



FAYETTEVILLE CITY COUNCIL
AGENDA
JUNE 10, 2013
7:00 P.M.
Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 PUBLIC FORUM

6.0 CONSENT

6.1 Adoption of resolution advocating for passage of special legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to the members of the Citizen Review Board to facilitate its review of police disciplinary cases.

6.2 Amendment to City Code Chapter 24, Article III - Driveways

6.3 Budget Ordinance Amendment 2013-15 (General Fund, Emergency Telephone System Fund and Transit Operating Fund) and related Capital Project Ordinance Amendments 2013-34 (Building Maintenance), 2013-35 (Sidewalks), 2013-36 (Parking Lot Improvements) and 2013-37 (Festival Park Plaza) and Special Revenue Fund Project Ordinance Amendment 2013-8 (HOME Program)

6.4 PWC Financial Matters

6.5 Rescission of Gross Receipts Tax Payment to PWC

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

- 6.7 Special Revenue Fund Project Ordinance 2013-10 (2013 Badges for Baseball Program)
- 6.8 Special Revenue Fund Project Ordinance 2013-11 (2012 Badges for Baseball Program Grant #2)
- 6.9 Special Revenue Fund Project Ordinance Closeouts 2013-8 through 2013-13 (Community Development Block Grant and HOME Projects)
- 6.10 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 Fiscal Year 2013-2014 Budget Public Hearing, Budget Ordinance and Fee Schedule, Fiscal Year 2014-2018 Capital Improvement and Information Technology Plans, Capital Project Ordinances 2014-1 through 2014-10, and Capital Project Ordinance Amendments 2014-1 through 2014-16
Presenter(s): Theodore L. Voorhees, City Manager
- 7.2 Amendment to City Code Chapter 30-4.C.4(j)(5), to allow spacing standards for automotive wrecker services to be considered on a case by case basis -- requested by Phillips Leasing Systems, LLC, 327 Alexander Street.
Presenter(s): Karen S. Hilton, AICP, Manager, Planning and Zoning Division
- 7.3 Amendment to City Code Chapter 30-5.M Traffic Impact Analysis, to increase flexibility for the requirement of a Traffic Impact Analysis on development sites -- staff initiated.
Presenter(s): Karen S. Hilton, AICP, Manager, Planning and Zoning Division
- 7.4 Public Hearing and Consideration of Adoption of Revisions to Chapter 23, Article III, Sec. 23-24(3), Stormwater Management Ordinance
Presenter(s): Greg Caison, CSM, Stormwater Manager

8.0 OTHER ITEMS OF BUSINESS

- 8.1 Award Contract for Resurface Various Streets 2014 - Phase I
Presenter(s): Rusty Thompson, Engineering and Infrastructure Director
- 8.2 P13-17F. Initial zoning of property to SF-6 – Single Family Residential or to a more restrictive district, located on Tammy Street and Holland Street containing 2.21 acres more or less and being the property of Shaw Area Church of God and Cumberland County.
Presenter(s): Craig Harmon, AICP, CZO - Planner II

- 8.3 Consideration of a Petition Requesting Annexation of a Non-Contiguous Area Known as Property of Shaw Area Church of God and Cumberland County (2 Parcels Are Owned by Church and 4 Parcels Are Owned by County)-(Located on the Eastern Side of Holland Street and the Southern Side of Tammy Street in the Shaw Heights Community)

Presenter(s): David Nash, AICP, Planner II

8.4 Uninhabitable Structures Demolition Recommendations

869 Brewer Street
804 Hillsboro Street
627 North Street
1528 S. Reilly Road
226 Woodrow Street

Presenter(s): Scott Shuford, Development Services Director

9.0 ADMINISTRATIVE REPORTS

- 9.1 Monthly Statement of Taxes for May 2013

10.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

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

COUNCIL MEETING WILL BE AIRED

June 10, 2013 - 7:00 p.m.

COMMUNITY CHANNEL 7

COUNCIL MEETING WILL BE RE-AIRED

June 12, 2013 - 10:00 p.m.

COMMUNITY CHANNEL 7

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

CITY COUNCIL ACTION MEMO

TO:

FROM:

DATE: June 10, 2013

RE:

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Theodore L. Voorhees, City Manager
DATE: June 10, 2013
RE: **Adoption of resolution advocating for passage of special legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to the members of the Citizen Review Board to facilitate its review of police disciplinary cases.**

THE QUESTION:

Adoption of resolution advocating for passage of special legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to the members of the Citizen Review Board to facilitate its review of police disciplinary cases.

RELATIONSHIP TO STRATEGIC PLAN:

This item supports the City's goal of Greater Community Unity

BACKGROUND:

In an effort to display greater transparency and accountability, the Fayetteville City Council adopted an ordinance establishing a Citizen Review Board to facilitate review of police disciplinary cases, January 14, 2013. Several other municipalities in North Carolina operate successful similar boards.

To establish the Board's membership, scope, jurisdiction and hearing process, the City worked vigorously to develop a Procedures Manual in a collaborative process with members of the Fayetteville Police Department, the City Attorney and the City Manager's Office. City Council adopted the Procedures Manual January 14, 2013.

The 2013-2014 biennium of the North Carolina General Assembly convened on January 30, 2013. Fayetteville's legislative delegation's support and advocacy is instrumental in assisting the City with acquiring authority to establish certain programs. On February 11, 2013 City Council adopted the City of Fayetteville 2013 State Legislative Agenda, which includes a provision to seek special legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to the members of the Citizen Review Board to facilitate its review of police disciplinary cases.

House Bill 349, special legislation in support of the City of Fayetteville's Citizen Review Board, was sponsored and supported by members of the Cumberland County Delegation during the 2013 session of the North Carolina General Assembly.

Additionally, in an effort to alleviate concerns about the Citizen Review Board, the City met with members of various advocacy groups and amended House Bill 349 to make clearer the repercussions for board members should they violate confidentiality.

The attached resolution will assist the City to advocate for passage of House Bill 349, special legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to the members of the Citizen Review Board.

ISSUES:

N/A

BUDGET IMPACT:

OPTIONS:

1. Adopt the resolution advocating for special legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to the members of the Citizen Review Board.
2. Do not adopt the resolution advocating for special legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to the members of the Citizen Review Board.

RECOMMENDED ACTION:

Staff recommends Council move to pass the resolution advocating for special legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to the members of the Citizen Review Board.

ATTACHMENTS:

Resolution - Supporting HB 349

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SUPPORT AND ADVOCATE FOR PASSAGE OF SPECIAL LEGISLATION TO ALLOW THE CITY TO CONFIDENTIALLY DISCLOSE LIMITED PERSONNEL INFORMATION TO MEMBERS OF A CITIZEN REVIEW BOARD

WHEREAS, in an effort to display greater transparency and accountability, the Fayetteville City Council adopted an ordinance on January 14, 2013, establishing a Citizen Review Board to facilitate review of Police Department disciplinary cases, and;

WHEREAS, to establish the Board's membership, scope, jurisdiction and hearing process, the City worked vigorously to develop a Procedures Manual in a collaborative process with members of the Fayetteville Police Department, the City Attorney and the City Manager's Office, which City Council has endorsed, and;

WHEREAS, several other municipalities in North Carolina successfully operate similar boards, and;

WHEREAS, on February 11, 2013, City Council adopted the City of Fayetteville 2013 State Legislative Agenda, which includes a provision to seek special legislation allowing the City of Fayetteville to confidentially disclose limited personnel information to the members of the Citizen Review Board to facilitate its review of Police disciplinary cases, and;

WHEREAS, House Bill 349, special legislation in support of the City of Fayetteville's Citizen Review Board, was sponsored and supported by members of the Cumberland County Delegation, and;

WHEREAS, the City has met with members of various advocacy groups in an effort to alleviate concerns about the Citizen Review Board and the City has amended House Bill 349 to make clearer the repercussions for board members should they violate confidentiality, and;

NOW, THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, this Council does hereby resolve that the City of Fayetteville, North Carolina, supports and advocates for passage of special legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to the members of the Citizen Review Board to facilitate its review of police disciplinary cases.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF

FAYETTEVILLE, NORTH CAROLINA, on this, the 28th day of May, 2013; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lee Jernigan, P.E., City Traffic Engineer
DATE: June 10, 2013
RE: **Amendment to City Code Chapter 24, Article III - Driveways**

THE QUESTION:

Amendment to City Code Chapter 24, Article III - Driveways

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - Great Place to Live

BACKGROUND:

The proposed amendment will provide clarification that driveway permits are received from the City Traffic Engineer, not the City Engineer, and will reference current editions of the driveway manual used to review driveway permit applications. The existing City Code Chapter 24, Article III - Driveways, references the 1966 edition of the driveway manual. The edition that is currently used for reviewing driveway permits was adopted in 2003.

ISSUES:

The proposed amendment to Chapter 24 will update our ordinance to reflect the current edition of the driveway manual used to review driveway permit applications.

BUDGET IMPACT:

This proposed amendment will not have an impact on the budget.

OPTIONS:

- Approve the Proposed Amendment to Chapter 24
- Reject the Proposed Amendment to Chapter 24

RECOMMENDED ACTION:

The recommended action is to approve the proposed amendment.

ATTACHMENTS:

Chapter 24, Article III - Driveways Amendment
Chapter 24, Article III - Driveways Markup

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 24, ARTICLE III -DRIVEWAYS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that the Driveways Ordinance, be amended as follows:

Section 1. In 24-101 PERMIT TO CONSTRUCT AS REQUIRED, modify as follows:

- (a) No person shall construct a driveway across any public sidewalk, walkway, parkway or into any street, or cut any curb for such purpose, without having first applied for and obtained a driveway permit from the city traffic engineer, which application shall show, among other things, the location, grade, dimensions, and the construction or reconstruction in those areas designated in the city's adopted sidewalk plan of the curbs and the purpose for which the driveway is desired. If the application complies with provisions of this section, the permit shall be issued.
- (b) Where any new driveway is constructed or an existing driveway reconstructed that requires a driveway permit, a city standard sidewalk shall be constructed along the entire length(s) of the property served by such driveway that abut(s) a public street. This requirement is to include all developments except single or duplex family dwelling units.

Section 2. In 24-102 STATE DRIVEWAY ENTRANCE REGULATIONS ADOPTED BY REFERENCE, delete the section in its entirety and replace it with the following section 24-102:

That the most current edition of the manual entitled "Policy on Street and Driveway Access to North Carolina Highways," adopted, and made effective, by the North Carolina Department of Transportation, to the extent that such manual pertains to all driveways in urban areas, is hereby adopted and made effective for all driveways within the city, and each and all of the standards and requirements and regulations and provisions contained in such manual shall be applicable to such driveways, and such driveways shall conform to and with such manual; and such manual, to the extent defined, is hereby adopted and incorporated herein by reference.

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

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

Adopted this _____ day of June, 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

PART II - CODE OF ORDINANCES
Chapter 24 - STREETS AND SIDEWALKS

ARTICLE III. - DRIVEWAYS

ARTICLE III. - DRIVEWAYS

[Sec. 24-101. - Permit to construct required.](#)

[Sec. 24-102. - State driveway entrance regulations adopted by reference.](#)

[Sec. 24-103. - Extension of apron into street.](#)

[Sec. 24-104. - White line defining sidewalk area.](#)

[Secs. 24-105—24-130. - Reserved.](#)

Sec. 24-101. - Permit to construct required.

- (a) No person shall construct a driveway across any public sidewalk, walkway, parkway or into any street, or cut any curb for such purpose, without having first applied for and obtained a driveway permit from the city traffic engineer, which application shall show, among other things, the location, grade, dimensions, and the construction or reconstruction in those areas designated in the city's adopted sidewalk plan of the curbs and the purpose for which the driveway is desired. If the application complies with provisions of this section, the permit shall be issued.
- (b) Where any new driveway is constructed or an existing driveway reconstructed that requires a driveway permit, a city standard sidewalk shall be constructed along the entire length(s) of the property served by such driveway that abut(s) a public street. This requirement is to include all developments except single or duplex family dwelling units.

(Code 1961, § 26-35)

Sec. 24-102. - State driveway entrance regulations adopted by reference.

That the most current edition of the manual entitled "Policy on Street and Driveway Access to North Carolina Highways," adopted, and made effective, by the North Carolina Department of Transportation, to the extent that such manual pertains to all driveways in urban areas, is hereby adopted and made effective for all driveways within the city, and each and all of the standards and requirements and regulations and provisions contained in such manual shall be applicable to such driveways, and such driveways shall conform to and with such manual; and such manual, to the extent defined, is hereby adopted and incorporated herein by reference.

(Code 1961, § 26-36)

Sec. 24-103. - Extension of apron into street.

No driveway apron shall extend into the gutter area nor farther into the street than the face of the curb.

(Code 1961, § 26-37)

PART II - CODE OF ORDINANCES
Chapter 24 - STREETS AND SIDEWALKS

ARTICLE III. - DRIVEWAYS

Sec. 24-104. - White line defining sidewalk area.

There shall be a white line not less than two inches wide at all business or industrial driveway entrances, maintained along the entire width of the driveway or ramp, so as to define clearly the sidewalk area on the property side thereof.

(Code 1961, § 26-38)

Secs. 24-105—24-130. - Reserved.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa T. Smith, Chief Financial Officer
DATE: June 10, 2013
RE: **Budget Ordinance Amendment 2013-15 (General Fund, Emergency Telephone System Fund and Transit Operating Fund) and related Capital Project Ordinance Amendments 2013-34 (Building Maintenance), 2013-35 (Sidewalks), 2013-36 (Parking Lot Improvements) and 2013-37 (Festival Park Plaza) and Special Revenue Fund Project Ordinance Amendment 2013-8 (HOME Program)**

THE QUESTION:

Council is asked to approve Budget Ordinance Amendment 2013-15 which will increase total General Fund appropriations by \$380,000 (across several departments), Emergency Telephone System Fund appropriations by \$25,000 and Transit Operating Fund appropriations by \$150,000. These budget amendments are based upon year-end projections developed with the budget process and include additional adjustments to ensure sufficient funding for unexpected expenditures through the fiscal year-end.

Council is also asked to approve Capital Project Ordinance Amendments 2013-34, 2013-35, 2013-36 and 2013-37, which will allow the building maintenance and renovation, sidewalk and parking lot projects to move forward consistent with funding needs communicated with the year-end budget projections and the capital improvement plan update.

Finally, Council is asked to approve Special Revenue Fund Project Ordinance Amendment 2013-8 for the HOME Investment Partnership Program which is consistent with funding needs communicated with year-end budget projections and the Community Development Action Plan.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The source of funding for the General Fund appropriation increases is an additional fund balance appropriation of \$380,000. Budget appropriations for the following General Fund departments will be adjusted as follows:

City Attorney's Office	\$120,000
Community Development	65,000
Engineering & Infrastructure	155,000
Environmental Services	60,000
Fire and Emergency Management	200,000
Human Relations	20,000
Management Services	20,000
Other Appropriations	(510,000)
Parks, Recreation & Maintenance	<u>250,000</u>
Total	\$380,000

The total General Fund budget will increase to \$150,857,621, which is approximately 0.7% above year-end projections prepared during the budget process. The variance is being appropriated to

ensure budgetary compliance should unexpected expenditures arise.

The \$25,000 appropriation increase for the Emergency Telephone System Fund will result in an appropriation approximately 1.1% above year-end projections and is funded by an increased fund balance appropriation.

The \$150,000 appropriation increase for the Transit Operating Fund will result in an appropriation approximately 0.9% above year-end projections and is funded by an increased transfer from the General Fund (\$147,959) and additional fare revenues (\$2,041).

Capital Project Ordinance Amendment 2013-34 will increase the project authorization for building maintenance and renovation projects by \$156,000 to provide funding for renovations underway at Fire Station 14 and in City Hall. The increased appropriation is funded by an additional transfer from the General Fund.

Capital Project Ordinance Amendment 2013-35 will increase the project authorization for sidewalks and related improvements by \$79,114 to allow various projects anticipated to proceed by June 30, 2013 to move forward. The increased appropriation is funded by increased General Fund transfers (\$77,953) and \$1,161 in revenues resulting from a right-of-way transaction with the Public Works Commission in a prior fiscal year.

Capital Project Ordinance Amendment 2013-36 will increase the project authorization for parking lot maintenance projects by \$27,979 to allow for the paving projects anticipated to proceed by June 30, 2013 to commence. The increase appropriation is funded by increased General Fund transfers.

Capital Project Ordinance Amendment 2013-37 will clarify the scope of the project authorization for Festival Park Plaza to include renovations and equipping of the facility without adjusting authorized project funding amounts.

Special Revenue Fund Project Ordinance Amendment 2013-8 will increase the project authorization for the Home Investment Partnership Program by \$279,313, consistent with the Community Development Action Plan and to meet grant match requirements. The increased appropriation is funded by a General Fund transfer, consistent with year-end budget projections provided.

ISSUES:

None.

BUDGET IMPACT:

The year-end budget projections have been communicated to City Council in the Fiscal Year 2014 Recommended Budget Document and have been considered in developing projections of fund balance available for appropriation for fiscal year 2014. The appropriations amounts in excess of year-end projections are not planned to be expended, rather are appropriated should unforeseen expenditures arise.

OPTIONS:

- Adopt Budget Ordinance Amendment 2013-15 to provide sufficient funding for operations through the end of fiscal year 2013-2014, Capital Project Ordinance Amendments 2013-34, 2013-35, 2013-36 and 2013-37 to allow projects to proceed as planned, and Special Revenue Fund Project Ordinance Amendment 2013-8 to allow implementation of the Community Development Action Plan as planned.
- Do not adopt the budget ordinance amendment, capital project ordinance amendments, or special revenue fund project ordinance amendments.

RECOMMENDED ACTION:

Adopt Budget Ordinance Amendment 2013-15, Capital Project Ordinance Amendments 2013-34,

2013-35, 2013-36 and 2013-37, and Special Revenue Fund Project Ordinance Amendment 2013-8 as presented.

ATTACHMENTS:

- Budget Ordinance Amendment 2013-15
- Capital Project Ordinance Amendment 2013-34
- Capital Project Ordinance Amendment 2013-35
- Capital Project Ordinance Amendment 2013-36
- Capital Project Ordinance Amendment 2013-37
- Special Revenue Project Ordinance Amendment 2013-8

2012-2013 BUDGET ORDINANCE AMENDMENT
CHANGE 2013-15

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

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

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

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Fund Balance Appropriation	\$ 9,364,809	\$ 380,000	\$ 9,744,809
All Other General Fund Revenues and OFS	141,112,812	-	141,112,812
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 150,477,621</u>	<u>\$ 380,000</u>	<u>\$ 150,857,621</u>

Schedule F: Emergency Telephone System Fund

Fund Balance Appropriation	\$ 155,340	\$ 25,000	\$ 180,340
All Other Emerg. Telephone System Fund Rev & OFS	776,752	-	776,752
Total Estimated Emergency Telephone System Fund Revenues and Other Financing Sources	<u>\$ 932,092</u>	<u>\$ 25,000</u>	<u>\$ 957,092</u>

Schedule G: Transit Fund

Fees - Bus Fares	\$ 968,064	\$ 2,041	\$ 970,105
Interfund Transfers	2,531,839	147,959	2,679,798
All Other Transit Fund Revenues and OFS	2,942,379	-	2,942,379
Total Estimated Transit Fund Revenues and Other Financing Sources	<u>\$ 6,442,282</u>	<u>\$ 150,000</u>	<u>\$ 6,592,282</u>

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

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
City Attorney's Office	\$ 1,008,373	\$ 120,000	\$ 1,128,373
Community Development	1,926,486	65,000	1,991,486
Engineering & Infrastructure	11,458,408	155,000	11,613,408
Environmental Services	8,642,393	60,000	8,702,393
Fire & Emergency Management	24,659,365	200,000	24,859,365
Human Relations	249,842	20,000	269,842
Management Services	876,658	20,000	896,658
Other Appropriations	26,190,764	(510,000)	25,680,764
Parks, Recreation & Maintenance	17,288,739	250,000	17,538,739
All Other General Fund Departments	58,176,593	-	58,176,593
Total Estimated General Fund Expenditures	<u>\$ 150,477,621</u>	<u>\$ 380,000</u>	<u>\$ 150,857,621</u>
<u>Schedule F: Emergency Telephone System Fund</u>			
Total Estimated Emergency Telephone System Fund Expenditures	<u>\$ 932,092</u>	<u>\$ 25,000</u>	<u>\$ 957,092</u>
<u>Schedule G: Transit Fund</u>			
Total Estimated Transit Fund Expenditures	<u>\$ 6,442,282</u>	<u>\$ 150,000</u>	<u>\$ 6,592,282</u>

Adopted this 10th day of June, 2013.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2013-34 (CPO 2009-3)**

Section 1. The project change authorized is to Capital Project Ordinance 2009-3, adopted June 9, 2008, as amended, for the funding of miscellaneous building maintenance and renovation projects.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
General Fund Transfer	\$ 1,941,160	\$ 156,000	\$ 2,097,160
Public Safety Fund Transfer	49,775	-	49,775
	<u>\$ 1,990,935</u>	<u>\$ 156,000</u>	<u>\$ 2,146,935</u>

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

Project Expenditures	<u>\$ 1,990,935</u>	<u>\$ 156,000</u>	<u>\$ 2,146,935</u>
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

Adopted this 10th day of June, 2013.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2013-35 (CPO 2001-8)**

Section 1. The project change authorized is to Capital Project Ordinance 2001-8, adopted May 7, 2001, as amended, for sidewalks and related improvements.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
General Fund Transfer	\$ 478,302	\$ 77,953	\$ 556,255
Developer's Fees	122,217	-	122,217
Federal Highway Administration (Pass-through State Safe Routes to Schools Funds)	100,000	-	100,000
Transfers from PWC	-	1,161	1,161
Miscellaneous Income	10,204	-	10,204
	<u>\$ 710,723</u>	<u>\$ 79,114</u>	<u>\$ 789,837</u>

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

Project Expenditures	<u>\$ 710,723</u>	<u>\$ 79,114</u>	<u>\$ 789,837</u>
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

Adopted this 10th day of June, 2013.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2013-36 (CPO 2009-2)**

Section 1. The project change authorized is to Capital Project Ordinance 2009-2, adopted June 9, 2008, as amended, for the funding of miscellaneous parking lot maintenance projects.

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

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

	Listed As	Amendment	Revised
General Fund Transfer	\$ 256,911	\$ 27,979	\$ 284,890

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

Project Expenditures	\$ 256,911	\$ 27,979	\$ 284,890
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

Adopted this 10th day of June, 2013.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2013-37 (CPO 2013-2)**

Section 1. The project change authorized is to Capital Project Ordinance 2013-2, adopted June 11, 2012, as amended, for the funding of the renovations and equipping of the Festival Park Plaza.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
General Fund Transfer	<u>\$ 100,000</u>	<u>\$ -</u>	<u>\$ 100,000</u>

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

Project Expenditures	<u>\$ 100,000</u>	<u>\$ -</u>	<u>\$ 100,000</u>
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

Adopted this 10th day of June, 2013.

SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT
CHANGE 2013-8 (ORD 2011-1)

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 amended:

Section 1. The project change authorized is to the Special Revenue Project Ordinance 2011-1, adopted June 28, 2010, with an effective date of July 1, 2010, for the funding of the HOME Investment Partnership Program awarded by the U.S. Department of Housing and Urban Development.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various grant 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:

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
HOME - HUD	\$ 893,673	\$ -	\$ 893,673
Local Match - General Fund	178,735	279,313	458,048
Program Income	288,460	-	288,460
	\$ 1,360,868	\$ 279,313	\$ 1,640,181

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

Project Expenditures	\$ 1,360,868	\$ 279,313	\$ 1,640,181
	\$ 1,360,868	\$ 279,313	\$ 1,640,181

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

Adopted this 10th day of June, 2013.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: June 10, 2013
RE: **PWC Financial Matters**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests City Council adopt the following PWC Financial Matters: (A) Electric, Water/Wastewater and Fleet Maintenance Internal Service Fund Budget Amendment #2; (B) Capital Project Fund Budget Amendments as follows: (1) Electric Rate Stabilization Fund Amendment #16 for FY 2013; (2) Electric Rate Stabilization Fund Amendment #17 for FY 2014 (3) Water and Wastewater Rate Stabilization Fund Amendment #10 for FY 2014 (4) Annexation Phase V Reserve Fund Amendment #8 for FY 2013; (5) Annexation Phase V Reserve Fund Amendment #9 for FY 2014; (6) 2012 WTF Clearwell and Chemical Feed Improvements State Revolving Loan Capital Project Fund Amendment #1 for FY 2013.

RELATIONSHIP TO STRATEGIC PLAN:

Lowest Responsible Rates, Most Financially Sound Utility

BACKGROUND:

During their regular meeting of May 22, 2013 the Public Works Commission considered and approved the following financial matters relating to the PWC Budget and to forward to City Council for adoption:

A. Electric, Water/Wastewater & Fleet Maintenance Internal Service Fund Budget Amendment #2.

The current adopted budget as amended for Fiscal Year 2013 is \$350,502,525 and the Amendment #2 decrease is \$8,004,700. This brings the proposed Fiscal Year 2013 budget to \$342,497,825.

B. Capital Project Fund Budget Amendments:

1. Electric Rate Stabilization Fund Amendment #16 decreasing the loan advance to the General Fund for Fiscal Year 2013 and increasing expected interest income.
2. Electric Rate Stabilization Fund Amendment #17 to transfer to and from the Electric Fund the budgeted amount for Fiscal Year 2014 and providing for Interest Income for Fiscal Year 2014. Budget effective July 1, 2013.
3. Water and Wastewater Rate Stabilization Fund Amendment #10 to transfer from the Water and Wastewater fund the budgeted amount for Fiscal Year 2014 and providing for Interest Income for Fiscal Year 2014. Budget effective July 1, 2013.
4. Annexation Phase V Reserve Fund Amendment #8 reflects expected activity for Fiscal Year 2013.
5. Annexation Phase V Reserve Fund Amendment #9 reflects expected activity for Fiscal Year 2014. Budget effective July 1, 2013.
6. 2012 WTF Clearwell and Chemical Feed Improvements State Revolving Loan CPF Amendment #1 to increase anticipated construction cost of the project.

ISSUES:

None

BUDGET IMPACT:

PWC Budget

OPTIONS:

None

RECOMMENDED ACTION:

The Public Works Commission recommends to the City Council to adopt the Electric, Water/Wastewater & Fleet Maintenance Internal Service Fund Budget Amendment #2 Budget Ordinance and the Capital Project Fund Budget Amendments.

ATTACHMENTS:

Electric, Water/Wastewater&Fleet Maintenance Internal Service Fund Budget Amendment #2
Memo

GF Budget Amendment #2

Transmittal Letter

ERS Fund Amendment #16

Elect RSF Amendment #17

Water/Wastewater RSF Amendment #10

Annexation Phase V Reserve Fund Amendment #8

Annexation Phase V Reserve Fund Amendment #9

2012 WTF Clearwell and Chemical Feed Improvements State Revolving Loan CPF Amendment #1



WILSON A. LACY, COMMISSIONER
MICHAEL G. LALLIER, COMMISSIONER
WICK SMITH, COMMISSIONER
LYNNE B. GREENE, 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 (910) 483-1401
WWW.FAYPWC.COM

May 16, 2013

MEMO TO: Steven K. Blanchard, CEO

MEMO FROM: J. Dwight Miller, CFO

SUBJECT: Electric, Water/Wastewater and Fleet Maintenance Internal Service Fund Budget Amendment #2

The attached General Fund budget amendment is the second and final adjustment for this fiscal year and incorporates anticipated budget changes through year end. It is requested that Commission adopt the amendment at their May 22nd meeting and City Council adoption at their meeting on June 10th.

The current adopted budget as amended for Fiscal Year 2013 is \$350,502,525 and the Amendment #2 decrease is \$8,004,700. This brings the proposed Fiscal Year 2013 budget to \$342,497,825.

1. Electric Fund Budget has a net decrease in revenues and expenses of \$3,662,600
2. Water and Wastewater have a net decrease in revenues and expenses of \$4,342,100
3. Fleet Maintenance Internal Service Fund does not include a net increase or decrease

Summary pages numbered 1 through 8 specify the budget line item changes summarized above. Page 4 is the Budget Ordinance to be adopted.

Staff recommends that the Commission adopt the attached General Fund Fiscal Year 2013 Amendment #2 Budget Ordinance and forward to City Council for adoption.

BUILDING COMMUNITY CONNECTIONS SINCE 1905

AN EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

ELECTRIC, W/WW & FLEET MNT INTERNAL SERVICE FUNDS SUMMARY

DESCRIPTION	ADOPTED ORIGINAL BUDGET FY 2013	BUDGET AMENDMENT #1 FY 2013	BUDGET AMENDMENT #2 FY 2013	PROPOSED AMENDED BUDGET FY 2013
ELECTRIC UTILITY OPERATING FUND	\$217,210,000	(\$9,177,500)	\$1,672,300	\$209,704,800
ELECTRIC CAPITAL OUTLAY	30,881,700	0	(5,334,900)	25,546,800
TOTAL ELECTRIC FUND	\$248,091,700	(\$9,177,500)	(\$3,662,600)	\$235,251,600
WATER & WASTEWATER UTILITIES OPERATING FUNDS	\$66,217,125	\$29,500	\$10,743,700	\$76,990,325
WATER & WASTEWATER CAPITAL OUTLAY	21,122,100	16,414,900	(15,085,800)	22,451,200
TOTAL WATER & WASTEWATER FUND	\$87,339,225	\$16,444,400	(\$4,342,100)	\$99,441,525
TOTAL ELECTRIC & W/WW FUNDS	\$335,430,925	\$7,266,900	(\$8,004,700)	\$334,693,125
FLEET MAINT INTERNAL SERVICE OPERATING FUND	\$7,524,700	\$0	\$0	\$7,524,700
FLEET MAINT INTERNAL SERVICE CAPITAL OUTLAY	221,000	59,000	0	280,000
TOTAL FLEET MAINT INTERNAL SERVICE FUND	\$7,745,700	\$59,000	\$0	\$7,804,700
TOTAL BUDGET	\$343,176,625	\$7,325,900	(\$8,004,700)	\$342,497,825

ELECTRIC, W/WW & FMIS FUNDS SUMMARY

DESCRIPTION	ADOPTED ORIGINAL BUDGET FY 2013	BUDGET AMENDMENT #1 FY 2013	BUDGET AMENDMENT #2 FY 2013	PROPOSED AMENDED BUDGET FY 2013
ELECTRIC FUND:				
REVENUES	\$238,790,800	(\$9,177,500)	(\$7,011,000)	\$222,602,300
CONTRIBUTIONS AND/OR GRANTS	2,005,000	0	0	2,005,000
REMITTANCES FROM CITY	20,900	0	0	20,900
APPR. FROM FUEL ADJUSTMENT RESERVE	0	0	1,948,400	1,948,400
APPR. FROM NEW CENTURY SOLAR RESERVE	0	0	0	0
RESERVE FOR ELECTRIC CAPITAL PROJECTS	7,050,000	0	0	7,050,000
CUSTOMER SERVICE CONSTRUCTION RESERVE	0	0	0	0
RESERVE FOR REPS	225,000	0	1,400,000	1,625,000
APPR. FROM ELECTRIC NET ASSETS	0	0	0	0
TOTAL REVENUES ELECTRIC	\$248,091,700	(\$9,177,500)	(\$3,662,600)	\$235,251,600
EXPENDITURES				
EXPENDITURES	\$28,594,755	\$120,210	\$1,959,000	\$30,673,965
PURCHASED POWER & GENERATION	165,287,800	(7,944,960)	(2,000,000)	155,342,840
DEBT INTEREST EXPENSE	913,000	0	0	913,000
TRANSFER TO CITY	10,961,400	0	0	10,961,400
TRANSFER TO CITY - STREET LIGHTS	0	0	0	0
CAPITAL EXPENDITURES	30,881,700	0	(5,334,900)	25,546,800
TOTAL DEBT RELATED PAYMENTS	1,704,200	0	0	1,704,200
APPR. TO RATE STABILIZATION FUND	250,000	0	0	250,000
APPR. TO ELECTRIC CAPITAL RESERVE	0	0	2,135,000	2,135,000
TRANSFER TO REPS RESERVE	1,100,000	0	0	1,100,000
APPR. TO FUEL INVENTORY RESERVE	6,789,700	(1,195,350)	0	5,594,350
TRANSFER TO FMISF	110,500	29,500	0	140,000
APPR. TO ELECTRIC NET ASSETS	1,498,645	(186,900)	(421,700)	890,045
TOTAL EXPENDITURES ELECTRIC	\$248,091,700	(\$9,177,500)	(\$3,662,600)	\$235,251,600
WATER & WASTEWATER FUND:				
REVENUES	\$77,542,500	\$0	(\$2,800,000)	\$74,742,500
CONTRIBUTIONS AND/OR GRANTS	3,741,000	469,200	0	4,210,200
REMITTANCES FROM CITY	759,000	0	(263,800)	495,200
NOTE REC. - CUMBERLAND COUNTY	39,600	0	0	39,600
NOTE REC. - FORT BRAGG	153,000	0	0	153,000
ADVANCE FROM ELECTRIC RATE STABILIZATION FUND	0	15,414,900	(4,000,000)	11,414,900
RESERVE FOR NCDOT PROJECTS	0	0	2,000,000	2,000,000
RESERVE FOR W/WW CAPITAL PROJECTS	3,700,000	530,800	0	4,230,800
RESERVE FOR SUPPLEMENTAL REVENUE	936,650	0	0	936,650
TRANSFER FROM ANNEX PH V RESERVE FUND	407,000	0	0	407,000
APPR. FROM W/WW NET ASSETS	60,475	29,500	721,700	811,675
TOTAL REVENUES WATER & WASTEWATER	\$87,339,225	\$16,444,400	(\$4,342,100)	\$99,441,525

ELECTRIC, W/WW & FMIS FUNDS SUMMARY

DESCRIPTION	ADOPTED	BUDGET	BUDGET	PROPOSED
	ORIGINAL BUDGET FY 2013	AMENDMENT #1 FY 2013	AMENDMENT #2 FY 2013	AMENDED BUDGET FY 2013
EXPENDITURES	\$43,427,625	\$0	\$1,250,000	\$44,677,625
DEBT INTEREST EXPENSE	6,053,300	0	0	6,053,300
BOND INTEREST EXPENSE - CITY ANNEX.	205,600	0	0	205,600
BOND INTEREST - AMORTIZATION	715,000	0	0	715,000
STATE LOAN INTEREST EXPENSE	443,900	0	0	443,900
CAPITAL EXPENDITURES	21,122,100	16,414,900	(15,085,800)	22,451,200
DEBT RELATED PAYMENTS	9,520,700	0	0	9,520,700
BOND PRINCIPAL PAYMENTS - CITY ANNEX.	805,200	0	0	805,200
LOAN PRINCIPAL PAYMENTS	1,267,900	0	0	1,267,900
TOTAL CONTRACTS PAYABLE PAYMENT	278,300	0	1,721,700	2,000,000
APPR. TO RATE STABILIZATION FUND	250,000	0	0	250,000
APPR. TO W/WW CAPITAL RESERVE	0	0	3,772,000	3,772,000
APPR. TO ANNEXATION PHASE V RESERVE	1,639,100	0	0	1,639,100
APPR. TO ANNEXATION PHASE V RESERVE	1,500,000	0	0	1,500,000
APPR. TO NCDOT RESERVE	0	0	4,000,000	4,000,000
TRANSFER TO FMISF	110,500	29,500	0	140,000
APPR. TO W/WW NET ASSETS	0	0	0	0
TOTAL EXPEND. WATER & WASTEWATER	\$87,339,225	\$16,444,400	(\$4,342,100)	\$99,441,525
TOTAL ELECTRIC & W/WW	\$335,430,925	\$7,266,900	(\$8,004,700)	\$334,693,125
FLEET MAINTENANCE INTERNAL SERVICE FUND:				
REVENUES	\$7,524,700	\$0	\$0	\$7,524,700
TRANSFER FROM GENERAL FUND	221,000	59,000	0	280,000
APPROPRIATION FROM NET ASSETS	0	0	0	0
TOTAL REVENUES FMISF	\$7,745,700	\$59,000	\$0	\$7,804,700
EXPENDITURES	\$7,524,700	\$0	\$0	\$7,524,700
CAPITAL EXPENDITURES	221,000	59,000	0	280,000
APPROPRIATION TO NET ASSETS	0	0	0	0
TOTAL EXPENDITURES FMISF	\$7,745,700	\$59,000	\$0	\$7,804,700
TOTAL ELECTRIC, W/WW & FMISF	\$343,176,625	\$7,325,900	(\$8,004,700)	\$342,497,825

FY 2013 AMENDMENT #2 BUDGET ORDINANCE

PUBLIC WORKS COMMISSION REVENUE

Electric Fund

Operating and Other Revenue	\$222,602,300
Customer Contributions	2,005,000
Transfer from City	20,900
Budgetary Appropriations	10,623,400
Total Estimated Electric Fund Revenue	\$235,251,600

Water and Wastewater Fund

Operating and Other Revenue	\$74,742,500
Customer Contributions	4,210,200
Transfer from City	495,200
Budgetary Appropriations	19,993,625
Total Estimated Water and Wastewater Fund Revenue	\$99,441,525

Fleet Maintenance Internal Service Fund

Operating and Other Revenue	\$7,524,700
Budgetary Appropriations	280,000
Total Estimated Fleet Maintenance Internal Service Fund Revenue	\$7,804,700

TOTAL ESTIMATED PWC REVENUE **\$342,497,825**

PUBLIC WORKS COMMISSION EXPENDITURES

Electric Fund

Operating Expenses	\$188,634,005
Capital	25,546,800
Transfer to City	10,961,400
Budgetary Appropriations	10,109,395
Total Estimated Electric Fund Expenses	\$235,251,600

Water and Wastewater Fund

Operating Expenses	\$65,689,225
Capital	22,451,200
Budgetary Appropriations	11,301,100
Total Estimated Water and Wastewater Fund Expenses	\$99,441,525

Fleet Maintenance Internal Service Fund

Total Estimated Fleet Maintenance Internal Service Fund Expenses	\$7,804,700
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TOTAL ESTIMATED PWC ELECTRIC, WWW & FMISF EXPENSES **\$342,497,825**

ELECTRIC FUND SUMMARY

DESCRIPTION	ADOPTED	BUDGET	BUDGET	PROPOSED
	ORIGINAL BUDGET FY 2013	AMENDMENT #1 FY 2013	AMENDMENT #2 FY 2013	AMENDED BUDGET FY 2013
ELECTRIC OPERATING REVENUE	\$230,608,100	(\$7,944,960)	(\$6,011,000)	\$216,652,140
OTHER ELECTRIC REVENUE	8,182,700	(1,232,540)	(1,000,000)	5,950,160
TOTAL OPERATING & OTHER REVENUE	\$238,790,800	(\$9,177,500)	(\$7,011,000)	\$222,602,300
CONTRIBUTIONS AND/OR GRANTS	\$2,005,000	\$0	\$0	\$2,005,000
REMITTANCES FROM CITY	20,900	0	0	20,900
APPR. FROM FUEL ADJUSTMENT RESERVE	0	0	1,948,400	1,948,400
APPR. FROM NEW CENTURY SOLAR RESERVE	0	0	0	0
RESERVE FOR ELECTRIC CAPITAL PROJECTS	7,050,000	0	0	7,050,000
CUSTOMER SERVICE CONSTRUCTION RESERVE	0	0	0	0
RESERVE FOR REPS	225,000	0	1,400,000	1,625,000
APPR. FROM ELECTRIC NET ASSETS	0	0	0	0
TOTAL ELECTRIC REVENUE	\$248,091,700	(\$9,177,500)	(\$3,662,600)	\$235,251,600
ELECTRIC DIVISION - DISTRIBUTION	\$12,297,600	\$0	\$489,000	\$12,786,600
ELECT. DIV. - PURCHASED POWER & GEN.	165,287,800	(7,944,960)	(2,000,000)	155,342,840
MANAGEMENT DIVISION	2,235,150	157,400	0	2,392,550
COMM. & COMMUNITY RELATIONS DIVISION	552,950	0	0	552,950
HUMAN RESOURCES DIVISION	696,600	0	0	696,600
CUSTOMER PROGRAMS DIVISION	2,390,600	0	0	2,390,600
CORPORATE SERVICES DIVISION	5,224,300	0	0	5,224,300
FINANCIAL DIVISION	5,221,900	0	0	5,221,900
SUPPORT SYSTEMS DIVISION	0	0	0	0
GENERAL & ADMINISTRATION	6,372,100	0	1,470,000	7,842,100
DEPRECIATION EXPENSE	15,171,800	0	2,217,000	17,388,800
OVERHEAD CLEARING	(3,953,175)	0	0	(3,953,175)
DEBT INTEREST EXPENSE	913,000	0	0	913,000
TRANSFER TO CITY	10,961,400	0	0	10,961,400
TRANSFER TO CITY - STREET LIGHTS	0	0	0	0
TOTAL OPERATING & OTHER EXPENSES	\$223,372,025	(\$7,787,560)	\$2,176,000	\$217,760,465
NET OPERATING RESULTS	\$15,418,775	(\$1,389,940)	(\$9,187,000)	\$4,841,835
OTHER DEDUCTIONS	(\$2,178,270)	(\$37,190)	\$0	(\$2,215,460)
CAPITAL EXPENDITURES	30,881,700	0	(5,334,900)	25,546,800
TOTAL DEBT RELATED PAYMENT	1,704,200	0	0	1,704,200
DEPRECIATION/AMORTIZATION ADJUSTMENT	(15,436,800)	0	(2,217,000)	(17,653,800)
TOTAL SUPPLEMENTAL EXPENDITURES	\$14,970,830	(\$37,190)	(\$7,551,900)	\$7,381,740
TOTAL EXPENSES & SUPPLEMENTAL EXP.	\$238,342,855	(\$7,824,750)	(\$5,375,900)	\$225,142,205
APPR. TO RATE STABILIZATION FUND	\$250,000	\$0	\$0	\$250,000
APPR. TO ELECTRIC CAPITAL RESERVE	0	0	2,135,000	2,135,000
TRANSFER TO REPS RESERVE	1,100,000	0	0	1,100,000
APPR. TO FUEL INVENTORY RESERVE	6,789,700	(1,195,350)	0	5,594,350
TRANSFER TO FMISF	110,500	29,500	0	140,000
APPR. TO ELECTRIC NET ASSETS	1,498,645	(186,900)	(421,700)	890,045
TOTAL BUDGETARY APPROPRIATIONS	\$9,748,845	(\$1,352,750)	\$1,713,300	\$10,109,395
TOTAL ELECTRIC EXPENDITURES	\$248,091,700	(\$9,177,500)	(\$3,662,600)	\$235,251,600

WATER & WASTEWATER FUND SUMMARY

DESCRIPTION	ADOPTED	BUDGET	BUDGET	PROPOSED
	ORIGINAL BUDGET FY 2013	AMENDMENT #1 FY 2013	AMENDMENT #2 FY 2013	AMENDED BUDGET FY 2013
WATER OPERATING REVENUE	\$34,814,300	\$0	(\$1,800,000)	\$33,014,300
SANITARY SEWER OPERATING REVENUE	37,881,600	0	(700,000)	37,181,600
OTHER OPERATING REVENUE	3,449,800	0	(300,000)	3,149,800
OTHER WATER & SAN. SEWER REVENUE	1,396,800	0	0	1,396,800
TOTAL OPERATING & OTHER REVENUE	\$77,542,500	\$0	(\$2,800,000)	\$74,742,500
CONTRIBUTIONS AND GRANTS	\$3,741,000	\$469,200	\$0	\$4,210,200
REMITTANCES FROM CITY	759,000	0	(263,800)	495,200
NOTE REC. - CUMBERLAND COUNTY	39,600	0	0	39,600
NOTE REC. - FORT BRAGG	153,000	0	0	153,000
ADVANCE FROM ELECTRIC RATE STABILIZATION FUND	0	15,414,900	(4,000,000)	11,414,900
RESERVE FOR NCDOT PROJECTS	0	0	2,000,000	2,000,000
RESERVE FOR W/WW CAPITAL PROJECTS	3,700,000	530,800	0	4,230,800
RESERVE FOR SUPPLEMENTAL REVENUE	936,650	0	0	936,650
TRANSFER FROM ANNEX PH V RESERVE FUND	407,000	0	0	407,000
APPR. FROM W/WW NET ASSETS	60,475	29,500	721,700	811,675
TOTAL WATER/WASTEWATER REVENUE	\$87,339,225	\$16,444,400	(\$4,342,100)	\$99,441,525
WATER RESOURCES DIVISION	\$27,695,800	\$0	(\$750,000)	\$26,945,800
MANAGEMENT DIVISION	1,497,550	0	0	1,497,550
COMM. & COMMUNITY RELATIONS DIVISION	552,950	0	0	552,950
HUMAN RESOURCES DIVISION	696,600	0	0	696,600
CUSTOMER PROGRAMS DIVISION	1,903,200	0	0	1,903,200
CORPORATE SERVICES DIVISION	5,224,300	0	0	5,224,300
FINANCIAL DIVISION	4,595,300	0	0	4,595,300
GENERAL & ADMINISTRATION	5,951,200	0	2,000,000	7,951,200
DEPRECIATION EXPENSE - WATER	6,436,100	0	1,062,000	7,498,100
DEPRECIATION EXPENSE - SEWER	10,042,100	0	708,000	10,750,100
AMORTIZATION OF BOND ISSUE COSTS	131,000	0	0	131,000
AMORTIZATION - UNDISTRIBUTED	284,000	0	0	284,000
OVERHEAD CLEARING	(4,178,775)	0	0	(4,178,775)
BOND INTEREST EXPENSE	5,821,500	0	0	5,821,500
BOND INTEREST EXPENSE - CITY ANNEX.	205,600	0	0	205,600
BOND INTEREST - AMORTIZATION	715,000	0	0	715,000
STATE LOAN INTEREST EXPENSE	443,900	0	0	443,900
OTHER FINANCE COST	231,800	0	0	231,800
TOTAL OPERATING & OTHER EXPENSES	\$68,249,125	\$0	\$3,020,000	\$71,269,125
NET OPERATING RESULTS	\$9,293,375	\$0	(\$5,820,000)	\$3,473,375

WATER & WASTEWATER FUND SUMMARY

DESCRIPTION	ADOPTED	BUDGET	BUDGET	PROPOSED
	ORIGINAL BUDGET FY 2013	AMENDMENT #1 FY 2013	AMENDMENT #2 FY 2013	AMENDED BUDGET FY 2013
OTHER DEDUCTIONS	\$204,500	\$0	\$0	\$204,500
CAPITAL EXPENDITURES	21,122,100	16,414,900	(15,085,800)	22,451,200
DEBT RELATED PAYMENTS	9,520,700	0	0	9,520,700
BOND PRINCIPAL PAYMENT - CITY ANNEX.	805,200	0	0	805,200
LOAN PRINCIPAL PAYMENTS	1,267,900	0	0	1,267,900
TOTAL CONTRACTS PAYABLE PAYMENT	278,300	0	1,721,700	2,000,000
DEPRECIATION/AMORTIZATION ADJUSTMENT	(17,608,200)	0	(1,770,000)	(19,378,200)
TOTAL SUPPLEMENTAL EXPENDITURES	\$15,590,500	\$16,414,900	(\$15,134,100)	\$16,871,300
TOTAL EXPENSES & SUPPLEMENTAL EXP.	\$83,839,625	\$16,414,900	(\$12,114,100)	\$88,140,425
APPR. TO RATE STABILIZATION FUND	\$250,000	\$0	\$0	\$250,000
APPR. TO W/WW CAPITAL RESERVE	0	0	3,772,000	3,772,000
APPR. TO ANNEXATION PHASE V RESERVE	1,639,100	0	0	1,639,100
APPR. TO ANNEXATION PHASE V RESERVE	1,500,000	0	0	1,500,000
APPR. TO NCDOT RESERVE	0	0	4,000,000	4,000,000
TRANSFER TO FMISF	110,500	29,500	0	140,000
APPR. TO W/WW NET ASSETS	0	0	0	0
TOTAL BUDGETARY APPROPRIATIONS	\$3,499,600	29,500	\$7,772,000	\$11,301,100
TOTAL WATER & W/WW EXPENDITURES	\$87,339,225	16,444,400	(4,342,100)	\$99,441,525

FLEET MAINTENANCE INTERNAL SERVICE FUND SUMMARY

DESCRIPTION	ADOPTED	BUDGET	BUDGET	PROPOSED
	ORIGINAL BUDGET FY 2013	AMENDMENT #1 FY 2013	AMENDMENT #2 FY 2013	AMENDED BUDGET FY 2013
45950 CITY SERVICES	\$4,371,100	\$0	\$0	\$4,371,100
45950 CITY SERVICES - FUEL REVENUE	800,000	0	0	800,000
45950 CITY SERVICES - SUPPLEMENTAL	0	0	0	0
45955 PWC SERVICES	2,353,600	0	0	2,353,600
45955 PWC SERVICES - SUPPLEMENTAL	0	0	0	0
49999 OTHER OPERATING REVENUE	0	0	0	0
TOTAL OPERATING REVENUES	\$7,524,700	\$0	\$0	\$7,524,700
49010 MERCHANDISING & CONTRACT WORK	\$0	\$0	\$0	\$0
49700 OTHER NON-OPERATING REVENUE	0	0	0	0
49800 GAIN (LOSS) ON SALE OF PROPERTY	0	0	0	0
TOTAL NON-OPERATING REVENUES	\$0	\$0	\$0	\$0
TOTAL REVENUES	\$7,524,700	\$0	\$0	\$7,524,700
TRANSFER FROM GENERAL FUND	\$221,000	\$59,000	\$0	\$280,000
APPR. FROM FMISF NET ASSETS	0	0	0	0
TOTAL BUDGETARY APPROPRIATIONS	\$221,000	\$59,000	\$0	\$280,000
TOTAL FMISF REVENUE	\$7,745,700	\$59,000	\$0	\$7,804,700
FMISF OPERATING EXPENSES	\$7,524,700	\$0	\$0	\$7,524,700
40355 DEPRECIATION EXPENSE	116,500	0	24,500	141,000
TOTAL OPERATING EXPENSES	\$7,641,200	\$0	\$24,500	\$7,665,700
NET OPERATING RESULTS	(\$116,500)	\$0	(\$24,500)	(\$141,000)
CAPITAL IMPROVEMENT PROGRAM	\$0	\$0	\$0	\$0
CAPITAL OPERATING BUDGET	221,000	59,000	0	280,000
TOTAL CAPITAL EXPENDITURES	\$221,000	\$59,000	\$0	\$280,000
11200 DEPRECIATION ADJUSTMENT	(\$116,500)	\$0	(\$24,500)	(\$141,000)
TOTAL ADJUSTMENTS	(\$116,500)	\$0	(\$24,500)	(\$141,000)
TOTAL SUPPLEMENTAL EXPENDITURES	\$104,500	\$59,000	(\$24,500)	\$139,000
TOTAL EXPENDITURES	\$7,745,700	\$59,000	\$0	\$7,804,700
APPR. TO FMISF NET ASSETS	\$0	\$0	\$0	\$0
TOTAL BUDGETARY APPROPRIATIONS	\$0	\$0	\$0	\$0
TOTAL FMISF EXPENDITURES	\$7,745,700	\$59,000	\$0	\$7,804,700



WILSON A. LACY, COMMISSIONER
MICHAEL G. LALLIER, COMMISSIONER
WICK SMITH, COMMISSIONER
LYNNE B. GREENE, 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 (910) 483-1401
WWW.FAYPWC.COM

May 16, 2013

MEMO TO: Steven K. Blanchard, CEO

MEMO FROM: J. Dwight Miller, CFO

SUBJECT: Capital Project Fund Budget Amendments

Attached are various CPF budget amendments for Commission adoption at the May 22nd meeting and City Council adoption at their Meeting on June 10th.

1. Electric Rate Stabilization Fund Amendment #16 decreasing the loan advance to the General Fund for Fiscal Year 2013 and increasing expected interest income.
2. Electric Rate Stabilization Fund Amendment #17 to transfer to and from the Electric Fund the budgeted amount for Fiscal Year 2014 and providing for Interest Income for Fiscal Year 2014. Budget effective July 1, 2013.
3. Water and Wastewater Rate Stabilization Fund Amendment #10 to transfer from the Water and Wastewater fund the budgeted amount for Fiscal Year 2014 and providing for Interest Income for Fiscal Year 2014. Budget effective July 1, 2013.
4. Annexation Phase V Reserve Fund Amendment #8 reflects expected activity for Fiscal Year 2013.
5. Annexation Phase V Reserve Fund Amendment #9 reflects expected activity for Fiscal Year 2014. Budget effective July 1, 2013.
6. 2012 WTF Clearwell and Chemical Feed Improvements State Revolving Loan CPF Amendment #1 to increase anticipated construction cost of the project.

Staff recommends that the Commission adopt the attached amendments and forward to City Council for adoption.

BUILDING COMMUNITY CONNECTIONS SINCE 1905

AN EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

CITY OF FAYETTEVILLE PUBLIC WORKS COMMISSION
Electric Utility System Rate Stabilization Fund
From Inception through Fiscal Year 2013

Amendment #16

	Current Approved Budget	Amendment #16 Fiscal Year 2013	Recommended Inception to Date Budget
Estimated Revenues and Other Funding Sources			
Transfer from Electric General Fund	\$ 68,377,155	\$ -	\$ 68,377,155
Rate Stabilization Transfer	4,169,725	-	4,169,725
Interest Income	3,575,000	225,000	3,800,000
Total Revenues and Other Funding Sources	\$ 76,121,880	\$ 225,000	\$ 76,346,880
Estimated Expenditures and Other Uses			
Transfer to Electric Fund - Pre-2013	\$ 5,000,000	\$ -	\$ 5,000,000
Transfer to Electric Fund - 2013 and forward	-	-	-
Loan to Annexation Phase V Reserve Fund	15,000,000	-	15,000,000
Loan to Electric and W/WW General Fund	17,586,150	(4,000,000)	13,586,150
Appropriated Net Assets	38,535,730	4,225,000	42,760,730
Total Expenditures and Other Uses	\$ 76,121,880	\$ 225,000	\$ 76,346,880

ADOPTED BY COMMISSION
ADOPTED BY CITY COUNCIL

November 14, 2012
November 26, 2012

Proposed:
Proposed:

<i>May 22, 2013</i>
<i>June 10, 2013</i>

CITY OF FAYETTEVILLE PUBLIC WORKS COMMISSION
Electric Utility System Rate Stabilization Fund
From Inception through Fiscal Year 2014
Amendment #17 - Effective July 1, 2013

	Current Approved Budget	Amendment #17 Fiscal Year 2014	Recommended Inception to Date Budget
Estimated Revenues and Other Funding Sources			
Transfer from Electric General Fund	\$ 68,377,155	\$ 250,000	\$ 68,627,155
Rate Stabilization Transfer	4,169,725	-	4,169,725
Interest Income	3,800,000	300,000	4,100,000
Total Revenues and Other Funding Sources	\$ 76,346,880	\$ 550,000	\$ 76,896,880
Estimated Expenditures and Other Uses			
Transfer to Electric Fund - Pre-2013	\$ 5,000,000	\$ -	\$ 5,000,000
Transfer to Electric Fund - 2013 and forward	-	11,880,900	11,880,900
Loan to Annexation Phase V Reserve Fund	15,000,000	-	15,000,000
Loan to Electric and W/WW General Fund	13,586,150	-	13,586,150
Appropriated Net Assets	42,760,730	(11,330,900)	31,429,830
Total Expenditures and Other Uses	\$ 76,346,880	\$ 550,000	\$ 76,896,880

ADOPTED BY COMMISSION
ADOPTED BY CITY COUNCIL

November 14, 2012
November 26, 2012

Proposed:
Proposed:

May 22, 2013
June 10, 2013

**CITY OF FAYETTEVILLE PUBLIC WORKS COMMISSION
Water and Wastewater Utility Systems Rate Stabilization Fund
From Inception through Fiscal Year 2014**

Amendment #10 - Effective July 1, 2013

	Current Approved Budget	Amendment #10 Fiscal Year 2014	Recommended Inception to Date Budget
Estimated Revenues and Other Funding Sources			
Transfer from Water/Sewer General Fund	\$ 6,000,000	\$ 250,000	\$ 6,250,000
Interest Income	320,000	40,000	360,000
Total Revenues and Other Funding Sources	\$ 6,320,000	\$ 290,000	\$ 6,610,000
Estimated Expenditures and Other Uses			
Transfer to Water/Sewer General Fund	\$ -	\$ 2,167,100	\$ 2,167,100
Appropriated Net Assets	6,320,000	(1,877,100)	4,442,900
Total Expenditures and Other Uses	\$ 6,320,000	\$ 290,000	\$ 6,610,000

ADOPTED BY COMMISSION
ADOPTED BY CITY COUNCIL

May 23, 2012		<i>Proposed:</i>	May 22, 2013
June 11, 2012		<i>Proposed:</i>	June 10, 2013

CITY OF FAYETTEVILLE PUBLIC WORKS COMMISSION
Annexation Phase V Reserve Fund
From Inception through Fiscal Year 2013

Amendment #8

	Current Budget	Proposed Amendment #8 Budget - FY 2013	Recommended Inception to Date Budget
Estimated Revenues and Other Funding Sources			
Transfer from PWC Water/Sewer Fund	\$ 5,547,547	\$ -	\$ 5,547,547
Transfer from PWC Annexation Phase V Proj 1 CPF	727,903	-	727,903
Transfer from City of Fayetteville	4,858,584	(526,001)	4,332,583
Advance from Electric Rate Stabilization Fund	15,000,000	-	15,000,000
Bond Proceeds - Areas 8 - 13	-	-	-
Transfer - Assessment revenue including interest	2,805,000	195,000	3,000,000
Interest Income	6,500	-	6,500
Total Revenues and Other Funding Sources	\$ 28,945,534	\$ (331,001)	\$ 28,614,533

Estimated Expenditures and Other Uses			
Transfer to PWC Water/Sewer Fund - Debt Service	\$ 1,102,400	\$ 177,600	\$ 1,280,000
Transfer to Annexation Phase V, Areas 8 -13 CPF	20,768,323	-	20,768,323
Transfer to Annexation Phase V, Areas 14 -15 CPF	6,200,000	-	6,200,000
Interest Expense - Advance from Rate Stabilization	35,000	-	35,000
Appropriated net assets	839,811	(508,601)	331,210
Total Expenditures and Other Uses	\$ 28,945,534	\$ (331,001)	\$ 28,614,533

ADOPTED BY COMMISSION:
ADOPTED BY CITY COUNCIL:

November 14, 2012
November 26, 2012

Proposed
Proposed

<i>May 22, 2013</i>
<i>June 10, 2013</i>

CITY OF FAYETTEVILLE PUBLIC WORKS COMMISSION

**Annexation Phase V Reserve Fund
From Inception through Fiscal Year 2014**

Amendment #9 - Effective July 1, 2013

	Current Budget	Proposed Amendment #9 Budget - FY 2014	Recommended Inception to Date Budget
Estimated Revenues and Other Funding Sources			
Transfer from PWC Water/Sewer Fund	\$ 5,547,547	\$ 1,688,300	\$ 7,235,847
Transfer from PWC Annexation Phase V Proj 1 CPF	727,903	-	727,903
Transfer from City of Fayetteville	4,332,583	3,786,035	8,118,618
Advance from Electric Rate Stabilization Fund	15,000,000	-	15,000,000
Transfer - Assessment revenue including interest	3,000,000	1,676,000	4,676,000
Interest Income	6,500	-	6,500
Total Revenues and Other Funding Sources	\$ 28,614,533	\$ 7,150,335	\$ 35,764,868
Estimated Expenditures and Other Uses			
Transfer to PWC Water/Sewer Fund - Debt Service	\$ 1,280,000	\$ 1,198,600	\$ 2,478,600
Transfer to Annexation Phase V, Areas 8 -13 CPF	20,768,323	-	20,768,323
Transfer to Annexation Phase V, Areas 14 -15 CPF	6,200,000	-	6,200,000
Interest Expense - Advance from Rate Stabilization	35,000	-	35,000
Appropriated net assets	331,210	5,951,735	6,282,945
Total Expenditures and Other Uses	\$ 28,614,533	\$ 7,150,335	\$ 35,764,868

ADOPTED BY COMMISSION:
ADOPTED BY CITY COUNCIL:

May 22, 2013	<i>Proposed</i>	May 22, 2013
June 10, 2013	<i>Proposed</i>	June 10, 2013

**PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE
 2012 WTF CLEARWELL AND CHEMICAL FEED IMPROVEMENTS
 STATE REVOLVING LOAN CAPITAL PROJECT FUND
 For Fiscal Years 2013 - 2014**

Amendment #1

	Current Approved Budget	Amendment #1 Fiscal Year 2013	Recommended Inception to Date Budget
Estimated Revenues and Other Funding Sources			
State Revolving Loan proceeds	\$5,048,388	\$351,612	\$5,400,000
Total Revenues	\$5,048,388	\$351,612	\$5,400,000
Estimated Expenditures			
Project costs	\$5,048,388	\$351,612	\$5,400,000
Total Expenditures	\$5,048,388	\$351,612	\$5,400,000

ADOPTED BY COMMISSION:
 ADOPTED BY CITY COUNCIL:

July 11, 2012	<i>Proposed:</i>	<i>May 22, 2013</i>
July 23, 2012	<i>Proposed:</i>	<i>June 10, 2013</i>

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Kristoff T. Bauer, Deputy City Manager
DATE: June 10, 2013
RE: **Rescission of Gross Receipts Tax Payment to PWC**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests City Council consider the Agreement to rescind the Gross Receipts Tax Agreement Between the City of Fayetteville and Public Works Commission of the City of Fayetteville dated June 10, 2009.

RELATIONSHIP TO STRATEGIC PLAN:

Lowest Responsible Rates, Most Financially Sound Utility

BACKGROUND:

During the City Council Regular Meeting of June 8, 2009, the City Council approved the attached agreement with PWC related to distribution of electric gross receipts tax proceeds. This approval was considered on the consent agenda without discussion.

During their regular meeting of May 22, 2013 the Public Works Commission considered and approved an agreement to rescind the agreement between the City and PWC, dated June 10, 2009. This agreement titled, Agreement Between The City of Fayetteville and The Public Works Commission of the City of Fayetteville to Define Distribution of Gross Receipts Tax Revenues from the State of North Carolina for Electricity Sales Within the City Of Fayetteville, was effective in conjunction with the Power Supply Contract, July 1, 2012.

ISSUES:

N/A

BUDGET IMPACT:

PWC Budget

OPTIONS:

N/A

RECOMMENDED ACTION:

Staff recommends that Council move to rescind the authorization provided on June 8, 2009, as memorialized in the attached document, to distribute electric gross receipts tax to PWC.

ATTACHMENTS:

Memo

Gross Receipts Tax Original Agreement dated June 10, 2009



WILSON A. LACY, COMMISSIONER
MICHAEL G. LALLIER, COMMISSIONER
WICK SMITH, COMMISSIONER
LYNNE B. GREENE, 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 (910) 483-1401
WWW.FAYPWC.COM

May 21, 2013

MEMO TO: Steven K. Blanchard, CEO

MEMO FROM: J. Dwight Miller, CFO

SUBJECT: Distribution of Gross Receipts Tax Revenues Agreement

Attached you will find an agreement to rescind the agreement between the City and PWC, dated June 10, 2009. This agreement titled, AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE TO DEFINE DISTRIBUTION OF GROSS RECEIPTS TAX REVENUES FROM THE STATE OF NORTH CAROLINA FOR ELECTRICITY SALES WITHIN THE CITY OF FAYETTEVILLE, was effective in conjunction with the Power Supply Contract, July 1, 2012.

Staff is providing for Commission consideration an agreement rescinding the previous action and if approved, forward to City Council for their consideration during their meeting on June 10, 2013.

BUILDING COMMUNITY CONNECTIONS SINCE 1905

AN EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

**AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND
THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE
TO DEFINE DISTRIBUTION OF GROSS RECEIPTS TAX REVENUES FROM THE
STATE OF NORTH CAROLINA FOR ELECTRICITY SALES WITHIN THE CITY OF
FAYETTEVILLE**

THIS AGREEMENT is made and entered into this 10th day of June, 2009 between the City of Fayetteville, North Carolina (CITY) and the Public Works Commission of the City of Fayetteville, North Carolina (PWC). CITY and PWC may hereinafter be referred to collectively as the PARTIES.

WHEREAS, the CITY and the PWC have a relationship defined under Chapter 6 of the CITY Charter (CHARTER); and

WHEREAS, PWC operates as an enterprise fund of the CITY as set forth in Chapter 6 of the CHARTER; and

WHEREAS, PWC pays Gross Receipt Taxes of 3.27% on purchased supplemental capacity and energy to the State of North Carolina; and

WHEREAS, CITY receives revenues from the State of North Carolina equivalent to 3.09 percent of gross receipts arising from sales of electricity within the CITY, including sales of electricity to PWC; and

WHEREAS, the amount of Gross Receipt Taxes paid by PWC will increase substantially under its new full-requirements purchase power agreement that becomes effective July 1, 2012, compared to the existing partial-requirements purchase power contract; and

WHEREAS, PWC maintains payment records reflecting payments of Gross Receipt Taxes and can determine the difference between Gross Receipt Taxes paid prior to the effective date of the new full-requirements purchase power agreement compared to a similar period under the new full-requirements purchase power agreement; and

WHEREAS, CITY maintains receipt records of total Gross Receipt Taxes received from the State of North Carolina and can determine the difference in Gross Receipt Tax received from year to year; and

WHEREAS, street lighting in part of the City is being provided by Progress Energy Carolinas, Incorporated; and

WHEREAS, the cost to the City, for this street lighting service, is presently estimated at \$319,600 annually and the City is seeking a funding mechanism to pay for these costs.

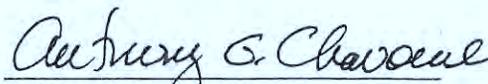
NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises, covenants and agreements set forth herein, the PARTIES do now agree to the following stipulations:

1. PWC will furnish billing information to determine the increase in Gross Receipt Taxes paid by PWC for electricity purchases when comparing the annual payments under the old partial requirements purchase power agreement (FY 2012) and the annual payments under the new full requirements purchase power agreement that becomes effective July 1, 2012 (FY2013).

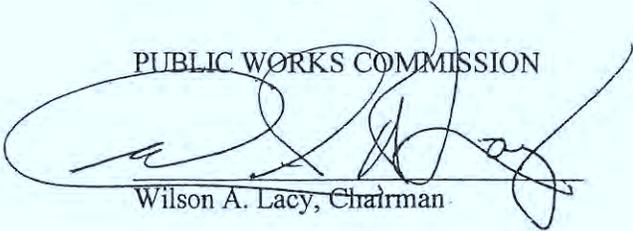
2. The City will verify the comparable data on receipts of Gross Receipts Taxes as adjusted by the State of North Carolina and returned to the City.
3. The difference in annual Gross Receipt Taxes received by the City between FY 2012 and FY 2013 resulting from Gross Receipt Taxes paid by PWC under their purchase power agreement will be calculated as a "Reference Amount". Twenty-five percent (25%) of the "Reference Amount" will be transferred by the CITY to the Phase V Annexation Reserve Account as a PWC contribution. The balance of the "Reference Amount" will remain in the CITY's General Fund for general use, including the payment of street light costs charged by Progress Energy. Transfers to PWC will occur within 30 days of the CITY receiving Gross Receipt Tax payments from the State of North Carolina. If the Progress Energy street lighting cost is eliminated, the percentage (25%) will become thirty-one and one-fourth percent (31.25%) for this calculation.
4. These transfers by the CITY to the Phase V Annexation Reserve Account on PWC's behalf will continue as long as the State of North Carolina continues to remit Gross Receipt Taxes, or any tax based on the purchase of supplemental capacity and energy by PWC, to the CITY based on the current distribution method and percentage, or a future distribution method and percentage that yields comparable proceeds of such tax to the CITY. However, after the first twelve (12) months, the monies transferred on PWC's behalf to the Annexation Reserve Fund in each subsequent twelve-month period shall be fixed based on the "Reference Amount" first calculated.
5. This agreement shall be effective July 1, 2012 and remain in force as long as PWC's full-requirements power purchase contract beginning July 1, 2012 with Progress Energy is in force, or until the PWC's commitment to the Annexation Phase V funding has been fulfilled should the commitment be fulfilled while this contract is in force. The term of this agreement may be renegotiated after the initial full-requirements power supply contract terminates if PWC continues to purchase its power supply under a full-requirements power supply contract and the PWC commitment to Annexation Phase V funding has not been fulfilled.

Approved by the City of Fayetteville on the 8th day of June, 2009 and approved by the Public Works Commission on the 10th day of June, 2009.

CITY OF FAYETTEVILLE


Anthony G. Chavonne, Mayor

PUBLIC WORKS COMMISSION


Wilson A. Lacy, Chairman

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Lisa T. Smith, Chief Financial Officer
DATE: June 10, 2013
RE: **Revised Capital Project Ordinance Amendment 2013-28 (Storm Water Drainage Improvements)**

THE QUESTION:

This revised capital project ordinance amendment will replace the amendment approved by Council on May 13, 2013.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle 2: Full Range of Quality Municipal Services

BACKGROUND:

Council approved Capital Project Ordinance Amendment 2013-28 on May 13, 2013, which expanded the scope of the original storm water improvements project ordinance to include all capital expenditures necessary for the maintenance and upkeep of the City's storm water drainage system. The amendment also appropriated the necessary funds to purchase a camera device for inspecting and recording storm water drain pipe conditions.

Due to a clerical error, the amendment did not reflect a partial closeout that was approved by Council on January 28, 2013, which reduced the storm water capital projects budget by \$447,821. This revised ordinance reflects the correct beginning budget of \$20,415,162.

Council approval of the revised amendment is requested to reflect this technical correction.

ISSUES:

None.

BUDGET IMPACT:

No additional budget impact will occur as a result of this action.

OPTIONS:

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

RECOMMENDED ACTION:

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

ATTACHMENTS:

Capital Project Ordinance Amendment 2013-28 (Stormwater Capital Projects Revised)

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

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

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Interfund Transfer from the Stormwater Fund	\$ 9,820,162	\$ 82,900	\$ 9,903,062
Revenue Bond Proceeds	10,595,000	-	10,595,000
	<u>\$ 20,415,162</u>	<u>\$ 82,900</u>	<u>\$ 20,498,062</u>

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

Project Expenditures	<u>\$ 20,415,162</u>	<u>\$ 82,900</u>	<u>\$ 20,498,062</u>
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

Adopted this 10th day of June, 2013 (originally May 13, 2013).

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: June 10, 2013
RE: **Special Revenue Fund Project Ordinance 2013-10 (2013 Badges for Baseball Program)**

THE QUESTION:

This project ordinance will appropriate \$23,950 for the 2013 Badges for Baseball Program.

RELATIONSHIP TO STRATEGIC PLAN:

Principle A: Great Place to Live - 1. A clean and safe community.

Principle C: Leisure Opportunities for All - 2. Leisure facilities, programs and services for all family generations.

BACKGROUND:

This initiative is a multi-faceted crime prevention and mentoring program that conveys the tenets of "The Ripken Way" to young people through a variety of programs including *Healthy Choices*, *Healthy Children Value*, and baseball/softball themed activities. Funding for the program consists of a \$20,000 cash award and \$3,950 of in-kind donations from the Federal Office of Juvenile Justice and Delinquency Prevention passing through the Cal Ripken, Sr. Foundation. The attached ordinance will formally establish the budget for this program.

ISSUES:

None

BUDGET IMPACT:

No local match required.

OPTIONS:

1. Adopt Special Revenue Fund Project Ordinance 2013-10.
2. Do not adopt Special Revenue Fund Project Ordinance 2013-10.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2013-10.

ATTACHMENTS:

Special Revenue Fund Project Ordinance 2013-10

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2013-10

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 2013 Badges for Baseball Program awarded by the Cal Ripken, Sr. Foundation.

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 Office of Juvenile Justice and Delinquency Prevention	
pass through Cal Ripken, Sr. Foundation in-kind award	\$ 3,950
pass through Cal Ripken, Sr. Foundation cash award	<u>20,000</u>
	<u><u>\$ 23,950</u></u>

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

Project Expenditures	<u><u>\$ 23,950</u></u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 10th day of June, 2013

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: June 10, 2013
RE: **Special Revenue Fund Project Ordinance 2013-11 (2012 Badges for Baseball Program Grant #2)**

THE QUESTION:

This project ordinance will appropriate \$4,624 for the 2012 Badges for Baseball Program Grant #2.

RELATIONSHIP TO STRATEGIC PLAN:

Principle A: Great Place to Live - 1. A clean and safe community

Principle C: Leisure Opportunities for All - 2. Leisure facilities, programs and services for all family generations

BACKGROUND:

This initiative is a multi-faceted crime prevention and mentoring program that conveys the tenets of "The Ripken Way" to young people through baseball/softball themed activities. Funding for the program consists of \$4,623.90 cash award from the State of North Carolina Department of Justice passing through the Cal Ripken, Sr. Foundation. The attached ordinance will formally establish the budget for this program.

ISSUES:

None

BUDGET IMPACT:

No local match required.

OPTIONS:

1. Adopt Special Revenue Fund Project Ordinance 2013-11.
2. Do not adopt Special Revenue Fund Project Ordinance 2013-11.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2013-11.

ATTACHMENTS:

Special Revenue Fund Project Ordinance 2013-11 (2012 Badges for Baseball Grant #2)

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2013-11

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 2012 Badges for Baseball Program Grant #2 awarded by the Cal Ripken, Sr. Foundation.

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:

State of North Carolina Department of Justice pass through Cal Ripken, Sr. Foundation cash award	4,624
	<u>\$ 4,624</u>

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

Project Expenditures	<u>\$ 4,624</u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 10th day of June, 2013

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa T. Smith, Chief Financial Officer
DATE: June 10, 2013
RE: **Special Revenue Fund Project Ordinance Closeouts 2013-8 through 2013-13
(Community Development Block Grant and HOME Projects)**

THE QUESTION:

Staff requests Council's approval to closeout six Special Revenue Fund Project Ordinances as identified in the attached documents.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

Annually, the City closes out several projects that have been completed in previous fiscal years and that are no longer active. The attached closeouts are for various Community Development Block Grant Fund and HOME Investment Partnership projects and activities funded by the U.S. Department of Housing and Urban Development.

The projects have been completed in a previous fiscal year and the revenues and expenditures related to the projects have been audited. The attached documents detail the budget and actual revenues and expenditures for the projects.

ISSUES:

None.

BUDGET IMPACT:

Not applicable. Projects are being closed.

OPTIONS:

1. Adopt the Special Revenue Fund Project Ordinance Closeouts.
2. Do not adopt the Special Revenue Fund Project Ordinance Closeouts.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance Closeouts 2013-8 through 2013-13.

ATTACHMENTS:

Special Revenue Ordinance Closeout 2013-8 CDBG FY05-06
Special Revenue Ordinance Closeout 2013-9 CDBG FY06-07
Special Revenue Ordinance Closeout 2013-10 CDBG FY07-08
Special Revenue Ordinance Closeout 2013-11 HOME FY05-06
Special Revenue Ordinance Closeout 2013-12 HOME FY06-07
Special Revenue Ordinance Closeout 2013-13 HOME FY07-08

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT
CLO 2013-8 (SRO 2006-2)

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 closed:

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2006-2, adopted August 8, 2005, as amended, for the funding of the FY06 appropriation for various Community Development Block Grant Programs awarded by the Department of Housing and Urban Development.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	Budget	Actual
CDBG	\$ 1,318,516	\$ 1,318,516
Program Income	293,124	293,124
	\$ 1,611,640	\$ 1,611,640

Section 4. The following amounts were appropriated and expended for the project:

	Budget	Actual
Project Expenditures	\$ 1,611,640	\$ 1,611,640

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

Adopted this 10th day of June, 2013.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT
CLO 2013-9 (SRO 2007-3)

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 closed:

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2007-3, adopted August 14, 2006, for the funding of the FY07 appropriation for various Community Development Block Grant Programs awarded by the U.S. Department of Housing and Urban Development.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Budget</u>	<u>Actual</u>
CDBG	\$ 1,184,855	\$ 1,224,523
Program Income	172,660	132,391
	<u>\$ 1,357,515</u>	<u>\$ 1,356,914</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Budget</u>	<u>Actual</u>
Project Expenditures	<u>\$ 1,357,515</u>	<u>\$ 1,356,914</u>

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

Adopted this 10th day of June, 2013.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT
CLO 2013-10 (SRO 2008-3)

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 closed:

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2008-3, adopted August 13, 2007, for the funding of the FY08 appropriation for various Community Development Block Grant Programs awarded by the U.S. Department of Housing and Urban Development.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	Budget	Actual
CDBG	\$ 1,191,731	\$ 1,191,731
Program Income	221,593	221,591
	\$ 1,413,324	\$ 1,413,322

Section 4. The following amounts were appropriated and expended for the project:

	Budget	Actual
Project Expenditures	\$ 1,413,324	\$ 1,413,322

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

Adopted this 10th day of June, 2013.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT
CLO 2013-11 (SRO 2006-3)

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 closed:

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2006-3, as amended, adopted August 8, 2005, for the funding of the FY06 appropriation for the HOME Investment Partnership Program awarded by the U.S. Department of Housing and Urban Development.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	Budget	Actual
HUD - HOME Investment Partnership Program	\$ 729,313	\$ 729,313
Local Match - General Fund	82,048	82,048
Program Income	167,203	167,203
	\$ 978,564	\$ 978,564

Section 4. The following amounts were appropriated and expended for the project:

	Budget	Actual
Project Expenditures	\$ 978,564	\$ 978,564

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

Adopted this 10th day of June, 2013.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT
CLO 2013-12 (SRO 2007-4)

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 closed:

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2007-4, adopted August 14, 2006, for the funding of the FY07 appropriation for the HOME Investment Partnership Program awarded by the U.S. Dept. of Housing and Urban Development.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	Budget	Actual
HUD - HOME Investment Partnership Program	\$ 685,373	\$ 685,373
Local Match - General Fund	77,105	77,105
Program Income	129,551	129,551
	\$ 892,029	\$ 892,029

Section 4. The following amounts were appropriated and expended for the project:

	Budget	Actual
Project Expenditures	\$ 892,029	\$ 892,029

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

Adopted this 10th day of June, 2013.

SPECIAL REVENUE FUND PROJECT ORDINANCE CLOSEOUT
CLO 2013-13 (SRO 2008-4)

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 closed:

Section 1. The project closing authorized is to Special Revenue Project Ordinance 2008-4, adopted August 13, 2007, for the funding of the FY08 appropriation for the HOME Investment Partnership Program awarded by the U.S. Dept. of Housing and Urban Development.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	Budget	Actual
HUD - HOME Investment Partnership Program	\$ 689,730	\$ 689,730
Local Match - General Fund	77,594	77,594
Program Income	169,114	169,114
	\$ 936,438	\$ 936,438

Section 4. The following amounts were appropriated and expended for the project:

	Budget	Actual
Project Expenditures	\$ 936,438	\$ 936,438

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

Adopted this 10th day of June, 2013.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: June 10, 2013
RE: **Tax Refunds Greater than \$100**

THE QUESTION:

City Council approval is required to issue tax refunds of \$100 or greater.

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

The attached refund was approved by the Cumberland County Special Board of Equalization during the month of May, 2013.

ISSUES:

None

BUDGET IMPACT:

The budget impact is \$104.30.

OPTIONS:

Approve the refund.

RECOMMENDED ACTION:

Staff recommends approval of the tax refund.

ATTACHMENTS:

Tax Refunds Greater than \$100



June 10, 2013

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer

A handwritten signature in black ink, appearing to be 'LS', is written over the name 'Lisa Smith'.

FROM: Nancy Peters, Accounts Payable

RE: Tax Refunds of Greater Than \$100

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

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Baxley, Thomas E., Sr.	5011529	2009-2011	Corrected Assessment	104.30
TOTAL				\$104.30

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Theodore L. Voorhees, City Manager
DATE: June 10, 2013
RE: **Fiscal Year 2013-2014 Budget Public Hearing, Budget Ordinance and Fee Schedule, Fiscal Year 2014-2018 Capital Improvement and Information Technology Plans, Capital Project Ordinances 2014-1 through 2014-10, and Capital Project Ordinance Amendments 2014-1 through 2014-16**

THE QUESTION:

The public hearing has been set to receive comments regarding the budgets proposed for the City and its Public Works Commission for fiscal year 2013-2014.

Council is asked to consider adoption of the Fiscal Year 2013-2014 Budget Ordinance which incorporates changes to the recommended budget as discussed at the June 3, 2013 budget workshop and detailed below. In addition to setting the general ad valorem tax rate at 46.6 cents, the Central Business Tax District rate at 10 cents and the Lake Valley Drive Municipal Service District ad valorem tax rate at 34.5 cents, the ordinance also levies the stormwater fee (\$3 per month) and the residential solid waste fee (\$38 per year) and adopts the fee schedule presented.

Council is also asked to approve the Fiscal Year 2014-2018 Capital Improvement and Information Technology Plans and related capital project ordinances and capital project ordinance amendments to establish project budgets as planned.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The proposed budget ordinance incorporates the following changes to expenditures included in the recommended budget for the General Fund: adds \$1,331,664 for the COPS grant match and vehicles and equipment for the 15 anticipated grant-funded officers, and for the future district office; removes \$1 million each from one-time street resurfacing funding and the community investment initiative; eliminates the \$499,600 transfer to the Public Works Commission from electric franchise tax proceeds; reduces budgets for payments to PWC for purchasing and fleet maintenance services by \$492,854; adds \$673,563 for a variety of new initiatives; and increases the budget for the transfer to the Solid Waste fund by \$457,905.

The ordinance also reflects the following changes to the revenues and other financing sources for the General Fund: increases ad valorem tax revenues by \$1,331,664 due to the one-cent tax increase to fund the COPS grant match, equipment and district office; adds \$85,000 in contributions from the Public Works Commission to share in the costs of operating the new government access channel; and reduces the planned fund balance appropriation by \$1,945,986.

The proposed budget ordinance also reflects the following changes from the recommended budgets for other City funds: adjusts the Solid Waste Fund expenditure and revenue budgets to reduce projected costs for fleet maintenance by \$141,200, reduce revenues from solid waste fees by \$599,105 and increase the transfer from the General Fund by \$457,905; adjusts the Stormwater Fund expenditure and revenue budgets to reduce revenues from the stormwater fee by \$1,742,438, appropriate \$1,657,351 from fund balance and reduce projected expenditures by \$85,087; and adjusts the Transit Fund expenditure and revenue budgets to fund \$377,730 of new initiatives to be implemented from a \$145,082 increase in the General Fund transfer, \$35,809 in projected fare revenue and \$196,839 in projected federal grant revenues. The financial plan for

the Risk Management Fund reflects a \$6,400 reduction in expenditures and revenues and other financing sources related to a reduction in projected fleet maintenance costs.

In addition, the proposed budget ordinance also reflects the following changes from the recommended budget for Public Works Commission funds: increases expenditure budgets for the Electric and Water and Wastewater Funds by \$85,000 to share in the cost of the government access channel and by \$85,500 due to the impact of reduced indirect cost allocations to the Fleet Maintenance Internal Service Fund; reduces the interfund transfer from the City's General Fund to the Water and Wastewater Fund by \$499,600 as discussed above; and appropriates \$670,100 from the Rate Stabilization Fund to offset the expenditure increases and the transfer reduction. The financial plan for the Fleet Maintenance Internal Service Fund reflects a \$131,500 reduction in expenditures and revenues and other financing sources related to the indirect cost allocation reduction.

The fee schedule presented for adoption is as presented in the recommended budget document with the exception of the monthly stormwater fee and annual residential solid waste fees, which will remain at \$3 per month and \$38 per year respectively.

The capital improvement and information technology plans reflect the proposed plans presented at the February strategic planning retreat, with modifications to the following projects: Downtown Brick Sidewalk Repair; Grove Street Facility Yard Paving; Building Maintenance Projects; Stormwater Drainage Improvements; Video Conferencing Equipment; Work Order/Permitting/HRD/Asset Management Systems; and Electronic Plan Review System Module. The capital project ordinances and capital project ordinance amendments presented for adoption are consistent with these plans.

ISSUES:

None

BUDGET IMPACT:

As presented above and in attachments.

OPTIONS:

- Adopt the proposed budget ordinance, fee schedule, capital improvement and information technology plans, capital project ordinances, and capital project ordinance amendments as presented.
- Amend the proposed budget ordinance, fee schedule, capital improvement and information technology plans, capital project ordinances, and capital project ordinance amendments and adopt as amended.

RECOMMENDED ACTION:

Receive public comment regarding the proposed Fiscal Year 2013-14 budgets for the City and its Public Works Commission.

Adopt the proposed Fiscal Year 2013-2014 Budget Ordinance and Fee Schedule, Fiscal Year 2014-2018 Capital Improvement and Information Technology Plans, Capital Project Ordinances 2014-1 through 2014-10 and Capital Project Ordinance Amendments 2014-1 through 2014-16.

ATTACHMENTS:

Fiscal Year 2013-2014 Budget Ordinance

Fiscal Year 2014 Fee Schedule

Fiscal Year 2014-2018 Capital Improvement Plan by Fiscal Year

Fiscal Year 2014-2018 Capital Improvement Plan by Source Of Funds

Fiscal Year 2014-2018 Information Technology Plan by Fiscal Year

Fiscal Year 2014-2018 Information Technology Plan by Source of Funds

Capital Project Ordinances 2014-1 to 2014-10
Capital Project Ordinance Amendments 2014-1 to 2014-16

2013-14 Budget Ordinance (2014-1)

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

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

Schedule A: General Fund

Ad Valorem Taxes	\$	64,981,893
Other Taxes		2,415,000
Intergovernmental Revenues		57,137,581
Functional Revenues		6,963,010
Other Revenues		2,156,527
Investment Earnings		305,500
Interfund Transfers		12,385,913
Loan Proceeds		2,150,637
Fund Balance Appropriation		3,549,692
Total Estimated General Fund Revenues		152,045,753

Schedule B: Parking Fund

Functional Revenues		313,973
Other Revenues		37,137
Investment Earnings		300
Fund Balance Appropriation		79,195
Total Estimated Parking Fund Revenues		430,605

Schedule C: Central Business Tax District Fund

Ad Valorem Taxes		132,156
Fund Balance Appropriation		1,373
Total Estimated Central Business Tax District Fund Revenues		133,529

Schedule D: Lake Valley Drive Municipal Service District Fund

Ad Valorem Taxes		79,767
Total Estimated Lake Valley Drive Municipal Service District Fund Revenues		79,767

Schedule E: Stormwater Management Fund

Stormwater Fees		5,283,908
Other Revenues		120,500
Investment Earnings		28,858
Fund Balance Appropriation		1,657,351
Total Estimated Stormwater Management Fund Revenues		7,090,617

Schedule F: Emergency Telephone System Fund

Intergovernmental Revenues		805,520
Investment Earnings		1,600
Fund Balance Appropriation		64,574
Total Estimated Emergency Telephone System Fund Revenues		871,694

2013-14 Budget Ordinance (2014-1)

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

Schedule G: Transit Fund

Other Taxes	\$	775,400
Fees - Bus Fares		1,142,248
Other Fees & Revenues		142,880
Intergovernmental Revenues		2,382,679
Interfund Transfers		2,851,651
Total Estimated Transit Fund Revenues		7,294,858

Schedule H: Airport Fund

Airport Fund Revenues		4,641,957
Intergovernmental Revenues		113,150
Investment Earnings		27,402
Total Estimated Airport Fund Revenues		4,782,509

Schedule I: Environmental Services Fund

Solid Waste Fees		2,310,800
Intergovernmental Revenues		439,463
Other Revenues		285,420
Investment Earnings		8,000
Interfund Transfers		7,016,455
Net Assets Appropriation		360,000
Total Estimated Environmental Services Fund Revenues		10,420,138

Schedule J: Law Enforcement Officers' Special Separation Allowance Fund

Interfund Charges		766,133
Investment Earnings		14,500
Total Estimated Law Enforcement Officers' Special Separation Allowance Fund Revenues		780,633

Schedule K: City of Fayetteville Finance Corporation

Lease Revenues		806,750
Total Estimated City of Fayetteville Finance Corporation Revenues		806,750

Schedule L: Public Works Commission

Electric Fund		
Operating and Other Revenues		219,636,400
Customer Contributions		3,400,000
Interfund Transfers		20,900
Budgetary Appropriations		19,230,900
Total Estimated Electric Fund Revenues		242,288,200
Water and Wastewater Fund		
Operating and Other Revenues		78,529,800
Customer Contributions		3,785,000
Interfund Transfers		385,200
Budgetary Appropriations		21,134,500
Total Estimated Water and Wastewater Fund Revenues		103,834,500
Total Estimated Public Works Commission Revenues		346,122,700

Grand Total	\$	530,859,553
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2013-14 Budget Ordinance (2014-1)

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

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

Schedule A: General Fund

Community Investment	\$	17,023,753
Operations		89,050,342
Support Services and Administration		14,081,330
Other Appropriations		31,890,328
Total Estimated General Fund Expenditures		152,045,753

Schedule B: Parking Fund

Total Estimated Parking Fund Expenditures		430,605
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Schedule C: Central Business Tax District Fund

Total Estimated Central Business Tax District Fund Expenditures		133,529
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Schedule D: Lake Valley Drive Municipal Service District Fund

Total Estimated Lave Valley Drive MSD Fund Expenditures		79,767
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Schedule E: Stormwater Management Fund

Total Estimated Stormwater Management Fund Expenditures		7,090,617
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Schedule F: Emergency Telephone System Fund

Total Estimated Emergency Telephone System Fund Expenditures		871,694
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Schedule G: Transit Fund

Total Estimated Transit Fund Expenditures		7,294,858
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Schedule H: Airport Fund

Total Estimated Airport Fund Expenditures		4,782,509
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Schedule I: Environmental Services Fund

Total Estimated Environmental Services Fund Expenditures	\$	10,420,138
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Schedule J: Law Enforcement Officers' Special Separation Allowance Fund

Total Estimated Law Enforcement Officers' Special Separation Allowance Fund Expenditures		780,633
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Schedule K: City of Fayetteville Finance Corporation

Total Estimated City of Fayetteville Finance Corporation Expenditures		806,750
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2013-14 Budget Ordinance (2014-1)

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

Schedule L: Public Works Commission

Electric Fund	
Operating Expenditures	191,088,650
Capital	36,432,100
Interfund Transfers	
General Fund	12,303,700
Budgetary Appropriations	2,463,750
Total Estimated Electric Fund Expenditures	242,288,200
Water and Wastewater Fund	
Operating Expenditures	69,723,450
Capital	30,442,700
Budgetary Appropriations	3,668,350
Total Estimated Water and Wastewater Fund Expenditures	103,834,500
Total Estimated Public Works Commission Expenditures	346,122,700
Grand Total	\$ 530,859,553

2013-14 Budget Ordinance (2014-1)

BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, THAT PURSUANT TO SECTION 13.1 OF CHAPTER 159, OF THE GENERAL STATUTES OF NORTH CAROLINA, THE FOLLOWING FINANCIAL PLAN IS HEREBY ADOPTED:

Section 3. It is estimated that the following revenues and other financing sources will be available through the Budget Ordinance Appropriation and other revenues during the fiscal year beginning July 1, 2013, and ending June 30, 2014, to meet the appropriation listed in Section 4.

Schedule A: Internal Service Fund - Risk Management

Total Estimated Redistribution to Risk Management Fund and Other Revenues and Financing Sources	\$ 17,714,182
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Section 4. The following amounts are hereby appropriated for the operation of the Risk Management Fund and its activities for the fiscal year beginning July 1, 2013, and ending June 30, 2014, according to the following schedule.

Schedule A: Internal Service Fund - Risk Management

Total Estimated Risk Management Fund Expenditures	\$ 17,714,182
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2013-14 Budget Ordinance (2014-1)

BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, THAT PURSUANT TO SECTION 13.1 OF CHAPTER 159, OF THE GENERAL STATUTES OF NORTH CAROLINA, THE FOLLOWING FINANCIAL PLAN IS HEREBY ADOPTED:

Section 5. It is estimated that the following revenues and other financing sources will be available through the Budget Ordinance Appropriation and other revenues during the fiscal year beginning July 1, 2013, and ending June 30, 2014, to meet the appropriation listed in Section 6.

Schedule A: Internal Service Fund - Public Works Commission Fleet Maintenance

Total Estimated Redistribution to Public Works Commission Fleet Maintenance Fund and Other Revenues and Financing Sources	\$ 7,759,500
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Section 6. The following amounts are hereby appropriated for the operation of the Public Works Commission Fleet Maintenance Fund and its activities for the fiscal year beginning July 1, 2013, and ending June 30, 2014, according to the following schedule.

Schedule A: Internal Service Fund - Public Works Commission Fleet Maintenance

Total Estimated Public Works Commission Fleet Maintenance Fund Expenditures	\$ 7,759,500
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2013-14 Budget Ordinance (2014-1)

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

Section 7. There is hereby levied the following rates of tax on each one hundred dollars (\$100) valuation of taxable property as listed for taxes as of January 1, 2013, for the purpose of raising the revenue from current year property tax as set forth in foregoing estimates of revenue and in order to finance the foregoing appropriations:

General Rate (for the general expenses incident to the proper government of the City):

46.6 Cents

Such a rate of tax is based upon an estimated total valuation of property for the purpose of taxation of \$13,639,807,391, and estimated collection rates of 99.25% for real and personal property and 81.22% for motor vehicles.

Central Business Tax District Rate

10.0 Cents

Such a rate of tax is based upon an estimated total valuation of property for the purpose of taxation of \$133,839,114, and estimated collection rates 97.43% for real and personal property and 93.55% for motor vehicles.

Lake Valley Drive Municipal Service District Rate

34.5 Cents

Such a rate of tax is based upon an estimated total valuation of property for the purpose of taxation of \$23,120,823, and an estimated collection rate of 100.00% for real and personal property.

Section 8. The following fee is hereby levied in accordance with the Stormwater Management Ordinance, Chapter 23 of the Fayetteville City Code to fund the City's comprehensive stormwater management program:

\$3 per month per Equivalent Service Unit

Section 9. The following fee is hereby levied to fund solid waste services:

\$38 per year per Single-Family Household or Residential Unit in a Multi-Family Property of Seven Units or Less

Section 10. The fee schedule attached hereto is adopted effective July 1, 2013.

Section 11. Funds encumbered, funds reserved for donations, and funds assigned for a specific purpose in the City's financial audit report as of June 30, 2013, are hereby reappropriated, subject to availability of departmental funds, to this budget.

2013-14 Budget Ordinance (2014-1)

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

Section 12. Funds included in the General Fund departmental budgets for the vehicle replacement program are authorized to be redistributed among the benefiting departments and functions.

Section 13. Compensation of each council member and the mayor is to increase by 2.5% in January, 2014.

Section 14. Compensation is authorized at \$600 per month for the chairperson of the Public Works Commission, and at \$500 per month for each other Public Works Commission member.

ADOPTED THIS 10th DAY OF JUNE, 2013

CITY OF FAYETTEVILLE

Anthony G. Chavonne, Mayor

ATTEST:

Pamela J. Megill, City Clerk

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
All Functions		
<i>Assessment Interest</i>		
Special assessments established by City Council resolution	8% per annum	2006
All other assessments, including lot cleanings and demolitions	First month 2%, all subsequent months 3/4 %	1993 or prior
<i>Default Civil Penalty for Code Violation</i>		
Applies to any violation for which a penalty is not elsewhere specified.	\$100 per violation per day	2007
<i>Convenience Fee for Internet Payments</i>		
	\$3.50 per payment	2012
<i>Public Record Copies</i>		
Reproduction on CD or DVD	\$1.00 per CD or DVD	2010
Paper Copies (up to 8.5 by 14 inches)		
Single-sided black and white	\$0.05 per page	2010
Single-sided color	\$0.19 per page	2010
Double-sided black and white	\$0.09 per page	2010
Double-sided color	\$0.37 per page	2010
Airport		
<i>Landing Fee (Signatory Airline)</i>		
	\$1.23 per 1,000 pounds	2004
<i>Landing Fee (Non-signatory Airline)</i>		
	\$1.39 per 1,000 pounds	2004
<i>Jet Bridge Use Fee (Signatory Airline)</i>		
	\$5.00	2012
<i>Jet Bridge Use Fee (Non-signatory Airline)</i>		
	\$25.00	2005
<i>Commercial Ramp Use Fees</i>		
Air Stair Use	\$25.00	2012
Remain Overnight Fee (Non-signatory airlines only)	\$150.00	2005
Terminal Fee (Non-signatory airline only)	\$75.00	2005
<i>Terminal Leases and Fees</i>		
Airline Counter Space (exclusive)	\$33.79 per sq. ft. per year	1986
Airline Bag Makeup Space (exclusive)	\$ 3.79 per sq. ft. per year	1986
Airline Administrative Space (exclusive)	\$12.90 per sq. ft. per year	1986
Operation and Maintenance Charge	\$10.00 per sq. ft. of exclusive airline space	1995
Airline Space (nonexclusive)	\$10.00 per sq. ft. per year	1986
<i>Fuel Flowage Fee</i>		
	\$0.05 per gallon of non-airline fuel	1997
<i>Airline Uplift Charge</i>		
	\$0.18 per gallon, \$18.00 minimum or \$18.00 no-fuel fee	1997
<i>Fuel Pricing</i>		
	Will not exceed 106% of retail price at comparable airports with based tenants afforded a \$0.20 discount	1997
<i>Property Leases</i>		
Tie-Down Fee	\$45.00 per month	2003

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Old T-Hangar Rental	\$180.00 per month	2003
New T-Hangar Rental	\$210.00 per month	2003
Ground Lease	\$0.20 per sq. ft. per year	2003
Corporate Office Space	\$5.00 per sq. ft. per year plus utilities	2004
Corporate Hangar Space	\$2.00 per sq. ft. per year plus utilities	2004
FBO Office Space	\$4.50 per sq. ft. per year plus utilities	2003
FBO Hangar Space	\$1.75 per sq. ft. per year plus utilities	2004
<i>Rental Cars</i>		
Rental Car Agency Fee	\$20.00 per parking space per month plus 10% of gross revenues	2011
Rental Car Booth Space	\$253.52 per month	2009
<i>Terminal Leases and Fees</i>		
Short Term Parking (1-30 minutes)	\$1.00	2002
Short Term Parking (each additional 30 minutes)	\$1.00	2002
Short Term Parking (maximum 24 hours)	\$10.00	2008
Long Term Parking (0-1 hour)	\$1.00	2002
Long Term Parking (each additional hour)	\$1.00	2002
Long Term Parking (maximum 24 hours)	\$8.00	2008
<i>Public Safety Airline Charge</i>	Cost charged to airlines based on prorata share of emplanements less security reimbursement from TSA	1991
<i>Advertising Space</i>	\$883.33 plus commissions	1998
<i>Exhibition Flight Permit</i>	\$5.00 per flight, or \$25.00 per six-month period	N/A
<i>Security Fees Per Application</i>		
Fingerprint Processing (airport badges only)	\$50.00	2002
Security Threat Assessment	\$5.00	2008
Corporate Communications		
<i>City Song and Music Video DVDs</i>	\$10.00 each	2007
Development Services		
<u>Privilege License, Plan Review, Permit and Inspections Fees:</u>		
<i>Privilege Licenses</i>		
Brick/Cement Block Manufacturer	\$35.00	2002 or prior
Demolition Contractor	\$37.50	2002 or prior
Electrical Contractor	\$50.00	Set by State
Fire Sprinkler Contractor	\$50.00	2002 or prior
General Contractor	\$10.00	Set by State
Insulation Contractor	\$50.00	2002 or prior
Maintenance of Heat/AC	\$35.00	2011
Mechanical Contractor	\$50.00	Set by State
Moving Contractor	\$35.00	2011
Plumbing Contractor	\$50.00	Set by State

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Refrigeration Contractor	\$35.00	2011
Roofing Contractor	\$35.00	2011
Sand and Gravel Dealer	\$35.00	2011
Sanding/Refinishing of Floors	\$35.00	2011
Sheet Metal Contractor	\$35.00	2011
Sign Contractor	\$35.00	2002 or prior
Taxicab	\$35.00	2011
Tile Setter/Dealer	\$35.00	2011
<i>Building Plan Review</i>		
Up to 5,000 sq ft	\$140.00	2010
5,001 to 10,000 sq ft	\$280.00	2010
10,001 to 15,000 sq ft	\$420.00	2010
15,001 to 25,000 sq ft	\$560.00	2010
25,001 to 40,000 sq ft	\$840.00	2010
Greater than 40,000 sq ft	\$980.00	2010
Re-Review Fee (applies after first re-review)	1/2 of original fee	2010
For Projects up to 5,000 sq ft only		
Electrical Plan Review Only	\$70.00	2011
Mechanical Plan Review Only	\$70.00	2011
Plumbing Plan Review Only	\$70.00	2011
Other Project Plan Reviews:		
Cell Tower	\$70.00	2011
Small & Minor Project	\$70.00	2011
Pole Sign	\$25.00	2011
Retaining wall (engineered)	\$70.00	2011
<i>Building Permits</i>		
Residential or Commercial New Construction or Additions	\$0.30 per sq. ft.	2012
Major Renovations or Upfits of Existing Structures		
Extensive reconstruction involving 50% or more of existing square footage on one or more floors	60% of building permit fee	2012
Minor Renovations or Upfits of Existing Structures		
Small and medium reconstruction involving less than 50% of existing square footage on one or more floors	40% of building permit fee	2012
Interior or Exterior Construction or Renovation Projects without Square Footage Basis (e.g. roofing, doors, fences, pools, cell towers, billboards, etc.)		
Construction Cost : \$0.00-1,000.00	\$21.75	2012
Construction Cost : \$1,001-2,500	\$43.50	2012
Construction Cost : \$2,501-5,000	\$54.25	2012
Construction Cost : \$5,001-10,000	\$65.25	2012
Construction Cost : \$10,001-15,000	\$81.50	2012
Construction Cost : \$15,001-20,000	\$97.75	2012
Construction Cost : \$20,001-25,000	\$130.25	2012
Construction Cost : \$25,001-30,000	\$130.25	2012
Construction Cost : \$30,001-35,000	\$146.50	2012
Construction Cost : \$35,001-40,000	\$163.00	2012
Construction Cost : \$40,001-45,000	\$179.25	2012
Construction Cost : \$45,001-50,000	\$195.50	2012
Construction Cost : \$50,001-60,000	\$210.00	2012
Construction Cost : \$60,001-70,000	\$224.50	2012
Construction Cost : \$70,001-80,000	\$239.00	2012

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Construction Cost : \$80,001-90,000	\$253.50	2012
Construction Cost : 90,001 - 100,000	\$268.00	2012
Construction Cost: 100,001 - 400,000	\$341 for the first \$100,000 plus \$2.79 for each additional \$1,000 or fraction thereof	2012
Construction Cost: 400,001 - 900,000	\$1,283 for the first \$400,000 plus \$2.79 for each additional \$1,000 or fraction thereof	2012
Construction Cost: 900,001 and above	\$2,767 for the first \$900,000 plus \$2.79 for each additional \$1,000 or fraction thereof	2012
 <i>Electrical Permits</i>		
Residential or Commercial New Construction or Additions	\$0.08 per sq. ft.	2012
Major Renovations or Upfits of Existing Structures		
Extensive reconstruction involving 50% or more of existing square footage on one or more floors	60% of fee for new construction of additions	2012
Minor Renovations or Upfits of Existing Structures		
Small and medium reconstruction involving less than 50% of existing square footage on one or more floors	40% of fee for new construction of additions	2012
Permit associated with Alteration, Replacement, Modification, etc.		
Residential thru 200A	\$21.00	2008
Residential over 200A	\$26.25	2008
Commercial thru 800A	\$52.50	2008
Commercial over 800A	\$78.75	2008
Separately Derived Systems	\$31.50	2008
Mobile Home Services or Feeders	\$26.25	2008
New or Replacement Pedestal	\$26.25	2008
Outlet Installation	\$0.42 per outlet	2008
Temporary Pole	\$26.25	2008
Furnace, Condensing Units, Air Handlers, Baseboard, Unit Heater, etc.	\$12.60	2008
Appliances	\$8.40	2008
Motor (1HP-5HP)	\$8.40	2008
Motor (5HP-25HP)	\$10.50	2008
Motor (25HP-50HP)	\$12.60	2008
Motor (50 or more HP)	\$21.00	2008
Commercial Motor Control Units thru 800A	\$42.00	2008
Commercial Motor Control Units over 800A	\$63.00	2008
Electric Sign Connection	\$26.25	2008
Electric Sign (circuit only)	\$6.30	2008
Fire Alarm System (low voltage)	\$31.50	2008
Other Low Voltage Systems	\$31.50	2008
Gasoline/LP Dispenser	\$12.60	2008
Inspection for Power Reconnection (When disconnected in excess of 6 months)	\$21.00	2008
Outside Commercial Pole Lights	\$4.20 each	2008
Swimming Pool Bonding and Grounding	\$21.00	2008
Swimming Pool Equipment (motors, heaters, covers)	\$8.40	2008
Minimum Fee	\$21.00	2008

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
<i>Mechanical Permits</i>		
Residential or Commercial New Construction or Additions	\$0.08 per sq. ft.	2012
Major Renovations or Upfits of Existing Structures Extensive reconstruction involving 50% or more of existing square footage on one or more floors	60% of fee for new construction of additions	2012
Minor Renovations or Upfits of Existing Structures Small and medium reconstruction involving less than 50% of existing square footage on one or more floors	40% of fee for new construction of additions	2012
Permit associated with Alteration, Replacement, Modification, etc. Residential Heat or AC	\$47.25 for the first unit, \$26.25 for each additional unit plus total BTU listing multiplied by .0001	2008
Commercial Heat or AC	\$52.50 for the first unit, \$36.75 for each additional unit plus total BTU listing multiplied by .0002	2008
Commercial Hood/Canopy over Cooking Equipment	\$52.50	2008
Floor Furnaces, Unit Heaters, etc.	\$26.25	2008
Commercial Refrigeration	\$52.50 for the first unit, \$36.75 for each additional unit plus total BTU listing multiplied by .0002	2008
Gas Piping	\$21.00	2008
Each Additional Unit	\$5.25	2008
Each LP Tank and Piping	\$21.00	2008
Duct Extensions and Alterations	\$21.00	2008
Commercial Exhaust and Duct System	\$5.25	2008
Minimum Fee	\$21.00	2008
<i>Plumbing Permits</i>		
Residential or Commercial New Construction or Additions	\$0.06 per sq. ft.	2012
Major Renovations or Upfits of Existing Structures Extensive reconstruction involving 50% or more of existing square footage on one or more floors	60% of fee for new construction of additions	2012
Minor Renovations or Upfits of Existing Structures Small and medium reconstruction involving less than 50% of existing square footage on one or more floors	40% of fee for new construction of additions	2012
Permit associated with Alteration, Replacement, Modification, etc. Trapped Fixtures, Water Heaters, etc.	\$6.30	2008
Sewer Connection	\$21.00 each building sewer or sewer tap	2008
Water Piping	\$21.00 each water service line, irrigation, and fire sprinkler main	2008
Minimum Fee	\$21.00	2008
<i>Miscellaneous Inspections and Fees</i>		
Demolition Permit	Same fee structure as Building Permits	2008

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Asbestos Removal	Same fee structure as Building Permits	2008
Sign Placement	Same fee structure as Building Permits with minimum fee of \$50.00	2013
Insulation Permit Residential & Commercial	\$0.03 per sq ft	2011
Flood Plain and Zoning Inspections	\$26.25	2008
Mobile Home Placements	\$52.50	2008
Processing Fee for Permit Fee Refunds	\$21.00	2008
Extra Inspections for Each Applicable Permit	\$100 or original permit fee, whichever is lower, for the first extra inspection, \$200 for subsequent extra inspections	2012
Contractor Change on Permitted Project	\$25.00	2012
Certificate of Compliance / Occupancy Inspection for Existing Building	\$100.00	2011
Work Without a Required Permit	4 times all applicable permit fees	2011
<i>Homeowner Recovery Fee</i>	\$10.00	2003
<i>Watershed Protection Inspection Fee and Permit</i>		
Inspection Fee for Required Improvement	\$20.00 per inspection	1996
Low Density Development Permit	\$20.00 per project	1996
High Density Development Permits CD, AR, SF15, SF10, SF6, MR5, MH	\$130 (less than 5 acres), \$260 (5 to 50 acres), \$300 (50 to 100 acres), \$400 (more than 100 acres)	2012
O&I, NC, LC, CC, MU, BP, DT, LI, HI, PD	\$260 (less than 5 acres), \$260 (5 to 50 acres), \$300 (50 to 100 acres), \$400 (more than 100 acres)	2012
<u>Code Enforcement Fees:</u>		
<i>Administrative Fee (Abatement Actions)</i>	\$100.00	2008
<i>Citations</i>		
Abandoned Vehicle Violation	\$250.00 per day	2002 or prior
Advertising Violation	\$500.00 per day	2002 or prior
Animal and Fowl Violation	\$100, \$200, or \$300 per day	2002 or prior
Landscape Standard Violation	\$50.00 per day	2002 or prior
Salvage and Junkyard pursuant to Section 30-4-C5e(6)	\$500.00 per day	2011
Solid Waste Violation (Trash or overgrown lot)	\$100.00 per day	1995
Substandard Housing Violation	\$50.00 per day	2002 or prior
Taxicab Violation	\$250.00 per day	2002 or prior
Trailer/Mobile Home Violation	\$50.00 per day	2002 or prior

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Water Supply Violation	\$500.00 per day	2002 or prior
Zoning Violation	\$100.00 per day	2002 or prior
<i>Daycare Inspections</i>	\$105.00	2008
<i>Graffiti Removal Fee</i>	\$100.00	2012
<i>Lot Cleaning</i>	Based on contract	2002
<i>Rental Action Management Program (RAMP)</i>		
Registration Fee	\$1,000	2012
Civil Penalty for Failure to Comply with RAMP Provisions	\$50 per day for the first 30 days, \$100 per day for the next 30 days, and \$500 per day for each subsequent day	2012
<i>Taxicab Permits</i>		
Taxi Driver Permit Application Fee	\$10.00	
Taxi Driver Permit (new, renewal or expired)	\$15.00	2002
Lost Drivers Permit	\$15.00	2002
Change of Company	\$15.00	2002
Change of Address	\$5.00	2002
Change of Vehicle	\$5.00	2002
Franchise Application	\$25.00	2002
Annual Franchise Fee	\$15.00 per vehicle	2002
Quarterly Inspection	\$50.00 per vehicle	2002
Sign Fee (advertising other than taxicab business)	\$10.00 per sign	2002
<i>Yard Sale Permits</i>	\$10.00	2006
<u><i>Planning & Zoning Permits and Fees:</i></u>		
<i>Administrative Adjustment Fee</i>	\$26.25	2011
<i>Appeal Fee</i>	\$500.00	2011
<i>Board of Adjustment Hearing Fee</i>	\$500.00	2007
<i>Clear Cutting Permit</i>		
Without Site or Subdivision Plan Review	\$26.25 for first three acres plus \$10 for each additional acre or part thereof	2011
With Site or Subdivision Plan Review	No additional fee	2011
<i>Development Agreement (UDO)</i>	\$2,500.00	2011
<i>Payment in Lieu of Park Land</i>		
Formerly Open Space Fee. Land value factor calculated in accordance with UDO section 30-9.D.	\$11,426 per acre	2013
<i>Payment in lieu of Sidewalk Construction</i>	\$29.54 per linear foot for 4' wide sidewalk*	2013
Price per foot to be adjusted each Jan 1st based on Construction Cost Index. (2013 adjustment 2.32%)	\$34.27 per linear foot for 5' wide sidewalk	2013
	\$38.98 per linear foot for 6' wide sidewalk*	2013

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
<i>Payment in Lieu of Tree Save Area</i>		
Land value factor calculated in accordance with UDO section 30-9.D.	\$11,426 per acre	2013
<i>Rezoning Fees</i>		
Conditional Zoning	\$700.00 \$700.00 plus site plan review fee	2008 2010
Planned Development	\$700.00 plus site plan review fee	2010
<i>Signage Plan Review</i>	\$500.00	2012
<i>Site Plan Review</i>		
Non-Residential	\$500.00 plus \$20.00 per 1,000 sq ft of building	2010
Residential	\$500.00 plus \$20.00 per unit or lot	2010
Revisions or rereviews beyond first review	1/2 of original fee	2010
<i>Special Event Signs Compliance Deposit</i>	\$10 per approved sign	2011
Returned if all signs are properly placed and removed within two days of close of event		
<i>Special Use Permit</i>		
Residential, Professional, Commercial and Industrial	\$700.00 plus site plan review fee	2010
Cell Tower	\$2,500.00	2011
<i>Specimen Tree Inspection</i>	\$50 per acre	2012
<i>Subdivision Fee</i>		
Subdivision Reviews	\$400.00 plus \$20.00 per lot	2010
Revisions or rereviews beyond first review	1/2 of original fee	2010
Final Plats	\$50.00	2007
Expedited Review of subdivision or site plans	\$1,500 per hour	2011
<i>Subdivision Waiver</i>	\$700.00	2011
<i>Tax Grantback Application Fee</i>	\$250.00	2010
<i>Temporary Use Permit</i>	\$25.00	2012
<i>Vested Rights Certificate</i>	\$100.00	2011
No additional fee if requested with site plan or subdivision approval		
<i>Zoning Code Text Amendment</i>	\$500.00	2012
<i>Zoning Permits</i>		
Pushcarts (Downtown Core Only)	\$26.25 per year	2011
Outdoor Dining and Merchandising (Downtown Core Only)	\$26.25 per year	2011
Sidewalk Entertainment (Downtown Core Only)	\$26.25 per year	2011
Delivery Services (Downtown Core Only)	\$26.25 per year	2011
<i>Zoning and Subdivision Ordinance Book Fee</i>	Cost of reproduction	2010
<i>Zoning Verification Letter</i>	\$26.25	2011
Engineering & Infrastructure		
<i>Map Sales</i>		
Aerial Photographs		
Prints (8 1/2" x 11")	\$10.00	2010

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Prints (8 1/2" x 14")	\$12.00	2010
Prints (11" x 17")	\$15.00	2010
Prints (18" x 24")	\$20.00	2010
Prints (24" x 36")	\$30.00	2010
Prints (36" x 48")	\$50.00	2010
District Map	\$15.00	2010
Large City Map with street index booklet	\$35.00	2008
Medium City Map	\$25.00	2010
Precinct Map	\$15.00	2010
Topographic Map	\$15.00	2008
<i>Copy Sales</i>		
Prints (11" x 17")	\$2.00	2010
Prints (8½" x 11")	\$1.00	2010
Prints (8½" x 14")	\$2.00	2010
Prints (18" x 24")	\$5.00	2010
Prints (24" x 36")	\$6.00	2010
Prints (36" x 48")	\$7.00	2010
<i>Development Plan Reviews/Infrastructure Permits</i>		
Commercial Developments, one acre or less	\$200.00	2010
Commercial Developments, between one and ten acres	\$350.00	2010
Commercial Developments, in excess of ten acres	\$650.00	2010
Residential Subdivisions, 50 lots or less	\$350.00	2010
Residential Subdivisions, 51 to 100 lots	\$500.00	2010
Residential Subdivisions, in excess of 100 lots	\$650.00	2010
Resubmittal Fee, commercial or residential, per submittal	\$150.00	2010
<i>Driveway Permits</i>		
Driveway Permit (Commercial) ≤ 75,000 sq. ft.	\$200.00 plus \$50.00 per hour for traffic impact analysis and traffic signal modifications as applicable	2010
Driveway Permit (Commercial) > 75,000 sq. ft.	\$400.00 plus \$50.00 per hour for traffic impact analysis and traffic signal modifications as applicable	2010
Driveway Permit (Residential)	\$50.00	2004
<i>Infrastructure Inspection Fees</i>		
Roadway Inspection Fee	\$0.50 per linear ft.	2010
Storm Drainage Pipe Inspection	\$0.30 per linear ft.	2010
<i>Drainage Excavation Permit</i>	\$100.00	2008
<i>Utility Excavation Permit</i>	\$100.00	2013
<i>Resurfacing Permit</i>	\$30.00	
<i>Sidewalk Permit</i>	\$30.00	
<i>House Moving Fee</i>	\$1,500 Bond, \$25 administrative fee, \$25 per hour police escort fee and \$37 per hour signal technician fee	1987
<i>Degradation Fee</i>	\$12 per sq. yd. of encroachment	2013
<i>Right of Way Registration Fee</i>	\$200.00	2002 or prior

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
<i>Street Closing Fee</i>	\$1,500.00	2011
<i>Street Right of Way Withdrawal</i>	\$500.00	2011
<i>Street Paving Assessments</i>		
To improve a soil street to a strip paved street	\$10.00 per front foot	2007
To install concrete curb and gutter on a strip paved street	\$15.00 per front foot	2007
To pave and install concrete curb and gutter on a soil street	\$25.00 per front foot	2007
<i>Petitioned Sidewalk Assessment</i>	\$10.00 per front foot	
<i>Temporary Right of Way Encroachment Fee</i>		
30 day permit for items (construction dumpsters, etc) placed on sidewalks	\$50.00 per 30 days	2008
Temporary Truck Route Permit	\$75.00	2011
Environmental Services		
<i>Residential Solid Waste Fee</i>		
Single-family homes and residential units in multi-family properties of 7 units or less	\$38.00 per year	2009
<i>Administrative Fee</i> (Abatement Actions)	\$100.00	2008
<i>Backdoor Pickup Fee</i>		
Handicap Backdoor Pickup	Free	2002 or prior
<i>Bulky Item or Limb Debris Pickup</i>		
Full truckload pickups (approx. 20 cubic yards)	\$357.00 per truckload	2007
Less than full truck load pickups	No Charge	2012
<i>Household Construction Debris Pickup</i>		
Generated by Contractor	Not offered	
Resulting from homeowner renovations	\$50.00	2011
<i>Loose Leaf Pickup</i>		
Collection during scheduled neighborhood loose leaf collection	No Charge	
Collection outside of scheduled neighborhood loose leaf collection		
Collection of 25 cubic yards or less	\$75.00	2012
Collection of more than 25 cubic yards	\$250.00	2012
<i>Set-Out Pickup</i>		
For curbside pick up of mixed refuse or furniture, usually resulting from vacating a residence	\$100.00	2011
<i>Rollout Carts</i>		
Cart Purchase	Variable based upon actual City purchase price	2007
Optional Recycling Cart Exchange- Small for Large	\$20.00	2013
Delivery Fee	\$11.50	2013
<i>Solid Waste Fines</i>		
Failure to remove container from curb	First violation, written warning; second and subsequent violations, \$100.00	

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Finance		
<i>Privilege Licenses</i>		
Standard Rate	\$50 plus \$0.10 per \$1,000 of gross receipts over \$500,000 and equal to or less than \$1,000,000, and \$0.20 per \$1,000 of gross receipts over \$1,000,000 and equal to or less than \$5,000,000, and \$0.30 per \$1,000 of gross receipts over \$5,000,000	2000
Nonstandard Rates:		
Amusement (Rides, courses, etc.)	\$25.00	Set by State
Amusement (Circuses, etc.)	\$25.00 per day	Set by State
Amusement (Movie Theatres)	\$200.00 per screen	Set by State
Amusement (Outdoor Movie Theatres)	\$100.00 per screen	Set by State
Automobile Dealers	\$25.00	Set by State
Automobile Accessories (Wholesale)	\$37.50	Set by State
Bankrupt or Fire Sales	\$100 for the week, \$10 each succeeding day	prior to 2000
Barber/Beauty Shops	\$2.50 each operator	Set by State
Beer Dealers (Wholesale)	\$37.50	Set by State
Wine Dealers (Wholesale)	\$37.50	Set by State
Beer and Wine Dealers (Wholesale)	\$62.50	Set by State
Beer Dealers (Retail, on premises)	\$15.00	Set by State
Beer Dealers (Retail, off premises)	\$5.00	Set by State
Wine Dealers (Retail, on premises)	\$15.00	Set by State
Wine Dealers (Retail, off premises)	\$10.00	Set by State
Bicycle Sales, Supplies or Accessories	\$25.00	Set by State
Billiard and Pool Tables	\$25.00 per location	Set by State
Boarding House	\$25.00 minimum, \$1 per room	prior to 2000
Bowling Alley	\$10.00 each alley	Set by State
Branch or Chain Stores	\$50.00	Set by State
Campgrounds and Trailer Parks	\$12.50	Set by State
Catering Trucks (Includes pushcarts not in downtown core)	\$50.00 per truck	2000
Collecting Agencies	\$50.00	Set by State
Dancing Schools (Less than 3 instructors)	\$10.00	2000
Dancing Schools (More than 3 instructors)	\$50.00	2000
Delivery Services via Scooter, Bicycle, Skate or Skateboard (Downtown Core Only)	\$25.00	2007
Dry Cleaners	\$50.00	Set by State
Electric Power Companies	\$2,000.00	2000
Electronic Video Games	\$5.00 per machine	Set by State
Elevators and Automatic Sprinkler Systems	\$100.00	Set by State
Employment Agencies	\$100.00	Set by State
Escort or Dating Service	\$100.00	Prior to 2000
Firearms Dealers (Guns)	\$50.00	Set by State
Firearms Dealers (Bowie Knives, daggers, etc.)	\$200.00	Set by State
Fortune Tellers, Palmists, etc.	\$1,000.00	Prior to 2000
Frozen Meat Trucks	\$25.00	Set by State
Funeral Homes	\$50.00	Set by State
Gas Manufacturer and Distributors	\$1,000.00	2000
Gasoline, Oil, etc (Wholesale for Domestic Use)	\$50.00	Set by State
Hotels, Motels, etc.	\$25.00 minimum, \$1.00 per room	Set by State
Ice Cream (Manufacturing or Wholesale)	\$12.50 minimum per freezer	Set by State

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Ice Cream (Retail or Distributor)	\$2.50	Set by State
Laundries	\$50.00	Set by State
Laundries (Persons soliciting business to be performed outside of city)	\$12.50	Set by State
Linen Supply Companies	\$50.00	Set by State
Loan Agencies or Brokers	\$100.00	Set by State
Manufacturers (Bagging, burlap, etc.)	\$25.00	Prior to 2000
Manufacturers (Candy)	\$25.00	Prior to 2000
Manufacturers (Medicine)	\$50.00	Prior to 2000
Manufacturers (Mattresses with 5 or less employees)	\$25.00	Prior to 2000
Manufacturers (Mattresses with 5 or more employees)	\$50.00	Prior to 2000
Manufacturers (Welding Machines)	\$25.00	Prior to 2000
Manufacturers (Window Shades)	\$25.00	Prior to 2000
Manufacturers (Miscellaneous, 5 or less employees)	\$25.00	Prior to 2000
Manufacturers (Miscellaneous, 5 or more employees)	\$50.00	Prior to 2000
Miscellaneous	\$150.00 (1-5 employees), \$300.00 (6-10 employees), \$450.00 (11-15 employees), \$600.00 (16-20 employees), \$750.00 (21-25 employees), \$900.00 (26-30 employees), \$1050.00 (31-35 employees), \$1200.00 (36 or more employees)	2000
Mobile Home Sales	\$25.00	Set by State
Motor Vehicle License Tax (See additional motor vehicle license tax with Transit fees)	\$5.00	Set by State
Motor Vehicle License Penalty for Failure to Pay Tax	\$15.00	
Motorcycle Dealers	\$12.50	Set by State
Music Machines	\$5.00 per machine	Set by State
Packing Houses	\$100.00	Set by State
Pawnbrokers	\$275.00	Set by State
Outdoor Seasonal Sales	\$100.00 per 30 consecutive day period	2008
Peddlers (Farm products)	\$25.00	Set by State
Peddlers on Foot	\$10.00	Set by State
Peddler with Vehicle	\$25.00	Set by State
Piano and Organ Sale, Repair, Maintenance	\$5.00	Set by State
Precious Metal Dealer	\$25.00, plus \$10.00 regulatory fee	prior to 2000
Pushcarts - Downtown Core (See Catering Trucks for Pushcarts outside of downtown core)	\$150.00	2005
Radio and TV Retail, Repair, Accessories	\$5.00	Set by State
Regulatory Fee (Precious Metal Dealer)	\$10.00	prior to 2000
Restaurants (Seating for fewer than 5)	\$25.00	Set by State
Restaurants (Seating for 5 or more)	\$42.50	Set by State
Security Dealers/Brokers	\$50.00	Set by State
Service Station	\$12.50	Set by State
Special Events License	\$10.00 per vendor	prior to 2001
Specialty Market Operator	\$200.00	Set by State
Specialty Market Vendor	\$10.00 per 30 consecutive day period	2008
Sundries	\$4.00	Set by State
Tattooing	\$1,000.00	prior to 2000
Telegraph Companies	\$50.00	Set by State
Tobacco Warehouses	\$50.00	Set by State
Topless/Adult Live Entertainment	\$100.00	prior to 2000

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Trailer Dealer	\$25.00	Set by State
Undertaker/Coffin Retailer	\$50.00	Set by State
Visual Shows	\$25.00 per machine	1984
Video Stores	\$25.00	Set by State
Duplicate Copy (Lost or Stolen License)	\$5.00	N/A
Replacement License due to Change of Location	\$5.00	N/A
<i>Solicitor Permit</i>		
Application Fee	\$25.00	2004
Three-Month Renewal	\$5.00	2004
<i>Regulatory License</i>		
Adult Bookstore, Adult Motion Picture Theater, Adult Motel or Hotel	\$250.00 initial application, \$100.00 annual renewal	N/A
Fire & Emergency Management		
<i>False Alarms</i>		
	No charge for the 1st and 2nd false alarm, \$500.00 for each subsequent false alarm per calendar year	2010
<i>Fines</i>		
Exit Violation	\$500.00 for the first offense, \$1,000 for each subsequent offense in the period of a year	1995
Code Violation	\$100.00 for the first offense, \$250.00 for the second offense, \$500.00 for each subsequent offense in the period of a year	1995
Over-occupancy Violation	\$100.00 per person over the posted number allowed	2010
Occupying a building without a Certificate of Occupancy	\$500.00 per offense	2010
Installation of life safety equipment or underground tank piping without proper plan review and/or testing	\$500.00 per offense	2010
<i>Fire Inspection Fees</i>		
<u>Annual Inspections:</u>		
Assembly (A-1, A-2, A-3, A-4, A-5)	Up to 2,500 sq. ft. \$75	2008
	2,501 - 10,000 sq. ft. \$100	2008
	10,001 - 50,000 sq. ft. \$150	2008
	50,001 - 100,000 sq. ft. \$200	2008
	100,001 - 150,000 sq. ft. \$250	2008
	150,001 - 200,000 sq. ft. \$300	2008
	Over 200,000 sq. ft. \$350	2008
Factory/Industrial:	Up to 2,500 sq. ft. \$75	2008
	2,501 - 10,000 sq. ft. \$100	2008
	10,001 - 50,000 sq. ft. \$150	2008
	50,001 - 100,000 sq. ft. \$200	2008
	100,001 - 150,000 sq. ft. \$250	2008
	150,001 - 200,000 sq. ft. \$300	2008
	Over 200,000 sq. ft. \$350	2008

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Educational:		
Day Cares (Not in residential home)	Up to 2,500 sq. ft. \$75	2008
Public and Private Schools (Inspected every 6 months)	2,501 - 10,000 sq. ft. \$100	2008
	10,001 - 50,000 sq. ft. \$150	2008
	50,001 - 100,000 sq. ft. \$200	2008
	100,001 - 150,000 sq. ft. \$250	2008
	150,001 - 200,000 sq. ft. \$300	2008
	Over 200,000 sq. ft. \$350	2008
Hazardous:		
	Up to 2,500 sq. ft. \$75	2008
	2,501 - 10,000 sq. ft. \$100	2008
	10,001 - 50,000 sq. ft. \$150	2008
	50,001 - 100,000 sq. ft. \$200	2008
	100,001 - 150,000 sq. ft. \$250	2008
	150,001 - 200,000 sq. ft. \$300	2008
	Over 200,000 sq. ft. \$350	2008
Institutional:		
Nursing Home, Hospital, Mental Health Facility, Jail or Detox Center	Up to 2,500 sq. ft. \$75	2008
	2,501 - 10,000 sq. ft. \$100	2008
	10,001 - 50,000 sq. ft. \$150	2008
	50,001 - 100,000 sq. ft. \$200	2008
	100,001 - 150,000 sq. ft. \$250	2008
	150,001 - 200,000 sq. ft. \$300	2008
	Over 200,000 sq. ft. \$350	2008
High-Rise		
	Up to 2,500 sq. ft. \$75	2008
	2,501 - 10,000 sq. ft. \$100	2008
	10,001 - 50,000 sq. ft. \$150	2008
	50,001 - 100,000 sq. ft. \$200	2008
	100,001 - 150,000 sq. ft. \$250	2008
	150,001 - 200,000 sq. ft. \$300	2008
	Over 200,000 sq. ft. \$350	2008
Residential:		
Group home	\$75 per visit	2008
Day Care (in a residence)	\$75 per visit	2008
Apartments, Hotels, Dorms	1-10 units \$75	2008
	11-20 units \$100	2008
	21-40 units \$125	2008
	41-100 units \$150	2008
	101-200 units \$200	2008
	201-300 units \$250	2008
	301-400 units \$300	2008
	401-500 units \$350	2008
Over 500 units \$400	2008	
3-Year Inspection Fee:		
Business, Mercantile, Storage, Church/Synagogue, Miscellaneous (Group U)	Up to 2,500 sq. ft. \$75	2008
	2,501 - 10,000 sq. ft. \$100	2008
	10,001 - 50,000 sq. ft. \$150	2008
	50,001 - 100,000 sq. ft. \$200	2008
	100,001 - 150,000 sq. ft. \$250	2008
	150,001 - 200,000 sq. ft. \$300	2008
	Over 200,000 sq. ft. \$350	2008

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
<u>Permits:</u>		
Permits and Final Inspections		
Fire Sprinkler System, up to 14 sprinkler heads	\$75 plus tap connection fee	2012
Each additional sprinkler head	\$1.05	2012
Tap Connection	\$21	2012
Flammable or Combustible Liquid Tank (Installation or Removal)	\$125	2012
Hood Suppression System	\$125	2012
Paint Booth	\$125	2012
Private Fire Hydrants/Valves	\$125	2012
Fire Alarms	\$125	2012
Standpipes	\$125	2012
Fireworks/Explosives Permit	\$250.00 per event	2004
Tent Permit	\$75 per visit	2008
<u>Additional Inspections:</u>		
Reinspection Fee	\$50 per visit	2004
A.L.E.	\$75 per visit	2008
Amusement Buildings	\$75 per visit	2008
Carnival and Fair	\$75 per visit	2008
Circus Tent	\$250.00	2004
Courtesy/Requested Inspections	\$75 per visit	2008
Covered Mall Building Displays	\$75 per visit	2008
Additional Equipment Testing (alarm, sprinkler, hood suppression and flammable or combustible liquid systems and paint booths)	\$75.00 per visit plus \$50.00 per additional hour for weekend or after hours request	2012
Exhibits/Trade Show	\$75 per visit	2008
Foster Home	\$75 per visit	2008
LP or gas equip. in assemble	\$75 per visit	2008
<i>Training Facility Fees</i>		
ARFF - One-Day Training	\$250.00 per person	2010
ARFF - Three-Day Training	\$425.00 per person	2010
ARFF - Five-Day Training	\$550.00 per person	2011
Refueling Course	\$65.00 per person	1993
Industry	\$175.00 per burn	2010
Drill Tower Usage	\$ 200.00 per day	2011
with live burn	\$ 200.00 per burn	2011
Classroom use	\$ 50.00 per 4 hours	2011
Confined Space Training Area	\$ 100.00 per day	2011
Service Test Pit Area	\$ 100.00 per unit	2011
Engine	\$ 200.00 per day	2011
Miscellaneous Equipment use	\$50.00 per day	2011
<i>Hazardous Material Protection Fee</i>		
Haz-Mat Unit Response	\$555.00 per hour	2010
Haz-Mat Battalion Commander Response	\$60.00 per hour	2010
Engine Company Response	\$205.00 per hour	2010
Truck Company Response	\$205.00 per hour	2010
Rescue Company	\$175.00 per hour	2010
Fire Suppression Battalion Commander Response	\$60.00 per hour	2010
Material, Equipment, and Long Distance	Replacement Cost	1992
Recalled Personnel	Time and half of the hourly salary of recalled personnel	1992
Air Monitoring	\$170.00	2010

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Environmental Research Immediate Area - 1 year	\$20.00	2010
Environmental Research Immediate Area - 5 year	\$115.00	2010
Environmental Research Half Mile Radius - 1 year	\$60.00	2010
Environmental Research Half Mile Radius - 5 year	\$190.00	2010
Environmental Research One Mile Radius - 1 year	\$80.00	2010
Environmental Research One Mile Radius - 5 year	\$230.00	2010
Parking		
<i>Parking Fines</i>		
Amtrak Lot Violation	\$10.00	2007
Backed to Curb Violation	\$10.00	2007
City Hall Lot Violation	\$10.00	2007
Curb to Sidewalk Violation	\$25.00	1986 or prior
Fire Hydrant Violation	\$25.00	1986 or prior
Fire Lane Violation	\$100.00	1986 or prior
Handicapped Violation	\$250.00	2000
Judgment Fees	\$50.00	2002 or prior
Late Payment Penalty	\$25.00	1999
Left to Curb Violation	\$25.00	1986 or prior
Loading Zone Violation	\$25.00	1986 or prior
No Parking Zone Violation	\$25.00	1986 or prior
Overtime Violation (Lots)	\$15.00	2013
Overtime Violation (Street)	\$15.00	2013
Prohibited Parking Violation	\$25.00	1986 or prior
Repeat Overtime Violation	\$10.00	2013
Traffic Obstruction Violation	\$25.00	1986 or prior
Within Lines Violation	\$15.00	2013
Electric Vehicle Only Violation	\$50.00	2013
<i>Immobilization Fee</i>		
Fee per wheel lock removal, in addition to outstanding parking tickets and penalties	\$50.00	2009
<i>Leased Parking Spaces</i>		
Franklin Common Parking Lot	\$50.00 per month	2007
All Other Lots	\$50.00 per month	2011
Late Payment Penalty	\$10 penalty for lease payments received after the 5th of the month	2013
<i>Hourly Paid Parking</i>		
Franklin Common Parking Lot	\$1.00 per hour, or \$5.00 per day	2013
All Other Lots (where applicable)	\$0.50 per hour, or \$4.00 per day	2009
On Street (where applicable)	\$0.75 per hour	2009
<i>Contractor Parking Permit</i>	\$10.00 per day, or \$30.00 per week	2013
<i>Annual Contractor Parking Permit</i>	\$1,000.00 per year	2010
<i>Residential Parking Permit</i>	\$100.00 per year	2010

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Parks, Recreation & Maintenance		
<i>Special Event Permits</i>		
Special Event Permits for Mazarick Building, Cross Creek Park Fountain, Mazarick Park Shelters, Core Downtown Area, Festival Park	Up to 500 attendees: \$75 with \$100 deposit; 501-2,500 attendees: \$150 with \$200 deposit; 2,501-5,000 attendees: \$300 with \$500 deposit; 5,001-10,000 attendees: \$500 with \$750 deposit; Over 10,000 attendees: \$750 with \$1,000 deposit	2013
Expedited Special Event Permit		
Request submitted less than 30 days in advance of event but permit application review possible at a scheduled Special Events Committee meeting	\$250 in addition to permit fee and deposit	2013
Request submitted less than 30 days in advance of event and special meeting of Special Events Committee required to review permit application.	\$500 in addition to permit fee and deposit	2013
<i>Recreation Center Rentals</i>		
Program Room Rental (nonprofit organizations)	\$200 deposit & \$65.00 for 1 to 4 hours, plus \$25.00 each additional hour up to 8 hours maximum	2007
Multipurpose Room Rental (nonprofit organizations)	\$200 deposit & \$130.00 for 1 to 4 hours, plus \$25.00 each additional hour up to 8 hour maximum	2007
Gym Rental (nonprofit organizations)	\$200 deposit & \$200.00 up to 4 hours, \$50.00 each additional hour; if event requires floor covering \$300 up to 4 hours, \$50 each additional hour	1999
Kitchen Rental (non-profit organizations)	\$200 deposit & \$50.00 up to 4 hrs plus \$25.00 each additional hr up to 8 hrs maximum	1999 or prior
After-Hour Fee (non-profit organizations)	\$25.00 additional per hour for rentals after center closings	2007
Sunday or Legal Holiday use (nonprofit organizations)	\$100.00 for 1 to 4 hours maximum plus deposit and rental fee	2007
Program Room Rental (for profit organizations)	\$200 deposit & \$130 per hour for 1 to 4 hours, plus \$50 each additional hour up to 8 hours maximum	2007
Multipurpose Room Rental (for profit organizations)	\$200 deposit & \$260.00 for 1 to 4 hours, plus \$50.00 each additional hour up to 8 hour maximum	2007

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Gym Rental (for profit organizations)	\$200 deposit & \$400.00 up to 4 hours, \$100.00 each additional hour. If event requires floor covering \$600 up to 4 hours, \$100 each additional hour	2007
Kitchen Rental (for profit organizations)	\$200 deposit & \$100.00 up to 4 hrs plus \$50.00 each additional hr up to 8 hrs maximum	2007
After-Hour Fee (for profit organizations)	\$50.00 additional per hour for rentals after center closings	2010
Sunday or Legal Holiday use (for profit organizations)	\$200.00 for 1 to 4 hours maximum plus deposit and rental fee	2007
Custodial Setup/Breakdown/Clean-Up	\$25.00 per hour	1999
Expedited Rental Fee	\$100 per rental for any facility rental contract executed within 48 hours of the event	2011
Park Rental Fees		
Ball Field Rental	\$250.00 deposit plus \$175.00 per day or \$250.00 deposit plus \$35.00 up to four hours, \$50.00 over four hours	1999
Basketball Court (Outdoor)	\$100 deposit plus \$35.00 (up to four hours); \$50.00 (over four hours)	2010
Cross Creek Park Rental	\$100.00 (1-4 hours), \$25.00 each additional hour	1999
Festival Park		
Category 1 - Dogwood Festival, International Folk Festival, 2 uses per year (1 per six months) by Cumberland County Schools, 4 uses per year (1 per 3 months) by Art Agencies as coordinated through Arts Council Executive Director	Free	2007
Category 2 - Non-profit event sponsored by a 501(c) organization	\$250 deposit plus \$500 per calendar day	2007
Category 3 - Community event open to the public when no admission is charged, sponsored by any entity other than a non-profit	\$375 deposit plus \$750 per calendar day	2007
Category 4 - Commercial ticketed events - concerts, paid admission shows	\$500 deposit plus \$1,000 per calendar day plus 15% of gross ticket sales, unless event is being sponsored as a part of Category 1 event	2007
Category 5 - Park rental open to the public (eg. Family reunions, weddings, company picnics, etc.)	\$125 deposit plus \$250 per calendar day	2007
Sunday or Legal Holiday use	\$150 plus deposit and rental fee	2007

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
Lamon Street Park Complex	\$500.00 per day plus \$250.00 deposit	2007
Martin Luther King Park	\$40.00 (1-4 hours), \$70.00 over four hours	1999
Mazarick Building	\$65.00 (1-4 hours), 25.00 each additional hour plus \$200.00 deposit	2011
North Carolina Veterans Park Visitors' Center and Outdoor Garden	\$725.00 (1-4 hours), \$100.00 each additional hour plus \$700.00 deposit	2011
North Carolina Veterans Park Amphitheater		
Category 1 - Non-profit event sponsored by a 501(c) organization	\$250 deposit plus \$500 per calendar day	2011
Category 2 - Community event open to the public when no admission is charged, sponsored by any entity other than a non-profit	\$375 deposit plus \$750 per calendar day	2011
Category 3 - Commercial ticketed events - concerts, paid admission shows	\$500 deposit plus \$1,000 per calendar day plus 15% of gross ticket sales	2011
Category 4 - Park rental open to the public (eg. Family reunions, weddings, company picnics, etc.)	\$125 deposit plus \$250 per calendar day	2011
Sunday or Legal Holiday use	\$150 plus deposit and rental fee	2011
Reid Ross Track	\$500.00 per day plus \$250 deposit	2007
Shelter - Small	\$40.00 (1-4 hours), \$70.00 over four hours	2008
Shelter - Large	\$60.00 (1-4 hours), \$110.00 over four hours	2008
Tokay Park Complex	\$500.00 per day plus \$250.00 deposit	2010
Boating	\$2.00 per hour, \$5.00 per half day, \$10.00 per day	1998
Camping Fees (organized groups)	\$1.00 per person per night, \$25.00 minimum	1995 or prior
Family Campsite	\$10.00 per night	1995 or prior
Mobile Stage - Large (nonprofit organizations)	\$500.00 per calendar day, plus \$500.00 deposit	2008
Mobile Stage - Small (nonprofit organizations)	\$400.00 per calendar day, plus \$500.00 deposit	2008
Mobile Bleachers (nonprofit organizations)	\$400.00 per calendar day, plus \$500.00 deposit	2007
Mobile Stage - Large (for profit organizations)	\$1,000.00 per calendar day, plus \$500.00 deposit	2008
Mobile Stage - Small (for profit organizations)	\$800.00 per calendar day, plus \$500.00 deposit	2008
Mobile Bleachers (for profit organizations)	\$800.00 per calendar day, plus \$500.00 deposit	2007
<i>Mini-Bus Rental for Partnering Agencies</i>	100% recovery of direct costs	

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
<i>Athletic Programs</i>		
Adult Open Play Athletics	\$2.00	2004
Adult Softball Team Fee (Fall League - 1 night per week)	100% Cost Recovery	
Adult Softball Team Fee (Fall League - 2 nights per week)	100% Cost Recovery	
Adult Softball Team Fee (Spring league - 1 night per week)	100% Cost Recovery	
Adult Softball Team Fee (Spring league - 2 nights per week)	100% Cost Recovery	
Adult Basketball Team Fee (1 night per week)	100% Cost Recovery	
Adult Basketball Team Fee (2 nights per week)	100% Cost Recovery	
Golf Lessons	Variable	
Youth Athletics not otherwise listed	\$20.00	1999
Youth Cheerleading	\$20.00	2009
Youth Football	\$25.00	1999
Late Registration for Youth Sports Programs	\$5.00	2001
<i>Swimming Pool Fees</i>		
Swimming Lessons	\$30.00	2009
Pool Entry Fee	\$2.00 for adults, \$1.00 for children	1995 or prior
Pool Rental	\$200.00 deposit, \$175.00 rental fee for first two hours, \$50.00 for each additional hour; plus current rate of pay for lifeguards	2011
<i>Tennis Fees</i>		
Tennis Lessons	Variable	1995 or prior
Courts	\$150 refundable deposit; rental fee of \$35 (up to four hours); \$50 (over four hours); \$175 additional charge for use of lights	2010
<i>Senior Programs / Leisure Activities</i>		
Leisure Activities	Variable	1995 or prior
<i>After-School Program</i>		
Program Fee	\$70.00 per month	2008
Early/Late Fee	\$5.00 per 5 minute period	2008
<i>Summer Camp/Playground</i>		
Summer Day Camp	\$50.00 per week	2009
Summer Playground	\$20.00 per week	2009
Late Pickup Fee	\$5.00 per 5 minute period	2009
<i>Athletic Protest Fee</i>	\$25.00	2002
<i>Community Garden</i>	\$25.00 refundable deposit	2009
<i>Concessions</i>	Variable	2002 or prior
<i>Cemetery:</i>		
<i>Burial Plots</i>		
Pre-Need Cemetery Fee	\$400.00	2004
At-Need Cemetery Fee (Adult)	\$475.00	2004
At-Need Cemetery Fee (Infant)	\$350.00	2004
At-Need Cemetery Fee (Pauper)	\$250.00	2002 or prior

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
<i>Monument Administration/Interment Fees</i>		
Monument Administration/Interment Fees	\$25.00	2002 or prior
After Hours Cemetery Fee	\$75.00	2002 or prior
Police		
<i>Code Violations</i>		
Noise Violation - Barking Dog	\$200 for the 1st violation, \$250 for subsequent violations within 12 months	2009
Noise Violation - Residential	\$200.00	2008
Noise Violation - Radios, Loudspeakers, etc.	\$200.00	2008
Street Numbering Violation	\$50.00	1990
<i>Police False Alarm Fee</i>		
1st false alarm per fiscal year	No Charge	2010
2nd false alarm per fiscal year	No Charge	2010
3rd false alarm per fiscal year	\$25.00	2010
4th false alarm per fiscal year	\$50.00	2010
5th false alarm per fiscal year	\$50.00	2010
6th false alarm per fiscal year	\$100.00	2010
7th false alarm per fiscal year	\$100.00	2010
In excess of 7th false alarm per fiscal year	\$200.00 each	2010
Continuous alarm	\$10.00 for each 60-minute interval beginning 60 minutes after notification, not to exceed \$100.00 in a 24-hour period	2010
<i>IDB Photo Reports</i>		
	\$0.35 for 4"x 6", \$5.00 for 8"x 10", \$5.00 for Contact Sheet	2008
<i>Photographic CD</i>		
	\$35.00 per CD	2008
<i>Wrecker Fees</i>		
Annual Wrecker Inspection Fee	\$100 per truck	2008
Wrecker Rotation Fee	\$15.00 per tow	2008
<i>Officer Fees</i>		
	Variable	2002
<i>Range Fee</i>		
	\$200.00 per day	2010
Stormwater		
<i>Stormwater Fee (Quality & Improvements)</i>		
Single Family	\$3.00 per month per ERU	2009
Non-Single Family	\$3.00 per month per 2,266 square feet of impervious surface	2009
<i>Best Management Practice Inspection Fee</i>		
	\$150.00	2011
<i>Stormwater Control Ordinance Variance Filing Fee</i>		
	\$500.00	2011

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
<i>Stormwater Control Ordinance Civil Penalties</i>		
<i>Failure to Obtain Permit</i>		
First Offense within 2 years:		
Off-site impacts documented	\$3,000 per day	2011
No off-site impacts documented	\$1,000 per day	2011
Second Offense within 2 years:		
Off-site impacts documented	\$5,000 per day	2011
No off-site impacts documented	\$3,000 per day	2011
Third or Subsequent Offense within 2 years:		
Each violation	\$5,000 per day	2011
<i>Illicit Connection and Improper Disposal Civil Penalties</i>		
Category I Violation	\$1,000.00 per day, plus investigation, restoration and administrative costs	2009
Category II Violation	\$500.00 per day, plus investigation, restoration and administrative costs	2009
Category III Violation	\$100.00 per day, plus investigation, restoration and administrative costs	2009
<i>Other Violations of Stormwater Control Ordinance</i>	Up to \$5,000/day	2011
Transit		
<i>Motor Vehicle License Tax for Transit</i>	\$5.00 per year	2008
<i>Bus</i>		
Adult Bus Fare	\$1.25	2013
Discount Bus Fare (Elderly and Disabled)	\$0.50	2013
Adult 1-Ride Pass	\$1.25	2013
Discount 1-Ride Pass (Elderly and Disabled)	\$0.50	2013
One Day Pass	\$3.00	2013
Discount One Day Pass(Elderly and Disabled)	\$1.50	2013
Rolling 8 Day Pass	\$17.00	2013
Discount Rolling 8 Day Pass (Elderly and Disabled)	\$8.00	2013
Rolling 30 Day Pass	\$40.00	2013
Discount Rolling 30 Day Pass (Elderly and Disabled)	\$17.00	2013
Student Rolling 30 Day Pass	\$30.00	2013
ADA Demand Response Fare	\$2.00	2013
ADA 20 Ride Pass	\$35.00	2013
ADA 10 Ride pass	\$17.50	2013
Bulk Pass Sale Discounts		
100 to 249 Passes	10% discount	2013
250 to 499 Passes	15% discount	2013
500 to 999 Passes	20% discount	2013
1,000 or Greater Passes	25% discount	2013
Third-Party Fare Agreements		
50 to 99 Passes (\$900 monthly revenue guarantee)	25% discount	2013
100 to 249 Passes (\$1,400 monthly revenue guarantee)	30% discount	2013
250 to 499 Passes (\$2,600 monthly revenue guarantee)	35% discount	2013
500 or Greater Passes (\$3,600 monthly revenue guarantee)	40% discount	2013

City of Fayetteville Fiscal Year 2013/2014 Fee Schedule

Description	Current Fee	Established or Last Changed
<i>Advertising Space</i>		
Interior Banner		
1 to 4 vehicles	\$30 per vehicle per month	2013
5 to 9 vehicles	\$25 per vehicle per month	2013
10 or more vehicles	\$20 per vehicle per month	2013
Discount for non-profit customers	25%	2013
Public Service Announcements	\$20 per vehicle per month	2013

City of Fayetteville
 Capital Improvement Program
 Fiscal Years 2014 - 2018

Project Expenditures By Fiscal Year

Project	Inception Through 30-Jun-13	FY2014	FY2015	FY2016	FY2017	FY2018	Total Project Expenditures
Community Development							
Hope VI - City Contributions	6,056,310	469,690	-	-	-	-	6,526,000
Military Business Park	1,251,150	-	-	-	-	-	1,251,150
Murchison Road Redevelopment	266,000	246,000	246,000	246,000	246,000	-	1,250,000
Total - Community Development	7,573,460	715,690	246,000	246,000	246,000	-	9,027,150
Development Services							
Wayfinding Signage	450,000	-	-	-	-	-	450,000
Total - Development Services	450,000	-	-	-	-	-	450,000
Engineering & Infrastructure							
City-wide Sidewalk Improvements	1,139,144	465,000	250,000	1,249,205	303,390	423,074	3,829,813
Downtown Brick Sidewalk Repair	300,000	-	-	-	-	-	300,000
Downtown Streetscape	1,074,219	560,316	350,000	-	-	-	1,984,535
Fort Bragg Railway Connector	1,806,210	3,341,021	2,657,500	1,655,269	-	-	9,460,000
Intersection Improvements	-	-	-	350,000	3,025,000	-	3,375,000
Langdon Street Widening	100,000	-	-	700,000	-	-	800,000
Legend Avenue Relocation	125,000	400,000	75,000	1,100,000	-	-	1,700,000
Louise Street Bridge Replacement	-	-	250,000	500,000	-	-	750,000
Parking Lot Resurfacing	284,890	55,000	57,000	54,461	104,363	404,427	960,141
Public Street Development (incl. Soil Streets)	412,130	90,000	250,000	250,000	250,000	250,000	1,502,130
Ray Avenue Extension	-	20,000	300,000	-	-	-	320,000
Thoroughfare Street Lighting	-	125,000	125,000	125,000	125,000	-	500,000
Street Resurfacing	7,570,038	3,605,000	3,713,150	3,824,545	3,939,281	4,057,459	26,709,473
Transportation Improvement Projects (NCDOT Municipal Agreements)	821,300	245,545	-	531,338	-	-	1,598,183
Total - Engineering & Infrastructure	13,632,931	8,906,882	8,027,650	10,339,818	7,747,034	5,134,960	53,789,275
Environmental Services							
Energy Efficiency Retrofits (EECBG Grant)	1,382,900	-	-	-	-	-	1,382,900
Grove Street Facility Yard Paving	412,000	-	-	-	-	-	412,000
Total - Environmental Services	1,794,900	-	-	-	-	-	1,794,900
Fire & Emergency Management							
Fire Station 12 (Relocation)	-	250,000	2,469,693	-	-	-	2,719,693
Fire Station 19	2,612,173	-	-	-	-	-	2,612,173
SCBA Replacements	-	-	-	1,285,060	-	-	1,285,060
Fire Station 16	-	-	-	250,000	2,469,693	-	2,719,693
Total - Fire	2,612,173	250,000	2,469,693	1,535,060	2,469,693	-	9,336,619
Maintenance							
Building Maintenance - HVAC/Boiler Replacements	357,390	209,000	-	132,000	-	-	698,390
Building Maintenance - Other	120,165	174,800	-	-	-	-	294,965
Building Maintenance - Roof Replacements	493,516	480,000	268,500	124,000	-	-	1,366,016

**City of Fayetteville
Capital Improvement Program
Fiscal Years 2014 - 2018**

Project Expenditures By Fiscal Year

Project	Inception Through 30-Jun-13	FY2014	FY2015	FY2016	FY2017	FY2018	Total Project Expenditures
Facility Space and Needs Analysis and Renovations	885,850	1,250,000	1,250,000	1,250,000	-	-	4,635,850
Festival Plaza Renovations	100,000	-	-	-	-	-	100,000
Playground Repairs/Refurbishing	630,535	189,000	-	-	-	-	819,535
Total - Maintenance	2,587,456	2,302,800	1,518,500	1,506,000	-	-	7,914,756
Parks & Recreation							
Cape Fear River Trail - Phase 2	154,973	2,490,027	-	-	-	-	2,645,000
Freedom Memorial Park	478,771	30,000	-	-	-	-	508,771
Linear Park	1,911,155	186,341	186,341	186,341	186,341	180,504	2,837,023
Martin Luther King Jr. Park	-	-	-	-	500,000	-	500,000
Martin Luther King Jr. Park Entry Feature	100,000	-	-	-	-	-	100,000
Western Area Neighborhood Park	856,756	-	-	-	-	-	856,756
Total - Parks & Recreation	3,501,655	2,706,368	186,341	186,341	686,341	180,504	7,447,550
Special Projects							
Amtrak Station - Phase 3	-	700,000	-	-	-	-	700,000
NC State Veterans Park	14,969,000	-	1,478,000	-	-	-	16,447,000
Phase V Annexation Sewer Contributions	9,155,474	3,786,035	3,661,709	3,147,991	2,451,723	2,344,900	24,547,832
Texfi Site	728,619	475,000	450,000	-	-	-	1,653,619
Total - Special Projects	24,853,093	4,961,035	5,589,709	3,147,991	2,451,723	2,344,900	43,348,451
Police							
Police District Office - To Be Determined	-	-	-	-	-	-	-
Total - Police	-	-	-	-	-	-	-
Stormwater							
Stormwater Drainage Improvements	20,862,983	2,252,873	2,199,842	1,213,013	953,550	864,991	28,347,252
Total - Stormwater	20,862,983	2,252,873	2,199,842	1,213,013	953,550	864,991	28,347,252
Transit							
Multi-Modal Transportation Center - Phase I	3,448,751	10,900,000	-	-	-	-	14,348,751
Multi-Modal Transportation Center - Phase II	-	-	4,000,000	-	-	-	4,000,000
Operations & Maintenance Facility Renovations - Phase 3	817,982	-	-	-	-	-	817,982
Shelters and Benches	595,910	100,000	50,000	40,000	-	-	785,910
Sidewalk and ADA Accessibility Improvements	463,171	102,931	120,000	80,000	-	-	766,102
Total - Transit	5,325,814	11,102,931	4,170,000	120,000	-	-	20,718,745
Airport							
Paid Parking Lot Rehabilitation	1,542,969	-	-	-	-	-	1,542,969
Taxiway A, C, D, F Rehabilitation	7,160,279	-	-	-	-	-	7,160,279
Fence Replacement from FBO to Terminal	175,000	-	-	-	-	-	175,000
General Aviation Auto Parking	165,000	282,426	-	-	-	-	447,426
Storm Drain Pipe (North of Paid Parking Lot)	115,000	-	-	-	-	-	115,000
Air Carrier Apron Reconstruction - Phase I	4,811,195	-	-	-	-	-	4,811,195

**City of Fayetteville
Capital Improvement Program
Fiscal Years 2014 - 2018**

Project Expenditures By Fiscal Year

Project	Inception Through 30-Jun-13	FY2014	FY2015	FY2016	FY2017	FY2018	Total Project Expenditures
Runway 4 Runway Safety Area and Taxiway A Extension	3,775,993	968,180	-	-	-	-	4,744,173
Terminal Renovation Phase V	-	275,000	1,500,000	20,000,000	-	-	21,775,000
Runway 4/22 Paved Shoulders	168,200	3,188,100	-	-	-	-	3,356,300
Air Carrier Apron Reconstruction - Phase II	30,000	3,195,980	-	-	-	-	3,225,980
Runway 10/28 Pavement Rehabilitation	1,465,184	1,165,183	-	-	-	-	2,630,367
Perimeter Fencing Replacement	-	-	100,000	1,400,000	-	-	1,500,000
Perimeter Road Paving	-	-	140,000	1,700,000	-	-	1,840,000
Land Purchase in Runway 4 Protection Zone	-	-	-	-	1,250,000	-	1,250,000
Pavement Management update	-	-	200,000	-	-	-	200,000
Design Taxiway F pavement and lighting rehab	-	-	-	-	-	2,100,000	2,100,000
Runway 22 Taxiway A extension of 250' to the end of RW pavement	-	-	-	-	-	4,300,000	4,300,000
Repainting Runway & Taxiway Systems	-	-	-	-	-	500,000	500,000
ILS Approach to RW 22	-	-	-	-	500,000	4,500,000	5,000,000
TX J&K Pavement/lighting rehabilitation	-	250,000	3,000,000	-	-	-	3,250,000
Total - Airport	19,408,820	9,324,869	4,940,000	23,100,000	1,750,000	11,400,000	69,923,689
Grand Total - Capital Improvement Plan	102,603,285	42,523,448	29,347,735	41,394,223	16,304,341	19,925,355	252,098,387

City of Fayetteville
Capital Improvement Program
Fiscal Years 2014 - 2018

Project Funding By Source of Funds						
Project	Project Funding To Date	General Fund Taxes / Revenues	Debt Financing Proceeds	Non General Fund Funding	Total Project Funding	Other Funding Source Comments
Community Development						
Hope VI - City Contributions	6,526,000	-	-	-	6,526,000	
Military Business Park	1,251,150	-	-	-	1,251,150	
Murchison Road Redevelopment	266,000	720,000	-	264,000	1,250,000	CDBG funding (\$66k per year, FY13 to FY17)
Total - Community Development	8,043,150	720,000	-	264,000	9,027,150	
Development Services						
Wayfinding Signage	450,000	-	-	-	450,000	
Total - Development Services	450,000	-	-	-	450,000	
Engineering & Infrastructure						
City-wide Sidewalk Improvements	1,139,144	1,057,000	1,633,669	-	3,829,813	
Downtown Brick Sidewalk Repair	300,000	-	-	-	300,000	
Downtown Streetscape	1,313,898	-	670,637	-	1,984,535	
Fort Bragg Railway Connector	1,892,000	-	-	7,568,000	9,460,000	SAFETEA Grant \$7,568,000
Intersection Improvements	-	350,000	3,025,000	-	3,375,000	
Langdon Street Widening	100,000	-	700,000	-	800,000	
Legend Avenue Relocation	125,000	475,000	1,100,000	-	1,700,000	
Louise Street Bridge Replacement	-	150,000	-	600,000	750,000	Anticipated 80% Federal Bridge Replacement Funding
Parking Lot Resurfacing	284,890	295,000	380,251	-	960,141	
Public Street Development (incl. Soil Streets)	412,130	340,000	750,000	-	1,502,130	
Ray Avenue Extension	-	320,000	-	-	320,000	
Thoroughfare Street Lighting	-	500,000	-	-	500,000	
Street Resurfacing	7,570,038	19,139,435	-	-	26,709,473	
Transportation Improvement Projects (NCDOT Municipal Agreements)	1,580,275	17,908	-	-	1,598,183	
Total - Engineering & Infrastructure	14,717,375	22,644,343	8,259,557	8,168,000	53,789,275	
Environmental Services						
Energy Efficiency Retrofits (EECBG Grant)	1,382,900	-	-	-	1,382,900	
Grove Street Facility Yard Paving	412,000	-	-	-	412,000	
Total - Environmental Services	1,794,900	-	-	-	1,794,900	
Fire & Emergency Management						
Fire Station 12 (Relocation)	125,000	125,000	2,469,693	-	2,719,693	
Fire Station 19	2,612,173	-	-	-	2,612,173	
SCBA Replacements	-	1,285,060	-	-	1,285,060	
Fire Station 16	-	250,000	2,469,693	-	2,719,693	
Total - Fire	2,737,173	1,660,060	4,939,386	-	9,336,619	
Maintenance						
Building Maintenance - HVAC/Boiler Replacements	357,390	341,000	-	-	698,390	
Building Maintenance - Other	120,165	174,800	-	-	294,965	
Building Maintenance - Roof Replacements	572,667	793,349	-	-	1,366,016	
Facility Space and Needs Analysis and Renovations	885,850	-	3,750,000	-	4,635,850	
Festival Plaza Renovations	100,000	-	-	-	100,000	
Playground Repairs/Refurbishing	630,535	189,000	-	-	819,535	
Total - Maintenance	2,666,607	1,498,149	3,750,000	-	7,914,756	

City of Fayetteville
Capital Improvement Program
Fiscal Years 2014 - 2018

Project Funding By Source of Funds						
Project	Project Funding To Date	General Fund Taxes / Revenues	Debt Financing Proceeds	Non General Fund Funding	Total Project Funding	Other Funding Source Comments
Parks & Recreation						
Cape Fear River Trail - Phase 2	2,645,000	-	-	-	2,645,000	
Freedom Memorial Park	482,175	-	-	26,596	508,771	Anticipated Private Park Donations
Linear Park	2,012,767	-	-	824,256	2,837,023	Anticipated Private Park Donations
Martin Luther King Jr. Park	-	-	-	500,000	500,000	Anticipated Private Park Donations
Martin Luther King Jr. Park Entry Feature	100,000	-	-	-	100,000	
Western Area Neighborhood Park	856,756	-	-	-	856,756	
Total - Parks & Recreation	6,096,698	-	-	1,350,852	7,447,550	
Special Projects						
Amtrak Station - Phase 3	-	140,000	-	560,000	700,000	Anticipated 80% NC DOT Rail Grant
NC State Veterans Park	16,447,000	-	-	-	16,447,000	
Phase V Annexation Sewer Contributions	9,155,474	15,392,358	-	-	24,547,832	PWC/City Transfer Agreement
Texfi Site	728,619	125,000	-	800,000	1,653,619	Anticipated 80% Brownfields Grant, with PWC funding for local match
Total - Special Projects	26,331,093	15,657,358	-	1,360,000	43,348,451	
Police						
Police District Office - To Be Determined	-	-	-	-	-	FY14-FY18 funding from balance of 1 cent tax increase for 15 Officers
Total - Police	-	-	-	-	-	
Stormwater						
Stormwater Drainage Improvements	20,862,983	-	-	7,484,269	28,347,252	Future funding from stormwater revenues
Total - Stormwater	20,862,983	-	-	7,484,269	28,347,252	
Transit						
Multi-Modal Transportation Center - Phase I	13,503,201	169,110	-	676,440	14,348,751	Anticipated Federal Grants
Multi-Modal Transportation Center - Phase II	-	800,000	-	3,200,000	4,000,000	Anticipated Federal Grants
Operations & Maintenance Facility Renovations - Phase 3	817,982	-	-	-	817,982	
Shelters and Benches	695,910	18,000	-	72,000	785,910	Anticipated Federal Grants
Sidewalk and ADA Accessibility Improvements	566,102	40,000	-	160,000	766,102	Anticipated Federal Grants
Total - Transit	15,583,195	1,027,110	-	4,108,440	20,718,745	
Airport						
Paid Parking Lot Rehabilitation	1,542,969	-	-	-	1,542,969	
Taxiway A, C, D, F Rehabilitation	7,160,279	-	-	-	7,160,279	
Fence Replacement from FBO to Terminal	175,000	-	-	-	175,000	
General Aviation Auto Parking	165,000	-	-	282,426	447,426	Airport Funds
Storm Drain Pipe (North of Paid Parking Lot)	115,000	-	-	-	115,000	
Air Carrier Apron Reconstruction - Phase I	4,811,195	-	-	-	4,811,195	
Runway 4 Runway Safety Area and Taxiway A Extension	4,744,173	-	-	-	4,744,173	
Terminal Renovation Phase V	-	-	-	21,775,000	21,775,000	Airport, Federal & State Funds
Runway 4/22 Paved Shoulders	168,200	-	-	3,188,100	3,356,300	Airport, Federal & State Funds
Air Carrier Apron Reconstruction - Phase II	30,000	-	-	3,195,980	3,225,980	Airport, Federal & State Funds
Runway 10/28 Pavement Rehabilitation	-	-	-	2,630,367	2,630,367	Airport & State Funds
Perimeter Fencing Replacement	-	-	-	1,500,000	1,500,000	Airport, Federal & State Funds
Perimeter Road Paving	-	-	-	1,840,000	1,840,000	Airport, Federal & State Funds

City of Fayetteville
 Capital Improvement Program
 Fiscal Years 2014 - 2018

Project Funding By Source of Funds						
Project	Project Funding To Date	General Fund Taxes / Revenues	Debt Financing Proceeds	Non General Fund Funding	Total Project Funding	Other Funding Source Comments
Land Purchase in Runway 4 Protection Zone	-	-	-	1,250,000	1,250,000	Airport, Federal & State Funds
Pavement Management update	-	-	-	200,000	200,000	Airport, Federal & State Funds
Design Taxiway F pavement and lighting rehab	-	-	-	2,100,000	2,100,000	Airport, Federal & State Funds
Runway 22 Taxiway A extension of 250' to the end of RW pavement	-	-	-	4,300,000	4,300,000	Airport, Federal & State Funds
Repainting Runway & Taxiway Systems	-	-	-	500,000	500,000	Airport, Federal & State Funds
ILS Approach to RW 22	-	-	-	5,000,000	5,000,000	Airport, Federal & State Funds
TX J&K Pavement/lighting rehabilitation	-	-	-	3,250,000	3,250,000	Airport, Federal & State Funds
Total - Airport	18,911,816	-	-	51,011,873	69,923,689	
Grand Total - Capital Improvement Plan	118,194,990	43,207,020	16,948,943	73,747,434	252,098,387	

City of Fayetteville
Information Technology Plan
Fiscal Years 2014 - 2018

Project	Project Expenditures by Fiscal Year						Total Project Expenditures
	Inception Through FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	
Information Technology Security/Infrastructure							
Desktop Virtualization / Computer Replacement	1,325,011	579,198	303,100	303,100	209,700	469,100	3,189,209
Information Technology Disaster Recovery Initiative	375,318	402,000	-	-	-	-	777,318
Malware Software	13,300	-	-	-	-	-	13,300
Internet Phone (City Wide VOIP)	-	142,000	-	-	-	-	142,000
MS E-Mail Exchange (Active Directory Upgrade)	15,000	125,800	-	-	-	-	140,800
Virtual Server Expansion Equipment	60,034	-	-	-	132,000	-	192,034
City Wireless Network Expansion Project	103,800	53,200	-	-	-	-	157,000
Public Safety Radio System Upgrade (800 MHz)	-	6,531,445	-	-	-	-	6,531,445
Public Safety Security Compliance	-	70,000	-	-	-	-	70,000
E911 Recording Systems	-	168,733	-	-	-	-	168,733
E911(Viper ACD Phone Upgrade)	-	-	453,200	-	-	-	453,200
Fire Notification System (Zetron)	-	-	124,111	-	-	-	124,111
Narcotics Phone Investigation (Intercept)	18,431	-	-	-	-	-	18,431
Server Room Uninterruptible Power Supply Replacement (UPS)	58,650	-	-	-	-	-	58,650
Total - Information Technology Security/Infrastructure	1,969,544	8,072,376	880,411	303,100	341,700	469,100	12,036,231
Business Information/Data Analysis							
Hire Fayetteville First - Vendor Registration	-	-	-	-	-	-	-
Enterprise eDocument Retrieval (Laserfiche Rio Upgrade/Laserfiche Forms)	131,245	31,977	-	-	-	-	163,222
Enterprise GIS Environment	62,067	85,383	25,000	-	-	-	172,450
Total - Business Intelligence/Data Analysis	193,312	117,360	25,000	-	-	-	335,672
Integrated City Management System - Application/Services							
Video Conferencing Equipment and Training	-	-	222,059	-	-	-	222,059
Time and Attendance Software	-	580,000	670,000	-	-	-	1,250,000
Work Order/Permitting/HRD/Asset Mgmt Systems	150,000	533,800	233,000	183,000	158,000	158,000	1,415,800
JD Edwards A9.3 Software Upgrade	34,000	-	-	-	-	-	34,000
Electronic Plan Review System Module	20,525	-	-	-	-	-	20,525
Traffic Signal System Software	37,800	-	-	-	-	-	37,800

City of Fayetteville
Information Technology Plan
Fiscal Years 2014 - 2018

Project	Project Expenditures by Fiscal Year						Total Project Expenditures
	Inception Through FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	
On-Route Software Upgrade	-	290,000	-	-	-	-	290,000
On-Board Communications System	-	70,000	-	-	-	-	70,000
Rec Trac Software Upgrade	21,073	61,153	-	-	-	-	82,226
Transit Automatic Vehicle Locator System	532,588	-	-	-	-	-	532,588
Total - Integrated City Management - Application/Services	795,986	1,534,953	1,125,059	183,000	158,000	158,000	3,954,998
Mobility/Government without Walls (Citizen Engagement)							
Agenda Management (Granicus)	20,675	-	-	-	-	-	20,675
Transit Call Center and Website for Military and Veterans	-	54,460	-	-	-	-	54,460
Total - Mobility/Government without Walls	20,675	54,460	-	-	-	-	75,135
Grand Total - Information Technology Plan	2,979,517	9,779,149	2,030,470	486,100	499,700	627,100	16,402,036

City of Fayetteville
Information Technology Plan
Fiscal Years 2014 - 2018

Project	Project Funding By Source of Funds						Other Funding Source Comments
	Project Funding To Date	General Fund Taxes / Revenues	Debt Financing Proceeds	Non General Fund Funding	Total Project Funding		
Information Technology Security/ Infrastructure							
Desktop Virtualization / Computer Replacement	1,460,562	1,557,159	-	171,488	3,189,209	Other City Funds and E-911 Fund	
Information Technology Disaster Recovery Initiative	375,318	402,000	-	-	777,318		
Malware Software	13,300	-			13,300		
Internet Phone (City Wide VOIP)	-	142,000			142,000		
MS E-Mail Exchange (Active Directory Upgrade)	15,000	125,800	-	-	140,800		
Virtual Server Expansion Equipment	60,034	-	132,000	-	192,034		
City Wireless Network Expansion Project	103,800	49,900	-	3,300	157,000	Recreation District	
Public Safety Radio System Upgrade (800 MHz)	-	-	5,893,300	638,145	6,531,445	Anticipated PWC Participation	
Public Safety Security Compliance		70,000			70,000		
E911 Recording Systems	-	-	-	168,733	168,733	E-911 Funds	
E911(Viper ACD Phone Upgrade)	-	-	-	453,200	453,200	E-911 Funds	
Fire Notification System (Zetron)	-	-	124,111	-	124,111		
Narcotics Phone Investigation (Intercept)	18,431	-	-	-	18,431		
Server Room Uninterruptible Power Supply Replacement (UPS)	58,650	-	-	-	58,650		
Total - Information Technology Security/Infrastructure	2,105,095	2,346,859	6,149,411	1,434,866	12,036,231		
Business Information/Data Analysis							
Hire Fayetteville First - Vendor Registration	-	-	-	-	-		
Enterprise eDocument Retrieval (Laserfiche Rio Upgrade/Laserfiche Forms)	131,245	31,977	-	-	163,222		
Enterprise GIS Environment	62,067	110,383	-	-	172,450		
Total - Business Intelligence/Data Analysis	193,312	142,360	-	-	335,672		
Integrated City Management System - Application/Services							
Video Conferencing Equipment and Training	-	-	222,059		222,059		
Time and Attendance Software	-	-	1,250,000	-	1,250,000		
Work Order/Permitting/HRD/Asset Mgmt Systems	150,000	1,265,800	-	-	1,415,800		
JD Edwards A9.3 Software Upgrade	34,000	-	-	-	34,000		
Electronic Plan Review System Module	20,525		-	-	20,525		
Traffic Signal System Software	37,800	-	-	-	37,800		

City of Fayetteville
Information Technology Plan
Fiscal Years 2014 - 2018

Project Funding By Source of Funds						
Project	Project Funding To Date	General Fund Taxes / Revenues	Debt Financing Proceeds	Non General Fund Funding	Total Project Funding	Other Funding Source Comments
On-Route Software Upgrade	-	290,000	-	-	290,000	
On-Board Communications System	-	70,000	-	-	70,000	
Rec Trac Software Upgrade	21,073	45,253	-	15,900	82,226	Recreation District
Transit Automatic Vehicle Locator System	532,588	-	-	-	532,588	
Total - Integrated City Management - Application/Services	795,986	1,671,053	1,472,059	15,900	3,954,998	
Mobility/Government without Walls (Citizen Engagement)						
Agenda Management (Granicus)	20,675	-	-	-	20,675	
Transit Call Center and Website for Military and Veterans	54,460	-	-	-	54,460	
Total - Mobility/Government without Walls	75,135	-	-	-	75,135	
Grand Total - Information Technology Plan	3,169,528	4,160,272	7,621,470	1,450,766	16,402,036	

CITY OF FAYETTEVILLE

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinances are hereby adopted effective July 1, 2013:

**CAPITAL PROJECT ORDINANCE
ORD 2014-1**

Section 1. The authorized project is for the implementation of a city-wide internet telephone system (VOIP).

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

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

General Fund Transfer	<u>\$ 142,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 142,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

**CAPITAL PROJECT ORDINANCE
ORD 2014-2**

Section 1. The authorized project is for the implementation of a time and attendance system and related expenditures, including but not limited to software, hardware and integration with other systems.

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

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

General Fund Transfer	<u>\$ 580,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 580,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

**CAPITAL PROJECT ORDINANCE
ORD 2014-3**

Section 1. The authorized project is for the implementation of enhanced security systems for public safety, including but not limited to software, hardware and integration with other systems.

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

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

General Fund Transfer	<u>\$ 70,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 70,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

**CAPITAL PROJECT ORDINANCE
ORD 2014-4**

Section 1. The authorized project is to upgrade the city-wide e-mail system, including but not limited to software, hardware and integration with other systems.

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

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

General Fund Transfer	<u>\$ 125,800</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 125,800</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

**CAPITAL PROJECT ORDINANCE
ORD 2014-5**

Section 1. The authorized project is for the extension of Ray Avenue, and related improvements.

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

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

General Fund Transfer	<u>\$ 20,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 20,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

**CAPITAL PROJECT ORDINANCE
ORD 2014-6**

Section 1. The authorized project is the FY2014 street resurfacing project, including miscellaneous street improvements.

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

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

General Fund Transfer	<u>\$ 3,605,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 3,605,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

**CAPITAL PROJECT ORDINANCE
ORD 2014-7**

Section 1. The authorized project is for thoroughfare street lighting improvements, and related expenditures.

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

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

General Fund Transfer	<u>\$ 125,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 125,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

**CAPITAL PROJECT ORDINANCE
ORD 2014-8**

Section 1. The authorized project is for the implementation of enhanced routing, data collection, customer service and work order management systems for environmental services, including, but not limited to, equipment, software and integration with other systems.

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

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

Environmental Services Fund Transfer	<u>\$ 360,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 360,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

**CAPITAL PROJECT ORDINANCE
ORD 2014-9**

Section 1. The authorized project is for the funding of FY2014 storm water drainage improvements and other capital expenditures to include, but not limited to, land acquisition for an infiltration basin at Brigadoon Lane, Buckhead/Kingsford drainage improvements, and Kornbow Outfall 2 in the Bonnie Doone area.

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

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

Interfund Transfer from the Stormwater Fund	<u>\$ 2,486,618</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 2,486,618</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

**CAPITAL PROJECT ORDINANCE
ORD 2014-10**

Section 1. The authorized project is to upgrade the Parks & Recreation registration and reservation systems, including implementation of online registration and payment, and pass management, and includes but is not limited to software, hardware and integration with other systems.

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

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

General Fund Transfer	<u>\$ 61,153</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 61,153</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

Adopted this 10th day of June, 2013.

CITY OF FAYETTEVILLE

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinances are hereby amended effective July 1, 2013:

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-1 (CPO 2009-6)**

Section 1. The project change authorized is to Capital Project Ordinance 2009-6, adopted June 9, 2008, as amended, for the funding of the relocation of Fire Station 12.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
General Fund Transfer	\$ 125,000	\$ 125,000	\$ 250,000
	<u>\$ 125,000</u>	<u>\$ 125,000</u>	<u>\$ 250,000</u>

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

Project Expenditures	<u>\$ 125,000</u>	<u>\$ 125,000</u>	<u>\$ 250,000</u>
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-2 (CPO 2009-3)**

Section 1. The project change authorized is to Capital Project Ordinance 2009-3, adopted June 9, 2008, as amended, for the funding of miscellaneous building maintenance and renovation projects.

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

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

	<u>Listed As *</u>	<u>Amendment</u>	<u>Revised</u>
General Fund Transfer	\$ 2,097,160	\$ 2,034,649	\$ 4,131,809
Public Safety Fund Transfer	49,775	-	49,775
	<u>\$ 2,146,935</u>	<u>\$ 2,034,649</u>	<u>\$ 4,181,584</u>

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

Project Expenditures	<u>\$ 2,146,935</u>	<u>\$ 2,034,649</u>	<u>\$ 4,181,584</u>
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* Includes appropriation on CPOA 2013-34 also presented for Council consideration on June 10, 2013.

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

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-3 (CPO 2009-7)**

Section 1. The project change authorized is to Capital Project Ordinance 2009-7, adopted June 9, 2008, as amended, for the funding of playground equipment and improvements.

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

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

	Listed As	Amendment	Revised
General Fund Transfer	\$ 630,535	\$ 189,000	\$ 819,535

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

Project Expenditures	\$ 630,535	\$ 189,000	\$ 819,535
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-4 (CPO 2010-2)**

Section 1. The project change authorized is to Capital Project Ordinance 2010-2, adopted June 22, 2009, as amended, for the funding of computer replacements.

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

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

	Listed As	Amendment	Revised
General Fund Transfer	\$ 1,434,262	\$ 359,559	\$ 1,793,821

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

Project Expenditures	\$ 1,434,262	\$ 359,559	\$ 1,793,821
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-5 (CPO 2013-7)**

Section 1. The project change authorized is to Capital Project Ordinance 2013-7, adopted June 11, 2012, as amended, for the funding of an enterprise-wide G.I.S system and related expenditures, including but not limited to integration with other software systems.

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

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

	Listed As	Amendment	Revised
General Fund Transfer	\$ 62,067	\$ 85,383	\$ 147,450

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

Project Expenditures	\$ 62,067	\$ 85,383	\$ 147,450
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-6 (CPO 2012-8)**

Section 1. The project change authorized is to Capital Project Ordinance 2012-8, adopted December 12, 2011, as amended, for the funding of the North General Aviation Parking improvements.

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

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

	Listed As	Amendment	Revised
Airport Operating Fund Transfer	\$ 165,000	\$ 282,426	\$ 447,426

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

Project Expenditures	\$ 165,000	\$ 282,426	\$ 447,426
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-7 (CPO 2013-8)**

Section 1. The project change authorized is to Capital Project Ordinance 2013-8, adopted June 11, 2012, as amended, for hardware, software and other related expenditures for a disaster recovery system for computer systems and data.

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

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

	Listed As	Amendment	Revised
General Fund Transfer	\$ 375,318	\$ 402,000	\$ 777,318

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

Project Expenditures	\$ 375,318	\$ 402,000	\$ 777,318
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-8 (CPO 2013-9)**

Section 1. The project change authorized is to Capital Project Ordinance 2013-9, adopted June 11, 2012, as amended, to upgrade to an enterprise-wide electronic document, audio, and video file storage and management system (Laserfiche Rio).

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

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

	Listed As	Amendment	Revised
General Fund Transfer	\$ 131,245	\$ 31,977	\$ 163,222

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

Project Expenditures	\$ 131,245	\$ 31,977	\$ 163,222
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-9 (CPO 2013-12)**

Section 1. The project change authorized is to Capital Project Ordinance 2013-12, adopted June 11, 2012, as amended, to expand wireless network capabilities in City facilities.

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

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

	Listed As	Amendment	Revised
General Fund Transfer	\$ 97,800	\$ 53,200	\$ 151,000

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

Project Expenditures	\$ 97,800	\$ 53,200	\$ 151,000
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-10 (CPO 2013-3)**

Section 1. The project change authorized is to Capital Project Ordinance 2013-3, adopted June 11, 2012, for the funding of the Murchison Road redevelopment project, including property acquisition.

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

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

	Listed As	Amendment	Revised
General Fund Transfer	\$ 200,000	\$ 180,000	\$ 380,000

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

Project Expenditures	\$ 200,000	\$ 180,000	\$ 380,000
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-11 (CPO 2009-2)**

Section 1. The project change authorized is to Capital Project Ordinance 2009-2, adopted June 9, 2008, as amended, for the funding of miscellaneous parking lot maintenance projects.

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

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

	<u>Listed As *</u>	<u>Amendment</u>	<u>Revised</u>
General Fund Transfer	<u>\$ 284,890</u>	<u>\$ 55,000</u>	<u>\$ 339,890</u>

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

Project Expenditures	<u>\$ 284,890</u>	<u>\$ 55,000</u>	<u>\$ 339,890</u>
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* Includes appropriation on CPOA 2013-36 also presented for Council consideration on June 10, 2013.

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

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-12 (CPO 2013-6)**

Section 1. The project change authorized is to Capital Project Ordinance 2013-6, adopted June 11, 2012, as amended, for the realignment and widening of Legend Avenue, including sidewalk intersection and traffic signal improvements.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
General Fund Transfer	<u>\$ 125,000</u>	<u>\$ 400,000</u>	<u>\$ 525,000</u>

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

Project Expenditures	<u>\$ 125,000</u>	<u>\$ 400,000</u>	<u>\$ 525,000</u>
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-13 (CPO 2001-8)**

Section 1. The project change authorized is to Capital Project Ordinance 2001-8, adopted May 7, 2001, as amended, for sidewalks and related improvements.

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

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

	<u>Listed As *</u>	<u>Amendment</u>	<u>Revised</u>
General Fund Transfer	\$ 556,255	\$ 465,000	\$ 1,021,255
Developer's Fees	122,217	-	122,217
Federal Highway Administration (Pass-through State Safe Routes to Schools Funds)	100,000	-	100,000
Transfers from PWC	1,161	-	1,161
Miscellaneous Income	10,204	-	10,204
	<u>\$ 789,837</u>	<u>\$ 465,000</u>	<u>\$ 1,254,837</u>

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

Project Expenditures	<u>\$ 789,837</u>	<u>\$ 465,000</u>	<u>\$ 1,254,837</u>
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* Includes appropriation on CPOA 2013-35 also presented for Council consideration on June 10, 2013.

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

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-14 (CPO 2009-13)**

Section 1. The project change authorized is to Capital Project Ordinance 2009-13, adopted August 11, 2008, as amended, for the public street development, including but not limited to the paving of various soil streets and related ancillary costs.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
General Fund Transfer	\$ 412,130	\$ 90,000	\$ 502,130

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

Project Expenditures	<u>\$ 412,130</u>	<u>\$ 90,000</u>	<u>\$ 502,130</u>
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-15 (CPO 2008-2)**

Section 1. The project change authorized is to Capital Project Ordinance 2008-2, adopted July 23, 2007, as amended, for the funding of various downtown streetscape projects.

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

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

	Listed As	Amendment	Revised
General Fund Transfer	\$ 459,624	\$ 320,637	\$ 780,261

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

Project Expenditures	\$ 459,624	\$ 320,637	\$ 780,261
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2014-16 (CPO 2009-4)**

Section 1. The project change authorized is to Capital Project Ordinance 2009-4, adopted June 9, 2008, as amended, for the funding of the Texfi property acquisition and development.

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

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

	Listed As	Amendment	Revised
General Fund Transfer	\$ 467,221	\$ 75,000	\$ 542,221
Cumberland County	250,243	-	250,243
PWC Transfer	11,155	-	11,155
	\$ 728,619	\$ 75,000	\$ 803,619

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

Project Expenditures	\$ 728,619	\$ 75,000	\$ 803,619
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

Adopted this 10th day of June, 2013.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager, Planning and Zoning Division
DATE: June 10, 2013
RE: **Amendment to City Code Chapter 30-4.C.4(j)(5), to allow spacing standards for automotive wrecker services to be considered on a case by case basis -- requested by Phillips Leasing Systems, LLC, 327 Alexander Street.**

THE QUESTION:

To amend Code Section 30-4.C.4(j)(5) for spacing standards for automotive wrecker services.

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

Automotive wrecker services are allowed as a Special Use in the CC Community Commercial district and as a permitted use in the LI and HI industrial districts, subject to the use-specific standards in all three districts. The Use-Specific Standards associated with Automotive Wrecker Services (Section 30-4.C.4(j)(5)) require that the use be at least 250 feet from any residential district, school or child care center. There are no variances permitted for the standards in Section 30-4.C. A change in the standards is the only realistic way for the applicant to use some of his properties for his wrecker service.

If this text amendment were approved, the applicant would need to go through the Special Use Permit process to use properties less than 250 feet from a residential district, school or child care center. During that process the reviewing bodies could consider specific circumstances, impacts and possible mitigation and, if appropriate, establish conditions as part of an approval.

More flexibility in the separation standards has been approved for a few other uses over the past several months, including automotive painting/body shops; schools in the downtown district; and group homes plus a new use, transitional housing. The City Council denied a requested change in the separation between bars and child care centers but in all other cases approved allowing consideration of a smaller separation distance through the SUP.

ISSUES:

The noise, hours of operation, and appearance, are some key operational aspects that can have negative impacts on nearby residential uses. However, wrecker and towing businesses provide important services to both the public and private sectors. The rigid separation standard of 250 feet from any residential zoning district, school or child care center can prevent use of properly zoned sites whose impacts are minimal because of other separation features or where the impacts can be mitigated effectively.

The development ordinance provides seven standards of review for proposed text amendments. The applicant's response is contained on the application form or summarized in the table in the staff report to the Planning Commission, both of which are attached. The requested amendment appears to meet or have no negative finding for all seven standards.

BUDGET IMPACT:

No direct impact is associated with the text amendment.

OPTIONS:

1. Approval of the text amendment as requested (recommended by staff).
2. Approval with modifications of the proposed text amendment.
3. Denial of the proposed text amendment.
4. Table the item, or continue the hearing to a date certain, with direction for further research or change.

RECOMMENDED ACTION:

Option 1: The Planning Commission and staff recommend:

That the City Council move to APPROVE the requested text amendment to allow a case by case consideration of reduced separation standards for automotive wrecker / towing businesses, as presented by staff.

ATTACHMENTS:

Wrecker Amendment Draft Ordinance

Staff Rpt to Plng Comm

Application for Wrecker Amendment

Wrecker powerpoint

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE

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

Section 1. In 30-4.C.4(j) Vehicle Sales and Services Use Standards, Item (j)5 Automotive Wrecker Service, modify the language as follows, to add the option of requesting consideration of a reduced separation from residential if supported by evidence considered during a special use permit process:

30-4.C.4. (j) (5) Automotive Wrecker Service

Automotive wrecker service uses shall comply with the following standards:

- a. The use shall be located at least 250 feet from any residential district, school, or child care center. In any of the districts in which this use may be located, the City Council may through a special use permit request approve a reduction in the separation requirement upon a showing of good cause with supporting evidence and mitigation of impacts.

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

Section 7. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the 10th day of June, 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

5/21/13

**Staff Report
May 21, 2013
Proposed Text Amendment**

Proposed amendment: REQUEST TO AMEND CITY CODE CHAPTER 30-4.C.4(J)(5), TO ALLOW AUTOMOTIVE WRECKER SERVICES TO BE CONSIDERED ON A CASE BY CASE BASIS THROUGH THE SPECIAL USE PERMIT PROCESS -- REQUESTED BY PHILLIPS LEASING SYSTEMS, LLC, 327 ALEXANDER STREET.

Background: The applicant has several properties and existing towing facilities on Alexander Street and recently sought to expand. Automotive wrecker services are allowed as a Special Use in the CC Community Commercial district and as a permitted use in the LI and HI industrial districts, subject to the use-specific standards in all three districts. Although the applicant's properties are zoned for industrial uses, the Use-Specific Standards associated with Automotive Wrecker Services (Section 30-4.C.4(j)(5)) require that the use be at least 250 feet from any residential district, school or child care center. The properties are within 250 feet of an MR-5 residential zoning district. There are no variances permitted for the standards in Section 30-4.C. A change in the standards is the only realistic way for the applicant to use some of his properties for the wrecker service.

More flexibility in the separation standards for a few other uses have been approved over the past several months, including automotive painting/body shops; schools in the downtown district; and group homes, including the definition of a new use, transitional housing. The City Council denied a requested change in the separation between bars and child care centers.

Uses which have a required separation from other uses are listed below:

1. group homes; 2. therapeutic homes; 3. transitional housing; 4. day care [child care]; 5. educational facilities except colleges, vocational, or trade schools; 6. drug or alcohol treatment facilities; 7. auditoriums and convention centers; 8. correctional facilities; 9. churches; 10. cell towers; 11. adult entertainment; 12. arenas, amphitheatres and stadiums; 13. lighted tennis courts; 14. bars, nightclubs and similar establishments; 15. electronic gaming operation; 16. automotive painting/body shop; 17. heavy equipment sales, rental or storage; 18. warehouses and freight movement; 19. recycling center; 20. incidental child care.

Analysis. The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the following table, although with so many corrections and minor adjustments, the analysis is only relevant in a few situations or very generally. The applicant's response is generally contained on the application form or summarized below.

Standard	Analysis
1) Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable;	The potential increase in possible sites would be consistent with such Strategic Plan goals as "Greater Tax Base Diversity-Strong Local Economy" and, with the SUP still providing adequate neighborhood protection even if the separation is less, consistent with "Growing City, Livable Neighborhoods."

2) Whether the proposed amendment is in conflict with any provision of this Ordinance, and related City regulations;	No direct conflict is apparent.
3) Whether and the extent to which there are changed conditions that require an amendment;	The applicant notes that the change precipitating this request was the change in ownership. Staff observes that the current standards allow no flexibility regardless of the kinds of uses involved and the buffers that may separate them.
4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;	Wrecker and towing services are important at both public and private levels. However, the noise, hours of operation, appearance, and other aspects can have negative impacts on nearby residential uses. The amendment balances community needs and impacts by keeping an expected minimum separation but allowing for unique circumstances that could support a reduced separation from residential zones.
5) Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City;	The applicant notes that allowing consideration of a reduction in the separation standard could enable more consistent development and use of properties in an industrially zoned area. Staff agrees, recognizing that the special use permit process (SUP) allows consideration of impacts on nearby residential uses and the mitigation of those impacts, or denial of a use that cannot be adequately mitigated.
6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and	The rigid separation standard prevents use of some properties that are appropriately zoned and adequately separated from residential, resulting in inefficient and less than logical development patterns. Case by case review of certain uses should result in more efficient, logical land use patterns supporting both the neighborhoods and commercial (re)investment.
7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment.	Changing the review process does not directly affect any environmental conditions; it may provide the opportunity to consider impacts on a sensitive site.

Recommendation: Staff recommends approval of the requested change to allow consideration through the SUP process of the individual merit of reducing the required 250 feet separation of automotive wrecker / towing businesses from residential zoning districts

Options:

- Approval of the text amendment as requested (recommended by staff).
- Approval with modifications of the proposed text amendment.
- Denial of the proposed text amendment.
- Table the item, or continue the hearing to a date certain, with direction for further research or change.

Attachments: Draft Ordinance; Application



Text Amendment Application Form

433 Hay Street, Fayetteville, North Carolina 28301
910-433-1612 Fax # 910-433-1776

www.ci.fayetteville.nc.us/planning_department/

Rec'd 5/2/13

Submittal Date: 3-2-13 Approval/Denial Date: _____

1. General Amendment Information

Applicant Name: Phillip's Leasing Systems, LLC

Chapter 30 Sections proposed for amendment: 30-4. C. 4. (J) (5) Automotive Wheelbar Service

2. Written Description of Request - Answer all the questions under this section (attach additional pages as needed)

A) Describe how the proposed amendment is consistent with all City-adopted plans that are applicable.

I am requesting an amendment to the above code, that would allow Saving + Recovery service to be reviewed on a case by case basis through the Special Use Permit Process.

B) Indicate if the proposed amendment is in conflict with any provision of the Chapter 30 or other City regulations.

There is no conflict with any provision of the Chapter 30 or other City regulations

C) Describe any changed conditions that require an amendment.

Change of ownership and use of property. Zoning will remain the same.

D) How does the proposed amendment address a demonstrated community need?

The text amendment would allow for convenient development and property uses along Alexander St., due to 95% of the existing VDO zoning is HC and CC.

E) Describe how this amendment would improve compatibility among uses and ensure efficient development within the City.

This amendment would improve compatibility among uses as described in section D. The Special Use Permit process would allow the city to review this type of request, which in turn ensures efficient development.

F) Describe how the proposed amendment will help result in a logical and orderly development pattern

This amendment would allow the opportunity for a business operation. the ability to apply for a special use permit, when related to Towing + Recovery Operations.

G) Indicate if and how the proposed amendment will result in significantly adverse impacts on the natural environment (including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment).

There will not be any adverse impacts.

3. Submittal Requirement Checklist

(Submittals should include 2 copies of listed items unless otherwise stated)

- Text Amendment Application Form
- Application fee
- A copy of the draft text amendment language with the Chapter and Sections numbers indicated on the request
- Any additional information determined to be necessary by the Development Services Department

4. Applicant Information

Applicant Name: Phillips Towing Systems, LLC.

Mailing Address: 327 Alexander St. Fayetteville NC 28301 Fax No.: 910-485-1035

Phone No.: 910-323-9600 Email: phillipm@phillips towing.net

Signature: S.P. McConquodale, Director Date: 3-2-13

Notes: Any proposed text changes that relate to a historic district must be reviewed by the Historic Resources Commission (HRC) prior to the Planning Commission review.

4. Applicant Information

Owner Name: _____

Mailing Address: _____ Fax No.: _____

Phone No.: _____ Email: _____

Signature: _____ Date: _____

Article 30-4: Use Standards > 30-4.C. Use-Specific Standards > 30-4.C.4. Commercial Uses > 30-4.C.4. (j) Vehicle Sales and Services

30-4.C.4. (j) (5) Automotive Wrecker Service

Automotive wrecker service uses shall comply with the following standards:

- a. The use shall be located at least 250 feet from any residential district, school, or child care center.
- b. Vehicles shall not be stored on-site for more than 90 days.
- c. Vehicles shall be stored to the rear of the principal structure, behind a wooden fence or masonry wall in accordance with Section 30-5.D. Fencing Standards.

Text Amendment:

City Code, Chapter 30-4.C

To allow case by case consideration of
separation standards for auto wrecker services
June 10, 2013 Public Hearing



City of
Fayetteville
North Carolina



- **Existing standards:**
 - Automotive wrecker services allowed in CC (as SUP) and by right in LI, HI subject to specific standards
 - In all 3 districts, it must be \geq 250 feet from residential district, school or child care center.
- **Problem:**
 - Spacing required in all districts where use is allowed
 - There is no flexibility or variance allowed

- **Objective:**
 - Standards that prevent adverse effects on sensitive nearby uses but with reasonable allowance for unusual circumstances where there is no significant impact or it can be mitigated
- **Solution:**
 - Allow a case by case consideration of a reduction in the spacing standard along with appropriate conditions for mitigation of impacts, through the special use permit process

Options



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



Recommendation



The Planning Commission and Staff recommend that the City Council move to APPROVE the proposed change to allow case by case consideration of the spacing requirement for automotive wreckers, as presented by staff.



City of
Fayetteville
North Carolina

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CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager, Planning and Zoning Division
DATE: June 10, 2013
RE: **Amendment to City Code Chapter 30-5.M Traffic Impact Analysis, to increase flexibility for the requirement of a Traffic Impact Analysis on development sites -- staff initiated.**

THE QUESTION:

To amend Code section 30-5.M Traffic Impact Analysis, to add flexibility to the requirements.

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

The proposed amendment would change the existing requirements for traffic impact analysis (TIA) based on the amount of trips generated by a development site. Existing standards require TIA's for every site that meets a minimum trip generation threshold, regardless of surrounding conditions or information available. The proposed standards provide flexibility to the TIA trip generation thresholds and create the ability to waive a TIA when the analysis would not provide additional information necessary to determine roadway mitigation requirements.

ISSUES:

This revision provides flexibility so that TIA's are not required for all sites based simply on meeting a minimum trip generation threshold. The changes allow staff to use trip generations as a guide and consider other factors when determining if a TIA is needed for a development site, or what needs to be included in a specific TIA. Staff could reduce or better focus the study requirements based on available current information, unusual site conditions or having a site along a roadway already built to accommodate intense future development.

Staff can utilize the proposed flexibility to better focus the scope of the TIA and determine the appropriate roadway mitigations for development sites, which leads to both a more efficient development process and well-functioning corridors.

BUDGET IMPACT:

There is little or no direct budget impact; indirectly, there should be increased staff and development efficiencies.

OPTIONS:

1. Approval of the text amendment to increase the flexibility for the traffic impact analysis requirements, as recommended by staff.
2. Approval with modifications of the proposed text amendment.
3. Denial of the proposed text amendment.
4. Table the item, or continue the hearing to a date certain, with direction for further research or change.

RECOMMENDED ACTION:

Option 1 -- The Planning Commission and staff recommend :
That the City Council move to APPROVE the draft text amendment to increase flexibility for the requirement of traffic impact analysis on development sites, as presented by staff.

ATTACHMENTS:

TIA Amendment Draft Ordinance

Staff Rpt to Plng Comm

Powerpoint for TIA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO INCREASE FLEXIBILITY FOR THE REQUIREMENT OF TRAFFIC IMPACT ANALYSIS ON DEVELOPMENT SITES

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

Section 1. In 30-5.M.1 INTENT, modify as follows to include pedestrian traffic:

This section is intended to ensure that new development does not adversely impact the capacity of streets and intersections to safely and efficiently accommodate vehicular or pedestrian traffic. It provides a standard set of analytical tools and a format that can be used to identify a development's expected traffic impacts on the City's road system, any traffic congestion problems associated with access to and from the development site, and any improvements or site design modifications needed to address potential adverse traffic impacts and access problems.

Section 2. In 30-5.M.2 TRAFFIC IMPACT ANALYSIS REQUIRED, delete the section in its entirety and replace it with the following Section 30-5.M.2:

The traffic impact analysis (TIA) requirement for amendments to Map Amendments (Rezoning) (see Section 30-2.C.1), Planned Developments (see Section 30-2.C.3), Site Plans (see Section 30-2.C.5), Subdivision Plans (see Section 30-2.C.6), or Special Use Permits (see Section 30-2.C.7) for any development is noted below:

(a) A TIA may be required if the development is expected to generate 150-299 peak traffic hour trips or 1,500-2,999 average daily additional external vehicle trips (i.e. new trips – no pass-by or internal capture trips shall be used in calculating "additional external vehicle trips") based on trip generation estimates made in accordance with the most recent editions of Trip Generation and Trip Generation Handbook, published by the Institute of Transportation Engineers (ITE);

(b) A TIA shall be required if the development is expected to generate 300 or more peak traffic hour trips or 3,000 average daily additional external vehicle trips (i.e. new trips – no pass-by or internal capture trips shall be used in calculating "additional external vehicle trips") based on trip generation estimates made in accordance with the most recent editions of Trip Generation and Trip Generation Handbook, published by the Institute of Transportation Engineers (ITE);

(c) as determined by the City Manager when conditions warrant.

(Ord. No. S2011-013, § 1.8, 11-28-2011)

(d) In lieu of a TIA, alternative vehicular and/or pedestrian analyses may be requested by the City Manager which include, but are not limited to, individual intersection peak hour counts, trip generation and/or trip distribution calculations for use by City staff to determine any mitigation measures that may be required by development sites.

(e) A TIA may be waived by the City Manager when certain conditions exist for a development site. These conditions may include development sites that are being proposed at locations where roadway improvement projects have been constructed to accommodate these specific development sites.

Section 3. In 30-5.M.3 TRAFFIC IMPACT ANALYSIS STANDARDS, delete this section 30-5.M.3 in its entirety and replace with the following:

3. TRAFFIC IMPACT ANALYSIS STANDARDS-CONTENTS

The TIA shall be completed in accordance with the most recent editions of the following documents:

- (a) NCDOT Policy on Street and Driveway Access to North Carolina Highways;
- (b) Manual on Street and Driveway Access in Cumberland County and City of Fayetteville;
- (c) "NCDOT Congestion Management Capacity Analysis Guidelines";
- (d) "NCDOT Congestion Management General Recommendations and Comments for Driveway Permit Reviews"

N. INCENTIVES FOR SUSTAINABLE DEVELOPMENT

Section 4. Delete 30-5.M.4 TRAFFIC IMPACT ANALYSIS AREA

Section 5. Delete 30-5.M.5 TRAFFIC IMPACT ANALYSIS CONTENTS

PRACTICES

Section 6. The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future text amendments as long as doing so does not alter the material terms of the Unified Development Ordinance.

Section 7. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the 10th day of June, 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

5/21/13

**Staff Report
May 21, 2013
Proposed Text Amendment**

Proposed amendment: Staff-initiated text amendment TO AMEND CHAPTER 30-5.M OF THE CITY CODE TO INCREASE FLEXIBILITY FOR THE REQUIREMENT OF TRAFFIC IMPACT ANALYSIS ON DEVELOPMENT SITES

Background: The proposed amendment would change the existing requirements for traffic impact analysis based on the amount of trips generated by a development site. Old standards exclusively required TIA's for every site that met a minimum trip generation; new standards provide flexibility to the TIA trip generation thresholds, and create the ability to waive a TIA when the assessment would not provide additional information necessary to determine roadway mitigation requirements.

Analysis. The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the following table, although with so many corrections and minor adjustments, the analysis is only relevant in a few situations or very generally.

Standard	Analysis
1) Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable;	Supports Strategic Plan goals for more efficient City government and growing City.
2) Whether the proposed amendment is in conflict with any provision of this Ordinance, and related City regulations;	No direct conflict is apparent.
3) Whether and the extent to which there are changed conditions that require an amendment;	Observation and conversations with developers illustrated the current requirements were not generating the additional information necessary for recommendations of roadway mitigations.
4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;	These adjustments should clarify when a TIA is required and the methods in which it should be performed. This change will help to expedite any roadway mitigations recommended by staff to development sites within the community they occur.
5) Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City;	The change in the TIA requirements helps clarify when the need for a TIA exists and streamlines the process for determining roadway impacts created by developments.

<p>6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and</p>	<p>This revision provides flexibility so that TIA's are not required for all sites based simply on meeting a minimum trip generation threshold. The changes allow staff to use trip generations as a guide and consider other factors, such as unusual site conditions, when determining if a TIA is required for a development site. Staff can utilize this flexibility to more appropriately determine roadway mitigations for development sites which leads to well-functioning corridors.</p>
<p>7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment.</p>	<p>There should not be negative environmental impacts.</p>

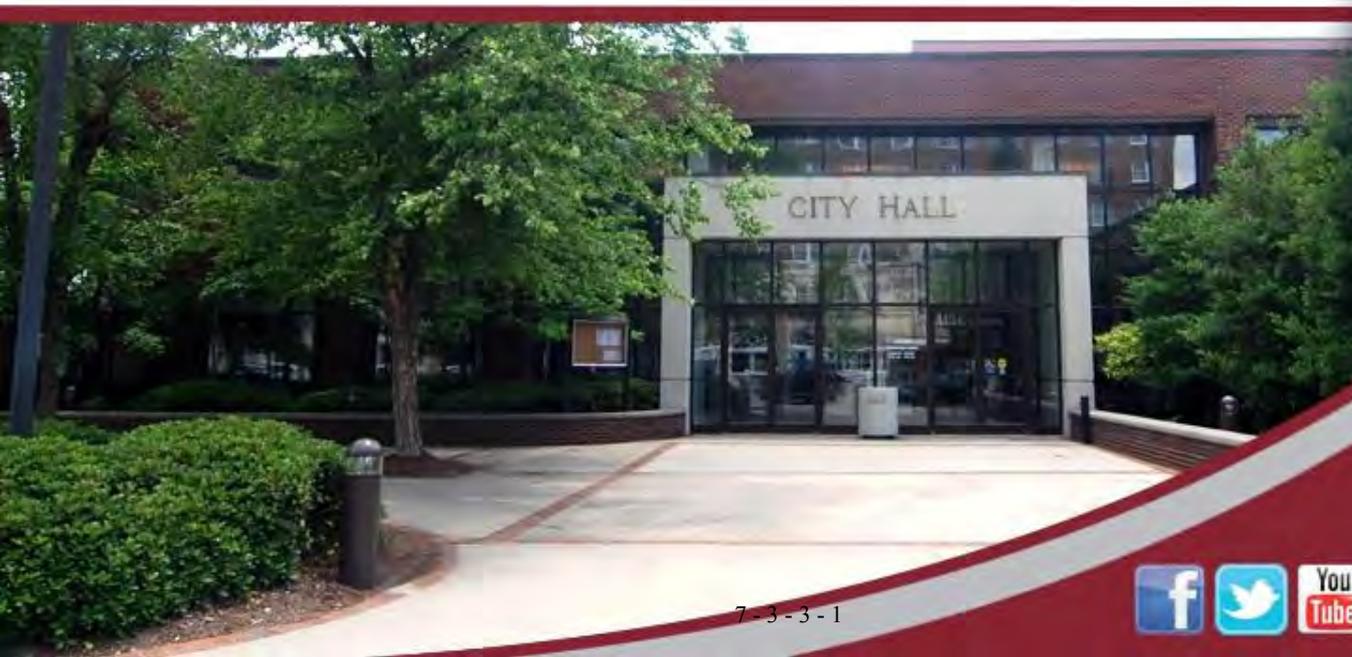
Recommendation: Based on staff experience with the current code, staff recommends approval of the draft text amendment to increase flexibility for the requirement of traffic impact analysis on development sites.

Options:

- Approval of the text amendment as recommended by staff.
- Approval with modifications of the proposed text amendment.
- Denial of the proposed text amendment.
- Table the item, or continue the hearing to a date certain, with direction for further research or change.

Attachments: Draft Ordinance

Text Amendment:
City Code, Chapter 30-5.M
To increase flexibility for the traffic
impact analysis standards
June 10, 2013 Public Hearing



City of
Fayetteville
North Carolina



Background



- Existing standard: A traffic impact analysis (TIA) is required under one of three conditions:
 - Creates 150 or more vehicle trips/peak hour;
 - Creates 1000 or more average daily trips (adt)/day;
 - High numbers of accidents, poorly functioning intersections, etc. already exist

- **Problem:**
 - TIA is required if the threshold is met, regardless of other available information or conditions
- **Objective:**
 - Development that does not adversely affect the surrounding intersections and circulation elements and, ultimately, leads to a well-functioning transportation system.

- **Solution:**

- create two thresholds (150-299 vpd peak hour or 1500-2999 adt; 300 vpd peak hour or 3000 adt or more);
- increase the flexibility for the first threshold;
- provide for an alternative scope; and
- allow a waiver of the requirement under certain conditions.

Options



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

Recommendation



The Planning Commission and Staff recommend that the City Council move to APPROVE the proposed changes to increase flexibility for the requirement of traffic impact analysis, as presented by staff.



City of
Fayetteville
North Carolina

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CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Greg Caison, CSM, Stormwater Manager
DATE: June 10, 2013
RE: **Public Hearing and Consideration of Adoption of Revisions to Chapter 23, Article III, Sec. 23-24(3), Stormwater Management Ordinance**

THE QUESTION:

Adopt proposed revisions to modify ordinance exemptions by increasing the impervious area threshold as contained in the Stormwater Management Ordinance, Article III of Chapter 23 of the City Code of Ordinances.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods; More Efficient Government

BACKGROUND:

The Stormwater Management Ordinance was originally adopted (2009) to establish minimum requirements to control the adverse effects of increased stormwater quantity and runoff quality. Further changes were adopted (2012) and earlier this year (2013) as City Staff and users in the community continue to use the ordinance and identify needed refinements.

ISSUES:

City staff has become aware of concerns that have been voiced regarding the current impervious area threshold for redevelopment and new construction to existing development above which stormwater controls are required by ordinance [Sec. 23-24(3)]. There have been instances where it has been difficult and/or impractical to require controls on projects where only minor additions occur.

Specific changes are being proposed to make the impervious area threshold easier to apply to redevelopment projects and those with additions to existing development as well as less burdensome to all concerned. Currently, the impervious area threshold is 2000 square feet of new impervious area. It is being proposed that the exemption threshold to provide stormwater management measures be raised to 5000 square feet of new impervious area to better apply the requirement in these situations. The cumulative impact of the additional impervious area is not thought to be problematic.

BUDGET IMPACT:

N/A

OPTIONS:

1. Adopt the proposed revisions to modify ordinance exemptions by increasing the impervious area threshold as contained in the Stormwater Management Ordinance, Article III of Chapter 23 of the City Code of Ordinances.
2. Do not adopt the proposed revisions.

RECOMMENDED ACTION:

Staff recommends that Council moves to adopt the proposed ordinance revisions to modify ordinance exemptions by increasing the impervious area threshold as contained in the Stormwater Management Ordinance, Article III of Chapter 23 of the City Code of Ordinances.

ATTACHMENTS:

Ordinance - Stormwater 061013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 23, ARTICLE III, STORMWATER CONTROL, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADJUST THE EXEMPTIONS FROM REQUIREMENTS FOR NEW CONSTRUCTION TO EXISTING DEVELOPMENT.

WHEREAS, the City of Fayetteville has adopted a Stormwater Management Ordinance, Chapter 23, containing Article III, Stormwater Control; and

WHEREAS, the Stormwater Management Ordinance was created to address the Federal Water Quality Act NPDES program as well as those elements of stormwater quantity to effectively address local flooding and stormwater problems including capital improvement projects; and

WHEREAS, the City of Fayetteville has previously adopted revisions and updates to the Stormwater Management Ordinance, Chapter 23, containing Article III, Stormwater Control on February 13, 2012 and on March 25, 2013; and

WHEREAS, a need now exists to adjust the exemptions from requirements for redevelopment and new construction to existing development;

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

Section 1. Chapter 23, Article III is amended by deleting the portions struck through and inserting the underlined portions as follows:

ARTICLE III. - STORMWATER CONTROL

[Sec. 23-20. - Title, purpose, application.](#)

[Sec. 23-21. - Definitions.](#)

[Sec. 23-22. - Scope of article.](#)

[Sec. 23-23. - Powers of the department.](#)

[Sec. 23-24. - Exemptions from requirements.](#)

[Sec. 23-25. - Scope of stormwater design plans.](#)

[Sec. 23-26. - Stormwater design plans and approval process.](#)

[Sec. 23-27. - Plan requirements.](#)

[Sec. 23-28. - Plan hydrologic criteria.](#)

[Sec. 23-29. - Plan land use conditions criteria.](#)

[Sec. 23-30. - Plan wetlands criteria.](#)

[Sec. 23-31. - Minimum stormwater quantity control requirements.](#)

[Sec. 23-32. - Minimum stormwater quality control requirements.](#)

[Sec. 23-33. - Approval and permit requirements.](#)

[Sec. 23-34. - Building permit or street plan approval suspension and revocation.](#)

[Sec. 23-35. - Professional registration requirements.](#)

[Sec. 23-36. - Fees.](#)

[Sec. 23-37. - Construction and inspection.](#)

[Sec. 23-38. - Ownership and maintenance of stormwater management facilities.](#)

[Sec. 23-39. - Operation and maintenance agreement.](#)

[Sec. 23-40. - Inspection program.](#)

[Sec. 23-41. - Performance guarantee for installation.](#)

[Sec. 23-42. - Notice to owners: deed recordation and indications on plat.](#)

[Sec. 23-43. - Records of installation and maintenance activities.](#)
[Sec. 23-44. - Variances from requirements.](#)
[Sec. 23-45. - Appeals.](#)
[Sec. 23-46. - Enforcement.](#)
[Sec. 23-47. - Relationship to other laws, regulations, and private agreements.](#)
[Sec. 23-48. - Severability.](#)
[Sec. 23-49. - Effective date.](#)

Sec. 23-20. - Title, purpose, application.

(a) The provisions of this article shall constitute and be known as the "Stormwater Control Ordinance of Fayetteville, North Carolina".

(b) The purpose of this article is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of the increase in stormwater quantity and the stormwater runoff quality associated with both future land development and consideration of existing developed land within the City of Fayetteville. Proper management of the quantity and quality of stormwater runoff will minimize damage to public and private property, prevent personal damage and bodily harm, ensure a functional drainage system, reduce the effects of development on land and stream channel erosion, promote the attainment and maintenance of water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, and maintain as nearly as possible the predeveloped runoff characteristics of the area, and facilitate economic development while mitigating associated flooding and drainage impacts. Additionally, the purpose of this article is to comply with the post construction stormwater requirements as per the city's NPDES stormwater discharge permit.

(c) Further, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt minimum stormwater controls such as those included in this article.

(d) The application of this article and the provisions expressed herein, shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the designer's responsibility to exceed the minimum requirements as necessary. The city engineer or designee shall be responsible for the coordination and enforcement of the provisions of this article.

(e) Compliance with all applicable local, state, and federal regulations and permits shall be the responsibility of the applicant. Other stormwater regulations to consider when complying with this article include, but are not limited to, the following:

- (1) Water supply watershed regulations, chapter 29 of this Code of Ordinances;
- (2) Federal wetland permits;
- (3) Water quality certifications; and
- (4) Sediment and erosion control requirements.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-21. - Definitions.

For the purpose of this article, the following terms, phrases, and words, and their derivatives, shall have the meaning given herein:

Adequate channel shall mean a natural or manmade channel or pipe which is capable of conveying the runoff from the design storm events without flooding existing structures or causing property damage.

Best management practice (BMP) shall mean a wide range of management procedures, schedules of activities, prohibitions on practices, and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.

Built-upon area shall mean that portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. Built-upon area does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

City shall mean the City of Fayetteville, North Carolina.

City clerk shall mean the City Clerk of the City of Fayetteville, North Carolina, or his/her designee.

City council shall mean the duly elected Governing Body of the City of Fayetteville, North Carolina.

City engineer shall mean the City Engineer of the City of Fayetteville, North Carolina, or his/her designee.

City engineering and infrastructure department shall mean the Engineering and Infrastructure Department of the City of Fayetteville, North Carolina.

City manager shall mean the City Manager of the City of Fayetteville, North Carolina, or his/her designee.

Cross-drain culvert shall mean a structure designed to convey a watercourse under a roadway, railway, pedestrian walk, or through an embankment.

Design report shall mean the report that accompanies the stormwater design plan and includes data used for engineering analysis, results of all analysis, design and analysis calculations (including results obtained from computer programs), and other engineering data that would assist the city engineer in evaluating proposed stormwater management facilities.

Design storm events shall mean the frequency storm used for the design of stormwater management facilities.

Designer shall mean a registered professional who is permitted to prepare plans and studies required by this article.

Detention structure shall mean a permanent stormwater management structure whose primary purpose is to temporarily store stormwater runoff and release the stored runoff at controlled rates.

Developed land use conditions shall mean the land use conditions according to the current city land use map or proposed site plan. Also, the conditions which exist following the completion of the land

disturbing activity in terms of topography, vegetation, land use and rate, quality, volume or direction of stormwater runoff.

Development shall (to the extent permitted by law) mean any of the following actions undertaken by a public or private individual or entity:

- (1) All land altering activities associated with the division of a lot, tract, or parcel of land into two or more lots plots, sites, tracts, parcels or other divisions by plan or deed;
- (2) The construction, installation, or alteration of a structure, impervious surface, or drainage facility;
- (3) Any land change including, without limitation to, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land; or
- (4) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, and mud, sand or rock of a site.

Easement shall mean a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

Erosion shall mean the process by which ground surface is worn away by the action of wind and/or water.

Exemption shall mean those development activities that are not subject to the stormwater requirements contained in this article.

Existing land use condition shall mean the land use conditions existing at the time the design plans are submitted for approval.

FEMA-designated floodplain shall mean the 100-year floodplain shown on the most current FEMA flood insurance rate map or flood boundary and floodway map. This shall include both the detailed 100-year floodplain which shows a 100-year flood elevation and the approximate 100-year floodplain.

Functional maintenance shall mean any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this article, and to prevent structural failure of such facilities. Functional maintenance shall not include actions taken solely for the purpose of enhancing the aesthetics aspects associated with stormwater management facilities.

Grading shall mean excavating, filling (including hydraulic fill), or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

Impervious shall mean the condition of being impenetrable by water.

Imperviousness shall mean the degree to which a site is impervious.

Infiltration shall mean the passage or movement of water into the soil subsurface.

Interior culvert shall mean a culvert that is not located under a roadway, railway, or pedestrian walk.

Maintenance (as relates to BMPs or other stormwater management facilities). See "functional maintenance" or "routine maintenance".

100-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in one 100 years. It also may be expressed as an exceedance probability with a one percent chance of being equaled or exceeded in any given year.

On-site stormwater management shall mean the design and construction of a facility necessary to control stormwater runoff within and for a single development.

One-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in one year. It also may be expressed as an exceedance probability with a 100 percent chance of being equaled or exceeded in any given year.

Predevelopment conditions shall mean those which existed on the site at the time this article became effective.

Preliminary plat shall mean the preliminary plat of a subdivision submitted pursuant to the subdivision regulations of the city.

Pervious pavement shall mean concrete and asphalt paving materials that allow for infiltration of stormwater into a storage area with void spaces that provide temporary storage.

Record drawings shall mean a set of engineering or site drawings that delineate the specific permitted stormwater management facility(ies) as actually constructed.

Redevelopment shall mean any development on previously developed land, other than a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development.

Regional stormwater management shall mean the design and construction of a facility necessary to control stormwater runoff for more than one development.

Regulated floodplain shall mean the floodplain area designated by FEMA regulations or designated by the city.

Retention structures shall mean a permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff. Release of the given volume is by infiltration and/or evaporation.

Routine maintenance shall mean any action to enhance the aesthetics aspects associated with stormwater management facilities. Routine maintenance shall include actions such as grass cutting, trash removal, and landscaping.

Site shall mean any lot, plot, parcel or tract of land.

Stormwater design plan shall mean the set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts and techniques that will be used to control stormwater as required by this article. Also included are the supporting engineering calculations and results of any computer analysis.

Stormwater management shall mean the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to minimize accelerated channel erosion, increased flood damage, and/or degradation of water quality and in a manner to enhance and ensure the public health, safety, and general welfare which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff caused by manmade changes to the land.

Stormwater management facilities shall mean those structures and facilities that are designed for the

collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system. This includes all stormwater quantity and quality facilities.

Stormwater runoff shall mean the direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain, or other concentrated flow during and following precipitation.

Subdivision shall mean that which is defined in chapter 25, Subdivisions, of this Code of Ordinances; and G.S. 160A-376.

Ten-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in ten years. It may also be expressed as an exceedance probability with a ten percent chance of being equaled or exceeded in any given year.

Thoroughfare shall mean all numbered routes and all roads with four or more travel lanes.

25-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. It may also be expressed as an exceedance probability with a four percent chance of being equaled or exceeded in any given year.

Variance shall mean the modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in practical difficulties or undue hardship and not fulfill the intent of this article.

Water quality shall mean those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity shall mean those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff to downstream areas resulting from land disturbing activities.

Watershed shall mean the drainage area contributing stormwater runoff to a single point.

Wetland shall mean those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas as determined by the U.S. Army Corps of Engineers.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-22. - Scope of article.

(a) No person shall develop any land without having provided for appropriate stormwater management measures that control or manage stormwater runoff, in compliance with this article, unless exempted in section 23-24 below.

(b) The provisions of this article shall apply throughout the incorporated areas in the City of Fayetteville, North Carolina.

(c) The city engineering and infrastructure department shall be responsible for the coordination and enforcement of the provisions of this article, and shall have the authority to enforce this article in accordance with the enforcement provisions.

(d) The application of this article and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other local

requirements authorized by state statute. Where other requirements are more stringent those shall apply. This article does not eliminate the necessity for obtaining other permits as may be required by other governmental entities.

(e) This article shall apply to both public and privately owned or maintained drainage systems, and stormwater management facilities.

(f) *Map.* The provisions of this article shall apply within the areas designated on the map titled "Stormwater Map of Fayetteville, North Carolina", which is adopted simultaneously herewith. The Stormwater Map and all explanatory matter contained thereon accompanies and is hereby made a part of this article.

The Stormwater Map shall be kept on file by the city engineer and shall be updated to take into account changes in the land area covered by this article and the geographic location of all stormwater management facilities permitted under this article. In the event of a dispute, the applicability of this article to a particular area of land shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-23. - Powers of the department.

(a) The city engineering and infrastructure department shall have the power to administer and enforce all regulations and procedures adopted to implement this article, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or restrain any violation of this article, and to enforce the provisions of this article in accordance with its enforcement provisions.

(b) The city engineering and infrastructure department can:

- (1) Administer, coordinate, and oversee design, construction, and operation and maintenance of city stormwater facilities and conveyances;
- (2) Implement or oversee implementation of development standards and guidelines;
- (3) Determine the manner in which stormwater facilities should be operated;
- (4) Inspect private systems which discharge to a public drainage system;
- (5) Require compliance with maintenance requirements;
- (6) Advise the other city departments on issues related to stormwater;
- (7) Protect facilities and properties controlled by the city and prescribe how they are used by others; and
- (8) Require proposed developments, not exempt from this article, to comply with the terms of this article.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-24. - Exemptions from requirements.

The following development activities are exempt from the provisions of this article and the requirements

of providing stormwater management measures. Even if exempt from this article, the following as well as all development activity is not allowed to divert water to adjacent property to cause a nuisance and/or property damage and should comply with the intent of this article.

(1) Construction or improvement of a single-family residence (single-family residence - separately built) or their accessory buildings that is separately built and not part of multiple construction or a subdivision development approved under this article and that cumulatively disturbs less than one acre. If included in a subdivision plan, all development activities must follow the stormwater management plan that has been approved for the subdivision.

(2) New developments that do not include more than 20,000 square feet of impervious area in total and that cumulatively disturb less than one acre.

(3) Redevelopment or new construction to existing development that does not include more than 5,000 square feet of new impervious area and that cumulatively disturbs less than one acre.

(4) Land disturbing activities for agricultural uses.

(5) Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products where all of the following occur:

- a. The growing of trees;
- b. The harvesting of timber, leaves, or seeds;
- c. The regeneration of either timely replanting of trees or natural generation;
- d. The application of applicable "best management practices", including the N.C. Department of Environment and Natural Resources "Forest Practice Guidelines Related to Water Quality"—Title 15A North Carolina Administrative Code subchapter 11, sections 1.010—.0209 and all successor documents; and
- e. A forest management plan is prepared or approved either by a professional forester registered in the State of North Carolina or by the Division of North Carolina Forest Resources. Copies of the forest management plan shall be provided to the city upon request.

(6) Land disturbing activities for which a permit is required under the Mining Act of 1972; G.S. Ch. 74, Article 7.

(7) Projects which commenced prior to the application of this article, such as:

- a. Approved subdivisions and site plans. However, if the approved subdivision or site plan is modified or changed after the effective date of this article, the proposed development would have to comply with all requirements of this article in its entirety.
- b. Projects which have an outstanding unexpired valid building permit in compliance with either G.S. 160A-422 or G.S. 153A-357 or have an outstanding unexpired valid soil erosion permit in compliance with G.S. 160A-458; provided that, upon application of any impervious surfaces, the exemption based on a valid soil erosion permit shall not apply.
- c. Projects which have obtained a state permit, such as landfills and land application of residuals.
- d. Projects which have continuing vested rights in compliance with G.S. 160A-385.1 or

G.S. 153A-344.1.

Phased developments do not constitute separate developments and the total area of all phases will be used to determine exemption requirements.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-25. - Scope of stormwater design plans.

(a) The following items relate to the general scope of plans required by this article:

(1) In developing plans for subdivisions, individual lots in a residential development shall not be considered to be separate development activities and shall not require individual permits. Instead the subdivision development, as a whole, shall be considered to be a single development activity. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.

(2) For developments that have different planned phases of development, if all phases are covered by the approved stormwater design plan, one permit will be given for the entire development so that new permits will not be needed for each phase of development.

(b) In subdivisions, lots should generally be graded in such a manner that surface runoff does not cross more than two lots before it is collected in a system of open channels, closed conduits, or a combination of both.

(c) For all development activities, concentrated stormwater runoff leaving a development site must be discharged directly into a well-defined, natural or manmade off-site receiving channel or pipe. If the receiving channel or pipe is found to be inadequate, the developer must incorporate measures to either improve the receiving channel or pipe to an adequate condition, or detain/retain runoff on the site to a level that can be accommodated by the receiving channel or pipe. Newly constructed channels or pipes shall be designed as adequate channels or pipes.

The development site should be designed to maximize the amount of rainfall that infiltrates into the soils and minimize the amount of direct flow into public drainage facilities, adjoining streets, waterbodies, watercourses, and wetlands, to the extent feasible.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-26. - Stormwater design plans and approval process.

(a) Unless granted an exemption from this article, a stormwater design plan (as part of the construction plans) for each development activity shall be submitted for review by the city engineer for the entire development activity, or any portion thereof. If granted an exemption from this article, those development activities are still required to submit a stormwater design plan for review by the city engineer to ensure that all other city minimum requirements have been satisfied.

(b) *Permit required.* A stormwater permit is required for all development and redevelopment unless exempt pursuant to this article. A permit may only be issued subsequent to a properly submitted and reviewed permit application, pursuant to the administrative manual.

(c) *Consultation meeting.* A land owner or developer may request a consultation meeting with the city engineer to review and discuss the stormwater management system to be utilized in a proposed *development* project. The purpose of the meeting(s) is to discuss any questions for stormwater management measures necessary for the proposed project, as well as to discuss and assess

constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering commences.

(d) All stormwater design plans as required by this article shall be submitted to the city engineering and infrastructure department for review and approval. The applicant shall submit three copies of the final plans. Within 30 calendar days from and after receipt of the plans, the city engineer shall issue a decision approving, rejecting, or conditionally approving the plans with modifications. The review and approval time frames for all subsequent submittals on the same plans, if required, shall be 15 calendar days.

(e) All preliminary plats of the development shall be consistent with the stormwater design plan required in subsection (a) of this section.

(f) Should any stormwater design plan involve any stormwater management facilities or land to be dedicated to public use, the same information shall also be submitted for review and approval to the department having jurisdiction over the land or other appropriate departments or agencies identified by the city engineer for review and approval. This stormwater design plan shall serve as the basis for all subsequent construction.

(g) A stormwater design plan shall not be considered approved without the inclusion of an approval stamp with a signature and date on the plans. The stamp of approval on the plans is solely an acknowledgement of satisfactory compliance with the requirements of these regulations. The approval stamp does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness, or effectiveness of any provision, or omission from the stormwater design plan.

(h) Following approval of stormwater design plans, an owner shall have a vested right to develop the property in accordance with the conditions of approval for two years. Extensions or renewals of the plan approvals may be granted by the city engineer upon written request by the person responsible for the development activity.

(i) All requirements for sites located in water supply watersheds as set forth in the Code of Ordinances must be met. In addition, all state and/or federal requirements such as U.S. Army Corps of Engineers wetland permits must be met, if required.

(j) Administrative manual. For applications required under this article, the city engineering and infrastructure department shall compile the application requirements, submission schedule, fee schedule, a copy of this article, and information on how and where to obtain the latest version of the "Stormwater Best Management Practices Manual" as provided by the North Carolina Division of Water Quality in an Administrative Manual, which shall be made available to the public.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-27. - Plan requirements.

Stormwater design plans shall include as a minimum the following:

- (1) A vicinity map indicating a north arrow, scale, boundary lines of the site, and other information necessary to locate the development site.
- (2) The maximum scale shall be one inch equals 100 feet.
- (3) The existing and proposed topography of the development site except for individual lot

grading plans in single-family subdivisions. Profiles of proposed streets in single-family subdivisions shall be provided showing existing and proposed grades.

(4) Physical improvements on the site, including present development and proposed development.

(5) Location, dimensions, elevations, and characteristics of all existing and proposed stormwater management facilities.

(6) Stormwater design plans shall include designation of all easements needed for inspection and emergency maintenance of the stormwater management facilities along with those easements needed for the maintenance of the drainage system conveying public water. As a minimum, easements shall have the following characteristics:

a. Provide adequate access to all stormwater management facilities for inspection and emergency maintenance. Provide a minimum 20-foot permanent maintenance access easement from a public or private right-of-way to all stormwater management facilities. Provide a minimum 10-foot permanent drainage easement around the perimeter of all stormwater management facilities. The perimeter shall be the edge of facilities such as sand filters or bioretention areas. For wet and dry extended detention basins and similar facilities, the perimeter shall be the top of bank where the stormwater is stored. Any fences constructed around such facilities shall be outside of the 10-foot permanent drainage easement.

b. Provide adequate access to all parts of the public drainage system and structures.

c. Provide a minimum 20-foot easement for closed pipe systems. The required easement width shall be computed as follows:

$$\text{Width} = 10 \text{ feet} + (\text{the diameter or total outside width for multiple pipes}) + (2 \text{ times the invert depth}).$$

The easement width should be rounded to the nearest five-foot increment.

Drainage easements associated with culverts should be centered over the culvert but may be offset as long as a minimum of ten feet is provided on both sides.

d. Provide easements centered on watercourses with the minimum widths based on the following:

Easement Widths for Open Channels

<u>Drainage Area, acres</u>	<u>Easement Width, feet</u>
< 10 acres	10 feet on each side
10 to < 25 acres	20 feet on each side
25 to < 50 acres	30 feet on each side
50 to < 100 acres	40 feet on each side
> 100 acres	Greater of the floodway width or 50 feet

e. Restriction on easements shall include prohibiting all fences without gates and structures which would interfere with access to the easement areas and/or the maintenance

function of the drainage system. If an obstruction (fence, wall, landscaping, etc.) is located in a drainage easement and inhibits access to the drainage system, the city shall remove the obstruction as necessary but will not be obligated to replace it.

(7) In subdivisions where a stormwater management facility serves more than one lot, the facility shall be located on a separate lot that is owned by the homeowner association. This lot shall have a minimum frontage of 20 feet.

(8) The stormwater design plan shall include all engineering calculations needed to design the system and associated structures including existing and developed velocities, peak rates of discharge, and hydrographs of stormwater runoff at all existing and proposed points of discharge from the site.

(9) Description of site conditions around points of all surface water discharge including vegetation and method of flow conveyance from the development activity.

(10) Construction and design details for structural controls.

(11) If there are FEMA-designated floodplains, they must be shown. All construction in the FEMA-designated floodplain must conform to chapter 12, Flood Damage Prevention, of this Code of Ordinances. A separate floodplain submittal may be required.

(12) A plan for maintenance of privately owned stormwater management facilities shall be included as part of the stormwater design plan which as a minimum shall specify the following:

- a. Types of maintenance activities which should be anticipated so that the proposed drainage system and stormwater management facilities will operate as designed.
- b. The frequency and amount of maintenance that should be anticipated.
- c. The equipment that will be required to perform the needed maintenance.
- d. Name, address, and telephone number of the party responsible for maintenance.

Section 23-39 outlines the requirements for the operation and maintenance agreement which must be executed on all privately owned stormwater management facilities. The city shall provide a standard agreement for this purpose.

(13) Any existing wetlands on the property shall be delineated on both the stormwater design plan as well as the final plat.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-28. - Plan hydrologic criteria.

(a) The hydrologic criteria to be used for the stormwater design plans shall be as follows:

<u>Description</u>	<u>Design Storm</u>
Permanent Storage Facilities	1 and 10
Roadway Inlets	5-year
Swales	10-year
Storm Drainage Systems	10-year
Open Channels	25-year

Culverts (Subdivision streets)	25-year
Culverts (Thoroughfare roads)	50-year
Emergency Spillways	100-year
Energy Dissipaters	Same as Outlet System

(b) All hydrologic analysis will be based on land use conditions as specified in section 23-29, below.

(c) For the design of storage facilities, a secondary outlet device or emergency spillway shall be provided to discharge the excess runoff in such a way that no danger of loss of life or facility failure is created.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-29. - Plan land use conditions criteria.

For all stormwater management facilities, a hydrologic-hydraulic study shall be done showing how the drainage system will function with the proposed facilities. For such studies the following land use conditions shall be used.

- (1) For the design of the facility outlet structure, use developed land use conditions for the area within the proposed development and existing land use conditions for upstream areas draining to the facility.
- (2) For any analysis of flood flows downstream from the proposed facility, use existing land use conditions for all downstream areas.
- (3) All stormwater management facilities, emergency spillways shall be checked using the 100-year storm and routing flows through the facility and emergency spillways. For this analysis, developed land use conditions representing ultimate build-out conditions shall be used for all areas draining to the facility.
- (4) The effects of existing upstream detention facilities can be considered in the hydrologic-hydraulic study only if such facilities have been constructed and maintained, as detention facilities, as required by this article.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-30. - Plan wetlands criteria.

Wetland areas shall not be disturbed until documentation is provided to the city engineer to show that the applicant has received approval from the U.S. Army Corps of Engineers regarding appropriate permits and approval of development activities. Stormwater design plans shall not be approved until this documentation has been provided to the city engineer. The city does have the option of providing conditional approval of the stormwater design plans that stipulate the documentation shall be provided prior to any disturbance of wetland areas.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-31. - Minimum stormwater quantity control requirements.

(a) Install stormwater management facilities to limit the one-year and ten-year developed peak discharge rates to predeveloped peak discharge rates or to the amount that can be accommodated by the receiving downstream drainage system, whichever is more restrictive.

(b) Watersheds that have well documented water quantity problems may have more stringent, or modified, design criteria [such as controlling the 25-year developed peak discharge rate to the predeveloped peak discharge rate] determined by the city engineer that is responsive to the specific needs of that watershed.

(c) Stormwater management facilities may include both structural and nonstructural elements. Natural swales and other natural runoff conduits shall be retained where practicable.

(d) Stormwater design plans can be rejected by the city engineer if they incorporate structures and facilities that are not easily maintained.

(e) The drainage system and all stormwater management structures within the city (including both public and private portions) will be designed to the same engineering and technical criteria and standards. The design and construction must be sealed by a registered professional (as outlined in section 23-35) as meeting or exceeding public drainage system standards. The city engineering and infrastructure department's review will be the same whether the portion of the drainage system will be under public or private control or ownership.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-32. - Minimum stormwater quality control requirements.

(a) *General standards.* All development and redevelopment to which this article applies shall comply with the standards of this section.

(b) *Development standards for low-density projects.* Low-density projects shall comply with each of the following standards:

(1) No more than two dwelling units per acre or 24 percent built-upon area.

(2) Stormwater runoff from the development shall be transported from the development by vegetated conveyances to the maximum extent practicable.

(3) Built-upon area shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters draining less than or equal to 640 acres. Built-upon area shall be at a minimum of 75 feet landward of all perennial and intermittent surface waters draining greater than 640 acres. This distance shall be measured from the top of bank on both sides of the perennial and intermittent surface waters. For all perennial and intermittent surface waters, constructed BMPs shall be located at a minimum of 30 feet landward. A perennial or intermittent surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using division of water quality approved methodology.

(4) The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

(5) A project with an overall density at or below the low-density thresholds, but containing areas

with a density greater than the overall project density, may be considered low density as long as the project meets or exceeds the post construction model practices for low-density projects and locates the higher density in upland areas and away from surface waters and drainageways to the maximum extent practicable.

(c) *Development standards for high-density projects.* A project not consistent with the requirements for a low-density project may be permitted as a high-density project and shall implement stormwater control measures that comply with each of the following standards:

(1) The measures shall control and treat runoff from the first inch of rain. Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.

(2) High-density projects must discharge the storage volume at a rate equal to or less than the predevelopment discharge rate for the one year, 24-hour storm.

(3) All structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85 percent average annual removal for Total Suspended Solids (TSS).

(4) For BMPs that require a separation from the seasonal high water table, the separation shall be provided by at least 12 inches of naturally occurring soil above the seasonal high water table.

(5) General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c).

(6) Built-upon area shall be at a minimum of 50 feet landward of all perennial and intermittent surface waters draining less than or equal to 640 acres. Built-upon area shall be at a minimum of 75 feet landward of all perennial and intermittent surface waters draining greater than 640 acres. This distance shall be measured from the top of bank on both sides of the perennial and intermittent surface waters. For all perennial and intermittent surface waters, constructed BMPs shall be located at a minimum of 30 feet landward. A perennial or intermittent surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using division of water quality approved methodology.

(7) The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

(d) *Standards for stormwater control measures.*

(1) *Evaluation according to contents of Stormwater Best Management Practices Manual.* All stormwater control measures and stormwater treatment practices required under this article shall be evaluated by the city engineer according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the latest version of the "Stormwater Best Management Practices Manual" as provided by the North Carolina Division of Water Quality. The city engineer shall determine whether proposed BMPs will be adequate to meet the requirements of this article.

(2) *Determination of adequacy; presumptions and alternatives.* Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the latest version of the "Stormwater Best Management Practices Manual" as provided by the North Carolina Division of Water Quality will be presumed to meet the minimum water quality and quantity performance standards of this article. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the latest version of the "Stormwater Best Management Practices Manual" as provided by the North Carolina Division of Water Quality, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this article. The city engineer may require the applicant to provide the documentation, calculations, and examples necessary for the city engineer to determine whether such an affirmative showing is made.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-33. - Approval and permit requirements.

(a) No final site plan or subdivision plan approval shall be issued or modified without the following items:

- (1) An approved stormwater design plan;
- (2) An executed operation and maintenance agreement, if required, in accordance with section 23-39;
- (3) The posting of an installation performance guarantee, if required, in accordance with section 23-41;
- (4) An approved erosion control plan, if applicable;
- (5) Right of entry given to the city for city personnel to enter property for emergency maintenance if necessary; and
- (6) Any off-site easements needed.

(b) No final certificate of occupancy permit shall be issued pursuant to chapter 7 of this Code of Ordinances or final plat approved without the following:

- (1) All final inspection requirements as per section 23-37 are met;
- (2) The posting of an installation performance guarantee, if required, in accordance with section 23-41;
- (3) Receipt of record drawings as outlined in section 23-37; and
- (4) A recorded operation and maintenance agreement, if required, in accordance with section 23-39

(c) All land clearing, construction, development and drainage shall be done in accordance with the approved stormwater design plan or previously approved revisions.

(d) Submittal and/or approval of stormwater design plans does not preclude the applicant from obtaining all other necessary permits and compliance with appropriate regulations including, but not limited to, the following:

- (1) Water supply watershed regulations, chapter 29 of this Code of Ordinances;
- (2) Federal wetland permits;
- (3) Water quality certifications; and
- (4) Sediment and erosion control requirements.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-34. - Building permit or street plan approval suspension and revocation.

(a) The following conditions shall represent grounds for suspension and/or revocation for building permit(s) and/or street plan approval(s):

- (1) Any violation(s) of the conditions of the stormwater design plan approval;
- (2) Construction not in accordance with the approved plans;
- (3) Approval of a stormwater design plan has not been obtained;
- (4) Noncompliance with correction notice(s); or
- (5) The existence of an immediate danger in a downstream area.

(b) If one or more of these conditions are found, a written notice of violation shall be served upon the owner or authorized representative and the time in which to correct the deficiencies shall be specified. The notice shall set forth the measures necessary to achieve compliance with the plan. Correction of these violations must be started immediately or the owner shall be deemed in violation of this article.

(c) If appropriate remedial actions as outlined in the written notice are not completed within the specified time period, a building permit or street plan approval will be suspended or revoked within seven days. The suspension or revocation will then be in force until the development is in compliance with this article.

(d) If a violation of this article is occurring that will cause significant damage to downstream property or structures, the city engineer can issue an immediate suspension or revocation.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-35. - Professional registration requirements.

(a) Stormwater design plans and design reports that are incidental to the overall or ongoing site design shall be prepared, and stamped/sealed by a qualified registered professional engineer, land surveyor or landscape architect, using acceptable engineering standards and practices. All other stormwater design plans and design reports shall be prepared, and stamped/sealed by a qualified registered professional engineer, using acceptable engineering standards and practices.

(b) The engineer, surveyor, or landscape architect shall perform services only in areas of his/her competence, and shall undertake to perform engineering or land surveying assignments only when qualified by education and/or experience in the specific technical field. In addition, the engineer, surveyor, or landscape architect must verify that the plans have been designed in accordance with this article and the standards and criteria stated or referred to in this article.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-36. - Fees.

The initial fees associated with the operation of this article shall be set annually by city council as part of the annual budget ordinance, or by an amendment thereto. If no amendment to the prior year's fees is proposed or adopted by city council as part of the budget ordinance, then the prior year's fees shall continue in full force and effect. A list of the fees proposed at the enactment of this article for plan review and other fees associated with this article may be obtained from the city engineering and infrastructure department.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-37. - Construction and inspection.

(a) The owner or his representative shall notify the city engineer before commencing any work to implement the stormwater design plan, at key milestones noted during plan approval, and upon completion of the work.

(b) Any portion of the construction which does not comply with the stormwater design plan shall be promptly corrected by the permittee.

(c) The city engineer will notify the person responsible for the development activity in writing when violations are observed describing the following:

- (1) Nature of the violation;
- (2) Required corrective actions; and
- (3) The time period for violation correction.

(d) A final inspection shall be conducted by the city engineer upon completion of the work included in the approved stormwater design plan to determine if the completed work is constructed in accordance with the plan.

(e) The permittee shall provide record drawings signed and sealed by a registered professional (as outlined in section 23-35) to be submitted upon completion of the stormwater management facilities included in the stormwater design plan. The record drawings shall be referenced to North Carolina State Plane Coordinates and shall be provided in hard copy form as well as a digital file which is compatible with the city's software. The registered professional shall state on the record drawings that:

- (1) The facilities have been constructed as shown on the record drawings; and
- (2) The facilities meet the approved stormwater design plan and specifications.

(f) As a minimum, the record drawings shall contain the following:

- (1) Mark through and redraw drainage structures when the as-built location deviates more than ten feet horizontally from the location indicated on the plans.
- (2) Show all drainage structures, pipe inverts, and rim elevations.
- (3) Show distances between drainage structures on the plan view as well as the profile.
- (4) Show the final design specifications for all stormwater management facilities and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-38. - Ownership and maintenance of stormwater management facilities.

(a) All stormwater management facilities shall be privately owned and maintained unless the city accepts the facility for city ownership and maintenance. The owner thereof shall grant to the city a right of entry which allows for inspection and emergency repair, in accordance with the terms of the operation and maintenance agreement set forth in section 23-39, hereof.

(b) Single-family residential stormwater management facilities accepted for maintenance. The city shall accept functional maintenance responsibility of structural stormwater management facilities that are installed pursuant to this article following a warranty period of one year from the date of record-drawing certification described in section 23-37, or from the date the facility ceases to function as an erosion control measure and starts to function as a stormwater management facility, whichever is later, provided the stormwater management facility:

- (1) Only serves a single-family detached residential development or townhomes all of which have public street frontage;
- (2) Is satisfactorily maintained during the one-year warranty period by the owner or designee;
- (3) Meets all the requirements of this article;
- (4) Includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection, maintenance, repair, or reconstruction; and
- (5) Prior to the release of the installation performance guarantee as outlined in section 23-41 (b), the developer shall pay into a maintenance fund used to maintain such facilities in the future an amount equal to 20 percent of the initial construction cost of the stormwater management facilities related to detention ponds or other BMPs constructed to meet the requirements of this article.

The city engineer must receive an application for transfer of maintenance responsibilities for the structural stormwater management facility along with the stormwater design plan submittal.

(c) The person responsible for maintenance of any stormwater management facility installed pursuant to this article and not covered under subsection (b) above, shall submit to the city engineer an inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following:

- (1) The name and address of the landowner;
- (2) The recorded book and page number of the lot of each stormwater management facility;
- (3) A statement that an inspection was made of all stormwater management facilities;
- (4) The date the inspection was made; and
- (5) A statement that all inspected stormwater management facilities are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this article.

All inspection reports shall be on forms supplied by the city engineer. An original inspection report shall be provided to the city engineer beginning one year from the date of record-drawing certification and each year thereafter on or before the date of the record-drawing certification.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-39. - Operation and maintenance agreement.

(a) *In general.* At the time record drawings are provided to the city engineer as described in section 23-37 and prior to final approval of a project for compliance with this article, but in all cases prior to placing the stormwater management facilities into service, the applicant or owner of the site must execute an operation and maintenance agreement that shall be binding on all current and subsequent owners of the site, portions of the site, and lots or parcels served by the stormwater management facility. Failure to execute an operation and maintenance agreement within the timeframe specified by the city engineer may result in assessment of penalties as specified in section 23-46. For single-family residential subdivisions, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement for a period of one year from the date of record-drawing certification described in section 23-37, or for a period of one year from the date the facility ceases to function as an erosion control measure and starts to function as a stormwater management facility, whichever is later. At the end of the one-year timeframe, the stormwater management facility shall be inspected as outlined in section 23-41 in order to release the performance guarantee. Once the stormwater management facility has passed inspection, primary responsibility for carrying out the provisions of the maintenance agreement shall be transferred to a homeowners' association, property owners' association, or similar entity. In cases where the city is accepting functional maintenance responsibility, such responsibility shall be transferred to the city once the stormwater management facility has passed inspection. A homeowners' association, property owners' association, or similar entity shall still be responsible for routine maintenance such as mowing the grass and picking up litter.

(1) The operation and maintenance agreement shall require the owner or owners to maintain, repair, and, if necessary, reconstruct the stormwater management facility, and shall state the terms, conditions, and schedule of maintenance for the stormwater management facility. In addition, it shall grant to the city a right of entry in the event that the city engineer has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the stormwater management facility; however, in no case shall the right of entry, of itself, confer an obligation on the city to assume responsibility for the stormwater management facility.

(2) The operation and maintenance agreement must be approved by the city engineer prior to final approval, and it shall be referenced on the final plat and shall be recorded with the Cumberland County Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the city engineer within 14 days following its recordation.

(b) *Special requirement for homeowners' and other associations.* For all stormwater management facilities required pursuant to this article and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity in a single-family residential subdivision, the required operation and maintenance agreement shall include all of the following provisions:

(1) Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.

(2) Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the stormwater

management facilities. If stormwater management facilities are not performing adequately or as intended or are not properly maintained, the city, in its sole discretion, may remedy the situation, and in such instances the city shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the stormwater management facilities.

(3) Both developer and homeowners' association contributions shall fund the escrow account. Prior to the release of the installation performance guarantee as outlined in Section 23-41 (b), the developer shall pay into the escrow account an amount equal to 15 percent of the initial construction cost of the stormwater management facilities. Two-thirds (2/3) of the total initial construction cost shall be deposited into the escrow account within the first five years and the full amount shall be deposited within ten years following initial construction of the stormwater management facilities. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the association shall include an allocation into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the escrow account budget.

(4) The percent of developer contribution and lengths of time to fund the escrow account may be varied by the city depending on the design and materials of the stormwater control and management facility.

(5) Granting to the city a right of entry to inspect, monitor, maintain, repair, and reconstruct stormwater management facilities.

(6) Allowing the city to recover from the association and its members any and all costs the city expends to maintain or repair the stormwater management facilities or to correct any operational deficiencies. Failure to pay the city all of its expended costs, after 45 days' written notice, shall constitute a breach of the agreement. In case of a deficiency, the city shall thereafter be entitled to bring an action against the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both, in case of a deficiency. Interest, collection costs, and attorney fees shall be added to the recovery.

(7) A statement that this agreement shall not obligate the city to maintain or repair any stormwater management facilities, and the city shall not be liable to any person for the condition or operation of stormwater management facilities.

(8) A statement that this agreement shall not in any way diminish, limit, or restrict the right of the city to enforce any of its ordinances as authorized by law.

(9) A provision indemnifying and holding harmless the city for any costs and injuries arising from or related to the stormwater management facility, unless the city has agreed in writing to assume the maintenance responsibility for the stormwater management facility and has accepted dedication of any and all rights necessary to carry out that maintenance.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-40. - Inspection program.

(a) Inspections and inspection programs by the city may be conducted or established on any reasonable basis, including, but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, and material or water

in stormwater management facilities; and evaluating the condition of stormwater management facilities.

(b) If the owner or occupant of any property refuses to permit such inspection, the city engineer shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2, or its successor. No person shall obstruct, hamper or interfere with the city engineer while carrying out his or her official duties.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-41. - Performance guarantee for installation.

(a) *Commercial developments.*

(1) *Shall be required.* The city shall require the submittal of a performance guarantee or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit in order to ensure that the stormwater management facilities are installed by the permit holder as required by the approved stormwater design plan.

(2) *Amount.* The amount of an installation performance guarantee shall be equal to at least 75 percent of the total estimated construction cost of the stormwater management facilities approved under the permit. The installation performance guarantee shall remain in place until at least one year after final approval.

(3) *Use of performance guarantee.*

a. *Forfeiture provisions.* The performance guarantee shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or owner in accordance with this article, approvals issued pursuant to this article, or an operation and maintenance agreement established pursuant to this article.

b. *Default.* Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any stormwater management facility in accordance with the applicable permit or operation and maintenance agreement, the city engineer shall obtain and use all or any portion of the guarantee to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement.

c. *Costs in excess of performance guarantee.* If the city takes action upon such failure by the applicant or owner, the city may collect from the applicant or owner the difference between the amount of the reasonable cost of such action and the amount of the guarantee held, in addition to any other penalties or damages due.

d. *Refund.* No sooner than one year after final approval, the applicant may petition the city to release the value of the performance guarantee. Upon receipt of such petition, the city engineer shall inspect the stormwater management facility to determine whether the controls are performing as designed and intended. The city engineer shall present the petition, inspection report, and recommendations to the director of the city engineering and infrastructure department.

1. If the director of the city engineering and infrastructure department approves the report and accepts the petition, the city may release the installation performance guarantee upon execution by the applicant of an indemnification agreement in favor of

the city which shall be a covenant upon the property and run with the land.

2. If the director of the city engineering and infrastructure department does not accept the report and rejects the petition, the director of the city engineering and infrastructure department shall provide the applicant with instruction to correct any deficiencies and all steps necessary for the release of the installation performance guarantee.

(b) *Single-family residential subdivisions.*

(1) *Shall be required.* The city shall require the submittal of a performance guarantee or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to approval of a final plat in order to ensure that the stormwater management facilities are installed by the permit holder as required by the approved stormwater design plan.

(2) *Amount.* The amount of an installation performance guarantee shall be equal to at least 100 percent of the total estimated construction cost of converting the erosion control measure to the stormwater management facilities approved under the permit. The installation performance guarantee shall remain in place until at least one year after the facility starts to function as a stormwater management facility.

(3) *Use of performance guarantee.*

a. *Forfeiture provisions.* The performance guarantee shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or owner in accordance with this article, approvals issued pursuant to this article, or an operation and maintenance agreement established pursuant to this article.

b. *Default.* Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any stormwater management facility in accordance with the applicable permit or operation and maintenance agreement, the city engineer shall obtain and use all or any portion of the guarantee to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement.

c. *Costs in excess of performance guarantee.* If the city takes action upon such failure by the applicant or owner, the city may collect from the applicant or owner the difference between the amount of the reasonable cost of such action and the amount of the guarantee held, in addition to any other penalties or damages due.

d. *Refund.* No sooner than one year after final approval as outlined in section 23-39, the applicant may petition the city to release the value of the performance guarantee. Upon receipt of such petition, the city engineer shall inspect the stormwater management facility to determine whether the controls are performing as designed and intended. The city engineer shall present the petition, inspection report, and recommendations to the director of the city engineering and infrastructure department.

1. If the director of the city engineering and infrastructure department approves the report and accepts the petition, the city may release the installation performance guarantee upon execution by the applicant of an indemnification agreement in favor of the city which shall be a covenant upon the property and run with the land.

2. If the director of the city engineering and infrastructure department does not accept

the report and rejects the petition, the director of the city engineering and infrastructure department shall provide the applicant with instruction to correct any deficiencies and all steps necessary for the release of the installation performance guarantee.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-42. - Notice to owners; deed recordation and indications on plat.

The applicable operations and maintenance agreement pertaining to every stormwater management facility shall be referenced on the final plat and shall be recorded with the Cumberland County Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the Cumberland County Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles. For condominiums, the operations and maintenance agreement shall be recorded with the association documents.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-43. - Records of installation and maintenance activities.

The owner of each stormwater management facility shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record of inspection and shall submit the same upon reasonable request to the city engineer.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-44. - Variances from requirements.

(a) The city council may grant a variance from the requirements of this article if:

- (1) There are exceptional circumstances applicable to the site such that strict adherence to the provisions of this article will result in unnecessary hardship and not fulfill the intent of this article;
- (2) The variance is in harmony with the general purpose and intent of this article; and
- (3) In granting this variance, water quality has been protected, public safety and welfare has been assured, and substantial justice has been done.

(b) A written request for a variance shall be submitted to the city clerk and shall state the specific variance sought and the reasons, with supporting data, for their granting. The request shall include descriptions, drawings, calculations and any other information that is necessary to evaluate the proposed variance.

(c) The city engineer will conduct a review of the request for a variance and submit a report to the city council.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-45. - Appeals.

The disapproval or required modification of any proposed stormwater design plan, or the determination by the city of noncompliance, or failure to maintain shall entitle the aggrieved person to appeal this decision or lack of action to the city council. Such appeal must be made in writing to the city clerk and the city manager within 15 days of written notice of disapproval or modification of a stormwater design

plan, or determination of either noncompliance or failure to maintain or within 30 days of the receipt of a notice of assessment of a civil penalty, made or rendered by the city engineer in the enforcement of this article.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-46. - Enforcement.

(a) *General.*

(1) *Authority to enforce.* The provisions of this article shall be enforced by the city engineer, his or her designee, or any authorized agent of the city. Whenever this section refers to the city engineer, it includes his or her designee as well as any authorized agent of the city.

(2) *Violation unlawful.* Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this article, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to this article, is unlawful and shall constitute a violation of this article.

(3) *Each day a separate offense.* Each day that a violation continues shall constitute a separate and distinct violation or offense.

(4) *Responsible persons/entities.* Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, practice, or condition in violation of this article shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein, may include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this article, or fails to take appropriate action, so that a violation of this article results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs. For the purposes of this section, responsible person(s) shall include, but not be limited to:

a. *Person maintaining condition resulting in or constituting violation.* An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this article, or fails to take appropriate action, so that a violation of this article results or persists.

b. *Responsibility for land or use of land.* The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, development or redevelopment of the property.

(b) *Remedies and penalties.* The remedies and penalties provided for violations of this article, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

(1) *Remedies.*

a. *Withholding of certificate of occupancy.* The city engineer or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the

applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein. This remedy shall not apply to buildings in a single-family residential subdivision.

b. *Disapproval of subsequent permits and development approvals.* As long as a violation of this article continues and remains uncorrected, the city engineer or other authorized agent may withhold, and the city council may disapprove, any request for permit or development approval or authorization provided for by this article or the zoning, subdivision, and/or building regulations, as appropriate, for the land on which the violation occurs.

c. *Injunction, abatements, etc.* The city engineer, with the written authorization of the city manager, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this article. Any person violating this article shall be subject to the full range of equitable remedies provided in the general statutes or at common law.

d. *Correction as public health nuisance, costs as lien, etc.* If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by G.S. 160A-193, the city engineer, with the written authorization of the city manager, may cause the violation to be corrected and the costs to be assessed as a lien against the property.

(2) *Civil penalties.*

a. *Violations of article.* A violation of any of the provisions of this article or rules or other orders adopted or issued pursuant to this article may subject the violator to a civil penalty. A civil penalty may be assessed from the date the violation occurs. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Refusal to accept the notice or failure to notify the city engineer of a change of address shall not relieve the violator's obligation to comply with this article or to pay such a penalty.

b. *Amount of penalty.* The civil penalty for each violation of this article may be up to the maximum allowed by law. Each day of continuing violation shall constitute a separate violation. In determining the amount of the civil penalty, the city engineer shall consider any relevant mitigating and aggravating factors including, but not limited to, the effect, if any, of the violation; the degree and extent of harm caused by the violation; the cost of rectifying the damage; whether the violator saved money through noncompliance; whether the violator took reasonable measures to comply with this article; whether the violation was committed willfully; whether the violator reported the violation to the city engineer; and the prior record of the violator in complying or failing to comply with this article or any other post construction article or law. The city engineer is authorized to vary the amount of the per diem penalty based on criteria specified in the administrative manual and based on relevant mitigating factors. Civil penalties collected pursuant to this article shall be credited to the city's general fund as nontax revenue.

c. *Notice of assessment of civil penalty.* The city engineer shall determine the amount of the civil penalty and shall notify the violator of the amount of the penalty and the reason for assessing the penalty. This notice of assessment of civil penalty shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to either pay the assessment or file an appeal within 30 days of receipt of the notice as specified in subsection (2)e., below.

d. *Failure to pay civil penalty assessment.* If a violator does not pay a civil penalty assessed by the city engineer within 30 days after it is due, or does not request a hearing as provided in subsection (2)e., below, the city engineer shall request the initiation of a civil action to recover the amount of the assessment. The civil action shall be brought in Cumberland County Superior Court or in any other court of competent jurisdiction. A civil action must be filed within three years of the date the assessment was due. An assessment that is appealed is due at the conclusion of the administrative and judicial review of the assessment.

e. *Appeal of remedy or penalty.* The issuance of a notice of assessment of a civil penalty by the city engineer shall entitle the responsible party or entity to an appeal before the city council if such person submits written demand for an appeal hearing to the city clerk within 30 days of the receipt of a notice of assessment of a civil penalty. The demand for an appeal shall be accompanied by a filing fee as established by city council. The appeal of a notice of assessment of a civil penalty shall be conducted as described in section 23-45 of this article.

(3) *Criminal penalties.* A violation of this article may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.

(c) *Procedures.*

(1) *Authority to inspect.* The city engineer shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this article, or rules or orders adopted or issued pursuant to this article, and to determine whether the activity is being conducted in accordance with this article and the approved stormwater design plan, and whether the measures required in the plan are effective. No person shall willfully resist, delay, or obstruct the city engineer while the city engineer is inspecting or attempting to inspect an activity under this article.

(2) *Notice of violation and order to correct.* When the city engineer finds that any building, structure, or land is in violation of this article, the city engineer shall notify in writing the responsible person/entity. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation occurred or is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. The notice shall, if required, specify a date by which the responsible person/entity must comply with this article, and advise that the responsible person/entity is subject to remedies and/or penalties or that failure to correct the violation within the time specified will subject the responsible person/entity to remedies and/or penalties as described in this section of this article. In determining the measures required and the time for achieving compliance, the city engineer shall take into consideration the technology and quantity of work required, and shall set reasonable and attainable time limits. The city engineer may deliver the notice of violation and correction order personally, by the Fayetteville Police, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

If a violation is not corrected within a reasonable period of time, as provided in the notification, the city engineer may take appropriate action under this article to correct and abate the violation and to ensure compliance with this article.

(3) *Extension of time.* A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the city engineer a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for

reasons beyond the control of the person requesting the extension, the city engineer may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 60 days. The city engineer may grant 30-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this article. The city engineer may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.

(4) *Enforcement after time to correct.* After the time has expired to correct a violation, including any extension(s) if authorized by the city engineer, the city engineer shall determine if the violation is corrected. If the violation is not corrected, the city engineer may act to impose one or more of the remedies and penalties authorized by this article.

(5) *Emergency enforcement.* If delay in correcting a violation would seriously threaten the effective enforcement of this article or pose an immediate danger to the public health, safety, or welfare, then the city engineer may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The city engineer may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-47. - Relationship to other laws, regulations, and private agreements.

(a) *Conflict of laws.* This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other article, rule, regulation or other provision of law. Where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

(b) *Private agreements.* This article is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this article are more restrictive or impose higher standards or requirements than such an easement, covenant, or other private agreement, the requirements of this article shall govern. Nothing in this article shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this article. In no case shall the city be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-48. - Severability.

If any term, requirement, or provision of this article or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this article or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this article shall be valid and be enforced to the fullest extent permitted by law.

(Ord. No. S2008-020, § 1, 10-27-2008)

Sec. 23-49. - Effective date.

This article shall become effective on January 1, 2009.

(Ord. No. S2008-020, § 1, 10-27-2008)

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered and formatted to accomplish such intention.

ADOPTED this _____ day of _____, 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager and Rusty Thompson, Engineering and Infrastructure Director
DATE: June 10, 2013
RE: **Award Contract for Resurface Various Streets 2014 - Phase I**

THE QUESTION:

Is it in the interest of Council to approve the award of a contract for the City's 2014 resurfacing work? Phase I of this work includes the resurfacing of thirteen (13) streets (approximately 2.43 miles), milling and resurfacing of eight (8) streets (approximately 3.59 miles) and applying joint seal to thirty-five (35) streets (approximately 11.33 miles).

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3 - Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

The project was first advertised for bids to be opened on May 23, 2013; however, only two (2) bids were received. Therefore, in accordance with North Carolina General Statutes, which require three (3) bids be received in order to open on the first advertisement, the project was readvertised and bids were opened on May 31, 2013 as follows:

Highland Paving Company, LLC, Fayetteville, NC	\$1,568,190.20
Barnhill Contracting Company, Fayetteville, NC	\$1,633,221.35

Highland Paving Company, LLC will utilize SDBE subcontractors for 11.4% of the work on this project.

ISSUES:

None

BUDGET IMPACT:

\$3,605,000 has been included in the FY2013-2014 budget for resurfacing work.

OPTIONS:

- (1) Award contract as recommended by staff.
- (2) Not award contract and provide further direction to staff.

RECOMMENDED ACTION:

Award contract for Resurface Various Streets 2014 - Phase I to the lowest responsive, responsible bidder, Highland Paving Company, LLC, Fayetteville, NC, in the amount of \$1,568,190.20.

ATTACHMENTS:

Resurface Various Streets 2014 - Street List
Resurface Various Streets 2014 - Joint Seal List

RESURFACE VARIOUS STREETS, 2014 -PHASE 1

STREETS FOR MILLING AND RESURFACING

NO.	STREET	FROM	TO	LENGTH	WIDTH	RATING
1	W. ROWAN ST.	BRAGG BLVD.	OAKRIDGE AVE.	3557	32	47 AVG.
2	PERSON ST.	N. KENNEDY ST.	EASTERN BLVD.	2285	60	9 AVG.
3	WOODSIDE AVE.	W. ROWAN ST.	HAY ST.	1832	32	47 AVG.
4	CAMPBELL AVE.	GILLESPIE ST.	OLD WILMINGTON RD.	2483	24	48 AVG.
5	SHERMAN DR.	RAMSEY ST.	DEAD END	2210	32	48 AVG.
6	TAYLOR AVE.	BUCKINGHAM AVE.	BROOKWOOD AVE.	1034	32	40
7	BUCKINGHAM AVE.	RAMSEY ST.	DEAD END	935	32	26
8	OLD WILMINGTON RD.	RUSSELL ST.	EASTERN BLVD.	4623	32	47 AVG.

STREETS FOR RESURFACING

NO.	STREET	FROM	TO	LENGTH	WIDTH	RATING
104	IVERLEIGH CR.	SHAWCROFT RD.	IVERLEIGH CR.	2714	25	24 AVG.
105	ST. THOMAS RD.	W. SUMMERCHASE DR.	CATTESMORE DR.	1625	25	29 AVG.
106	HARTSHORNE CT.	LINKWOOD DR.	CUL-DE-SAC	119	75	34 AVG.
107	W. SUMMERCHASE DR.	RAMSEY ST.	CATTESMORE DR.	1645	31	35 AVG.
115	PRINCE CHARLES DR.	HAMPTON RD.	ARBOR RD.	1310	25	39 AVG.
118	NUTLEY DR.	DUNCAN ST.	TRYON RD.	1209	32	40 AVG.
128	TALLSTONE DR.	RAMSEY ST.	CUL-DE-SAC	1025	26	45 AVG.
138	WALKING LANE	BLOOMFIELD DR.	CUL-DE-SAC	770	25	48 AVG.
143	CROYDON AVE.	ANDOVER RD.	DEAD END	575	32	50 AVG.
144	IJAMS ST.	LANGDON ST.	BARBOUR CT.	824	32	50 AVG.
145	KELLOGG ST.	GILMORE ST.	DEAD END	554	32	50 AVG.
146	KENMURE PL.	LOCKRIDGE RD.	CUL-DE-SAC	330	25	50 AVG.
147	MARTINLEER CT.	IVERLEIGH CR.	CUL-DE-SAC	153	25	50 AVG.

RESURFACE VARIOUS STREETS, 2014 - PHASE 1

STREETS FOR JOINT SEAL

NO.	STREET	FROM	TO	LENGTH	WIDTH	RATING
101	MILES CT.	N. CHURCHILL DR.	MCNEILL CR.	457	22	64
102	MCNEILL CR.	MCNEILL CR.	MCNEILL CR.	1940	32	62 AVG.
103	MCPHERSON AVE.	FORT BRAGG RD.	BRAGG BLVD.	1077	32	67 AVG.
108	APPLETON CT.	JUBILEE DR.	CUL-DE-SAC	202	21	35 AVG.
109	BEDFORD RD.	DANRIDGE DR.	CUL-DE-SAC	1827	26	35 AVG.
110	WINGATE RD.	HOPE MILLS RD.	CITY LIMITS	3397	25	36 AVG.
111	DANDRIDGE DR.	N. REILLY RD.	FILLYAW RD.	7762	26	37 AVG.
112	DOCIA CR.	ONIE CT.	ONIE CT.	2030	21	37 AVG.
113	JUBILEE DR.	LELAND DR.	DEAD END	677	24	37 AVG.
114	BLANKSHIRE RD.	FOXBERRY DR.	RYEFIELD DR.	1775	26	38 AVG.
115	PRINCE CHARLES DR.	HAMPTON RD.	ARBOR RD.	1310	25	39 AVG.
116	FUTURE ST.	QUAILRIDGE DR.	DEAD END	167	23	39 AVG.
117	FIELDCREST DR.	FERREL DR.	DEAD END	1830	21	40 AVG.
119	GAELIC DR.	CELTIC DR.	DEAD END	984	26	41 AVG.
120	MIDDLETON CT.	LAKWOOD DR.	CUL-DE-SAC	583	26	42 AVG.
121	MCGILL DR.	MCPHEE DR.	EXECUTIVE PL.	702	32	42 AVG.
122	INGLESIDE DR.	MORGANTON RD. EXT.	E. NETHERLAND DR.	2774	24	42 AVG.
123	ELECTRA RD.	PONY RUN DR.	CUL-DE-SAC	417	23	42 AVG.
124	WILLBOROUGH AVE.	REAFORD RD.	CUL-DE-SAC	1400	32	42 AVG.
125	CRABTREE CT.	PONY RUN DR.	CUL-DE-SAC	330	23	43 AVG.
127	TANGERINE DR.	ASHTON RD.	CUL-DE-SAC	1536	27	44 AVG.
129	ADDINGHAM CT.	VAUGN RD.	CUL-DE-SAC	610	26	45 AVG.
130	DAHARAN DR.	MAZARRON DR.	CUL-DE-SAC	1899	26	45 AVG.
131	RAYCONDA RD.	REAFORD RD.	DEAD END	3118	25	45 AVG.
132	RURITAN DR.	MORGANTON RD.	CAMPGROUND ROAD	2147	24	45 AVG.
133	CLIFFBOURNE DR.	N. REILLY RD.	INGLESIDE DR.	1685	24	46 AVG.
134	BUIE CR.	CAMPGROUND RD.	WINTERGREEN DR.	504	25	47 AVG.
135	FLINTWOOD RD.	SOUTH BEND DR.	BEAVER RUN DR.	2996	26	47 AVG.
136	CARLOWAY DR.	RUTHERGLEN DR.	CARLOWAY DR.	1419	23	47 AVG.
137	ONIE CT.	MERRIT ST.	CUL-DE-SAC	179	21	48 AVG.
139	LOXLEY DR.	CLIFFDALE RD.	DEAD END	2717	26	49 AVG.
140	CHAMBLEE DR.	LINCOLNSHIRE PL.	DEAD END	1042	26	49 AVG.
141	FERNCREEK DR.	HUNTSFIELD DR.	WEAVERHALL DR.	3388	37	50 AVG.
142	BREWSTER DR.	INGLESIDE DR.	BREWER ST.	3995	25	50 AVG.
148	REDSTONE DR.	DILLON DR.	END OF MAINTANCE	932	25	50 AVG.
Total length				59808		
Total Mileage				11.33		

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: June 10, 2013
RE: **P13-17F. Initial zoning of property to SF-6 – Single Family Residential or to a more restrictive district, located on Tammy Street and Holland Street containing 2.21 acres more or less and being the property of Shaw Area Church of God and Cumberland County.**

THE QUESTION:

Request to initially zone property to SF-6 - Single Family Residential

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and Development

BACKGROUND:

Owner: Shaw Area Church of God and Cumberland County
Applicant: Shaw Area Church of God and Cumberland County
Requested Action: Initial zoning to SF-6
Property Address: Intersection of Tammy Street and Holland Street
Council District: 3
Status of Property: Property currently has a church and several vacant lots owned by Cumberland County.
Size: 2.21 acres +/- to be initially zoned
Adjoining Land Use & Zoning:
North - R6 County
South - R6 County
West - R6 County
East - R6 County
Letters Mailed: 39
Land Use Plan: Low Density Residential

2030 Growth Vision Plan: Policy 8.4: Area AFFORDABLE HOUSING needs shall be met through an array of rental and home ownership options including apartments, townhouses, granny flats, carriage houses (garage apartments), single family site built homes, accessory living units, and manufactured homes.

Traffic Improvements: a realignment of Shaw Road is planned for the future, however this is not a funded DOT project. Please see the attached preliminary road realignment.

ISSUES:

Shaw Area Church of God petitioned the City for annexation so that it may hook in to PWC's utilities (water service). Once their petition was received the City's staff noticed that the church property was part of a previous residential subdivision involving the four adjacent lots now owned by the County. The City staff then contacted the County to see if they were interested in having their properties annexed at the same time, thus enabling the church to meet state requirements and continue with its annexation petition. Currently the County's properties are all vacant. If developed in the future they would need to be annexed as well to hook in to PWC utilities. The County has agreed to have their properties annexed at the same time as the church. Both the church and County have requested that they come into the City under the closest zoning district as they have now. The City's most comparable district would be the SF-6 Single Family District. Attached is a statement from David Nash, the City's annexation expert, regarding how this petition could affect future annexations in the Shaw Heights area.

The Zoning Commission voted 4-0 to initially zone these properties to SF-6. There was one speaker in opposition to this request. He was opposed to the City annexing only a portion of the Shaw Heights area. This speaker stated that the church should not be annexed since it already has a well on its site. An appeal to the Zoning Commission's recommendation also was filed by this person. That appeal causes this case to be heard as a public hearing by the City Council. Without that appeal this case would have been a consent item since both the Commission and staff agreed on the requested action.

Following the close of the public hearing, this item was tabled at the City Council's May 28th meeting for staff to clarify the exact acreage of the property to be initially zoned. 2.21 acres are requested to be annexed and initially zoned to SF-6. This includes only the actual property and not any of the surrounding right-of-way.

Zoning Commission and Staff recommend Approval of this rezoning to the SF-6 Single Family Residential based on the following.

1. SF-6 is the closest equivalent zoning district in the City.
2. R6 County zoning surrounds these properties.

BUDGET IMPACT:

This action should result in no significant increase in public services if developed.

OPTIONS:

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

RECOMMENDED ACTION:

Zoning Commission & Staff Recommend: That the City Council move to APPROVE the initial zoning to the SF-6 Single Family Residential district, as presented by staff.

ATTACHMENTS:

Zoning Map
Current Land Use
Land Use Plan
Site Photo 1
Site Photo 2
Site Photo 3
Site Photo 4
Shaw Road Alt. Plan
Effect on future annexation petitions
Legal Description Map

ZONING COMMISSION
CASE NO. P13-17F

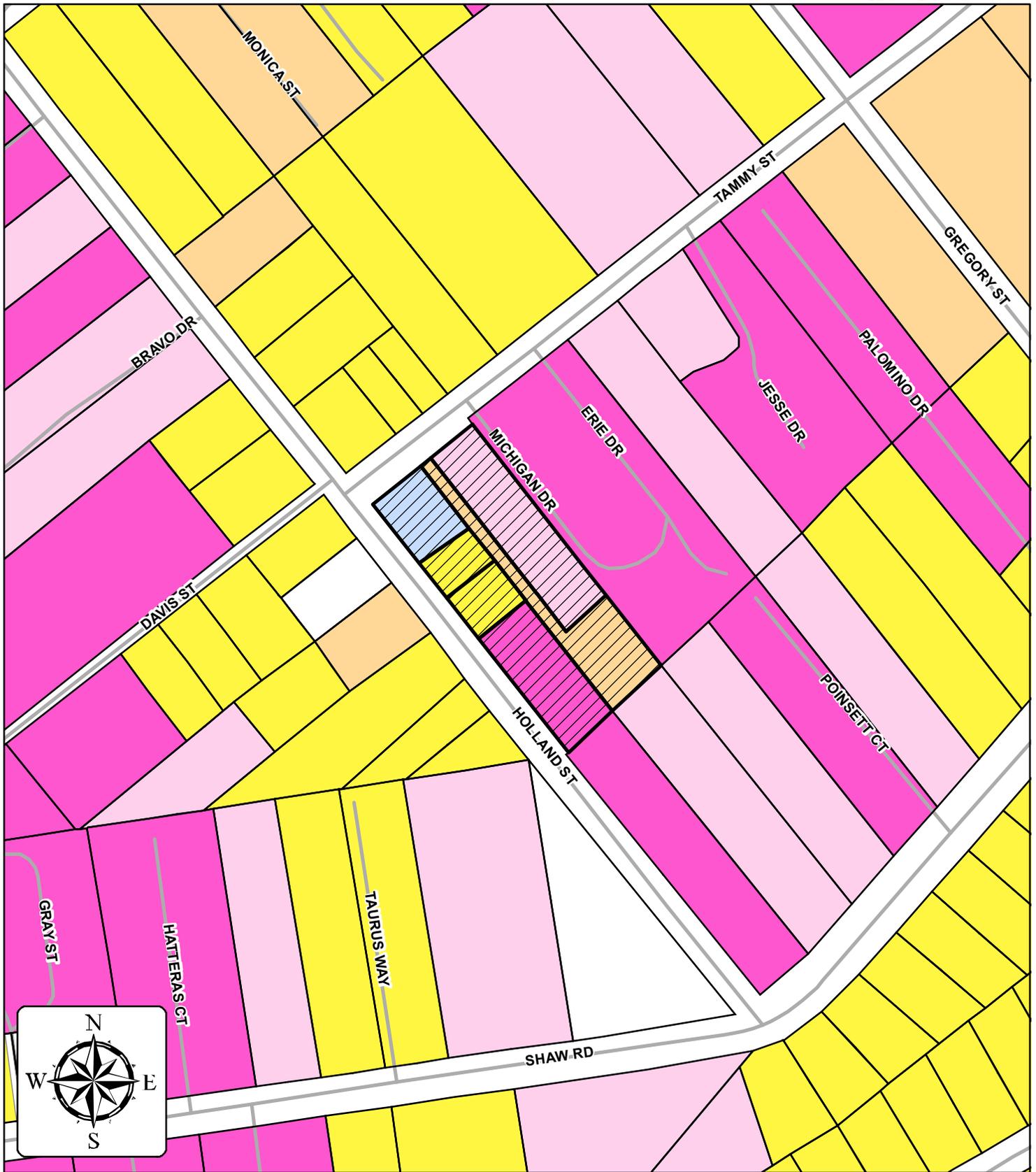


Request: Initial Zoning to SF-6
Location: Holland St & Tammy St.
Size: 1.31 acres +/-

Zoning Commission: 04/09/2013 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0419-85-3131-, 0419-85-3075-, 0419-84-4963-, 0419-85-5040-,
 0419-85-2178-, 0419-85-4126-

Current Land Use

P13-17F

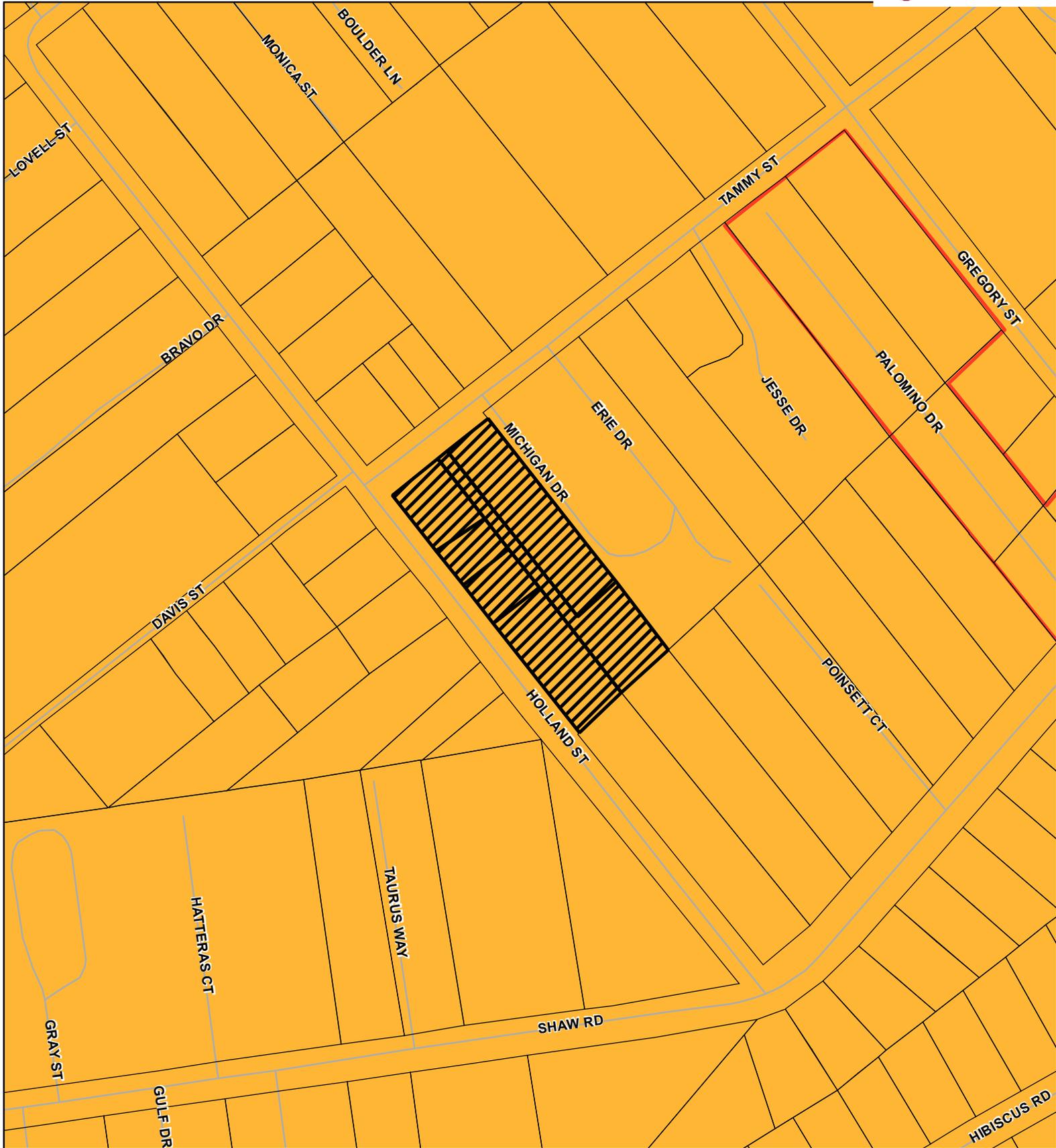


Legend

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

2010 Land Use Plan

Case No. P13-17F



Legend

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



8-2-4-



8-2-5-



8-2-6-

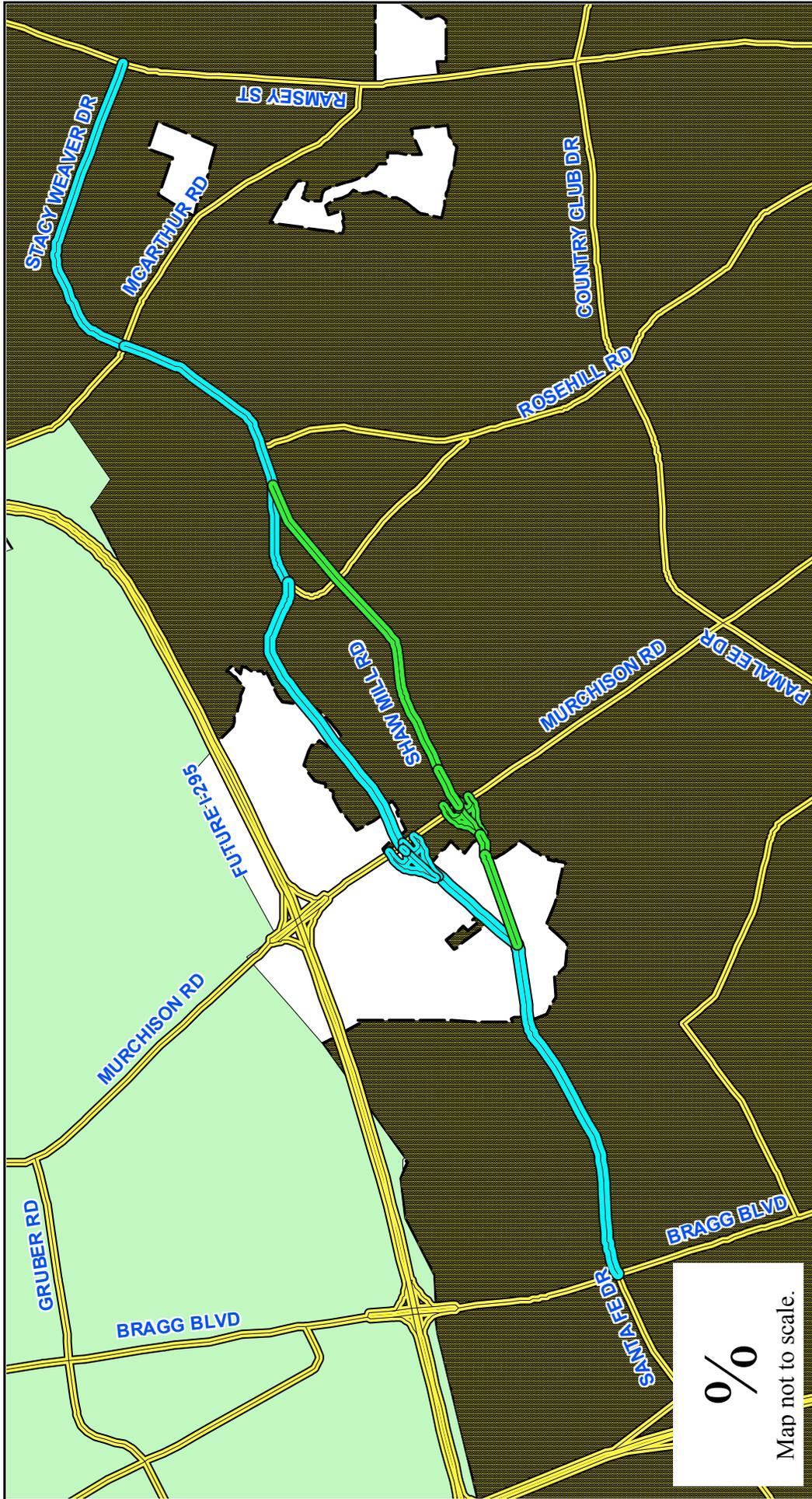


8-2-7-

Project U-5101: Shaw Rd-Shaw Mill Rd-Rosehill Rd-Stacy Weaver Dr

Interconnect and Widen to Multi-Lanes (5.2 miles)

NOT A FUNDED PROJECT



FAMPO 1/28/2008 M.C.

One basic question of this case is whether the annexation of this area would improve the odds for other nearby property owners who might want to submit an annexation petition to the City.

In addressing this question, the satellite annexation law needs to be considered. The satellite annexation law allows the City to annex a property that is not contiguous to the City if five satellite standards are met. The standard that is most relevant here is the subdivision standard, which says that “if the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.”

Let’s assume that the Church-County satellite area (consisting of 2 lots owned by the church and 4 lots owned by the County) is annexed as a satellite. Here are four situations that can be imagined:

Situation 1-Let’s assume that the owner of a property adjacent to the Church-County satellite area then asks the City to annex his property. Would that owner be able to ask the City to annex his property as a contiguous area, or as a satellite area? According to Volume 2 of Lawrence, (pages 2-3 thru 2-5), the City would have to consider the owner’s request as a satellite request, rather than as a contiguous request. The reason is that in order to be processed as a contiguous annexation request, the property has to be contiguous to the primary corporate limits. The corporate limits of the new Church-County satellite annexation area would be considered satellite corporate limits rather than primary corporate limits. Because the owner’s request would have to be processed as a satellite, the property would have to meet the five satellite standards. The subdivision standard might present a problem. In this situation, I do not believe that the odds of being able to submit an annexation petition would be increased by the annexation of the Church-County area.

Situation 2-Let’s assume that the owners of numerous nearby properties work together and submit an annexation request that is made up of all parcels separating the Church-County satellite area from the primary corporate limits. In that situation, the City would be able to consider the request as a contiguous request. A contiguous area does not have to meet any of the satellite standards, such as the subdivision standard. In this situation, I do not believe that the odds of being able to submit an annexation petition would be increased by the annexation of the Church-County area. Property owners could work together at any time to submit a petition that is made up of contiguous properties; this would not have anything to do with the annexation of the Church-County area.

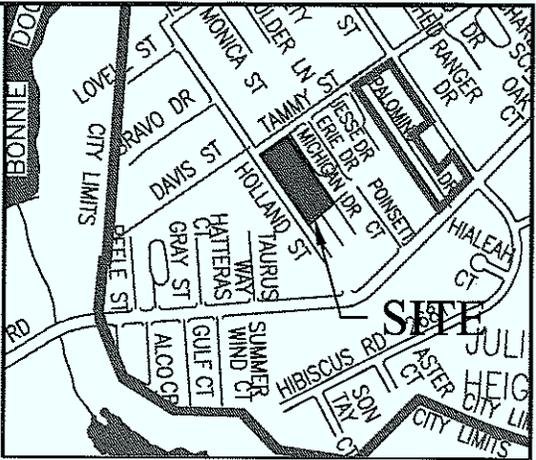
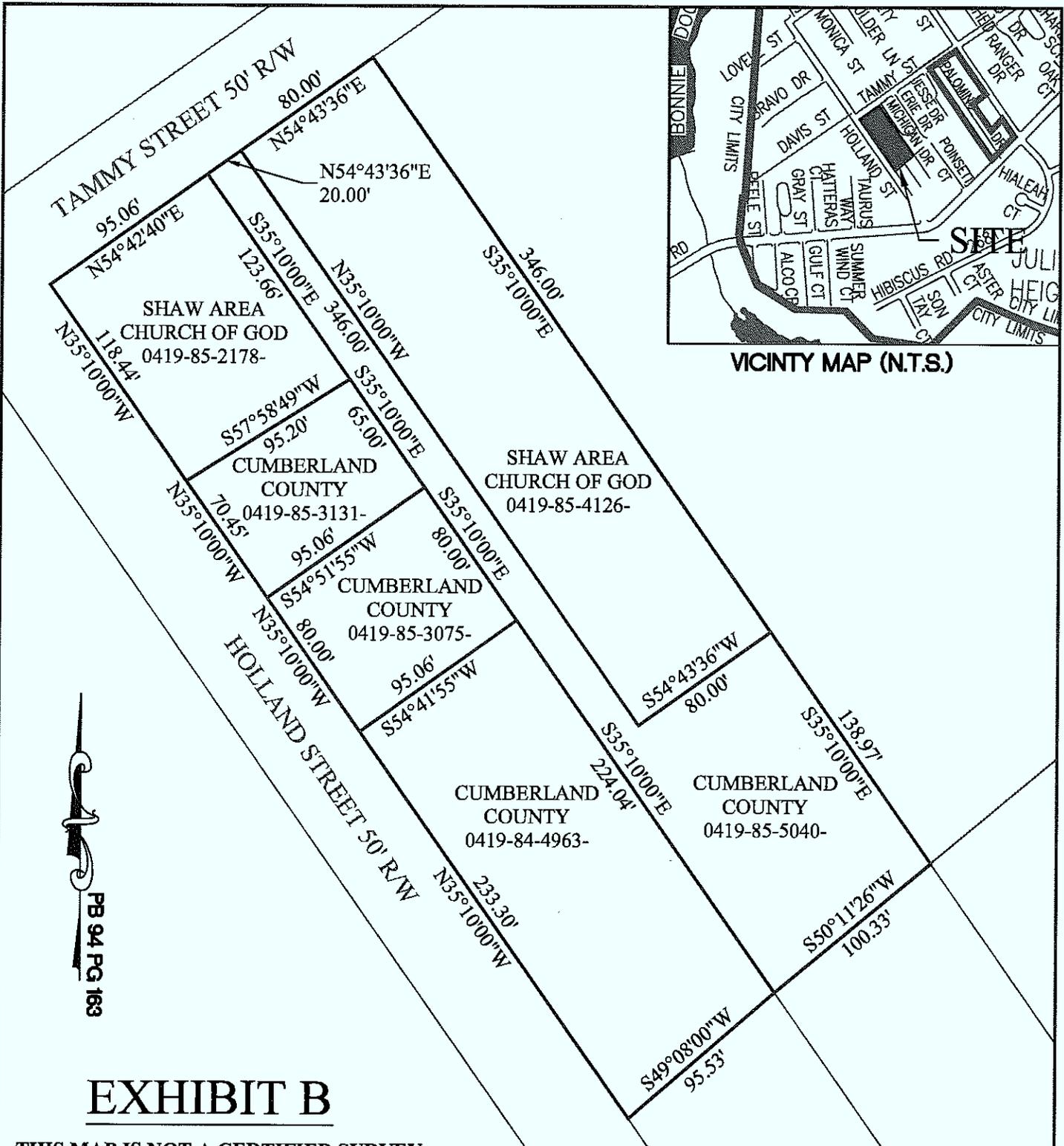
Situation 3-One interesting outcome of Situation 2 above is that the Church-County satellite area would convert to a contiguous part of the City. Then, any property owner abutting the Church-County area would be able to submit a contiguous annexation petition to the City. In this situation, the odds of being able to submit an annexation petition would be increased by the annexation of the Church-County area.

Situation 4-This situation is regarding the City-initiated annexation of Shaw Heights, rather than the voluntary annexation of properties in response to petitions. Let’s assume that the Church-County area is annexed as a satellite. Then, let’s assume that the City decides to initiate an involuntary annexation of the entire Shaw Heights area. In that case, the City would have to show that the area meets the statutory standard of being “developed for urban purposes.” There are several ways that the City can show that an area is “developed for urban purposes.”

The simplest way is to show that it has a population density of 2.3 persons per acre. If the Church-County area is already inside the City, then the City will not have to include the acreage of the area in calculating the total number of acres in Shaw Heights. This should result in the density of the Shaw Heights area being a little higher than it otherwise would be. So, in this situation, the odds of the City being able to annex the Shaw Heights area would be increased by the annexation of the Church-County area.

There might be some additional situations that could be imagined; these might relate to the provision of water and sewer. However, I need to leave now for a dental appointment. If you want me to do anything else on this, please let me know.

David Nash



VICINITY MAP (N.T.S.)

PB 94 PG 163

EXHIBIT B

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

ANNEXATION AREA

ANNEXATION DATE:
EFFECTIVE DATE:

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

ANNEXATION PROPOSAL
SHAW AREA CHURCH OF GOD &
CUMBERLAND COUNTY
± 2.21 ACRES

DATE 11/28/2012 DRAWN BY CSA
SCALE 1" = 70' CK'D BY CSA

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Nash, AICP, Planner II
DATE: June 10, 2013
RE: **Consideration of a Petition Requesting Annexation of a Non-Contiguous Area Known as Property of Shaw Area Church of God and Cumberland County (2 Parcels Are Owned by Church and 4 Parcels Are Owned by County)-(Located on the Eastern Side of Holland Street and the Southern Side of Tammy Street in the Shaw Heights Community)**

THE QUESTION:

Request to annex (as a satellite area) two parcels owned by Shaw Area Church of God and four parcels owned by Cumberland County.

RELATIONSHIP TO STRATEGIC PLAN:

Strong local economy

BACKGROUND:

This request originated on November 16, 2012, when officials from the Shaw Area Church of God submitted an annexation petition for two parcels owned by the church. The church officials were required to submit an annexation petition pursuant to City Council Policy 150.2. (They would like to connect the sanctuary building to an existing PWC water line which is in the street adjacent to the building. The church property is in the Fayetteville MIA. Policy 150.2 requires that the church's property be annexed before PWC services can be provided.)

The church's property is not contiguous to the City, but it can be annexed as a satellite. There is an existing satellite area of the City located nearby; this area was annexed on October 24, 1977. (See attached Vicinity Map.)

The church's request for a satellite annexation can be approved if the satellite standards specified in state law are met. One standard says that if the area proposed for annexation is a subdivision, all of the subdivision must be included. The church's two parcels are part of a six-parcel subdivision for residential development. The other four parcels are owned by Cumberland County. In order for any of these parcels to be annexed as a satellite, all six parcels need to be part of the proposed annexation area.

On March 18, 2013, the Cumberland County Board of Commissioners adopted a resolution waiving any objection to the inclusion of the four county-owned parcels in the proposed annexation area (attached). This made it possible for the annexation petition to be processed by the City.

The City staff scheduled public hearings for this area based on the City's annexation petition policy/initial zoning policy (as revised by City Council on February 13, 2012). The Zoning Commission held its initial zoning public hearing on April 9, 2013. The City Council held its initial zoning public hearing and its annexation public hearing on May 28.

The initial zoning and annexation items were tabled at the City Council's May 28 meeting so that staff could clarify the exact acreage of the property to be annexed and initially zoned. The number of acres has been confirmed as 2.21.

ISSUES:

Sufficiency: The City's Real Estate staff has verified that the Trustees of the Shaw Area Church of God is the owner of the two parcels that the church has requested be annexed. (See attached

Sufficiency memo.)

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

City Services-Even though this area would be a satellite, City operating departments reported that the impact of annexing the area would be minimal. The Fire Department reports that the area is within the adopted baseline travel time established in the City's Fire/Emergency management Standard of Cover document. The area is 3.2 miles from the first due City Engine Company (which is located at Station 3 at 3225 Rosehill Road). Effective Response Force (ERF) units needed to complete incident critical tasks have estimated travel times of 7 to 10 minutes, as measured from Station 9 (at 5091 Santa Fe Drive), from Station 7 (at 301 Stacy Weaver Drive), and Station 4 (at 406 Stamper Road). The Environmental Services Department reports that since the two church buildings in the area are non-residential, the department would not be responsible for providing garbage pick-up services; the department only provides services to residential buildings. The Police Department reports that it would not have any increased costs for serving the area.

PWC Services-PWC water is adjacent to the area (in Holland Street and Tammy Street). PWC sewer is about 800 feet from the area (along Shaw Road). A sewer extension would be required to serve the area. (However, the petitioner is not requesting sewer.) The area is already served by PWC electrical service.

Compliance with Satellite Annexation Standards: There are five standards that a satellite annexation must meet in order to be annexed. This area meets the five standards, as shown in the attached ordinance. Originally, this area would not have met the "do not split a subdivision" standard. However, the Cumberland County Board of Commissioners adopted a resolution on March 18, waiving any objection to the inclusion of the four County-owned parcels in the area.

Zoning Issues: The Zoning Commission approved the initial zoning of this area as SF-6 on April 9; this was consistent with the previous County zoning of R6. One person from the neighborhood did speak in opposition. This person has since filed an appeal, requesting that when the initial zoning is processed at a City Council meeting, that a public hearing be held.

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

BUDGET IMPACT:

Fiscal impact analysis involves a comparison of projected revenues with projected costs.

Projected Revenues: For this area, there will be no ad valorem revenues because the parcels in the area are exempt from real property taxes, since they are owned by either the church or the County. There will be no population-based revenues, because the area has no population.

Projected Costs: No City operating departments have expressed concerns or unusual increases in costs to serve this area, if it is annexed.

Fiscal Impact: No impact, because no revenues or costs are projected.

OPTIONS:

1. Adopt the Annexation Ordinance with an effective date of June 10, 2013 and include approval of the final initial zoning action consistent with the prior action on the zoning.
2. Adopt the Annexation Ordinance with an effective date within six months of the date of passage of the ordinance, and include approval of the final initial zoning action consistent with the prior action on the zoning.
3. Do not adopt the Annexation Ordinance. This option means the property would remain outside

the City and the initial zoning would not occur.

RECOMMENDED ACTION:

City staff recommends that the City Council follow Option 1 and adopt the proposed ordinance annexing the area effective June 10, 2013, and establish the initial zoning consistent with the prior action on the zoning case.

ATTACHMENTS:

Vicinity Map

Legal Description Map

Basic Information Sheet About the Area

Sufficiency Memo

Memo for the Agenda of the March 18 2013 Meeting of the County Board of Commissioners

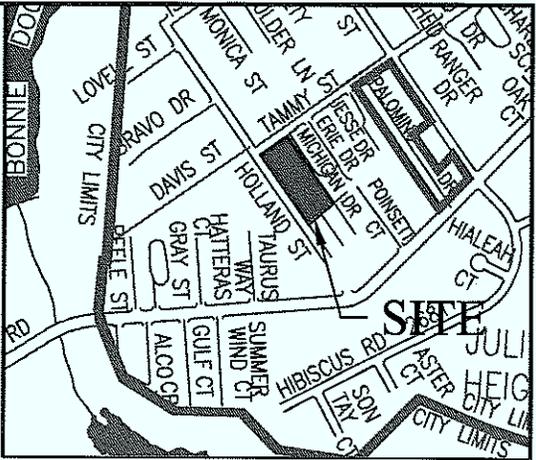
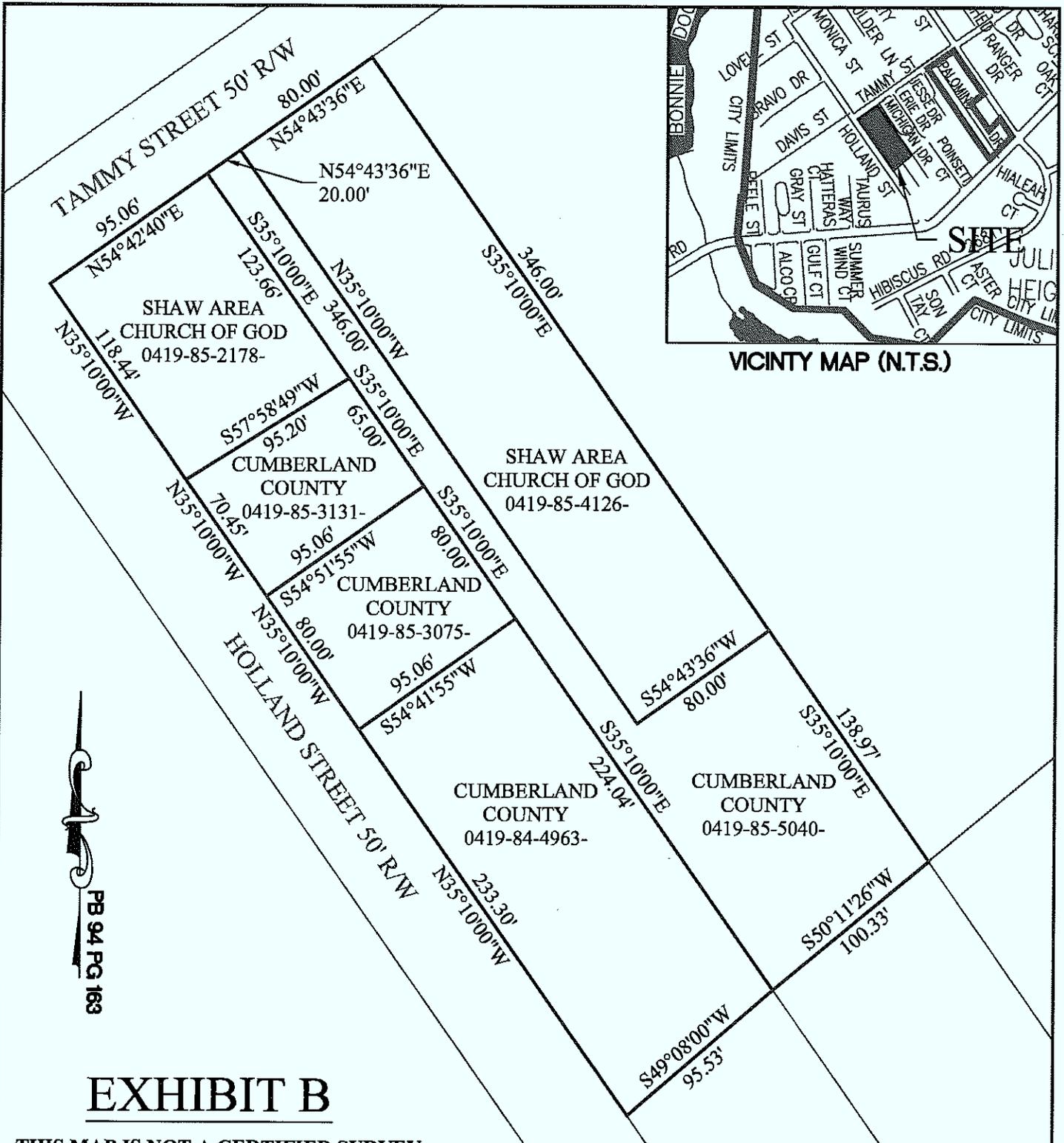
Proposed Ordinance - Shaw Area Church of God

Power Point Presentation - CCMtg 061013

Possible Satellite Annexation Petition Area
 Two Parcels Are Owned by Shaw Area Church of God and
 Four Parcels Are Owned by Cumberland County
 (All Six Parcels Are Part of a Subdivision -Recorded at Plat Book 0094, Page 0163)



Prepared 5/3/13 by City of Fayetteville Planning & Zoning Division



VICINITY MAP (N.T.S.)

PB 94 PG 163

EXHIBIT B

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

ANNEXATION AREA

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

**ANNEXATION PROPOSAL
 SHAW AREA CHURCH OF GOD &
 CUMBERLAND COUNTY
 ± 2.21 ACRES**

DATE	11/28/2012	DRAWN BY	CSA
SCALE	1" = 70'	CK'D BY	CSA

ANNEXATION DATE:
EFFECTIVE DATE:

BASIC INFORMATION ABOUT THE AREA

Information Updated as of: May 17, 2013

Date Petition Received: 11/16/12

Ordinance Adoption Date: / Effective Date:

1. Name of Area:	Property of Shaw Area Church of God and Cumberland County (2 Parcels are Owned by Church and 4 Parcels Are Owned by Cumberland County)
2. Names of Petitioner:	Nathaniel Brown (Pastor), Jennifer Alford (Trustee), Anthony Brown (Trustee) (Trustees of Shaw Area Church of God)
3. Location/Address/Directions to Property:	<u>General Location:</u> In the Shaw Heights community; southeastern corner of intersection of Tammy St and Holland St. <u>Address:</u> Sanctuary building of Church is at 5722 Holland St. A 2 nd church building is at 1255 Tammy St. <u>Directions:</u> From Pamalee Drive, turn north on Murchison Road. Turn west on Tammy Street. The 6 parcels are located at the intersection of Tammy St and Holland St.
4. Tax Identification Number (PIN):	PIN's for 2 parcels owned by church: 0419-85-2178 and 0419-85-4126. PIN's for 4 parcels owned by Cumberland County: 0419-85-3131, 0419-85-3075, 0419-85-5040, and 0419-84-4963.
5. Fire Department Affected by Annexation:	Fayetteville (Formerly Westarea)
6. Is the Area Contiguous?	No
7. Is Area in Fayetteville MIA (Municipal Influence Area)?	Yes
8. Type of Annexation:	Petition-initiated non-contiguous area (ie, satellite area) [Note: There is an existing satellite area of the City nearby (at Tammy & Gregory St).]
9. Background:	The church would like to connect its sanctuary building to an existing PWC water line which is in the street adjacent to the building. The church's property is in the Fayetteville MIA. Policy 150.2 requires that the church's property be annexed before PWC services can be provided. This property is not contiguous to the City, but it can be annexed as a satellite, if the satellite standards are met. One standard says that if the area proposed for annexation is a subdivision, all of the subdivision must be included. The church's 2 lots are part of a 6-lot subdivision. The other 4 lots are owned by Cumberland County. In order for the area to be annexed as a satellite, all 6 lots need to be part of the proposed annex area. The County has said that it does not object if its 4 lots are annexed.
10. Reason the Annexation was Proposed:	The church would like to connect to an existing PWC water line. The property is in the Fayetteville MIA. Policy 150.2 requires annexation.
11. Number of Acres in Area:	2.21 acres +/-
12. Type of Development in Area:	Church's property-developed; County's property-vacant.
13. Present Conditions:	<ul style="list-style-type: none"> a. <u>Present Land Use:</u> Church & vacant lots b. <u>Present Number of Housing Units:</u> 0 c. <u>Present Demographics:</u> Total Pop=0 d. <u>Present Streets:</u> None e. <u>Water and Sewer Service:</u> PWC water is available; PWC sewer is not available. f. <u>Electrical:</u> Served by PWC.
14. Factors Likely to Affect Future of Area:	<ul style="list-style-type: none"> a. <u>Plans of Owner:</u> The owner plans to continue using the 2 church buildings for religious purposes. b. <u>Development Controls</u> <ul style="list-style-type: none"> 1. <u>Land Use Plan</u> <ul style="list-style-type: none"> a. <u>2010 Plan</u>-Medium Density Residential b. <u>Shaw Heights Land Use Plan</u>-Multi-Family Resid 2. <u>Zoning</u> <ul style="list-style-type: none"> a. <u>Current Zoning in County:</u> R6 b. <u>Likely Zoning After Annexation:</u> SF-6 3. <u>In Airport Impact Zone?</u>-Near Simmons; not in Imp Zone. 4. <u>In Airport Overlay District?</u>-No
15. Expected Future Conditions:	<ul style="list-style-type: none"> a. <u>Future Land Use</u> -Continuation of church use; assume vacant parcels remain vacant. b. <u>Future Number of Housing Units:</u> Total=0 (0 HU x 90% occupancy rate*=0 occupied HU) * Based on 2010 Census for Fayetteville c. <u>Future Demographics:</u> Total Pop=0 (0 occupied HU x 2.45 avg household size*=0) *Based on 2010 Census for Fayetteville d. <u>Future Streets:</u> Future realignment of Shaw Rd? e. <u>Water and Sewer Service:</u> PWC water will continue to be available; PWC sewer service will require extensions. f. <u>Electric Service:</u> PWC service will continue to be available.
16. Tax Value of Land and Buildings:	Since the proposed annex area is made up of parcels owned by a church and by the County, their property class is Exempt. Therefore, their tax value is zero.

MEMO

To: David Nash, Planning Department

From: Brandy R. Bishop, Senior Paralegal

CC: To the file

Date: November 30, 2012/**March 27, 2013**

Re: Sufficiency of Annexation Petition

SIGNERS OF THE PETITION: Nathaniel Brown (**Title Unknown**); Jennifer Alford, Trustee; Anthony Brown, Trustee
Trustees of Shaw Area Church of God

Trustees of Shaw Area Church of God per recorded Deeds 4678, Page 270, and 4689, Page 751 is the record owner of Lots 17 and 19, Block "A", as shown on a plat entitled, "DIVISION OF LOTS 17 & 18, BLOCK "A" OF SHAWS HEIGHTS," duly recorded in Book of Plats 94, Page 163, Cumberland County Registry.

- 1: 0419-85-4126- Lot 17, Block "A" Division of Shaws Heights (0.64 Acres)
- 2: 0419-85-2178- Lot 19, Block "A" Division of Shaws Heights (0.26 Acres)

My search ended November 28, 2012 at 8:00 a.m. **Updated to 3/25/2013 @ 8:00**

Please note that I do not think it is defective for Nathaniel Brown to sign the petition; but, if he is not a trustee his signature is unnecessary. His title is not stated on the petition. In addition, this is an organization's petition not an individual's so they did not sign in the appropriate place.

Petition is now sufficient!

RICKEY L. MOOREFIELD
County Attorney



ITEM NO. 5

PHYLLIS P. JONES
Assistant County Attorney

ROBERT A. HASTY, JR.
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

5th Floor, New Courthouse • P.O. Box 1829 • Suite 551 • Fayetteville, North Carolina 28302-1829
(910) 678-7762

**MEMO FOR THE AGENDA OF THE MARCH 18, 2013
MEETING OF THE BOARD OF COMMISSIONERS**

TO: Board of Commissioners; Co. Manager; Cecil Combs
FROM: Co. Atty. *R. Moorefield*
DATE: March 9, 2013
SUBJECT: Request of Shaw Area Church of God for Assistance with Annexation

Attachments:

Letter from Pastor Nathaniel Brown, Shaw Area Church of God;
Map of Annexation Proposal of Shaw Area Church of God;
Email from David Nash to Cecil Combs dated January 25, 2013

BACKGROUND:

The Shaw Area Church of God wishes to connect to PWC water adjacent to its property. The church is located at the corner of Tammy and Holland Streets just outside the city limits. The church has been informed by the city that in order to connect to the water line, the church must petition for the annexation of its two lots as well as the four adjoining vacant lots owned by the county. The city is not requiring the county to file an annexation petition. It simply requires a written statement from the county that the county does not object to the annexation of its four vacant lots.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends that the county assist the church with its request by adopting the following resolution:

Whereas, the Shaw Area Church of God has requested the county's assistance with its annexation petition to the City of Fayetteville for the purpose of obtaining public water.

Be it resolved that the Board of Commissioners hereby waives any objection to the inclusion of the county-owned parcels identified as PIN #s 0419-85-3131, 0419-85-3075, 0419-84-4963 and 0419-85-5040 in the annexation petition of the church to the City of Fayetteville.

received
2/21/13

ct

February 21, 2013

Shaw Area Church of God
5772 Holland Street
Fayetteville, NC 28311

Mr. James E. Martin
County Manager
P.O. Box 1829
Fayetteville, NC 28302

Dear Mr. Martin:

I am the pastor of the Shaw Area Church of God, located at 5772 Holland Street in the Shaw Heights area. We would like to connect to a PWC water line that is adjacent to our property. PWC has informed me that the church will need to submit an annexation petition to the City of Fayetteville in order to get the water connection.

On November 16, we submitted an annexation petition to the City. We requested annexation for our two lots. We requested annexation as a satellite, because our two lots do not abut the city limits. The City staff told us that our annexation request would need to include four lots owned by Cumberland County that are in the same subdivision. (See attached map of the annexation proposal, which was drawn by the City of Fayetteville.)

Mr. David Nash, who works for the City of Fayetteville Planning Division, sent an email on January 25 to the County concerning all of this. Mr. Nash sent the email to Mr. Cecil Combs of the County Planning Department, who forwarded it to the County Attorney, Mr. Rick Moorefield. (See attached copy of Mr. Nash's email of January 25, 2013.)

According to Mr. Moorefield, the church will need to send a letter to the County Manager. By this letter to you, we are asking that the County assist us in our desire to be annexed.

If you have any questions, or if you need any additional information, please feel free to call me at 910-551-7872.

Thank you very much for your assistance in this matter.

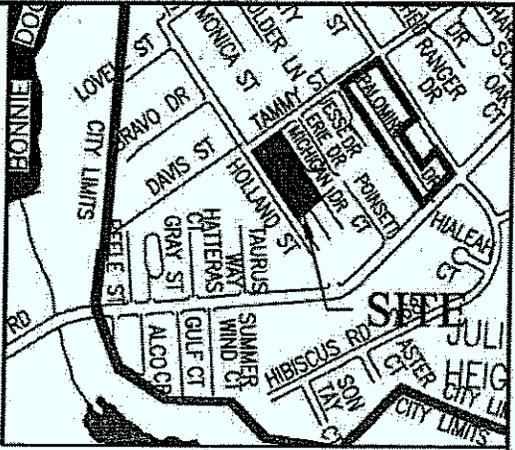
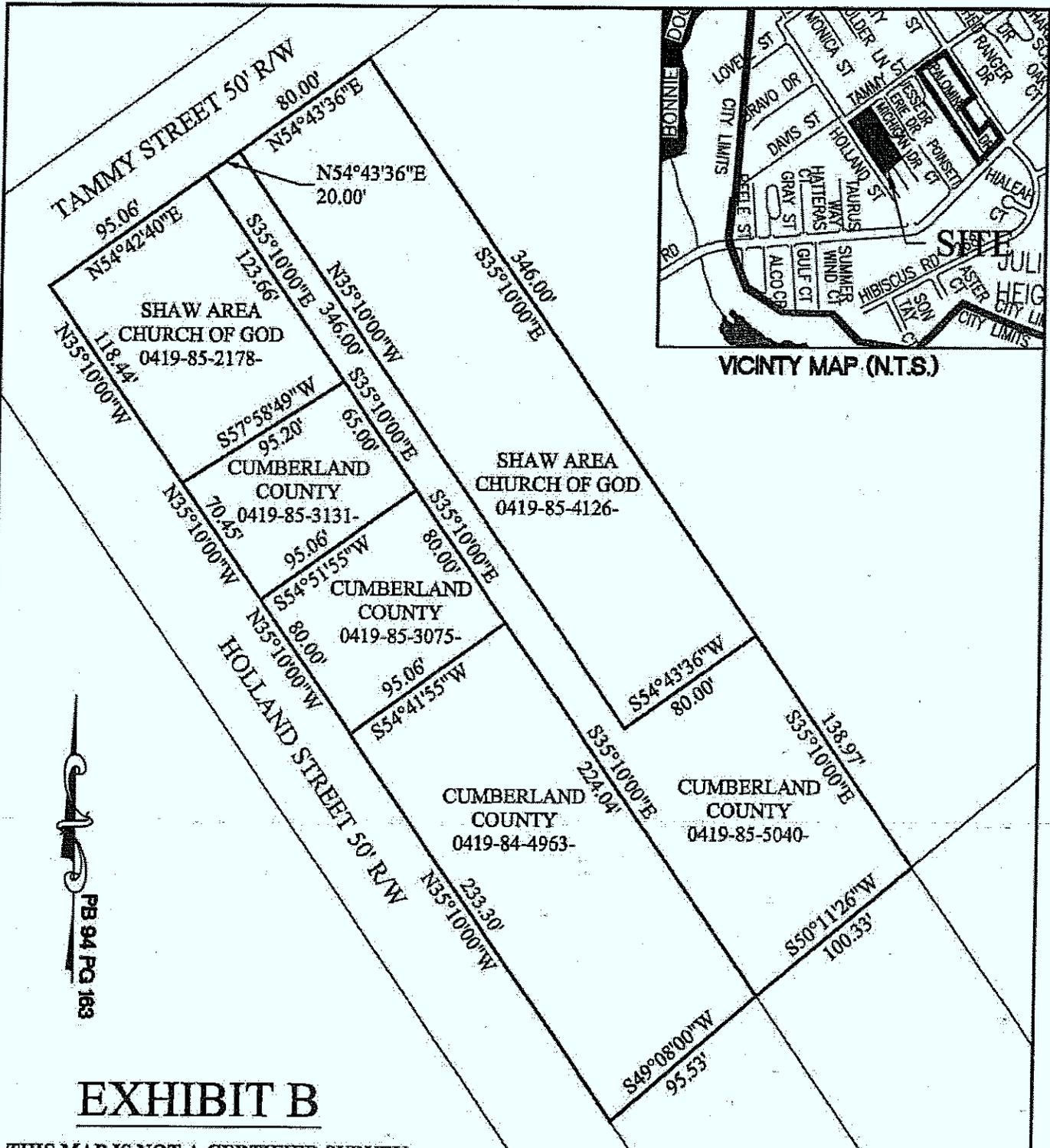
Sincerely,

Nathaniel Brown

Pastor, Shaw Area Church of God

Attachments:

Map of Annexation Proposal (Drawn by City of Fayetteville)
Copy of Email Dated January 25, 2013 (David Nash to Cecil Combs)



VICINITY MAP (N.T.S.)

PB 94 PG 163

EXHIBIT B

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

ANNEXATION AREA

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

**ANNEXATION PROPOSAL
 SHAW AREA CHURCH OF GOD &
 CUMBERLAND COUNTY
 ± 2.21 ACRES**

DATE 11/28/2012 DRAWN BY CSA
 SCALE 1" = 70' CK'D BY CSA

SHEET 1 OF 1

ANNEXATION DATE:
 EFFECTIVE DATE:

David Nash

From: David Nash
Sent: Friday, January 25, 2013 4:03 PM
To: 'Cecil Combs'
Cc: 'Tom Lloyd'; 'Matt Rooney'
Subject: FW: Shaw Area Church of God-Possible Satellite Annexation Petition Area-Information On Why County Lots Need To Be Added
Attachments: Petition Submitted by Shaw Area Church of God_With Attachments_Scanned.pdf; DocumentViewPDF-(Plat Book 94-Page 163).pdf; Policy 150-2_Effective 021312.pdf; Shaw Area Church of God_Annex Map_Corrected 012513.pdf
Importance: High

Cecil,

This is in response to your email of January 24, in which you asked for some information about the Shaw Area Church of God's petition for annexation and why County parcels need to be added in order for this annexation to proceed.

On November 16, Mr. Nathaniel Brown, Pastor of the Shaw Area Church of God, submitted a satellite annexation petition. (See copy, attached.) The petition requested annexation of two parcels owned by the church in the Shaw Heights area. The petition was signed by Mr. Brown and by two trustees of the church.

The church's property is located on the southeastern corner of the intersection of Tammy Street and Holland Street.

The property requested for annexation consists of two tax parcels. (The PIN numbers are: 0419-85-2178 and 0419-85-4126.) There is one building on each parcel. The sanctuary building is at the corner of Holland Street and Tammy Street; its address is 5772 Holland Street. The second building is at 1255 Tammy Street; an alternative address for this building is 1261 Tammy Street.

The church would like to connect its sanctuary building to an existing PWC water line which is in the street adjacent to the building. The building is currently served by a well, but the well water has been deteriorating.

PWC informed the church that it would need to submit an annexation petition, prior to requesting service, because the property is in the Fayetteville MIA.

This requirement to submit an annexation petition is based on City Policy 150.2, which says that all property within the Fayetteville MIA must be annexed before water or sewer service will be provided or expanded. (See copy of policy, attached.)

The basic question is: Would the County object if four County-owned parcels in the same subdivision were added to the proposed annexation area? (The PIN numbers of the County-owned parcels are: 0419-85-3131, 0419-85-3075, 0419-85-5040, and 0419-84-4963.)

The City needs an answer to this question before proceeding with the annexation request. I have told Mr. Brown that we have been in contact with County staff, and that hopefully the County staff will provide an answer soon.

Here is some background:

A satellite annexation area must meet five standards, as set out in the state satellite annexation law. One of those standards says that if the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.

According to the County tax records and the deed provided with the annexation petition, the church's property consists of Lots 17 and 19 of a subdivision plat recorded at Plat Book 94, Page 163. (See copy of Plat Book 94-Page 163, attached.)

However, there are four other lots that are part of this subdivision, and these four lots are now owned by Cumberland County. So, in order for the area to be annexed as a satellite, all six lots need to be made a part of the proposed annexation area.

The satellite annexation law says that the petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

Prior to 2011, the City would have been able to simply add the four parcels owned by the County to the two lots owned by the church, since the four parcels owned by the County are exempt from taxation.

However, legislation enacted in 2011 (Session Law 2011-57, House Bill 171), added language saying that a petition is not valid if it is for the annexation of property for which a signature is not required and the property owner objects to the annexation.

So, in order for the City to add the four lots owned by the County to this proposed annexation area, the City needs to know if the County objects or not.

I assume that all the City staff needs from the County is a written statement as to whether the County objects or not. We do not need for the County to fill out a separate satellite annexation petition form. However, if the County would prefer to fill out a form, we will be glad to provide the form.

The City staff has already prepared a map of the proposed satellite annexation area. (A corrected copy of this map is attached.) The map shows the PIN number and the owner name for each of the six parcels.

Please note that there used to be buildings on the County-owned parcels, but these buildings have been removed. The only buildings remaining in the proposed annexation area are those owned by the church.

In closing, thank you for your consideration of this request. If you have any questions, or if you need any additional information, please feel free to get in touch.

David Nash, AICP
Planning and Zoning Division
Development Services Department
City of Fayetteville
910-433-1995

From: Cecil Combs [mailto:ccombs@co.cumberland.nc.us]
Sent: Thursday, January 24, 2013 8:08 AM
To: David Nash
Cc: Thomas Lloyd; Matthew Rooney
Subject: FW: Shaw Area Church of God-Possible Satellite Annexation Petition Area (See attached map)
Importance: High

Annexation Ordinance No: _____

**Property of Shaw Area Church of
God and Cumberland County
Tammy Street at Holland Street
Area Includes 6 Tax Parcels-
(2 parcels owned by church:
0419-85-2178, 0419-85-4126)
(4 parcels owned by County:
0419-85-3131, 0419-85-3075,
0419-85-5040, 0419-84-4963)**

**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 May 28, 2013, after due notice by publication on May 17, 2013; and

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

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

- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Fayetteville;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fayetteville 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 the Trustees of the Shaw Area Church of God (2 parcels) and Cumberland County (4 parcels) is hereby annexed and made part of the City of Fayetteville, North Carolina as of June 10, 2013:

BEGINNING at a point in the Eastern right-of-way margin of Holland Street, said point also being the northwest corner of Lot 19, Block "A", as shown on a plat entitled, "DIVISION OF LOTS 17 & 18, BLOCK "A" OF SHAWS HEIGHTS," duly recorded in Book of Plats 94, Page 163, Cumberland County Registry, and continuing thence North 54 degrees 42 minutes 40 seconds East 95.06 feet to a point; thence North 54 degrees 43 minutes 36 seconds East 20.00 feet to a point; thence North 54 degrees 43 minutes 36 seconds East 80.00 feet to a point; thence South 35 degrees 10 minutes 00 seconds East 484.987 feet to a point; thence South 50 degrees 11 minutes 26 seconds West 100.33 feet to a point; thence South 49 degrees 08 minutes 00 seconds 95.53 feet to a point; thence North 35 degrees 10 minutes 00 seconds West 502.19 feet to the **POINT AND PLACE OF BEGINNING**, and containing 2.21 Acres more or less.

Section 2. Upon and after June 10, 2013, 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 shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed area, described in Section 1, together with a certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections as required by G.S. 163-288.1.

Adopted this ___ day of _____, 20__.

Anthony G. Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

City Council Meeting June 10, 2013

Annexation Item-Property of Shaw Area Church of God & Cumberland Co



City of
Fayetteville
North Carolina





Overview



- Property of Shaw Area Church of God and Cumberland County-Holland Street and Tammy Street in the Shaw Heights Community (Satellite Area)
- Notice of Public Hearing was Published on Friday, May 17 in The Fayetteville Observer.
- Public Hearing was held on Tuesday, May 28
- No action taken on May 28 so that staff could confirm acreage



Property of Shaw Area Church of God
and Cumberland County
Basic Information

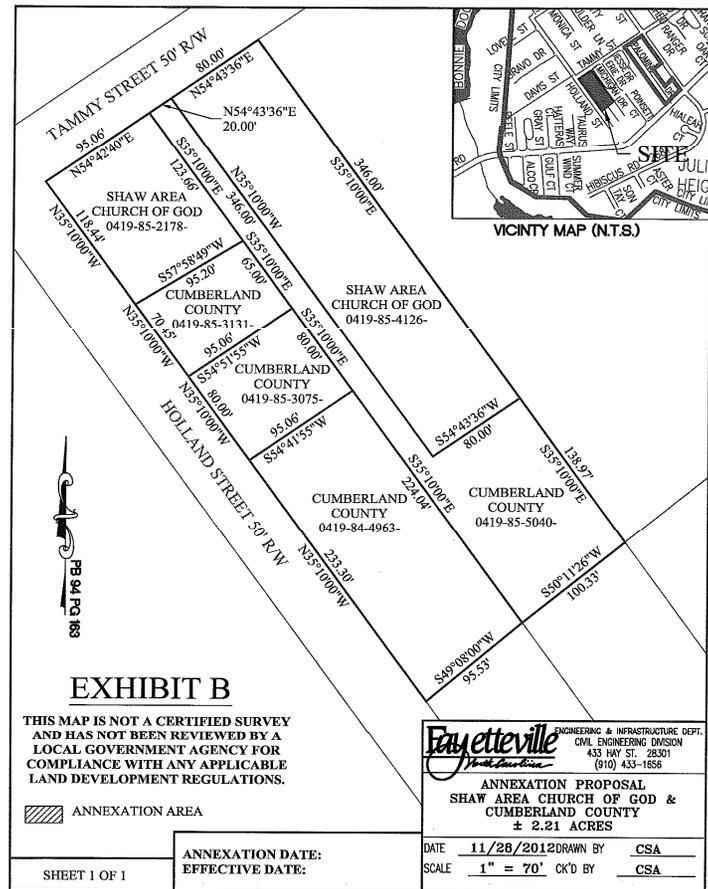


- Number of Acres- 2.21
- Is Area Contiguous? No
- Is Area in Fayetteville MIA? Yes
- Existing Land Use-2 small church buildings and 4 vacant lots
- Proposed Land Use-No change expected
- Reason for the Petition-Church wants to connect to PWC water line.

Property of Shaw Area Church of God and Cumberland County Vicinity Map



Property of Shaw Area Church of God and Cumberland County Legal Description Map

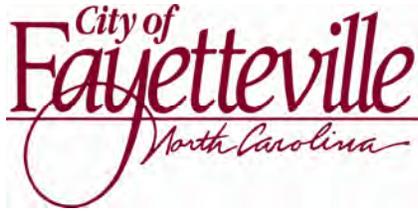




Property of Shaw Area Church of God
and Cumberland County
Issues



- Sufficiency-OK
- Services-City operating departments & PWC divisions have reviewed and indicate no problem in providing services.
- Revenues-None.
- Satellite Annexation Standards-With addition of County properties the Area meets all 5.
- Zoning-Zoning Commission recommended SF-6. One person from neighborhood objected.



Property of Shaw Area Church of God
and Cumberland County
Options



-
- 1. Adopt ordinance with effective date of June 10, 2013, and include affirmation of the initial zoning action.
 - 2. Adopt ordinance with effective date within six months of passage of ordinance, and include affirmation of the initial zoning action.
 - 3. Do not adopt ordinance.



Property of Shaw Area Church of God
and Cumberland County
Recommended Action



-
- Staff recommends that the City Council adopt the proposed ordinance annexing the property, effective June 10, 2013. (The motion to adopt the ordinance should include the affirmation of the initial zoning action.)



City of
Fayetteville
North Carolina

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

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



CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: June 10, 2013
RE: **Uninhabitable Structures Demolition Recommendations**
869 Brewer Street
804 Hillsboro Street
627 North Street
1528 S. Reilly Road
226 Woodrow Street

THE QUESTION:

Ordinances to demolish blighted structures.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

869 Brewer Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on June 8, 2012. A hearing on the condition of the structure was conducted on July 11, 2012, in which the owner did not attend. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on July 12, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since May 2007. In the past 24 months there have been 10 calls for 911 service to the property. There have been 3 code violation cases with no pending assessments. The low bid for demolition is \$2,300.00.

804 Hillsboro 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 in a commercial zoning. A hearing on the condition of the structure was conducted on January 9, 2013, which the owner attended. A subsequent Hearing Order to repair or demolish the structure was issued and mailed to the owner on January 10, 2013. To date there have been no repairs to the structure. There is no record of utilities at the structure. In the past 24 months there have been no calls for 911 service to the property. There have been 4 code violation cases with no pending assessments. The low bid for demolition is \$1,500.00.

627 North Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a dangerous structure on July 30, 2012. A hearing on the condition of the structure was conducted on August 15, 2012, which the owners attended. A notice of the hearing was also published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owners on August 16, 2012. To date there have been no repairs to the structure. There is no record of utilities to the structure. In the past 24 months there have been 2 calls for 911 service to the property. There have been 2 code violation cases with no pending assessments. The low bid for demolition is \$1,300.00.

1528 S. Reilly Road

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structures in question are vacant residences consisting of a modular home, a single wide mobile home, and a block structure. A hearing on the condition of the structures was conducted on January 30, 2013, in which the owner did not attend. A notice of the hearing was also published in the Fayetteville Observer newspaper. To date there have been

no repairs to the structures. There is no record of utilities to the structures. In the past 24 months there have been 3 calls for 911 service to the property. There has been 1 code violation case with no pending assessments. The low bid for demolition is \$4,500.00.

226 Woodrow 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 residential home that was the subject of a fire in October, 2012. As a result of the fire the structure was inspected and condemned as a dangerous structure on March 5, 2013. A hearing on the condition of the structure was conducted on March 15, 2013, in which the owner's representative appeared. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owners on March 19, 2013. To date there have been no repairs to the structure. In the past 24 months there have been 32 calls for 911 service to the property. There have been 9 code violation cases with no pending assessments. The low bid for demolition is \$2,500.00.

ISSUES:

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

BUDGET IMPACT:

The demolition of these structures will be \$12,100.00; there will be additional costs for asbestos testing and abatement if needed.

OPTIONS:

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

RECOMMENDED ACTION:

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

ATTACHMENTS:

- Aerial Map-- 869 Brewer Street
- Docket-- 869 Brewer Street
- Ordinance-- 869 Brewer Street
- Photo 1- 869 Brewer Street
- Photo 2- 869 Brewer Street
- Photo 3- 869 Brewer Street
- Photo 4- 869 Brewer Street
- Aerial Map-- 804 Hillsboro Street
- Docket-- 804 Hillsboro Street
- Ordinance-- 804 Hillsboro Street
- Photo 1- 804 Hillsboro Street
- Photo 2- 804 Hillsboro Street
- Photo 3- 804 Hillsboro Street
- Photo 4- 804 Hillsboro Street
- Aerial Map-- 627 North Street
- Docket-- 627 North Street
- Ordinance-- 627 North Street
- Photo 1- 627 North Street
- Photo 2- 627 North Street

Photo 3- 627 North Street
Photo 4- 627 North Street
Aerial Map-- 1528 S. Reilly Road
Docket-- 1528 S. Reilly Road
Ordinance-- 1528 S. Reilly Road
Photo 1- 1528 S. Reilly Road
Photo 2- 1528 S. Reilly Road
Photo 3- 1528 S. Reilly Road
Photo 4- 1528 S. Reilly Road
Photo 5- 1528 S. Reilly Road
Photo 6- 1528 S. Reilly Road
Aerial Map-- 226 Woodrow Street
Docket-- 226 Woodrow Street
Ordinance-- 226 Woodrow Street
Photo 1- 226 Woodrow Street
Photo 2- 226 Woodrow Street
Photo 3- 226 Woodrow Street
Photo 4- 226 Woodrow Street
Photo 5- 226 Woodrow Street



Location: 869 Brewer Street
PIN: 0428-96-1515

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	869 Brewer Street
Property Owner(s)	Barbara Sumney Marshall & Susan Sumney Jones, Fayetteville, NC
Date of Inspection	June 8, 2012
Date of Hearing	July 11, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed July 12, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since May 2007.
Police Calls for Service (past 2 yrs)	10

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 10th day of June, 2013.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

869 Brewer Street
PIN 0428-96-1515

BEING all of Lot 21, in a subdivision known as MAC'S PARK, according to a plat of same duly recorded in Book of Plats 10, Page 33 and also being duly recorded in Book of Plats 21, Page 11, Cumberland County Registry

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

Barbara Sumney Marshall 7640 Wilkins Drive Fayetteville, NC 28311	Susan Sumney Jones 1900 Boling Road Ext., Apt 2G Taylors, SC 29687
---	--

- (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 12, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$2,300.00 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 shall have priority as provided by law, and a record of the same shall be available in the office of the City of Fayetteville Finance Department, Collections Division, 2nd Floor - City, 433 Hay Street, Fayetteville, NC 28301.

SECTION 3

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

Adopted this 10th day of June, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



DANGER





8-4-6-1



8-4-7-1



Location: 804 Hillsboro Street
PIN: 0437-49-8817

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	804 Hillsboro Street
Property Owner(s)	James L & Lula T. Crosby, Fayetteville, NC
Date of Inspection	November 15, 2012
Date of Hearing	January 9, 2013
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed January 10, 2013
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	No record of utilities.
	Hearing was advertised in the Fayetteville Observer newspaper. December 2012.
Police Calls for Service (past 2 yrs)	0

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 10th day of June, 2013.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

804 Hillsboro Street
PIN 0437-49-8817

BEGINNING at the intersection of the western margin of the Raleigh and Southport (now Raleigh, Charlotte and Southern) Railroad right-of-way and the eastern margin of Hillsboro Street extended, and runs thence with the margin of said street North 2 degrees 40 minutes East 3 chains 82 links to a stake in the margin of said street, Charles H. Johnson's corner; thence South 77 degrees 20 minutes East with old line 1 chain 35 links to a stake in the western margin of Raleigh and Southport right-of-way; thence with said right-of-way on a 3 degree curve to the left to the beginning, bearings taken from true meridian, being a part of the M.W. Johnson tract.

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

James L. Crosby and Lula T. Crosby
248 S. Windsor Drive
Fayetteville, NC 28301

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

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

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$2,300.00 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 shall have priority as provided by law, and a record of the same shall be available in the office of the City of Fayetteville Finance Department, Collections Division, 2nd Floor - City, 433 Hay Street, Fayetteville, NC 28301.

SECTION 3

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

Adopted this _10th_____ day of ___June_____, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



DANGER

DO NOT ENTER
This is an unoccupied building









Location: 627 North Street
PIN: 0437-67-9659

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	627 North Street
Property Owner(s)	Heirs of Lottie McMillan Mary E. McGeachy, Algine Ray, Flora Williams, and Maisy Ruth McMillan, Fayetteville, NC
Date of Inspection	July 30, 2012
Date of Hearing	August 15, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 90 days mailed August 16, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	No record of utilities.
	Hearing was advertised in the Fayetteville Observer August 2012.
Police Calls for Service (past 2 yrs)	2

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 10th day of June, 2013.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

627 North Street
PIN 0437-67-9659

Beginning at a stake on the west margin of North Street in said City of Fayetteville, North 02 degrees 30 minutes East 60 feet from the south east corner of Lot No. 6, in a deed registered in Book E.#9, page 536, and being also the North East corner of the lot conveyed to Mrs. Amelia F. Orrell and running thence with the Western margin of North Street North 02 degrees 30 minutes East 60 feet to a stake; thence South 88 degrees 45 minutes West about 230 feet to a stake in the back line of the lot of which this is a part; thence with the said back line and old canal South 01 degree West 60 feet to a stake, the N.W. corner of Mrs. Amelia F. Orrell's lot; thence with the line of said lot North 88 degrees 45 minutes East about 230 feet to the beginning and is lot No. 2 in the subdivision of the Tomlinson land.

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

Heirs of Lottie McMillan, Mary E. McGeachy, Algine Ray; Flora Williams, and Maisy Ruth McMillan
c/o Allie Harlow
1351 Bridger Street
Fayetteville, NC 28301

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before November 16, 2012.

- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,300.00 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 shall have priority as provided by law, and a record of the same shall be available in the office of the City of Fayetteville Finance Department, Collections Division, 2nd Floor - City, 433 Hay Street, Fayetteville, NC 28301.

SECTION 3

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

Adopted this _10th_____ day of ___June_____, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



627

DANGER







8-4-21-1



Location: 1528 S. Reilly Road
PIN: 9497-10-7747

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	1528 S. Reilly Road
Property Owner(s)	Roscoe McCormick, Austin, TX
Date of Inspection	December 19, 2012
Date of Hearing	January 30, 2013
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 90 days mailed January 31, 2013
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	No record of utilities.
	Hearing was advertised in the Fayetteville Observer January 2013.
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 10th day of June, 2013.

Frank Lewis, Jr.

Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

1528 S. Reilly Road
PIN 9497-10-7747

BEGINNING at Jackson and Ray corner on the West margin of the said Road (a concrete marker), and runs with the West margin of said road South 31 degrees 30 minutes West 260 feet to an iron stake; thence North 9 degrees West 246 feet to the said Jackson line; thence North 72 degrees 30 minutes East 360 feet to the Beginning with Jackson's concrete marker, containing one (1) acre, more or less.

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

Roscoe McCormick
7512 Moon Rock Road
Austin, TX 78739

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before April 30, 2013.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$4,500.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this ___10th___ day of ___June___, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



776

DANGER
NO ENTRY
PROPERTY OF...



8-4-26-1



8-4-27-1



DANGER
THIS IS A DANGEROUS AREA. PLEASE
DO NOT ENTER. YOU MAY BE INJURED.
OR
OTHER
DANGEROUS SITUATION



8-4-29-1





Location: 226 Woodrow Street
PIN: 0427-67-3923

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	226 Woodrow Street
Property Owner(s)	Manuel M. Stamitoles, Trustee, Nicole B. Stamitoles, Trustee, c/o Charles Stamitoles, Pensacola FL
Date of Inspection	March 5, 2013
Date of Hearing	March 15, 2013
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed March 19, 2013
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since October 2012.
Police Calls for Service (past 2 yrs)	32

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 10th day of June, 2013.

Frank Lewis, Jr.

 Sr. Code Enforcement Administrator (Housing)

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

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

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

The City Council finds the following facts:

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

226 Woodrow Street
PIN 0427-67-3923

Being all of Lot Nos. 37 and 38 in a Subdivision known as Haymount Heights, according to a plat of the same duly recorded in Book of Plats 7, Page 58 of the Cumberland County Registry together with all that interest in that certain driveway agreement dated May 10, 1977 as recorded in Deed Book 2600, Page 479 of the Cumberland County Registry.

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

Manuel M. Stamitoles, Trustee and Nicoleta B. Stamitoles, Trustee
c/o Charles Stamitoles
1025 Creighton Road Suite 101
Pensacola, FL 32504-7031

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before May 19, 2013.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

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

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this ___10th___ day of ___June___, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



226

DANGER



8-4-35-1



8-4-36-1



8-4-37-1



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Pamela Megill, City Clerk
DATE: June 10, 2013
RE: **Monthly Statement of Taxes for May 2013**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS:

Tax Statement - May 2013



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

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: Pamela Megill, Fayetteville City Clerk

From: Aaron Donaldson, Tax Administrator *AD*

Date: June 3, 2013

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 May 2013. 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 questions regarding this report, please contact Catherine Carter at 678-7587.

AD/cc
Attachment

Celebrating Our Past...Embracing Our Future

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

FAYETTEVILLE MACC LEDGER
2002-2012

MAY 2013

DATE	REPORT #	REMITTED TO FINANCE	2012 CC	2012 VEHICLE	2012 CC REVIT	2012 VEHICLE REVIT	2012 FVT	2012 TRANSIT	2012 STORM WATER	2012 FAY STORM WATER	2012 FAY RECYCLE FEE
05/01/13	2012-218	29,416.54	10,301.91	12,447.71	0.00	0.00	1,424.88	1,424.86	179.08	358.13	415.06
05/02/13	2012-219	28,867.10	6,492.09	16,550.12	0.00	16.19	1,801.94	1,801.96	131.91	263.83	379.45
05/03/13	2012-220	38,354.67	14,453.97	15,464.03	0.00	0.00	1,845.00	1,845.00	264.40	528.79	685.26
05/06/13	2012-221	79,419.24	22,138.35	40,662.05	0.00	131.31	4,827.15	4,827.16	646.56	1,293.11	1,553.42
05/07/13	2012-222	36,245.33	12,984.50	15,827.79	292.73	0.00	1,765.00	1,765.00	252.41	504.81	637.72
05/08/13	2012-223	24,591.91	11,645.06	8,030.03	0.00	0.00	1,013.16	1,013.16	182.53	365.05	616.00
05/09/13	2012-224	40,589.00	12,623.66	18,245.05	0.00	0.00	2,254.75	2,254.74	556.28	1,112.55	289.13
05/10/13	2012-225	38,195.06	12,696.94	17,370.05	0.00	24.73	2,150.00	2,150.00	258.27	516.54	665.85
05/13/13	2012-226	89,198.52	15,505.72	57,808.93	0.00	73.73	4,465.38	4,465.39	969.86	1,939.73	943.24
05/14/13	2012-227	31,568.63	4,640.81	20,025.49	0.00	45.92	2,091.04	2,091.06	82.32	164.64	260.69
05/15/13	2012-228	25,717.92	8,422.30	10,082.21	295.02	0.00	1,211.50	1,211.51	216.96	433.91	649.02
05/16/13	2012-229	30,475.52	7,684.85	15,605.50	157.21	22.81	1,679.21	1,679.20	247.92	495.85	443.09
05/17/13	2012-230	25,645.18	9,758.61	9,956.11	0.00	0.00	1,145.00	1,145.00	204.84	409.69	505.30
05/20/13	2012-231	68,211.25	13,179.44	44,426.49	0.00	329.42	3,751.70	3,751.70	154.17	308.34	488.21
05/21/13	2012-232	28,005.76	13,667.65	7,956.43	0.00	40.42	917.15	917.12	543.56	1,087.12	885.28
05/22/13	2012-233	26,213.03	5,565.35	16,085.90	0.00	213.98	1,041.01	1,041.01	123.41	246.83	439.61
05/23/13	2012-234	34,966.95	11,769.79	16,656.45	0.95	0.00	1,386.28	1,386.28	513.53	1,027.07	839.30
05/24/13	2012-235	33,062.84	15,705.91	10,838.24	0.00	17.44	1,320.00	1,320.00	326.07	652.13	842.54
05/27/13	2012-236	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/28/13	2012-237	58,739.32	13,504.78	33,446.83	0.00	0.00	3,296.44	3,296.44	403.94	807.92	1,274.75
05/29/13	2012-238	36,655.37	17,747.33	12,918.92	276.61	0.00	1,071.49	1,071.50	367.97	735.93	899.23
05/30/13	2012-239	41,666.29	21,379.74	13,094.29	0.00	10.94	1,436.83	1,436.83	239.88	479.79	417.65
05/31/13	2012-240	55,879.17	15,192.84	28,471.69	0.00	0.00	3,120.43	3,120.43	419.34	838.68	1,312.95
*****	adj to MACC	(11.79)	(11.79)								
TOTALS		901,672.81	277,049.81	441,970.31	1,022.52	926.89	45,015.34	45,015.35	7,285.21	14,570.44	15,442.75

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)
 CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

***** 5-20-13/FB: MACC was manually adjusted 5-17-13 due to system error in processing reversal/adjustment on 5-10-13.

FAYETTEVILLE MACC LEDGER

2002-2012

2012 ANNEX	2011 CC	2011 VEHICLE	2011 CC REVIT	2011 VEH REVIT	2011 FVT	2011 TRANSIT	2011 STORM WATER	2011 FAY STORM WATER	2011 FAY RECYCLE FEE	2011 ANNEX
0.00	6.74	1,035.95	0.00	0.00	161.29	161.30	0.00	0.00	0.00	0.00
0.00	4.89	255.01	0.00	0.00	67.75	67.76	0.00	0.00	0.00	0.00
0.00	285.24	945.00	0.00	0.00	133.48	133.47	0.00	0.00	0.00	0.00
0.00	67.64	456.60	0.00	0.00	144.53	144.55	2.16	4.31	6.83	0.00
0.00	609.92	284.99	0.00	0.00	35.00	35.00	12.00	24.00	38.00	0.00
0.00	31.17	486.68	0.00	0.00	77.54	77.53	3.19	6.37	10.09	0.00
0.00	641.43	262.60	0.00	0.00	50.00	50.00	24.00	48.00	38.00	0.00
0.00	157.04	570.21	0.00	0.00	92.82	92.82	0.00	0.00	0.00	0.00
0.00	225.22	348.29	0.00	0.00	70.00	70.00	0.00	0.00	0.00	0.00
0.00	141.61	494.70	0.00	0.00	64.85	64.84	0.00	0.00	0.00	0.00
0.00	0.00	490.33	0.00	0.00	106.07	106.08	0.00	0.00	0.00	0.00
0.00	832.66	223.60	0.00	0.00	50.00	50.00	22.03	44.07	69.77	0.00
0.00	23.16	846.36	0.00	0.00	105.00	105.00	3.81	7.62	12.06	0.00
0.00	74.78	404.38	0.00	0.00	64.44	64.43	0.00	0.00	0.00	0.00
0.00	194.28	283.64	0.00	0.00	30.00	30.00	6.14	12.28	19.45	0.00
0.00	40.34	174.63	0.00	0.00	55.00	55.00	0.00	0.00	0.00	0.00
0.00	26.87	114.99	1.00	0.00	45.00	45.00	0.00	0.00	0.00	0.00
0.00	54.93	374.02	0.00	0.00	70.00	70.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	97.89	457.53	0.00	0.00	93.80	93.80	5.19	10.38	16.43	0.00
0.00	54.41	281.00	0.00	0.00	43.93	43.92	5.86	11.72	18.55	0.00
0.00	571.60	246.45	0.00	0.00	54.89	54.89	12.00	24.00	38.00	0.00
0.00	127.98	669.42	0.00	0.00	104.07	104.07	1.04	2.08	3.29	0.00
0.00	4,269.80	9,706.38	1.00	0.00	1,719.46	1,719.46	97.42	194.83	270.47	0.00

FAYETTEVILLE MACC LEDGER

MAY 2013

2002-2012

2010 CC	2010 VEHICLE	2010 CC REVIT	2010 VEHICLE REVIT	2010 FVT	2010 TRANSIT	2010 STORM WATER	2010 FAY STORM WATER	2010 FAY RECYCLE FEE	2010 ANNEX	2009 CC	2009 VEHICLE	2009 CC REVIT
0.00	57.41	0.00	0.00	17.42	17.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2.31	2.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
43.72	16.64	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	8.93	65.52	0.00
36.55	126.69	0.00	0.00	29.31	29.30	0.00	0.00	0.00	0.00	21.44	45.80	0.00
0.00	(10.39)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11.65	43.21	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	12.06	0.00
412.22	79.80	0.00	0.00	25.00	25.00	12.00	24.00	38.00	0.00	0.00	121.31	0.00
60.71	66.81	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	13.35	0.00
42.03	76.33	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	18.96	0.00
155.30	46.25	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	16.68	42.18	0.00
133.29	180.50	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	76.93	36.02	0.00
0.00	10.32	0.00	0.00	14.02	14.01	0.00	0.00	0.00	0.00	132.14	(4.22)	0.00
12.24	31.59	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	0.00	60.81	0.00
0.00	134.06	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	0.00	4.15	0.00
0.00	17.47	0.00	0.00	11.81	11.81	0.00	0.00	0.00	0.00	0.00	45.43	0.00
21.83	95.90	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	31.75	103.03	0.00
17.08	81.41	1.07	0.00	25.00	25.00	0.00	0.00	0.00	0.00	0.00	(13.87)	0.00
11.34	29.03	0.00	0.00	18.69	18.70	0.00	0.00	0.00	0.00	38.07	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	171.28	0.00	0.00	39.15	39.16	0.00	0.00	0.00	0.00	0.00	10.39	0.00
12.20	11.05	0.00	0.00	13.19	13.19	0.00	0.00	0.00	0.00	0.00	6.75	0.00
0.00	(36.65)	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	17.77	20.06	0.00
0.00	67.24	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	70.23	65.05	0.00
972.47	1,298.53	1.07	0.00	383.59	383.59	12.00	24.00	38.00	0.00	413.94	652.78	0.00

FAYETTEVILLE MACC LEDGER
2002-2012

2009 VEH REVIT	2009 FVT	2009 TRANSIT	2009 STORM WATER	2009 FAY STORM WATER	2009 FAY RECYCLE	2009 ANNEX	2008 & PRIOR CC	2008 & PRIOR VEH	2008 & PRIOR CC REVIT	2008 & PRIOR VEH REVIT	2008 & PRIOR FVT	2008 & PRIOR TRANSIT
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	148.33	0.00	0.00	13.86	5.00
0.00	3.10	3.10	0.00	0.00	0.00	0.00	11.85	140.41	0.00	0.00	30.00	0.00
0.00	10.49	10.48	0.00	0.00	0.00	0.00	11.13	90.77	0.00	0.00	35.08	10.00
0.00	16.75	16.73	0.00	0.00	0.00	0.00	0.00	104.32	0.00	0.00	54.58	19.57
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	59.48	0.00	0.00	25.53	5.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	18.12	0.00	0.00	15.00	5.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	3.29	0.00	0.00	5.00	0.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	29.33	0.00	0.00	13.57	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	139.14	185.46	0.00	0.00	24.78	4.78
0.00	17.60	17.61	0.00	0.00	0.00	0.00	0.00	142.53	0.00	0.00	15.00	0.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	12.30	320.60	0.00	0.00	47.55	2.54
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16.88	0.00	0.00	10.00	10.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	106.34	0.00	0.00	3.80	3.80
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	12.49	0.00	0.00	0.70	0.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	34.44	0.00	0.00	5.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	6.47	0.00	0.00	0.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	73.93	0.00	0.00	10.00	0.00
0.00	0.00	0.00	12.00	24.00	38.00	0.00	0.00	97.99	0.00	0.00	15.00	5.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	18.48	177.62	0.00	0.00	35.22	15.22
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	22.25	155.88	0.00	0.00	25.00	0.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	37.89	257.43	0.00	0.00	57.02	5.00
0.00	167.94	167.92	12.00	24.00	38.00	0.00	253.04	2,182.11	0.00	0.00	441.69	90.91

FAYETTEVILLE MACC LEDGER

MAY 2013

2002-2012

2008 & PRIOR STORM WATER	2008 & PRIOR FAY STORM WATER	2008 & PRIOR FAY RECYCLE FEE	2008 & 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	0.00	0.00	1,109.43	0.00	8.55	17.10	0.00	20.62	84.49	29,416.54
0.00	0.00	0.00	0.00	758.23	0.00	5.73	11.46	0.00	15.47	49.96	28,867.10
0.00	0.00	0.00	0.00	1,296.91	0.00	12.72	25.44	0.00	32.41	80.79	38,354.67
0.00	0.00	0.00	0.00	1,758.42	0.32	29.94	59.89	0.00	69.86	94.04	79,419.24
0.00	0.00	0.00	0.00	971.03	4.39	14.44	28.88	0.00	39.32	38.78	36,245.33
0.00	0.00	0.00	0.00	793.65	0.00	7.67	15.36	0.00	24.92	47.71	24,591.91
0.00	0.00	0.00	0.00	1,196.83	0.00	32.22	64.53	0.00	29.26	40.35	40,589.00
0.00	0.00	0.00	0.00	1,085.40	0.68	12.69	25.44	0.00	32.61	59.20	38,195.06
0.00	0.00	0.00	0.00	1,537.45	0.00	46.85	93.75	0.00	44.82	68.68	89,198.52
0.00	0.00	0.00	0.00	845.14	0.00	3.34	6.71	0.00	10.62	61.70	31,568.63
0.00	0.00	0.00	0.00	1,452.31	14.79	10.28	20.57	0.00	30.69	74.64	25,717.92
0.00	0.00	0.00	0.00	842.53	1.18	13.60	27.27	0.00	25.97	54.05	30,475.52
0.00	0.00	0.00	0.00	987.28	0.00	9.03	18.13	0.00	23.90	60.70	25,645.18
0.00	0.00	0.00	0.00	856.67	0.00	24.22	48.46	0.00	24.70	48.30	68,211.25
108.00	0.00	0.00	0.00	940.08	0.00	93.62	55.49	0.00	44.32	27.77	28,005.76
0.00	0.00	0.00	27.98	675.03	0.00	8.92	17.91	2.60	32.14	37.40	26,213.03
0.00	0.00	0.00	0.00	766.21	0.44	26.43	52.87	0.00	43.79	35.08	34,966.95
0.00	0.00	0.00	0.00	1,021.92	0.41	17.71	35.53	0.00	46.74	41.43	33,062.84
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	1,227.31	0.00	20.55	41.18	0.00	58.60	59.04	58,739.32
0.00	0.00	0.00	0.00	897.82	13.86	18.49	37.07	0.00	45.32	28.06	36,655.37
0.00	0.00	0.00	0.00	1,831.75	0.00	13.79	27.71	0.00	26.58	44.37	41,666.29
0.00	0.00	0.00	0.00	1,582.26	0.00	22.66	45.32	0.00	72.30	68.46	55,879.17
											(11.79)
108.00	0.00	0.00	27.98	24,433.66	36.07	453.45	776.07	2.60	794.96	1,205.00	901,672.81