the violator, setting out the nature of the violation, the section violated, the date of the violation and an order to immediately cease the violation or, if the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, stating the reasonable period of time in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty.

(h) Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the appropriate official of the city and either served directly on the violator or his duly designated agent, or registered agent if a corporation, in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the county, or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of such citation. The citation shall direct the violator to appear at city hall, within the prescribed time cited in the citation or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

(Code 1961, [§ 1-7](#) ; Ord. No. S2007-018, §§ 1, 2, 5-29-2007)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO ADDRESS ERRORS OR CLARIFICATIONS AFFECTING DRIVE AISLE WIDTHS; PRIVATE STREETS; APPEAL OF CIVIL PENALTIES; STANDARD FOR SEPARATION REQUIREMENTS; INCLUSION OF THE LC DISTRICT IN VARIOUS LISTINGS; REFERENCES TO THE INCENTIVE AREA OVERLAY; NURSING HOMES IN THE OI DISTRICT; HEAVY MANUFACTURING; SIGNS FOR HOME OCCUPATIONS; RENUMBERING SECTION ON SUBDIVISION SIGNS; INTERNET SWEEPSTAKES; USES NOT LISTED IN THE UDO; AGRICULTURAL USES; AND HEIGHT STANDARDS IN LC AND CC DISTRICTS.

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

Section 1. Change the standards shown in both Table 30-5.A.8 and Figure 30-5.A.8 to show 24 feet width for two-way drive aisles with 90 degree parking.

Section 2. Change UDO sections in 30-5.F.4 Private Streets, as follows:

Sec. 2.1: In 4(a)(7) Private Streets, Item a.i, delete the sentence "A variety of construction materials may be used if approved by the City Manager."

Sec. 2.2: In 4(a)(7)d Certificate of Construction, third line, replace "registered engineer or professional land surveyor" with "registered professional designated for such approvals." In the sixth line, replace "registered engineer's or professional land surveyor's seal" with "the seal of the registered professional".

Section 3. Add a new item (e) to section 30-8.F.3 of the UDO, to make appeals of civil penalties associated with Chapter 30 violations subject to the procedures of

City	Code	Section	1-9.
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[new] (e) Appeal of Civil Penalty
A Civil Penalty may be appealed in accordance with the procedures and timetables established in Sec. 1-9 of the Fayetteville Code of Ordinances.

Section 4. Add a new item in the Measurements section of UDO 30-9 Definitions to provide a default standard to measure a required separation of uses:

[new] 3. COMPUTATION OF SEPARATION REQUIREMENTS

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: September 26, 2011
RE: **Tax Refunds Greater Than \$100**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Not applicable

BACKGROUND:

Approved by the Cumberland County Special Board of Equalization for the month of August.

ISSUES:

None

BUDGET IMPACT:

Budget impact is \$447.64.

OPTIONS:

Approve the refund

RECOMMENDED ACTION:

Staff recommends approval of the refund.

ATTACHMENTS:

Taxes Greater than \$100.



September 26, 2011

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer *LS*

FROM: Nancy Peters, Accounts Payable *NP*

RE: Tax Refunds of Greater Than \$100

The tax refunds listed below for greater than \$100 were approved by the Cumberland County Special Board of Equalization for the month of August, 2011.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Ramsey North Medical Clinic PA	1212336	2009	Adjusted Value	447.64
TOTAL				\$447.64

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Nash, Planner II
DATE: September 26, 2011
RE: **Public Hearing to Consider the City of Fayetteville Hazard Mitigation Plan (a Part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update)**

THE QUESTION:

Should the Fayetteville City Council Adopt the City of Fayetteville Hazard Mitigation Plan (as a part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update)?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods-A Great Place to Live

BACKGROUND:

Several years ago, the City of Fayetteville worked with other jurisdictions in Cumberland County in preparing the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan. In late 2005 and 2006, the original Plan was adopted by all jurisdictions in the County. The original Plan fulfilled the requirements of the Disaster Mitigation Act of 2000. The original Plan was a five-year plan. Based on the requirements of the Federal Emergency Management Agency (FEMA), the Plan had to be updated during 2010. The City of Fayetteville has again worked with other jurisdictions in the County in updating the Plan. The staff of the Planning and Zoning Division (in the Development Services Department) was responsible for preparing the Fayetteville part of the Plan. (The Fayetteville part is referred to as the City of Fayetteville Hazard Mitigation Plan.) The Fayetteville Plan is attached to this agenda item in three parts. The overall updated Plan document received approval from FEMA and the State on April 4, 2011. The entire document may be seen in the Planning and Zoning Office or on the Cumberland County Planning Department website: www.co.cumberland.nc.us/planning.

The various jurisdictions in the County are currently reviewing their updated parts of the Plan. Each jurisdiction is responsible for holding a public hearing on their Plan. Each jurisdiction will then consider whether to adopt their Plan. On August 16, 2011, the staff made a presentation to the Fayetteville Planning Commission on the Fayetteville part of the updated Plan. On September 20, the Planning Commission will hold a public hearing on the Fayetteville part of the updated Plan. The recommendation of the Planning Commission will be forwarded to the City Council for consideration on September 26th.

ISSUES:

The original City of Fayetteville Hazard Mitigation Plan dealt with the following 11 natural hazards: hurricanes, tornadoes, thunderstorms, droughts, severe winter storms, extreme heat, wildfires, flooding, earthquakes, volcanoes, and tsunamis. In the updated Plan, two hazards were eliminated: volcanoes and tsunamis.

Although the original Plan and the updated Plan dealt with a variety of natural hazards, the focus in both plans was on the hazard of flooding.

In the updated Plan, the occurrence data on tornadoes was updated through June 2010. Therefore, there is no data in the updated Plan on the tornadoes which struck the local area in April 2011.

Your public hearing will pertain only to the mitigation of future natural hazards. The hearing will not be about emergency response planning or the recovery efforts from recent tornadoes in the County.

BUDGET IMPACT:

The Plan identifies 13 Mitigation Actions. For each action, there is information about funding. It is possible that there would be some costs associated with implementing several of these actions. By adopting the Plan, the City of Fayetteville will remain eligible for State and Federal disaster relief funds, in the event of a declared disaster in the City.

OPTIONS:

1. Adopt the City of Fayetteville Hazard Mitigation Plan. **(Recommended - this is required in order to be eligible for some forms of State and Federal disaster relief funding)**
2. Do not adopt the City of Fayetteville Hazard Mitigation Plan.

RECOMMENDED ACTION:

Staff recommends that the City Council adopt the City of Fayetteville Hazard Mitigation Plan, a part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update.

ATTACHMENTS:

Fayetteville Resolution of Adoption
Overall Resolution of Adoption
Hazard Mitigation Plan Update Part 1
Hazard Mitigation Plan Update Part 2
Hazard Mitigation Plan Update Part 3

Resolution

WHEREAS, the City of Fayetteville desires to remain eligible for the State and Federal disaster relief funds in the event of a declared disaster in the City; and

WHEREAS, the Fayetteville City Council recognizes the value of having a Plan in place for identifying, prioritizing, and mitigating potential and real hazards that could affect the City of Fayetteville; and

WHEREAS, the Fayetteville Planning and Zoning Division Staff has prepared a City of Fayetteville Hazard Mitigation Plan as part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update, and has revised the Plan as suggested by the North Carolina Division of Emergency Management after its submittal to all appropriate government entities for review and comments; and

WHEREAS, the North Carolina Division of Emergency Management has endorsed the City of Fayetteville Hazard Mitigation Plan as part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update; and

NOW, THEREFORE, BE IT RESOLVED by the Fayetteville City Council that it adopts the City of Fayetteville Hazard Mitigation Plan as part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update; and

BE IT FURTHER RESOLVED that the Fayetteville City Council resolves to annually review the City of Fayetteville Hazard Mitigation Plan and make revisions to all sections regarding the City of Fayetteville as part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update when new data and information becomes available, as mitigation measures are achieved, and as mitigation strategies evolve; and

FURTHER, that the City may update and revise the City of Fayetteville Hazard Mitigation Plan as part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update as it relates to the City of Fayetteville but does not affect any other jurisdiction. If any revision, update or amendment involves another jurisdiction, the updates and revisions must be approved by the governing body of the affected jurisdiction. Copies of any revision, amendment or update to the Plan by the City of Fayetteville must be kept on file with their Clerk and with the Cumberland County Emergency Services Department and added to the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update; and

FURTHER, that administrative changes, wording corrections, and revisions to the hazard analysis, vulnerability assessment, or other such portions of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update, do not require additional action by the Fayetteville City Council.

Adopted _____ day of _____, 2011

Attest:

City of Fayetteville, Clerk

Mayor, City of Fayetteville

Resolution

WHEREAS, Cumberland County, the City of Fayetteville, and the Towns of Eastover, Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, and Wade desire to remain eligible for the State and Federal disaster relief funds in the event of a declared disaster within their jurisdiction; and

WHEREAS, Cumberland County, the City of Fayetteville, and the Towns of Eastover, Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, and Wade recognize the value of having a Plan in place for identifying, prioritizing, and mitigating potential and real hazards that could affect all sections within their jurisdiction; and

WHEREAS, the Cumberland County Joint Planning Board Staff, in conjunction with the City of Fayetteville Planning Staff, have prepared the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update and have revised the Plan as suggested by the North Carolina Division of Emergency Management after its submittal to all appropriate government entities for review and comments; and

WHEREAS, the North Carolina Division of Emergency Management has endorsed the proposed Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update; and

NOW, THEREFORE, BE IT RESOLVED that Cumberland County, the City of Fayetteville, and the Towns of Eastover, Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, and Wade adopts the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update; and

BE IT FURTHER RESOLVED that Cumberland County, the City of Fayetteville, and the Towns of Eastover, Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, and Wade resolve to conduct an annual review of the Plan and make revisions to all sections regarding their respective jurisdiction within the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update when new data and information becomes available, as mitigation measures are achieved, and as mitigation strategies evolve; and

FURTHER, that Cumberland County, the City of Fayetteville, and the Towns of Eastover, Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, and Wade may update and revise the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update as it relates to their jurisdiction but does not affect any other jurisdictions. If any revision, update or amendment involves more than one jurisdiction, the updates and revisions must be approved by all of the affected governing bodies. Copies of any revision, amendment or update to the Plan by Cumberland County, the City of Fayetteville, and the Towns of Eastover, Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, and Wade must be kept on file with their Clerks, with the Cumberland County Emergency Services Department, and added to the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update; and

FURTHER, that administrative changes, wording corrections, the hazard analysis, and vulnerability assessment or other such portions of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update, do not require additional action by the respective jurisdictions.

Adopted _____ day of _____, 2011

Cumberland County Clerk

Chairman, Cumberland County Board of Commissioners

Adopted _____ day of _____, 2011

City of Fayetteville Clerk

Mayor, City of Fayetteville

Adopted _____ day of _____, 2011

Eastover Town Clerk

Mayor, Town of Eastover

Adopted _____ day of _____, 2011

Falcon Town Clerk

Mayor, Town of Falcon

Adopted _____ day of _____, 2011

Godwin Board of Commissioner

Mayor, Town of Godwin

Adopted _____ day of _____, 2011

Hope Mills Town Clerk

Mayor, Town of Hope Mills

Adopted _____ day of _____, 2011

Linden Town Clerk

Mayor, Town of Linden

Adopted _____ day of _____, 2011

Spring Lake Town Clerk

Mayor, Town of Spring Lake

Adopted _____ day of _____, 2011

Stedman Town Administrator

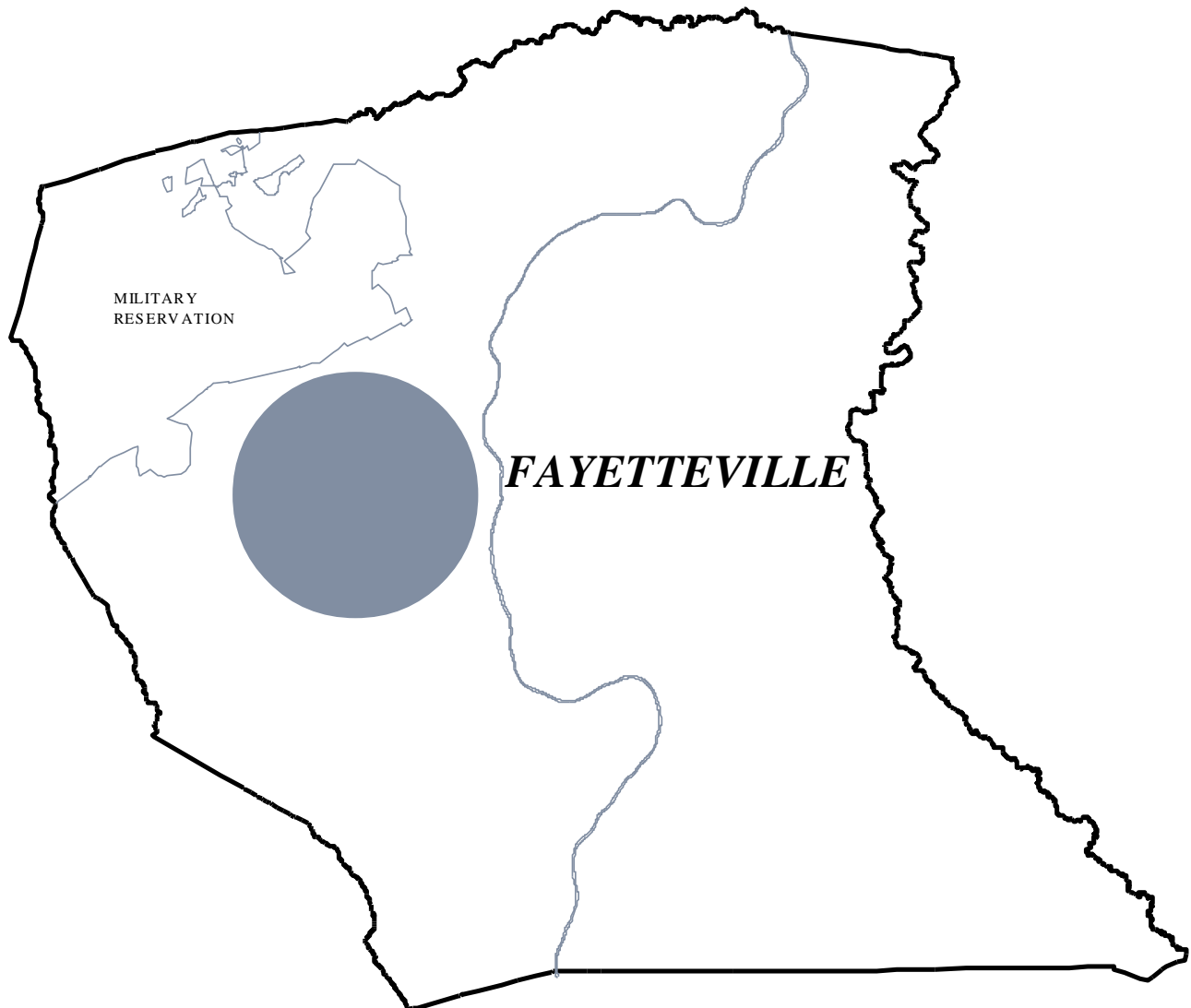
Mayor, Town of Stedman

Adopted _____ day of _____, 2011

Wade Town Clerk

Mayor, Town of Wade

CITY OF FAYETTEVILLE HAZARD MITIGATION PLAN



FAYETTEVILLE HAZARD MITIGATION PLAN

COMMUNITY PROFILE

A comparison of Table 14 from the original plan and Table 14 from the update plan shows an interesting fact. While the total number of buildings in Fayetteville has increased significantly (from 47,243 to 68,910), the percentage of buildings in a flood hazard area has decreased (from 14.12 percent to 5.19 percent). It is likely that much of this decrease can be explained by a change the procedures used in GIS to select the parcels located within the defined flood area. In the original plan, a 250 foot buffer was delineated, while in the update study, no such 250 foot buffer was delineated.

For this Update to the 2006 Plan, the Planning staff used the boundaries of the City as of January 25, 2010. This included area annexed through Annex #513, which was effective on January 25, 2010. The staff estimates that the City contained a total of 147.76 square miles through Annex #513. However, for the purposes of this update, the staff did not include the area of the City within Fort Bragg. Without Fort Bragg, the City contains approximately 93.58 square miles. According to the North Carolina State Demographer, the July 1, 2009 certified estimate of population of the City was 207,788. This was the July 1, 2009 population of the City within boundaries of the City as of July 1, 2010. Without Fort Bragg, the City's population is approximately 182,866.

The City of Fayetteville is located in the central portion of Cumberland County on the banks of the Cape Fear River. Fayetteville is the center of trade and government in the County. The City has a council-manager form of government. A ten-member City Council governs the City. Nine of the City Council members are elected from districts, and the Mayor is elected at-large. The chief administrative officer responsible for carrying out Council action is the City Manager. The Fayetteville governmental structure consists of 13 departments and the Public Works Commission.

INTRODUCTION

The staff of the City of Fayetteville worked with staff from Cumberland County and other municipalities in preparing the 2006 Multi-Jurisdictional Hazard Mitigation Plan for Cumberland County and this five-year update. The purpose of this document is to summarize the City of Fayetteville Plan Update.

In order to prepare the Plan, staff members from the City, County, and other jurisdictions formed a staff-level Technical Committee. The members of the Technical Committee followed the steps and tasks set forth in a guidebook entitled, Keeping Natural Hazards from Becoming Disasters-A Mitigation Planning Guidebook for Local Governments prepared by the North Carolina Division of Environmental Management. This guidebook outlines nine steps for developing a hazard mitigation plan. These steps are: (1) hazard identification, (2) vulnerability assessment, (3) capability assessment, (4) formulate interim conclusions, (5) mitigation goals, (6) mitigation strategies and actions, (7) procedures for monitoring evaluating, reporting progress, and implementation, (8) procedures for revisions and updates, and (9) adoption.

IDENTIFYING AND PROFILING HAZARDS

For this update the Technical Committee reviewed **Table A1 – Hazard Identification and Analysis** and **Table A2 – Summary by Hazard Vulnerability by Jurisdiction**. The Technical Committee determined the following hazards could still affect the City of Fayetteville: flooding, hurricanes, tornadoes, drought, thunderstorms, severe winter storms, extreme heat, wildfires, and earthquakes. Although the Technical

Committee concluded that flooding was not the most serious hazard that needed to be addressed in the Plan, the Technical Committee focused on flooding problems. The Technical Committee noted that flooding problems are associated with and caused by other types of hazards, such as thunderstorms, hurricanes, and tornadoes.

Flooding problems in the City of Fayetteville (and in Cumberland County) used to be caused by flooding of the Cape Fear River. Major floods occurred in 1908, 1944, 1945, 1954, 1955, and 1972. When the Cape Fear River flooded, low-lying areas of the City were inundated. In 1974, the U.S. Corps of Engineers reduced the likelihood of floods on the Cape Fear River by constructing the B. Everett Jordan Dam and Lake. The U.S. Corps of Engineers built this dam and lake on the Haw River in the Cape Fear River basin, about 55 miles upstream from Fayetteville. Although the Jordan Dam and Lake serve multiple purposes, such as water supply, recreation, and flood-control, it is the flood-control purpose that is most important in Fayetteville. For example, it is estimated that this project provided an 8-foot reduction in the 100-year flood stage at the USGS gage along the Cape Fear River in Fayetteville. (FEMA, 1984, p. 5)

In addition to flooding from the Cape Fear River, the City of Fayetteville has also experienced creek flooding. Creek flooding has been caused primarily by heavy rainfall from local thunderstorms. Rainfall from local thunderstorms has been so heavy at times that earthen dams have failed. A recent example of this type of flooding occurred on September 15, 1989. This flood caused the most extensive flooding in the City since 1945. (Mason and Caldwell, 1992, p. 1) Additionally, Fayetteville has experienced eight hurricanes, 17 documented thunderstorms, 10 hailstorms, one drought, 12 winter storms, and one extreme heat event between 1950 and 2010 per NOAA history profile of Local Storm Events. These events were the same as presented in the overall County vulnerability section above. Wildfires, tornadoes, tsunamis, earthquakes and volcanoes have not been documented within Fayetteville. It is highly likely that thunderstorms and extreme heat events will occur in the future. Additionally, it is likely that Fayetteville will experience hurricanes, tornadoes, droughts, and severe winter storms. Flooding and earthquakes are possible, as well as wildfires, due to the recent annexation of a rural area. Additional information about these hazards is contained in **Table A1 - Hazard Identification and Analysis** and **Table A2 - Summary of Hazard Vulnerability by Jurisdiction**, and the Vulnerability Assessment Section of the overall County located in the Appendix A - Hazard Profile Section. Information within the hazard profile includes a location of the geographic area affected by each natural hazard, historical impact of each hazard, including previous occurrences and extent of impact relative to Fayetteville.

MITIGATION GOALS, STRATEGIES, AND ACTIONS

At a meeting held on December 10, 2003, the Technical Committee developed three draft goals for the Multi-Jurisdictional Hazard Mitigation Plan for Cumberland County. At this point in the goal-development process, the City staff assumed that the City would use the same goals developed for the multi-jurisdictional plan, unless comments were received at an upcoming public hearing for City residents. On December 16, 2003, the Fayetteville Planning Commission held a public hearing in order to give the public an opportunity to comment on hazard mitigation. No one spoke at this public hearing. Since no input was received at the December 16 public hearing, the staff did not propose any changes in the three draft goals. On January 20, 2004, the City Planning Staff presented the three draft goals to the Fayetteville Planning Commission. The Fayetteville Planning Commission did not suggest any changes in the draft goals.

The three goals developed for the Multi-Jurisdictional Hazard Mitigation Plan for Cumberland County are as follows:

GOAL #1

Reduce vulnerability of Cumberland County and its municipalities to all natural hazards for existing development, future development, redevelopment and infrastructure.

GOAL#2

Identify and protect all properties/natural resources that are at risk of damage due to a hazard and to undertake cost-effective mitigation measures to minimize losses.

GOAL#3

Improve public awareness, education and outreach programs for the natural hazards that Cumberland County and its municipalities are most likely to experience.

Mitigation Actions

This portion of the Plan outlines various mitigation strategies and actions that have been developed to reduce vulnerability in the City of Fayetteville. The actions will help implement the goals established for reducing vulnerability.

In its first task, the Technical Committee established the geographic planning areas as being the jurisdictional boundaries. The City of Fayetteville planning area included the jurisdictional boundary of the City. The City boundary has grown in the past five years but with one exception, boundary changes have been through minor annexations, primarily voluntary petitions to secure urban support for new development. These minor annexations are reflected in this Update. Fort Bragg has become part of the City but it separately conducts hazard mitigation planning and so is not included in this Update.

In the original plan, the Committee also defined the flood hazard area as a 250-foot distance from the existing 100-year flood boundary. This defined flood hazard area was recommended by FEMA for jurisdictions that presently utilizes Q-3 Flood Data. All jurisdictions in Cumberland County utilized the Q-3 Flood Data for developing the Cumberland County Multi-Jurisdiction Hazard Mitigation Plan. Vulnerability assessment data showed that 14.12 % of the buildings in the City of Fayetteville are in the flood hazard area. The staff then focused on developing actions to reduce the vulnerability of this area from the hazard of flooding. In this Update, a digital version of flood hazard areas is used, eliminating the need for the 250 foot buffer used with the previous 100-year flood boundaries.

The Planning staff developed mitigation “strategies” for the City of Fayetteville. “Strategies” refers to broad categories of actions that can be used to reduce vulnerability. This task involved considering which strategy or strategies were best suited to address the various hazards for Fayetteville. The State’s guidebook sets forth the following five categories of strategies: prevention, property protection, natural resource protection, structural projects, and public information.

The Planning staff then formulated selection criteria that were used in evaluating proposed actions. For example, every proposed action should be technically possible of solving the problem it was intended to solve, it should be cost effective, and it should be environmentally sound.

Lastly, the Planning staff formulated mitigation actions for the various hazards facing Fayetteville. Many of these actions pertain to flooding.

The proposed mitigation actions for the City of Fayetteville were as follows in the 2006 Plan. The status of implementation is noted in the last column of each of the tables associated with these actions:

1. The City should modify the City Flood Damage Prevention Ordinance to require that the lowest floor (including basement) be elevated to a level at least one foot above the base flood elevation, or to a more restrictive level.
2. The City should modify the City Zoning Ordinance to add a Conservation District (CD) Zone. (This is now in progress.) Once the District is established, it should apply the new CD Zone in the recently annexed areas and as cases arise. When the State delivers new flood maps, the City should apply the new CD Zone to all flood hazard areas.
3. When the State delivers new flood maps, the City should identify existing buildings that have their lowest floor below the 100-year base flood elevation. The City should then develop an acquisition/relocation program for these buildings.
4. The Stormwater Division of the City Engineering and Maintenance Department should expand the existing stream debris-cleaning program.
5. The City should maintain/improve existing City requirements that limit the amount of impervious surfaces and that encourage the use of pervious surfaces.
6. The City should make its Flood Damage Prevention Ordinance as similar as possible to the County Flood Damage Prevention Ordinance.
7. The City should investigate the possibility of participating in the Community Rating System (CRS) program.
8. In order to promote more evacuation routes, the City should consider amending the City subdivision ordinance to require additional access roads for developments located near potential hazard-prone areas.
9. The City should encourage electrical utilities other than PWC to expand their tree pruning programs. (The PWC tree-pruning program is adequate.)
10. The City should develop multilingual information brochures about hazards and distribute these brochures in neighborhoods with high concentrations of foreign-born populations.
11. The City should maintain the special GIS database developed for the City to be used to assess damages from future hazardous events that might occur and to update the City's Plan.
12. The City should ask the County Tax Department to develop a geographic identifier for individual buildings. This would allow GIS users to link tabular tax information about buildings to the individual buildings.
13. The City should consider options to reduce the risk of flooding for City-owned buildings that are located in flood hazard areas.

Each action is addressed in more detail on the following pages. For each action, information is provided on the following topics:

- Background
- Hazard that is targeted – *Hazard the action is targeted to mitigate.*
- Document reference
- Goals addressed – *Goal(s) the action will address.*
- Status (new/continuation/amendment)
- Strategy category
- Priority – *Each action ranked in terms of overall importance (high, moderate or low). Priorities were based upon the following criteria: cost-benefit, hazard identification and profile, vulnerability and capability assessments and mitigation goals.*
- Geographic area the action is directed to
- How action will mitigate the hazard
- How action will reduce overall vulnerability
- Will action be cost effective - *Is a measure of how well the cost achieves the intended action.*
- Will action be environmentally sound – *Is a determination if technology exists within the financial means of the jurisdictions that can achieve an action.*
- Will action be technically feasible - *The actions has minimal or no harm to nature or the environment.*
- Funding
- Person or department responsible for implementation – *Person(s) or Department(s) responsible for implementing the action.*
- Projected duration (on-going/short-term and long-term) - *On-going actions are those that currently exist and should be continued. Short-term actions are those that can be implemented within existing resources and should be accomplished within a time frame of six (6) months to two (2) years. Long-term actions will take additional resources or authorities and should be organized to begin implementation within a time frame of 3-5 years.*
- Implementations start date
- Implementation completion date
- Benchmarks/indicators of progress - *Explains what needs to be accomplishment to meet this action.*

ACTION 1: *The City Should Modify The City Flood Damage Prevention Ordinance To Require That The Lowest Floor (Including Basement) Be Elevated To A Level At Least One Foot Above The Base Flood Elevation, Or To A More Restrictive Level.*

Background: The City' Flood Damage Prevention Ordinance is based on FEMA's minimum criteria. For new construction or substantial improvements to existing development, the current ordinance requires that the lowest floor (including basement) be elevated "no lower than at/or above the base flood elevation." (This requirement applies to residential, nonresidential, and manufactured homes.)

Hazard Targeted:	Flood
Document Reference, If applicable:	Section 12-122(1)(2)(3) of City Flood Damage Prevention Ordinance
Goals Addressed:	Goal 1
New, Continuation, Amendment:	Amendment to Ordinance Completed on October 23, 2006 (Effective on January 5, 2007)
Strategy Categories:	Prevention and Property Protection
Priority:	High
Geographic Area:	Flood Hazard Area
How the Action Will Mitigate the Hazard:	Would require that new and existing development (for which substantial improvements are made) be elevated to a higher level, thus decreasing the likelihood of future flood damage.
How the Action Will Reduce Overall Vulnerability:	Would reduce vulnerability of future new development. Would also reduce vulnerability of existing development (for which substantial improvements are made).
Will the Action Be Cost Effective?	Yes
Will Action Be Environmentally Sound?	Yes
Will the Action Be Technically Feasible?	Yes
Funding:	Not applicable
Person or Department Responsible for Implementation:	Development Services staff with other members of the Technical Review Committee are responsible for enforcing.
Projected Duration:	Permanent, on-going.
Implementation Start Date:	January 5, 2007 (begin process for amending ordinance)
Implementation Completion Date:	January 5, 2007 (complete ordinance amendment)
Benchmarks & Indicators of Progress (Re: Effectiveness):	Amendments to Ordinance: Completed on October 23, 2006 (effective on January 5, 2007), when the City adopted standards requiring all new construction to be placed a minimum of two feet above the Base Flood Elevation. The Technical Review Committee monitors compliance with this standard. The number of existing buildings that are on parcels in the recently defined flood hazard area is reported in Table 14. However, because of changes in topography, many of the buildings on those parcels are not actually located at an elevation that violates the two foot standard.

ACTION 2: *The City Should Modify The City Zoning Ordinance To Add A Conservation District (CD) Zone. (Currently Underway.) The New CD Zone Should Be Applied In The Recently Annexed Areas And As Cases Arise. When The State Delivers New Flood Maps, The City Should Apply The New CD Zone To All Designated Flood Hazard Areas.*

Background: The City of Fayetteville Zoning Ordinance has been amended to establish a Conservation District (CD) zone. The City will then apply the CD Zone to properties as rezoning cases arise. When new flood maps are delivered, the City will consider applying the CD Zone to properties mapped as being in a flood hazard area.

Hazard Targeted:	Flood
Document Reference, If applicable:	Section 30-31 and Section 30-102 of City Zoning Ordinance
Goals Addressed:	Goal 1 and Goal 2
New, Continuation, Amendment:	Completed new ordinance provision February 23, 2004. Application of CD Zone will be a continuation to areas in the Special Flood Hazard Area.
Strategy Categories:	Prevention, Natural Resource Protection
Priority:	High
Geographic Area:	Flood Hazard Area
How the Action Will Mitigate the Hazard:	Will only allow a limited number of uses to be built on vacant land that is in a flood hazard area.
How Action Will Reduce Overall Vulnerability:	Will reduce vulnerability of future new development.
Will the Action Be Cost Effective?	Yes
Will Action Be Environmentally Sound?	Yes
Will the Action Be Technically Feasible?	Yes
Funding:	General Fund
Person/ Department Responsible for Implementation:	The Planning and Zoning Division Staff within the Development Services Department are responsible for recommending when and where this classification will be used.
Projected Duration:	Long-term (to apply CD Zone)
Implementation Start Date:	The Planning Commission began discussion of an amendment creating new CD Zone January 6, 2004.
Implementation Completion Date:	The City Council approved the new CD Zone category June 28, 2004.
Benchmarks & Indicators of Progress (Re: Effectiveness):	Addition of New CD Zone: Completed on February 23, 2004, when City Council added it to Zoning Ordinance. Application of New CD Zone: Ensure use of the zone classification is recommended on land where appropriate characteristics exist. The Planning and Zoning Division along with the Technical Review Committee monitors the type of development that occurs on land zoned CD.

ACTION 3: *When The State Delivers New Flood Maps, The City Should Identify Existing Buildings That Have Their Lowest Floor Below The 100-Year Base Flood Elevation And Develop An Acquisition/Relocation Program For These Buildings.*

Background: The City of Fayetteville does not currently have an acquisition/relocation program for buildings in flood hazard areas. In the late 1990's, the City used Community Development Funds for an acquisition/relocation program for buildings located near the County landfill. Many years ago, the City used Federal urban renewal funds for acquiring and relocating buildings in the Old Wilmington Road area; many of these buildings were in a flood hazard area.

Hazard Targeted:	Flood
Document Reference, If applicable:	Not applicable
Goals Addressed:	Goal 1
New, Continuation, Amendment:	Deletion of this action.
Strategy Categories:	Property Protection
Priority:	High
Geographic Area:	Flood Hazard Area
How the Action Will Mitigate the Hazard:	Would protect existing properties by removing them from hazardous locations.
How the Action Will Reduce Overall Vulnerability:	Would reduce vulnerability of existing development.
Will the Action Be Cost Effective?	Yes
Will Action Be Environmentally Sound?	Yes
Will the Action Be Technically Feasible?	Yes
Funding:	General Fund, HUD Community Development Block Grants, Hazard Mitigation grants.
Person or Department Responsible for Implementation:	City Engineering Dept. survey crews could possibly determine if existing buildings have their lowest floor below the 100-year Base flood elevation. City GIS Analyst will tag these buildings in GIS. The Community Development Staff could develop and implement an acquisition/relocation program.
Projected Duration:	Long-term
Implementation Start Date:	Within 1 year of receiving new flood maps from the State.
Implementation Completion Date:	Within 5 years of start date
Benchmarks & Indicators of Progress (Re: Effectiveness):	The City of Fayetteville recommends that this action item be deleted as it has been determined that City resources will not be used to mitigate the risk of private property owners by purchasing and relocating their facilities. The Staff will determine the number if buildings in need of acquisition/relocation. The Staff will use GIS to track the number of buildings acquired/relocated per year.

ACTION 4: *The Stormwater Division Of The City Engineering And Maintenance Department Should Expand The Existing Stream Debris Cleaning Program.*

Background: The Stormwater Division has an existing stream debris-cleaning program. This program currently focuses on responding to complaints. (The volume of complaints has decreased recently.) The program should be expanded so that it is based on a regular maintenance schedule for all streams in the City.

Hazard Targeted:	Flood
Document Reference, If applicable:	Chapter 23 of City Code
Goals Addressed:	Goal 1 and Goal 2
New, Continuation, Amendment:	Amendment (expansion) of existing program
Strategy Categories:	Prevention and Natural Resource Protection
Priority:	High
Geographic Area:	Flood Hazard Area and along other streams
How the Action Will Mitigate the Hazard:	A regular maintenance schedule for clearing debris from streams should increase flow and reduce flooding
How the Action Will Reduce Overall Vulnerability:	Would reduce vulnerability of existing development located adjacent to debris.
Will the Action Be Cost Effective?	Yes
Will Action Be Environmentally Sound?	Yes
Will the Action Be Technically Feasible?	Yes
Funding:	Stormwater Fund
Person or Department Responsible for Implementation:	Manager of Stormwater Program.
Projected Duration:	Long-term
Implementation Start Date:	January 1, 2005
Implementation Completion Date:	December 31, 2009
Benchmarks & Indicators of Progress (Re: Effectiveness):	Stormwater Program Staff will continue to carefully monitor and prioritize maintenance activities within the City. The City no longer takes responsibility for the maintenance of water courses outside the City limits. As a result, City resources can be applied more effectively to locations needing attention in the City.

ACTION 5: The City Will Maintain/Improve Existing City Requirements That Limit The Amount Of Impervious Surfaces And That Encourage The Use Of Pervious Surfaces.

Background: The City's Water Supply Ordinance imposes limits on the amount of impervious surface that may be built in a new development project. However, the Watershed Ordinance only applies in the parts of the City that are designated as a protected area or a critical area. The City should maintain this requirement.

The City Council is now considering an amendment to the City's Zoning Ordinance that would require the establishment of a buffer/landscape planting area. As currently proposed, the buffer area would be required in four zones (C1P, C3, M1, and M2) when new non-residential projects are built adjacent to residentially zoned properties. (In the buffer area, the amount of impervious surface would be limited. For example, the area could not be paved or used for vehicle parking and it would have to be planted in grass.)

Hazard Targeted:	Flood
Document Reference, If applicable:	Chapter 30 (Zoning Ordinance), Article IX (Landscape Standards), Section 30-282.1 (proposed new section)
Goals Addressed:	Goal 1
New, Continuation, Amendment:	New buffer/landscape planting area requirements in Zoning Ordinance: Completed on July 24, 2006. (These requirements have been included in the new Unified Development Ordinance, which was adopted on December 13, 2010. Upon implementation, the UDO will replace the existing Zoning Ordinance.) New Stormwater Ordinance: Completed on May 26, 2009 (effective on July 1, 2009).
Strategy Categories:	Prevention and Natural Resource Protection
Priority:	High
Geographic Area:	Entire City
How the Action Will Mitigate the Hazard:	Will limit the amount of impervious surface, which should prevent runoff and flooding.
How the Action Will Reduce Overall Vulnerability:	Should reduce vulnerability of both existing and future development.
Will the Action Be Cost Effective?	Yes
Will Action Be Environmentally Sound?	Yes
Will the Action Be Technically Feasible?	Yes
Funding:	Not relevant
Person or Department Responsible for Implementation:	The Planning Staff has started the ordinance revision process. Technical Review Committee staff will be responsible for enforcing.
Projected Duration:	Permanent - ongoing
Implementation Start Date:	Began on November 18, 2003
Implementation Completion Date:	June 30, 2004
Benchmarks & Indicators of Progress (Re: Effectiveness):	Monitor the performance of the Technical Review Committee (TRC) in applying the buffer/landscape code. On May 26, 2009, the City adopted a new Stormwater Ordinance (effective on July 1, 2009) which includes provisions for minimizing disturbance of buffer areas adjacent to streams, minimizing impervious surfaces and promoting alternative methods and materials for parking surfaces. Also, a new Unified Development Ordinance was adopted on December 13, 2010 (effective on July 1, 2011) which requires submittal of a fully articulated site plan for all buildings of 2,500 feet or greater. This will extend the influence of the Stormwater Ordinance.

ACTION 6: *The City Should Make The City Flood Damage Prevention Ordinance As Similar As Possible To The County Flood Damage Prevention Ordinance.*

Background: Both the City of Fayetteville and Cumberland County has a Flood Damage Prevention Ordinance. These two documents are now largely the same.

Hazard Targeted:	Flood
Document Reference, If applicable:	Chapter 12 of City Code (Flood Damage Prevention Ordinance)
Goals Addressed:	Goal 1
New, Continuation, Amendment:	Adoption of City Ordinance That Is Similar to County Ordinance: Completed on October 23, 2006 (effective January 5, 2007)
Strategy Categories:	Prevention
Priority:	Medium
Geographic Area:	Flood Hazard Area
How the Action Will Mitigate the Hazard:	Not applicable
How the Action Will Reduce Overall Vulnerability:	Not applicable
Will the Action Be Cost Effective?	Yes
Will Action Be Environmentally Sound?	Yes
Will the Action Be Technically Feasible?	Yes
Funding:	Not relevant
Person or Department Responsible for Implementation:	Planning Staff
Projected Duration:	Long term Policy Change
Implementation Start Date:	January 1, 2005
Implementation Completion Date:	January 5, 2007
Benchmarks & Indicators of Progress (Re: Effectiveness):	The differences in the ordinances have been reconciled. The City and County have adopted essentially the same standards. Each jurisdiction prefers to maintain and enforce its own ordinance.

ACTION 7: *The City Should Investigate The Possibility Of Participating In The Community Rating System (CRS) Program.*

Background: The benefit of participating in the CRS program is that residents would receive a reduction in their flood insurance premiums. Some time ago, the City of Fayetteville Inspections Department Staff considered participating in the CRS program. The Inspections Staff decided not to participate, because the allocation of City resources (i.e., manpower) was not expected to justify the expected benefits. However, the City now has GIS technology. Also, the City has now prepared this draft Hazard Mitigation Plan. Based on these factors, it might now be appropriate for the City to participate in the CRS program.

Hazard Targeted:	Flood
Document Reference, If applicable:	Not applicable
Goals Addressed:	Goal 1, Goal 2, and Goal 3
New, Continuation, Amendment:	Deferred. No work has been done on this action since it was first proposed as a "New initiative."
Strategy Categories:	Prevention, Property Protection, Natural Resource Protection, Public Information
Priority:	Low
Geographic Area:	Flood Hazard Area and Entire City
How the Action Will Mitigate the Hazard:	Participating in the CRS program would obligate the City to go through many of the same steps used in this Plan.
How the Action Will Reduce Overall Vulnerability:	Participating in the CRS program may allow residents to be eligible for a reduction in flood insurance premiums.
Will the Action Be Cost Effective?	Yes
Will Action Be Environmentally Sound?	Yes
Will the Action Be Technically Feasible?	Yes
Funding:	General Fund
Person or Department Responsible for Implementation:	Development Services Department
Projected Duration:	Long-term
Implementation Start Date:	January 1, 2005
Implementation Completion Date:	Ongoing investigation
Benchmarks & Indicators of Progress (Re: Effectiveness):	In the next five years the City will investigate the steps and resources necessary to participate in the program. At that point a decision will be made whether or not to participate. At beginning of investigation, City will determine number of properties that would qualify for reduction in flood insurance. If program is started, City will track number of properties that do qualify for reduction.

ACTION 8: *In Order To Promote More Evacuation Routes, The City Should Consider Amending The City Subdivision Ordinance To Require Additional Access Roads For Developments Located Near Potential Hazard-Prone Areas.*

Background: Section 25-31(4a) of the Fayetteville Subdivision Ordinance currently requires that “each lot shall front on a public street or highway.” It can be assumed that this requirement means that a proposed subdivision must have at least one access road. The City’s subdivision ordinance does not require that a proposed subdivision have additional access roads. Single-entry neighborhoods can be dangerous if the path of exit is blocked by floodwaters or wildfires. Providing additional means of access or breakaway gates would lessen this risk.

Hazard Targeted:	All hazards (Flooding, Hurricanes, Tornadoes, Thunderstorms, Winter Storms, Wildfires, Drought, Extreme Heat and Earthquakes, especially flood and wildfire)
Document Reference, If applicable:	Section 25-31(4) a of Fayetteville Subdivision Ordinance
Goals Addressed:	Goal 1
New, Continuation, Amendment:	Deferred, pending development of a new Unified Development Ordinance. New UDO: Completed December 13, 2010 (effective July 1, 2011).
Strategy Categories:	Prevention, Property Protection
Priority:	Medium
Geographic Area:	Entire City of Fayetteville
How the Action Will Mitigate the Hazard:	Will provide additional means of access into single-entry neighborhoods, in order to prevent residents from being trapped in a hazardous area during a wildfire, flood or any other disaster.
How the Action Will Reduce Overall Vulnerability:	Vulnerability of existing single-entry neighborhoods would not be reduced, unless new access streets are added. Vulnerability of future neighborhoods would be reduced, because they would not be allowed to have single entry.
Will the Action Be Cost Effective?	Yes
Will Action Be Environmentally Sound?	Yes
Will the Action Be Technically Feasible?	Yes
Funding:	Not applicable
Person or Department Responsible for Implementation:	Planning Department initiate ordinance amendment and enforcement will be by the Inspections Department
Projected Duration:	Long-term policy change
Implementation Start Date:	July 1, 2005
Implementation Completion Date:	The goal is to adopt and implement the UDO in this fiscal year.
Benchmarks & Indicators of Progress (Re: Effectiveness):	A new Unified Development Ordinance, containing new subdivision standards for external connectivity and development points, was adopted on December 13, 2010, with an effective date of July 1, 2011. Determine number of existing single entry neighborhoods in the City. Determine number of housing units in these neighborhoods. A map has been generated showing locations in the community with less than appropriate access points.

ACTION 9: *The City Should Encourage Electrical Utilities Other Than PWC To Expand Their Tree Pruning Programs. (The PWC Tree-Pruning Program Is Adequate.)*

Background: The City's Public Works Commission (PWC) provides electrical service to most of the City. In those areas, PWC has an adequate tree-pruning program. However, other utilities provide electrical service in certain areas. Those other utilities need to be encouraged to expand their tree pruning programs.

Hazard Targeted:	Winter storms and high wind events (hurricanes, tornadoes, thunderstorms)
Document Reference, If applicable:	
Goals Addressed:	Goal 1 and Goal 2
New, Continuation, Amendment:	Deferred. No work has been done on this action since it was first proposed as an "Expansion of current tree pruning programs offered by utilities other than PWC."
Strategy Categories:	Prevention and Property Protection
Priority:	Medium
Geographic Area:	Areas of the City served by electrical utilities other than PWC
How the Action Will Mitigate the Hazard:	Pruning tree limbs hanging in street right-of-ways will prevent trees from damaging utility wires during winter storms or high wind events
How the Action Will Reduce Overall Vulnerability:	Will help prevent power outages when hazards occur.
Will the Action Be Cost Effective?	Yes
Will Action Be Environmentally Sound?	Yes-but care should be taken to trim no more than necessary to preserve shade and beauty that a full tree offers.
Will the Action Be Technically Feasible?	Yes
Funding:	Rate payers of electrical utilities other than PWC
Person or Department Responsible for Implementation:	The City will initiate contacts with officials of electrical utilities other than PWC. It will be up to the other utilities to implement.
Projected Duration:	Long-term
Implementation Start Date:	January 1, 2005
Implementation Completion Date:	June 30, 2005
Benchmarks & Indicators of Progress (Re: Effectiveness):	Staff will contact all electric utilities operating in the City to discuss a strategy. One possible strategy is to request that all electric utilities operating in the City report on their general maintenance activities annually.

ACTION 10: *The City Should Enhance Multilingual Information Brochures About Hazards And Distribute These Brochures In Neighborhoods With High Concentrations Of Foreign-Born Populations.*

Background: The County Emergency Management Coordinator's Office already has multilingual brochures available in some languages. Efforts should be made to determine if brochures are needed in other languages. The City will identify neighborhoods, other concentration areas, and organizations with foreign-born populations, and distribute the appropriate language brochures.

Hazard Targeted:	All hazards (Flooding, Hurricanes, Tornadoes, Thunderstorms, Winter Storms, Wildfires, Drought, Extreme Heat and Earthquakes)
Document Reference, If applicable:	Not applicable
Goals Addressed:	Goal 3
New, Continuation, Amendment:	Continuation/expansion of existing outreach efforts
Strategy Categories:	Public Information
Priority:	Medium
Geographic Area:	Entire City
How the Action Will Mitigate the Hazard:	Will provide multilingual information about hazards to residents, business owners, potential property buyers, and visitors. This information should help them protect themselves and their property.
How the Action Will Reduce Overall Vulnerability:	Should reduce risk for foreign-born people who live in hazard-prone areas.
Will the Action Be Cost Effective?	Yes
Will Action Be Environmentally Sound?	Yes
Will the Action Be Technically Feasible?	Yes
Funding:	General Fund
Person or Department Responsible for Implementation:	Human Relations Department with possible collaboration with the Community Development Department.
Projected Duration:	Long-term
Implementation Start Date:	January 1, 2005
Implementation Completion Date:	Ongoing
Benchmarks & Indicators of Progress (Re: Effectiveness):	City staff will evaluate the steps and resources necessary to carry out this program and present their findings to the administration and Council as appropriate. Possible steps include: Identify neighborhoods, other concentration areas, and organizations of foreign-born populations. Track the number of brochures distributed.

ACTION 11: *The City Will Maintain The Special GIS Database That Was Developed For The City's Plan. The Database Could Then Be Used To Assess Damages From Future Hazardous Events That Might Occur In The City And To Update The Plan.*

Background: The City Planning Department developed a special GIS database for the City's Plan. The special GIS database was based on normal tax records (name of owner, value, etc), plus two new items: a building count for each tax record and a land use code for each tax record. The Planning Staff added data regarding critical facilities (name, type, and number) and housing units (type, number of units, name of apartment complex). This database was joined to another database prepared by the Fayetteville Area Metropolitan Planning Organization (FAMPO) that included the number of employees per tax record.

Hazard Targeted:	All hazards (Flooding, Hurricanes, Tornadoes, Thunderstorms, Winter Storms, Wildfires, Drought, Extreme Heat and Earthquakes)
Document Reference, If applicable:	Not applicable
Goals Addressed:	Goal 1, Goal 2, Goal 3
New, Continuation, Amendment:	Maintaining original database (developed for original Plan): Deferred. Maintaining database developed for update to Plan: Continuation (needs to be updated continuously).
Strategy Categories:	Prevention, Property Protection, Natural Resource Protection, Public Information
Priority:	High
Geographic Area:	Entire City of Fayetteville and Flood Hazard Areas
How the Action Will Mitigate the Hazard:	Will help identify parcels, buildings, and critical facilities in hazardous locations
How the Action Will Reduce Overall Vulnerability:	Will help make existing development safer. Will help prevent new development in vulnerable locations.
Will the Action Be Cost Effective?	Yet to be determined, although it appears it would be if proper procedures and responsibilities are determined and implemented.
Will Action Be Environmentally Sound?	Yes
Will the Action Be Technically Feasible?	Yes
Funding:	General Fund
Person or Department Responsible for Implementation:	Development Services Department or Information Technology Department GIS Analyst
Projected Duration:	Long-term
Implementation Start Date:	January 1, 2005
Implementation Completion Date:	Yet to be determined.
Benchmarks & Indicators of Progress (Re: Effectiveness):	The City needs to devise a strategy to maintain the subject database across several different departments. City staff will evaluate the procedures and resources necessary to carry out this program and present their findings to the administration and Council as appropriate. Assuming the database is maintained, this might involve: Determine the number of records in database. Track the number of records updated annually. Track the number of records added through annexation.

ACTION 12: *The City Should Ask The County To Develop A Geographic Identifier For Individual Buildings. This Would Allow GIS Users To Link Tabular Tax Information About Buildings To The Individual Buildings.*

Background: In preparing the special GIS database for the Plan, the Planning Staff learned that the County Tax Records currently lack a geographic identifier for individual buildings. Although there is tabular tax information about individual buildings, it cannot be linked to the actual building at this time in GIS, due to the lack of a geographic identifier. A geographic identifier is needed, especially on parcels with more than one building.

Hazard Targeted:	All hazards (Flooding, Hurricanes, Tornadoes, Thunderstorms, Winter Storms, Wildfires, Drought, Extreme Heat and Earthquakes)
Document Reference, If applicable:	Not applicable
Goals Addressed:	Goal 1, Goal 2, Goal 3
New, Continuation, Amendment:	Re: Original Action Item #12 of "Adding a geographic identifier (and keeping it current)": Deferred. (No work has been done on this item, which was originally considered a "new initiative.") However, the City would like to modify this item to call for a new initiative , the development and maintenance of a new building footprint layer.
Strategy Categories:	Prevention, Property Protection, Natural Resource Protection, Public Information
Priority:	High
Geographic Area:	All of Cumberland County
How the Action Will Mitigate the Hazard:	Will help identify individual buildings and individual critical facilities in hazardous locations.
How the Action Will Reduce Overall Vulnerability:	Will help make existing development safer. Will help prevent new development in vulnerable locations.
Will the Action Be Cost Effective?	While the full evaluation has not been conducted, we believe the answer will be yes.
Will Action Be Environmentally Sound?	Yes
Will the Action Be Technically Feasible?	Yes
Funding:	City and/or County General Fund
Person or Department Responsible for Implementation:	City Planning Department or City GIS Analyst could initiate request to County. County Tax Department staff would develop the geographic identifier.
Projected Duration:	Long-term
Implementation Start Date:	January 1, 2005
Implementation Completion Date:	December 31, 2009
Benchmarks & Indicators of Progress (Re: Effectiveness):	The City would like to modify this Action Item #12 to call for the development and maintenance of a new building footprint layer, not just the development of a geographic identifier for each building. According to Hope Morgan, the state will finally be completing a new building footprint layer for Cumberland County by the end of 2010. This new building footprint layer, maintained locally, could serve as the basis for the County Tax Department and/or the County Addressing Department to develop the proposed geographic identifier. That would enable the desired link between tax and other information in GIS. Procedures will need to be established to ascertain that geographic identifiers for new buildings developed are assigned routinely to the database.

ACTION 13: *The City Consider Options To Reduce The Risk Of Flooding For City-Owned Buildings That Are Located In Flood Hazard Areas.*

Background: The Vulnerability Assessment for the City of Fayetteville shows that a significant percentage of public buildings and/or critical facilities are located in the defined flood hazard area defined in this Plan. The City owns some of these public buildings and/or critical facilities. For example, the City owns a building on Alexander Street that serves as the computer center for the traffic signal synchronization project. This City-owned building was flooded in the flood of 9/15/89. The City could consider options for reducing the risk such as flood proofing and building elevation.

Hazard Targeted:	Flood
Document Reference, If applicable:	Not applicable
Goals Addressed:	Goal 1, Goal 2
New, Continuation, Amendment:	Re: "The implementation of options to reduce the risk of flooding for City-owned buildings": Deferred. (No work has been done on this item, which was originally considered a "new initiative.")
Strategy Categories:	Property Protection
Priority:	High
Geographic Area:	Flood Hazard Areas
How the Action Will Mitigate the Hazard:	Would protect buildings by modifying them to withstand a flood.
How the Action Will Reduce Overall Vulnerability:	Will help make existing buildings safer.
Will the Action Be Cost Effective?	Yes
Will Action Be Environmentally Sound?	Yes
Will the Action Be Technically Feasible?	Yes
Funding:	General Fund, City Capital Project Fund
Person or Department Responsible for Implementation:	City Planning Department would initiate action. City Staff preparing the Capital Improvements Plan (CIP) would include this action in the Plan.
Projected Duration:	Long-term
Implementation Start Date:	January 1, 2005
Implementation Completion Date:	December 31, 2009
Benchmarks & Indicators of Progress (Re: Effectiveness):	City staff will evaluate the procedures and resources necessary to carry out this program and present their findings to the administration and Council as appropriate. Depending on the findings, a prioritized action list could be established. The evaluation might involve the following steps: Verify number of City-owned buildings that are in flood hazard areas. Determine number of buildings that need to have a reduction in flood risk. Track number of buildings annually that actually receive a reduction in flood risk.

MONITORING IMPLEMENTATION

The preceding Mitigation Strategies and Actions Section of this report described the implementation process for each City of Fayetteville mitigation action and status of implementation as part of this Update. For each City action, the following implementation information was provided: the person or department responsible for implementation, the projected duration of implementation, the implementation start date, the implementation completion date, and the possible funding sources. Incorporation of the Hazard Mitigation Plan into planning documents would be handled by the Planning staff, ensuring that the goals, objectives and strategies of these documents would be consistent with the Hazard Mitigation Plan and would not increase hazard vulnerability or decrease hazard capability of the City of Fayetteville. The Fayetteville Planning Commission would receive these planning documents for review and approval (This Commission is part of the Cumberland County Hazard Mitigation Steering Committee). These review comments are forwarded to the Fayetteville City Council for consideration prior to their review and adoption of such documents. The public will have an opportunity to provide input at public hearings held by the Fayetteville Planning Commission and Fayetteville City Council.

It is recommended that the City of Fayetteville Departments that participated in developing the Plan and this Update continue to be responsible for monitoring the implementation of the actions. The Departments should meet regularly to monitor implementation (semi-annually is recommended as an effective, more efficient cycle). Prior to each meeting, the Planning staff will ask the individuals and Departments responsible for implementing each action to prepare a brief progress report on implementation. At the meetings, each City mitigation action will be assessed to determine if the actions are being implemented within the time assigned frame. The Planning and Zoning Division will prepare an implementation report, and submit it to the City Administration.

EVALUATING, AND REPORTING PROGRESS

In addition to monitoring the implementation of each City action, it is important to regularly evaluate the effectiveness of the Plan. It is also important to update the vulnerability and capability assessments, to continue public involvement, and to prepare a “plan maintenance report”.

It is recommended that the City Planning and Zoning Division be responsible for reporting the effectiveness of the individual actions on an annual basis, beginning in January 2006. In assessing the effectiveness of the individual actions, the Planning and Zoning Division will use the benchmarks and indicators of progress for each Action that were listed in the Mitigation Goals, Strategies and Actions Section of this document. Similarly, the vulnerability and capability assessments will be reviewed by the Planning and Zoning Division on an annual basis.

In theory, updating the vulnerability assessment should show whether the City’s level of vulnerability is increasing, decreasing, or remaining stable. However, information from the update will not be directly comparable with the original vulnerability assessment, due to two reasons. First, due to annexation, the City boundaries used in the update are different from the City boundaries used in the original vulnerability assessment. This means that the total number of buildings in the City is higher in this Update is done. Secondly, assuming that the new flood maps will be more accurate than the current maps, the boundary of the defined flood hazard area to be used in the update is different from the boundary used in the original vulnerability assessment.

The next update of the vulnerability assessment will be done after the City receives the new building footprints from the State. Currently, the City has no up-to-date building footprint information available

digitally, so all buildings on a parcel where any portion of the parcel is within the 100-year floodplain are treated as if they are within the flood hazard area, even though many buildings counted this way actually are not.

The City should continue to solicit and encourage public involvement in the hazard mitigation planning process. There are several ways to continue public involvement. The Fayetteville Planning Commission should require an annual report from the Planning and Zoning Division on the status of the Plan at a public hearing. Fayetteville's Hazard Mitigation Plan will be posted on the City's website that will allow the public to email feedback. A copy of the Plan will be made available at various public sites, such as libraries, recreation centers, and/or neighborhood resource centers. Comments and suggestions will be solicited at these public sites. Fayetteville should consider adding questions about natural hazards to the City's bi-annual citizen survey form.

It is recommended that the Planning and Zoning Division be responsible for preparing an Annual Hazard Mitigation Plan Maintenance Report. This report should be based on the information discussed above beginning in February 2006. This report should be submitted to the City Manager. The report should include: whether actions are being implemented on schedule, whether indicators and benchmarks of progress are being met, and whether the level of vulnerability in the City has improved, remained stable, or gotten worse. The report should also include recommendations for changes, deletions, or additions to the actions in the Plan. These recommendations will reflect changing conditions in the City, as detected by the updated capability assessment.

The information in the Annual Plan Maintenance Report will be used by the City Manager to set priorities for the City's annual budget process. The information will also be used by the City Manager in making recommendations to City Council for revisions and updates to the Plan.

REVISION AND UPDATES

The City of Fayetteville will update the Plan every five years or as needed. The following procedures will be followed in the updating and revision process. The Planning and Zoning Division will prepare and submit the Fayetteville Annual Hazard Mitigation Plan Maintenance Report to the City Manager. The City Manager will review the report and then present the findings and recommendations for revisions and/or updates to the City Council. The City Council will decide whether or not to authorize the preparation of an updated or revised plan. Upon authorization from the City Council the Planning and Zoning Division will prepare the updated Plan, submit it to the North Carolina Department of Environmental Management and FEMA for review and approval. It will then be presented to the City Council for final approval and a copy forwarded the Cumberland County Emergency Services Department as the City of Fayetteville Hazard Mitigation Plan Update and part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update.

The final step in preparing the City of Fayetteville's Hazard Mitigation Plan Update is approval by the City Council. The Fayetteville City Council will hold a public hearing on the Plan Update allowing additional opportunity for public input, make changes if necessary, and pass a resolution of adoption.

Resolution

WHEREAS, the City of Fayetteville desires to remain eligible for the State and Federal disaster relief funds in the event of a declared disaster in the Town; and

WHEREAS, the Fayetteville City Council recognizes the value of having a Plan in place for identifying, prioritizing, and mitigating potential and real hazards that could affect the Town of Eastover; and

WHEREAS, the Fayetteville Planning Commission Staff, have prepared a Fayetteville Hazard Mitigation Plan as part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update and have revised the Plan as suggested by the North Carolina Division of Emergency Management after its submittal to all appropriate government entities for review and comments; and

WHEREAS, the North Carolina Division of Emergency Management has endorsed the Fayetteville Hazard Mitigation Plan as part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update; and

NOW, THEREFORE, BE IT RESOLVED by the Fayetteville City Council that it adopts the Fayetteville Hazard Mitigation Plan as part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update; and

BE IT FURTHER RESOLVED that the Fayetteville City Council resolve to annually review the Plan and make revisions to all sections regarding the City of Fayetteville as part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update when new data and information becomes available, as mitigation measures are achieved, and as mitigation strategies evolve; and

FURTHER, that City may update and revise the Fayetteville Hazard Mitigation Plan as part of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update as it relates to the City of Fayetteville but does not affect any other jurisdiction. If any revision, update or amendment involves another jurisdiction, the updates and revisions must be approved by the governing body of the affected jurisdiction. Copies of any revision, amendment or update to the Plan by the City of Fayetteville must be kept on file with their Clerk and with the Cumberland County Emergency Services Department and added to the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update; and

FURTHER, that administrative changes, wording corrections, the hazard analysis, and vulnerability assessment or other such portions of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan Update, do not require additional action by the Fayetteville City Council.

Adopted _____ day of _____, 2011

Attest:

City of Fayetteville, Clerk

Mayor, City of Fayetteville

VULNERABILITY ASSESSMENT

In preparing the vulnerability assessment, the Planning staff followed the tasks set forth in the State's guidebook. The vulnerability assessment for the City of Fayetteville included an examination of the following topics:

- Description of GIS Database
- Description of Critical Facilities and Public Buildings
- Description of Hazardous Locations
- Current and Future Vulnerability

Description of GIS Database

For the original plan, a special GIS database was developed for the vulnerability assessment of the City. A database of tax records was downloaded from the Cumberland County mainframe computer in January 2003. This database was a point file and it contained the normal tax data for each record, such as name of owner, value of property, etc. It also contained a special attribute needed for the plan (the number of buildings). Since the original plan was developed, the County Tax Department has added the attribute of number of buildings to the parcel shapefile that is made available to all users. Therefore, in preparing the GIS database for the update, the staff used a shapefile of county tax parcels, rather than a special download of data from the Cumberland County mainframe computer. The specific shapefile used was named, "parcels_52510." There were 134,003 records in this shapefile. This shapefile was a "region" file, which means that when a parcel is split by a road or other feature, the various parts of the parcel are considered to be one entity. According to the parcel shapefile used in the update, there are 75,794 tax parcels located within the City of Fayetteville, as defined by the January 25, 2010 boundaries. As in the case of the original plan, in preparing the update, the City staff added additional information to the database, such as data regarding critical facilities (name, type, and number) and data regarding housing units (type, number of units in buildings, name of apartment complexes, etc.). The City staff also joined the parcels 52510 shapefile to a separate file that included the number of employees per parcel. The employment data was compiled by the Fayetteville Area Metropolitan Planning Organization (FAMPO) after the original plan was prepared. The staff also added special sources of data, such as the number of students enrolled in Cumberland County Schools located within the City, and the number of staff members assigned to each school within the City.

Description of Critical Facilities and Public Buildings

Critical facilities are essential to the health, safety, and viability of a community. These are the buildings, services, and utilities without which residents and businesses cannot survive for long, such as hospitals, police stations, fire stations, and sewage treatment facilities. Critical facilities may be publicly owned, nonprofit-owned, or even privately owned.

The City staff has identified a total of 285 critical facilities/public buildings within the City of Fayetteville, based on the boundaries of the City as of January 25, 2010. The location of some of these facilities is shown on **Map 10 - Fayetteville Critical Facilities Location**. The 285 critical facilities identified in this update may be compared to the 271 critical facilities mentioned in the original plan. The increase in the number of critical facilities can be explained primarily by the growth of the area of the City through annexation. Definitional changes also account for some of the differences. For example, in the original plan, day care centers were considered critical facilities (a subcategory of schools). However, in the update, day care centers were not identified as critical facilities.

The GIS database developed for this update contains information about each critical facility, such as the ownership, the type, the name, the parcel identification number, the number of buildings associated with the critical facility, the number of critical facilities associated with the tax record, the current replacement value, the current value (the sum of building value and the extra feature value), the situs address, and the total number of people associated with the critical facility. Additional information about critical facilities is contained in Tables 11 and 13 and in Appendix B – Critical Facilities Ranking.

Description of Hazardous Locations

The hazardous locations within the City of Fayetteville are based on the established flood hazard areas. The flood hazard areas are along the Cape Fear River and along various streams that flow into the Cape Fear River. These areas were originally delineated on the paper Flood Insurance Rate Maps, prepared by FEMA. Later, these areas were converted to the Q3 digital maps. In 2007, the City received a new digital version of flood maps. These new digital maps are considered to be much more accurate than the Q3 maps, and the new digital maps have been used in this update.

Description of Geographic Planning Area

The vulnerability assessment was for the entire jurisdictional area of the City of Fayetteville (based on City of Fayetteville boundaries as of January 25, 2010). All of the hazards could impact the entire City, however special attention was devoted to flood hazard areas due to the frequency of flooding in the past. Flood hazard areas were defined using GIS. The new digital flood maps were used instead of the Q3 boundaries (which were used in the original plan). In the original plan, a 250 foot buffer was delineated outside of the Q3 boundaries of the 100-year flood zone. In the update, no such 250 foot buffer was delineated, because the new digital flood maps were considered to be more accurate. In the update, all parcels that intersected the 100 year flood zone boundary were considered to be in the flood area.

Current Conditions

Information compiled for the City of Fayetteville through GIS, tax records, existing studies, zoning and subdivision regulations, past records, and data from other Federal, State and local agencies shows vulnerable facilities and special populations. Tables 10, 11, 12, and 13 provide a summary of both current conditions and potential future conditions in the City of Fayetteville. Table 14 provides a simple summary of the total number of buildings in Fayetteville and the current vulnerability of buildings to flooding.

A total of 68,910 buildings have been identified as being within the City of Fayetteville, as of January 25, 2010. In the GIS shapefile, the number of buildings on the 75,794 tax parcels located in the City was actually 68,834. Thus, there is a discrepancy of 76 buildings. This discrepancy can be explained by two reasons. One, for the parcel where the Cross Creek Sewage Treatment Plant is located, no buildings were shown in the parcel shapefile for this parcel. To correct for this missing data, a total of 13 buildings from the original plan for this parcel were added to the parcel shapefile manually. Two, the 63 buildings in the category of Hazard Materials Facilities are being counted two times. These two reasons explain the discrepancy of 76 buildings, and they support the City staff's conclusion that there are 68,910 buildings in the City.

In the original plan, a total of 47,243 buildings were identified as being within the City of Fayetteville. The number of buildings has increased by 21,667 buildings (68,910 buildings in this update minus 47,243 buildings in the original plan). The increase in the number of buildings is due to two factors: the City has grown considerably through annexation, and new development has added to the number of buildings.

As shown in **Table 14 – Fayetteville Summary of Current Buildings Vulnerability**, out of the 68,910 buildings in the City, a total of 67,617 buildings are in the category of privately-owned, and 1,293 are in

the category of publicly-owned. It has been estimated that 3,577 buildings in Fayetteville are located within the defined flood hazard area. These buildings make up 5.19 percent of all buildings in Fayetteville.

Tables 10 and 11 provide more details about the total number of buildings in Fayetteville. **Table 10 – Fayetteville Private Buildings Vulnerability Assessment** focuses on privately-owned buildings. **Table 11- Fayetteville Public Buildings & Critical Facilities Vulnerability Assessment** focuses on publicly-owned buildings, buildings associated with critical facilities, and infrastructure.

As shown in Table 10, the 67,617 privately-owned buildings in Fayetteville have a current value of over 8.6 billion dollars. It has been estimated that there are 223,483 people associated with these buildings. Most of these people either live in the residential buildings or they are employees in businesses,

As shown in Table 11, the 1,293 publicly-owned buildings in Fayetteville have a current value of over 1.6 billion dollars. It has been estimated that there are 54,581 people associated with these buildings. Most of these people are employees of businesses, students in schools, students living on campus at higher-education schools, or occupants of group quarters (such as nursing homes). Some of the publicly-owned buildings and critical facilities are shown in Map 10.

Table 11 also provides data about infrastructure in the City of Fayetteville. The current value of infrastructure is estimated at over 2.5 billion dollars. The total value of both publicly-owned buildings and infrastructure is over 4.1 billion dollars.

Table 11 also provides a summary of the value of all buildings (both public and private) and of all infrastructure in the City of Fayetteville. The total is over 12.7 billion dollars.

Tables 12 and 13 both pertain to the buildings that have been identified as being located in the defined flood hazard area. **Table 12 – Fayetteville Private Buildings Flood Vulnerability Assessment** provides information about the privately-owned buildings in the flood hazard area, while Table 13 provides information about the publicly-owned buildings and infrastructure in the flood hazard area.

As shown in Table 12, 3,205 privately-owned buildings have been identified in the flood hazard area. These buildings have an estimated current value of over 563 million dollars. Over 17,000 people are associated with these buildings. Most of these people are occupants of residential buildings and employees of businesses.

The City of Fayetteville has had 5 structures designated as repetitive loss structures. Four of these structures were residential while one was commercial. The “as of date” for these structures was 12/31/03.

As shown in Table **13 – Fayetteville Public Buildings & Critical Facilities Flood Vulnerability Assessment**, 372 publicly-owned buildings have been identified in the flood hazard area as shown in **Map 11 – Fayetteville Buildings & Critical Facilities Within the Flood Prone Areas**. These buildings have an estimated current value of over 400 million dollars. Over 13,000 people are associated with these buildings. Most of these people are occupants or residential buildings, students living on-campus at higher education schools, and employees of businesses. Some of the publicly-owned buildings and critical facilities are shown in Map 11.

Table 13 also provides information about infrastructure within the City of Fayetteville that is located within a defined flood area. Over 200 million dollars worth of infrastructure is located within a flood hazard area.

Table 13 also gives a summary of the value of all buildings and infrastructure within a flood hazard area in Fayetteville. The total is over 1.2 billion dollars.

Table 14 provides a summary of the buildings in Fayetteville, in terms of the total number of buildings and the vulnerability of buildings in Fayetteville to flooding.

It should be noted that within the category of privately-owned buildings, industrial buildings tend to be the most vulnerable to flooding. For example, almost 14 percent of industrial buildings are located on a parcel that is intersected by a flood boundary.

Within the category of publicly-owned buildings, 100 percent of buildings associated with sewage treatment plants and water treatment plants are located on parcels that are intersected by a flood boundary. However, this should come as no surprise, because these types of facilities need to be located near a water body such as a lake or river.

It should be noted that over 32 percent of buildings associated with schools are located within a flood hazard area. This percentage is high because this includes the buildings on the Methodist University campus, Fayetteville State University campus, the Douglas Byrd High School/Middle School campus, and the Westover High School/Middle School campus. In each case, the campus is intersected by a flood hazard boundary from a nearby water body, causing all buildings on each campus to be tabulated as being in a flood hazard area. In reality, most buildings on each campus appear to be built on land that is high enough not to be in a flood hazard area.

Development Trends and Projections

Development trends that may impact hazard mitigation include the direction of growth, current zoning and future land use. The City is growing to the west, southwest, and north primarily through annexation. Factors in the City that may impact future development include the construction of the Outer Loop, utility extensions, and policies that promote infill development.

Fayetteville zoning districts include residential, office and professional, commercial, industrial, agricultural, and others. Residential districts can be classified into three density categories: low density (allows more than 2 but less than 6 units per acre), medium density (allows 6 or more but less than 15 units per acre), and high density (allows 15 or more units per acre). The individual zoning districts are shown on **Map 12-Fayetteville Zoning Map**.

Here is a summary of zoning district acreage in the City of Fayetteville:
The City's Conservation District (CD) makes up about 824 acres.

The City's Agricultural-residential zoning district (AR) makes up about 6,166 acres.

Here is a summary of residential zoning acreage data: Low density residential districts (PND, R10, R15) make up about 28,426 acres. Medium density residential districts (R6, R6MH, MHPD and R5A) make up about 10,048 acres. High density residential districts (R5) make up about 1,971 acres.

Here is a summary of nonresidential zoning acreage data: Office and professional districts (P1, P2, P3, P4) make up about 1,005 acres. Commercial districts (C1, C1P, C1A, C2, C2P, C2S, C3, and CU) make up about 6,870 acres. Manufacturing districts (M1 and M2) make up about 3,325 acres.

In addition, about 209 acres in the City are zoned as Mixed Use.

In addition, the City has one acre zoned in a Tower Overlay District (TOD).

The land in the City's Airport is unzoned; this includes around 1,088 acres.

It should be noted that the zoning acreage data presented above is based on the City's GIS zoning layer, which was last updated around August 1, 2010.

The proposed land use for the City of Fayetteville is shown on **Map 13 - Fayetteville Land Use Plan Map**. This map indicates the community's vision for the future use of land, as specified in the 2010 Land Use Plan, which was adopted in 1996. The 2010 Land Use Plan map classifies land in the City of Fayetteville (without Fort Bragg) as follows: 7,432 acres are classified as open space, recreation and environmental corridor; 103 acres as one acre lots; 399 acres as suburban density residential; 27,110 acres as low density residential; 9,551 acres as medium density residential; 406 acres as high density residential; 1,254 acres as office & institutional; 2,511 acres as governmental; 2,473 acres as industrial; 5,205 acres as commercial; 2,327 acres as downtown; and 1,025 acres as activity node. An additional 38 acres are classified as range and training; this land is located along the western side of McArthur Road and it is owned by Fort Bragg. An additional 40 acres are designated as "policy-directed" commercial or O&I categories. The City of Fayetteville created these special categories for an area along Hope Mills Road.

The "2030 Growth Vision Plan-Policies and Actions" document has also been adopted by the City of Fayetteville. This plan includes a 2030 Growth Strategy Map, but this map is highly generalized; it only has five categories. Most of the City of Fayetteville falls within the category of "Urban." Areas located in newly-annexed areas on the western side of the City are in the category of "Urban Fringe." Areas along streams are in the category of "Conservation Area."

Projections of future buildings, value, and people are shown in Tables 10, 11, 12, and 13.

As shown in Table 10, it is projected that by the year 2025, there might be almost 75,000 privately-owned buildings in Fayetteville. This represents an increase in round 7,000 buildings. This number was calculated by considering expected future development by land use type. Each land use type was given an assumed rate of growth into the future.

As shown in Table 11, it is projected that by the year 2025, there might be around 1,400 publicly-owned buildings in Fayetteville. This represents an increase of a little over 100 buildings. Some publicly-owned critical facilities are not expected to add any buildings, while others are expected to add buildings at a rate similar to the rate of expected private residential building growth.

As shown in Table 11, the total number of buildings is projected to be a little over 76,000 in the year 2025. This represents an increase of around 7,200 buildings.

As shown in Table 12, it is projected that by the year 2025, there will be a small amount of growth (150 buildings) in privately-owned buildings in flood hazard areas. According to staff members familiar with local development trends, around 10 buildings per year get built in flood hazard areas; 95 percent of these tend to be residential.

As shown in Table 13, no additional publicly-owned buildings or critical facilities are expected to be built in the flood hazard areas of the City by the year 2025.

Table 10 - Fayetteville Private Buildings Vulnerability Assessment

Type(s) Hazard: Hurricane, Drought, Thunderstorms, Severe Winter Storms, Tornadoes, Extreme Heat, Wildfires, and Earthquakes

Current Conditions				Potential Future Conditions (Projection Year 2025)		
Type of Development	Number of Existing Private Buildings	* Current Value	Current Number of People	Projected Number of Private Buildings	Projected Value	Projected Number of People
Single-Family Residential	54,652	\$5,841,434,064	128,063	60,773	\$6,495,674,679	142,406
Multi-Family Residential	7,847	\$1,246,236,279	53,134	8,514	\$1,352,166,363	57,650
Commercial	3,533	\$1,255,652,351	33,668	3,780	\$1,343,548,016	36,025
Industrial	575	\$132,489,754	4,970	592	\$136,464,447	5,119
Other	1,010	\$137,550,454	3,648	1,040	\$141,676,968	3,757
Subtotal-Buildings	67,617	\$ 8,613,362,902	223,483	74,699	\$ 9,469,530,473	244,957

*Values and building counts from Fayetteville GIS- January 2010. Current value data does not include any adjustments for the value of contents.
The methodology used in preparing this data is described in Appendix C.

Table 11 - Fayetteville Public Buildings & Critical Facilities Vulnerability Assessment

Type(s) Hazard: Hurricane, Drought, Thunderstorms, Severe Winter Storms, Tornadoes, Extreme Heat, Wildfires, and Earthquakes

Current Conditions				Potential Future Conditions (Projection Year 2025)		
Type of Development	Number of Existing Public Buildings & Critical Facilities	* Current Value	Current Number of People	Projected Number of Public Buildings	Projected Value	Projected Number of People
Sewage Treatment	13	\$4,104,703	39	13	\$4,104,703	39
Water Treatment Plant	13	\$8,970,101	15	13	\$8,970,101	15
Hospital	39	\$241,455,065	5,424	39	\$241,455,065	5,424
School	337	\$653,008,966	36,223	375	\$726,145,970	40,280
Infrastructure (roads, bridges, drainage, dams, and etc.)	Water Lines 5,095,468'	\$458,592,120	N/A	Water Lines - 5,666,160'	\$509,954,400	N/A
	Sewer Lines 5,122,376'	\$768,356,400		Sewer Lines - 5,696,082'	\$854,412,300	
	Streets 5,637,766'	\$1,065,537,774		Streets 6,269,196'	\$1,184,878,044	
	Bridges 80	\$169,000,000		Bridges - 89	\$187,928,000	
	Dams - 44	\$43,600,000		Dams - 49	\$48,483,200	
Police Station	1	\$10,176,558	372	2	\$15,264,837	558
Fire Station	16	\$9,988,557	92	17	\$12,438,557	96
Hazard Materials Facilities	63	\$18,678,435	322	63	\$18,678,435	322
Government offices	196	\$409,282,962	6,012	218	\$455,122,654	6,685
Emergency Shelter	4	\$4,302,935	0	4	\$4,302,935	0
Public Housing	209	\$60,356,904	1,470	209	\$60,356,904	1,470
Private Bldg - Critical	93	\$74,888,352	3,428	103	\$83,275,847	3,812
Non-Profit Bldg - Critical	20	\$14,922,829	227	22	\$16,594,186	252
Public Bldg. not Critical	289	\$121,270,450	957	321	\$134,852,740	1,064
Subtotal-Buildings	1,293	\$1,631,406,817	54,681	1,399	\$1,781,562,934	60,017
Subtotal-Infrastructure		\$2,505,088,294			\$2,785,655,944	
TOTAL:	68,910	\$12,749,856,013	278,064	76,098	\$14,036,749,351	304,974

* Values and building counts from Fayetteville GIS - January 2010. Current value data does not include any adjustments for the value of contents. The methodology used in preparing this data is described in Appendix C.

Table 12 - Fayetteville Private Buildings Flood Vulnerability Assessment

Type(s) Hazard: Flood

Current Conditions				Potential Future Conditions (Projection Year 2025)		
Type of Development	Number of Existing Private Buildings	* Current Value	Current Number of People	Projected Number of Private Buildings	Projected Value	Projected Number of People ^{6,353}
Single-Family Residential	2,217	\$318,890,925	6,050	2,328	\$334,857,047	6,353
Multi-Family Residential	633	\$186,487,098	9,369	664	\$195,619,957	9,828
Commercial	194	\$41,599,046	1,301	198	\$42,456,758	1,328
Industrial	80	\$15,702,215	480	82	\$16,094,770	492
Other	81	\$797,207	99	83	\$816,891	101
Subtotal-Buildings	3,205	\$563,476,491	17,299	3,355	\$589,845,424	18,102

*Values and building counts from Fayetteville GIS- January 2010. Current value data does not include any adjustments for the value of contents.
The methodology used in preparing this data is described in Appendix C.

Table 13 - Fayetteville Public Buildings & Critical Facilities Flood Vulnerability Assessment

Type(s) Hazard: Flood

_ Current Conditions				Potential Future Conditions (Projection Year 2025)		
Type of Development	Number of Existing Public Buildings & Critical Facilities	* Current Value	Current Number of People	Projected Number of Public Buildings	Projected Value	Projected Number of People
Sewage Treatment	13	\$4,104,703	39	13	\$4,104,703	39
Water Treatment Plant	13	\$8,970,101	15	13	\$8,970,101	15
Hospital	0	\$ 0	0	0	\$0	0
School (includes	109	\$257,612,144	9,685	109	\$257,612,144	9,685
Infrastructure (roads, bridges, drainage, dams, and etc.)	Water Lines - 223,664' Sewer Lines -587,628' Streets - 93,487' Bridges - 47 Dams - 30	\$20,129,760 \$88,144,200 \$17,669,043 \$76,600,000 \$29,200,000	N/A	Water Lines - 248,714' Sewer Lines - 653,442' Streets - 103,958' Bridges - 52 Dams - 33	\$22,384,260 \$98,016,300 \$19,648,062 \$85,179,200 \$32,470,400	N/A
Police Station	0	\$0	0	0	\$0	0
Fire Station	1	\$638,970	6	1	\$638,970	6
Hazard Materials Facilities	12	\$7,006,358	14	12	\$7,006,358	14
Government offices	70	\$77,507,040	1,820	70	\$77,507,040	1,820
Emergency Shelter	0	\$0	0	0	\$0	0
Public Housing	117	\$28,699,330	814	117	\$28,699,330	814
Private Bldg – Critical	11	\$14,451,943	551	11	\$14,451,943	551
Non-Profit Bldg – Critical	3	\$3,201,473	55	3	\$3,201,473	55
Public Bldg. not Critical	23	\$4,083,158	41	23	\$4,083,158	41
Subtotal-Buildings	372	\$406,275,220	13,040	372	\$406,275,220	13,040
Subtotal-Infrastructure		\$231,743,003			\$257,698,222	
TOTAL:	3,577	\$1,201,494,714	30,339	3,727	\$1,253,818,866	31,142

*Values and building counts from Fayetteville GIS - January 2010. Current value data does not include any adjustments for the value of contents.
The methodology used in preparing this data is described in Appendix C.

Table 14 - Fayetteville Summary of Current Buildings Vulnerability(1)

CATEGORY OF DEVELOPMENT	Total Buildings in Fayetteville	Buildings in the Defined Flood Hazard Area(5)	Percent of Buildings in the Defined Flood Hazard Area
Privately-Owned Buildings (2)			
Single-Family Residential	54,652	2,217	4.06%
Multi-Family Residential	7,847	633	8.07%
Commercial	3,533	194	5.49%
Industrial	575	80	13.91%
Other	1,010	81	8.02%
Subtotal-Privately-Owned Buildings	67,617	3,205	4.74%
Publicly-Owned Buildings(3)			
Sewage Treatment Plant	13	13	100.00%
Water Treatment Plant	13	13	100.00%
Hospital	39	0	0.00%
Schools	337	109	32.34%
Police Station	1	0	0.00%
Fire Station	16	1	6.25%
Hazard Materials Facilities (4)	63	12	19.05%
Government Offices	196	70	35.71%
Emergency Shelters	4	0	0.00%
Public Housing	209	117	55.98%
Private Buildings That Are A Critical Facility	93	11	11.83%
Nonprofit Buildings That Are a Critical Facility	20	3	15.00%
Public Buildings That Are Not a Critical Facility	289	23	7.96%
Subtotal-Publicly-Owned Buildings	1,293	372	28.77%
Grand Total	68,910	3,577	5.19%
Notes:			
(1) City boundaries are as of 1/25/10 (Annex #513)			
(2) Most of these buildings are privately owned.			
(3) Most of these facilities are publicly owned.			
(4) This data already counted in other categories, so it is being double-counted.			
(5) The Defined Flood Hazard Area is based on the 100 Year Flood boundary as shown on new digital maps recd 2007.			

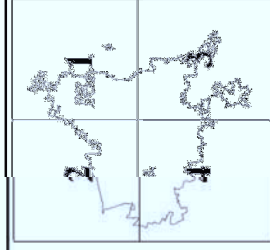


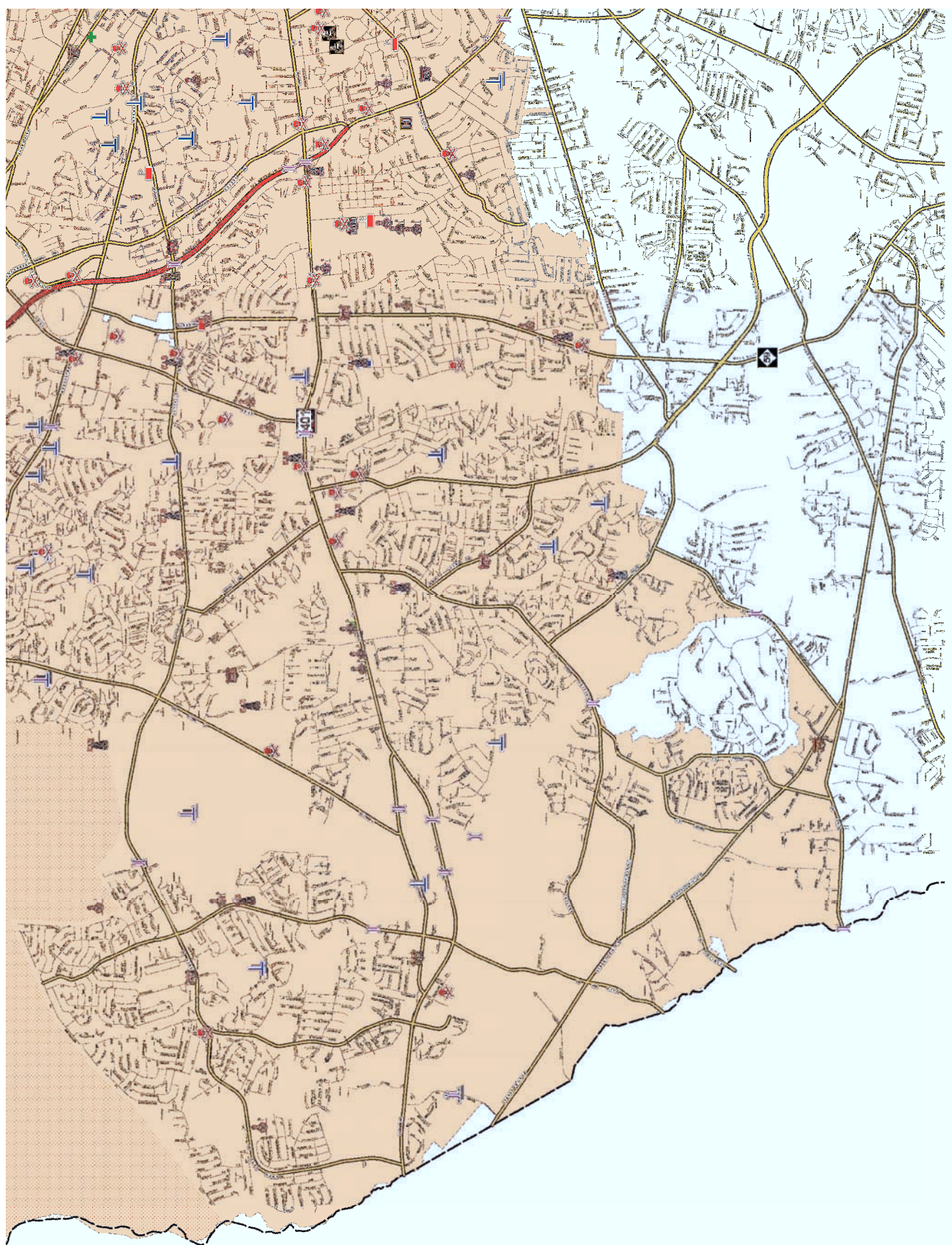
Map10

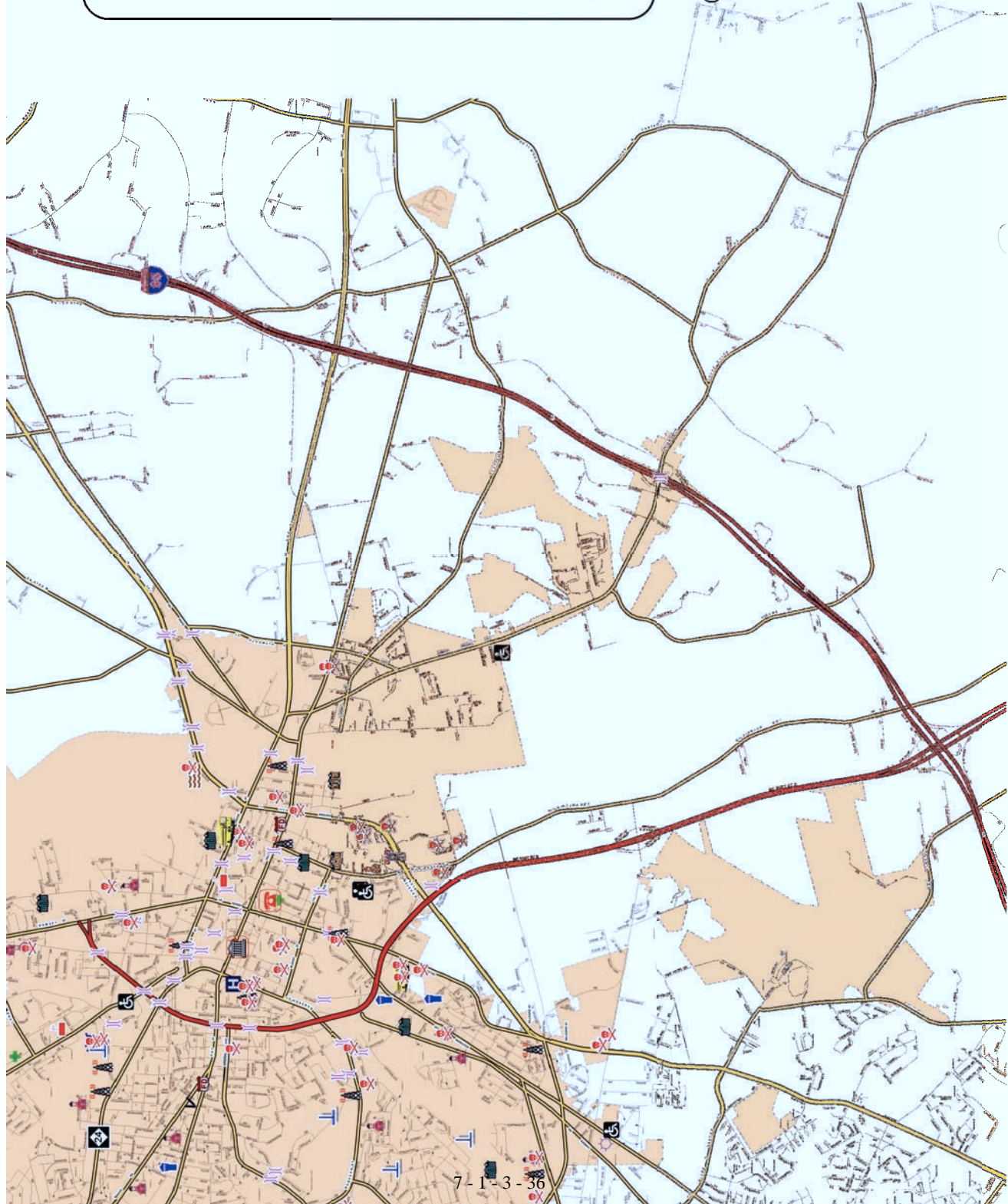
City of Fayetteville Critical Facilities

Legend

-  Bulk Fuel Storage
-  Communication Center
-  Public Housing
-  Cell Tower
-  Hazardous Materials
-  Water Tower
-  Water Treatment Facility
-  Sewage Treatment Facility
-  Bridge
-  Emergency Shelter
-  Police Department
-  Town Hall
-  Fire Department
-  Private - Higher Education
-  Public School
-  Municipal Boundary
-  Streams-Rivers
-  Lakes
-  Dams
-  Resthome
-  Bus Station
-  Hospital





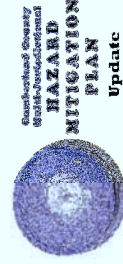


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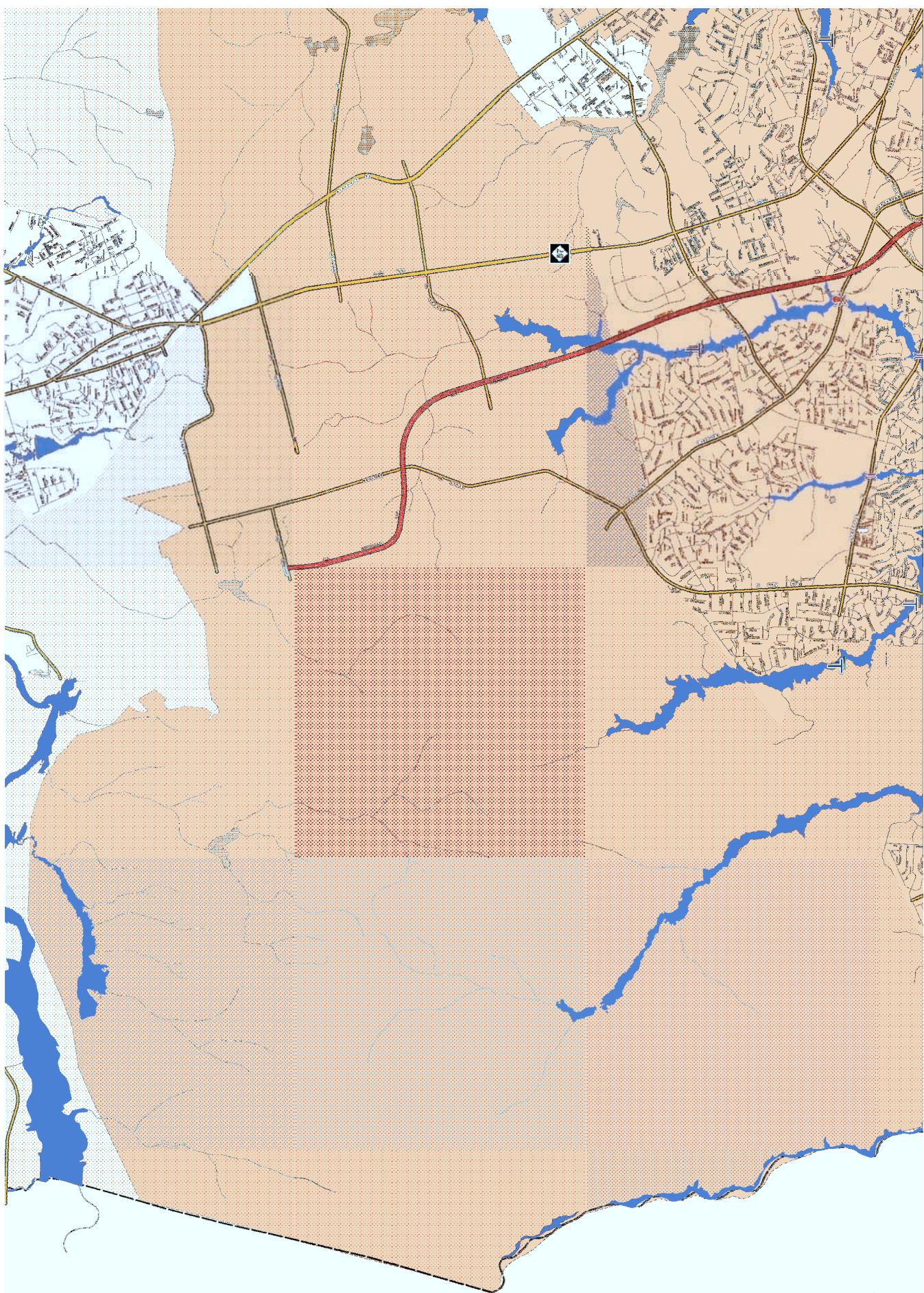
- Bulk Fuel Storage
- Communication Center
- Public Housing
- Cell Tower
- Hazardous Materials
- Water Tower
- Water Treatment Facility
- Sewage Treatment Facility
- Bridge
- Emergency Shelter
- Police Department
- Town Hall
- Fire Department
- Private - Higher Education
- Public School
- Municipal Boundary
- Streams-Rivers
- Lakes
- Dams
- Resthome
- Bus Station
- Hospital



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Sheet 3 of 4



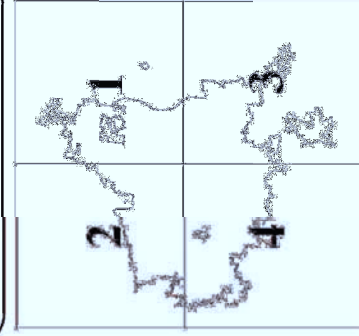
Map 11

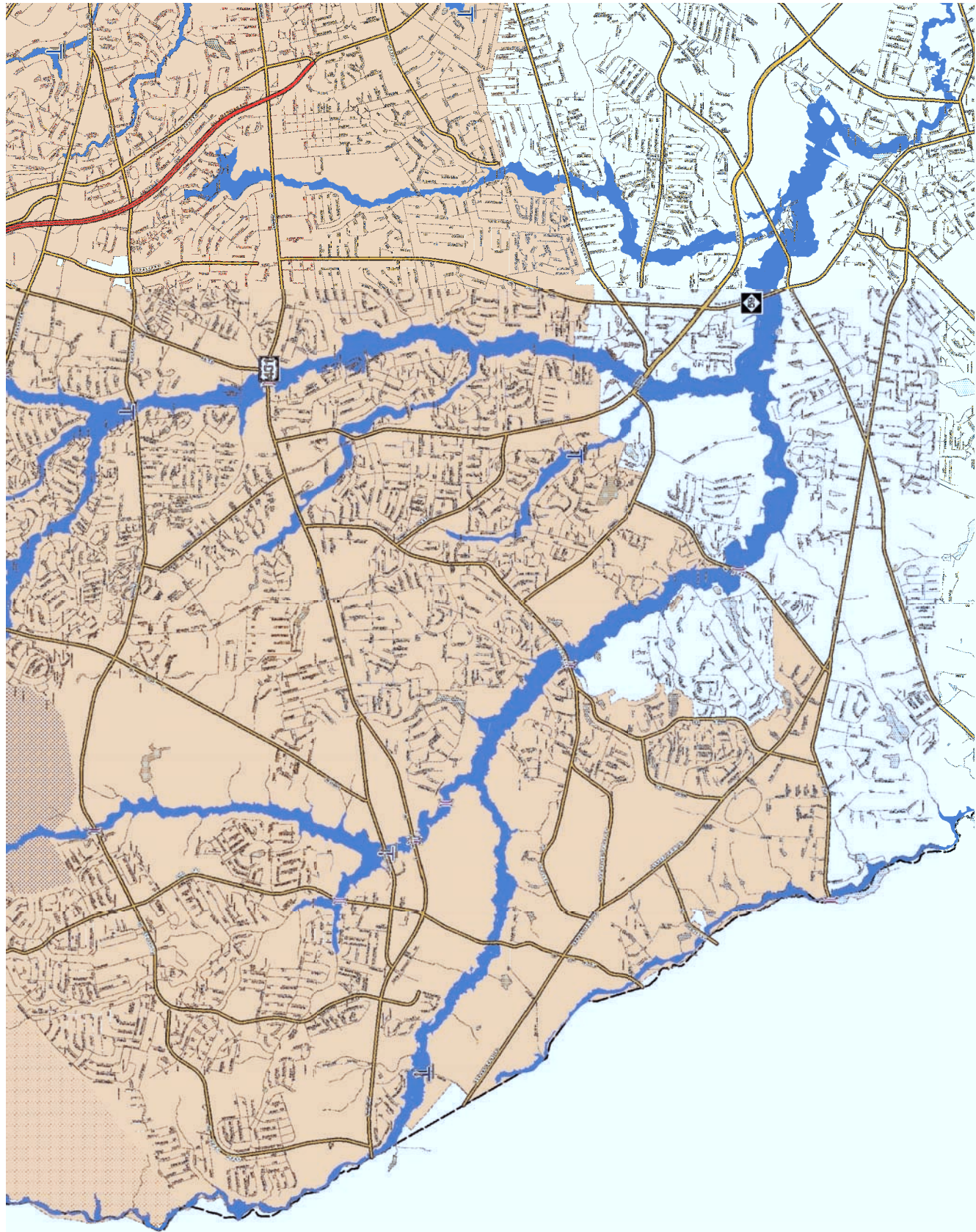
City of Fayetteville Critical Facilities

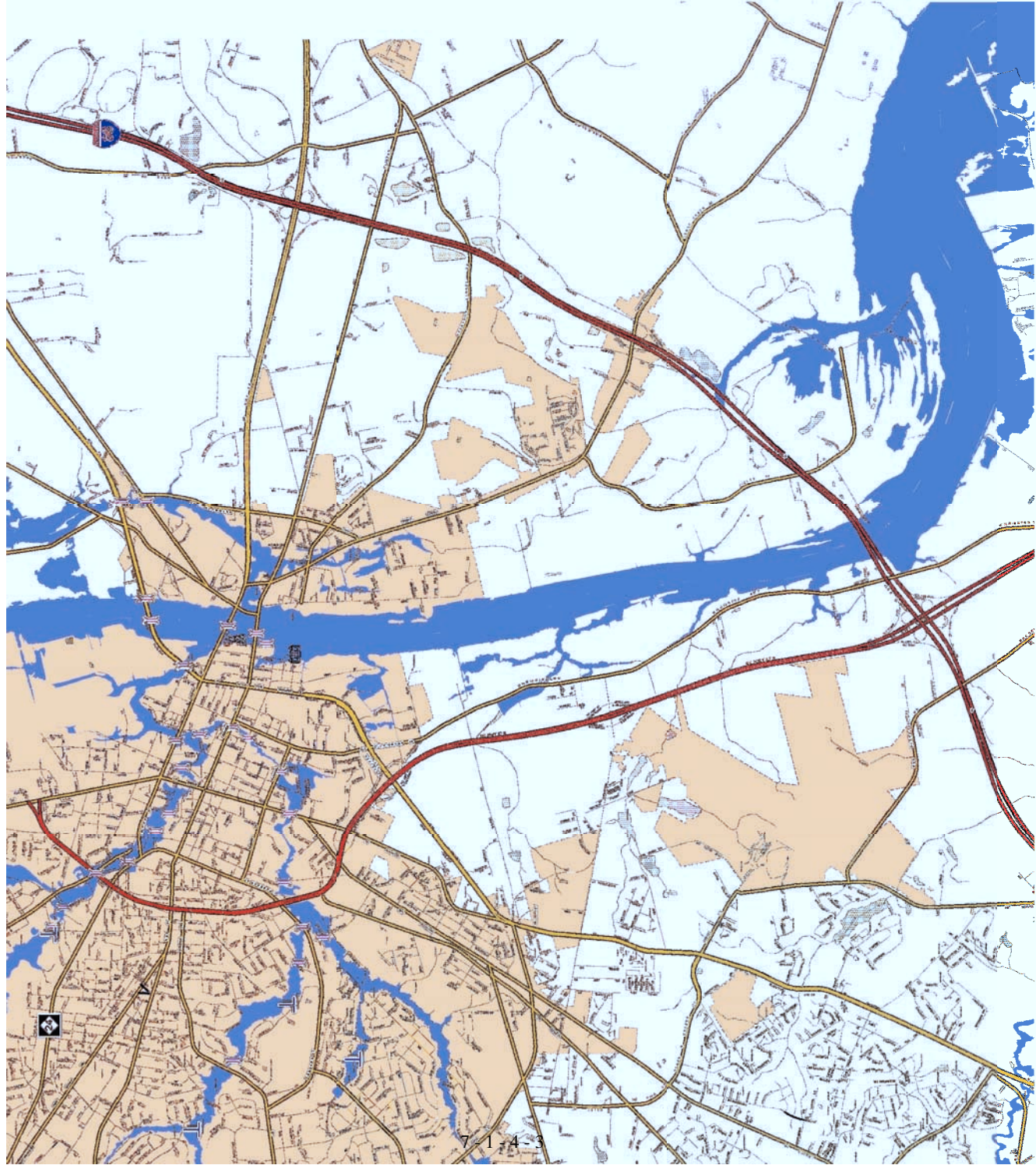
Special Flood Hazard Area

Legend

- | | |
|--|----------------------------|
| | Bulk Fuel Storage |
| | Communication Center |
| | Public Housing |
| | Cell Tower |
| | Hazardous Materials |
| | Water Tower |
| | Water Treatment Facility |
| | Sewage Treatment Facility |
| | Bridge |
| | Fire Department |
| | Private - Higher Education |
| | Public School |
| | Municipal Boundary |
| | Streams-Rivers |
| | Lakes |
| | Dams |
| | Resthome |
| | Special Flood Hazard Area |







Legend

-  Bulk Fuel Storage
-  Communication Center
-  Public Housing
-  Cell Tower
-  Hazardous Materials
-  Water Tower
-  Water Treatment Facility
-  Sewage Treatment Facility
-  Bridge
-  Fire Department
-  Private - Higher Education
-  Public School
-  Municipal Boundary
-  Streams-Rivers
-  Lakes
-  Dams
-  Resthome
-  Special Flood Hazard Area



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Sheet 3 of 4

MAP 12



NOTE: ALL OF THE CITY OF FAYETTEVILLE IS DESIGNATED FOR THE FOLLOWING HAZARDS: HURRICANES, TORNAOES, THUNDERSTORMS, DROUGHTS, SEVERE WINTER STORMS, EXTREME HEAT, WILDFIRES AND EARTHQUAKES.



**Cumberland County
Multi-Jurisdictional
HAZARD
MITIGATION
PLAN
UPDATE**

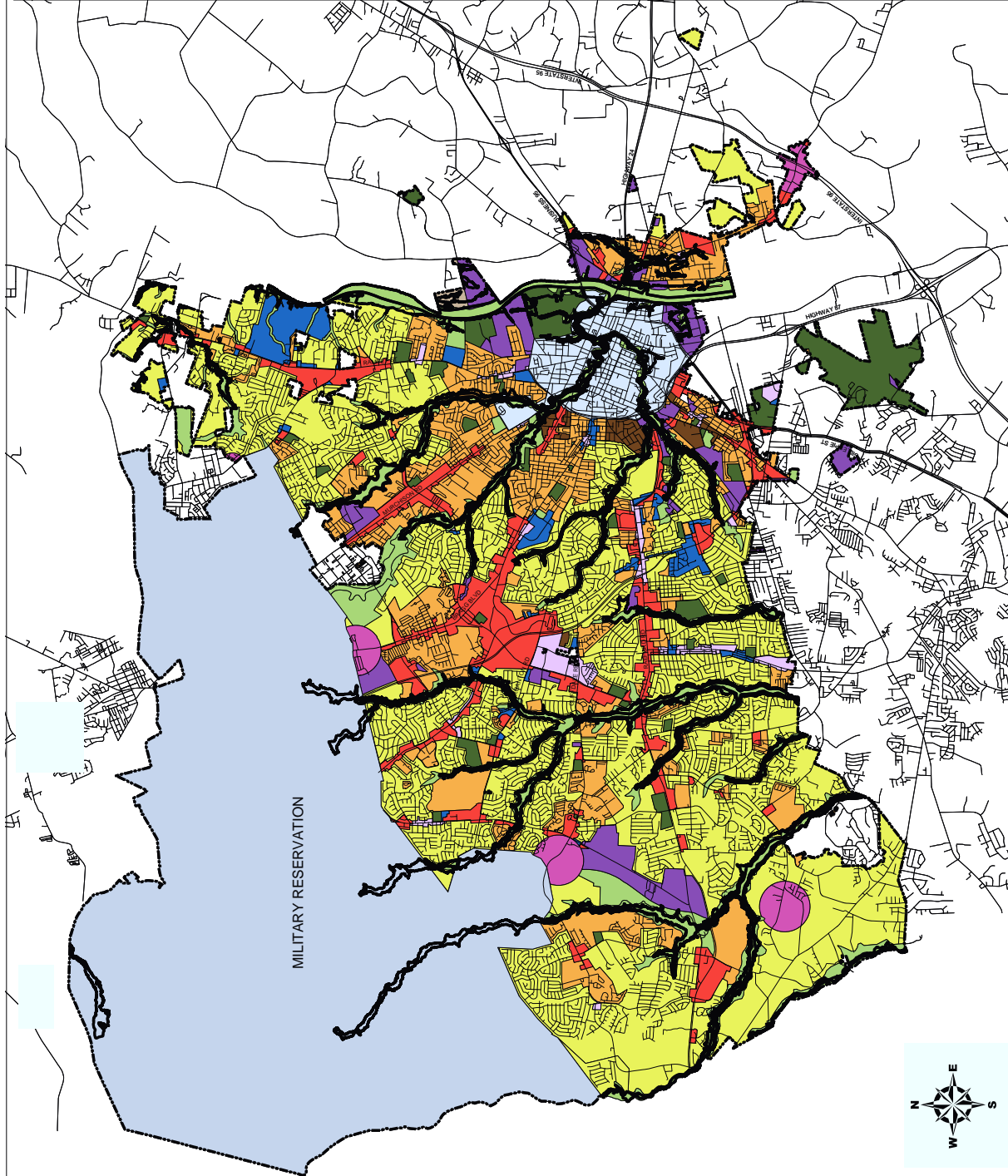
MAP 13

CITY OF FAYETTEVILLE LAND USE PLAN

Legend

- MUNICIPAL BOUNDARY
- SPECIAL FLOOD HAZARD AREA
- MILITARY RESERVATION INSIDE THE CITY
- ONE ACRE RESIDENTIAL LOTS
- SUBURBAN DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- OFFICE & INSTITUTIONAL
- POLICY DIRECTED OFFICE & INSTITUTIONAL
- GOVERNMENTAL
- DOWNTOWN
- HEAVY COMMERCIAL
- POLICY DIRECTED HEAVY COMMERCIAL
- LIGHT COMMERCIAL
- POLICY DIRECTED LIGHT COMMERCIAL
- HEAVY INDUSTRIAL
- LIGHT INDUSTRIAL
- ACTIVITY NODE
- OPEN SPACE

NOTE: ALL OF THE CITY OF FAYETTEVILLE IS DESIGNATED FOR THE FOLLOWING HAZARDS: HURRICANES, TORNADOES, THUNDERSTORMS, DROUGHTS, SEVERE WINTER STORMS, EXTREME HEAT, WILDFIRES AND EARTHQUAKES.



CAPABILITY ASSESSMENT

In preparing the capability assessment, the Planning Staff involved other City departments and followed the tasks set forth in the State's guidebook in examining the following capabilities: Staff and Organizational Capability, Policy and Program Capability, Legal Authority and Capability, Fiscal Capability, Technical Capability, and Political Climate and Political Willpower.

Staff and Organizational Capability

This discussion of Staff and Organizational Capability is divided into two sections. The first section deals with the City of Fayetteville's staff and organizational capabilities to address the threats of natural hazards. The second section deals with the capability of other departments and agencies that might appear unrelated to mitigation, but in fact do have an impact on addressing the threats of natural hazards.

Fayetteville Staff and Organizational Capability

The City of Fayetteville has a considerable amount of staff and organizational capability to address the threats of natural hazards.

The City of Fayetteville has a council-manager form of government. Under this form of government, the City is governed by a ten-member City Council. Nine of the members of City Council are elected from districts; the Mayor is elected at-large. A City Manager hired by the City Council, acts on the Council's behalf and is responsible for managing the services of the City.

The City has several departments and divisions that deliver services related to addressing threats of natural hazards. These departments include: the Engineering and Infrastructure Department which includes the Stormwater Division and the Street Maintenance Division, the Environmental Services Department, the Fire Department, the Police Department, the Emergency Dispatch Division, the Information Technology Department, the Development Services Department which includes the Planning, Housing and Permits Divisions, and the Community Development Department. In addition, the City owns the Public Works Commission, which is an agency of the City and which has considerable capability to address natural hazards threats. These departments are staffed with capable professionals with considerable expertise and skills. Each of these departments is discussed below.

Engineering and Infrastructure Department - This large department has numerous divisions that deal with hazards, primarily flooding. This department usually is responsible for repairing City-owned dams. When dams are repaired, the risk of flooding is reduced for properties downstream of the dams. This department also reviews plans for development and re-development within the City limits, and it inspects construction activities to include but not limited to streets and drainage. The department also maintains AutoCAD maps of the City streets and City boundaries.

- **Stormwater Division** - This division of the City Engineering and Infrastructure Department serves as the Stormwater Utility, which is a utility governed by the City Stormwater Ordinance. The division is involved in activities that promote stormwater quality and activities that help control water quantity (i.e., flooding). Their activities include investigating complaints; cleaning of culverts; removing debris from streams; clearing beaver dams; maintaining and reviewing the local Stormwater Quality Management Plan to control, limit and monitor stormwater discharges; providing funding for stormwater infrastructure maintenance, repair, and new construction on a prioritized basis on identified problems; monitoring non-point source pollutants through sampling and laboratory analysis; partnering with local business and industry to identify illegal discharges

and connections; providing various public education programs including volunteer groups; inspecting major stormwater outfalls to identify and proactively address problems; and providing a customer service hotline for 24-hour problem reporting and prompt referrals. Recent amendments to the City Stormwater Ordinance will make the Stormwater Division more able to deal with stormwater quantity and quality problems.

- **Street Maintenance Division** - This division of the City Engineering and Infrastructure Department is responsible for maintaining the infrastructure within the City limits to include but not limited to cleaning catch basins and jet rodding activities to assure that the storm drainage infrastructure is free of debris and/or sediment. This activity is funded by the Stormwater utility. In addition to this service, the Street Maintenance Division also operates a street sweeping program.

Environmental Services Department - This department has historically been responsible for picking up leaves during the fall leaf season. During the fall leaf season, residents were allowed to put their loose leaves along the curb, and the Sanitation Department staff would pick up the loose leaves with vacuum trucks. However, the City Council eliminated this service for FY 03-04. The City continued to pick up leaves, but residents were required to bag their leaves. Requiring that leaves be bagged has helped to prevent the clogging of storm drains, which should help reduce localized flooding. The City Council has recently reversed its decision and presently does allow for the pick-up of loose leaves. This decision to restore the loose leaf pickup service might indirectly contribute to more clogging of storm drains, hence more street flooding.

Fire Department - This department operates a system of fire stations throughout the City.

Police Department - This department provides police protection services throughout the City.

Emergency Dispatch Division - This division operates an enhanced 911 center.

Information Technology Department - This department provides computer services to all City departments. This department also employs one GIS Analyst who provides GIS services to all City departments.

Development Services Department - This department is responsible for enforcing the State Building Code within the City of Fayetteville, enforcing the housing code, and carrying out the zoning, subdivision and planning responsibilities for the City. This department is also responsible for enforcing the Flood Damage Prevention Ordinance. The Planning and Zoning Division is responsible for processing requests for rezoning and subdivisions. The division also prepares small area plans, long range comprehensive and land use plans, functional plans, special studies, and annexation demographic estimates. It administers historic property regulations. Staff in this division participated in the preparation of the 2030 Vision Plan, has nearly completed a new Unified Development Ordinance and will be involved in preparing a new comprehensive plan for the City in the near future.

Community Development Department - This department is responsible for developing and administering programs that assist low and moderate-income residents in the City. This program has recently funded several special studies of small areas in the City. This department also coordinated the funding and work on the Hope VI project now underway, which will result in fewer units within a floodplain and creation of a greenway along a stream.

Public Works Commission (PWC) - This agency owns a system of lakes on Little Cross Creek, which flows through the City of Fayetteville. PWC has acquired these lakes for water supply purposes. Although these lakes were not constructed originally to provide flood control, they do reduce peak flows

and therefore reduce flooding in the City of Fayetteville. This agency constructs and maintains an extensive system of water and sewer lines. These lines have a major impact on where development will occur in the future. It also is the primary provider of electrical service within the City.

Other Departments-Staff and Organizational Capability

U.S. Corps of Engineers - Flooding problems in the City of Fayetteville (and in Cumberland County) used to be due to flooding of the Cape Fear River. Major floods occurred in 1908, 1944, 1945, 1954, 1955, and 1972. In 1974, the U.S. Corps of Engineers reduced the likelihood of floods on the Cape Fear River when it constructed the B. Everett Jordan Dam and Lake on the Haw River, about 55 miles upstream from Fayetteville. By regulating the flow of water over the Jordan Dam, the Corps of Engineers controls flooding on the Cape Fear River. It is assumed that the U.S. Corps of Engineers is highly capable of controlling flooding on the Cape Fear River. It is also assumed that this capability will continue.

Policy and Program Capability

Policy and program capability refers to the efforts that the City of Fayetteville already has in place to address the threats of natural hazards, and the plans and policies that guide these efforts. It also refers to policies and practices that are not directed at mitigation or natural hazards per se, but which may have an effect on mitigation-related efforts.

The Planning Staff examined the City's policy and program capability to address the threats of natural hazards as shown in **Table 15 - Fayetteville Inventory of Local Ordinances, Policies and Programs Relevant to Hazard Mitigation**. The Staff found that the City has a fairly strong policy and program capability to address natural hazards threats. Specific examples of the City of Fayetteville's policy and program capability are discussed below. Each policy or program is addressed by a summary of its strengths and weaknesses, and the staff's rating of its overall effectiveness. Strengths are ways that the policy or program helps to decrease vulnerability. Weaknesses are shortcomings in the policy or program that might increase vulnerability. Most of the actions in the original Mitigation Plan that require ordinance revisions or policy changes have been completed and/or adopted. The Planning Staff is responsible for rewriting, updating (zoning and subdivisions) and creating new ordinances. These ordinances comply with many of the mitigation actions that the City Council has already endorsed. Those actions that have not been completed are more developer resistance and cost prohibit. The Technical Committee will continue educating concerning mitigation and those actions with citizens, elected officials and development community.

Flood Damage Prevention Ordinance - Fayetteville's Flood Damage Prevention Ordinance purpose is to reduce and/or prevent flooding thus protecting the lives and property of its residents. The 2006 amendments to the Flood Damage Prevention Ordinance significantly strengthened key standards. The strengths of this ordinance are (1) it requires elevating structures in the floodplain at least two feet above the base flood elevation, when new construction is proposed or when a substantial improvement to an existing development is proposed. The elevation requirement applies to both residential and nonresidential development. However, non-residential development can be flood proofed in lieu of elevating, if all areas of the non-residential structure below the required elevation are watertight; (2) it includes building, rebuilding and retrofitting codes for flood-prone structures; (3) it prevents or regulates the construction of flood barriers that would unnaturally divert floodwaters or increase flood heights; (4) it addresses the location of mobile home parks and individual mobile homes in the floodplain.

Weaknesses remaining in this ordinance include (1) it does not require relocating or acquiring structures in the floodplain; (2) it does not define a floodplain overlay district (although a Conservation District zoning district has been created to provide alternative guidance to use of development in a floodplain); (3) it does not identify properties for acquisition/relocation or for wetlands preservation; and (5) the ordinance does not include measures to preserve the floodplain's natural functions (although the Zoning

Ordinance and the new Stormwater Ordinance both include buffer areas and/or landscape standards and open space requirements to protect natural functions). The staff rates the effectiveness of this ordinance as medium.

National Flood Insurance Program and Community Rating System - The National Flood Insurance Program (NFIP) provides flood insurance to individuals in local jurisdictions that are members of the program. Membership in the Program is based upon the adoption and enforcement of floodplain management and development regulations. Compliance of the NFIP for the City of Fayetteville is responsibility of the Fayetteville Development Services Department. They maintain the Fayetteville flood maps and Flood Damage Prevention Ordinance and issue Floodplain Development Permits for the City in accordance with compliance of NFIP. An element of the NFIP is the Community Rating System (CRS), which adjusts flood insurance premiums relative to a local jurisdiction's investment in flood damage mitigation. Inclusion in the CRS involves submitting a local jurisdiction's floodplain management procedures for evaluation.

Zoning Ordinance - The Fayetteville Zoning Ordinance purpose is to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health, morals and the general welfare; provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements; conserve the value of buildings; and encourage the most appropriate use of land throughout the City. The Zoning Ordinance has both strengths and weaknesses. The strengths of the Ordinance are (1) includes non-conforming use provisions that take into account structures that are damaged by hazards; (2) non-conforming use provisions are strictly enforced following a hazardous event; (3) zoning administration staff are properly trained, which insures proper administration of the ordinance; (4) granting of variances does not usually result in an increased risk of flooding; (5) recently amended to include a Conservancy District (CD Zoning District). One of the purposes of the CD Zoning District is to protect areas that are vulnerable to flooding. The only uses to be allowed in the CD Zoning District will be agricultural or rural farm use, fish hatchery operations, and recreational activities. The adopted CD Zoning District will be applied first in areas that have been recently annexed. It may be applied as cases arise. It also may be applied citywide after the City prepares a new Land Use Plan.

The weakness in the ordinance is that although its non-conforming use provisions do take into account structures that are damaged by hazards, the ordinance does not require that cumulative damage be considered over repeated hazard events. The staff rates the effectiveness of the Fayetteville Zoning Ordinance as medium.

Subdivision Ordinance - The Fayetteville Subdivision has many positive attributes. These include (1) requiring developers to limit the amount of or mitigate the impact of increased stormwater flow caused by their development projects; (2) requiring developments be built in a hazard-resilient manner. (For example, there are requirements within the group development section of the ordinance requiring a certain distance between buildings. This is also addressed through the NC Building Code regarding fire walls and the Fire Codes (NFPA) regarding requirements for multiple ingress and egresses and extensions of fire hydrants); (3) requiring the creation of open space within new subdivisions and/or group developments; (4) requiring that new developments have underground utility lines where practical (except for voltage lines 75kV or greater).

There are also some weaknesses in the Fayetteville Subdivision Ordinance which are (1) it require that a proposed subdivision have at least one access road, but the ordinance does not require additional access roads or breakaway gates. However, both Fire and Police have been requiring a common lock system on gates or breakaway gates, and, the Fire Department along with the Traffic Engineer are increasingly requiring multiple entrances. A connectivity index requiring multiple external access points is proposed in the draft Unified Development Ordinance. Single-entry neighborhoods can be dangerous

if the path of exit is blocked by floodwaters or wildfires;(2) it contain provisions for the creation of open space within new subdivisions and/or group developments, as a condition of subdivision approval, but the ordinance does not require the protection of existing “natural areas”; (3) it does not restrict the subdivision of land in known hazard areas. (There are other ordinances that do place additional restrictions on the “development” of land within certain areas, but not on the “subdivision” of land); (4) it does not limit the amount of impervious surface (This is addressed in the Watershed Ordinance.); (5) it does not require setbacks from delineated hazard zone (this is addressed in the Stormwater Ordinance with regard to streams and similar water bodies); (6) it does not require that all lots have a buildable site that is in a non-hazard location; (7) it does not assess hazard risks and impose standards for public infrastructure. The staff rates the effectiveness of this ordinance as medium.

Stormwater Ordinance - The Stormwater Ordinance applicable to the City of Fayetteville is the City Ordinance that governs the operation of the local Stormwater Utility. The ordinance initial focus was on water quality, not water quantity. The Stormwater Ordinance has recently been amended by the City Council to allow a focus on both water quality and water quantity. The weaknesses identified in the past were addressed under the amended ordinance. Its strengths are (1) it establishes a stormwater utility; (2) it establishes a Stormwater Advisory Board; (3) it authorizes collection of a fee, based on amount of impervious surface; (4) it prohibits non-stormwater discharges to the stormwater system; (5) it requires the removal of illicit connections to the stormwater system; (6) it prohibits improper disposal of substances into the stormwater system; (7) its funds are used for checking/clearing stormwater drains and improving and maintaining existing infrastructure; (8) Its funds are also used for removing debris from streams. (9) it is focused not only on stormwater quality but quantity as well; (10) it addresses the fact that existing culverts might not be sized properly for the amount of water they must carry during peak drainage events; (11) it requires that future planned systems be adequately designed to meet stormwater demands; (12) it calls for provision of structural measures (such as retention and detention facilities) that would minimize the increases in runoff caused by impervious surfaces and new development; (13) it requires that stormwater must not leave a parcel at a higher rate after the parcel has been developed than it did prior to development . The staff rates the effectiveness of this ordinance as medium.

Watershed Ordinance - The Fayetteville Watershed Ordinance is based on the State’s model ordinance. There are both positive and shortcomings aspects in the Fayetteville Watershed Ordinance. Positive measures include it (1) has density limits that help to prevent development in known hazard areas; (2) prohibits certain uses from being constructed in known hazard areas; (3) imposes limits on the amount of impervious surface in a development project; (4) requires developers to limit the amount and/or mitigate the impacts of increased storm water flow due to their development projects; (5) establishes setback requirements from delineated hazard zones; (6) assesses hazard risks and imposes standards for public infrastructure; (7) requires the protection or creation of natural areas (such as wetlands, dunes, or natural vegetation). Some of the shortcomings of this ordinance are (1) it does not impose restrictions on the subdivision of land in known hazard areas; (2) it does not require all lots to have a buildable site that is in a non-hazard location; (3) it does not require that developments be built in a hazard-resilient manner. The staff rates the effectiveness of this ordinance as medium.

Inspections Process - The City Development Services Department is responsible for reviewing plans and performing on-site inspections throughout the construction phases of a development project. There are strengths and weakness in this process. The strengths of the inspections process are (1) the Development Services Department is adequately staffed and trained; (2) The department diligently enforces the Statewide building code, both at the Plan approval stage and at the site-inspection stage; (3) the same rules and practices are applied during normal times and during the period following a natural disaster. Weaknesses in the process are (1) the department does not have a building moratorium ready to put in place following a disaster, which would halt or slow construction pending a thorough damage assessment; and (2) the department does not have a voluntary incentive program to encourage builders to construct buildings to standards higher than the minimum code requirements. The

department notes that it would be beneficial to have more time to thoroughly assess damage prior to post-hazard reconstruction. The staff rates the effectiveness of this process as low.

Flood Maps – In 2007 the City has received new GIS flood maps received from the State.. The new flood data significantly improves the ability of all departments to coordinate planning and approvals regarding new development and infrastructure. The strengths are (1) it shows the 100-year and 500-year flood hazard areas; (2) it is possible to use GIS to overly the GIS flood map layers with other layers in GIS; (3) the data is judged to be “more accurate” than the paper flood maps and previous GIS-based maps prepared from NAD 83 datum. The staff rates the effectiveness of the GIS flood maps as medium.

Comprehensive Plan/Land Use Plan - In 1996, the City adopted the Cumberland County 2010 Land Use Plan as a guide for development. This Plan encompasses all the jurisdictions in Cumberland County. Strengths of the Plan relating to hazard mitigation included designating hazard areas as inappropriate for development and designating environmental corridors (located along rivers, creeks, streams, canals, and major drainageways) as being targeted for future open space. A weakness in the Plan was that while it delineated many flood prone conservation areas; it lacks an implementation process for limiting development in such areas. Creation of the Conservation Zoning District improved the implementation options. The City with the County and other local governments in the county in preparing a new comprehensive goals and policy plan called Vision 2030, adopted by the City in 2009, which established strong principles to guide development in more sustainable ways. While a new Unified Development Ordinance to help implement those policies is still in draft, the Vision 2030 strengthens the basis for such new or amended regulations. The Land Use Plan, however, needs updating at an adequate level of detail to apply such new tools. The staff rates the effectiveness as low.

Capital Improvements Plan - In developing a Capital Improvements Plan (CIP), the City documents the need for future capital projects, prepares cost estimates, prioritizes projects, and considers funding sources. The positive aspect of the CIP is that it provides information about planned future public facilities. The weak point in the CIP is that there is no specific requirement for dealing with hazard mitigation. For example, the CIP does not prohibit the post-disaster reconstruction of public facilities in hazard-prone areas. The staff rates the effectiveness as medium.

Parks, Greenways, and Open Space Acquisition Program - The parks, greenways, and open space acquisition program can result in the City acquiring land that is located in floodplains or flood prone areas. The City of Fayetteville acquires land for parks, greenways, and open space through purchase and donations. The City's goal is to have 10 acres per 1,000 residents. As of June 2003, the City had 9.8 acres per 1,000 residents. The strength of this acquisition program is that (1) the City purchases land for parks, greenways, and open space purposes,(subject to funds being available in the General Fund); (2) the City forms partnerships with non-governmental organizations to acquire or otherwise protect natural land. For example, the City works with the Sandhills Area Land Trust and the Cross Creek Linear Park Corporation. Weaknesses in this acquisition program is that (1) the purchase program is limited by lack of funds; (2) prior attempts to fund purchases through bond referenda have not been successful; (3) the City does not seek to purchase land that is in floodplains. The staff rates the effectiveness as low.

Parks, Greenways, and Open Space Dedication Program - A parks, greenways, and open space dedication program can result in the protection of land located in floodplains. Through provisions in the Subdivision Ordinance, the City of Fayetteville requires the dedication of land for parks, greenways, and open space. There are both strengths and weaknesses in this program. The strengths are (1) dedications are required by the City's Subdivision Ordinance whenever an owner subdivides land for residential purposes, or whenever an owner proposes to add residential units in a group development. In lieu of dedicating land, owners may pay an amount of money; (2) owners may dedicate land located in a floodplain to the City, but the land must be outside of the 100-year flood area in order for the owner to

get credit for the dedication; (3) the City forms partnerships with non-governmental organizations in protecting land through dedications. For example, the City works with the Sandhills Area Land Trust and the Cross Creek Linear Park Corporation. Weaknesses in the program are the owners may seek variances from the dedication requirements and there is no provision in City ordinances that requires dedication of land for greenway trails or flood easements. The staff rates the effectiveness as low.

Table 15 - Fayetteville Inventory of Local Ordinances, Policies and Programs Relevant to Hazard Mitigation

TITLE & ADOPTION DATE	DOCUMENT REFERENCE	PURPOSE & DESCRIPTION	MITIGATION EFFECTIVENESS	RATIONALE FOR EFFECTIVENESS	MITIGATION STRATEGY
Flood Damage Prevention Ordinance New Ordinance S2006-013, 10/23/06	Existing ordinance that should be continued, but modified	Section 12-122(1) (Elevation requirement for residential construction)	Medium	It requires that the lowest floor (including basement) be elevated no lower than at/or above the base flood elevation (for both new residential development and substantial improvement to existing residential development).	Modify ordinance to require that the lowest floor (including basement) be elevated at least one foot above the base flood elevation, or to a more restrictive level. DONE (2' free board)
Flood Damage Prevention Ordinance New Ordinance S2006-013, 10/23/06	Existing ordinance requirement that should be modified	Section 12-122(2) (Elevation requirement for non-residential construction)	Medium	It requires that the lowest floor (including basement) be elevated no lower than at/or above the base flood elevation (for both new non-residential development and substantial improvement to existing nonresidential development).	Modify ordinance to require that the lowest floor (including basement) be elevated at least one foot above the base flood elevation, or to a more restrictive level. DONE (2' freeboard)
Flood Damage Prevention Ordinance	Existing ordinance provision that should be continued	Section 12-122(2) (Flood-proofing provision for nonresidential construction) (in lieu of elevating)	Medium	In general, elevating is more effective than flood proofing. This provision allows flood proofing in lieu of elevating for both new non-residential development and substantial improvement to existing nonresidential development. This provision is rated as medium because if flood proofing is chosen, all areas of the structure below the required elevation must be watertight. An engineer or architect must certify that flood-proofing standards are met.	City should consider flood proof existing City-owned buildings that are located in flood hazard areas and perhaps encouraging the private sector to do like wise

TITLE & ADOPTION DATE	DOCUMENT REFERENCE	PURPOSE & DESCRIPTION	MITIGATION EFFECTIVENESS	RATIONALE FOR EFFECTIVENESS	MITIGATION STRATEGY
Flood Damage Prevention Ordinance New Ordinance S2006-013, 10/23/06	Existing ordinance requirement that should be modified	Section 12-122(3) a & b (Elevation requirement for manufactured homes)	Medium	It requires that the lowest floor be elevated no lower than at/or above the base flood elevation (when manufactured homes are placed or substantially improved on specified sites).	Modify ordinance to require that the lowest floor be elevated at least one foot above the base flood elevation, or to a more restrictive level. DONE (2' freeboard)
Flood Damage Prevention Ordinance New Ordinance S2006-013, 10/23/06	Existing ordinance requirement that should be continued	Section 12-122(3) a, b & c (Anchoring requirement for manufactured homes)	High	It requires that manufactured homes be anchored to prevent flotation, collapse, or lateral movement.	Monitor State rules regarding anchoring. Amend local ordinance to reflect any changes in State rules. DONE (anchoring and other standards per State code)
Flood Damage Prevention Ordinance Revised per New Ordinance S2006-013, 10/23/06	Existing ordinance provision that should be modified	Section 12-122(8) (Allows encroachment in floodways)	Low	This provision allows encroachments in floodways if studies show that the proposed encroachment would not result in any increase in flood levels during the occurrence of a base flood. This provision is rated as low because it does not clarify whether the studies must consider the cumulative impact of other existing encroachments.	Amend ordinance to clarify that the studies required for a proposed encroachment must consider the cumulative impact of other existing encroachments and developments. DONE (renumbered per above ordinance to 12-126).
Zoning Ordinance	Recently-adopted ordinance provision that should be implemented	Section 30-31 (List of Zoning Districts)	Low.	The CD (Conservancy District) zoning district has recently been added to the list of zoning districts. However, the CD Zoning District has not yet been applied. Therefore, its effectiveness is rated as low.	The City should apply the CD (Conservancy District) Zoning District. It should be applied first in the recently annexed areas. Then, it should be applied as cases arise. When the State delivers new flood maps, the City should apply the new CD zone to flood hazard areas.

TITLE & ADOPTION DATE	DOCUMENT REFERENCE	PURPOSE & DESCRIPTION	MITIGATION EFFECTIVENESS	RATIONALE FOR EFFECTIVENESS	MITIGATION STRATEGY
Zoning Ordinance	Existing ordinance provision that should be continued, but modified	Section 30-68 (Non-conforming use provisions)	Medium	The non-conforming use provisions of the ordinance take into account structures that are damaged by hazards. (The provision limits repair, reconstruction, and renovation to 50% of the reproducible cost in instances of fire and other natural causes.) However, the provision does not take into account cumulative damages over repeated hazard events. Therefore, the effectiveness is rated as medium.	Modify ordinance to require that cumulative damage be considered over repeated hazard events.
Subdivision Ordinance Relevant standards pending in the draft UDO	Existing ordinance provision that should be continued, but modified	Section 25-31(4) a (Lots-Layout-Requirements for Access)	Medium	The ordinance requires that a proposed subdivision have at least one access road. Although not required by the ordinance, the Fire Dept, Planning and Traffic Eng'g. staff increasingly have required additional access roads or breakaway gates.	Amend ordinance to require additional access roads for developments located near potential hazard-prone areas.
Subdivision Ordinance Relevant standards pending in the draft UDO	New ordinance provision that should be added	Not in ordinance (Protection of existing "natural areas")	Low	The ordinance does not require the protection of existing "natural areas." (However, the ordinance does contain provisions for the protection of open space within new subdivisions and/or group developments.)	Amend ordinance to require protection of all "natural areas."
Subdivision Ordinance Relevant standards pending in the draft UDO	New ordinance provision that should be added	Not in ordinance (Restrictions on subdivision of land in known hazard areas)	Low	The ordinance does not restrict the subdivision of land in known hazard areas. (There are other ordinances that place restrictions on the "development" of land within certain areas, but not on the "subdivision" of land.)	Amend the ordinance to restrict the subdivision of land in known hazard areas...

TITLE & ADOPTION DATE	DOCUMENT REFERENCE	PURPOSE & DESCRIPTION	MITIGATION EFFECTIVENESS	RATIONALE FOR EFFECTIVENESS	MITIGATION STRATEGY
Subdivision Ordinance Relevant standards pending in the draft UDO	New ordinance provision that should be added	Not in ordinance (Limits on the amounts of impervious surface)	Low	The ordinance does not limit the amount of impervious surface. (The Watershed Ordinance does include such limits. However, the Watershed Ordinance does not apply citywide.)	Amend the ordinance to add reference to the limits on impervious surface contained in the Watershed Ordinance and in the proposed new buffer/landscape planting area that is proposed for inclusion in the Zoning Ordinance. This will make developers aware of these additional requirements.
Subdivision Ordinance Also see Storm-water Ordinance	New ordinance provision that should be added	Not in ordinance (Setbacks from delineated hazard areas)	Low	The ordinance does not require setbacks from delineated hazard zones. (This is addressed in the Flood Damage Prevention Ordinance. The new Stormwater Ordinance also requires an undisturbed setback from streams.)	Amend the ordinance to add reference to the setback requirement in the Flood Damage Prevention Ordinance. This will make developers aware of these additional requirements.
Subdivision Ordinance	New ordinance provision that should be added	Not in ordinance (Requirement that final plat show a buildable building envelope)	Low	The ordinance does not require that all lots have a buildable site that is in a non-hazard location.	Amend the ordinance to add requirement that the final plat should indicate a "buildable" building envelope for each newly created lot.
Subdivision Ordinance	New ordinance provision that should be added	Not in ordinance (Assessment of hazard risk)	Low	The ordinance does not assess hazard risks and impose standards for public infrastructure. (This is addressed in the Flood Damage Prevention Ordinance.)	Amend the ordinance to add reference to these requirements in the Flood Damage Prevention Ordinance. This will make developers aware of these additional requirements.

TITLE & ADOPTION DATE	DOCUMENT REFERENCE	PURPOSE & DESCRIPTION	MITIGATION EFFECTIVENESS	RATIONALE FOR EFFECTIVENESS	MITIGATION STRATEGY
Stormwater Ordinance	Chapter 23: Article I: Utility Fee Article II. Pollution reduction Article III: Stormwater Control - Quantity & Quality	Pollution & Peak runoff reduction along with fee collection	Medium	Until recently, the governing ordinance limited the mission of the Stormwater Utility to a focus on stormwater quality. Recent changes in the ordinance have meant that the mission of the utility has expanded to include water quantity.	Now that the ordinance has been amended, the Stormwater Utility should develop a comprehensive Stormwater Plan that includes possible projects and costs, and that is prepared in light of more stringent rules being required by the State. The Plan is needed in order to serve as a guide on how to spend the Utility's revenues.
Catch Basin Cleaning Program	Existing program (funded by Stormwater Utility) that should be expanded Chapter 23		Medium	The Stormwater Utility funds this program, which is operated by the City Street Maintenance Division. Effectiveness is limited by availability of funds.	Stormwater Utility should consider expanding funds for this program.
Stream Debris Cleaning Program	Existing program (funded by Stormwater Utility) that should be expanded		Medium	Keeping the streams and other drainage ways free of debris allows the free flow of water, which prevents backups and flooding during heavy rains. Effectiveness is limited by the availability of funds and the need to obtain regulatory permits.	Stormwater Utility should consider expanding funds for this program.
Watershed Ordinance	Existing ordinance that should be continued	Chapter 29 of City Code	Medium	The current ordinance is based on the State's model ordinance. The ordinance adequately addresses water quality and it promotes hazard mitigation as well by limiting development in watershed areas. These watershed areas include miles of perennial waters that are subject to flooding and other hazards.	No major changes are needed in the current ordinance. However, some amendments are being considered to synchronize minor standards, such as fencing requirements, with Stormwater Ord. and the draft UDO.

Overall, the local ordinances, policies and programs relevant to Hazard Mitigation are not as effective as they might be in terms of hazard mitigation (see Table above). Although significant improvements have occurred with amendments or completely new ordinances for Flood Protection, Stormwater, Zoning and some other regulations, several ordinances should be revised to provide stricter development standards. Review of these existing plans, ordinances and programs has resulted in specific actions to create new ordinances (or to revise existing ordinances) that would serve to reduce the hazard vulnerability of the City of Fayetteville. Preparation, review and revisions of these ordinances are an on-going process, including examination of plans and policies. Recommendations and action plans contained within these planning documents will be examined, as well as Actions contained within the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan. Additionally, the five-year review of this Hazard Mitigation Plan will include an examination of the Capability Assessment and Mitigation Strategies.

Technical Capability

The City of Fayetteville is now developing a technical capability to address the threats of natural hazards. One example of this is the use of GIS technology.

Agencies such as the Federal Emergency Management Agency (FEMA) and the North Carolina Division of Emergency Management (NCDEM) have made available numerous implementation manuals and other resource documents. These manuals provide information on mitigation techniques for various hazards, including hurricanes, floods, wildfires, tornadoes and earthquakes. Additionally, they provide technical information on engineering principles, construction methods, costs and suggestions for how techniques can be financed and implemented. Federal agencies such as the U.S. Army Corps of Engineers and Soil Conservation Service also provide similar services.

Statewide Floodplain Mapping Initiative

The State of North Carolina, through the Federal Emergency Management Agency's Cooperating Technical Community partnership initiative, has been designated as a Cooperating Technical State (CTS). As a CTS, the State will assume primary ownership and responsibility for Flood Insurance Rate Maps (FIRM) for all North Carolina communities. This project will include conducting flood hazard analysis and producing updated Digital Flood Insurance Rate Maps (DFIRM).

The State has acquired raw elevation data for the six eastern river basins, which are the Cape Fear, Lumber, Neuse, Pasquotank, Tar-Pamlico, and White Oak, which will be used to develop Digital Elevation Models (DEMs) to update flood hazard data. Additionally, the updated flood hazard data will provide current, accurate information for local jurisdictions and property owners to make sound site planning and design decisions when building new structures and infrastructure and retrofitting existing structures.

Local Technical Assistance

Cumberland County has a graphic information system (GIS) that provides essential information and technology for hazard response and mitigation. The GIS system provides detailed data on property ownership, land use type and location, values of property and structures, location of the 100-year floodplain and other infrastructure.

This system provides quick access and processing of detailed data that can be used to assist in deployment of resources, before, during and after a natural disaster, as well as assists in planning for the mitigation of future disasters.

Cumberland County, the City of Fayetteville, and the smaller municipalities have responsive, cooperative, and highly trained staff that is capable of implementing mitigation strategies, as well as educating the public about potential hazards and the process necessary to mitigate these hazards.

Fiscal Capability

The City of Fayetteville has a moderate amount of fiscal capability to address the threat of natural hazards. The North Carolina General Assembly has empowered municipalities to make expenditures in the public interest [NCGS 160A 475]. The primary source for funding these expenditures comes from property taxes. These revenues generally finance critical services available and delivered on a daily basis. Examples of these services include: public utilities, solid waste management, emergency services, health and social services, and schools. The City of Fayetteville will pursue other available funds to support special projects for hazard mitigation activities. Federal and State funds are available to local governments for the development and implementation of hazard mitigation plans. Some of these sources for hazard mitigation funding may include the following:

Federal Funding

Hazard Mitigation Grant Program (HMGP) - This program provides funding for hazard mitigation measures following a Presidential disaster declaration. Even though the Federal government supplies the majority of the funds for this program, the program is administered on the State level. HMGP funds can be used for projects such as acquisition or relocation, retrofitting, development of local mitigation standards and comprehensive mitigation plans, structural hazard control and the purchase of equipment to improve preparedness and response.

Pre Disaster Mitigation Program Grants (PDM) - Pre Disaster Mitigation Program provides funding to States and local jurisdictions for cost-effective hazard mitigation actions. FEMA provides PDM grants to States, that in turn, provide sub-grants to local governments for mitigation activities such as planning and the implementation of projects identified through the evaluation of natural and man-made hazards.

Flood Mitigation Assistance Programs - This program (FMAP) furnishes mitigation assistance to States, local jurisdictions and individuals to reduce or eliminate the long-term risk of flood damage to the built environment and real property. FMAP is available on an annual basis and eligibility is based upon a jurisdiction participating in the National Flood Insurance Program and developing a mitigation plan. These funds may be used for elevation and/or dry flood proofing of structures, acquisition of real property, relocation or demolition of structures, as well as other minor structural projects.

National Flood Insurance Program - Participation in this risk-sharing program requires jurisdictions to adopt and enforce floodplain management ordinances designed to reduce future losses.

Buy-Out Programs - Funding is available to buy back floodplains, relocate residents, and demolish structures in order to eliminate or reduce payouts for recurring flood damage.

Earthquake Hazard Reduction Grants - These funds are available to States having a moderate or high risk of seismic activity.

Community Development Block Grants - The Community Development Block Grant (CDBG) is designed to assist counties and municipalities in rehabilitating substandard dwelling units and to expand economic opportunities, primarily for low-to-moderate income families. Additionally, as a result of a Presidential declared disaster, CDBG funds may be used for long-term needs such as acquisition, reconstruction, and redevelopment of disaster-affected areas.

Small Business Administration (SBA) Pre-Disaster Mitigation Loan Program - The purpose of this program is to make low-interest, fixed-rate loans to eligible small businesses for the purpose of implementing mitigation measures to protect business property from damage that may be caused by future disasters. The program is a pilot program, which supports the Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Program.

State Funding

Uniform Relocation Act - Tenants who must relocate as a result of acquisition of their housing are entitled to Uniform Relocation Act relocation benefits, such as moving expenses, replacement housing rental payments, and relocation assistance advisory services, regardless of the owner's voluntary participation.

Ability to Pay - The North Carolina Department of Commerce has ranked the 100 counties in an economic tier system due to the Lee Quality Jobs and Business Expansion Act of 1966, which provides for a sliding scale of State tax credits for economic investment. This Act has become North Carolina's primary development tool in an effort to assist smaller rural counties become economically competitive. The most economically depressed counties are ranked in Tier 1 and the most economically prosperous are ranked in Tier 5. These rankings are evaluated annually based on (1) population growth, (2) unemployment rate, and (3) per capita income.

The tier ranking is widely used by the State as a measure of an individual county's ability to pay when applying for State and Federal grants. Cumberland County is ranked as a Tier 4 County.

Non-Government Funding

Another potential source of revenue for local mitigation efforts are the contribution of non-governmental organizations, such as churches, charities community relief funds, the American Red Cross, hospitals, for-profit businesses and non-profit organizations, such as nature conservancy and land trust organizations.

Legal Authority and Capability

The City of Fayetteville has extensive legal authority and capability to address the threats of natural hazards.

Local governments in North Carolina have been authorized by the State legislature to carry out four broad governmental powers: Regulation, Acquisition, Taxation and Spending. The following is a summary of North Carolina enabling legislation granting these broad governmental powers relevant to hazard mitigation.

Regulation

General Police Power

All local governments in North Carolina have been granted broad regulatory powers in their jurisdictions. North Carolina General Statutes [NCGS] bestow the general police power on local governments, allowing them to enact and enforce ordinances, which define, prohibit, regulate or abate acts, omissions, or conditions detrimental to the health, safety and welfare of the people and to define and abate nuisances (including public health nuisances).

Hazard mitigation can be included under the police power to protect the public health, safety and welfare, therefore counties and municipalities may include requirements for hazard mitigation in local ordinances. Local governments may also use their power to abate nuisances, which could include by local definition, any activity or condition making people or property more vulnerable to any hazard [NCGS Chapter 160A, Article 8 Delegation and Exercise of the General Police Power to Cities and Towns.

Building Codes and Building Inspection

Counties and municipalities can engage in risk reduction measures focusing on strengthening building codes and requiring retrofitting of existing structures and facilities to protect the public health, safety, and welfare in the event of a natural hazard.

North Carolina has a State mandatory building code, which applies throughout the State [NCGS 143-138 (c)]. However, local jurisdictions may adopt codes for their respective jurisdictions if approved by the State as providing “adequate minimum standards” [NCGS 1143-138 (e)]. Local regulations cannot be less restrictive than the State Code. Exempted from the State Code are public utility facilities other than buildings; liquefied petroleum gas and liquid fertilizer installations, and farm buildings outside municipal jurisdictions. No State permit may be required for structures under \$20,000. (Note that exemptions apply only to State, not local permits).

The State legislature has also empowered municipalities to carry out building inspections. NCGS Chapter 160A, Article 19, Part 5 empower municipalities to create an Inspections Department, and enumerates its duties and responsibilities, which include enforcing State and local laws relating to the construction of buildings, installation of plumbing, electrical, heating systems, etc; building maintenance; and other matters.

Land Use

Through various land use regulatory powers, granted by the State, cities can control the amount, timing, density, and location of new development. These growth characteristics can determine the level of vulnerability of an area in the event of a natural hazard. Land use regulatory powers include power to engage in planning, enact and enforce zoning, subdivision, floodplain, and storm water and watershed ordinances.

Zoning

Zoning is the most basic tool available to control the use of land. The North Carolina General Statutes 160A-381 gives broad enabling authority for municipalities to use zoning as a planning tool. Counties may also regulate inside a municipal jurisdiction at the request of a municipality, as set forth in NCGS 160A-360(d). The statutory purpose for the grant of power is to promote the health, safety or the general welfare of the community. Land “uses” controlled by zoning include the type of use, such as residential, commercial, industrial, as well as minimum specifications for use such as lot size, building height, setback, density, etc.

Municipalities are authorized to divide their territorial jurisdiction into districts, and to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land within those districts [NCGS 160A-382]. Districts may include general use districts; overlay districts, and special use districts or conditional use districts. Zoning ordinances consist of maps and written text.

Comprehensive or Master Planning

Within North Carolina, local governments are required to create or designate a planning agency in order to exercise the regulatory powers related to land use [NCGS 160A-387]. The planning agency may: prepare studies for an area/neighborhood; determine objectives; prepare and adopt plans for achieving objectives; develop and recommend policies, ordinances and administrative means to implement plans; and perform other related duties [NCGS 160A-361].

NCGS 160A-383 requires that zoning regulations be made in accordance with a comprehensive plan. While the ordinance itself may provide evidence that zoning is being conducted “in accordance with a plan,” the existence of a separate comprehensive planning document ensures that the government is developing regulations and ordinances that are consistent with the overall goals of the community.

Subdivision Regulation

Subdivision regulations control the division of land into parcels for the purpose of building a development or sale. Subdivision is defined as all divisions of a tract or parcel of land into two or more lots and all divisions involving a new street or a change in existing streets [NCGS 160A-376]. Flood-related subdivision controls typically require that developers install adequate drainage facilities and design water and sewer systems to minimize flood damage and contamination. They prohibit the subdivision of land

subject to flooding unless flood hazards are overcome through filing or other measures, and they prohibit filling of floodway areas. Subdivision regulations require that subdivision plans be approved prior to the division of land. Subdivision regulation is limited in its ability to directly affect the type of use made of land or minimum specifications for structures.

Floodplain Regulation

The North Carolina legislature passed the “Act to Prevent Inappropriate Development in the One Hundred-Year Floodplain and to Reduce Flood Hazards” to regulate development within floodways [NCGS 143-214.51-214.61]. It serves as a risk reduction or risk elimination tool depending upon local government use. The purpose of this law is to minimize the extent of floods by preventing obstructions that inhibit water flow and increase flood height and damage; prevent and minimize loss of life, injuries, property damage and other losses in flood hazard areas; and promote the public health, safety and welfare of citizens.

The statute directs, rather than mandates, local government to designate a one hundred-year floodplain; adopt local ordinances to regulate uses in flood hazard areas; enforce those ordinances; and grant permits for use in flood hazard areas that are consistent with the ordinance. The statute established minimum standards for local ordinances and provides for variances for prohibited uses such as:

(a) A flood hazard prevention ordinance adopted by a county or city pursuant to this part shall, at a minimum:

2. Meet the requirements for participation in the National Flood Insurance Program and of this section.
3. Prohibit new solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities in the 100-year floodplain except as noted in section (b) below.
4. Provide that a structure or tank for chemical or fuel storage incidental to a use that is allowed under this section or to the operation of a water treatment facility may be located in a 100-year floodplain only if the structure or tank is either elevated above base flood elevation or designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(b) A flood hazard prevention ordinance may include a procedure for granting variances for uses prohibited under G.S. 143-215.54.

(c). A county or municipality shall notify the Secretary of Crime Control and Public Safety of its intention to grant a variance at least 30 days prior to granting the variance. A variance may be granted upon finding that all of the following apply:

- (1) The use serves a critical need in the community.
- (2) No feasible location exists for the location of the use outside the 100-year floodplain.
- (3) The lowest floor of any structure is elevated above the base flood elevation or is designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (4) The use complies with all other applicable laws and regulations.

Also, the statute ensures that local ordinances meet the minimum requirements of participation in the National Flood Insurance Program (NFIP), which will afford residents the ability to purchase flood insurance through the NFIP. Additionally, communities with such ordinances will be afforded priority in the consideration of applications for loans and grants from the Clean Water Revolving Loan and Grant Fund.

Acquisition

Municipalities can eliminate the risk of hazards through their power to acquire property, either in fee or lesser interest such as an easement. This removes the property from the private marketplace, thereby eliminating or reducing the possibility of inappropriate development. North Carolina legislation empowers municipalities to acquire property for public purpose by gift, grant, devise, bequest, exchange, purchase, lease or eminent domain [NCGS Chapter; Chapter 160A Article 11].

Taxation

The power to levy taxes and special assessments has been delegated to municipalities by the North Carolina legislature [NCGS 160A Article 9]. This power allows local governments to set preferential tax rates for areas unsuitable for development, such as wetlands, thereby discouraging development in hazardous areas. Municipalities may also levy special assessments on property owners for all or part of the costs of acquiring, constructing, reconstructing, extending or otherwise building or improving beach erosion control, or flood and hurricane protection works within a designated area [NCGS 160A 238].

Spending

Municipalities have been granted power to make expenditures in the public interest by the North Carolina General Assembly. An annual budget and a Capital Improvement Plan (CIP) can include hazard mitigation efforts. A CIP serves as a schedule for providing municipal services over a specified period of time. Committing to a timetable for the extension of facilities and services, municipalities can effectively steer future growth and development and mitigate the impacts of natural hazards.

Political Climate and Political Willpower

The City of Fayetteville has a political climate that seeks to expand the City's capability to address the threats of natural hazards. The City Council has shown some political willpower to expand its capability to address the threats of natural hazards.

LIST OF REFERENCES (CITY OF FAYETTEVILLE SECTION)

Development Services Department, Planning and Zoning Division. City of Fayetteville. 1963. Existing Land Use. Fayetteville, NC. Technical Study No. 4.

Federal Emergency Management Agency. 1984. Flood Insurance Study. City of Fayetteville, NC. Revised as of June 15, 1984.

Mason, Robert R., Jr. and Caldwell, William S. 1992. The Storm and Flood of September 15, 1989, in Fayetteville, North Carolina. U.S. Geological Survey. Water-Resources Investigations Report 92-4097.

Wilbur Smith and Associates. 1971. Comprehensive Water and Sewer Plan-Cumberland County, North Carolina.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Nash, Planner II
DATE: September 26, 2011
RE: **Public Hearing to Consider a Petition Requesting Annexation-Submitted by Methodist University-(Meadowcroft Drive-Riverdell Drive Property)**

THE QUESTION:

Should a contiguous area owned by Methodist University be annexed into the City limits?

RELATIONSHIP TO STRATEGIC PLAN:

Strong local economy

BACKGROUND:

Methodist University has requested that a property it owns south of its campus be annexed into the City. The property is located east of Meadowcroft Drive, north of Riverdell Drive, west of the Methodist University golf course, and south of the Tartan Place Apartments. It is not believed that there are any structures on the property although aerial photography and building footprint layer in GIS suggests that there might be several small buildings on the property. The Cape Fear River Trail passes through the property. This area is completely surrounded by the City. It is one of the enclave (donut hole) areas that the City staff has recently studied for annexation. The property contains approximately 28.25 acres.

ISSUES:

Sufficiency: The City's Real Estate staff has verified that Methodist University owns this property.

Services: This property appears to be predominantly vacant; there should be very little demand for City services. However, aerial photography shows that there is a lake on the property. The Cape Fear River Trail passes through the property, and several small buildings appear in aerial photography and in a GIS layer of buildings. City operating departments should be able to provide services to the property. As of this writing, no problems have been identified in serving the area.

Effective Date: Staff is recommending an effective date of September 26, 2011. Recent changes in the state annexation law governing contiguous petition annexations require that a contiguous area be annexed either immediately or on the following June 30. Annexing this area effective September 26, 2011 should not present any problems from the standpoint of compliance with the Voting Rights Act, because no people or registered voters live within the area.

BUDGET IMPACT:

The fiscal impact of annexing this area should be neutral for the City.

Revenue Projection: It is not expected that there will be any revenues, since this property is exempt from real property taxes, and since this property has no population.

Cost Projection: No costs have been projected for annexing this area.

OPTIONS:

1. Adopt the Annexation Ordinance with an effective date of September 26, 2011. **(Recommended)**
2. Adopt the Annexation Ordinance with an effective date of June 20, 2012.
3. Do not adopt the Annexation Ordinance and the property will remain outside the City.

RECOMMENDED ACTION:

Staff recommends that Council adopt the Annexation Ordinance approving the requested annexation with an effective date of September 26, 2011.

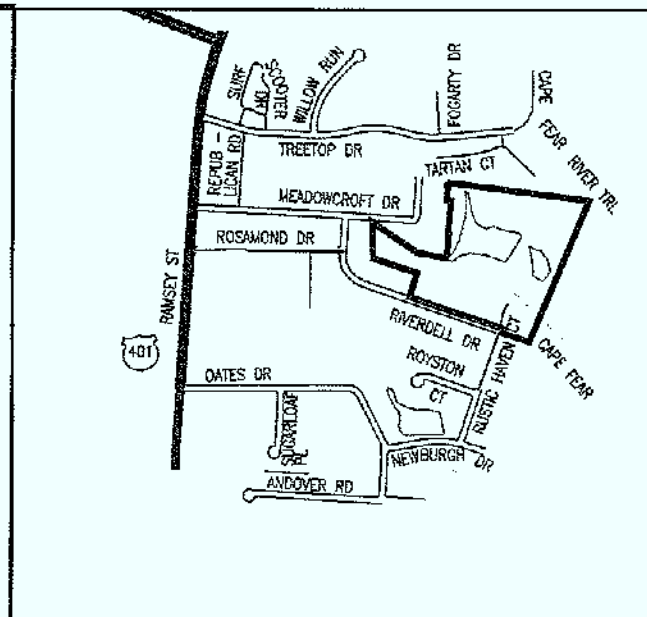
ATTACHMENTS:

Legal Description Map

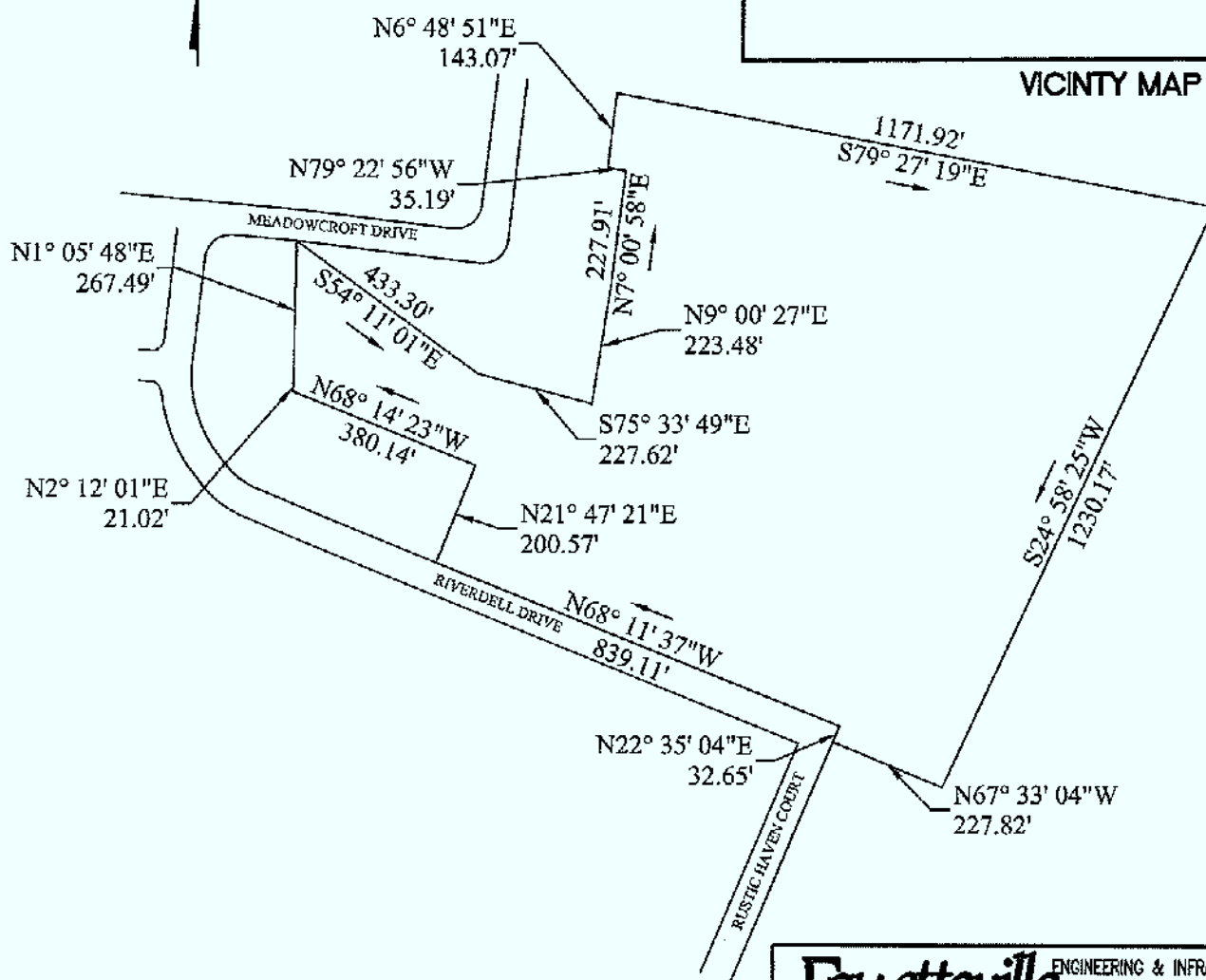
Basic Information About the Area

Proposed Ordinance

PROPOSED ANNEXATION AREA



VICINITY MAP (N.T.S.)



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

Fayetteville
North Carolina

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

PROPOSED ANNEXATION AREA
MEADOWCROFT DR., FAYETTEVILLE, NC.
METHODIST UNIVERSITY INC PROPERTY
± 28.25 ACRES

EXHIBIT 'B'

SHEET 1 OF 1

DATE 9/14/2011 DRAWN BY JMB
SCALE 1" = 350' CK'D BY CSA

BASIC INFORMATION ABOUT THE AREA
Information Updated as of: September 16, 2011
Date Petition Received: September 12, 2011
Annexation Date: Effective Date:
Annexation Number:

1. Name of Area:	Methodist University-Meadowcroft Drive-Riverdell Drive Property
2. Names of Petitioners:	Gene T. Clayton, Vice-President of Business Affairs, Methodist University, Inc.
3. Location:	South of the Methodist University campus. East of Meadowcroft Drive, north of Riverdell Drive, west of the Methodist University golf course, and south of the Tartan Place Apartments.
4. Tax Identification Number (PIN):	0530-80-5426
5. Fire Department Affected by Annexation:	Fayetteville (formerly Westarea)
6. Is the Area Contiguous:	yes
7. Type of Annexation:	Petition-initiated contiguous area
8. Background:	Methodist University has requested that this property be annexed.
9. Reason the Annexation was Proposed:	The request for annexation was related to the proposed construction of a sidewalk along Ramsey Street.
10. Number of Acres in Area:	28.25
11. Type of Development in Area:	Undeveloped land. However, the Cape Fear River Trail passes through the property. Also, aerial photography indicates several small buildings; their presence needs to be verified.
12. Present Conditions:	a. <u>Present Land Use:</u> Vacant & Lake b. <u>Present Number of Housing Units:</u> 0 c. <u>Present Demographics:</u> Total Pop=0 d. <u>Present Streets:</u> None
13. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> City is now aware of any plans to change the land use on the property. b. <u>Development Controls</u> 1. <u>Land Use Plan</u> a. <u>2010 Plan (Updated with North Fayetteville Plan):</u> Office & Institutional and Open Space 2. <u>Zoning</u> a. <u>Current Zoning in County:</u> R10 b. <u>Likely Zoning After Annexation</u> SF-10 c. <u>Maximum number of units allowed based on the zoning:</u>
14. Expected Future Conditions:	a. <u>Future Land Use</u> –No change expected b. <u>Future Number of Housing Units:</u> None expected c. <u>Future Demographics:</u> No population expected d. <u>Future Streets:</u> None expected e. <u>Water and Sewer Service:</u> No extensions expected f. <u>Electric Service-No extensions expected.</u>
15. Tax Value of Land and Buildings:	

**Annexation Ordinance No: _____ Methodist University-Meadowcroft
Drive-Riverdell Drive Property
(PIN # 0530-80-5426)**

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

WHEREAS, the City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

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

WHEREAS, the City of Fayetteville has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on September 26, 2011, after due notice by publication on September 16, 2011; and

WHEREAS, the City Council further finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous property owned by Methodist University is hereby annexed and made part of the City of Fayetteville, as of September 26, 2011:

**Methodist University, Inc.
Annexation Petition PIN# 0530-80-5426-
28.25 Acre Tract**

BEGINNING at a point within the intersection of Rustic Haven Court and Riverdell Drive, said point also being in the eastern right-of-way margin of Rustic Haven Court thence continuing North 22 degrees 35 minutes 04 seconds East 32.65 feet to a point where the eastern right-of-way margin of Rustic Haven Court and the northern right-of-way margin of Riverdell Drive intersect; thence continuing with the northern right-of-way margin of Riverdell Drive North 68 degrees 11 minutes 37

seconds West 839.11 feet to a point; thence North 21 degrees 47 minutes 21 seconds East 200.57 feet to a point; North 68 degrees 14 minutes 23 seconds West 380.14 minutes to a point; thence North 02 degrees 12 minutes 01 seconds East 21.02 feet to a point; thence North 01 degrees 05 minutes 48 seconds East 267.49 feet to a point; thence South 54 degrees 11 minutes 01 seconds East 433.30 feet to a point; thence South 75 degrees 33 minutes 49 seconds East 227.62 feet to a point; thence North 09 degrees 00 minutes 27 seconds East 223.48 feet to a point; thence North 07 degrees 00 minutes 58 seconds East 227.91 to a point; thence North 79 degrees 22 minutes 56 seconds West 35.19 minutes to a point; thence North 06 degrees 48 minutes 51 seconds East 143.07 feet to a point; thence South 79 degrees 27 minutes 19 seconds East 1171.92 feet to a point; thence South 24 degrees 58 minutes 25 seconds West 1230.17 feet to a point; thence North 67 degrees 33 minutes 04 seconds West 227.82 feet to the **POINT OF BEGINNING**....containing 28.25 acres more or less and being a portion of the property conveyed to Methodist College, Inc. in Deed Book 5184, Page 154, and rerecorded in Deed Book 5277, Page 77, Cumberland County Registry.

Section 2. Upon and after September 26, 2011, the effective date of this ordinance, the above-described area and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Adopted this ____ day of _____, 20__.

ATTEST:

Anthony G. Chavonne, Mayor

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Nash, Planner II
DATE: September 26, 2011
RE: **Public Hearing to Consider a Petition Requesting Annexation-Submitted by Methodist University-(Longview Drive Extension Property)**

THE QUESTION:

Should a contiguous area owned by Methodist University be annexed into the City limits?

RELATIONSHIP TO STRATEGIC PLAN:

Strong local economy

BACKGROUND:

Methodist University has requested that a property it owns southeast of its campus be annexed into the City. Access to this property is from Longview Drive Extension, which passes through the property. There are no known structures on this property. This property is almost completely surrounded by the City, but there is a small opening to the east which keeps it from being classified as an enclave (i.e., donut hole) area. The property contains approximately 36.96 acres. However, in the petition submitted by the University, it was reported that there were 37.55 acres in the area.

ISSUES:

Sufficiency: The City's Real Estate staff has verified that Methodist University owns this property.
Services: Because this property is currently vacant, except for the segment of Longview Drive Extension which passes through it, City operating departments should be able to provide services to the property. As of this writing, no problems have been identified in serving the area.

Effective Date: Staff is recommending an effective date of September 26, 2011. Recent changes in the state annexation law governing contiguous petition annexations require that a contiguous area be annexed either immediately or on the following June 30. Annexing this area effective September 26, 2011 should not present any problems from the standpoint of compliance with the Voting Rights Act, because no people or registered voters live within the area.

Creation of New Enclave Areas: Several houses along Longview Drive Extension are not currently within the City and are not proposed to be included in this annexation. However, if this annexation is approved, the property behind these houses will be inside the City. This means that these houses will be completely surrounded by the City. This means that several new enclave areas (donut holes) will be created.

BUDGET IMPACT:

It is expected that the fiscal impact of annexing this area will be slightly positive for the City.

Revenue Projection: The property requested for annexation is not currently classified as an exempt property. This property has a current taxable value of \$81,965. This means that if this property is annexed, the City tax rate will be added to the basic County tax rate, so the City will see a small amount of revenue from this annexing this property. However, since this property has no population, there will be no population-based revenues.

Cost Projection: No costs have been projected for annexing this area.

OPTIONS:

1. Adopt the Annexation Ordinance with an effective date of September 26, 2011.

(Recommended)

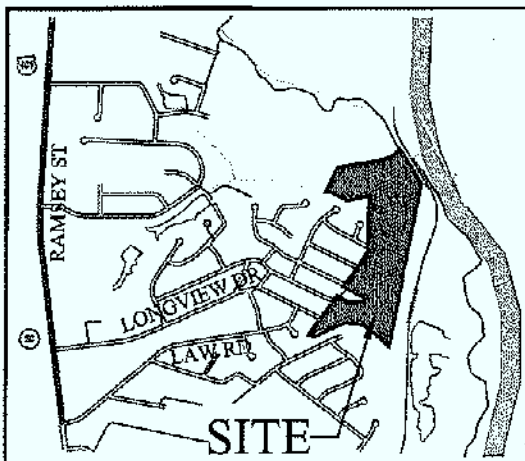
2. Adopt the Annexation Ordinance with an effective date of June 30, 2012.
3. Do not adopt the Annexation Ordinance and the property will remain outside the City.

RECOMMENDED ACTION:

Staff recommends that Council adopt the Annexation Ordinance approving the requested annexation with an effective date of September 26, 2011.

ATTACHMENTS:

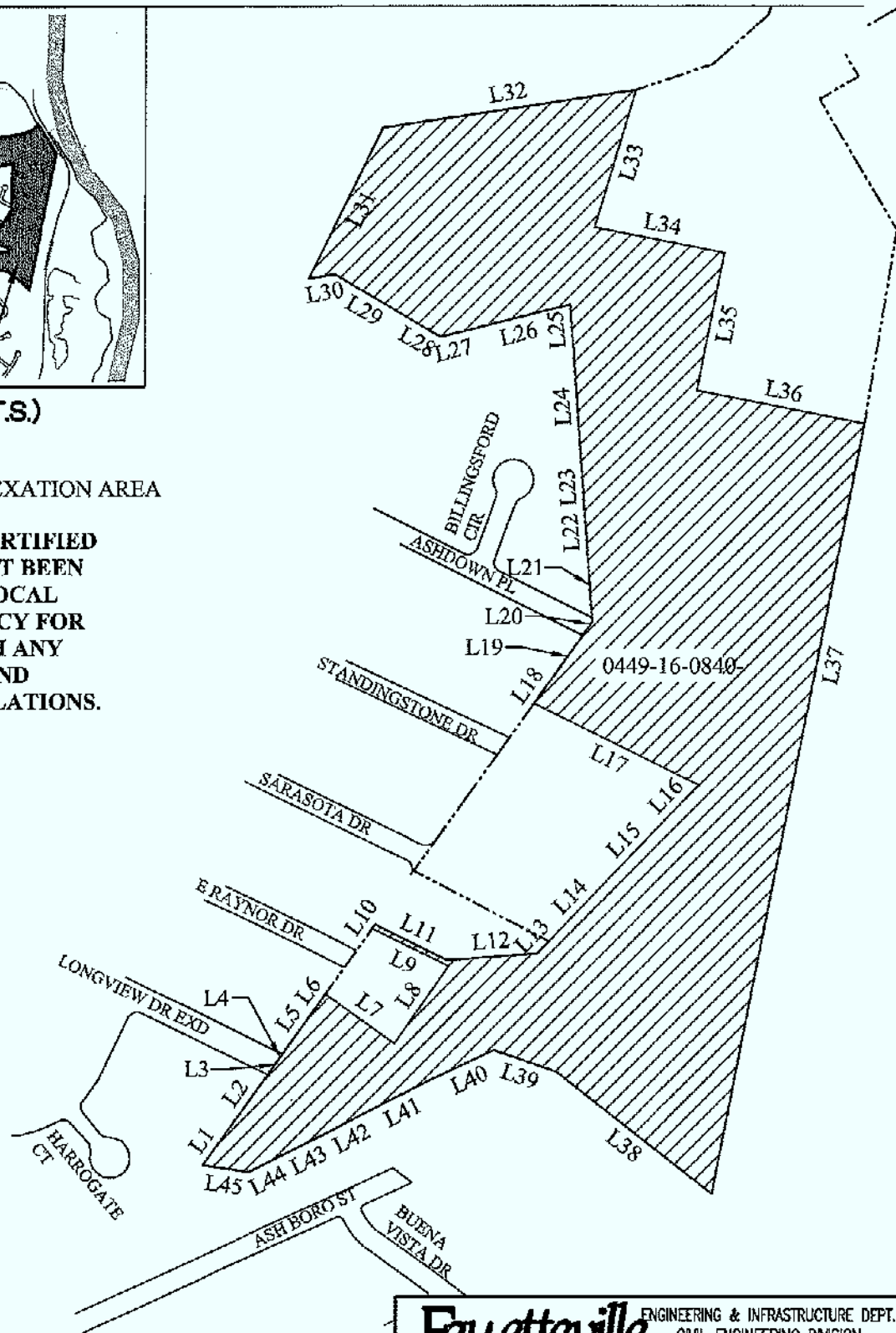
Legal Description Map
Basic Information About the Area
Proposed Ordinance



VICINTY MAP (N.T.S.)

- CITY LIMIT
- PROPOSED ANNEXATION AREA

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



SEE LINE TABLES SHEET 2.

EXHIBIT 'B'

SHEET 1 OF 2

Fayetteville
North Carolina

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

PROPOSED ANNEXATION AREA
LONGVIEW DR., FAYETTEVILLE, NC.
METHODIST UNIVERSITY PROPERTY
± 36.96 ACRES

DATE 09/14/2011 DRAWN BY JMB
SCALE 1" = 400' CK'D BY CSA

BASIC INFORMATION ABOUT THE AREA
Information Updated as of: September 16, 2011
Date Petition Received: September 12, 2011
Annexation Date: Effective Date:
Annexation Number:

1. Name of Area:	Methodist University-Longview Drive Extension Property
2. Names of Petitioners:	Gene T. Clayton, Vice-President of Business Affairs, Methodist University, Inc.
3. Location:	Southeast of the Methodist University campus. Access is from Longview Drive Extension, which passes through the property.
4. Tax Identification Number (PIN):	0449-16-0840
5. Fire Department Affected by Annexation:	Fayetteville (formerly Westarea)
6. Is the Area Contiguous:	yes
7. Type of Annexation:	Petition-initiated contiguous area
8. Background:	Methodist University has requested that this property be annexed.
9. Reason the Annexation was Proposed:	The request for annexation was related to the proposed construction of a sidewalk along Ramsey Street.
10. Number of Acres in Area:	36.96 (petition reported 37.55 acres)
11. Type of Development in Area:	Undeveloped land. However, Longview Drive Extension passes through the property
12. Present Conditions:	a. <u>Present Land Use:</u> Vacant b. <u>Present Number of Housing Units:</u> 0 c. <u>Present Demographics:</u> Total Pop=0 d. <u>Present Streets:</u> A section of Longview Drive Extension passes through the area. This is not a public street.
13. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> City is now aware of any plans to change the land use on the property. b. <u>Development Controls</u> <ol style="list-style-type: none"> 1. <u>Land Use Plan</u> <ol style="list-style-type: none"> a. <u>2010 Plan (Updated with North Fayetteville Plan):</u> Low Density Residential and Open Space 2. <u>Zoning</u> <ol style="list-style-type: none"> a. <u>Current Zoning in County:</u> PND b. <u>Likely Zoning After Annexation</u> SF-10 c. <u>Maximum number of units allowed based on the zoning:</u>
14. Expected Future Conditions:	a. <u>Future Land Use</u> –No change expected b. <u>Future Number of Housing Units:</u> None expected c. <u>Future Demographics:</u> No population expected d. <u>Future Streets:</u> None expected e. <u>Water and Sewer Service:</u> No extensions expected f. <u>Electric Service</u> -No extensions expected.
15. Tax Value of Land and Buildings:	

**Annexation Ordinance No: _____ Methodist University-Longview Drive
Extension Property
(PIN # 0449-16-0840)**

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

WHEREAS, the City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

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

WHEREAS, the City of Fayetteville has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on September 26, 2011, after due notice by publication on September 16, 2011; and

WHEREAS, the City Council further finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous property owned by Methodist University is hereby annexed and made part of the City of Fayetteville, as of September 26, 2011:

**Methodist University, Inc.
Annexation Petition PIN# 0449-16-0840-
36.96 Acre Tract**

BEGINNING at the Southeast corner of Lot 21, Longview Hills, Section Two, Plat Book 97, Page 57, Cumberland County Registry, thence from the point of beginning, North 35 degrees 34 minutes 37 seconds East 92.80 feet; thence North 35 degrees 40 minutes 02 seconds East 201.01 feet to a point; North 35 degrees 43 minutes 00 seconds East 30.54 feet to a point; thence North 35 degrees 47 minutes 38 seconds East 30.63 feet to a point; thence North 35 degrees 39 minutes 24 seconds East

132.92 feet to a point; thence North 36 degrees 03 minutes 57 seconds East 38.87 feet to a point; thence South 54 degrees 23 minutes 27 seconds East 211.83 feet to a point; thence North 35 degrees 00 minutes 11 seconds East 235.07 feet to a point; thence North 63 degrees 47 minutes 07 seconds West 212.19 to a point; thence North 35 degrees 24 minutes 31 seconds East 12.01 feet to a point; thence South 63 degrees 48 minutes 05 seconds East 200.31 feet to a point; thence North 85 degrees 47 minutes 48 seconds East 225.16 feet to a point; thence North 44 degrees 23 minutes 53 seconds East 42.63 feet to a point; thence North 43 degrees 54 minutes 06 seconds East 232.93 feet; thence North 43 degrees 56 minutes 26 seconds East 153.00 feet to a point; North 43 degrees 47 minutes 13 seconds East 153.62 minutes to a point; thence North 63 degrees 47 minutes 15 seconds West 459.68 feet to a point; thence North 35 degrees 30 minutes 51 seconds East 49.66 feet to a point; thence North 35 degrees 46 minutes 13 seconds East 187.77 feet to a point; thence North 34 degrees 30 minutes 23 seconds East 11.93 feet to a point; thence North 04 degrees 04 minutes 24 seconds West 182.56 feet to a point; thence North 04 degrees 05 minutes 03 seconds West 81.99 feet to a point; thence North 04 degrees 05 minutes 37 seconds West 144.74 feet to a point; North 04 degrees 07 minutes 05 seconds West 258.99 feet to a point; thence North 04 degrees 54 minutes 05 seconds West 125.05 feet to a point; thence South 75 degrees 49 minutes 24 seconds West 287.99 feet to a point; thence South 76 degrees 18 minutes 48 seconds West 45.56 feet to a point; thence North 59 degrees 21 minutes 43 seconds West 88.99 feet; thence North 59 degrees 26 minutes 28 seconds West 217.86 feet to a point; South 80 degrees 21 minutes 16 seconds West 66.14 minutes to a point; thence North 26 degrees 07 minutes 50 seconds East 418.92 feet to a point; thence North 81 degrees 25 minutes 35 seconds East 639.30 feet to a point; thence South 16 degrees 43 minutes 43 seconds West 357.87 feet to a point; thence South 78 degrees 55 minutes 27 seconds East 330.98 feet to a point; thence South 11 degrees 07 minutes 36 seconds West 349.90 feet to a point; thence South 78 degrees 57 minutes 23 seconds East 426.68 feet to a point; thence South 11 degrees 04 minutes 32 seconds West 1955.63 feet to a point; North 52 degrees 02 minutes 12 seconds West 495.24 feet to a point; thence North 71 degrees 02 minutes 20 seconds West 165.06 feet to a point; thence South 64 degrees 54 minutes 48 seconds West 174.71 feet to a point; thence South 63 degrees 13 minutes 53 seconds West 202.87 feet to a point; thence South 62 degrees 01 minutes 44 seconds West 80.30 feet to a point; thence South 63 degrees 39 minutes 46 seconds West 160.18 feet to a point; thence South 63 degrees 11 minutes 56 seconds West 66.79 feet to a point; thence North 81 degrees 45 minutes 17 West 115.96 to the **POINT OF BEGINNING**....containing 36.96 acres more or less and being a portion of the property conveyed to Methodist College, Inc. in Deed Book 8541, Page 297, Cumberland County Registry.

Section 2. Upon and after September 26, 2011, the effective date of this ordinance, the above-described area and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Adopted this ____ day of _____, 20__.

ATTEST:

Anthony G. Chavonne, Mayor

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Nash, Planner II
DATE: September 26, 2011
RE: **Public Hearing to Consider a Petition Requesting Annexation-Submitted by Various Owners of Property in the Baywood Point Subdivision**

THE QUESTION:

Should a non-contiguous area scheduled to receive PWC sewer and water services and being developed for a 30-lot single-family residential subdivision be annexed into the City limits?

RELATIONSHIP TO STRATEGIC PLAN:

Strong local economy

BACKGROUND:

The property requesting annexation as a satellite area is located on the eastern side of the City. See Maps A, B, and C. As shown on these maps, there is already another City satellite area nearby. The property consists of 16.7 acres. The property is located within the City's MIA area and because PWC water and sewer services were requested, a Petition Requesting Annexation was required. Plans have been reviewed and approved by the County Planning Department for a 30-lot single-family residential subdivision. Fifteen of these lots were platted in January 2011. Several homes have been constructed or are in the process of being constructed in the area. This subdivision is accessed off Baywood Road through the entrance of Baywood Village Subdivision. Baywood Village is a 71-lot subdivision platted in January 2008, prior to the MIA being adopted in March and May of 2008.

The City received annexation petitions for the Baywood Point subdivision on March 16, 2011 and on June 21, 2011. A public hearing on the annexation request was scheduled for July 25, 2011. However, due to the sale of additional property within this subdivision, the petitions were deemed to be insufficient by July 25. Therefore, the City Council deleted the public hearing from the July 25 meeting agenda.

On September 12, the City's Planning staff received a new petition signed by all property owners in the Baywood Point subdivision. The City's Real Estate staff has investigated the sufficiency of the petition and determined that the petition is sufficient, as of September 9, 2011.

A new public hearing has been scheduled for September 26.

ISSUES:

Sufficiency: The newly-submitted petition has been deemed sufficient. Staff is working with the current owners to limit any sufficiency issues during Council consideration.

Services: Staff from various City departments have had the opportunity to review and discuss their ability to provide City services to this location. There are no identified problems extending services to the petitioned properties. The Police Department noted that additional time and fuel will be required to serve the area. The Fire Department expressed concern over extended travel distance; however, contracting with the Vander Fire Department should eliminate this concern. The Environmental Services Department reports that it is already

providing collection services to the nearby Cape Fear Crossing satellite area. (See Maps A, B, and C.)

Effective Date: Staff is recommending an effective date of December 31, 2011. This will allow time for the annexed area to be assigned to a council election district, it will allow time for the assignment to be submitted to the Justice Department, and it will allow time for the Justice Department to preclear the assignment. These steps must be completed before residents of the area will be able to vote in a city election.

Impact of Current Hold on PWC Services: It is assumed that once City Council annexes the area, the current hold on PWC services will be lifted.

Impact of Future Sale of Property After Annexation Ordinance Is Adopted But Before Effective Date: If a property is sold after the ordinance is adopted but before its effective date, the conveyance will have no effect on the validity of the annexation; the property still becomes part of the City on the effective date.

Impact on Homeowners of Additional Taxes and Fees After Annexation: The Planning staff has prepared a worksheet for estimating the impact on a typical homeowner of the additional taxes and fees after annexation. This worksheet also takes into account that a homeowner will be able to deduct the additional taxes on his or her federal income tax form. The worksheet has shown that the impact of annexation will not be as severe as some homeowners might fear.

BUDGET IMPACT:

It is expected that the fiscal impact of annexing this area will be positive for the City.

Revenue Projection: The Planning staff has projected that over the next five fiscal years, the total revenue from annexing this area would be \$196,073. This projected revenue will likely offset any costs that the City will incur as a result of annexing the area.

Cost Projection: The Environmental Services Department would have a one-time cost of \$1,560 for providing roll-out carts (based on 30 carts times \$52 each). The Environmental Services Department proposes to contract for the collection services; it has been estimated that this will cost \$7,200 per year (based on 30 houses times \$240 per year). (If this area is annexed, Environmental Services proposes to also contract for collection services for the nearby Cape Fear Crossing satellite area.) The Fire Department expects to enter into a contract with the Vander Fire Department to provide primary fire and first responder coverage. The Fire Department has estimated the annual cost to be \$1,000. The Vander Fire Department has reported that it has no debt; this means there will be no costs associated with assuming some of Vander's debt. The Police Department would have some costs for the provision of patrol services, but these costs have not been estimated.

OPTIONS:

1. Adopt the Annexation Ordinance with an effective date of September 26, 2011.
2. Adopt the Annexation Ordinance with an effective date of December 31, 2011
(Recommended).
3. Do not adopt the Annexation Ordinance and the property will remain outside the City.

RECOMMENDED ACTION:

Staff recommends that Council adopt the Annexation Ordinance approving the requested annexation with an effective date of December 31, 2011.

ATTACHMENTS:

Map A-Location of Proposed Satellite Area on the Eastern Side of the City

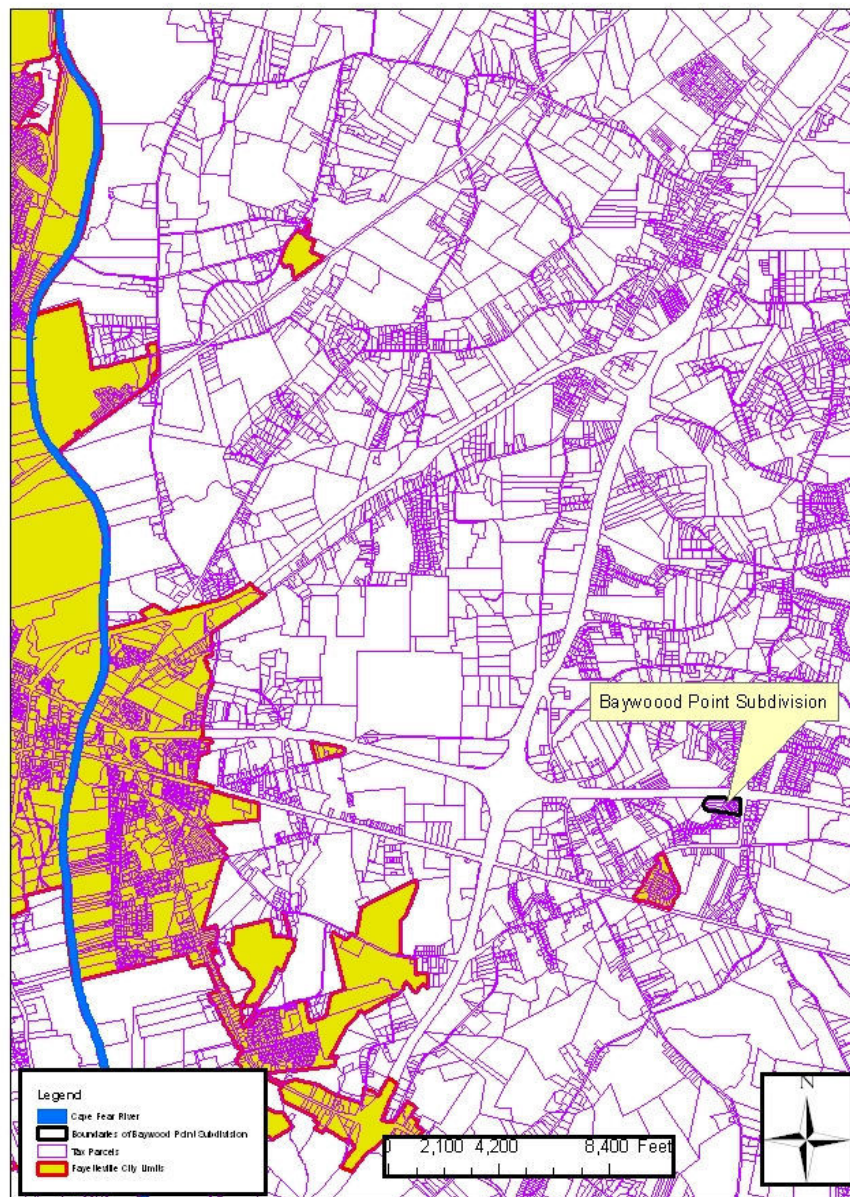
Map B-Vicinity Map-Shows Nearby Satellite Area

Map C-Legal Description Map

Basic Information About the Area

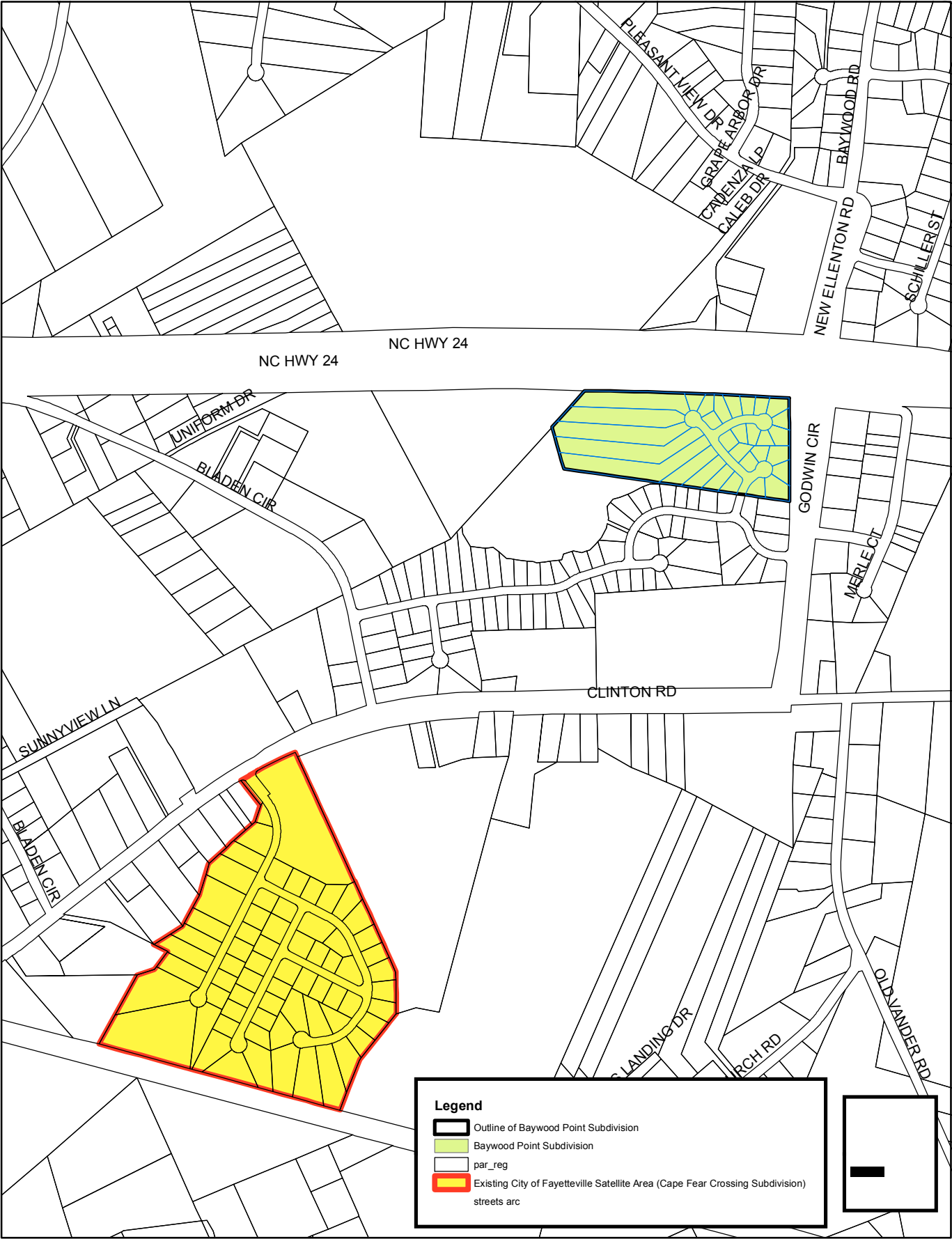
Proposed Ordinance

Baywood Point Subdivision Satellite Annexation Petition



Prepared 7/14/11 by City of Fayetteville Planning & Zoning Division

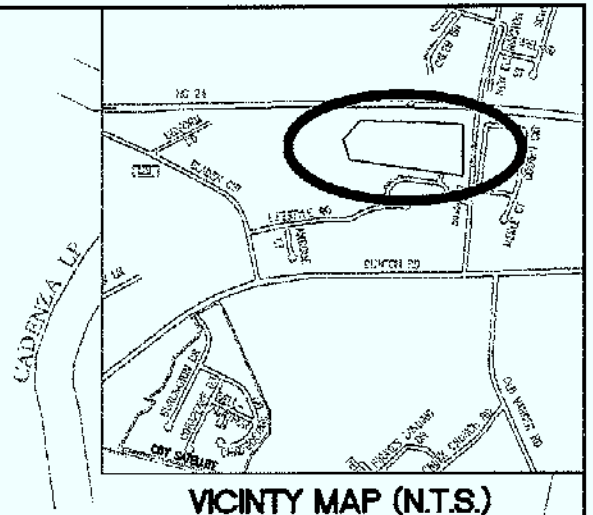
**Proposed Satellite Annexation - Baywood Point Subdivision
Vicinity Map**



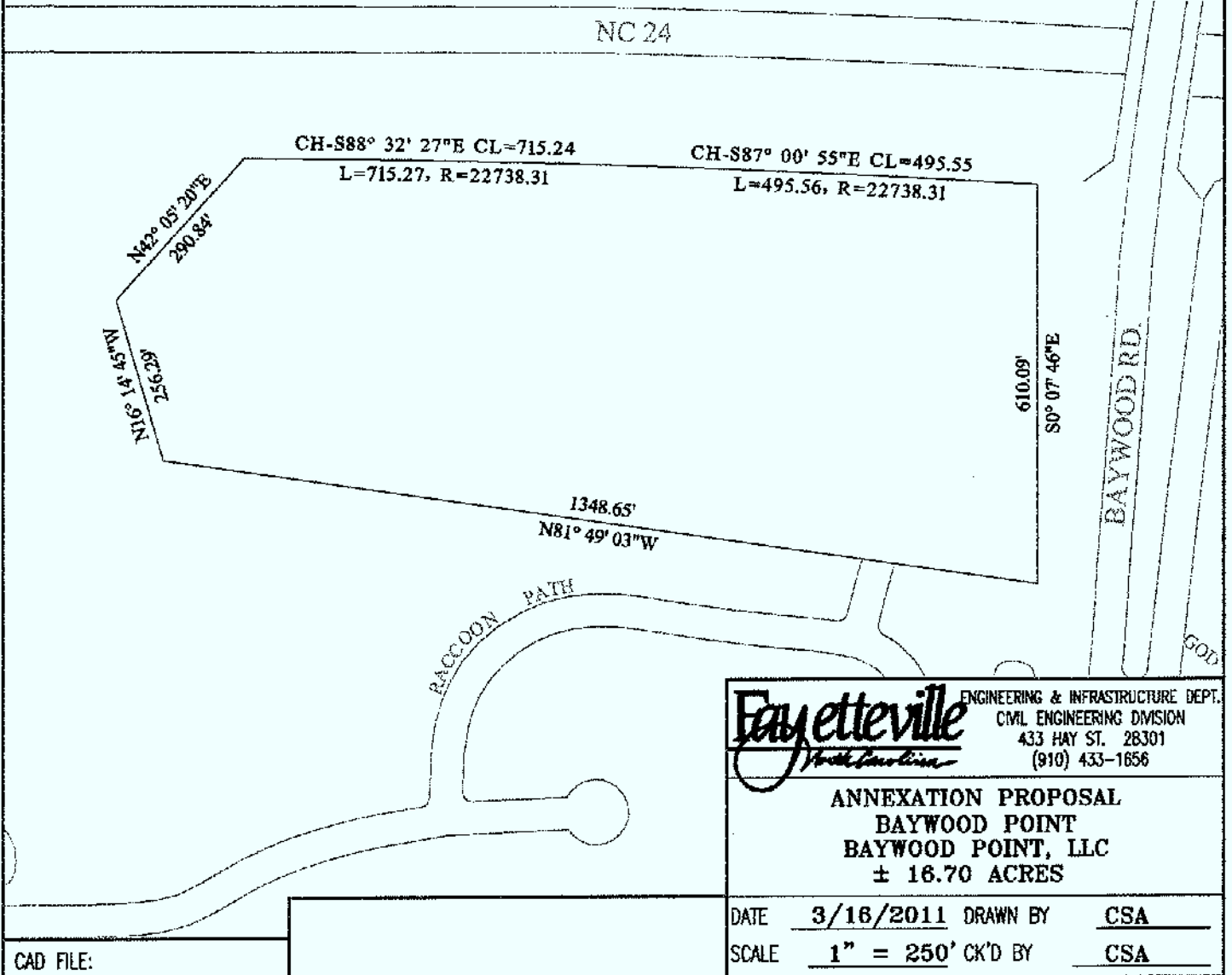
Location: Southern side of NC 24, West of Baywood Road

EXHIBIT 'A'

THIS MAP IS NOT A CERTIFIED SURVEY AND NO
RELLANCE MAY BE PLACED IN IT'S ACCURACY.



VICINTY MAP (N.T.S.)



BASIC INFORMATION ABOUT THE AREA
Information Updated as of: September 15, 2011
Date Petition Received: September 12, 2011
Annexation Date: Effective Date:
Annexation Number:

1. Name of Area:	Baywood Point Subdivision
2. Names of Petitioners:	Baywood Point, LLC (Wesley Meredith, Member/Mgr); Savvy Homes, LLC (Darrell Daigre & George Aiken, Members); Pierre-Andre Bellerice; Wanda I. DeJesus Fernandez; Robert Fulton Harris & wife, Sara Harris; Tiara Penebacker (pending); and Raymond & Wendy Morasse (pending).
3. Location:	South of NC 24 and West of Baywood Road
4. Tax Identification Number (PIN):	0466-79-0743- (Original parent parcel)
5. Fire Department Affected by Annexation:	Vander
6. Is the Area Contiguous:	No
7. Type of Annexation:	Petitioned Non-Contiguous Annexation
8. Background:	The subdivision petitioning for annexation is known as Baywood Point. It has 30 lots. It was approved by the County Planning Dept. in August 2010. Located to the south is an older subdivision known as Baywood Village. It has 71 lots. For the Baywood Point subdivision, a waiver to not require curb and gutter or sidewalks was approved, so that these last 30 lots in Baywood Point could be developed in the same manner as in the previous Baywood Village.
9. Reason the Annexation was Proposed:	PWC water and sewer services
10. Number of Acres in Area:	16.7
11. Type of Development in Area:	Under development
12. Present Conditions:	a. <u>Present Land Use:</u> Being developed as residential (11 developed lots, 19 undeveloped lots) b. <u>Present Number of Housing Units:</u> 11 SF units completed (3 seem to be occupied; 8 are vacant) c. <u>Present Demographics:</u> Total Pop=7 (3 Occ HU x 2.45 average household size=7.35=7) d. <u>Present Streets:</u> New Streets Have Been Built (Himalayan Rd, Baywood Point Dr, Bedfordshire Place)
13. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> Construction of the Baywood Point Subdivision (30 lots) b. <u>Development Controls</u> <ol style="list-style-type: none"> 1. <u>Land Use Plan</u> <ol style="list-style-type: none"> a. <u>2010 Plan:</u> Residential 2. <u>Zoning</u> <ol style="list-style-type: none"> a. <u>Current Zoning in County:</u> RR Rural Residential District b. <u>Likely Zoning After Annexation:</u> AR Agricultural Residential District c. <u>Maximum number of units allowed based on the zoning:</u> 96
14. Expected Future Conditions:	a. <u>Future Land Use:</u> Single Family Residential b. <u>Future Number of Housing Units:</u> 30 c. <u>Future Demographics:</u> 75 d. <u>Future Streets:</u> No additional new streets expected e. <u>Water and Sewer Service:</u> PWC Water and Sewer f. <u>Electric Service:</u> Progress Energy
15. Tax Value of Land and Buildings:	\$47,637=Land Value of Parent Parcel-(Updated values for recently-platted lots not yet available)

BASIC INFORMATION ABOUT THE AREA
Information Updated as of: September 15, 2011
Date Petition Received: September 12, 2011
Annexation Date: Effective Date:
Annexation Number:

Annexation Ordinance No: _____

Baywood Point Subdivision – (Located on the South side of NC 24, West of Baywood Road)

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

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

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

WHEREAS, the City of Fayetteville has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on September 26, 2011, after due notice by publication on September 16, 2011; and

WHEREAS, the legislation incorporating the Town of Eastover adopted by the North Carolina General Assembly in 2007 (H1191) specified an area within which the Town of Eastover would not extend its boundaries by annexation or otherwise, and the area described below is located within the area not to be annexed by Eastover; and

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

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the City of Fayetteville;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the City of Fayetteville;
- c. The area described is so situated that the City of Fayetteville will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Fayetteville;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous property owned by Baywood Point, LLC; Savvy Homes, LLC; Pierre-Andre Bellerice; Wanda I. DeJesus Fernandez; Robert Fulton Harris and wife, Sara Harris; Tiara Penebacker (pending); and Raymond and Wendy Morasse (pending); is hereby annexed and made part of the City of Fayetteville of North Carolina as of December 31, 2011:

BAYWOOD POINT SUBDIVISION
(South of NC Hwy 24 and West of Baywood Road)

BEGINNING at the northeast corner of Lot 70 of Baywood Village Section One and continuing thence for a first call North 81 degrees 49 minutes 03 seconds West 1348.65 feet to a point, thence North 16 degrees 14 minutes 45 seconds West 256.29 feet to a point, thence North 42 degrees 05 minutes 20 seconds East 290.84 feet to a point, thence with a curve the right having a radius of 22738.31 with a chord bearing and distance of South 88 degrees 32 minutes 27 seconds East 715.24 feet to a point, thence with another curve to the right having a radius of 22738.31 with a chord bearing and distance of South 87 degrees 00 minutes 55 seconds East 495.55 feet to a point, thence South 00 degrees 07 minutes 46 seconds East 610.09 feet to the point of BEGINNING and containing approximately 16.70 acres.

Section 2. Upon and after December 31, 2011, the above-described area and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville of North Carolina and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville of North Carolina. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Adopted this ____ day of _____, 2011.

ATTEST:

Anthony G. Chavonne, Mayor

Pamela McGill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: September 26, 2011
RE: **Uninhabitable Structures Demolition Recommendations**

- **806 Eugene Street**
 - **516 Link Street**
 - **1639 Rudolph Street**
-

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

806 Eugene Street

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

The structure was inspected and condemned as a vacant/abandoned structure on March 2, 2011. A hearing on the condition of the structure was conducted on June 6, 2011, in which the owner failed to appear. A notice of the hearing was also published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish within 60 days was issued and mailed to the owner on June 1, 2011. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since February, 2009. In the past 24 months there have been 3 calls for 911 service at the property. There have been 3 code violation cases with pending assessments of \$494.48. The low bid for demolition is \$3,400.

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. The structure is a vacant residential home. The structure was inspected and condemned as a dangerous/abandoned structure on May 17, 2011. A hearing on the condition of the structure was conducted on May 27, 2011, in which the owner failed to appear. A subsequent Hearing Order was issued and mailed to the owner on May 27, 2011. To date there have been no repairs to the structure; the front porch roof has now collapsed due to the porch columns being removed. The utilities to the structure have been disconnected since September, 2009. In the past 24 months there have been 166 calls for 911 service at the property. There have been 18 code enforcement cases with pending assessments of \$1,543.66. The low bid for demolition is \$1,300.

1639 Rudolph Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure was vacant and the subject of a fire on April 22, 2011. As a result of the fire the structure was inspected and condemned as a dangerous/abandoned structure on May 3, 2011. A hearing on the condition of the property was conducted on July 11, 2011, in which the owner failed to appear. A notice of the hearing was also published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish within 60 days was issued and mailed to the property owner on July 11, 2011. To date there have been no repairs to the structure. The utilities to the structure have been disconnected since September, 2009. In the past 24 months there have been 11 calls for 911 service at the property. There have been 4 code violation cases with pending assessments of \$1050.37. The low bid for demolition is \$2,900.

ISSUES:

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

BUDGET IMPACT:

The demolition of these structures will be \$7,600; there will be additional costs for asbestos testing and abatement if needed.

OPTIONS:

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

Defer any action to a later date.

RECOMMENDED ACTION:

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

ATTACHMENTS:

Aerial Map-- 806 Eugene Street

Ordinance-- 806 Eugene Street

Docket-- 806 Eugene Street

Aerial Map-- 516 Link Street

Ordinance 516 Link Street

Docket-- 516 Link Street

Aerial Map-- 1639 Rudolph Street

Ordinance 1639 Rudolph Street

Docket-- 1639 Rudolph Street

Photo1-- 806 Eugene Street

Photo 2-- 806 Eugene Street

Photo 3-- 806 Eugene Street

Photo 4-- 806 Eugene Street

Photo 1 -- 516 Link Street

Photo 2-- 516 Link Street

Photo 3-- 516 Link Street

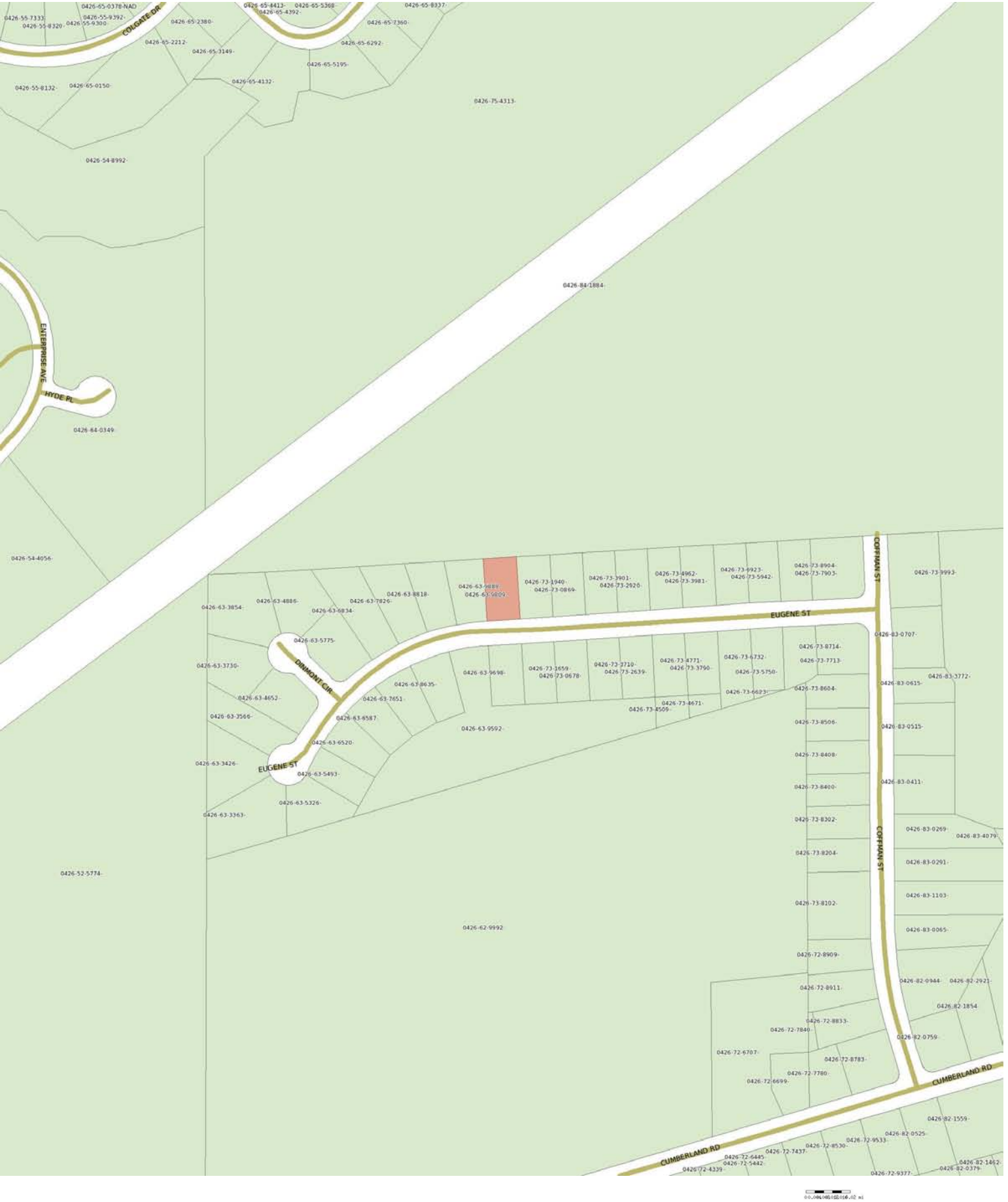
Photo 4-- 516 Link Street

Photo 1 -- 1639 Rudolph Street

Photo 2-- 1639 Rudolph Street

Photo 3-- 1639 Rudolph Street

Photo 4-- 1639 Rudolph Street



**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:

806 Eugene Street
PIN 0426-63-9889

Being all of Lot Number 44, BLOCK "A", in a subdivision known as BORDEN HEIGHTS, SECTION TWO, and the same being duly recorded in Book of Plats 26, Page 77, Cumberland County, North Carolina Registry.

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

Suzanne E. & Lemuel E. Singletary
1831 Saint Paul Avenue
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 August 2, 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 \$3,400.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this __26th__ day of __September__, 2011.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

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	806 Eugene Street
Property Owner(s)	Suzanne E. & Lemuel E. Singletary
Date of Inspection	March 2, 2011
Date of Hearing	June 1, 2011
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed June 1, 2011
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since February 2009.
	Hearing was advertised in the Fayetteville Observer May 2011.
Police Calls for Service (past 2 yrs)	3

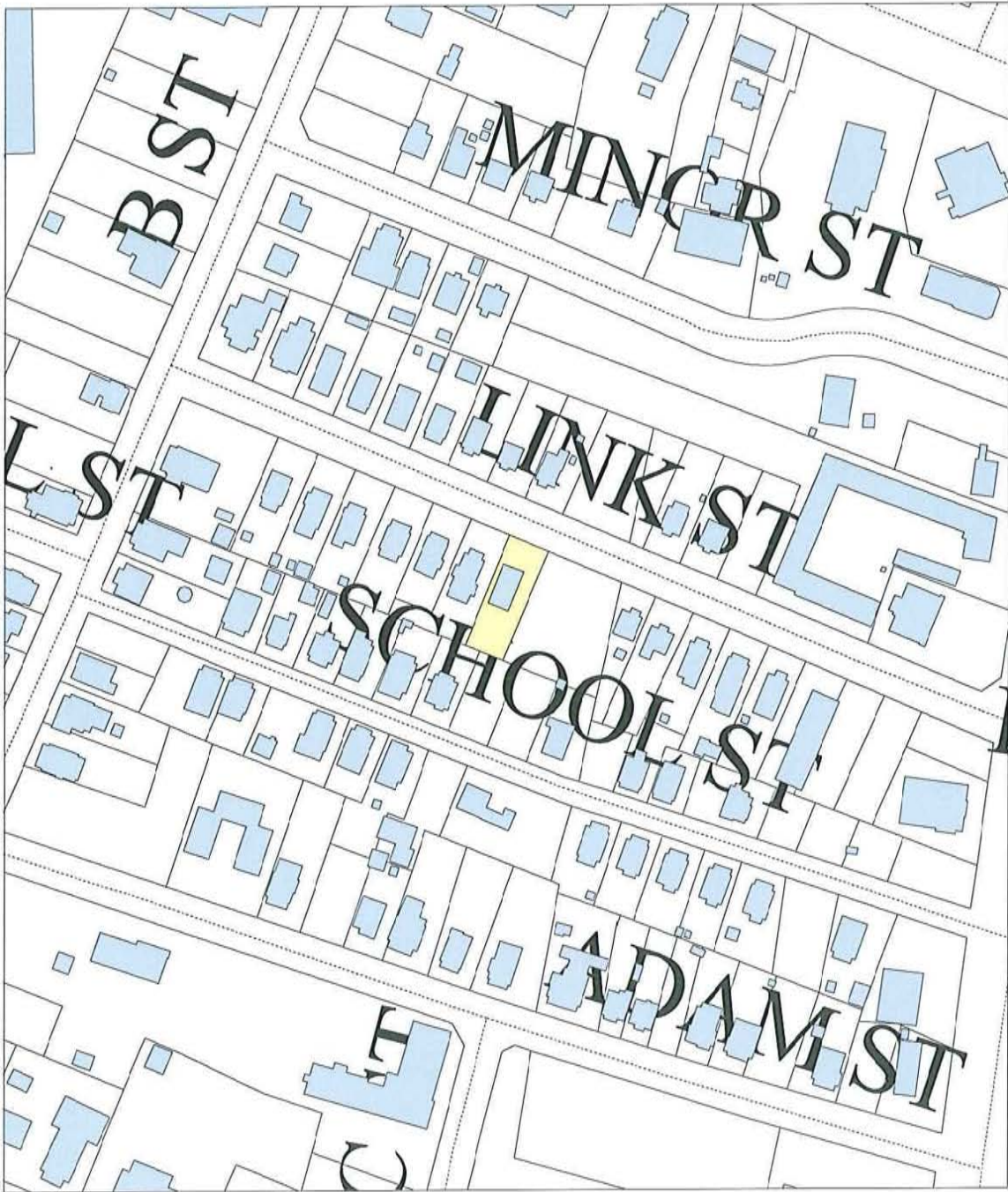
The Housing Inspector dispatched a letter to the owner(s) with information that the docket would be presented to the City Council for necessary action.

This is the 26th day of September, 2011.





Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

City Of Fayetteville Inspections Department



Legend

	Streets		Zoning		Parcels
Text	Street Name		Group Homes		

**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 July 27, 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 \$1,300.00 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 September, 2011.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

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)	Glen Faircloth (aka Tony/Tyrone Faircloth), Fayetteville, NC
Date of Inspection	May 17, 2011
Date of Hearing	May 27, 2011
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed May 27, 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.

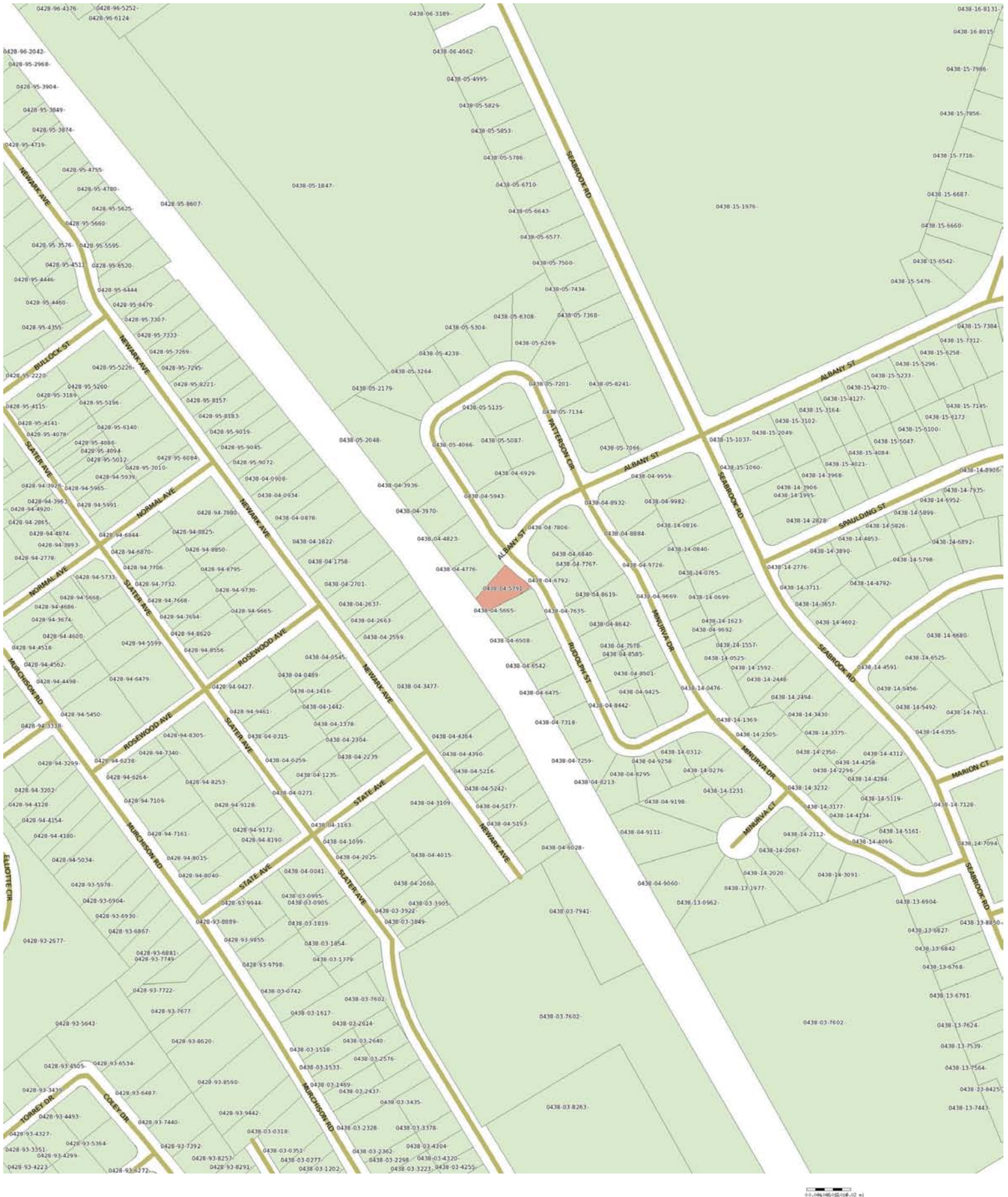
This is the 26th day of September, 2011.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

Current Parcel: 0438-04-5721-

Address: 1639 Rudolph St Fayetteville, NC (0438-04-5721-)



**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:

1639 Rudolph Street
PIN 0438-04-5721

Being all of Lot No. 12 of the McMillan Property recorded in Book of Plats 32, Page 50, Cumberland County Registry.

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

Benita Y. Briggs
5892 Aftonshire Street
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 September 11, 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 \$2,900.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

The lien as ordered herein and permitted by NC General Statute 160A-443(6) shall be effective from and after the date the work is completed, and 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 September, 2011.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

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	1639 Rudolph Street
Property Owner(s)	Benita Y Briggs
Date of Inspection	May3,2011
Date of Hearing	July 11, 2011
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed July 11, 2011
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since September 2009.
	Hearing was advertised in the Fayetteville Observer June 2011.
Police Calls for Service (past 2 yrs)	11

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

This is the 26th day of September, 2011.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)





8-1-11-1



8 - 1 - 12 - 1



8-1-13-1



8-1-14-1



8-1-15-1



8-1-16-1











CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig M. Harmon, Planner
DATE: September 26, 2011
RE: **Consideration of a Planned Neighborhood District (PND) Detailed Development 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.**

THE QUESTION:

Does the submitted detailed plan meet the standards and requirements for a Planned Neighborhood Development zoning district?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: Edgar L. Maness and wife, and Robert C. Draughon and wife
Applicant: Huff-Caviness, LLC
Requested Action: PND Detailed Development Plan
Property Address: southeast side of Bingham Drive across from Lakeridge Drive
Status of Property: Undeveloped
Size: 55.91 acres +/-
Existing Land Use: Vacant residential
Adjoining Land Use & Zoning: North – PND - Residential / South – R10 & PND (County) - Residential / East – PND - Residential / West – R10 & PND - Residential
2010 Land Use Plan: Low Density Residential
Letters Mailed: 229

Huff-Caviness, LLC has submitted a detailed development plan for a Planned Neighborhood District (PND) development named The Reserve at Bingham. The proposed development is located on 55.91 acres on the southeastern side of Bingham Drive in an area currently zoned for PND development. Since this project's general plan was approved under the City's old Zoning Ordinance, all future approvals would fall under those regulations as well.

A PND development must be approved in two phases. First, a General Development Plan must first be submitted to the City for recommendation by the Planning Commission and approval by City Council. This phase was completed earlier this year with the Planning Commission hearing the case in January of this year. At that time they recommended approval of the general plan. Council then heard and approved the general plan in February. Once the general plan was approved, the developer now has two years from that date to submit detailed development plans. Those plans must follow the same procedure as the general plan did, of being heard by the Planning Commission and City Council, with Council having the final decision.

Property developed in a PND Zoning District must adhere to a specific set of guidelines set forth in the Zoning Ordinance. As an attachment you will find both sections of the City's old Zoning Ordinance dealing with district use regulations and district dimensional regulations. A PND development must be broken down into different uses including commercial, open space, single family and multi family. Each use is allowed a specific percentage of the development as defined in the district dimensional regulations.

Please review the attached site plan for layouts, dimensions and proposed road connections. The following is the proposed breakdown of uses in this PND.

C1P Commercial - 2.8 acres

Open Space - 11+/- acres
R10 Residential - 25.36 acres (75 single family residential lots)
Multifamily Residential - 15.6 acres (216 units)

ISSUES:

This property was originally zoned PND through the County and now by right may develop under the regulations of a PND district. This item is not a public hearing. If the Council would like to hear public comment, then action to set a public hearing for a future date would allow for the required notice.

I have included with your packet maps of the area including zoning, current land use, Land Use Plan, aerial photo and site plan.

The submitted site plan does meet the minimum requirements, including sidewalk extensions and connections, for a detailed PND site plan. Planning Staff along with the City's Technical Review Committee (TRC) have reviewed the General Development Plan and accept the detailed layout and distribution of use areas as submitted. Staff also noted to the developer that:

1. A berm or more substantial fence and landscaping may be needed where the public edge is to the rear yard of the development.
2. TIA (traffic impact analysis) will be required.
3. Open space should help connect or provide a natural corridor.

While the Commission did not make these three concerns conditions of approval, these and other items can still be required at this stage of review. The City Council may choose to make one or more of them (or other conditions) a part of the Detailed Development Plan approval.

BUDGET IMPACT:

New property tax revenue; increase in public services needed at the edge of the city.

OPTIONS:

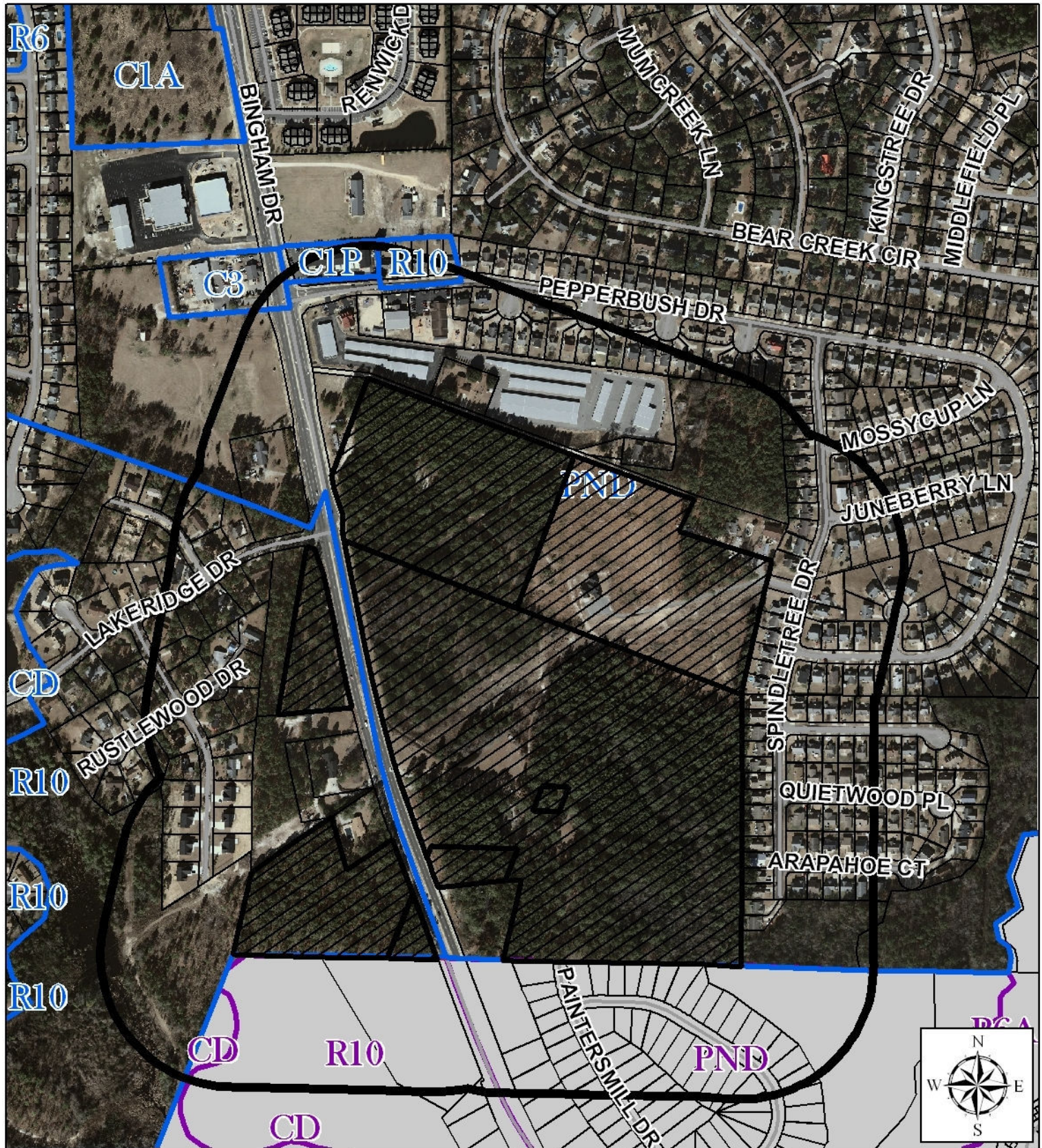
- 1) Approve the PND Detailed Development Plan as presented by the applicant (Recommended);
- 2) Approve the PND General Development Plan with changes or conditions
- 3) Deny the PND General Development Plan.

RECOMMENDED ACTION:

Planning Commission and Staff Recommend: That the City Council move to APPROVE the PND Detailed Development Plan based on the reasons provided above (in issues).

ATTACHMENTS:

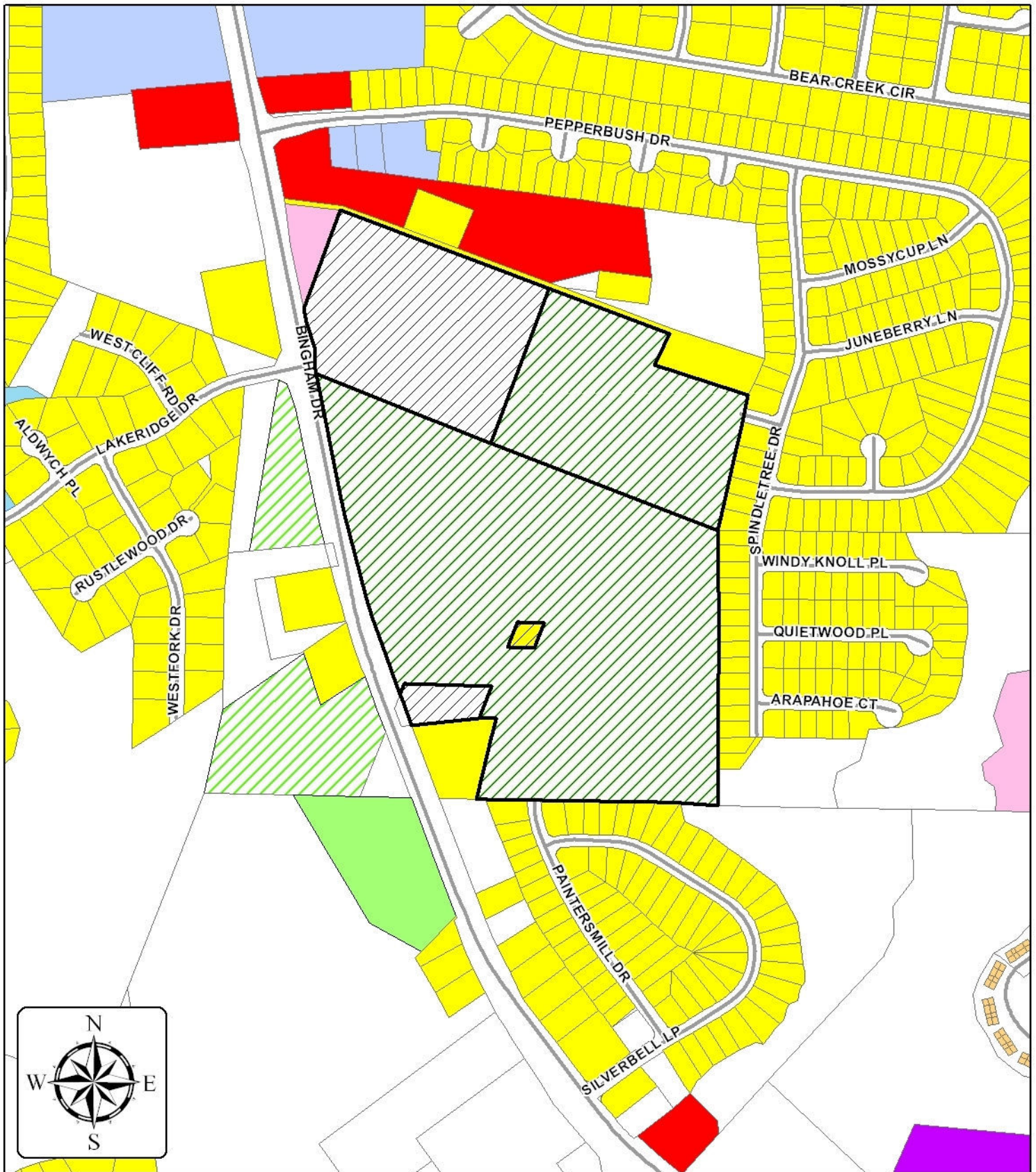
Zoning Map
Current Landuse
Land Use Plan
Site Plan
PND Section of old Zoning Ordinance



Request: PND General Development Plan
Location: South East Bingham Dr.
Acreage: 56.22+/- acres

Planning Commission: 01/18/2010 Recommendation: _____
 City Council: _____ Final Action: _____

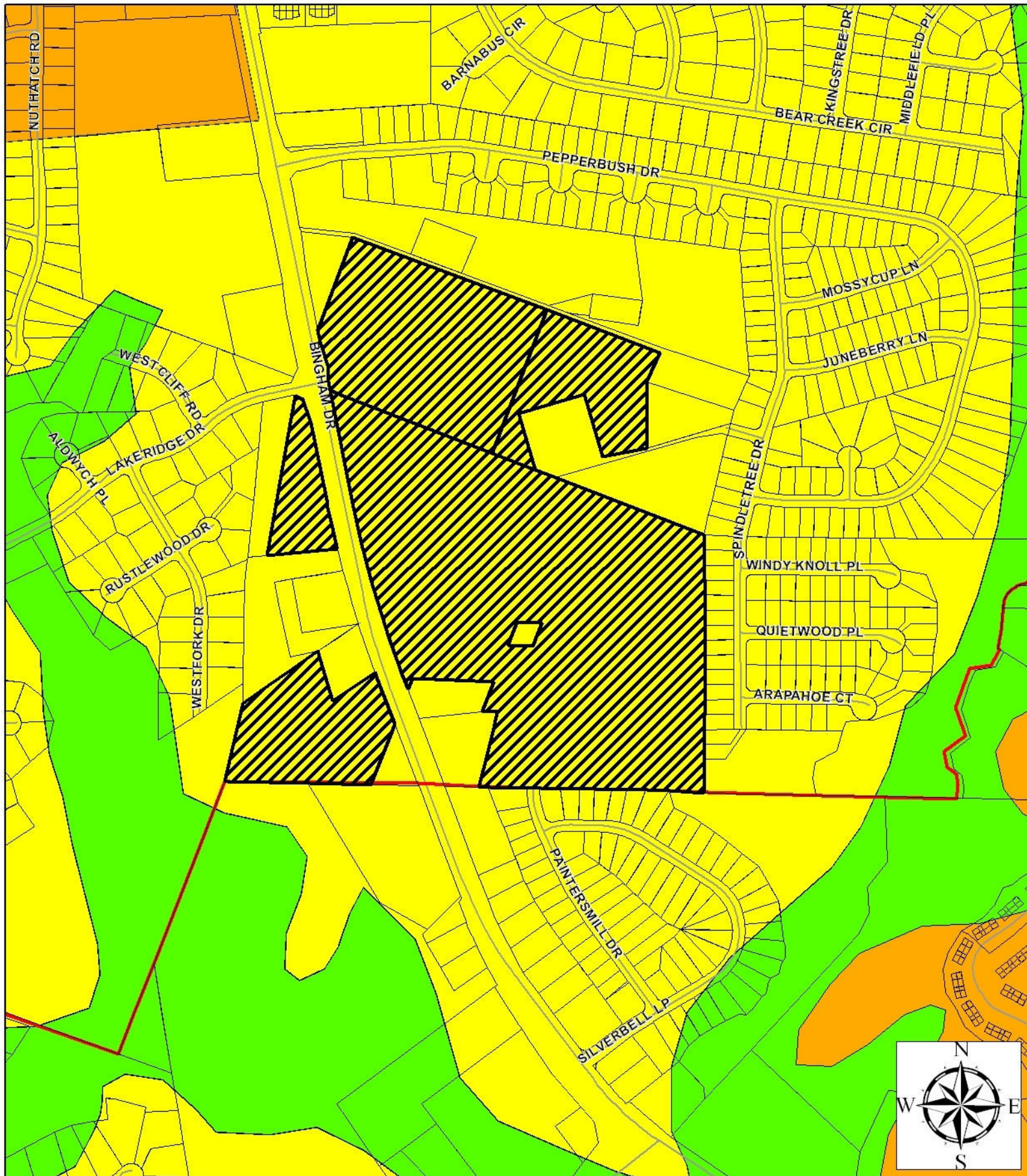
Current Land Use



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



Legend

Medium Density Residential

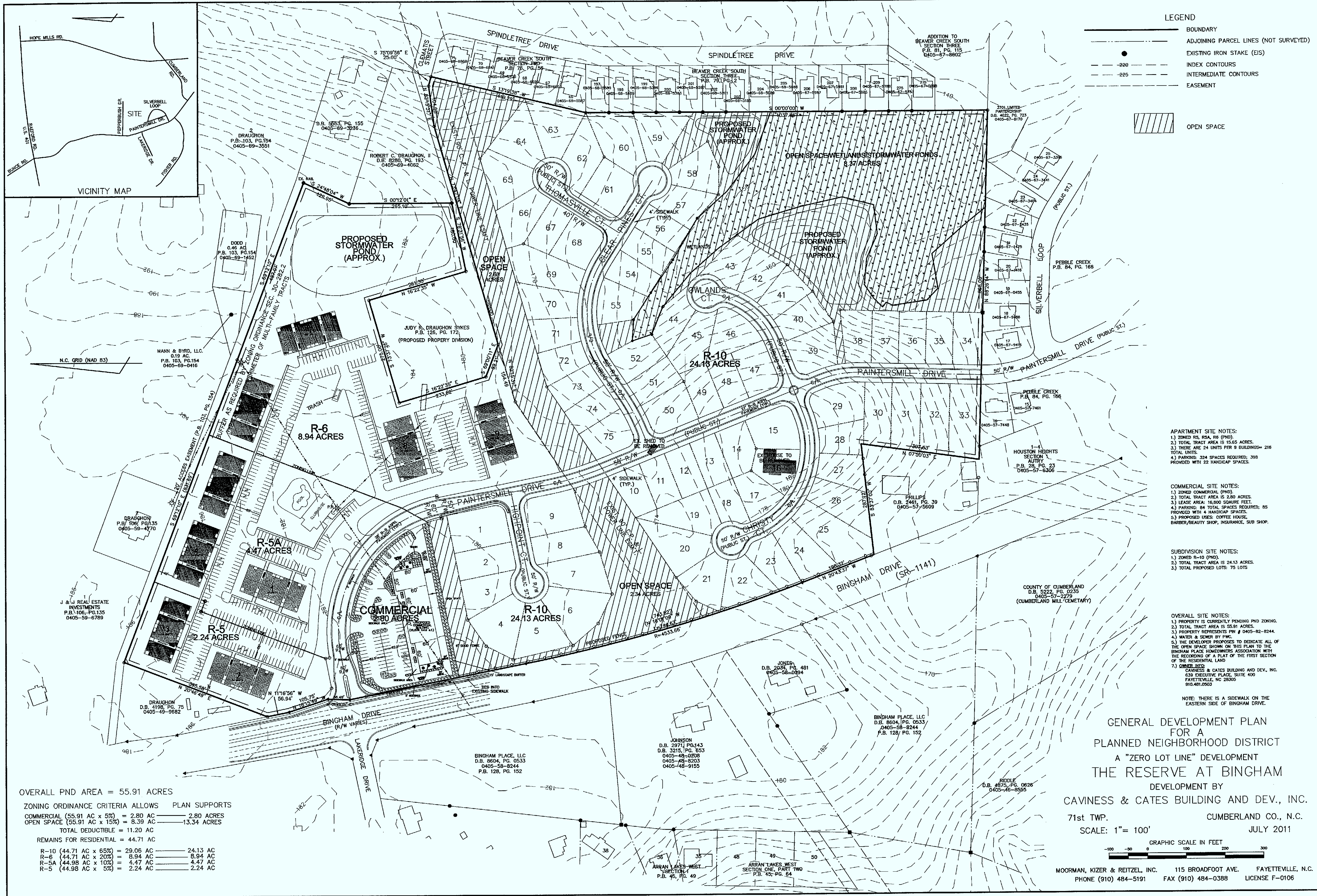
Office / Institutional

Governmental

Light Commercial

High Density Residential

Low Density Residential



LEGEND

- BOUNDARY
- ADJOINING PARCEL LINES (NOT SURVEYED)
- EXISTING IRON STAKE (EIS)
- INDEX CONTOURS
- INTERMEDIATE CONTOURS
- EASEMENT
- OPEN SPACE

APARTMENT SITE NOTES:

1. ZONED RS, R5A, R6 (PND).
2. TOTAL TRACT AREA IS 15.65 ACRES.
3. THERE ARE 24 UNITS PER 9 BUILDINGS= 216 TOTAL UNITS.
4. PARKING: 324 SPACES REQUIRED; 395 PROVIDED WITH 22 HANDICAP SPACES.

COMMERCIAL SITE NOTES:

1. ZONED COMMERCIAL (PND).
2. TOTAL TRACT AREA IS 2.80 ACRES.
3. LEASE AREA: 16,800 SQUARE FEET.
4. PARKING: 84 TOTAL SPACES REQUIRED; 85 PROVIDED WITH 4 HANDICAP SPACES.
5. PROPOSED USES: COFFEE HOUSE, BARBER/BEAUTY SHOP, INSURANCE, SUB SHOP.

SUBDIVISION SITE NOTES:

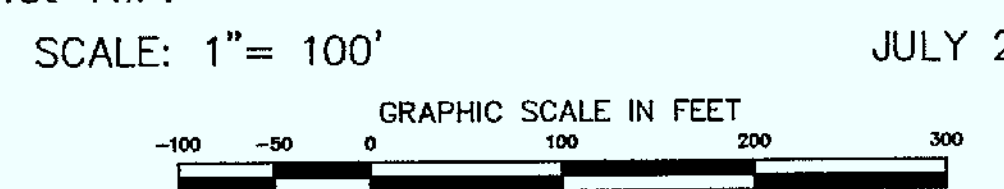
1. ZONED R-10 (PND).
2. TOTAL TRACT AREA IS 24.13 ACRES.
3. TOTAL PROPOSED LOTS: 75 LOTS

OVERALL SITE NOTES:

1. PROPERTY IS CURRENTLY PENDING PND ZONING.
2. TOTAL TRACT AREA IS 55.91 ACRES.
3. PROPERTY REPRESENTS PIN # 0405-82-8244.
4. WATER & SEWER BY PWC.
5. THE DEVELOPER PROPOSES TO DEDICATE ALL OF THE OPEN SPACE SHOWN ON THIS PLAN TO THE BINGHAM PLACE HOMEOWNERS ASSOCIATION WITH THE RECORDING OF A PLAT OF THE FIRST SECTION OF THE RESIDENTIAL LAND.
7. OWNER: CAVINESS & CATES BUILDING AND DEV., INC. 639 EXECUTIVE PLACE, SUITE 400 FAYETTEVILLE, NC 28305 910.481.0503

NOTE: THERE IS A SIDEWALK ON THE EASTERN SIDE OF BINGHAM DRIVE.

**GENERAL DEVELOPMENT PLAN
FOR A
PLANNED NEIGHBORHOOD DISTRICT
A "ZERO LOT LINE" DEVELOPMENT
THE RESERVE AT BINGHAM
DEVELOPMENT BY
CAVINESS & CATES BUILDING AND DEV., INC.
71st TWP. CUMBERLAND CO., N.C.
JULY 2011**



MOORMAN, KIZER & REITZEL, INC. 115 BROADFOOT AVE. FAYETTEVILLE, N.C.
PHONE (910) 484-5191 FAX (910) 484-0388 LICENSE F-0106

OVERALL PND AREA = 55.91 ACRES

ZONING ORDINANCE CRITERIA ALLOWS	PLAN SUPPORTS
COMMERCIAL (55.91 AC x 5%) = 2.80 AC	2.80 ACRES
OPEN SPACE (55.91 AC x 15%) = 8.39 AC	13.34 ACRES
TOTAL DEDUCTIBLE = 11.20 AC	
REMAINS FOR RESIDENTIAL = 44.71 AC	
R-10 (44.71 AC x 65%) = 29.06 AC	24.13 AC
R-6 (44.71 AC x 20%) = 8.94 AC	8.94 AC
R-5A (44.98 AC x 10%) = 4.47 AC	4.47 AC
R-5 (44.98 AC x 5%) = 2.24 AC	2.24 AC

ARTICLE IV. DISTRICT USE REGULATIONS

Sec. 30-112. PND planned neighborhood district.

- (a) *Burden.* The burden shall be on the developer to show that his plans are in the best interests of the community and the users of the proposed developments. Site planning in the proposed development of a PND planned neighborhood district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. The development plan for a PND planned neighborhood district shall show and careful review shall be given the following information:
- (1) Proposed land uses, the location of various land uses, their types, and densities.
 - (2) Proposed circulation pattern for vehicles and pedestrians.
 - (3) Proposed parks, and other common open space areas, proposed means of dedication of any common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space.
 - (4) Delineation of the units or phases to be constructed in progression.
 - (5) Relation to land uses in surrounding areas and to the general development plan.
 - (6) The layout of car parking and loading areas, service areas, entrances, exits, yards, courts, and landscaping, control of signs, lighting, noise or other potentially adverse influences as to protect the residential character within and/or adjacent to the planned development.
 - (7) The setbacks' size and screening of various land uses.

In any planned district no zoning permit or certificate of occupancy shall be issued by the zoning inspector except in conformance with a plan submitted to and approved by the city council.

- (b) *Permitted uses.* Any land, building, or structure in the planned neighborhood district may be used in accordance with the provisions of this chapter for the R10 residential district. As an alternative, land may be planned and used for a variety of residential districts including R10, R6, R5A and R5 and related shopping areas, C1P, shopping center district, in accordance with the provisions of this section and this chapter.
- (c) *Commercial land use standards.* Shopping areas developed in accordance with the C1P requirements of this chapter may be incorporated into a planned neighborhood development provided that the areas are designed to serve primarily the residents of the planned neighborhood development and provided that the areas are compatibly incorporated into the design of the planned neighborhood development. Land devoted to shopping purposes shall not exceed five percent of the gross area of the planned neighborhood development and no single shopping area shall be less than two acres.

- (d) *Administrative procedures.* The developer shall present a general development plan in eight copies to the planning agency for review and subsequent recommendation to the city council at least 15 days prior to a regularly scheduled meeting at which subdivision plats are considered. The general development plan shall contain the following items:
- (1) General land use areas including residential, commercial, open space and recreational, and other public facility areas to be developed for the entire site.
 - (2) The proposed density for each residential area.
 - (3) The primary streets.
 - (4) The proposed uses for the commercial area.

The city council shall have the authority to approve or disapprove of the general development plan. The general development plan shall be valid for two years. Thereafter, the plan shall be reapproved prior to subsequent submission and approval of the detailed site plan.

- (e) *Site plan submittal; contents.* Upon approval of the general development plan, the developer shall submit, at least 15 days prior to the regularly scheduled meeting at which subdivision plats are considered, a detailed site plan, which shall be consistent with the general development plan, to the planning agency for review and subsequent recommendation to the city council. The detailed site plan shall show the following items:
- (1) Detailed plans for each land use on the entire site sufficient to allow the planning agency to analyze in depth the character of the proposed development.
 - (2) A plat and description, by metes and bounds, of the proposed areas of the planned neighborhood development which correspond to the conventional zoning districts as contained in this chapter.
- (f) *Approval of site plan.* Approval of the detailed site plan by the city council shall constitute the official approval of the planned neighborhood development, and no zoning permit or certificate of occupancy as required by this chapter shall be issued for any building or use of land which is not in conformance with such approved plan unless the land is developed wholly as an R10 residential district. Preliminary subdivision plat may also accompany the submission of the detailed site plan to the planning agency for review and recommendation and may be approved with the approval of the detailed site plan by the city council.

(Code 1961, § 32-25.1)

ARTICLE V. DISTRICT DIMENSIONAL REGULATIONS

Sec. 30-157. PND planned neighborhood district.

Standards and requirements. Standards and requirements for the planned neighborhood development in a planned neighborhood district shall be as follows:

- (1) *Minimum development size.* The minimum development size shall be 50 contiguous acres under one ownership or control. An area shall be deemed contiguous which is composed of one unseparated continuity of land; or is separated by street rights-of-way to which abutting property has direct access rights; or is separated by minor streams, creeks, other bodies of water or railroad rights-of-way across which vehicular crossings are feasible and practicable and which will be provided for in the planned neighborhood development.
- (2) *Community water and sewer.* Any area proposed as a planned neighborhood development shall be served by both community water and sewer systems.
- (3) *Open space standards.* A minimum of 15 percent of the gross area of land to be committed to a planned neighborhood development shall be dedicated for use as parks, recreation areas, open spaces, school sites or other public purposes other than rights-of-way or easements. The entire dedication may be when final site plan is presented to the city council; or if the development is to be accomplished through a series of stages the open space may be dedicated in parts proportionate to the density of development as noted:

Area Development	Required Percent of Open Space
R10	10%
R6	15%
R5A	25%
R5	50%

No such parcel of land, dedicated for open space, shall be less than one contiguous acre and all such areas shall be physically a part of the planned neighborhood development.

- (4) *Residential land use standards.* Of the net land devoted to residential purposes in a planned neighborhood development 65 percent shall be developed to meet or exceed the dimensional requirements of the R10 district; 20 percent shall be developed to meet or exceed the dimensional requirements of the R6 district; ten percent shall be developed to meet or exceed the dimensional requirements of the R5A district; and five percent shall be developed to meet or exceed the dimensional requirements of the R5 district.

(Code 1961, § 32-39.1)

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Marsha Bryant, Planner II
DATE: September 26, 2011
RE: **A request that a sidewalk not be required to be constructed with the City's MIA (southern side of Eastern Blvd.)**

THE QUESTION:

Should the County Commissioners approve a sidewalk waiver for the construction of a sidewalk along approximately 500 feet of road frontage on a service road of Eastern Boulevard?

RELATIONSHIP TO STRATEGIC PLAN:

Desirable Neighborhoods

BACKGROUND:

This is a 12.4 acre tract with an existing outdoor storage area located on the site. The owner, Mr. Kenneth Hardin, has submitted a subdivision request to the County Planning Dept. to subdivide the property into 2 parcels. Since this property is located within the City's MIA, a sidewalk is being required along a service road of Eastern Blvd. Mr. Hardin is requesting a waiver from this requirement based on the fact that there are no other sidewalks in the area. In accordance with the MIA agreement the County is requesting a recommendation from City Council as to whether the Waiver should be approved or denied.

ISSUES:

A sidewalk is required along approximately 500 feet of the property fronting a service road of Eastern Blvd. The area is zoned for manufacturing and much of the existing development is industrial on large lots; this pattern is likely to continue for many years. The service road is a NCDOT controlled access road. NCDOT has indicated that a sidewalk would not be allowed within the right-of-way at this location. Placing the sidewalk on the property with an access and maintenance easement is an option. The City Engineering Dept. recommends approval of the Waiver based on the fact that NCDOT will not allow sidewalks within their right-of-way along this entire roadway, there are no other sidewalks located in this area, and other future sidewalks along this road, if required, would also need to be placed within the properties with easements. To place the sidewalks within the properties with easements the sidewalks would have to be constructed back from the right-of-way, behind any existing ditches. Provision of an easement 10 feet wide appears to be a reasonable alternative to full waiver of the requirement or requiring construction of a segment that has little immediate value but may well be needed in the foreseeable future.

BUDGET IMPACT:

The cost of constructing a 5 foot sidewalk along 500 feet of right-of-way would be \$16,320. However, there is no provision for payment in lieu of construction of sidewalks within the MIA agreement as there is for sidewalk waivers within the City limits. Provision of an easement to anticipate future development in the area and the value of a sidewalk or multi-purpose path at that time would reduce the cost of future retrofit to urban activity and service levels.

OPTIONS:

1. Recommend to the County Commissioners approval of the sidewalk waiver (thus requiring that no sidewalk or easement to be provided).
2. Recommend to the County Commissioners denial of the sidewalk waiver with the condition that the sidewalk does not need to be constructed but a 10 foot easement must be provided, located in coordination with the City Engineering Department.
3. Recommend to the County Commissioners denial of the sidewalk waiver (thus requiring that a

sidewalk must be provided).

RECOMMENDED ACTION:

Option 2. Recommend to the County Commissioners denial of the sidewalk waiver but requiring only a 10 foot sidewalk easement, based on the fact that NCDOT has indicated that a sidewalk would not be allowed within the right-of-way along this roadway under current conditions but anticipating that future development along the service road will warrant retrofit to provide a sidewalk or multipurpose path.

ATTACHMENTS:

Vicinity Map

Aerial Map

Picture

Picture 2

Picture 3

Picture 4

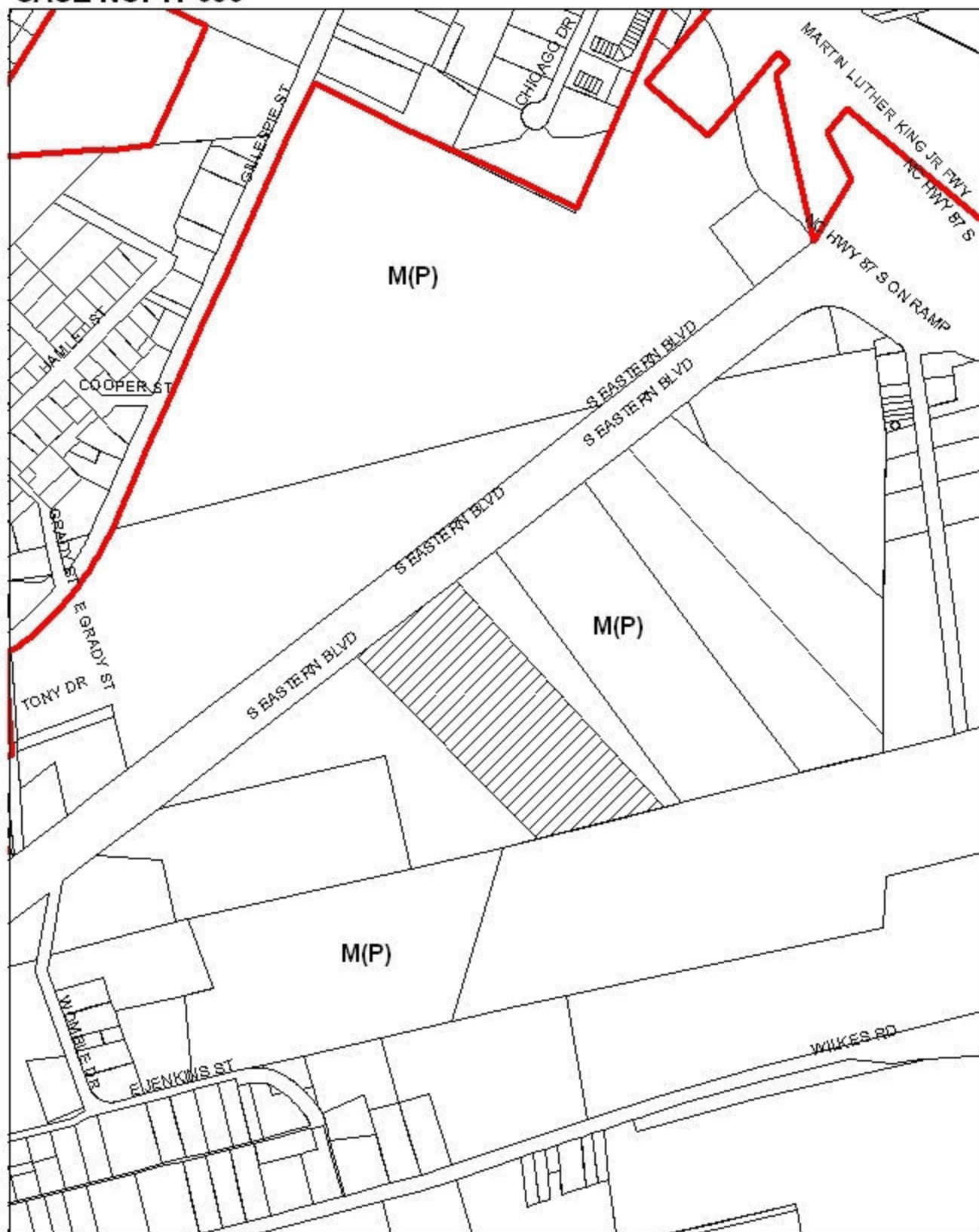
Application

County Staff Report

Letter from City Engineering

Subdivision Plan

**REQUEST: COUNTY SIDEWALK WAIVER
CASE NO. 11-056**



Waiver Request: To not Construct a Sidewalk along approximately 500 feet of road frontage
Location: Southern side of Eastern Blvd
PIN: 0436-54-0794

COUNTY SIDEWALK WAIVER REQUEST



City Council: September 26, 2011

Recommendation to County: _____

Pin: 0436-54-0794





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810-456-6261







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A&T STORAGE TRAILERS
Long Term Storage & More
AAA RECYCLING
RECYCLING & WASTE
HELP WANTED
U CAN RECYCLE HERE
SCALEY NOW OPEN ON SITE

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,
FAYETTEVILLE, NORTH CAROLINA:

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: 1171 SEASTERN BLVD
OWNER: KENNETH HAZDIN
ADDRESS: PO Box 35636 FAY NC ZIP CODE: 28303
TELEPHONE: HOME _____ WORK 910 868-5800
AGENT: N/A
ADDRESS: _____
TELEPHONE: HOME _____ WORK _____

APPLICATION FOR A WAIVER [VARIANCE]

As required by the Subdivision Ordinance

- A. Parcel Identification Number (PIN #) of subject property: 0436-54-0794
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 12.43 Frontage: 596 Depth: 1260
- C. Water Provider: WELL
- D. Septage Provider: SEPTIC
- E. Deed Book _____, Page(s) _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: COMMERCIAL
- G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:
2305 NO CONSTRUCTION OF SIDEWALKS
- H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance -- attach additional sheet if necessary:
Reasonable Common Sense of constructing a sidewalk
Approx 450 FT where there is no sidewalk with in
Approx 1/2 miles either direction of my property on
Eastern Blvd

11-056
SITE PROFILE

CASE NO. 11-056. CONSIDERATION OF A RECOMMENDATION ON THE KENNETH HARDIN PROPERTY; REQUEST FOR A RECOMMENDATION FOR WAIVER FROM CONSTRUCTION OF REQUIRED SIDEWALK; COUNTY SUBDIVISION ORDINANCE, SECTION 2302.A MUNICIPAL INFLUENCE AREA AND SECTION 2305.A.4. SIDEWALKS; ZONED: M(P)(AOD); TOTAL ACREAGE: 12.43+/-; LOCATED AT 1171 SOUTH EASTERN BOULEVARD; SUBMITTED BY KENNETH HARDIN (OWNER). (FAYETTEVILLE MIA/COUNTY JURISDICTION)

Summary of Request

Developer is requesting waiver from the requirement to construct a sidewalk along South Eastern Boulevard (US HWY 301/I-95 Bus) as required by condition # 15. The construction of a sidewalk is required under the County's Subdivision Ordinance because the adopted Highway Plan for South Eastern Boulevard (US HWY 301/I-95 Bus) classifies this streets as a major thoroughfare. This development is also located within the City of Fayetteville's Municipal Influence Area (MIA), which also requires the construction of the sidewalk.

Site Information:

Frontage & Location: 500.01' +/- along South Eastern Boulevard (US HWY 301/I-95 Bus)

Depth: 1259.98' +/-

Jurisdiction: Cumberland County

Municipal Influence Area (MIA): City of Fayetteville

Adjacent Property: No

Nonconformities: No

Water & Sewer: Well & Septic

Special Flood Hazard Area (SFHA): No

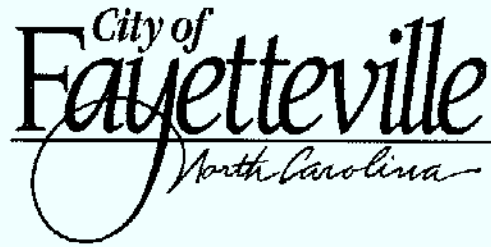
Applicable County Subdivision Ordinance Provisions

Section 2302 AREA-SPECIFIC STANDARDS, A, *Municipal Influence Areas.* The Board of Commissioners by interlocal agreement may approve and establish a Municipal Influence Area (MIA) for a municipality. All development located within a municipality's MIA shall be developed in accordance with the subdivision design standards officially adopted by the affected governing bodies. The development standards for each municipality are attached to this ordinance as "Exhibit 5" and entitled MIA Development Standards. The official MIA map -- see Exhibit 4 -- shall be maintained by the Planning and Inspections Department and kept on file with the office of the Clerk to the County Board of Commissioners.

Section 2305 SIDEWALKS, A.4. When a non-residential development is proposed along a minor thoroughfare or higher classification street, sidewalks are required along the affected thoroughfare or higher classification street;

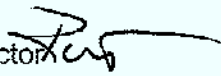
Attachments

- 1 - Sketch Map
- 2 - Site Plan
- 3 - Application for Waiver with Attachments and Photos
- 4 - Conditions of Approval



MEMORANDUM

TO: Marsha Bryant, Planner

FROM: Rus Thompson, PE, Interim Engineering & Infrastructure Director 

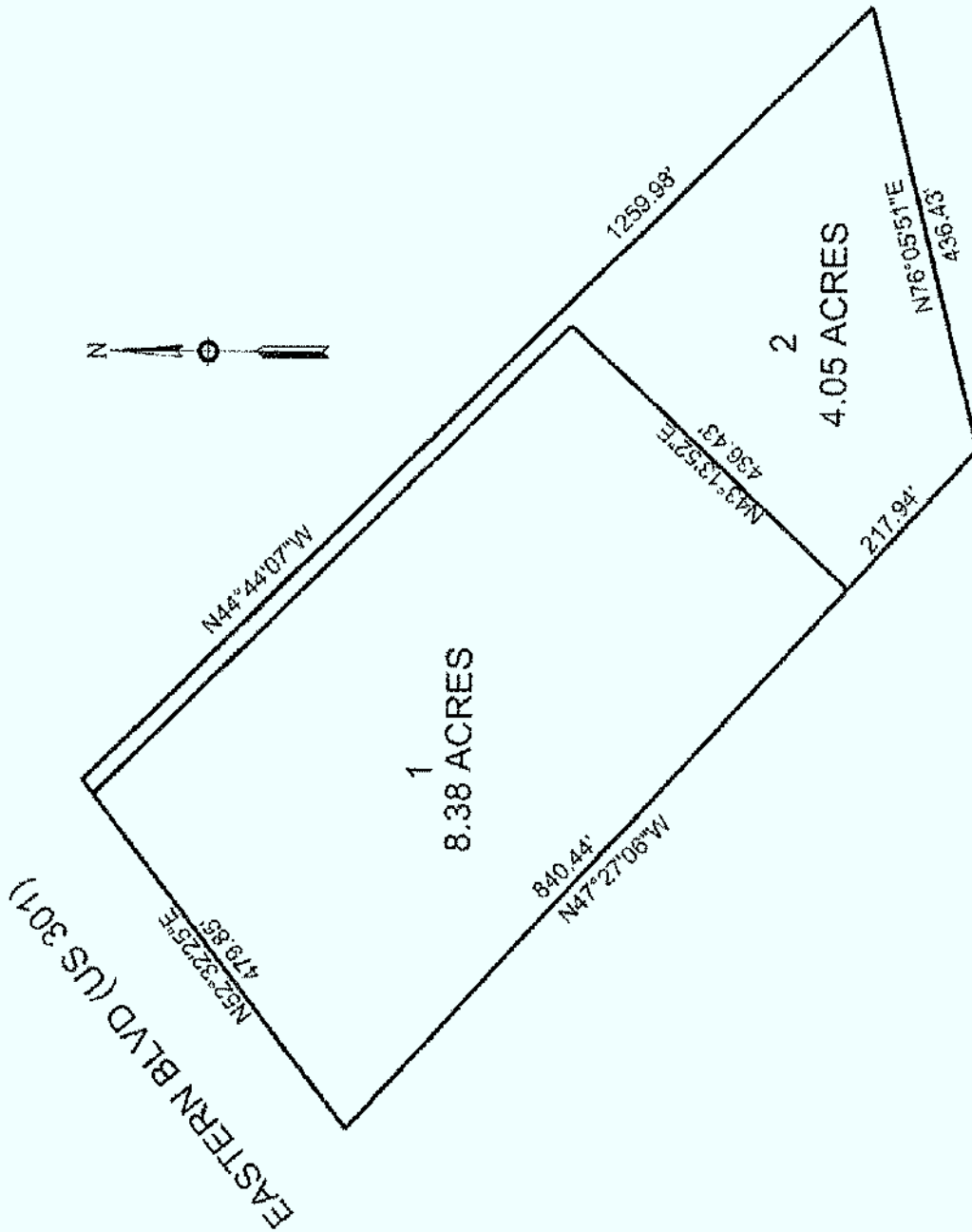
DATE: September 13, 2011

SUBJECT: Sidewalk Waiver in MIA

This is in regards to the Kenneth Hardin parcel on I-95 Business just south of NC 87 MLK Expressway. After speaking with NCDOT, they will not allow sidewalk to be constructed on this type of roadway in their Right of Way. One possible option is to have the sidewalk constructed on private property with an easement dedicated to the City of Fayetteville.

However, given NCDOT's recommendation against allowing sidewalks for this entire roadway and that any future developments would also be denied by them. The Engineering and Infrastructure Department recommends a waiver for this property.

If we can be of further assistance, please advise.



KENNETH HARDIN PROPERTY
SUBDIVISION REVIEW

REQUEST: A WAIVER FROM SECTION 2305 - SIDE WALKS

CASE: 11-056 ACREAGE: 12.43 AC ±

ZONED: M(P)/AOD SCALE: 1"=200'

*SCALE DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Dale Iman, City Manager
DATE: September 26, 2011
RE: **NC League of Municipalities Annual League Business Meeting Voting Delegates**

THE QUESTION:

Who will be the voting delegates to represent the City of Fayetteville at the NCLM's Annual Business Meeting Monday, October 24, 2011?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

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

ISSUES:

N/A

BUDGET IMPACT:

OPTIONS:

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

RECOMMENDED ACTION:

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

ATTACHMENTS:

NCLM Voting Delegates

<p>IMPORTANT VOTING INFORMATION PLEASE READ</p>

TO: Managers/Clerks *Pre-registered* for Conference

FROM: S. Ellis Hankins, Executive Director

DATE: September 2011

SUBJECT: Designation of Voting Delegate for 2010 Annual League Business Meeting

Under the League Constitution and the voting procedure established by the League Board of Directors, each member municipality sending delegates to the Annual Conference is required to designate one voting delegate and one alternate voting delegate. The vote of your municipality at the League's Annual Business Meeting on **Monday, October 24, 2011, at 2:15 p.m.** may be cast only by a designated voting delegate or alternate voting delegate.

Please use the enclosed reply postcard to indicate the delegates designated by your governing board, and return it in time to reach the League office no later than Friday, October 14, 2011.

Voting delegates may pick up their voting cards from the League's Voting Credentials Desk in the Raleigh Convention Center, during registration hours on Sunday, October 23, or Monday, October 24 prior to the Business Meeting. We encourage you to designate a voting delegate in advance as it saves waiting in line and will avoid confusion prior to the start of the Business Session. Thanks.

Enclosure

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: City Clerk's Office
DATE: September 26, 2011
RE: **Monthly Statement of Taxes for August 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 August 2011.

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

For information only

RECOMMENDED ACTION:

For information only

ATTACHMENTS:

Monthly Statement of Taxes for August 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: September 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 August 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 678-7575

AD/sn
Attachments

Celebrating Our Past...Embracing Our Future

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

FAYETTEVILLE MACC LEDGER

2001-2011

AUGUST 2011

DATE	REPORT #	REMITTED TO FINANCE	2011 CC	2011 VEHICLE	2011 CC REVIT	2011 VEHICLE REVIT	2011 FVT	2011 TRANSIT	2011 STORM WATER	2011 FAY STORM WATER
08/01/11	2011-022	78,433.10	10,740.92	39,841.68	2.80	42.68	3,989.50	3,989.50	153.84	307.67
08/02/11	2011-023	24,024.07	9,421.35	6,670.14	0.00	0.00	795.00	795.00	168.00	336.00
08/03/11	2011-024	43,903.30	6,529.33	21,010.71	34.34	14.19	3,065.00	3,065.00	120.00	240.00
08/04/11	2011-025	39,472.65	6,324.92	18,826.77	0.00	25.51	2,490.00	2,490.00	206.54	413.09
08/05/11	2011-026	38,573.24	10,667.25	12,956.11	0.00	8.72	1,870.00	1,870.00	177.84	355.67
08/08/11	2011-027	42,521.73	7,122.79	21,188.75	0.00	9.59	2,675.00	2,675.00	163.87	327.74
08/09/11	2011-028	39,150.99	11,460.41	10,645.49	0.00	0.00	1,380.00	1,380.00	243.24	486.48
08/10/11	2011-029	30,253.39	6,040.57	11,233.86	3.86	0.00	1,435.00	1,435.00	117.84	235.67
08/11/11	2011-030	37,812.73	16,502.74	7,781.34	0.00	0.00	1,085.00	1,085.00	770.16	1,540.33
08/12/11	2011-031	39,202.00	14,332.32	9,863.52	317.29	13.34	1,165.00	1,165.00	218.53	437.06
08/15/11	2011-032	92,451.43	46,149.27	10,277.22	5.88	0.00	1,385.00	1,385.00	1,197.84	2,395.68
08/16/11	2011-033	61,574.40	30,802.90	12,107.74	0.00	37.39	1,395.00	1,395.00	876.70	1,753.42
08/17/11	2011-034	355,971.02	292,809.64	7,794.58	141.96	0.00	971.64	971.65	10,108.92	20,217.84
08/18/11	2011-035	465,235.94	400,038.64	8,262.33	220.62	0.00	1,100.00	1,100.00	9,777.13	19,554.28
08/19/11	2011-036	277,426.72	215,872.87	11,339.54	407.79	18.89	1,100.00	1,100.00	9,501.84	19,003.67
08/22/11	2011-037	409,953.93	331,887.34	16,214.12	717.73	15.05	1,622.73	1,622.74	11,113.31	22,226.65
08/23/11	2011-038	192,512.71	153,144.26	3,995.45	14.59	0.00	550.00	550.00	8,518.61	17,037.22
08/24/11	2011-039	260,216.38	209,815.04	12,384.21	35.99	1.13	1,280.00	1,280.00	6,646.14	13,292.25
08/25/11	2011-040	236,923.38	189,319.02	8,216.25	822.55	6.47	875.00	875.00	9,092.97	18,185.93
08/26/11	2011-041	132,061.20	95,563.73	8,558.73	287.71	0.00	1,020.00	1,020.00	4,527.91	9,055.77
08/29/11	2011-042	262,588.45	195,064.96	18,191.23	397.72	0.00	2,115.00	2,115.00	9,670.23	19,340.45
08/30/11	2011-043	261,266.56	201,913.32	11,429.39	502.71	2.76	1,358.36	1,358.35	11,581.04	23,162.05
08/31/11	2011-044	249,052.92	177,713.09	20,850.46	168.99	7.70	2,250.00	2,250.00	9,345.15	18,690.26
TOTALS		3,670,582.24	2,639,236.68	309,639.62	4,082.53	203.42	36,972.23	36,972.24	104,297.65	208,595.18

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)

CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

FAYETTEVILLE MACC LEDGER

2001-2011

AUGUST 2011

2011 FAY RECYCLE FEE	2011 ANNEX	2010 CC	2010 VEHICLE	2010 CC REVIT	2010 VEH REVIT	2010 FVT	2010 TRANSIT	2010 STORM WATER	2010 FAY STORM WATER	2010 FAY RECYCLE FEE	2010 ANNEX
411.15	0.00	3,867.61	10,052.53	42.79	0.00	1,173.65	1,173.64	60.00	120.00	152.00	0.00
494.00	0.00	947.16	2,879.86	0.00	0.00	485.00	485.00	0.00	0.00	0.00	0.00
380.00	0.00	2,606.50	3,735.34	0.00	0.00	659.98	659.98	54.05	108.11	171.17	0.00
540.04	0.00	2,075.73	3,578.43	0.00	0.00	530.00	530.00	84.00	168.00	266.00	0.00
525.15	0.00	3,987.76	3,295.16	0.00	9.07	547.80	547.80	72.00	144.00	114.00	0.00
474.05	0.00	1,959.50	3,404.76	0.00	0.00	545.85	545.86	26.17	52.34	82.87	0.00
580.25	0.00	2,680.29	6,139.04	36.40	0.00	854.84	854.84	36.00	72.00	76.00	0.00
335.15	0.00	4,283.93	2,955.72	0.00	0.00	474.85	474.86	156.00	312.00	0.00	0.00
918.85	0.00	1,594.94	3,925.93	0.00	0.00	655.15	655.15	53.60	107.20	169.74	0.00
654.01	0.00	1,295.82	6,303.91	0.00	0.00	1,058.88	1,058.89	36.86	73.72	78.72	0.00
3,451.14	0.00	6,245.41	11,460.02	0.00	0.00	1,700.32	1,700.30	71.59	143.19	264.72	0.00
2,548.23	0.00	1,654.93	5,635.24	0.00	0.00	650.00	650.00	33.80	67.61	107.05	0.00
16,431.57	0.00	1,521.74	3,133.41	0.00	0.00	456.49	456.49	24.00	48.00	76.00	0.00
16,406.92	0.00	2,133.12	4,136.15	0.00	0.00	638.16	638.16	75.73	151.45	277.80	0.00
11,469.15	0.00	1,658.43	3,381.15	0.00	0.00	555.76	555.76	48.20	96.42	169.63	0.00
14,292.19	0.00	2,820.07	4,110.59	0.00	0.00	646.99	647.00	77.84	155.69	294.54	0.00
4,061.60	0.00	631.15	2,372.67	0.00	0.00	380.51	380.54	24.83	49.67	40.64	0.00
10,862.09	0.00	762.76	2,165.80	0.00	0.00	290.12	290.12	22.76	45.54	72.09	0.00
5,310.39	0.00	849.76	1,702.23	0.00	0.00	306.80	306.82	43.76	87.54	59.80	0.00
5,370.33	0.00	861.50	3,593.75	0.00	0.00	490.00	490.00	0.00	0.00	0.00	0.00
9,266.40	0.00	1,188.77	3,254.07	0.00	0.00	415.00	415.00	66.22	132.43	38.00	0.00
5,019.26	0.00	1,276.49	2,381.49	0.00	0.00	300.00	300.00	52.04	104.08	50.80	0.00
8,198.92	0.00	3,653.09	3,296.26	0.00	0.00	505.00	505.00	96.43	192.87	305.37	0.00
118,000.84	0.00	50,556.46	96,893.51	79.19	9.07	14,321.15	14,321.21	1,215.88	2,431.86	2,866.94	0.00

9/1/2011

FAYETTEVILLE MACC LEDGER

2001-2011

AUGUST 2011

2009 CC	2009 VEHICLE	2009 CC REVIT	2009 VEHICLE REVIT	2009 FVT	2009 TRANSIT	2009 STORM WATER	2009 FAY STORM WATER	2009 FAY RECYCLE FEE	2009 ANNEX	2008 CC	2008 VEHICLE	2008 CC REVIT
38.77	540.59	0.00	0.00	72.18	72.17	0.00	0.00	0.00	0.00	37.10	5.69	0.00
102.65	(7.57)	0.00	0.00	30.00	30.00	12.00	24.00	38.00	0.00	0.00	(18.20)	0.00
18.77	258.02	0.00	0.00	67.55	67.55	0.00	0.00	0.00	0.00	3.97	48.49	0.00
9.33	(6.42)	0.00	0.00	20.34	20.35	0.00	0.00	0.00	0.00	0.00	1.18	0.00
81.52	427.73	0.00	0.00	56.01	56.02	0.00	0.00	0.00	0.00	0.00	3.55	0.00
64.12	309.73	0.00	0.00	40.00	40.00	0.00	0.00	0.00	0.00	0.00	16.24	0.00
1,014.58	60.54	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	76.48	0.00
2.22	40.69	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	14.88	0.00
0.00	300.94	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	0.00	(20.78)	0.00
14.54	253.40	0.00	0.00	38.82	38.83	0.00	0.00	0.00	0.00	0.00	31.38	0.00
811.57	257.40	0.00	0.00	45.00	45.00	12.00	24.00	38.00	0.00	328.89	49.80	0.00
34.27	322.80	0.00	0.00	50.00	50.00	0.00	0.00	0.00	0.00	5.19	44.04	0.00
4.92	105.80	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	45.68	19.17	0.00
0.00	84.68	0.00	0.00	23.97	23.98	0.00	0.00	0.00	0.00	0.00	69.82	0.00
48.07	256.45	0.00	0.00	55.00	55.00	0.00	0.00	0.00	0.00	139.10	45.85	0.00
80.85	216.52	0.00	0.00	74.66	74.65	0.00	0.00	0.00	0.00	2.30	130.13	0.00
14.35	52.12	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	31.76	0.00
82.33	123.39	0.00	0.00	40.00	40.00	4.14	8.27	13.09	0.00	27.29	(57.93)	0.00
66.46	46.10	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	58.61	39.62	0.00
502.77	125.04	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	0.00	17.76	0.00
30.02	59.51	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	191.18	18.91	0.00
0.00	56.50	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	4.29	0.00
92.81	51.82	0.00	0.00	20.00	20.00	0.00	0.00	0.00	0.00	58.43	26.39	0.00
3,114.92	3,935.78	0.00	0.00	823.53	823.55	28.14	56.27	89.09	0.00	897.74	598.52	0.00

9/1/2011

FAYETTEVILLE MACC LEDGER

2001-2011

AUGUST 2011

2008 VEH REVIT	2008 FVT	2008 TRANSIT	2008 STORM WATER	2008 FAY STORM WATER	2008 FAY RECYCLE	2008 ANNEX	2007 & PRIOR CC	2007 & PRIOR VEH	2007 & PRIOR CC REVIT	2007 & PRIOR VEH REVIT	2007 & PRIOR FVT	2007 & PRIOR STORM WATER
0.00	3.68	3.67	10.59	0.00	0.00	0.00	53.64	171.83	0.00	0.00	21.27	48.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	18.79	(140.09)	0.00	0.00	(15.00)	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	29.83	255.83	0.00	0.00	40.00	0.00
0.00	0.00	0.00	7.78	15.55	27.22	0.00	0.00	68.80	0.00	0.00	30.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	0.00	10.40	104.09	0.00	0.00	20.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	46.54	92.18	0.00	0.00	10.00	0.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	92.79	52.58	0.00	0.00	15.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	0.00	25.77	12.87	0.00	0.00	5.00	0.00
0.00	4.15	4.15	0.00	0.00	0.00	0.00	0.00	56.65	0.00	0.00	21.66	0.00
0.00	15.00	10.00	0.00	0.00	0.00	0.00	0.00	(21.30)	0.00	0.00	5.00	0.00
0.00	20.00	15.00	12.00	24.00	42.00	0.00	669.31	215.42	0.00	0.00	35.00	36.00
0.00	5.00	5.00	12.00	0.00	0.00	0.00	185.68	263.74	0.00	0.00	70.00	0.00
0.00	5.00	5.00	3.45	6.91	12.09	0.00	0.00	99.31	0.00	0.00	30.09	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	13.30	0.00	0.00	10.00	0.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	18.93	36.88	0.00	0.00	15.00	0.00
0.00	20.00	10.00	0.00	0.00	0.00	0.00	5.99	87.36	0.00	0.00	15.00	0.00
0.00	15.00	5.00	0.00	0.00	0.00	0.00	109.68	71.80	0.00	0.00	17.48	12.00
0.00	(0.43)	4.58	0.00	0.00	0.00	0.00	0.00	237.76	0.00	0.00	30.00	0.00
0.00	15.00	10.00	36.00	0.00	0.00	0.00	0.00	96.39	0.00	0.00	41.29	54.77
0.00	12.81	10.00	0.00	0.00	0.00	0.00	19.60	53.97	0.00	0.00	17.37	0.00
0.00	10.00	5.00	1.07	2.15	3.76	0.00	18.56	60.55	0.00	0.00	30.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	37.03	0.00	0.00	10.00	0.00
0.00	10.00	5.00	0.00	0.00	0.00	0.00	0.00	24.99	0.00	0.00	0.00	0.00
0.00												
0.00	200.21	142.40	82.89	48.61	85.07	0.00	1,305.51	1,951.94	0.00	0.00	474.16	150.77

FAYETTEVILLE MACC LEDGER

2001-2011

AUGUST 2011

2007 & PRIOR FAY STORM WATER	2007 & PRIOR ANNEX	INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	FAY TRANSIT INTEREST	TOTAL TAX & INTEREST
0.00	0.00	1,115.53	3.10	25.49	7.87	0.00	9.97	70.00	78,433.10
0.00	0.00	403.58	0.00	1.89	3.78	0.00	5.98	47.75	24,024.07
0.00	0.00	572.16	0.00	4.42	8.81	0.00	13.96	50.24	43,903.30
0.00	0.00	630.71	0.00	9.12	18.23	0.00	29.86	41.57	39,472.65
0.00	0.00	587.84	0.19	5.28	10.52	0.00	8.34	48.42	38,573.24
0.00	0.00	580.56	0.00	1.78	3.56	0.00	5.65	47.23	42,521.73
0.00	0.00	787.49	2.13	2.64	5.26	0.00	5.56	50.66	39,150.99
0.00	0.00	559.78	0.00	11.35	22.70	0.00	0.00	28.82	30,253.39
0.00	0.00	463.71	0.00	4.14	8.27	0.00	13.10	41.61	37,812.73
0.00	0.00	660.75	0.00	1.90	3.79	0.00	3.24	73.78	39,202.00
24.00	0.00	1,738.01	0.00	24.72	26.59	0.00	32.99	92.15	92,451.43
0.00	0.00	754.13	0.00	5.09	3.97	0.00	6.31	42.17	61,574.40
0.00	0.00	394.57	0.00	1.76	3.51	0.00	5.57	34.26	355,971.02
0.00	0.00	415.93	0.00	5.34	10.61	0.00	19.60	38.22	465,235.94
0.00	0.00	385.37	0.00	2.84	5.65	0.00	9.12	44.36	277,426.72
0.00	0.00	676.14	0.00	6.64	13.27	0.00	26.57	49.27	409,953.93
24.00	0.00	329.51	0.00	5.93	11.87	0.00	2.84	27.63	192,512.71
0.00	8.47	372.87	0.00	1.88	3.75	1.09	5.95	23.84	260,216.38
0.00	0.00	258.96	0.00	37.93	3.61	0.00	3.28	25.07	236,923.38
0.00	0.00	353.23	0.00	0.00	0.00	0.00	0.00	39.22	132,061.20
0.00	0.00	406.33	0.00	6.16	12.30	0.00	2.82	29.65	262,588.45
0.00	0.00	306.09	0.00	3.54	7.06	0.00	2.88	22.03	261,266.56
0.00	0.00	629.86	0.00	8.00	15.94	0.00	25.26	35.83	249,052.92
48.00	8.47	13,383.11	5.42	177.84	210.92	1.09	238.85	1,003.78	3,670,582.24