



FAYETTEVILLE CITY COUNCIL
AGENDA
JULY 22, 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 Addition of Certain Streets to the City of Fayetteville System of Streets

6.2 Adopt A Resolution Declaring Jointly-Owned Real Property Surplus and Authorizing A Quitclaim of the City's Interest in Order to Expedite Cumberland County's Sale of Property

6.3 Approve Purchase of Tasers for the Police Department

6.4 P13-05F. The rezoning of property to BP/CZ – Business Park Conditional district or to a more restrictive district, located on Coalition Boulevard being the property of Military Business Park, Inc.

6.5 P13-15F. Initial zoning of property to LI – Light Industrial or to a more restrictive district, located at 185 Airport Road and being the property of Fullblock LLC.

6.6 P13-18F. The rezoning of property from SF-10 Single Family Residential to CC – Community Commercial or to a more restrictive district, located on Yadkin Road near the All American Expressway and being the property of Hyung S. Sackos.

6.7 Resolution Authorizing the Exchange of Property

6.8 Resolution to Set Public Hearing to Consider Closing a 12 foot wide Alley running between Franklin Street and Russell Street

6.9 Approve Meeting Minutes:

March 20, 2013 Agenda Briefing
March 25, 2013 Discussion of Agenda Items
March 25, 2013 Regular Meeting
May 6, 2013 Work Session
May 8, 2013 Budget WKS
May 13, 2013 Discussion of Agenda Items
May 13, 2013 Regular Meeting
May 15, 2013 Budget WKS
May 22, 2013 Agenda Briefing
May 22, 2013 Budget WKS
May 28, 2013 Discussion of Agenda Items
May 28, 2013
June 3, 2013 Work Session
June 10, 2013 Discussion of Agenda Items
June 10, 2013
June 19, 2013 Agenda Briefing
June 24, 2013

6.10 Bid Recommendation to Award Contract for Rockfish Creek Water Reclamation Facility Alkalinity Feed Improvements

6.11 Bid Recommendation to Award Contract for U.S. 301 Water Main Replacement

6.12 Resolution Accepting State Revolving Loan Offer for the Construction Portion of the PO Hoffer Water Treatment Plant Phase I and Resolution to Establish a 2013 PO Hoffer Phase I State Revolving Loan Capital Project Fund and Related Budget

6.13 Special Revenue Fund Project Ordinance 2014-1 (Special Victim Unit Project)

6.14 Special Revenue Fund Project Ordinances 2014-2 and 2014-3 (FY2013-2014 CDBG and HOME Program Budgets)

6.15 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 P13-12F. Initial zoning of property from R6A County Residential to LC – Limited Commercial or to a more restrictive district, located at 1030 Palm Spring Drive and Honeycutt Road and being the property of James Sanders, Donna Muraski and Charlotte Strickland.
Presenter(s): Craig Harmon, AICP, CZO - Planner II

7.2 P13-21F. The rezoning of property from AR – Agricultural Residential to SF-10/CZ Single Family Residential Conditional Zoning or to a more restrictive district, located in River Glen Subdivision on Vandenberg Drive containing 196 acres more or less and being the property of Estate Builders, LLC. (Appeal)

Presenter(s): Craig Harmon, AICP, CZO - Planner II

7.3 P13-22F. The rezoning of property from SF-10 Single Family Residential to SF-6/CZ Single Family Residential Conditional Zoning or to a more restrictive district, located at 6959 Fillyaw Road being the property of Kewon Edwards.

Presenter(s): Craig Harmon, AICP, CZO - Planner II

7.4 A requested variance from the Stormwater Ordinance.

Presenter(s): Russell Thompson, PE, PTOE Engineering and Infrastructure Director

7.5 Public Hearing to Consider a Petition Requesting Annexation of a Non-Contiguous Area Known as the Fullblock LLC Property-Located at 185 Airport Road

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

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

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

7.7 Text amendment to City Code Chapter 30 various articles for clarification, consistency and adjustments to provide greater flexibility and options.

Presenter(s): Karen S. Hilton, AICP, Manager, Planning and Zoning

7.8 Text amendments to City Code Chapter 30 for consolidation and adjustment of tree save, open space and parkland standards to provide greater flexibility and options in (re)development.

Presenter(s): Scott Shuford, AICP, Director, Development Services

8.0 OTHER ITEMS OF BUSINESS

8.1 Uninhabitable Structures Demolition Recommendation

442 S. Eastern Boulevard

Presenter(s): Scott Shuford, Development Services Director

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly Statement of Taxes for June 2013

9.2 Tax Refunds Less Than \$100

10.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

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

COUNCIL MEETING WILL BE AIRED

July 22, 2013 - 7:00 p.m.

COMMUNITY CHANNEL 7

COUNCIL MEETING WILL BE RE-AIRED

July 24, 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: July 22, 2013

RE:

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Giselle Rodriguez, PE, City Engineer
DATE: July 22, 2013
RE: **Addition of Certain Streets to the City of Fayetteville System of Streets**

THE QUESTION:

Council is being asked to accept the dedication of the attached list of streets for maintenance and addition to the City of Fayetteville system of streets. This list includes 4 residential paved streets adding up to a total of 0.49 miles.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods, A Great Place to Live

BACKGROUND:

Staff has identified several recently constructed streets for subdivisions throughout the City that are now acceptable for addition to the City of Fayetteville system of streets.

ISSUES:

These streets need to be officially accepted and added to City of Fayetteville system of streets for us to begin providing maintenance services and to be included in our 2014 Powell Bill appropriation.

BUDGET IMPACT:

Street maintenance cost will increase while the funds received from Powell Bill increase as well.

OPTIONS:

- Approve the attached list for inclusion in the City of Fayetteville system of streets.
- Modify the list, then approve .
- Do not accept the streets for maintenance.

RECOMMENDED ACTION:

Staff recommends that Council move to accept the attached list of subdivision streets for inclusion in the City's system of streets.

ATTACHMENTS:

List of Streets

6/27/2013

***NEW STREETS FOR
COUNCIL APPROVAL
July 2013***

STREET NAME	FROM	TO	LENGTH TO BE ACCEPTED
Little River Farms Dr	Rim Rd	Woodline Dr	0.16
Woodline Dr	NW corner Lot 66	SE corner Lot 26	0.23
Harvest Hill Ct	Woodline Dr	CUL DE SAC	0.08
Quiet Pine Rd	Woodline Dr	NW corner Lot 31	0.02
TOTALS			0.49

4 STREETS TOTAL

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rusty Thompson, Director of Engineering and Infrastructure
DATE: July 22, 2013
RE: **Adopt A Resolution Declaring Jointly-Owned Real Property Surplus and Authorizing A Quitclaim of the City's Interest in Order to Expedite Cumberland County's Sale of Property**

THE QUESTION:

This is a request from Cumberland County for assistance in expediting the sale of jointly-owned real property.

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government

BACKGROUND:

Cumberland County and the City of Fayetteville received joint title to a parcel identified as:
PIN 0419-53-0663 being 5771 Foxtrot Drive

Title to the subject property is jointly held due to the 2007 foreclosure by the County in its role as Tax Administrator. The County has received an offer to purchase said property for a price equaling the foreclosure bid of \$4,253.24. The County is requesting the City declare the property surplus and quitclaim the City's interest to the County in order to expedite the sale. From these proceeds, the City will receive \$338.80 for the assessment listed within the final report. If the present bid is declined, the property will remain in joint government ownership.

ISSUES:

None

BUDGET IMPACT:

No significant impact

OPTIONS:

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

RECOMMENDED ACTION:

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

ATTACHMENTS:

Resolution Quitclaiming City's Interest

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

Resolution R2013_____

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

WHEREAS, the City of Fayetteville and the County of Cumberland jointly own real property in Cumberland County, said property having the tax map designation of PIN 0419-53-0663 being a lot at 5771 Foxtrot Drive; and

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

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

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

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

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

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

CITY OF FAYETTEVILLE

(SEAL)

By: _____
TED VOORHEES, CITY MANAGER

ATTEST:

PAMELA MEGILL, CITY CLERK

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria B. Wrench, Purchasing Manager
DATE: July 22, 2013
RE: **Approve Purchase of Tasers for the Police Department**

THE QUESTION:

Is it in the interest of Council to approve the purchase of (200) Taser X2 units for the Police Department?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1 - The City of Fayetteville will be a safe and secure community.

BACKGROUND:

N.C.G.S. 143-129(e)(6) allows an exception to the bidding requirements for the purchase of apparatus, supplies, materials or equipment when (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration.

The Police Department has the need to replace outdated Taser X26 units currently in use with Taser X2 units. Taser International, Inc. is the sole source manufacturer and distributor for the Taser X2 and X26 equipment. Attached, for your reference, is a sole source letter from Taser International, Inc.

Staff is requesting approval to purchase (200) Taser X2 units with associated cartridges, holsters and battery packs for the total amount of \$279,434.85 in accordance with the "sole source" bidding exception referenced above. This price includes a trade-in credit of \$27,000 for the X26 units currently being used.

ISSUES:

None

BUDGET IMPACT:

Asset Federal Forfeiture funds will be used for this purchase.

OPTIONS:

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

RECOMMENDED ACTION:

Approve the purchase of (200) Taser X2 units with associated cartridges, holsters and battery packs for the total amount of \$279,434.85 from Taser International, Inc., Scottsdale, AZ, in accordance with the "sole source" bidding exception found in N.C.G.S. 143-129(e)(6).

ATTACHMENTS:

Taser International Sole Source Letter



17800 N. 85th St. * Scottsdale, Arizona * 85255 * 1-480-991-0797 * Fax 1-480-991-0791 * www.taser.com

June 21, 2013

SOLE SOURCE LETTER FOR TASER INTERNATIONAL PRODUCTS

This letter is to confirm TASER International is the sole source manufacturer of the following TASER brand products:

- Electronic control devices (ECDs):
 1. TASER X2™ Models: 22002, and 22003.
 2. TASER X3® Models: 33209, and 33210.
 3. TASER X26™ Models: 26511, 26523, 26550, 26512, 26524, 26549.
 4. TASER X3W™ Models: 33228, and 33229.
- Optional Extended Warranties for ECDs:
 1. X2 ECD - 4-year extended warranty, item number 22014.
 2. X26 ECD - 1-year extended warranty, item number 26730.
 3. X26 ECD - 4-year extended warranty, item number 26744.
 4. X3 ECD - 1-year extended warranty, item number 33500.
 5. X3 ECD - 3-year extended warranty, item number 33501.
 6. X3W ECD - 1-year extended warranty, item number 33503
 7. X3W ECD - 2-year extended warranty, item number 33502
- TASER ECD cartridges compatible with the X26, M26™ and Shockwave™ ECDs (required for these ECDs to function in the probe deployment mode):
 1. 15-foot Model 34200.
 2. 21-foot Model 44200.
 3. 21-foot non-conductive Model 44205.
 4. 25-foot Model 44203.
 5. 35-foot Model 44206.
- TASER Smart cartridges compatible with the X2, X3, and X3W ECDs (required for these ECDs to function in the probe deployment mode):
 1. 15-foot Model 22150.
 2. 25-foot Model 22151.
 3. 35-foot Model 22152.
 4. Inert Simulator 25-foot Model 22155.
 5. 25-foot non-conductive Model 22157.
- TASER CAM™ recorder, Model 26830 (full video and audio with ability to disable audio).
 1. The TASER CAM can be downloaded by USB with the TASER CAM Download Kit, Model 26737.
- TASER CAM™ HD recorder, Model 26810 (full HD video and audio) and TASER CAM HD with AS (automatic shut-down feature), Model 26820.
 1. TASER CAM HD replacement battery, Model 26764.
 2. The TASER CAM HD can be downloaded by USB with the TASER CAM HD Download Kit, Model 26762.
 3. TASER CAM HD optional 4-year extended warranty, Item Number 26763.
- Power Modules for X26 ECD: Digital Power Magazine (DPM) Model 26700; eXtended Digital Power Magazine (XDPM) model 26701; and Controlled Digital Power Magazine (CDPM), Models 26702 and 26703.
- Power Modules for X2 ECD: Performance Power Magazine (PPM) Model 22010; Tactical Performance Power Magazine (TPPM) Model 22012; and Automatic Shut-Down Power Magazine (APPM) Model 22011.

- Power Module for X3 and X3W ECDs: Enhanced Digital Power Magazine (EPM) Model 33203
- TASER Shockwave ECD, Models 90012, 90011, 90013, and 90010. The TASER Shockwave ECD runs off of a Shockwave Power Magazine (SPM), Model 90007.
- TASER Blast Door Repair Kit Model 44019 and TASER Blast Door Replenishment Kit Model 44023

Smart™, TASER CAM™, X2™, X3W™, and X26™ are trademarks of TASER International, Inc., and TASER®, and X3® are registered trademarks of TASER International, Inc., registered in the U.S. © 2011 TASER International, Inc. All rights reserved.

AUTHORIZED TASER DISTRIBUTOR FOR TASER PRODUCTS	SOLE AUTHORIZED REPAIR FACILITY TASER BRAND PRODUCTS
TASER International, Inc. 17800 N. 85th Street Scottsdale, AZ 85255 Phone: 480-905-2000 or 800-978-2737 Fax: 480-991-0791	TASER International, Inc. 17800 N. 85th Street Scottsdale, AZ 85255 Phone: 480-905-2000 or 800-978-2737 Fax: 480-991-0791

Please contact us at 1-800-978-2737 with any questions.

Sincerely,



Jim Halsted
Vice President, LE Sales
TASER International, Inc.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: July 22, 2013
RE: **P13-05F. The rezoning of property to BP/CZ – Business Park Conditional district or to a more restrictive district, located on Coalition Boulevard being the property of Military Business Park, Inc.**

THE QUESTION:

Request to rezone property from HI - Heavy Industrial to BP/CZ - Business Park Conditional Zoning.

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Military Business Park, Inc.
Applicant: Ronald Williams (primary contact)
Requested Action: HI to BP/CZ
Property Address: Coalition Boulevard
Council District: 3
Status of Property: Under Development
Size: 235 acres +/-
Adjoining Land Use & Zoning:
North - Fort Bragg & I95
South - CC & SF-6 Vacant
West - All American Expressway
East – SF-6 Vacant & CC Retail Space
Letters Mailed: 29
Land Use Plan: Heavy Commercial on Santa Fe, Activity Node on Bragg and Heavy Industrial in the middle.
Bragg Boulevard Plan: Light Industrial

ISSUES:

These properties are located between Bragg Boulevard, Santa Fe Drive and the All American Expressway. Currently they are zoned HI - Heavy Industrial. The previous M2 zoning had been applied to this site in 2010 to address the mix of manufacturing, some commercial and other related office or support uses envisioned for this park. The new LI or HI did not allow such a mix. In November of 2012 the Fayetteville City Council adopted an amendment to the development code that created a new zoning district, the BP - Business Park (see attached). This amendment allows business parks over 50 acres in size to create development standards specific to their site.

Conditions offered by the owner.

1. Attached (Exterior Design and Use Standards Military Business Park)
2. The developer must meet all other development requirements of the City and State that are not specifically addressed in the attached conditions titled "Exterior Design and Use Standards Military Business Park"

The Zoning Commission and staff recommend approval of the rezoning to BP based on:

1. The Land Use Plan calls for Light Industrial on this property.
2. This property is already being developed as a multi phase business park.
3. The submitted conditions.

BUDGET IMPACT:

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

OPTIONS:

- 1) Approval of the rezoning as requested by the applicant (Recommended);
- 2) Approval of the rezoning with additional or modified conditions (which must be accepted by the applicant);
- 3) Denial of the rezoning request.

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to APPROVE the rezoning to the Business Park Conditional district with the Exterior Design and Use Standards, as presented by staff.

ATTACHMENTS:

EXTERIOR DESIGN AND USE STANDARDS MILITARY BUSINESS PARK

Business Park Ordinance

Zoning Map

Current Land Use

Land Use Plan

PowerPoint

EXHIBIT “B”

EXTERIOR DESIGN AND USE STANDARDS MILITARY BUSINESS PARK

PURPOSE

The purpose behind these exterior design and use standards is to facilitate development of the Military Business Park in a high quality manner while recognizing the unique blend of land uses likely to occur on this property. The Business Park Zoning District provides for the establishment of alternative design standards as part of the initial zoning of any business park development.

A critical aspect of these design standards is to recognize the different design requirements of “supportive” uses and “core” uses within the park. For “supportive” uses in the Military Business Park, such as eating establishments, retail sales and services, and visitor accommodations, City development regulations, including Article 30-5.1 which governs commercial, office, and mixed-use design standards, provide for suitable building and site design management. However, for “core” uses in the Military Business Park, including industrial, research and development, corporate headquarters, office/warehouse, assembly, and similar uses, basic City design standards may not successfully meet structural and site design requirements for these larger scale uses in a practical manner.

A second critical aspect of these design standards is to distinguish between design standards for the different street types within and adjacent to the Military Business Park and to ensure that design standards are applied in a manner that reflects the relative importance of aesthetic controls for each of these street types. For the purpose of these standards, two street types are established: primary and secondary. A primary street is defined as a street that carries public through-traffic and is critical in establishing the visual character of the Military Business Park. A secondary street is defined as a street that primarily carries destination traffic within the Military Business Park or which provides no access to the Military Business Park. Primary and secondary streets are listed in the table below.

PRIMARY STREETS	SECONDARY STREETS	
<ul style="list-style-type: none">• Bragg Blvd.• Santa Fe Drive• Coalition Blvd.	<ul style="list-style-type: none">• All American Freeway• Procurement Circle	<ul style="list-style-type: none">• Bridgehead Circle• Other interior connecting streets

APPLICATION

These exterior design and use standards are applied as conditional zoning standards and are enforced as such by the City of Fayetteville. The Military Business Park also has deed restrictions associated with building and site design standards which are enforced privately. In event of a conflict, the more restrictive standard shall prevail regardless of the enforcement entity.

BUILDING AND SITE DESIGN STANDARDS

“Supportive” uses shall conform to the general City development regulations, including Article 30-5.1, for commercial, office, and mixed-use design standards. “Core” use building and site design shall conform to the following standards.

EXTERIOR BUILDING MATERIALS – “CORE” USES

The following exterior building materials are allowed on building elevations facing any primary or secondary street right-of-way.

Masonry – Brick, natural or cut stone, or tile. Exposed plain concrete block will only be permitted as an accent material and not as the predominant material

Concrete – Cast-in-place or precast concrete may be used provided it is treated in a significant fashion with one or more architectural finishes, such as:

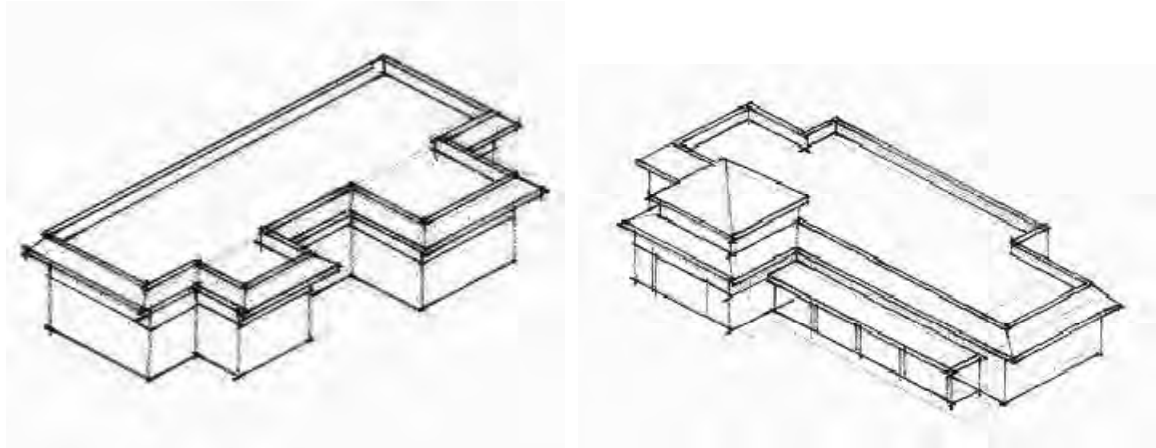
- Exposed aggregate surfaces
- Sandblast the surfaces
- Scored or revealed accent bands
- Painted or stained surfaces
- Integrated coloration

Glass curtain walls

Metal - Permitted only as an accent material unless used above a masonry, concrete or glass base of at least 16 feet in height.

EXTERIOR BUILDING DESIGN – “CORE” USES

- Vertical and horizontal articulation is encouraged and large expanses of blank walls are discouraged on the “front” façade as indicated in the illustrations below.



- Many lots in the Military Business Park have multiple frontages. Exterior design shall be guided by the following:
 - Building facades that face primary streets shall be designed to appear as the “front” of the building.
 - Only one building “front” is required per lot, regardless of the number of frontages.
- Multiple buildings on a site shall exhibit a unified architectural theme through the use of common design elements and materials.

Examples of recommended exterior materials and design are provided in the following photographs.

Building Exterior Facade Examples:



Masonry



Brick/Masonry



Masonry/Stone



Stone/Metal



Metal/Masonry Base



Concrete/Masonry

SUPPORTIVE USES

- These uses shall not occupy more than 25% of the total Military Business Park site.
- Eating establishments, retail sales and services, and visitor accommodations provided as accessory uses within buildings containing “core” uses shall not be counted toward the limit established above.

SITE DESIGN

- General City development regulations regarding site design standards shall be in effect for both “supportive” and “core” uses on an individual lot basis, except that the Military Business Park shall be exempt from Section 30-5.F.5, Block Design; Section 30-5.F, Development Access Points and Section 30-k, Transitional Standards. Portions of the Military Business Park are within the watershed and remain subject to those constraints.
- Coalition Boulevard will be developed with a 100’ right-of-way with enhanced landscaping including 20’ median, roundabouts, street trees and sidewalks on both sides as originally submitted and approved in October 2008. Secondary streets will be developed with a 60’ right-of-way with sidewalks on both sides as originally submitted and approved in October 2008. Lot

access shall primarily be from secondary streets. Any driveways located along Coalition Boulevard shall be shared between properties.

OPEN SPACE AREA

- Open space requirements shall be aggregated on a subdivision (development) basis rather than on an individual lot basis.
- Stormwater management devices provided for the subdivision shall fully satisfy open space requirement, shall remain unfenced, and shall include the following amenities: landscaping, walking trail connected to sidewalk system, picnic/sitting areas, and a fountain at the Bragg Blvd. pond.

TREE SAVE AREA

- Tree space requirements shall be aggregated on a subdivision (development) basis rather than on an individual lot basis, however individual lots may contain recorded tree save areas as part of the aggregated total.
- The tree save area requirement shall be partially satisfied through the following:
 - Existing wetland tree stand near Santa Fe
 - Buffer of 30' wide strip of existing trees supplemented to create opaque buffer along:
 - All American Expressway
 - Specimen tree preservation ['Broadwells' big oaks'] on Lot 1A
- Additional tree save area(s) shall be identified or satisfied by payment in lieu of for any outstanding balance prior to final platting.

FENCES AND WALLS

- Security fencing for "core" uses in the Military Business Park is allowed but shall be disguised to the extent possible as seen from any street right-of-way. Height and materials shall be pursuant to City of Fayetteville development standards for heavy industrial development. No special use permit shall be required to install security fencing for "core" uses in the Military Business Park.
- Other City fencing standards shall remain effect, except that fences located anywhere in side yards or outside the setback area in rear yards may be erected to a maximum height of 12 feet as needed to screen loading and storage areas associated with "core" uses.

LIGHTING

- Maximum height of lighting standards shall be 30 feet for "core" uses and 20 feet for "supportive" uses.
- Other City site lighting requirements shall be in effect, including exemptions for security plans.

SIGNAGE

- Principal freestanding signage shall be limited to either:
 - Ground signs – Maximum height of 12 feet; maximum copy area of 150 square feet.
 - Pylon signs – Pole signs with their supporting structures covered by the same or similar material as the sign face (see examples below). Maximum height of 20 feet; maximum copy area of 150 square feet (only the sign face is counted, not the support cover).
- Other signage shall be regulated by general City sign standards.

Pylon Sign Examples



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH A BUSINESS PARK ZONING DISTRICT; TO CREATE DEFINITIONS FOR CORPORATE HEADQUARTERS, CARETAKER'S DWELLING, DEVELOPABLE AREA, AND OFFICE-WAREHOUSE; AND TO ASSIGN CORPORATE HEADQUARTERS, CARETAKER'S DWELLING, AND OFFICE-WAREHOUSE USES TO ZONING DISTRICTS.

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

Section 1. Revise Article 30-3 to add Business Park Zoning District (BP) as a new Section between 30-3.E.7 Downtown and 30-3.E.8 Light Industrial Zoning Districts Established.

[new] BUSINESS PARK (BP) DISTRICT

(a) Purpose

The Business Park (BP) District is established and intended to accommodate large-scale "campus" type development containing "core" uses that include light and heavy industrial, research and development, corporate headquarters, office-warehouse, assembly, business incubation, and vocational and training school uses, along with supportive uses that include general office, visitor accommodation, restaurant and retail uses. The district is subject to standards intended to minimize overdevelopment of supportive uses relative to core uses, as well as to minimize adverse impacts on surrounding uses.

(b) Dimensional and Design Standards for BP District

BP DIMENSIONAL AND DESIGN STANDARDS

Dimensional Standard	Principal Uses	Accessory Uses
Minimum area to establish a Business Park zoning district	50 acres	
Minimum lot area	50,000 ft. ²	n/a
Minimum lot width	120 feet	n/a
Maximum lot coverage	85%	n/a
Maximum height	100 feet	65 feet
Minimum front and corner setback	40 feet	Not allowed in front, side or corner side yard areas
Minimum side setback	30 feet	
Minimum rear setback	30 feet	30 feet
Minimum spacing between buildings	20 feet	20 feet

NOTES:

1. Development standards for Business Park developments:

- Except as noted explicitly in this or other sections of this code development shall meet the parking, loading, tree protection, landscaping, open space, parkland, fencing, and lighting standards of Article 30-5 applicable to the industrial districts.
- Business Park development plans may specify a common approach to meeting

stormwater management, tree preservation and parkland/open space requirements so that the requirements do not have to be met fully on a lot-by-lot basis.

2. Development adjacent to a street forming the boundary of a Business Park or as otherwise specified by the Additional Requirements in Table 30-4.A is subject to the commercial, office, and mixed-use design standards of Article 30-5.I unless an alternative comprehensive set of design standards is approved as part of the initial zoning establishing specific Business Park districts. These alternative design standards shall address building orientation, building facades, parking location, loading and storage location, and vacancy contingencies. Alternative design standards shall be enforced through conditional zoning condition approvals and/or through recorded property covenants with the City of Fayetteville named as a party.
3. Signage for Business Park developments shall be as follows:
 - Signage approved as a signage plan under the provisions of Section 30-5.L.10(f), Large Development Alternative Signage Plan.
 - Signage approved by City Council simultaneously with the BP zoning designation in conformance with the application submittal provisions of Section 30-5.L.10(f)(3), Large Development Alternative Signage Plan.

Section 2. **Revise Table 30-3.B.1 Base Districts Established to insert the new BP Business Park District between DT Downtown and LI Light Industrial.**

Section 3. **Revise Table 30-3.B.2 Zero Lot Line Applicability to add BP to the fifth entry under Development Type, as shown below:**

Nonresidential or mixed-use development on a tract or site less than 40,000 square feet in area located in OI, NC, LC, CC, MU, DT, BP, LI, and HI districts as a permitted use in Table 30-4.A, Use Table

Allowed

- Special Use Permit also required

- Comply with Commercial, Office, and Mixed-Use; Large Retail; and Transitional Design Standards, as applicable

Section 4. **Revise Table 30-3.F.1 Conditional Zoning Districts Established to correct the format so that each conditional zoning district appears as [district]/CZ. Further, insert a new entry as follows, for Conditional Business Park:**

<u>G-DT/CZ</u>	Conditional Downtown
<u>BP/CZ</u>	<u>Conditional Business Park</u>
<u>G-LI/CZ</u>	Conditional Light Industrial

Section 5. **Create a new column in Table 30-4.A to establish the principal uses permitted in a Business Park (BP) District as P Permitted, S Special Use, or MP Subject to a Planned Development Master Plan, with Additional Requirements, all as follow. The uses in Table 30-4.A that are not listed below for BP are to be shown as / Prohibited in the BP district in the revised table.**

BPO USE STANDARDS

Use Category	Use Type	BP	Additional Requirements
Day Care	Child care center	S	
Educational Facilities	Vocational or Trade School	P	
Government Facilities	Government maintenance, storage or distribution facility	P	
	Government office	P	
Health Care Facilities	Medical or dental clinic	S	
	Medical or dental lab	P	
Parks and Open Space	Greenway	P	
	Park, public or private	P	
	Public square or plaza	P	
Public Safety	Fire or EMS facility	P	
	Police substation	P	
Transportation/Communication	Helicopter landing facility	P	
	Passenger terminal, surface transportation	P	
	Telecommunications antenna, collocation on existing tower	P	
	Telecommunications antenna, placement on existing building	P	
	Telecommunications tower, freestanding	S	
	Utility, major	P	
	Utility, minor	P	
Conference and Training Centers	Conference or training center	P	
Eating Establishments	Restaurant, with indoor or outdoor seating	P	In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total overlay area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses shall be located on the periphery of the Business Park development or at a
	Specialty eating establishment	P	

			major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Design Standards.
Offices	Business services	P	
	Financial services	P	
	Professional services	P	
	Radio and television broadcasting studio	P	
Parking, commercial	Parking structure	P	
Retail Sales & Services	Financial institution, without drive-through service	P	In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total overlay area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Design Standards.
	Financial institution, with drive-through service	P	
	Convenience store, with gas sales	P	
	Drug store or pharmacy, without drive-through service	P	
	Drug store or pharmacy, with drive-through service	P	
	Retail sales establishment, large	S	
	Other retail sales establishments	P	
Visitor Accommodations	Hotel or motel	P	In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total overlay area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park

			district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Design Standards.
Industrial Services	General industrial service	P	
	Heavy equipment servicing and repair	P	
	Repair of scientific or professional instruments	P	
	Research and development	P	
	Tool repair	P	
Manufacturing and Production	Manufacturing, heavy	P	
	Manufacturing, high impact/hazardous	S	
	Manufacturing, light	P	
Freight Movement	Outdoor storage (as a principal use)	P	
	Warehouse (distribution)	P	
	Warehouse (storage)	P	
Waste-Related Services	Energy recovery plant	S	
	Incinerator	S	
Wholesale Sales	All uses	S	

Section 6. **Revise Article 30-4.A Use Table to add Corporate headquarters as a Use Type in the Offices Use Category. Further, revise the table to prohibit Corporate headquarters in the Special Districts, Residential Districts, NC and the PD-R district; to allow Corporate headquarters as a permitted use in the LC, CC, MU, DT, BP, LI and HI districts; and to allow Corporate headquarters as a use subject to MP in the PD-EC and PD-TN districts.**

Section 7. **Revise Article 30-4.A Use Table to add Office-warehouse as a Use Type in the Industrial Services Use Category. Further, revise the table to prohibit office-warehouses in the Special Districts, Residential Districts, NC and the PD-R district; to allow office-warehouses as a permitted use in the LC, CC, MU, DT, BP, LI and HI districts; and to allow office-warehouses subject to MP in the PD-EC and PD-TN districts.**

Section 8. **Revise Table 30-4.C.3 Freestanding Telecommunications Tower Setback Standards, to add BP to the second row (CC, MU, LI, HI, LC) as shown below:**

**TABLE 30-4.C.3: FREESTANDING
TELECOMMUNICATIONS TOWER SETBACK
STANDARDS**

ZONING DISTRICT [1]	MINIMUM SETBACK
CD, AR, SF-15, SF-10, SF-6, MR-5, MH, OI, NC	Tower height
CC, MU, <u>BP</u> , LI, HI, LC	Greater of: ½ tower height; or 50 feet

NOTES:

[1] New freestanding telecommunications towers are not permitted in the DT zoning district.

Section 9. Revise Table 30-4.D.2(e) Table of Permitted Accessory Uses to make Accessory Dwelling Units a permitted use ("P") for the BP, LI and HI districts (they would be subject to the same additional requirements as for other districts).

Section 10. Create a new column in Table 30-4.D Permitted Accessory Uses to establish the accessory uses permitted in a Business Park (BP) District as P Permitted, S Special Use, or MP Subject to a Planned Development Master Plan as follows. Additional Requirements listed for these uses shall also apply to the BP district. The uses in Table 30-4.D that are not listed below for BP are to be shown as / Prohibited in the BP district in the revised table.

Accessory Uses (uses continue to be subject to any Additional Requirements in Table 30-4.D)	<ul style="list-style-type: none"> • Canopies • Accessory Dwelling Units - Caretaker's Quarters • Outdoor Storage • Rainwater Cisterns • Satellite Dishes • Small-Scale Wind Turbines • Solar Energy Equipment • Storage/Parking of Heavy Equipment, Trucks or Trailers • Swimming Pool/Hot Tub
--	--

Section 11. Revise Article 30-4.D.3 Specific Standards for Certain Accessory Uses to add a new standard allowing Caretaker's quarters as the only permitted accessory dwelling use allowed in BP, LI and HI districts, as follows:

30-4.D.3. (a) Accessory Dwelling Units

Accessory dwelling units shall comply with the following standards:

- (1) Not more than one accessory dwelling unit per lot is permitted, and the only type of accessory dwelling unit permitted in the BP, LI and HI districts is Caretaker's Quarters.
- (2) Accessory dwelling units shall be located

Section 12. Revise Article 30-4.D.3(c) Specific Standards for Certain Accessory Uses - Canopies to delete entirely the first item in the list (“(1) Canopies shall be attached to a principal structure ...”) and renumber remaining items.

Section 13. Revise Article 30-4.D.3(l) Specific Standards for Certain Accessory Uses – Outdoor Storage to modify item (4) to add a phrase at the beginning, to read as follows:
“Except in the HI district when the storage area is not adjacent to a street or a more restrictive district, Each outdoor storage area shall be screened from view from all property lines”

Section 14. Revise Table 30-5.B.4(d)(5) Buffer Type Application to add the BP Business Park District as shown below:

TABLE 30-5.B.4.D.5: BUFFER TYPE APPLICATION [1]								
A = TYPE A BUFFER B = TYPE B BUFFER C = TYPE C BUFFER D = TYPE D BUFFER N/A = NOT APPLICABLE (NO BUFFER REQUIRED)								
ZONING CLASSIFICATION OF PROPOSED DEVELOPMENT SITE [2]	ZONING CLASSIFICATION OF ADJACENT PROPERTY							
	CD AR	SF-15, SF-10, SF-6 OR EXISTING SINGLE-FAMILY DEVELOPMENT	MR-5 MH	OI NC MU	LC CC	BP	LI	HI
CD, AR	N/A	N/A	N/A	N/A	N/A	<u>N/A</u>	N/A	N/A
SF-15, SF-10, SF-6	N/A	N/A	N/A	N/A	N/A	<u>N/A</u>	N/A	N/A
MR-5, MH [3]	A	A	N/A	N/A	N/A	<u>N/A</u>	N/A	N/A
OI, NC, MU	B	B	A	N/A	N/A	<u>N/A</u>	N/A	N/A
LC, CC	D	D	C	A	N/A	<u>N/A</u>	N/A	N/A
<u>BP, LI</u>	D	D	C	B	A	<u>A</u>	N/A	N/A
HI	D	D	D	D	B	<u>A</u>	N/A	N/A

Section 15. Revise Table 30-5.C.3 Required Open Space/Parkland Dedication to include the BP district in the “Industrial” category except where the Additional Requirements in Table 30-4.A are applicable to the BP district.

TABLE 30-5.C.3: REQUIRED OPEN SPACE/PARKLAND DEDICATION		
USE CLASSIFICATION [1]	MINIMUM OPEN SPACE/PARKLAND AREA (AS PERCENTAGE OF DEVELOPMENT SITE AREA)	
	HLO ZONING DISTRICT NOT WITHIN DOWNTOWN (DT) [2]	ALL OTHER ZONING DISTRICTS
Residential [3]	5%	10%
Public and Institutional Use	5%	10%
Commercial and Mixed-Use	5%	10%
Industrial[4]	5%	5%
All allowed uses in the CD district	50%	

NOTES:

[1] See Table 30-4.A, Use Table.

[2] Downtown (DT) district including any HLO district within it is exempt from the open space dedication requirements.

TABLE 30-5.C.3: REQUIRED OPEN SPACE/PARKLAND DEDICATION

USE CLASSIFICATION [1]	MINIMUM OPEN SPACE/PARKLAND AREA (AS PERCENTAGE OF DEVELOPMENT SITE AREA)	
	HLO ZONING DISTRICT NOT WITHIN DOWNTOWN (DT) [2]	ALL OTHER ZONING DISTRICTS

[3] New residential development with three or fewer units shall be exempt from these requirements, as well as conservation subdivisions. Conservation subdivisions remain subject to the conservation area standards of Section 30-6.D, Conservation Subdivisions.

[4] Includes the BP Business Park district except as otherwise noted in Table 30-4.A Use Table.

Section 16. Revise Table 30-5.F.4(i) Minimum Street Connectivity Index to add BP to the first row of Districts (with SF=15, SF-10, LI and HI):

TABLE 30-5.F.4.I: MINIMUM STREET CONNECTIVITY INDEX

DISTRICT WHERE DEVELOPMENT IS PROPOSED	MINIMUM CONNECTIVITY INDEX SCORE
SF-15, SF-10, BP, LI, HI	1.40
SF-6, MH, PD-EC	1.50
MR-5, OI, NC, LC, MU, CC, PD-R, PD-TN	1.60

Section 17. Revise Table 30-5.L.8(a) Permitted Signs in Non-Residential Zoning Districts to add "BP" to the last column, with the list "LC, CC, MU, DT, LI, HI".

Section 18. Revise Table 30-9.C Abbreviations to correct the format for conditional districts consistent with Section 4 above. Further, insert the following new listings:

BP	Business Park District
BP/CZ	Conditional Business Park District

Section 19. Revise Article 30-9.D. by adding the following new definitions:

CORPORATE HEADQUARTERS

A use that contains the functions necessary to direct the corporate management and policymaking of an multinational-, national-, or multistate-registered corporation, such as senior management, strategic planning, corporate communications, marketing, finance, human resources, and/or information technology.

DEVELOPABLE AREA

The portion of a site that excludes public or private rights-of-way, delineated wetlands or floodways, publicly-dedicated parks or open space, stormwater detention areas serving more than one property and other areas where development is precluded by natural features or public use.

OFFICE-WAREHOUSE

A land use that includes offices that support showroom, research and development, distribution or warehouse uses; also known as flex space.

Section 20. **Revise Section 30-4.C.5(b) Industrial Services, Item 1 Electrical Motor Repair, ..., to add BP in the first sentence, as follows: "In any authorized district other than BP, LI or HI, repair of ..."**

Section 21. **Revise Article 30-5.E.5 Design Standards for Exterior Lighting, Item ()(1), to add BP as follows:**

30-5.E.5. Design Standards for Exterior Lighting

All exterior lighting shall meet the following standards:

(a) Maximum Lighting Height

- (1)** Except for athletic fields or performance areas, the height of outdoor lighting, whether mounted on poles, walls, or by other means, shall be no greater than 20 feet in residential districts and OI, NC, MU, and DT districts, and no greater than 30 feet in LC, CC, BP and industrial districts.


Section 22. **Revise Article 30-2.B.5 Item (c) Applicability to add BP to the list of applicable zoning districts for which a Neighborhood Meeting would be required if the requested rezoning is proposed to be from a CD Conservation zoning to one of these mixed residential or business districts.**

Section 23. **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 24. **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 13th day of November, 2012.

CITY OF FAYETTEVILLE



ANTHONY G. CHAVONNE, Mayor

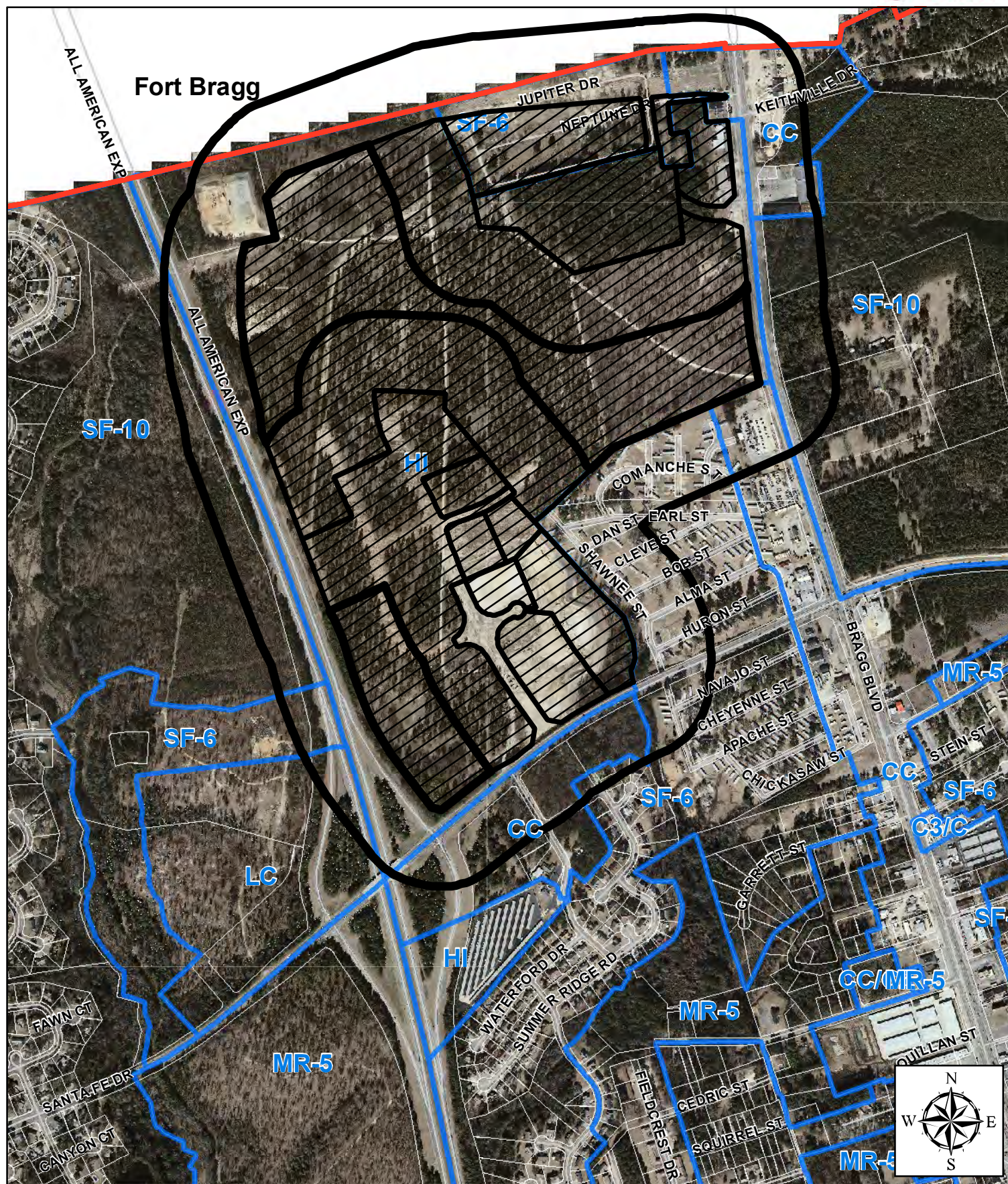
ATTEST:



PAMELA MEGILL, City Clerk

Handwritten text, possibly a signature or initials.

ZONING COMMISSION
CASE NO. P13-05F



Request: BP/CZ
Location: Coalition Boulevard
Size: 235.7 acres +/-

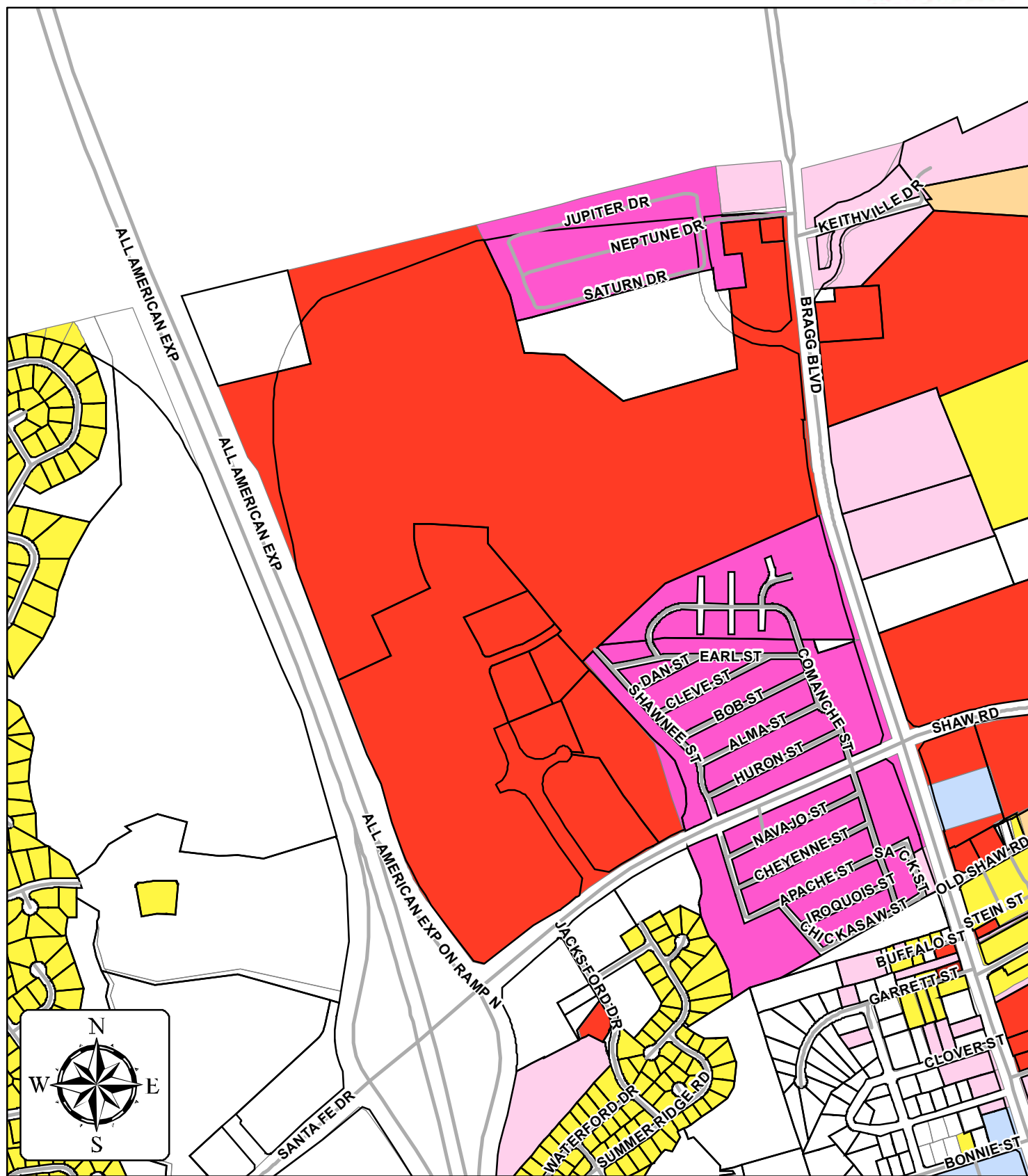
Zoning Commission: 06/11/2013 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0409-93-8559-, 0419-05-5542-, 0419-04-7904-, 0409-92-5492-,
 0409-93-8154-, 0409-92-9724-, 0419-02-1866-, 0419-02-0486-,
 0419-02-5374-, 0419-01-4924-

6-4-3-1

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

Current Land Use

P13-05F

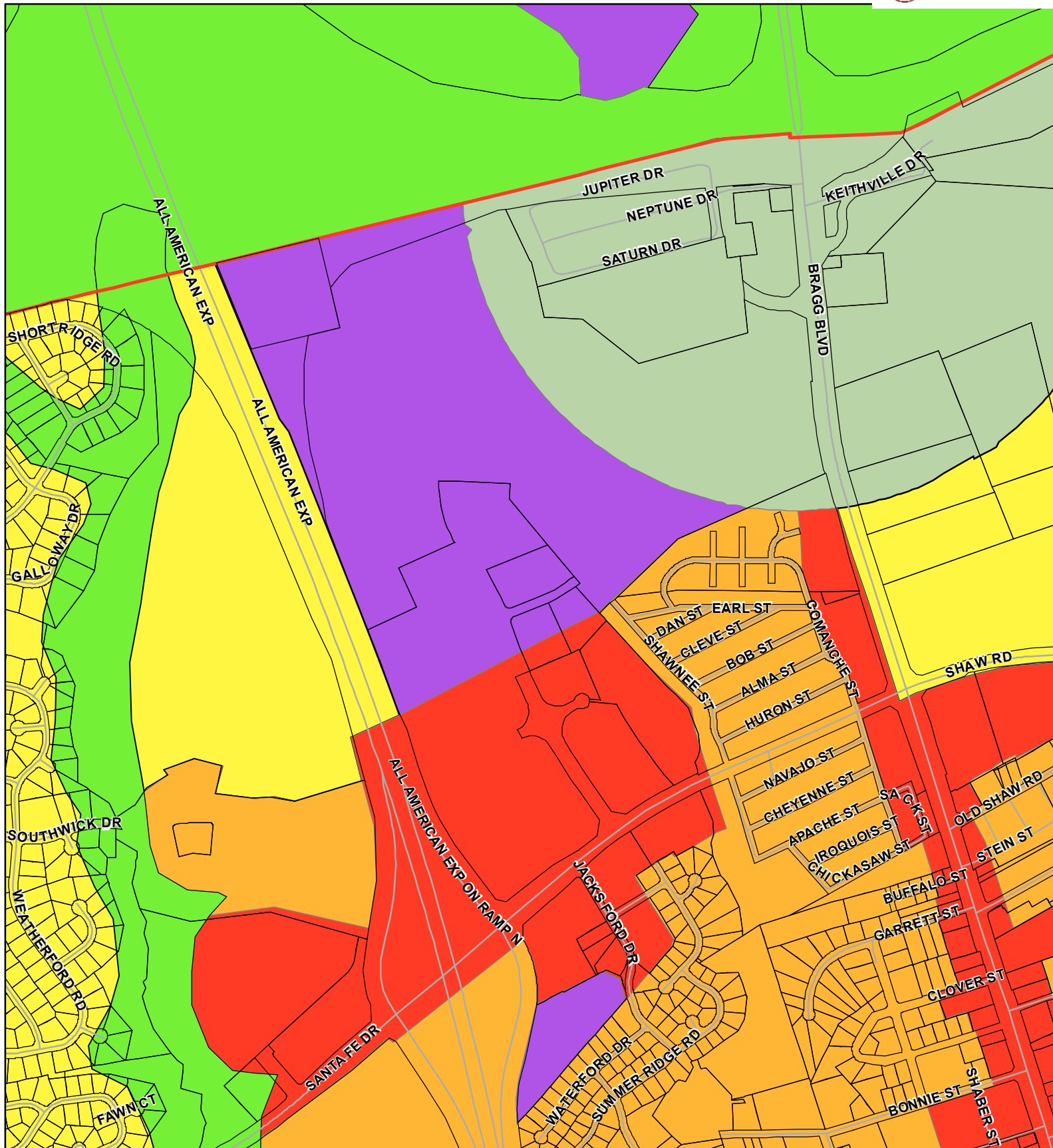


Legend

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. P13-05F



Legend

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

CITY COUNCIL MEETING

July 22, 2013



City of
Fayetteville
North Carolina





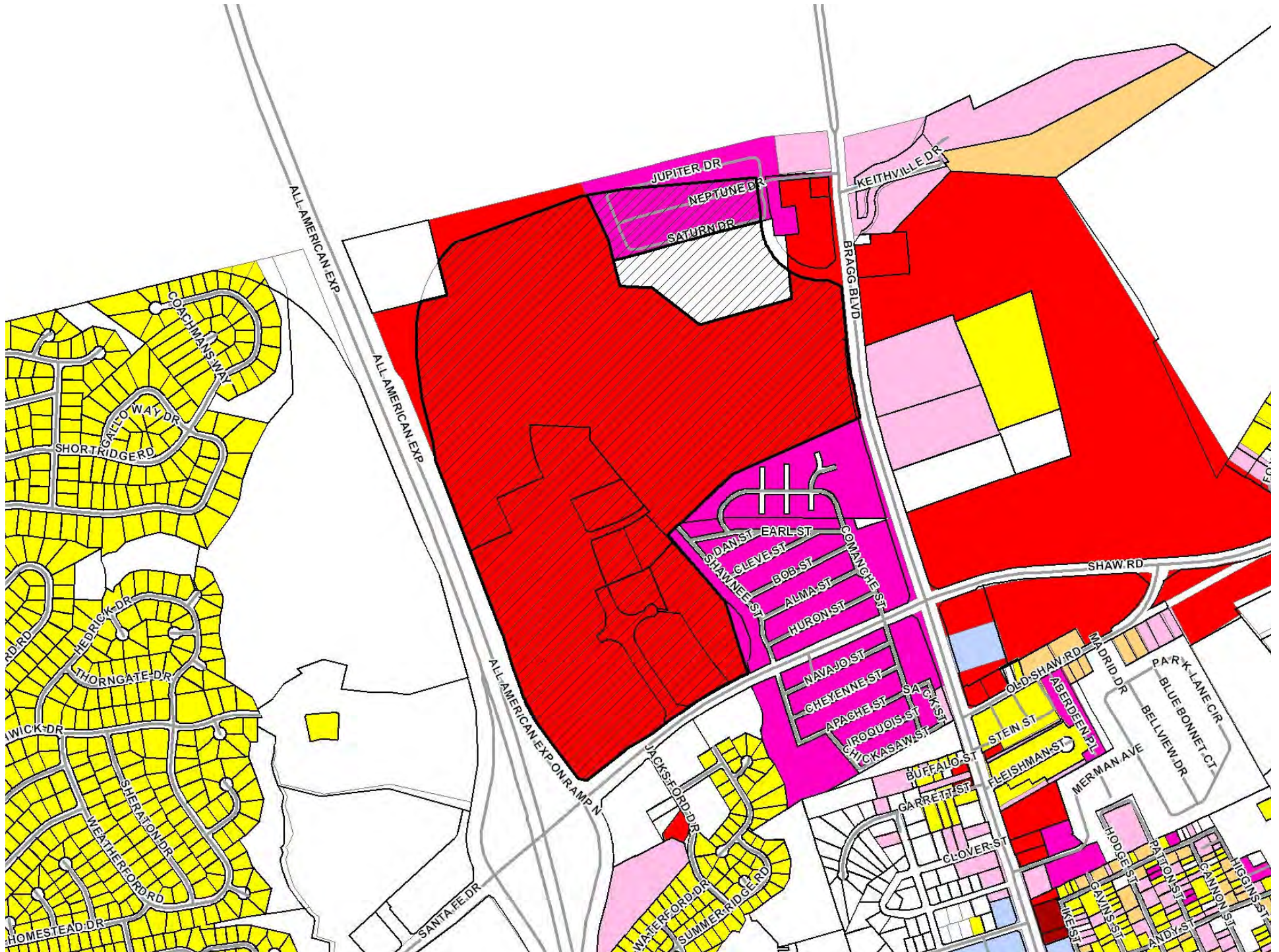
CASE NO. P13-05F

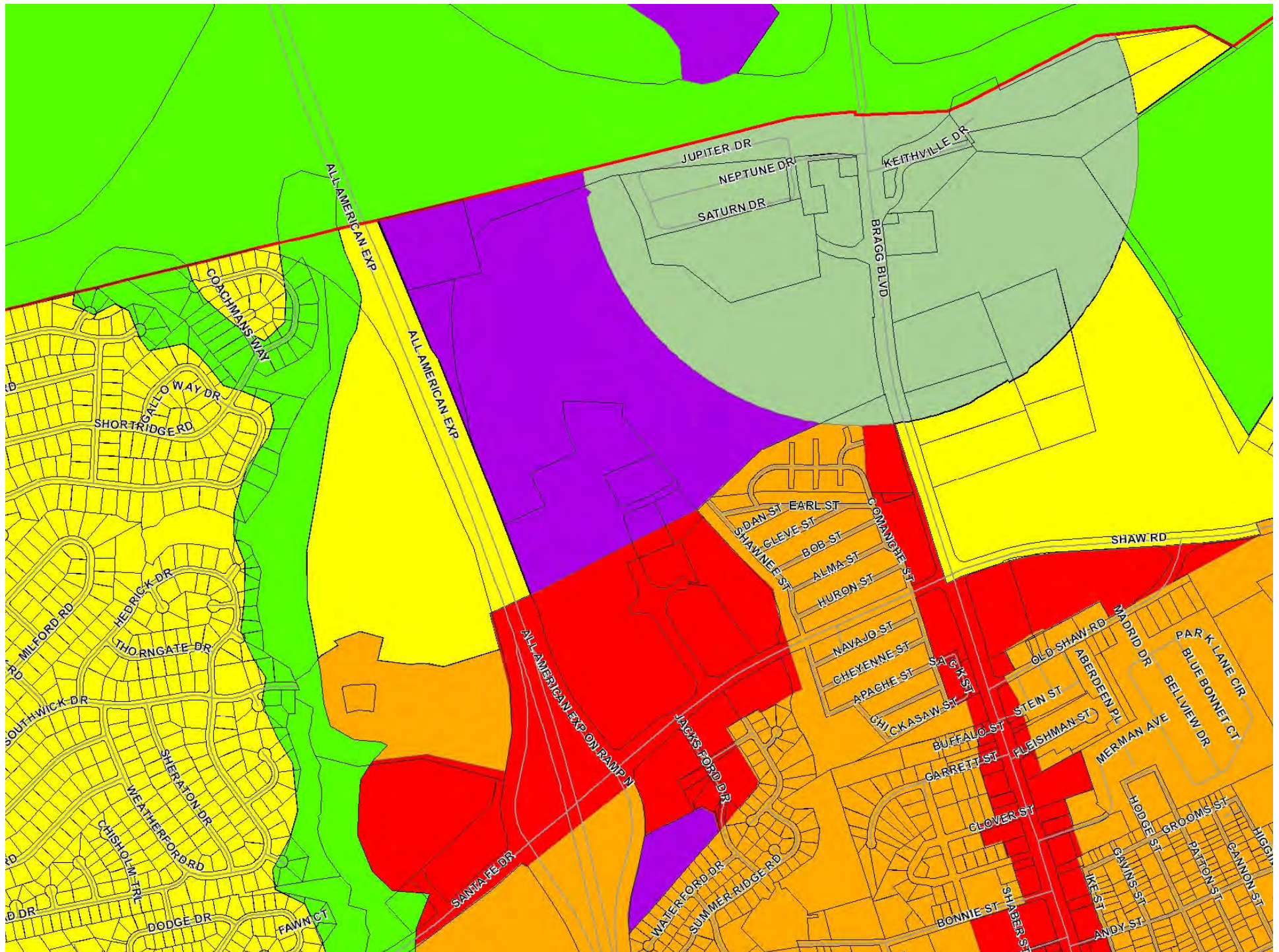
[consent]



- **Requested Action:** to BP/CZ
- **Property Address:** Coalition Boulevard
- **Size:** 235 acres +/-











Conditions offered by the owner:

1. Attached (Exterior Design and Use Standards Military Business Park)
2. The developer must meet all other development requirements of the City and State that are not specifically addressed in the attached conditions titled "Exterior Design and Use Standards Military Business Park"



The Zoning Commission and staff recommend Approval of the rezoning to BP based on:

1. The Land Use Plan calls for Light Industrial on this property.
2. This property is already being developed as a multi phase business park.
3. The submitted conditions.



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.

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CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: July 22, 2013
RE: **P13-15F. Initial zoning of property to LI – Light Industrial or to a more restrictive district, located at 185 Airport Road and being the property of Fullblock LLC.**

THE QUESTION:

Request to initially zone property to LI - Light Industrial

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Fullblock LLC.
Applicant: William Fuller
Requested Action: Initial Zoning to LI
Property Address: 185 Airport Road
Council District: 2
Status of Property: Under development for commercial flex space
Size: 4.49 acres +/-
Adjoining Land Use & Zoning:
North - M(P) County - Vacant
South - R6A County - Mobile Home Park
West - M(P) County - Shipping Hub
East – M(P) County - Commercial Warehousing
Letters Mailed: 14
Land Use Plan: Heavy Industrial

ISSUES:

This property is currently being developed as a commercial flex space building. The owner of this project has petitioned the City for annexation so that this building may be hooked in to PWC's water and sewer system. As you can see from the attached photos, this building is already under construction. It was permitted for construction through Cumberland County. This area is designated for Heavy Industrial in the City's Land Use Plan.

The Zoning Commission and staff recommend approval of the initial zoning to LI based on:

1. The Land Use Plan calls for Heavy Industrial.
2. Commercial and industrial uses are on two sides of this property.
3. The LI district is an appropriate zoning for this property.

BUDGET IMPACT:

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

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 initial zoning request.

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to APPROVE this initial zoning to the Light Industrial district, as requested by the applicant.

ATTACHMENTS:

Zoning Map

Current Land Use

Land Use Plan

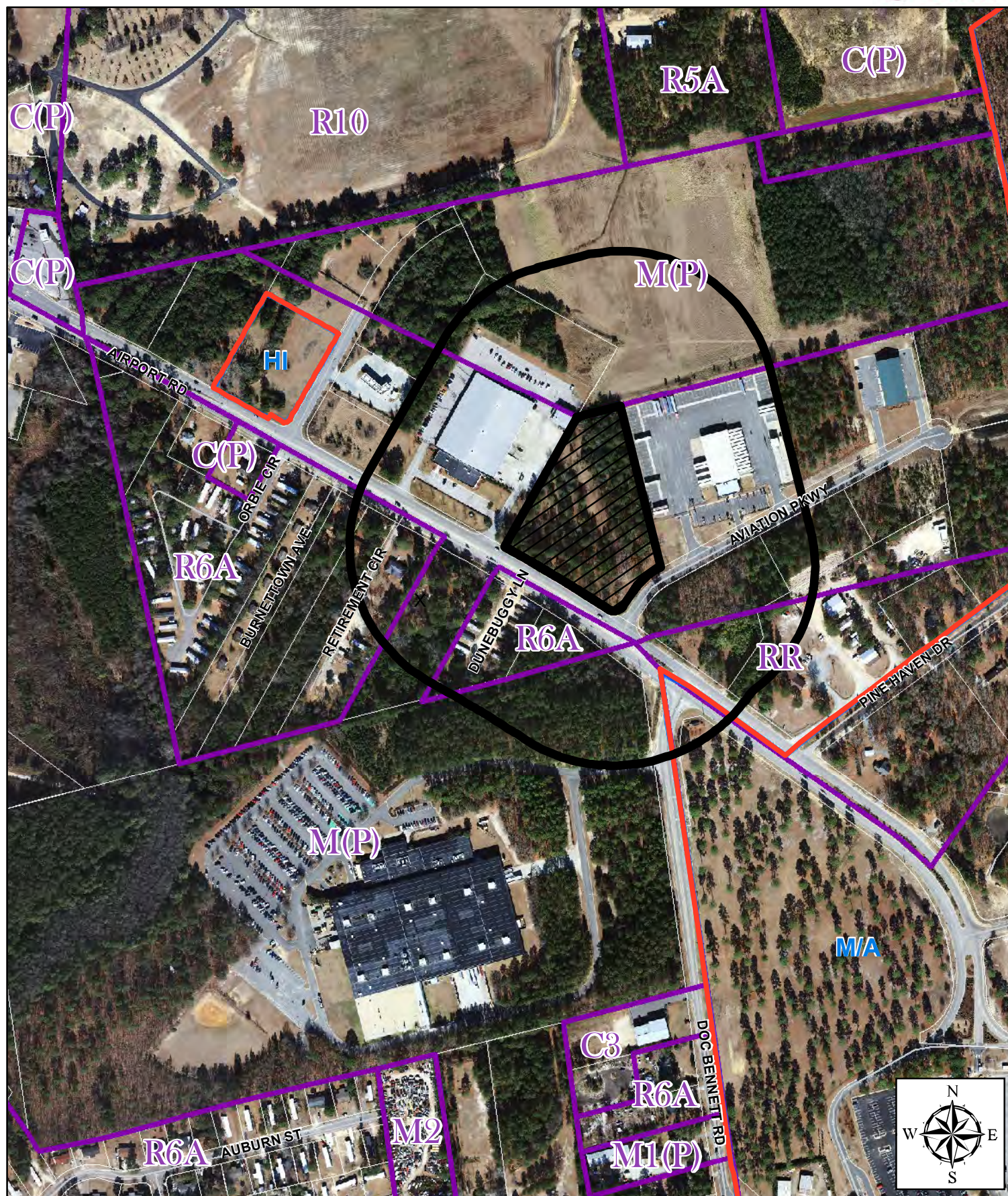
Site Photo

Site Photo

Site Photo

PowerPoint

ZONING COMMISSION
CASE NO. P13-15F

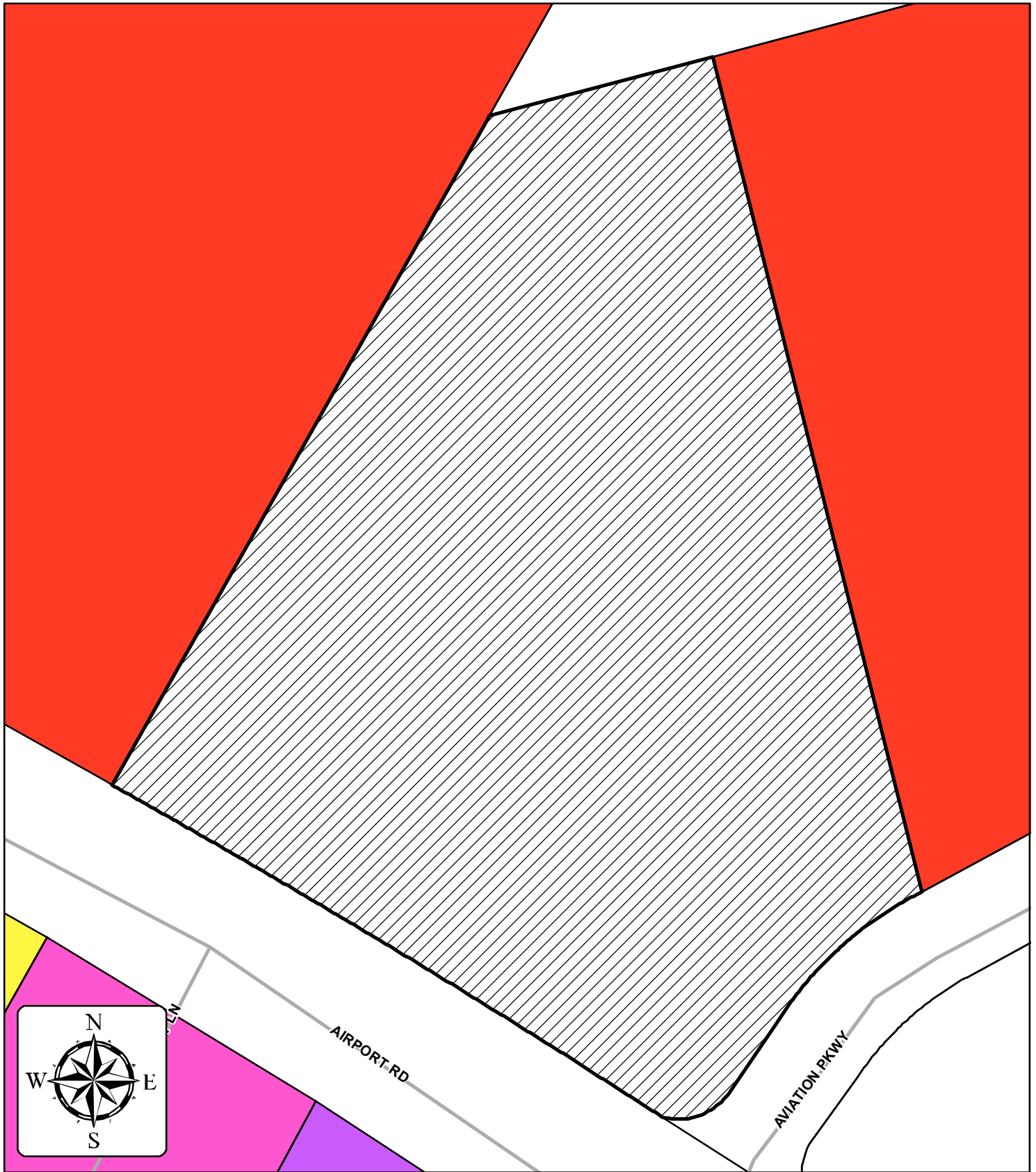


Request: Initial Zoning to LI
Location: 185 Airport Rd.
Size: 4.49 acres +/-

Zoning Commission: 05/14/2013 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0435-24-2118

Current Land Use

P13-15F

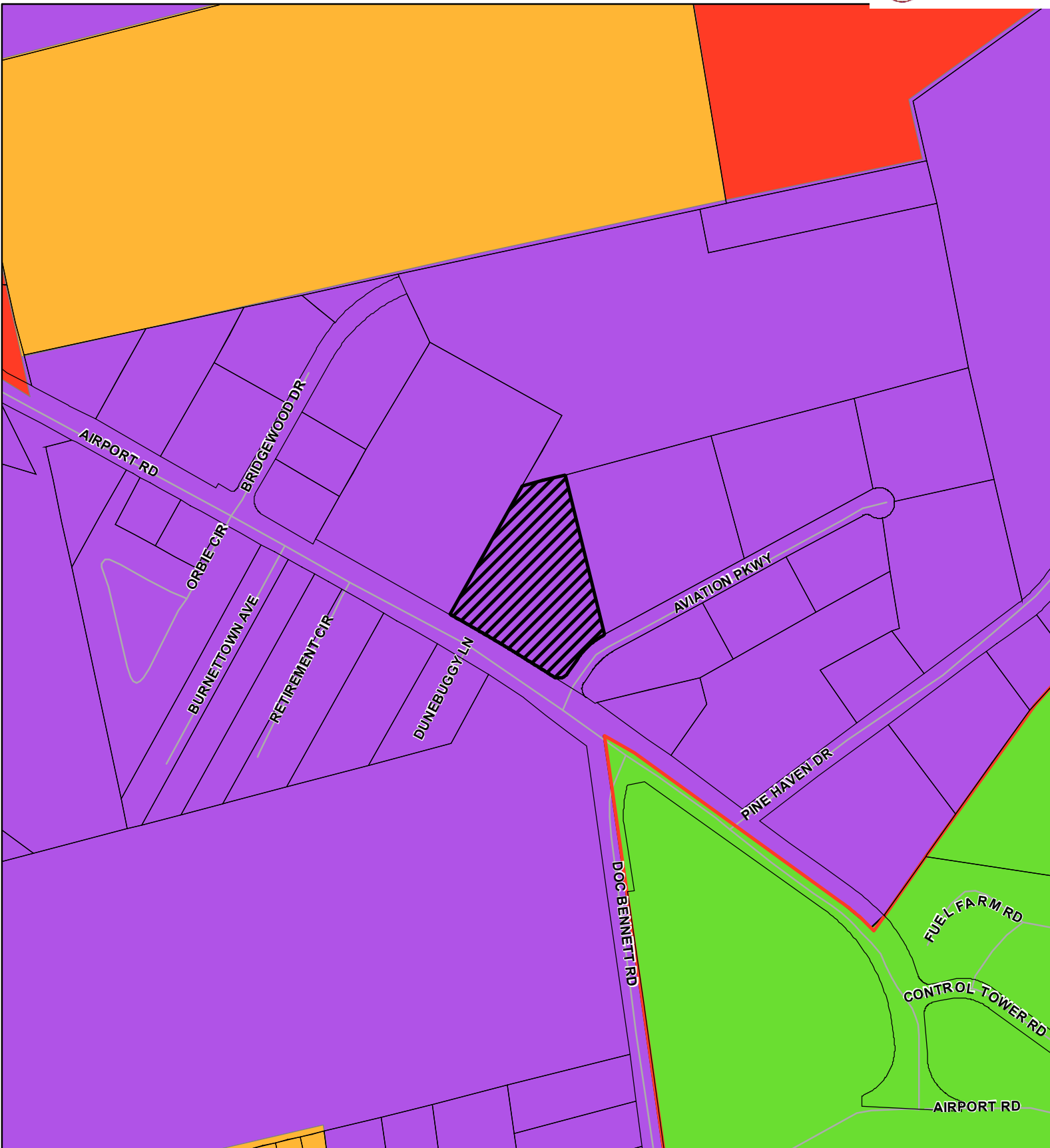


Legend

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. P13-15F



Legend

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



6-5-4-1

AIRPORT
AVIATION PKWY 2700

INITIAL
NOTICE
CASE #
P13-5F
INFORMATION
433-1-12

New Project / Coming Soon

24 Atlantic Brokerage, Inc.

FOR LEASE 910.763.0380



LOCATION	185 Airport Road, Fayetteville, NC 28305	AVAILABLE	3,000 sq' to 24,000 sq' units
TYPE	24,000 sq' multi-tenant office/warehouse building	LOADING	4' docks and drive-in doors in rear
STATUS	Under construction, opens in 2013	MORE INFO	www.185AirportRoad.com

JIMMY HALL
HEATING • AIR CONDITIONING
& ELECTRICAL CONTRACTOR
910-424-8419



6-5-6-1

CITY COUNCIL MEETING

July 22, 2013

433 Hay Street
Fayetteville, NC 28301
www.cityoffayetteville.org
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City of
Fayetteville
North Carolina

CASE NO. P13-15F

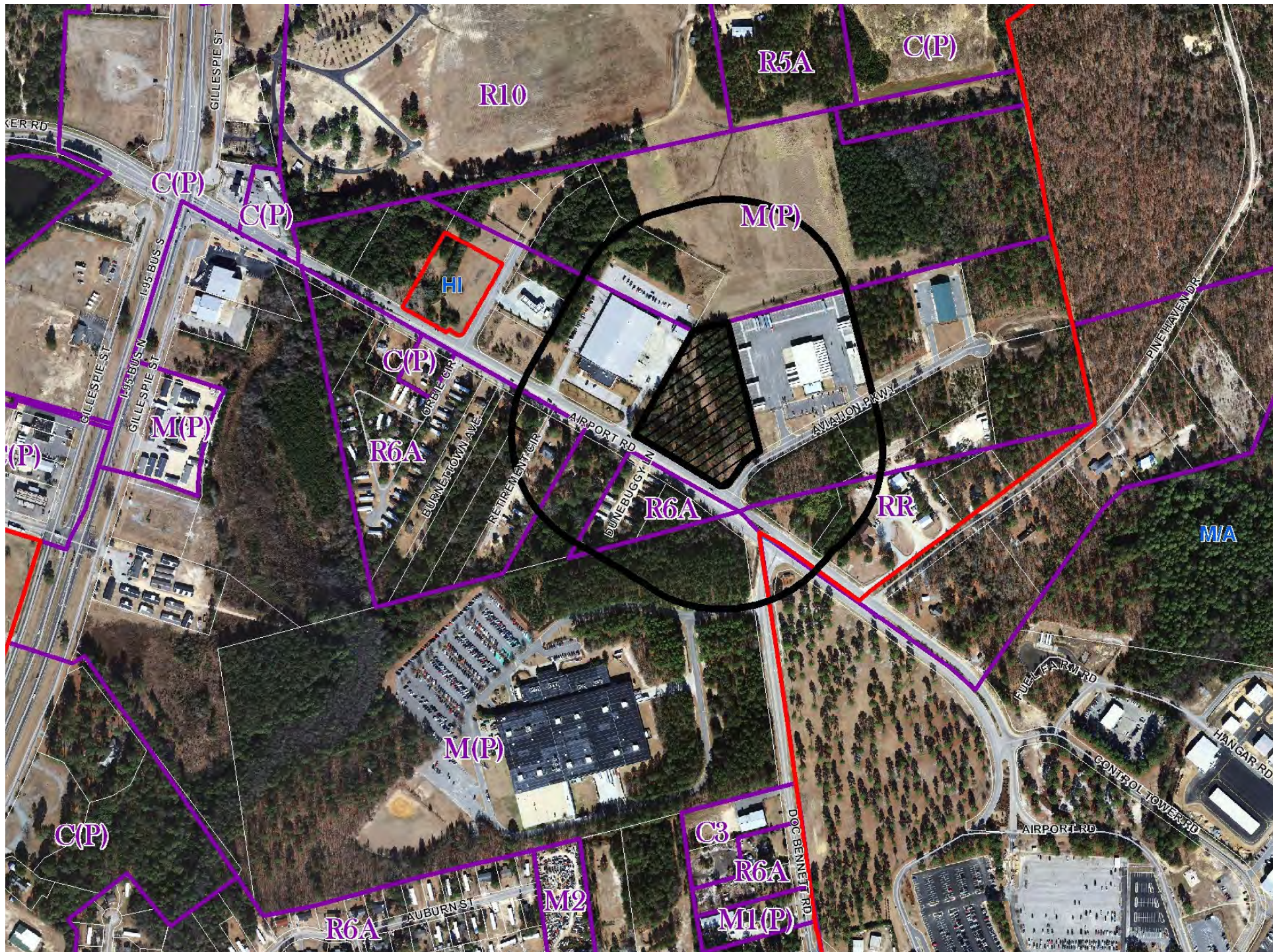


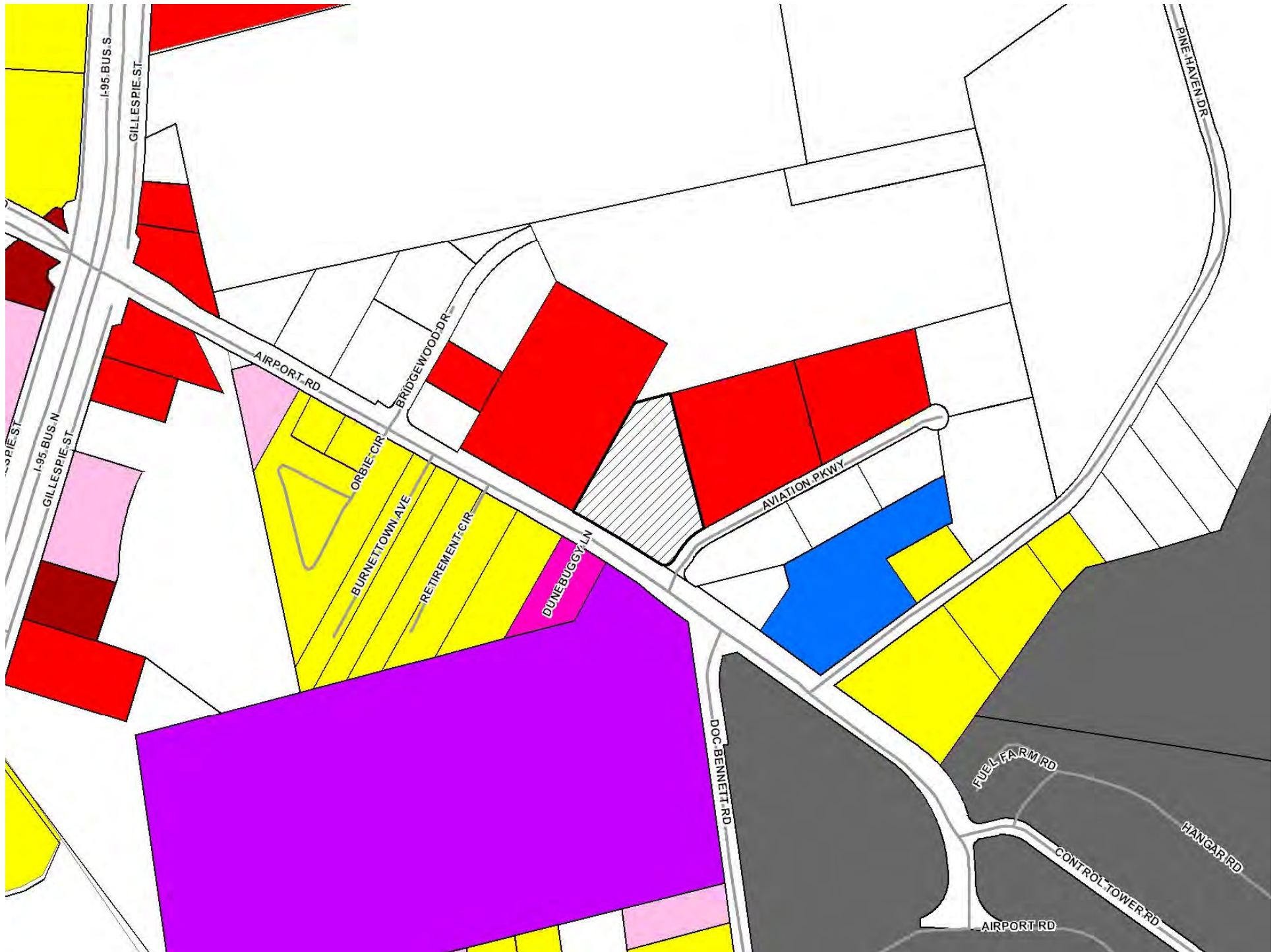
Requested Action: Initial Zoning to LI

Property Address: 185 Airport Road

Size: 4.49 acres +/-

















The Zoning Commission and staff recommend approval of the initial zoning to LI based on:

1. The Land Use Plan calls for Heavy Industrial.
2. Commercial and industrial uses are on two sides of this property.
3. The LI district is an appropriate zoning for this property.



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: July 22, 2013
RE: **P13-18F. The rezoning of property from SF-10 Single Family Residential to CC – Community Commercial or to a more restrictive district, located on Yadkin Road near the All American Expressway and being the property of Hyung S. Sackos.**

THE QUESTION:

Request to rezone property from SF-10 Single Family Residential to CC – Community Commercial.

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Hyung S. Sackos.
Applicant: Mike Adams Maps Surveying (primary contact)
Requested Action: SF-10 to CC
Property Address: 4926 Yadkin Rd
Council District: 4
Status of Property: Vacant
Size: .65 acres +/- of 1.23 total acres
Adjoining Land Use & Zoning:
North - OI & SF-10 Vacant
South - CC Vacant
West - OI Vacant
East – SF-10 Vacant & CC Retail Space
Letters Mailed: 10
Land Use Plan: Heavy Commercial on the back and Office and Institutional on the front.

ISSUES:

This property is located between Yadkin Road and the All American Expressway. The access to this property is from Yadkin Road. The property is 1.23 acres. The front part is zoned CC - Community Commercial and the back .65 acres is zoned SF-10 Single Family Residential. When the All American was built this property was cut off from other buildable sites similarly zoned. The City's land use plan shows Office and Institutional on the front portion of this property and Heavy Commercial on the back. However as mentioned earlier in this report, the front portion is zoned CC. The owners of this property would like to rezone the rear 0.65 acres to make the entire property CC. This property is currently surrounded by commercial and office zoning along with the All American Expressway.

The Zoning Commission and staff recommend approval of the rezoning to CC based on:

1. The Land Use Plan calls for Heavy Commercial on this portion of the property.
2. The portion of this property to the south is already zoned CC.
3. The area zoned SF-10 on this property is surrounded by commercial and office zoning along with the Expressway.

BUDGET IMPACT:

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

OPTIONS:

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

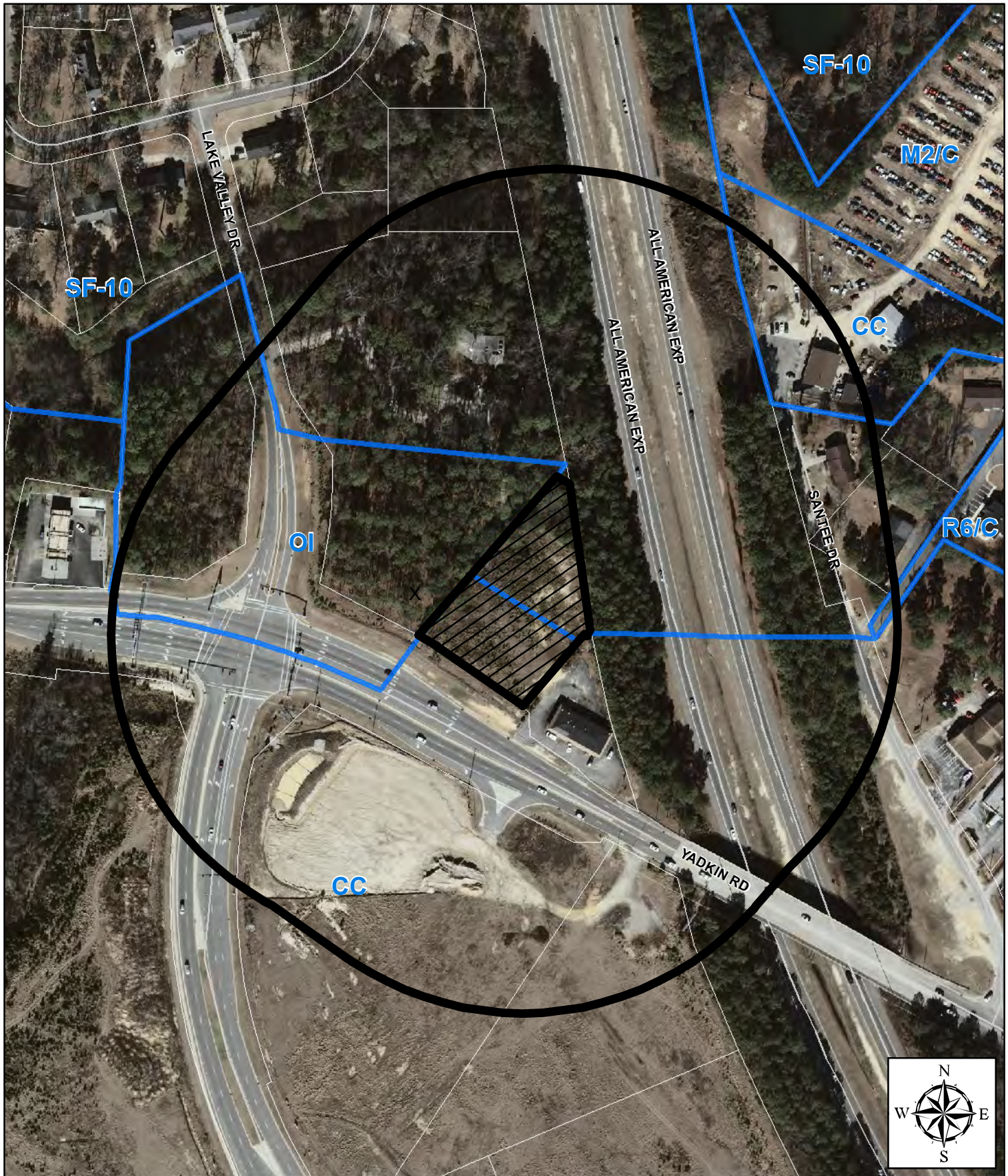
RECOMMENDED ACTION:

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

ATTACHMENTS:

Zoning Map
Current Land Use
Land Use Plan
Site Plan
PowerPoint

ZONING COMMISSION
CASE NO. P13-18F

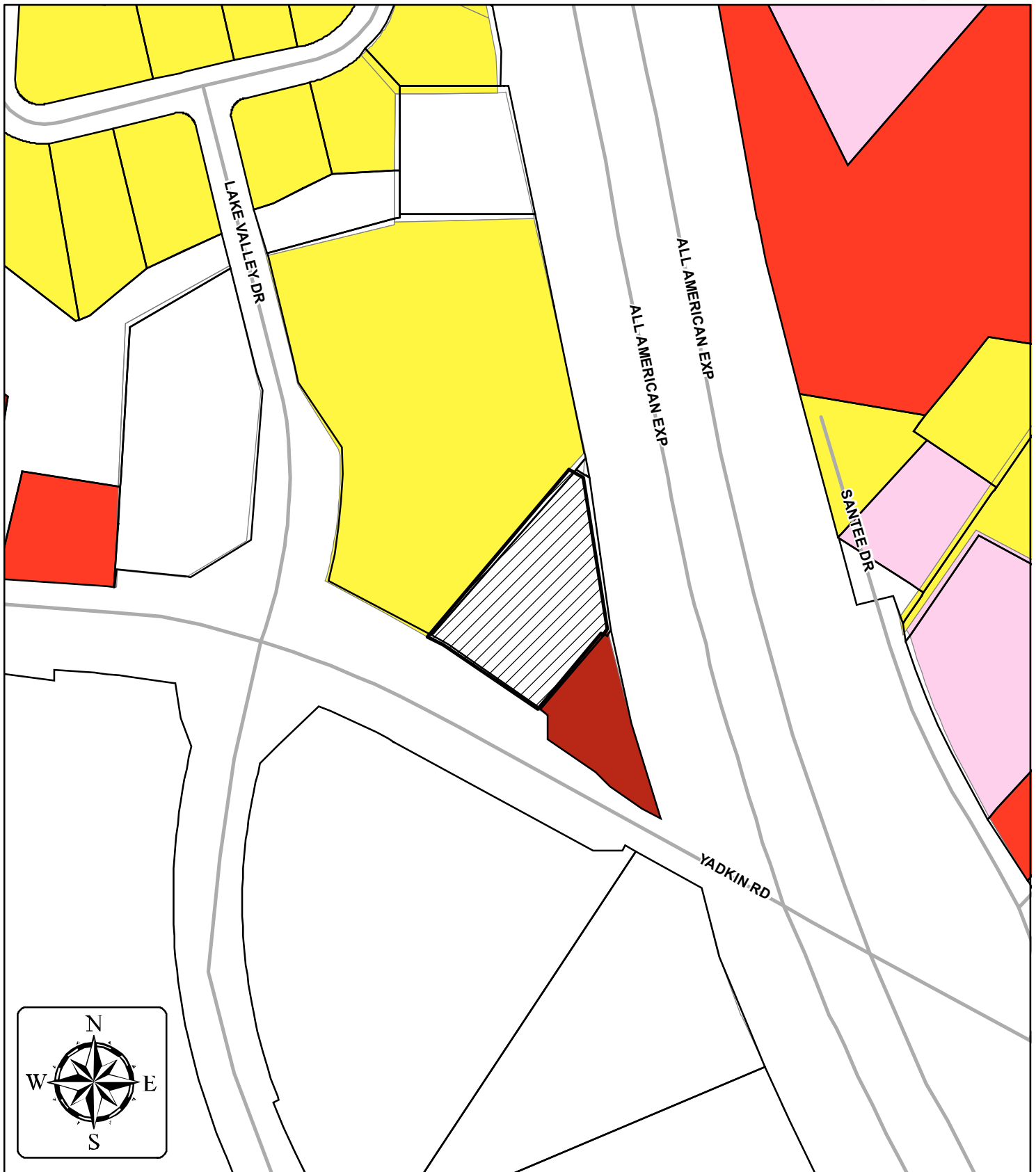


Request: CC & SF-10 to All CC
Location: 4926 Yadkin
Size: 0.657 acres +/- of 1.23

Zoning Commission: 06/11/2013 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0418-05-1116

Current Land Use

P13-18F

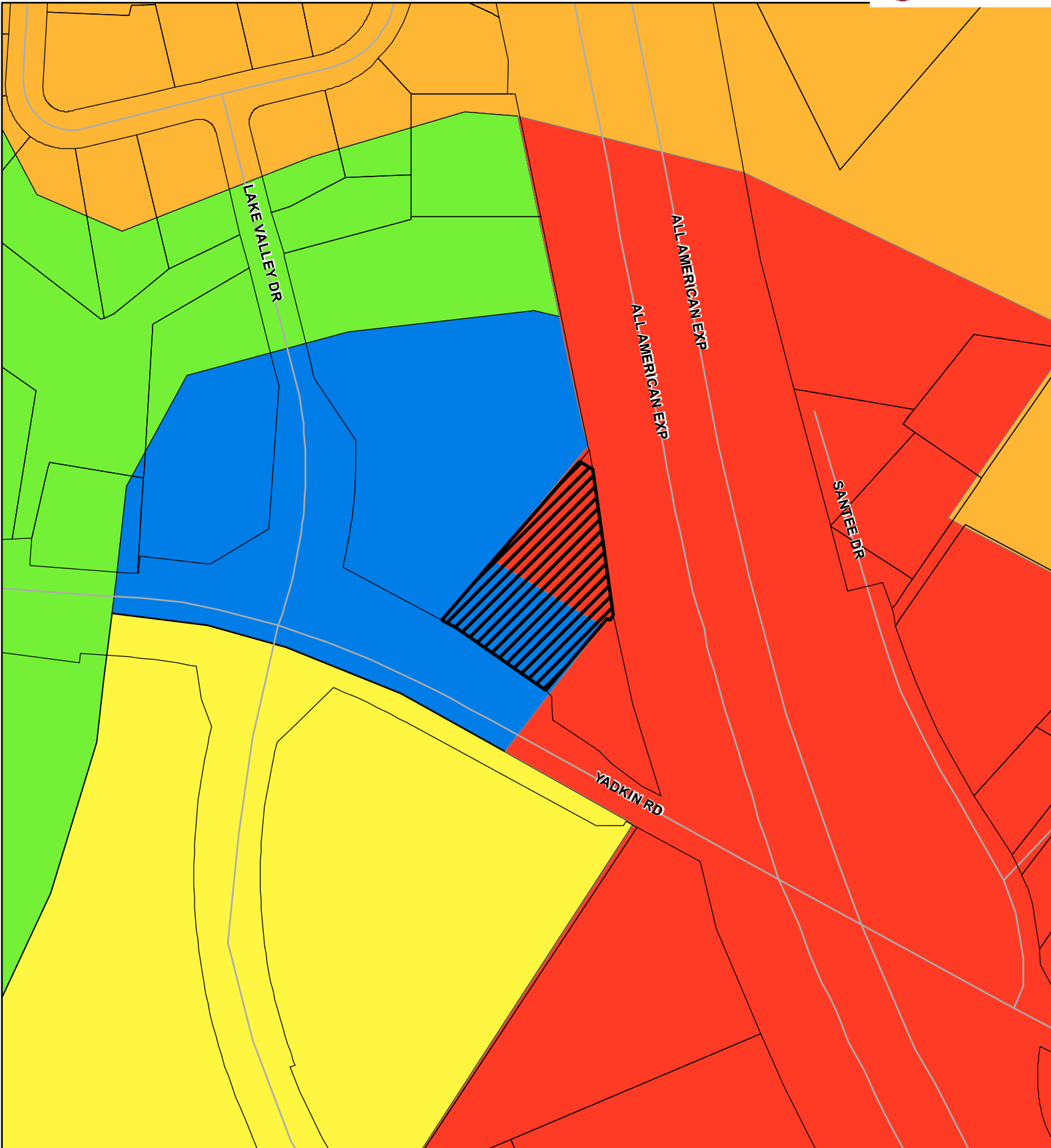


Legend

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. P13-18F



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

A hand-drawn map showing the location of the 'SITE'. The map features several roads: 'YADKIN RD' running diagonally from the bottom left towards the top right, 'ALL AMERICAN EXP' running vertically from the top towards the center, 'LAKE VALLEY DR' running vertically to the left of 'ALL AMERICAN EXP', and 'SNIBO RD' running vertically to the right of 'ALL AMERICAN EXP'. A black shaded area, representing the 'SITE', is located at the intersection of 'YADKIN RD' and 'ALL AMERICAN EXP'. A box labeled 'LEGEND' is in the top right corner. The word 'SITE' is written in large letters below the intersection.

[illegible]

MICHAEL J. ADAMS - PLS NO. 1-442



1. MICHAEL J. ADAMS, ALGO NOTARY CERTIFY, BY SIGNATURE ABOVE, "THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

1. Annie Faircloth, Review Officer of Cumberland County, certify that the map or plat to which this certificate is affixed meets all statutory requirements for recording.

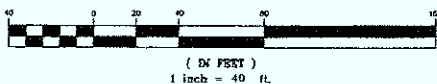
Armi Faircloth
Review Officer
Date: 11-24-04

NO APPROVAL REQUIRED
BY THE CITY OF SAVANNAH

 SIGNATURE DATE
 Planner 11-24-04

 TITLE

GRAPHIC SCALE



EP-EXISTING IRON PIPE
 CR-EXISTING IRON REBAR/ROD
 ECM-EXISTING CONCRETE MONUMENT
 SP-SET IRON PIPE
 PP-POWER POLE
 SF-SQUARE FEET
 AC-ACRES(S)
 R/W-RIGHT OF WAY
 DB-DEED BOOK
 PG-PAGE

- ☐ -TEL/SIP/ESP/MAR
- ☒ -EPK
- ☐ -COMPLETE MENTUMENT
- ☒ -B/W DYK
- ☒ -POWER POLE

CH 8307, PG 876
 CH 5452, PG 797
 CH 3592, PG 888
 WCDOT PROJ JF 5062048
 Bq 4-2511
 PG 673, PG 6

36

0418-38-3783
MRS. ARTHUR C. JENKINS, JR.
DO 6387, PG 572
DB 683, PG 5

(0418-05-1392)
DB 5292, PG 888
DB 2884, PG 595

(0418-05-1116)
DB 6387, PG 578
DB 5352, PG 797

0418-D5-2055
ALEX H. CHON A/Y
YOUNAH CHON
DB 6387, PG 576
DB 5282, PG 888

YADKIN ROAD
PUBLIC R/W VARIES

RECOMBINATION SURVEY FOR:

JAE YU

A RECOMBINATION SURVEY OF LANDS DESCRIBED AND RECORDED IN
DEED BOOK 5352, PAGE 797 & DEED BOOK 5292, PAGE 888

TOWNSHIP: CROSS CREEK
STATE: NORTH CAROLINA
DATE: OCTOBER 15, 2004
ZONING: C3

COUNTY: CUMBERLAND
CITY: FAYETTEVILLE
SCALE: 1" = 40'
ADDRESS: 4926 YADKIN ROAD

OWNERS CONSENT

THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT THE LAND SHOWN ON THIS PLAT IS WITHIN THE SUBDIVISION JURISDICTION OF CUMBERLAND COUNTY AND THAT THIS PLAT AND ALLOTMENT IS MY/OUR FREE ACT AND DEED.

Jan 3

NORTH CAROLINA
 COUNTY
 I, Barbara F. Lohrzo notary public for the county
 and state aforesaid, certify that Jae Yu
 subject property owner, personally appeared before me this day
 and acknowledged the execution of the foregoing instrument.
 Witness my hand and official stamp or seal this 23 day
 of October, 2004.

Barbara F. Loderzo
Notary Public

My commission expires 10-3-2005



RECEIVED 57458
11-24-2004 AM 11:25:21

J. LEE WARREN JR.
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

BK.113 pg.36

NOTES:

1. THERE ARE NO MONUMENTS PLACED WITHIN 2,000 FEET OF THIS SITE.
2. ALL DISTANCES ARE HORIZONTAL.
3. AREA COMPUTED BY COORDINATES.
4. SETBACKS - FRONT / 40'
REAR / 20'
SIDE / 15'
5. THERE ARE NO ENCROACHMENTS ACROSS PROPERTY LINES
NOR ARE ANY CREATED BY THIS RECOMMENDATION.
6. THIS SURVEY IS A RECOMMENDATION OF EXISTING PARCELS.
7. NO NON-CONFORMING STRUCTURES CREATED BY THIS RECOMMENDATION.

M.A.P.S.

SURVEYING, INC.

203 N. VIRGINIA AVE.
FAYETTEVILLE, N. C. 28305
TELEPHONE: (910) 484-6432
FAX: (910) 484-6432

SURVEYED BY: MARRIC DRAIN BY: MJA
CHECKED & CLOSURE BY: MJA

CITY COUNCIL MEETING

July 22, 2013



City of
Fayetteville
North Carolina





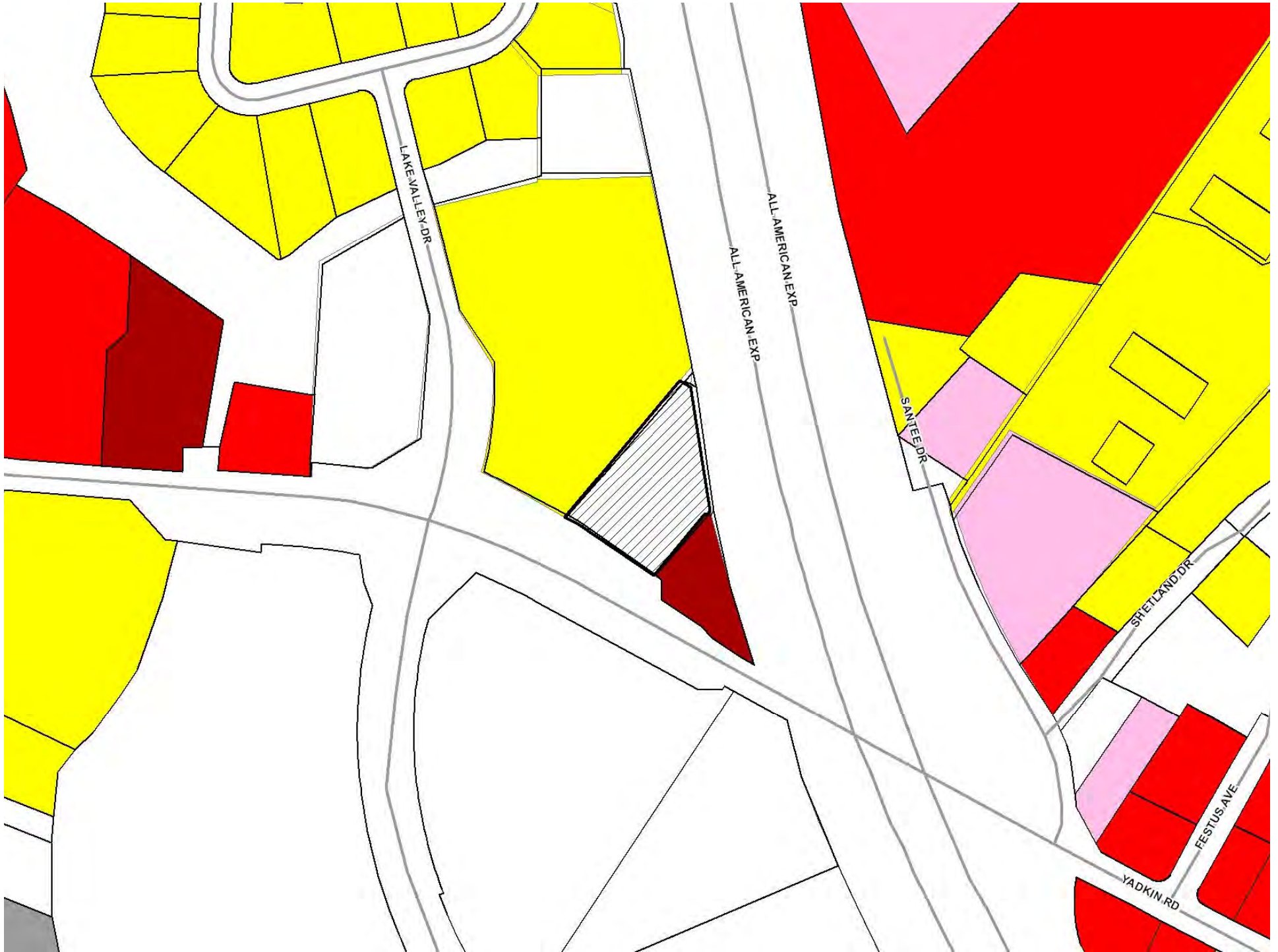
CASE NO. P13-18F

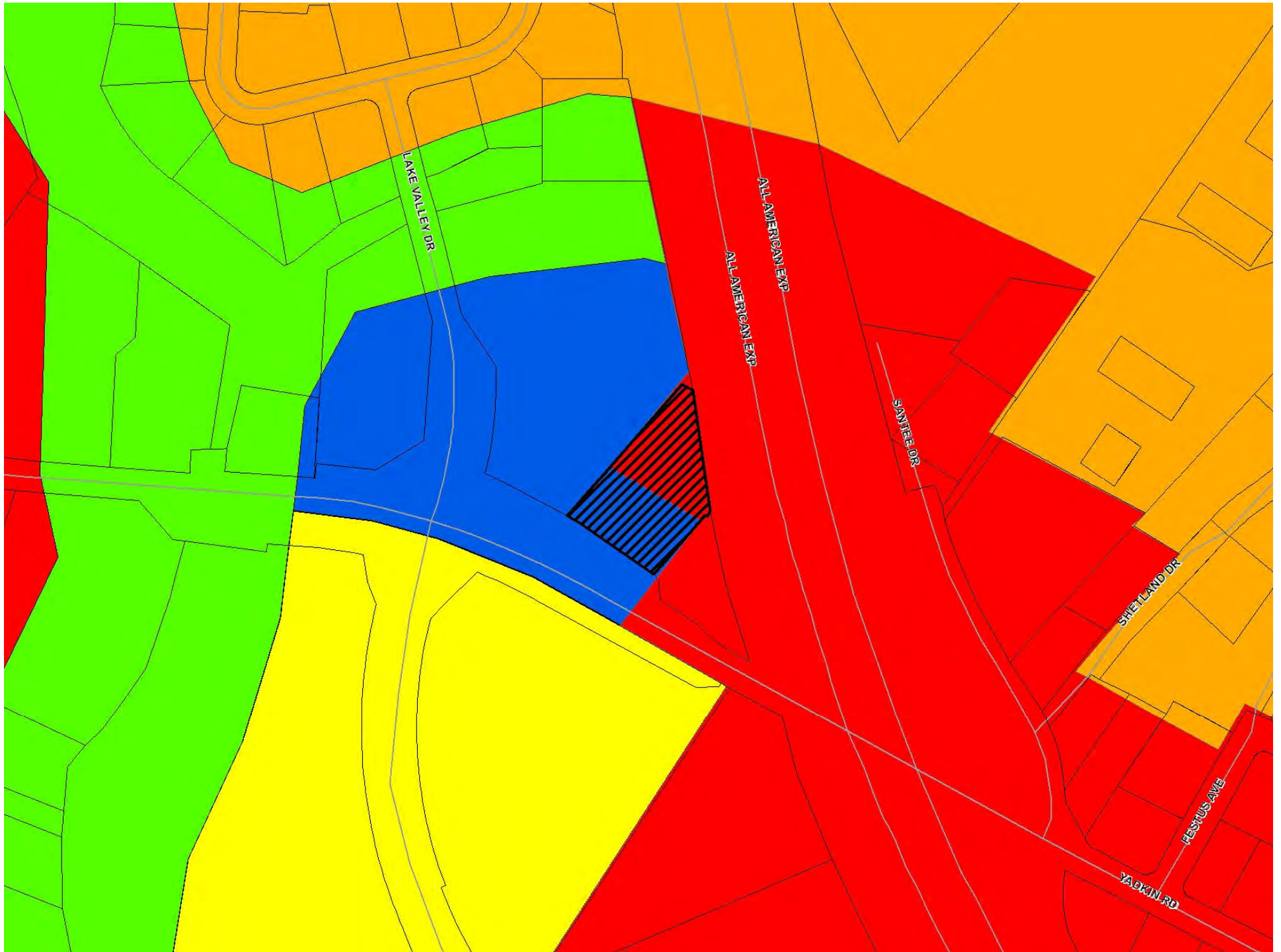
[consent]



- **Requested Action:** SF -10 to CC
- **Property Address:** Yadkin Road near the All American Expressway
- **Size:** .65 acres +/- of 1.23 total













The Zoning Commission and staff recommend Approval of the rezoning to CC based on:

1. The Land Use Plan calls for Heavy Commercial on this portion of the property.
2. The portion of this property to the south is already zoned CC.
3. The area zoned SF-10 on this property is surrounded by commercial and office zoning along with the Expressway.



City of
Fayetteville
North Carolina

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

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



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Kecia Parker, NCCP, Real Estate Manager
DATE: July 22, 2013
RE: Resolution Authorizing the Exchange of Property

THE QUESTION:

To Adopt a Resolution Authorizing the Exchange of Property with CSX Transportation, Inc. located on Hillsboro Street

RELATIONSHIP TO STRATEGIC PLAN:

A Growing City-A Great Place to Live

BACKGROUND:

The City of Fayetteville owns a 1.43 acre parcel of property off of Hillsboro Street in the City of Fayetteville. CSX Transportation, Inc. owns a 2.76 acre parcel of property off of Hillsboro Street in the City of Fayetteville. CSX Transportation, Inc. and the City of Fayetteville would like to exchange portions of the above described property. The City would receive a 0.97 acre tract and CSX Transportation, Inc. would receive a 0.04 acre tract. CSX Transportation, Inc. will be able to use the property received to add a spur to allow for a more expedient train route that will aid in delivery times and help relieve traffic congestion downtown while the tract received by the City would add acreage to the NC Veteran's Park.

North Carolina General Statute § 160A-271 authorizes the City to make an exchange of property if authorized by the Fayetteville City Council by resolution adopted at a regular meeting of the Council upon at least 10 days public notice.

ISSUES:

- The approximate value of the property the City is receiving is \$60,422.08.
- The value of the property that CSX Transportation, Inc. is receiving is \$3,107.47.
- Staff has asked and no other City department is in need of this property at this time.

BUDGET IMPACT:

There is no significant impact to the budget at this point.

OPTIONS:

- Accept the attached Resolution Authorizing Exchange of Property
- Reject the attached Resolution Authorizing Exchange of Property

RECOMMENDED ACTION:

Staff recommends that the City Council accept the attached Resolution Authorizing the Exchange of Property.

ATTACHMENTS:

Resolution

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

Resolution R2013-_____

RESOLUTION AUTHORIZING EXCHANGE OF PROPERTY

WHEREAS, the City of Fayetteville owns a 1.43 acre tract of land off of Hillsboro Street in the City of Fayetteville and;

WHEREAS, CSX Transportation, Inc. owns a 2.76 acre tract of land off of Hillsboro Street in the City of Fayetteville and;

WHEREAS, the City of Fayetteville and CSX Transportation, Inc. wish to make an even exchange of a portion of each of the two described properties for full and fair consideration including monetary consideration, as well as significant delivery expediency advantages for CSX Transportation, Inc. and acreage expansion of Veteran's Park; and;

WHEREAS, North Carolina General Statutes §160A-271 authorizes the City to make such an exchange if authorized by the Fayetteville City Council by a resolution adopted at a regular meeting of the Council upon at least 10 days' public notice; and

WHEREAS, the City has given the required public notice, and the Council is convened in a regular meeting.

NOW THEREFORE, the City of Fayetteville City Council does hereby resolve that the exchange of properties described above is hereby authorized and the City Council directs the City Manager to execute the appropriate instruments necessary to carry out the exchange.

ADOPTED this 22nd day of July, 2013 by the City Council of the City of Fayetteville, North Carolina

CITY OF FAYETTEVILLE

By: _____
Anthony G. Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Kecia Parker, Real Estate Manager
DATE: July 22, 2013
RE: **Resolution to Set Public Hearing to Consider Closing a 12 foot wide Alley running between Franklin Street and Russell Street**

THE QUESTION:

City staff has requested that the 12 foot alley running between Franklin Street and Russell Street be permanently closed to allow for the Multi Modal Center development.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City-A Great Place to Live

BACKGROUND:

- NCGS § 160A-299 gives the authority and procedures for the City to close a city street or alley.
- The referenced alley is currently not used as a public street or alley.
- A map of the alley is attached for review.

ISSUES:

- No access will be denied to anyone as a result of the closure as the City owns all abutting properties.

BUDGET IMPACT:

- There is no significant impact to the budget.

OPTIONS:

- Adopt the resolution calling for the public hearing
- Deny the request.

RECOMMENDED ACTION:

- Adopt the attached resolution authorizing advertisement of the Council's intent to permanently close the referenced alley and setting the public hearing for August 26, 2013.

ATTACHMENTS:

Resolution

Map

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

Resolution R2013-_____

**RESOLUTION CALLING A PUBLIC HEARING
REGARDING THE PROPOSED CLOSING OF
AN UNNAMED ALLEY LOCATED BETWEEN
FRANKLIN STREET AND RUSSELL STREET**

WHEREAS, the City of Fayetteville has received a request to permanently close an unnamed twelve foot (12') alley. The Alley extends between the southern margin of Franklin Street and the northern margin of Russell Street approximately 107.75 feet easterly from the eastern margin of Robeson Street where it intersects with the southern margin of Franklin Street more specifically described as:

AND WHEREAS the above-described alley is located within the corporate limits of the City of Fayetteville and the Council intends to approve said request.

NOW THEREFORE, the City Council calls a public hearing on the question of the alley closure to be held during the regular meeting of the Fayetteville City Council in Council Chambers at 433 Hay Street, 7:00 PM, August 26, 2013. Persons wishing to be heard regarding this issue must register in advance with the City Clerk in the Executive Offices, Second Floor, City Hall, 433 Hay Street, prior to the hearing date or at Council Chambers between 6:30 – 7:00 PM on the evening of the hearing.

The City Manager or his designee is directed to advertise this notice as prescribed in NCGS 160A-299 on August 1st, 8th, 15th and 22nd.

ADOPTED this 22nd day of July 2013 by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Pamela Megill, City Clerk
DATE: July 22, 2013
RE: **Approve Meeting Minutes:**

March 20, 2013 Agenda Briefing
March 25, 2013 Discussion of Agenda Items
March 25, 2013 Regular Meeting
May 6, 2013 Work Session
May 8, 2013 Budget WKS
May 13, 2013 Discussion of Agenda Items
May 13, 2013 Regular Meeting
May 15, 2013 Budget WKS
May 22, 2013 Agenda Briefing
May 22, 2013 Budget WKS
May 28, 2013 Discussion of Agenda Items
May 28, 2013
June 3, 2013 Work Session
June 10, 2013 Discussion of Agenda Items
June 10, 2013
June 19, 2013 Agenda Briefing
June 24, 2013

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

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

ISSUES:

N/A

BUDGET IMPACT:

N/A

OPTIONS:

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

RECOMMENDED ACTION:

Approve the draft minutes as presented.

ATTACHMENTS:

032013 Agenda Briefing
032513 Discussion of Agenda Items
032513 Regular Meeting
050613 WKS
050813 Budget WKS
051313 Discussion of Agenda Items
051313
051513 Budget WKS
052213 Agenda Briefing
052213 Budget WKS
052813 Discussion of Agenda Items
052813
060313 WKS
061013 Discussion of Agenda Items
061013
061913 Agenda Briefing
062413

DRAFT

FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
MARCH 20, 2013
4:00 P.M.

Present: Mayor Anthony G. Chavonne

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

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

Others Present: Ted Voorhees, City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Scott Shuford, Development Services Director
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
Tracie Davis, Corporate Communications Director
Rebecca Rogers-Carter, Management Services Manager
Members of the Press

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

City staff presented the following items scheduled for the Fayetteville City Council's March 25, 2013, agenda:

CONSENT ITEMS

Case No. P13-07F. Request to rezone property from HI Heavy Industrial to CC Community Commercial or to a more restrictive district, located at 3112 Murchison Road. Containing 0.85 acres more or less and being the property of Lara Plaza LLC.

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained that under the City's previous ordinance the property was zoned M2 for industrial uses and the old ordinance was structured so that uses of a less intensive nature were also allowed in the M2 district. He further explained with the adoption of the Unified Development Ordinance, the M2 districts became HI or Heavy Industrial and the HI districts were no longer allowing commercial uses in them. He stated the owners of the property were concerned they would lose their investment if the current structure was destroyed since they would not be able to build back commercially under the HI district. He noted that while the Murchison Road Corridor Study was calling for mixed use development in the area, it was staff's opinion that the property was not suited at this time for the City's MU Mixed Use zoning district. He further noted that large scale redevelopment would have to take place to warrant the MU zoning district. He advised the Zoning Commission and staff recommended approval of the rezoning to the Community Commercial zoning district based on (1) the land use plan calling for Heavy Commercial, (2) the property currently surrounded by industrial and heavy commercial zoning districts, (3) the property having commercial uses on three sides, and (4) commercial activity being allowed previously on the property under the City's old M2 Industrial district.

DRAFT

Case No. P13-08F. Request to rezone property to the MHO Manufactured Home Overlay District on properties currently zoned SF-6 and located at 6141, 6135, and 6123 Smith Street. Containing 0.94 acres more or less and being the property of Sherman C. Davis.

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained in 2007 the City had rezoned a large number of properties surrounding the subject properties to the MHO Manufactured Home Overlay district. He further explained the subject properties were left out of the rezoning request because they were not owned by the applicant. He stated prior to 2007 and through today, the lots in question had been used for mobile homes and would retain their base zoning of SF-6. He advised the Zoning Commission and staff recommended approval of the rezoning to the MHO zoning district based on (1) the land use plan calling for low-density residential and (2) the properties currently being surrounded by MHO districts.

PUBLIC HEARINGS

Case No. P13-06F. Request for a Special Use Permit to allow Zero Lot Line development in a SF-10 Zoning District on Lots 27 and 28 of the property located at 308 West Park Drive. Containing 0.77 acres more or less and being the property of Kay M. Edwards.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the applicant owned Lots No. 27 and No. 28 of the Highlandale Subdivision located on West Park Drive and provided a brief history of the property. He explained the owner would like to take down the existing home and replace it with two homes, one on each lot. He stated in order to have more flexibility in re-building, the applicant would like the ability to use the City's Zero Lot Line standards and explained approval of a Zero Lot Line development would allow for a reduction in setbacks. He stated the applicant's main argument was that Zero Lot Line approval was needed to allow for a viable building envelope for each of the two lots, primarily because of the site topography. He explained the lot size requirements single-family developments. He advised the Zoning Commission and staff recommended approval of the Special Use Permit based on the side yard setback from the common property line being no less than five feet for each property. He further advised that the Zoning Commission and staff recommended approval as presented by staff and based on the request being able to meet the following findings:

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards (specifically, Sec. 30-3.B.2. Zero Lot Line Applicability);
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands (The homes on West Park Drive are built on two lots each. The visual appearance of West Park is also much different than that of East Park.);
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;

DRAFT

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

Reauthorization of the Downtown Municipal Services District to July 1, 2018.

Ms. Karen Hilton, Planning and Zoning Division Manager, reviewed the reauthorization of the Downtown Municipal Services District and advised of recent award.

OTHER ITEMS

Council Member Crisp inquired about the Sales Tax Agreement and whether there was an agreement. Mr. Ted Voorhees, City Manager, explained a meeting had occurred earlier that day. He advised the County's response to the proposal was "no" and a suggestion was amortization of the tax. He advised the new proposal would be presented during Council's meeting on Monday.

Ms. Rebecca Rogers-Carter, Management Services Manager, distributed the strategic planning retreat meeting summary and other documents. She advised the consultants would return on April 7, 2013.

There being no further business, the meeting adjourned at 4:45 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

032013

DRAFT

FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD ROOM
MARCH 25, 2013
6:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Ted Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Dana Clemons, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Members of the Press

Mayor Chavonne called the meeting to order at 6:20 p.m. He reviewed the announcements and recognitions and advised of the public forum speakers.

Mayor Chavonne then reviewed the consent agenda items. He clarified the status of Item 7.1, Sales Tax Interlocal Agreement amendment, and advised the item would be pulled from the agenda.

Mayor Chavonne advised a slightly revised version of Item 7.7 would be distributed tonight. Mr. Ted Voorhees, City Manager, advised South River would provide service to the lots. Mr. Kristoff Bauer, Deputy City Manager, further advised the intent of the agreement was the same.

Ms. Karen McDonald, City Attorney, provided a synopsis related to the litigation of the two cases under Items 7.9 and 7.10.

Council Member Crisp expressed concerns related to the adoption of the resolution under Item 7.1 and advised he would pull this item.

Mayor Chavonne then reviewed the remaining public hearing items and other items.

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

032513

DRAFT

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MARCH 25, 2013
7:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4) (departed at 8:20 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (departed at 8:20 p.m.); Wade Fowler (District 8) (via telephone); James W. Arp, Jr. (District 9)

Others Present: Ted Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Dana Clemons, Assistant City Attorney
Harold Medlock, Police Chief
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Randy Hume, Transit Director
Victor Sharpe, Community Development Director
Tracie Davis, Corporate Communications Director
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
Greg Caison, Stormwater Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Abdul Haneef, Chaplain, NC Department of Corrections.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Arp moved to approve the agenda with the removal of Items 7.1 and 9.3.

SECOND: Council Member Bates

Council Member Applewhite inquired of Mayor Pro Tem Arp as to why he wanted to remove her item, which was a council member request, and stated she had followed the correct procedure for placing an item on the agenda. Mayor Pro Tem Arp responded he believed the item was in violation of the proper acquisition procedure and would provide undue influence on the decision makers, which was the City Council.

A discussion period ensued.

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

DRAFT

5.0 ANNOUNCEMENTS AND RECOGNITIONS

5.1 Recognition of FAST Rodeo Winners

Mr. Randy Hume, Transit Director, stated the Fayetteville Area System of Transit (FAST) held its third annual bus operators rodeo on March 10, 2013, which tested the skill and knowledge of bus operators and challenged drivers to keep their skills current, while building teamwork among the transit family. He announced Ms. Paula Bowers placed first and Mr. Leonard Pellom placed second in the light transit vehicle category and Mr. Evan Legans placed first, Mr. Ernest Poinsette placed second, and Mr. Louis Tellefeson placed third in the bus category. He also announced this was the second year they held a celebrity competition and thanked Council Member Davy, FACT Chairman Jeff Thompson, and Fayetteville Observer Reporter Andrew Barksdale for participating in the event.

Fayetteville Flyers Wheelchair Basketball Team

Mayor Chavonne stated the Fayetteville Flyers Wheelchair Basketball Team represented the City of Fayetteville for over 15 years but the 2012-2013 Carolina Wheelchair Basketball Conference season was extra special. He stated the Flyers won all of their conference games with a 16-0 record and the Conference Tournament was held in Myrtle Beach, South Carolina. He requested everyone in attendance to join with him in congratulating the team members for an outstanding season of play. The team members were presented with certificates.

6.0 PUBLIC FORUM

Mr. Richard Dicks, 2005 Pinewood Terrace, Fayetteville, NC 28304, President of the Rayconda Homeowners Association, expressed concerns regarding the necessary repairs to the Rayconda Dam and roadway and requested City assistance to pay for the repairs.

Mr. Lynn Thomas, 2007 Pinewood Terrace, Fayetteville, NC 28304, Vice Chairman of the Rayconda Homeowners Association, requested City assistance for the reconstruction of the Rayconda Dam.

Mr. Garris Neil Yarborough, 115 E. Russell Street, Fayetteville, NC 28301, Attorney representing the Rayconda Homeowners Association, suggested a fair cost for all parties concerned for the cost of the initial dam reconstruction.

Mr. Joe Levister, 7876 Ancon Drive, Fayetteville, NC, stated he was a Rayconda subdivision resident not living on the lake. He stated the lake was enhancing the subdivision and raising the value of the properties. He expressed concerns that draining the lake would be ugly and devalue homes and requested City support.

Ms. Harmony Sells, Fayetteville, NC, stated it was very difficult to obtain an attorney or legal aid in Fayetteville offering pro bono services for child custody cases.

Ms. Lesley McCain, 2062 Loganberry, Fayetteville, NC, stated she was a Rayconda subdivision resident and was opposed to having the Rayconda Lake maintained. She stated she had lived in the vicinity of the lake for over 16 years and never had access to the lake as it was gated and locked. She stated only the few homes that back onto the lake had access to it and therefore those property owners should pay for the maintenance.

7.0 CONSENT

MOTION: Council Member Crisp moved to approve the consent agenda with the exception of Item 7.11 which was pulled for a separate vote.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

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7.1 Amendment to the Sales Tax Interlocal Agreement.

This item was removed from the agenda.

7.2 Award contract for Fort Bragg Road Resurfacing, Phase II, to Highland Paving Company, LLC, Fayetteville, NC, lowest responsive, responsible bidder, in the amount of \$785,271.60.

Bids were received as follows:

Highland Paving Company (Fayetteville, NC) \$785,271.60
Barnhill Contracting Company (Fayetteville, NC) \$885,591.75

7.3 Award contract for the purchase of two tractors with mowers to Parker Farm Service, Kings Mountain, NC, lowest bidder, in the amount of \$134,000.00.

Bids were received as follows:

<u>Bidders</u>	<u>Manufacturer</u>	<u>Total Price</u>
Parker Farm Service Kings Mountain, NC	Kubota	\$134,000.00
Parker Farm Service Kings Mountain, NC	New Holland	\$137,600.00
Vause Equipment Co. Fayetteville, NC	New Holland	\$145,128.00
Diamond Movers Sioux Falls, SD	New Holland	\$152,401.88
Right of Way Equipment Raleigh, NC	New Holland	\$160,371.76

7.4 Capital Project Ordinance 2013-17 - Police Department firing range improvements.

The amendment appropriated \$50,000.00 for improvements at the Police Department firing range.

7.5 Case No. P13-07F. Request to rezone property from HI Heavy Industrial to CC Community Commercial or to a more restrictive district located at 3112 Murchison Road. Containing 0.85 acres more or less and being the property of Lara Plaza LLC.

7.6 Case No. P13-08F. Request to rezone property to the MHO Manufactured Home Overlay District on properties currently zoned SF-6 located at 6141, 6135, and 6123 Smith Street. Containing 0.94 acres more or less and being the property of Sherman C. Davis.

7.7 Interlocal Agreement regarding Economic Development Incentive for Cumberland County's Cedar Creek Industrial Park.

7.8 Approve meeting minutes:

December 10, 2012 - Discussion of Agenda Items
January 7, 2013 - Work Session
January 14, 2013 - Discussion of Agenda Items
January 14, 2013 - Regular Meeting
January 23, 2013 - Special Meeting
January 28, 2013 - Discussion of Agenda Items

7.9 Request for legal Representation in the matter of *Ronald D. Edenfield v. Richard S. Saylor and City of Fayetteville*.

7.10 Request for legal representation in the matter of *Steven J. Taber v. Robert Lee Brinkley and City of Fayetteville*.

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7.11 Pulled for a separate vote.

7.12 Tax refunds of greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Breswitz, Delores B.	2011	Corrected Assessment	\$298.66
Total			<u>\$298.66</u>

7.11 Resolution supporting NCDOT Project on Owen Drive.

This item was pulled for a separate vote by Council Member Crisp.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF CONCRETE ISLANDS, RAISED MEDIANS, AND PEDESTRIAN IMPROVEMENTS ALONG SR 1007 (OWEN DRIVE) TO IMPROVE SAFETY. RESOLUTION NO. R2013-016.

MOTION: Council Member Crisp moved to approve Item 7.11 with the final paragraph revised to read: "The City of Fayetteville endorses the concept of the Department of Transportation improving SR 1007 (Owen Drive) from I-95 Bus/US301 (Eastern Boulevard) to Walter Reed Road with the installation of concrete islands, raised medians, and pedestrian improvements to reduce the potential for future crashes and improved safety in Fayetteville; provided, however, that the Department of Transportation uses notices and public meetings to engage adjacent property owners and businesses in the design process and works to mitigate undesired impacts thereon".

SECOND: Council Member Bates

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

8.0 PUBLIC HEARINGS

8.1 Case No. P13-06F. Request for a Special Use Permit to allow Zero Lot Line development in a SF-10 Zoning District on Lots 27 and 28 of the property located at 308 West Park Drive. Containing 0.77 acres more or less and being the property of Kay M. Edwards.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the applicant owned Lots No. 27 and No. 28 of the Highlandale Subdivision located on West Park Drive and provided a brief history of the property. He explained the owner would like to take down the existing home and replace it with two homes, one on each lot. He stated in order to have more flexibility in re-building, the applicant would like the ability to use the City's Zero Lot Line standards and explained approval of a Zero Lot Line development would allow for a reduction in setbacks. He stated the applicant's main argument was that Zero Lot Line approval was needed to allow for a viable building envelope for each of the two lots, primarily because of the site topography. He explained the lot size requirements single-family developments. He advised the Zoning Commission and staff recommended approval of the Special Use Permit based on the side yard setback from the common property line being no less than five feet for each property. He further advised that the Zoning Commission and staff recommended approval as presented by staff and based on the request being able to meet the following findings:

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards (specifically, Sec. 30-3.B.2. Zero Lot Line Applicability);
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands (The homes on West Park

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Drive are built on two lots each. The visual appearance of West Park is also much different than that of East Park.);

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

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

Mr. David Edwards, 308 West Park Drive, Fayetteville, NC, appeared in favor and stated he and his wife were the property owners seeking the Special Use Permit.

Mr. Jimmy Kizer, 115 Broadfoot Avenue, Fayetteville, NC, appeared in favor and stated he was the engineer for the proposed project.

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

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

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

8.2 Public hearing and consideration of adoption of revisions to Chapter 23, Article III, Stormwater Management Ordinance.

Mr. Greg Caison, Stormwater Manager, presented this item and reported the Stormwater Management Ordinance became effective in 2009 establishing minimum requirements to control the adverse effects of increased stormwater quantity and runoff quality. He further reported changes were adopted in 2012 to allow for additional state-mandated Phase II regulations, and other technical revisions. He stated as City staff and users in the community continued using the ordinance, procedural changes were identified that could be implemented to gain efficiencies for all users. He further stated performance guarantees, also known as "bonds", were currently required by the ordinance to ensure that stormwater BMPs were built and installed as specified in the engineering design. He advised specific changes were being proposed to make the performance guarantee process more user friendly and less burdensome, particularly as it related to the timing and amount. He explained the current required performance guarantee for stormwater BMPs in single-family subdivisions was 75 percent of the estimated construction cost and a bond was required when plans were submitted and prior to issuance of a permit. He stated the Homebuilders Association asserted it was difficult to obtain the needed financing for bonding prior to the issuance of the necessary permits as the process was currently written. He further stated

DRAFT

changes were proposed to require a performance guarantee of 100 percent of the total estimated construction cost of converting the erosion control measure to the stormwater BMP approved under the permit. He explained the revised ordinance would make the bond due at the approval of the final plat. He concluded by stating the Stormwater Advisory Board had also reviewed the proposed revisions and unanimously requested that the ordinance changes be implemented. He stated the proposed changes to the performance guarantee on commercial properties were also being explored by staff but were not being proposed at this time.

Council Member Fowler inquired if the changes could be implemented retroactively. Mr. Caison responded the way the ordinance was written it would become effective from this day forward.

Mayor Pro Tem Arp inquired if staff had considered making the ordinance retroactive. Mr. Caison responded they had not as there were a lot of projects already in process and all at various stages.

Mayor Chavonne inquired of the City Manager if it would be reasonable to ask staff to research the viability of a retroactive ordinance. Mr. Voorhees responded in the affirmative.

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

Mr. Scott Brown, P.E., 409 Chicago Drive, Fayetteville, NC, appeared in favor and stated it was an excellent step in the right direction and requested staff research viability of making the ordinance retroactive.

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

A discussion period ensued.

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 BMP PERFORMANCE GUARANTEES FOR SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS. ORDINANCE NO. S2013-003.

MOTION: Mayor Pro Tem Arp moved to adopt the ordinance revising the performance guarantee (bonding) requirements contained in the Stormwater Control Ordinance, Article III, of Chapter 23 of the City Code of Ordinances, and direct the staff to assess the feasibility of making revisions to the ordinance retroactive to existing ponds and provide an update of those findings to the Council within a 60-day time frame.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

8.3 Reauthorization of the Downtown Municipal Service District to July 1, 2018.

Ms. Karen Hilton, Planning and Zoning Manager, presented this item with the aid of a power point presentation. She provided an overview regarding the creation and purpose of the Municipal Service District (MSD) for the downtown area. She then explained the reauthorization process. She stated each year the City establishes the tax rate for the MSD and identifies the proposed expenditures. She explained the tax rate had remained 10 cents per \$100.00 for several years and the revenues helped to support the downtown parking program and special projects such as bicycle racks, wayfinding, upgraded brick paving, and related streetscape projects. She stated the statutes do not set a time limit on how long a MSD may exist but City Council had chosen to limit the authorization for the Downtown MSD to five years. She further stated the current authorization of the MSD would expire June 30, 2013. She outlined the boundaries for

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the MSD and advised with very minor changes the boundaries had been the same since the initial creation of the MSD. She further advised that staff was not proposing any change to the existing boundaries. She cautioned that denial of a reauthorization of the MSD for the downtown area would eliminate the special revenue source for support of downtown projects and services. She stated for the parking garage alone, at least \$25,000.00 would have to be provided from the General Fund or another source. She stated other projects or services supported by the revenue during FY 2013 were parking enforcement, paver bricks, signage, a portion of the downtown manager's position, promotional materials, security cameras, and holiday decorations including replacement of flags.

Council Member Bates requested confirmation that property taxes in the City were not being raised and the Municipal Service District tax was solely for the downtown area. Ms. Hilton confirmed this was correct.

Council Member Fowler inquired what the general response had been from the people who would be paying the tax. Ms. Hilton responded she had not been advised of any negative response up to this point.

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

Mr. Bruce Arnold, 227 Hay Street, Fayetteville, NC, appeared in opposition and stated he was the owner and operator of the "Rude Awakening" on Hay Street. He requested the City provide an overlay of the downtown district, and also expressed his disagreement with how some of the MSD tax dollars were spent.

Mr. Neil Yarborough, 115 E. Russell Street, Fayetteville, NC, appeared in opposition and asked for the item to be tabled in order to provide sufficient time for staff to produce an overlay for the downtown district as several properties in the area were not paying the tax.

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

A discussion period ensued.

MOTION: Council Member Davy moved to table this item to the April 8, 2013, City Council meeting.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (10-0)

9.0 OTHER ITEMS OF BUSINESS

9.1 Approval of FAST Transit Fare Policy and amendment to the City's Fee Schedule of the transit fare structure and amendment to the City's Fee Schedule.

Mr. Randall Hume, Transit Director, presented this item with the aid of a power point presentation and stated staff presented a Transit Fare Policy in conjunction with a recommended change in fare structure at the November 5, 2012, work session. Thereafter, he stated on February 11, 2013, Council approved the fare changes with an effective date of April 8, 2013, and an amendment to the City's Fee Schedule to reflect those changes. However, he stated the Fare Policy was not presented for official adoption by Council. He explained the policy included provisions such as who qualified for free fares and certain discounts that were not specifically included in the new fare structure, but if approved would impact the Fee Schedule. He advised the proposed policy would (1) outline the objectives for transit fares and fare decisions; (2) establish a framework for the fare structure and the relationship between fare categories and the basic adult fare; (3) establish procedures and guidelines for fare changes; (4) establish a goal for the recovery of operating costs by system

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generated revenues (i.e., operating recovery percentage); (5) provide a scale for discounting bulk sales of transit passes and tickets; and (6) provide a new method for negotiating with schools and businesses that wish to pay for employee or student fares (i.e., third-party fares). He concluded by stating upon adoption of the policy and approval of the resolution, the Fee Schedule would be amended to provide the bulk sales discounts that were primarily made to nonprofit or other governmental agencies. He further stated most of the agencies use the passes to provide transit rides for low-income individuals and families.

Council Member Davy expressed opposition to increasing transit fees at this time, but liked the presentation and the opportunities they could have to partner with different groups.

Council Member Fowler stated he was slightly uncomfortable with allowing free fares to Transit employees only as opposed to all City employees.

RESOLUTION TO APPROVE THE TRANSIT FARE POLICY AND TO AMEND THE FY 2013 FEE SCHEDULE. RESOLUTION NO. R2013-015.

MOTION: Council Member Bates moved to approve Budget Ordinance Amendment 2013-11 (Fee Schedule amendment).

SECOND: Council Member Crisp

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

MOTION: Council Member Bates moved to approve the Transit Fare Policy.

SECOND: Council Member Fowler

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

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

Council Member Hurst, Appointment Committee Chair, presented this item and stated the Appointment Committee met on March 13, 2013, to review applications for appointments to boards and commissions. He advised the Appointment Committee recommended the following appointments:

<u>Airport Commission</u>	<u>Term</u>
Susan J. Monroe (Fill-in)	April 2013-March 2014

<u>Animal Services/County Board</u>	
Melissa Katzenberger (Fill-in)	April 2013-June 2014

<u>Ethics Commission</u>	
Renny W. Deese (Attorney) (2nd Term)	April 2013-March 2015
Kelly D. Puryear (CPA) (2nd Term)	April 2013-March 2015

<u>Fair Housing Board</u>	
Cheri Siler-Mack (Attorney) (Fill-in)	April 2013-March 2014
Patricia Tyson (1st Term)	April 2013-April 2015
Michael Hines (1st Term)	April 2013-April 2015

<u>Finance Corporation</u> (Annual Appointments)	
Lisa Smith (Chief Financial Officer)	September 2013
Theodore Voorhees (City Manager)	September 2013

<u>Historic Resources Commission</u>	
Calvin J. Dalton (Category 6 - At-Large) (2nd Term)	April 2013-March 2015
John S. Duvall (Category 5 - Historic District Property Owner) (2nd Term)	April 2013-March 2015
Robert Cooper (Category 6 - At-Large) (1st Term)	April 2013-March 2015
Eric Lindstrom (Category 4) (2nd Term)	April 2013-March 2015
Jason Wetzel (Category 6 - At-Large) (1st Term)	April 2013-March 2015

DRAFT

Human Relations Commission

Dr. Sharon Williams (Fill-in) April 2013-Sept. 2013

NC Fireman's Relief Fund Board

Dr. Mary Hales (1st Term) April 2013-Jan. 2015

Cpt. Vince Lewis (Fire Department Appointment)

Lt. John P. Galloway (Fire Department Appointment)

Personnel Review Board

Catherine Ramos (2nd Term) April 2013-March 2015

Daniel Renz (1st Term) April 2013-March 2015

Carl Mitchell (1st Term) April 2013-March 2015

Public Arts Commission

Suzanne Frank (2nd Term) April 2013-March 2015

Michael Romagano (1st Term) April 2013-March 2015

Stanley Greaves (Arts Council) (1st Term) April 2013-March 2015

Redevelopment Commission

Dineen Morton (2nd Term) April 2013-March 2015

Residential Rental Property Review Board

Thomas Neal (Fill-in Appointed by City Manager) April 2013-March 2015

Faye Watson (Fill-in) April 2013-March 2015

Taxicab Review Board

Captain Eaker (Police Department Appointment)

Lt. Kruger (Police Department Appointment)

Lt. Geske (Police Department Appointment)

Transit -Fayetteville Advisory Commission on Transit (FACT)

Austin Campbell (Outside Service Area) (Fill-in) April 2013-March 2014

Wrecker Review Board

Demario E. Hays (Fill-in) April 2013-Sept 2014

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

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

9.3 GovTide Technology/Hire Fayetteville First (HFF) Job Creation Policy

This item was removed from the agenda.

10.0 ADMINISTRATIVE REPORTS

10.1 Monthly statement of taxes for February 2013.

2012 Taxes	\$1,166,578.24
2012 Vehicle	433,330.58
2012 Taxes Revit	5,224.91
2012 Vehicle Revit	310.35
2012 FVT	49,726.95
2012 Transit	49,726.94
2012 Storm Water	39,443.92
2012 Fay Storm Water	78,887.91
2012 Fay Recycle Fee	71,115.69
2012 Annex	0.00
2011 Taxes	15,462.98
2011 Vehicle	59,868.36
2011 Taxes Revit	1.13
2011 Vehicle Revit	6.00
2011 FVT	9,497.29
2011 Transit	9,497.29
2011 Storm Water	468.81
2011 Fay Storm Water	937.59
2011 Fay Recycle Fee	989.33
2011 Annex	0.00

DRAFT

2010 Taxes	1,941.35
2010 Vehicle	1,701.66
2010 Taxes Revit	1.49
2010 Vehicle Revit	0.00
2010 FVT	527.53
2010 Transit	527.53
2010 Storm Water	36.00
2010 Fay Storm Water	72.00
2010 Fay Recycle Fee	114.00
2010 Annex	0.00
2009 Taxes	413.27
2009 Vehicle	958.71
2009 Taxes Revit	0.00
2009 Vehicle Revit	0.00
2009 FVT	294.25
2009 Transit	294.21
2009 Storm Water	12.00
2009 Fay Storm Water	24.00
2009 Fay Recycle	38.00
2009 Annex	0.00
2008 and Prior Taxes	221.57
2008 and Prior Vehicle	2,405.52
2008 and Prior Taxes Revit	0.00
2008 and Prior Vehicle Revit	0.00
2008 and Prior FVT	718.94
2008 and Prior Transit	117.08
2008 and Prior Storm Water	12.00
2008 and Prior Fay Storm Water	0.00
2008 and Prior Fay Recycle Fee	0.00
2008 and Prior Annex	15.57
Interest	52,130.09
Revit Interest	152.77
Storm Water Interest	1,152.30
Fay Storm Water Interest	2,295.08
Annex Interest	2.14
Fay Recycle Interest	2,107.43
Fay Transit Interest	1,820.63
Total Tax and Interest	\$2,061,181.39

10.2 Tax refunds of less than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Belk Inc. #476	2005	Corrected Assessment	\$ 85.98
Belk Inc. #419	2005-2010	Corrected Assessment	33.51
TOTAL			<u>\$119.49</u>

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:40 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
MAY 6, 2013
5:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:10 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9) (arrived at 5:30 p.m.)

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

Others Present: Theodore L. Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Dele Smith, Assistant City Manager
Karen McDonald, City Attorney
Harold Medlock, Police Chief
Lisa Smith, Chief Financial Officer
Scott Shuford, Development Services Director
Rusty Thompson, Engineering and Infrastructure Director
Benjamin Major, Fire Chief
Dwayne Campbell, Chief Information Officer
Brad Whited, Airport Director
Victor Sharpe, Community Development Director
Tracie Davis, Corporate Communications Director
Rebecca Rogers-Carter, Strategic Planning Manager
Tracey Broyles, Budget Manager
Dwight Miller, PWC Chief Financial Officer
Karen Hilton, Planning and Zoning Manager
Jami McLaughlin, Downtown Development Manager
Pamela Megill, City Clerk
William Grimes, Studio Cascade Consultant
Julie Bremann, Fountainworks
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Haire.

3.0 APPROVAL OF AGENDA

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

4.0 OTHER ITEMS OF BUSINESS

4.1 Community Development - Presentation of Draft Downtown Fayetteville Renaissance Plan

Ms. Jami McLaughlin, Downtown Development Manager, introduced Mr. William Grimes, consultant for Studio Cascade, Inc. Mr. Grimes presented the item with the aid of a power point presentation and a handout of the April 2013 Downtown Renaissance Plan Update. He provided background on the Downtown Development Plan and stated the funding had been approved in FY 2012 for a consultant to develop a new plan of work for the next ten years. He stated the City of Fayetteville through the Community Development Department contracted a

DRAFT

team of consultants led by Studio Cascade, Inc., to update the 2002 Downtown Fayetteville Renaissance Plan and to provide strategic visioning services for Downtown Fayetteville. He advised the goals of the plan were to:

1. Engage stakeholders in the creation of an inspiring vision for the future of Downtown Fayetteville, creating a framework for the role the City of Fayetteville and partnering agencies will play in realizing that vision;
2. Create shared goals for the City of Fayetteville that enable all stakeholders to align programs and services to meet these goals;
3. Provide strategic and tactical planning resulting in a specific set of short and long-term strategies and action items over a ten year period; and
4. Assure the plan addresses Downtown Fayetteville issues and provides real value to our stakeholders by creating measurable results for the City of Fayetteville.

Mr. Grimes reported since September 2012 community outreach efforts had included stakeholder interviews, a weeklong "storefront studio", online surveys and social media, marketing/advertising in print and broadcast media, presentations and workshops with the Fayetteville Planning Commission, and multiple public workshops. He further reported the major push in the plan was to emphasize the relationship between Fayetteville State University, the central core, and the Cape Fear River and targeting public and private investment to enhance the crescent that links all three. He stated improvements to Murchison Road, new development projects in the core, a reimagined Russell Street, and a redeveloped Campbelton townsite form the backbone of the strategy. He further stated later phases in the downtown strategy would look to build upon the crescent, stimulating reinvestment in neighborhoods around Old Wilmington Road, Grove Street, the Orange Street School, and the industrial district in the southwestern portion of the planning area. He advised the following elements would transform the downtown in the early phases of the plan and demonstrate how the downtown would evolve:

1. The new Campbeltown master plan, with a mix of residential, retail, and employment uses taking advantage of the Cape Fear River frontage.
2. A Russell Street that serves as the primary linkage to the new Campbeltown from the central core, with mixed housing and retail uses and an enhanced streetscape, potentially including a streetcar in its median.
3. Individual development projects in the central core, including a permanent Farmers Market, a visual performing arts center and a variety of housing projects to help sustain retail demand downtown.
4. Development of "Catalyst Site 1" on Murchison Road as an indicator of the increasing ties between Fayetteville State University and the central core, enhancing pedestrian linkages between the university and the central core and elevating economic activity in that portion of downtown.

Mr. Grimes concluded by stating the Planning Commission recommended the City Council approve the adoption of the plan. He further stated the implementation should occur over the next ten years.

Council Member Applewhite inquired if staff could provide information that would illustrate the ratio between the amount of funding the City had invested in downtown and the tax revenue.

DRAFT

Council Member Crisp stated the investment in downtown would benefit all City residents, not just the downtown residents.

Council Member Applewhite suggested the City explore river development and used the San Antonio, Texas, river-walk as an example.

Further discussion ensued.

Consensus of the Council was to bring the item back for further consideration and formal vote at the May 28, 2013, regular City Council meeting.

4.2 Overview of the Fiscal Year 2013-2014 Recommended Budget and Action to Set the Date of the Budget Public Hearing

Ms. Lisa Smith, Chief Financial Officer, presented this item with the aid of a power point presentation. She provided a summary of the budget and stated the general tax rate would remain at 45.6 cents per \$100.00 value. She stated real and personal property values were projected to increase by 1.7 percent over the 2013 projection. She stated the sales tax for FY 2014 revenue was expected to exceed the FY 2013 original budget by 3.0 percent and the utility tax distributions were projecting the FY 2013 revenues to be 1.8 percent below the FY 2013 original budget primarily due to mild winter weather and declining telecommunication video programming revenues due to technology shifts by consumers. She stated the FY 2014 budget included \$2.8 million for Phase II implementation of compensation plan adjustments and modest performance increases. She stated the proposed budget also included a storm water fee of \$4.00 per month, which would produce an additional \$1.7 million per year; the primary purpose of the increase was to fund storm drainage system improvements. She stated in addition, there was a proposed solid waste fee of \$10.00 per year, which was previously known as a recycling fee. She concluded the presentation by stating budget work sessions would continue on May 8, 15, 22, and 29, 2013, if necessary. She further stated it was anticipated the budget would be adopted on June 10, 2013.

Council Member Crisp stated he was opposed to the \$22.00 per year fee increases for stormwater and solid waste purposes, and stated he would only support increases if the additional revenues were applied to public safety.

Mayor Pro Tem Arp requested staff provide further clarity, possibly a break-out of all the new initiative requests, and requested further information on the street sweeping costs.

Council Member Applewhite stated the proposed fee increases would alarm some of the citizens.

Further discussion ensued.

Mayor Chavonne announced the next budget work session would be held on May 8, 2013, at 5:00 p.m.

4.3 City of Fayetteville FY 2014 Strategic Plan

Ms. Julie Bremann, Fountainworks Consultant, presented this item and stated the objectives of the work session were to finalize the targets for action, to review how the strategic plan would be used throughout the year, and build on the enthusiasm for the plan and support for adoption on May 28, 2013. She stated the resulting plan would translate the community's vision and the City's goals into actions by the City, enabling the organization to better serve the City. She provided the Mayor and Council with the list of potential action items.

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Mayor Chavonne asked for a show of hands and counted the votes for each of the following items announced:

1. The City of Fayetteville will be a safe and secure community.
 - A. Increase law enforcement community engagement and collaboration - 9 votes
 - B. Gang Task Force - 8 votes
 - H. Review speed limits in West (Develop traffic safety strategy) - 9 votes
2. The City of Fayetteville will have a strong, diverse, and viable local economy.
 - J. Local business initiatives-maximize local business - 7 votes
3. The City of Fayetteville will be designed to include vibrant focal points, unique neighborhoods, and high quality, effective infrastructure.
 - D. Increase street maintenance funding allocated for road maintenance to meet 20 year plan; shorten time for resurfacing - 9 votes
 - G. Improve gateways - 9 votes
4. The City of Fayetteville will be a highly desirable place to live, work, and recreate with thriving neighborhoods and a high quality of life for all citizens.
 - A. Funding plan for Parks and Recreation; well-designed recreation facilities; multi-sports complex at Shaw Road; smaller and phased Parks and Recreation package - 7 votes
 - F. Improving Traffic Flow - 7 votes
5. The City of Fayetteville will have unity of purpose in its leadership, and sustainable capacity within the organization.
 - A. City Council recognition of employees - 9 votes
 - C. PWC efficiencies - 6 votes
 - F. Increase IT funding - 9 votes
6. The City of Fayetteville will develop and maintain strong and active community connections.
 - A. Develop and deliver ongoing coordinated information campaign - 7 votes
 - D. Lack of partnerships (develop partnerships) - 8 votes

Council Member Applewhite inquired on the item she had brought forth to a work session a few months ago pertaining to repairs of private streets. Consensus of Council was the item was not a major priority for funding at this time.

A brief discussion ensued.

Consensus of Council was to bring the item back for a formal vote at the May 28, 2013, regular City Council meeting.

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4.4 Federal Advocacy Partnership of Memorandum of Understanding

Mr. Kristoff Bauer, Deputy City Manager, presented this item with the aid of a power point presentation. He reported the City of Fayetteville, Cumberland County, and the Fayetteville Regional Chamber had a federal advocacy partnership that was working collaboratively through a contracted lobbying firm to pursue federal legislative advocacy and funding assistance for strategic focus areas identified in an annual, collectively established, federal agenda. He advised federal funding and policy decisions were critical to the growth and strength of the community. He stated in the best interest of the constituents, the partners had prioritized infrastructure, technology, and programmatic needs. He further stated the combined advocacy efforts would protect and preserve essential community assets and resources, allowing Fort Bragg and its surrounding metropolitan and unincorporated areas to thrive. He reported the partnership had recently developed a new Federal Advocacy Partnership Memorandum of Understanding (MOU) to more effectively respond to the new federal funding paradigm, which reflected a change in focus from legislative earmarks to administrative allocation through competitive grants. A copy of the draft MOU was provided to the Council.

A brief discussion period ensued.

Consensus of Council was to bring the item back for further consideration and formal vote at the May 28, 2013, regular City Council meeting.

4.5 Hire Fayetteville First Update

Mr. Kristoff Bauer, Deputy City Manager, presented this item with the aid of a power point presentation and stated the City Council had taken the following three official actions in relation to the policy objective:

1. In July 2012 the Council adopted City Council Policy 135.02;
2. In November 2012 a budget amendment to support the cost of a disparity study as discussed in the policy was not approved by Council; and
3. In February 2013 Council passed a motion which included eight points of implementation.

Mr. Bauer continued by stating with the Council's most recent action on February 11, 2013, staff transitioned implementation to PWC Purchasing as the City's contract purchasing function. He stated while staff was working to move forward on implementation as effectively as possible, that effort had been challenged by incomplete and at times inconsistent policy direction. He stated the City had also evaluated three software packages for the purpose of tracking purchasing activity--Advanced Internet Technology's (AIT) GOVTide product, which was in development, and two other software products developed by national vendors in use in several communities and recommended by a number of the consultants staff had previously contacted in research of the disparity study issue. He stated the research performed by the City Information Technology staff had been transmitted to PWC Purchasing as background for their efforts. He stated it should be noted, however, that no resources had been appropriated or authorized for the acquisition of a new application or purchasing system.

Council Member Applewhite stated that the GOVTide program could bring transparency to the procurement process and it was a full functioning product that AIT would provide for free.

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Mr. Voorhees responded that the City did not have the staffing resources to operate the program, and that PWC Purchasing was the resource that would have to be tasked.

Council Member Haire inquired if the self-registration process available on the City website could be marketed by attaching the information to utility bills. Mr. Bauer responded staff would be brainstorming on how to get the information out in the most effective ways.

Further discussion ensued.

4.6 City Council Request(s): (In Order of Receipt Date).

(a) Mayor Pro Tem Arp - Peddler's Licensure Requirement

Mayor Pro Tem Arp stated a local businessman had contacted him regarding the City's requirement that businesses conducting door-to-door sales have a peddler's license. He stated the businessman's complaint was that small businesses were required to have their employees go to City Hall every quarter to apply for and pay for their license. He stated this was impacting the small businesses as employees were losing work time and employers were losing work time and incurring costs associated with the loss of work time.

Council Member Bates stated that from meetings he had attended with "Community Watch", if a door-to-door sales person was not displaying a license the resident should call 911. He stated having a quarterly issued peddler's license was a crime deterrent.

Consensus of Council was to direct staff to review the peddler's license requirement and process.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:08 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

050613

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**FAYETTEVILLE CITY COUNCIL
BUDGET WORK SESSION MINUTES
LAFAYETTE ROOM
MAY 8, 2013
5:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey (District 3) (arrived at 5:10 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); Valencia A. Applewhite (District 7) (arrived at 5:20 p.m.); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Absent: Council Member William J.L. Crisp (District 6)

Others Present: Theodore L. Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Dele Smith, Assistant City Manager
Karen McDonald, City Attorney
Harold Medlock, Police Chief
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget Manager
Victor Sharpe, Community Development Director
Tracie Davis, Corporate Communications Director
Dwight Miller, PWC Chief Financial Officer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Haire.

3.0 APPROVAL OF AGENDA

MOTION: Mayor Chavonne moved to approve the agenda.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (7-0)

4.0 BUDGET ITEMS OF BUSINESS

4.1 Introduction and Budget Overview

Mr. Theodore Voorhees, City Manager, provided Council with a handout and accompanying power point presentation. He stated the current proposed budget would have no tax increase and would maintain a fund balance of at least 12 percent which would ensure structural balance. He further stated the proposed budget would maintain the current tax rate of 45.6 cents per \$100.00 and a MSD tax of 10 cents per \$100.00. He advised the proposed budget would reduce the burden on the General Fund from stormwater and solid waste enterprise funds, accommodate Police Department realignment, establish a revolving revitalization fund, and fund the CIP/ITP plan. He concluded his presentation by stating the next budget workshops would be held on May 15, 22, and 29 and June 3, 2013, if required. He stated the anticipated budget adoption date was June 10, 2013.

A discussion period ensued.

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4.2 Presentation of Electric, Water, Wastewater, and Fleet Maintenance Internal Service Fund Budgets.

Mr. Steven Blanchard, PWC CEO/General Manager, presented this item with the aid of a power point presentation and stated the recommended FY 2013-14 budget included \$242,194,800 for the Electric Fund, \$103,757,400 for the Water/Wastewater Fund, and \$7,891,000 for the FMISF, for a total budget of \$353,843,200. He provided an overview on the utility extension in the Phase V Annexation areas, the fleet maintenance services, the payment on behalf of Fort Bragg for the water service contract, the electric franchise tax (gross receipts tax) resulting from a new power supply contract, the purchasing services, the Black and Decker Agreement, and prior annexation debt service, and estimated fiber services.

A discussion period ensued.

4.3 New Initiative Requests and Funding

Mr. Theodore Voorhees, City Manager, stated during the April 10, 2013, Budget Workshop, the Senior Management Team presented departmental overviews and new initiative requests. He stated the Senior Management Team was asked to rank all 54 new initiatives and 22 were recommended for implementation.

A discussion period ensued.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:15 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

050813

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FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD ROOM
MAY 13, 2013
6:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Absent: Council Member Bobby Hurst (District 5)

Others Present: Ted Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Dele Smith, Assistant City Manager
Karen McDonald, City Attorney
Members of the Press

Mayor Chavonne called the meeting to order at 6:20 p.m.

Mr. Theodore Voorhees, City Manager, reviewed the budget work session agenda for May 15, 2013. He specifically explained that Item 4.3 would be 1/2, 1, and 1.5 cent options, then PC would explain reorganization of department and cost for enhancements. Finally, the Rochelle Small-Toney group provided a presentation on the community investment fund.

Council members asked questions.

Mayor Chavonne then reviewed the agenda items. He advised there were currently only two public forum speakers.

Council Member Bates inquired about IT amendments related to City works.

Discussion ensued regarding the budget amendment.

There were no other questions.

There being no further business, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MAY 13, 2013
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

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

Others Present: Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Rochelle Small-Toney, Deputy City Manager
Dele Smith, Assistant City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Benjamin Major, Fire Chief
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Craig Hampton, Special Projects Director
Karen Hilton, Planning and Zoning Division Manager
David Nash, Planner II
Dwight Miller, PWC Chief Financial Officer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Reverend Mark A. Rowden, Senior Pastor of Savannah Missionary Baptist Church.

3.0 PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS AND RECOGNITIONS

Mr. Randy Hume, Transit Director, announced the North Carolina Department of Transportation, Public Transportation Division (NCDOT-PTD), and North Carolina Public Transportation Association (NCPTA) held a statewide Bus Rodeo in Wilmington, NC, on April 6 and 7, 2013. He stated FAST Bus Operator Paula Bowers placed first in the light transit vehicle (LTV) category. He stated Paula was the first out of 20 competitors in the LTV category. Everyone in attendance gave Ms. Bowers a round of applause.

Mr. Keith Pugh and Mr. Russell Byrd with the North Carolina Chapter of the American Public Works Association recognized the City of Fayetteville and Mr. Rusty Thompson, Engineering and Infrastructure Director, and Mr. Craig Hampton, Special Projects Director, for winning the National award with APWA for the best public works project between \$5 million and \$15 million.

Council Member Hurst expressed appreciation to all 988 volunteers who assisted with the City-wide clean up on April 20, 2013. He stated in less than two hours 24,750 pounds of litter was collected. He also expressed appreciation to those who participated in the "Electronics

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Waste Drive" this past Saturday. He stated this event was the result of partnerships between Fayetteville Beautiful, Cumberland County Solid Waste, City of Fayetteville Environmental Services, and Sustainable Sandhills.

4.0 APPROVAL OF AGENDA

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

5.1 PUBLIC FORUM

Mr. Chris Mitchell, 7357 Beaver Run Drive, Fayetteville, NC, stated he was the Chairman of the Joint Appearance Committee and invited nominations for the forthcoming Appearance Awards program.

Mr. George Butterfly, 537 Mayview Street, Fayetteville, NC, stated he serves on the Taxi Review Board and requested the current taxi ordinance be revised and also requested a full-time taxi inspector employee.

6.0 CONSENT

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

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

The amendment appropriated \$310,000.00 from fund balance in the General Fund to provide additional operating funding for the Information Technology Department.

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

The amendment appropriated \$82,900.00 for the purchase of a camera device to be used for inspecting and recording storm water drain pipe conditions.

6.3 Bid recommendation to award contract for purchase of four 67 to 26.18 x 13.09 KV LTC power transformers to WEG Service Co., Duluth, Georgia, in the amount of \$2,649,888.00.

Bids were received March 26, 2013 as follows:

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

6.4 PWC - Resale of real property at 4270 Deadwyler Drive back to former owner.

Pursuant to N.C.G.S. § 105-376(c), Council authorized allowing the repurchase of the property by the former owner.

6.5 Setting of public hearing on the Fiscal Year 2013-2014 Proposed Budget.

The public hearing to receive comments on the proposed budget was set for June 10, 2013, beginning at 7:00 p.m. to be held in the Council Chamber, City Hall, 433 Hay Street, Fayetteville, NC.

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6.6 Tax refunds greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Branch Banking and Trust Mortgage (c/o Shugart, Mary E.)	2010-2011	Clerical Error	\$ 410.40
Ghee, Rae D. & Harry J.	2009-2011	Corrected Assessment	392.61
Vick, Walter T.	2007-2011	Clerical Error	963.64
Total			<u>\$1,766.65</u>

7.0 PUBLIC HEARINGS

7.1 Amendment to City Code Chapter 30-5 to increase parking for restaurants.

No presentation was made on this item at this time.

MOTION: Council Member Bates moved to adopt budget ordinance amendment 2013-14.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

7.2 Amendment to City Code Chapter 30-5 to reduce perimeter landscaping for certain vehicular parking areas.

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation. He stated the proposed amendments reflected corrections staff had been accumulating or adjustments that staff considered minor that had emerged during daily application of the new development code. He further stated this was part of an ongoing overall fine-tuning and correcting that was typical of completely re-written codes.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO REDUCE PERIMETER VEHICULAR USE AREA STANDARDS IN CERTAIN SITUATIONS. ORDINANCE NO. S2013-007.

MOTION: Council Member Crisp moved to adopt the ordinance.
SECOND: Council Member Davy
VOTE: UNANIMOUS (10-0)

Mayor Chavonne requested that Mr. Shuford present Item 7.1 and apologized for not recognizing him at the introduction of the item. Mr. Shuford proceeded to present Item 7.1.

7.1 Amendment to City Code Chapter 30-5 to increase parking for restaurants.

Mr. Scott Shuford, Development Services Director, presented this item and stated City Code Chapter 30, the Unified Development Ordinance for the City, in Article 30-5.A.4, established a minimum requirement for parking as well as a maximum allowable number of parking spaces. He further stated it provided for administrative review and approval of an alternative parking plan when supported by a parking demand or similar analysis. He explained for restaurants with or without drive-through services, parking was based on 1 space per 150 square feet. He further explained the number of alternative parking requests for significantly more parking than allowed led staff to reassess the basic standards for these two restaurant types. He noted this specific standard had also been mentioned by representatives of development interests who had been advising on adjustments to the development code. He stated the Planning Commission held a public hearing with no speakers and recommended approval of the proposed standards.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO INCREASE THE MINIMUM AND MAXIMUM PARKING STANDARDS FOR RESTAURANTS. ORDINANCE NO. S2013-006.

MOTION: Council Member Bates moved to adopt the ordinance.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

7.3 Consider adoption of revised Secondary Fire Zone.

Mr. Benjamin Major, Fire Chief, presented this item with the aid of power point presentation and stated N.C.G.S. § 160A-435 requires the city council of every incorporated city to pass ordinances establishing and defining primary fire limits. He stated the statute also permits a council to establish secondary fire limits. He explained the current primary and secondary fire zones in the City of Fayetteville downtown area were adopted in 1961, and since then there had been significant changes in the landscape and development trends in the downtown area, but the fire districts had remained the same. He explained the revision of the secondary fire zone would help address current development trends adjacent to the downtown area while maintaining fire and life safety protection objectives of the district. He concluded his presentation by stating staff recommended Council move to adopt the revision of the secondary fire zone.

Council Member Bates inquired how the revision would affect residential properties. Chief Major responded the revised code would only affect new buildings.

Council Member Fowler inquired if it would be easier for residents on Bragg Boulevard to comply with the code. Chief Major responded it would as a result of improved fire codes and the advancement of technology.

Council Member Applewhite inquired if there was a need across the City for additional fire zones. Chief Major responded there was no need.

Council Member Davy inquired how the new secondary fire zone would affect the businesses in the eastern side of the City. Chief Major responded they have had great improvements in fire protection and the revised code would not be an issue.

Council Member Crisp inquired of Mr. Shuford if he thought his staff needed to examine structures on their main corridors to see if they warranted fire districts. Mr. Shuford responded he did not think it was necessary as fire districts were designed for development patterns that reflect buildings close together and sharing walls, etc.

Mayor Pro Tem Arp stated it was best they move away from fire zones with the exception of historical districts as that depicted that they had good fire codes, building to the latest standards of construction and less combustible materials.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 11, FIRE PROTECTION AND PREVENTION, ARTICLE I, IN GENERAL, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2013-008.

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MOTION: Council Member Bates moved to adopt the ordinance.
SECOND: Mayor Pro Tem Arp
VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.1 Revenue and Expenditure Report for annual funds for the nine-month period ended March 31, 2013.

Ms. Lisa Smith, Chief Financial Officer, presented this item with the aid of a power point presentation. She provided an overview of the General Fund Revenues, General Fund Expenditures, Stormwater Revenues and Expenditures, Transit Revenues and Expenditures, and Airport Revenues and Expenditures.

A brief discussion ensued.

This item was for informational purposes only and no action was taken.

8.2 Uninhabitable structures demolition recommendations.

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

1021 Bragg Boulevard

Mr. Shuford stated the structure was a vacant commercial structure that was inspected and condemned as a dangerous structure on October 11, 2012. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2012. He further noted within the past 24 months there had been 11 calls for 911 service and 6 code violations with no pending assessments. He advised the low bid for demolition was \$8,675.00.

218 South C Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on October 25, 2012. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2008. He further noted within the past 24 months there had been 4 calls for 911 service and 6 code violations with a pending assessment of \$697.35. He advised the low bid for demolition was \$1,900.00.

521 Mechanic Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on August 3, 2012. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2005. He further noted within the past 24 months there had been 16 calls for 911 service and 6 code violations with no pending assessments. He advised the low bid for demolition was \$2,345.00.

1337 Taylor Drive

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on August 3, 2012. He further stated the owner had not appeared at the hearing and

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therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in July 2006. He further noted within the past 24 months there had been 5 calls for 911 service and 4 code violations with a pending assessment of \$1,413.28. He advised the low bid for demolition was \$2,545.00.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (1021 Bragg Boulevard, PIN 0437-08-7555). ORDINANCE NO. NS2013-017.

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 (218 South C Street, PIN 0437-91-1528). ORDINANCE NO. NS2013-018.

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 (521 Mechanic Street, PIN 0437-57-8317). ORDINANCE NO. NS2013-019.

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 (1337 Taylor Drive, PIN 0438-63-5321). ORDINANCE NO. NS2013-020.

MOTION: Council Member Hurst moved to adopt the ordinances authorizing demolition of the structures.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

Ms. Pamela Megill, City Clerk, stated staff was requesting Council move to re-introduce Items 7.1 and 7.2 for reconsideration and take action on both items with motions being clearly stated for the record.

MOTION: Mayor Pro Tem Arp moved to reconsider Items 7.1 and 7.2.
SECOND: Council Member Hurst
VOTE: UNANIMOUS (10-0)

7.1 Amendment to City Code Chapter 30-5 to increase parking for restaurants.

MOTION: Council Member Bates moved to approve the proposed changes to City Code Chapter 30-5 to increase parking minimum and maximum standards for certain restaurant uses.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

7.2 Amendment to City Code Chapter 30-5 to reduce perimeter landscaping for certain vehicular parking areas.

MOTION: Council Member Crisp moved to approve the reduced requirements for the perimeter vehicular use area landscaping strip, as presented by staff.
SECOND: Council Member Davy
VOTE: UNANIMOUS (10-0)

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9.0 ADMINISTRATIVE REPORTS

9.1 Tax refunds of less than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Barnhill, Michael Wayne	2008-2011	Duplicate Listing	\$16.02
			<u>\$16.02</u>

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8.15 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

051313

DRAFT

**FAYETTEVILLE CITY COUNCIL
BUDGET WORK SESSION MINUTES
LAFAYETTE ROOM
MAY 15, 2013
5:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (arrived at 5:10 p.m.); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Absent: Council Members Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3)

Others Present: Theodore L. Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Dele Smith, Assistant City Manager
Karen McDonald, City Attorney
Harold Medlock, Police Chief
Lisa Smith, Chief Financial Officer
Benjamin Major, Fire Chief
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
Michael Gibson, Parks, Recreation and Maintenance Director
Tracie Davis, Corporate Communications Director
Giselle Rodriguez, City Engineer
Tracey Broyles, Budget Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Crisp.

3.0 APPROVAL OF AGENDA

MOTION: Mayor Chavonne moved to approve the agenda.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (7-0)

4.0 BUDGET ITEMS OF BUSINESS

4.1 Introduction and Budget Overview

Mr. Theodore Voorhees, City Manager, provided an overview of the proposed budget and stated the budget would maintain the current tax rate of 45.6 cents per \$100.00 and the Municipal Service District rate of 10 cents per \$100.00. He stated it would reduce the burden on the General Fund from Stormwater and Solid Waste enterprise funds. He further stated it would accommodate Police realignment and establish a revolving revitalization fund. He advised the personnel costs, (primarily police salaries and the step plan) along with the transfer of funds to PWC for Phase V annexation were items that were driving the budget.

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4.2 Proposed Fee Changes

(a) Storm Water Fee

(b) Solid Waste Fee

Mr. Theodore Voorhees, City Manager, provided an overview of the proposed five-year plan for drainage infrastructure needs for FY 2019 and beyond. He provided Council with a graph depicting the projected stormwater revenues and expenses, and diagrams of rate comparisons with other large North Carolina cities. He explained that new expenses associated with more stringent regulatory requirements were unfunded state mandated requirements. He further provided a graph showing the City's residential monthly fee versus all North Carolina Stormwater Utilities. He stated the current monthly stormwater fee of \$3.00 had \$1.00 dedicated to stormwater quality improvements, and \$2.00 dedicated to stormwater drainage improvements. He stated for FY 2014, the proposed monthly fee would be \$4.00 with no specified funding dedications to quality or quantity improvements. He stated the proposed fee increase would provide funding for additional drainage improvements. Beginning with the FY 2014 budget, program costs for street sweeping operations would be transferred from the general fund to the Stormwater fund. He stated the State was currently contracting with the City to sweep state-maintained roads within the City. He stated the projected contract payments of \$120,500.00 were projected in the stormwater Fund for FY 2014.

Mr. Voorhees stated for FY 2014, the former Recycling Fund would be expanded into the Environmental Services Fund in order to record all costs associated with providing residential garbage, recycling, and yard waste collection within one fund. The former single-family residential recycling fee would now be the single-family residential solid waste fee. For FY 2014, the fee was proposed to increase from \$38.00 to \$48.00 per single-family residential parcel. Current year fee reserves for FY 2014 were projected to total \$2,875,705.00, including \$599,105.00 projected from the proposed fee increase.

A discussion period ensued.

4.3 Parks and Recreation Facilities Proposal

Mr. Kristoff Bauer, Deputy City Manager, and Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item with the aid of a power point presentation and handouts. Mr. Bauer provided background information and stated the Fayetteville-Cumberland Parks and Recreation Master Plan was recommending improvements for the existing parks and facilities and construction of a new senior center, parks improvements, aquatic facilities, community centers, and greenways expansions. He itemized the justifications for the proposed projects options.

Mr. Gibson provided an overview of the following proposed project options:

Option 1

- Dedicate 1.5 cent for 15 years / \$35,000,000.00 collected
- Projects: Multipurpose Aquatic Center w/Senior Center, 2 Neighborhood Aquatic Centers, Tennis Center, River Park
- Provide 5 projects totaling \$30,600,000.00

Option 2

- Dedicate 1 cent for 15 years / \$24,000,000.00 collected

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- Projects: Multipurpose Aquatic Center with Senior Center, 2 Neighborhood Aquatic Centers, Tennis Center (reduced size and scope)
- Provide 4 projects totaling \$21,600,000.00

Option 3

- Dedicate .5 cent for 15 years / \$12,000,000.00 collected
- Projects: Stand-alone Senior Center, 2 Neighborhood Aquatic Centers, Tennis Center
- Provide 4 projects totaling \$10,650.00

A discussion period ensued.

Mr. Voorhees requested that Council rank the proposed projects on the a form provided to them on a scale of 1 to 10 with number 1 being a Council member's top priority and number 10 being a Council member's lowest priority. He advised the lowest total number would become the collective City Council's number 1 priority and the highest number would become the collective City Council's lowest priority. He stated the rankings would be tabulated and the results provided to Council at the next budget work session to be held on May 22, 2013.

4.4 Police Reorganization and Staffing Proposal

Mr. Harold Medlock, Police Chief, presented this item with the aid of a power point presentation and handout. He provided an overview of the Command Reorganization and explained the current structure. He stated the revised structure would consist of three Assistant Chiefs, Office of Professional Standards would comprise of one captain and two sergeants, and Patrol would be comprised of Lieutenants assigned as Sector Commanders and there would be the creation of new Patrol Districts to make a total of three. He provided Council with a copy of the revised organizational chart and proposed sector and zone maps.

Chief Medlock briefed the Council on budget staffing and the staffing plan. He provided an overview of an investment option in reference to the COPS grant.

A discussion period ensued.

4.5 Community Investment

Ms. Rochelle Small-Toney, Deputy City Manager, and Mr. Victor Sharpe, Community Development Director, presented this item with the aid of a power point presentation and handouts. Ms. Small-Toney reviewed the reasons cities were investing in the redevelopment of neighborhoods and commercial corridors and the City Council 2012-2013 and 2013-2014 Strategic Plan Goals. She stated the challenges facing the City were the population declines; the underutilized commercial corridors; limited and reclining non-City resources such as Community Development Block Grant funds; and increasing demands for services such as policing, fire protection, and code enforcement. She stated the new initiative was the Community Redevelopment Investment Program (CRIP) and its mission was designed to comprehensively access, analyze, plan, and implement redevelopment strategies throughout the City. She stated this approach would involve the expertise, efforts, and resources of multiple City departments and other local agencies. She stated the funding request was for a \$1 million allocation from the General Fund fund balance to make progress of targeted focuses.

Mr. Victor Sharpe, Community Development Director, provided an overview of the redevelopment tools, partners, funding sources, programs, existing resources, and new resources. He then went on to discuss the various program ideas and the potential return on the

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investment. Mr. Sharpe concluded by stating the next steps would be to work with development partners to establish the program and identify the specific projects by the end of 2013.

A discussion period ensued.

Mayor Chavonne announced the next budget work session would be held on May 22, 2013, at 5:00 p.m.

5.0 ADJOURNMENT

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

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
MAY 22, 2013
4:00 P.M.

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Bobby Hurst (District 5); Wade Fowler (District 8)

Absent: Council Members Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); D. J. Haire (District 4); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); James W. Arp, Jr. (District 9)

Others Present: Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Scott Shuford, Development Services Director
Karen Hilton, Planning and Zoning Manager
Craig Harmon, Planner II
Pamela Megill, City Clerk
Members of the Press

Council Member Massey called the meeting to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's May 28, 2013, agenda:

CONSENT ITEMS

Case No. P13-13F. City-initiated rezoning from LI Light Industrial to CC Community Commercial or to a more restrictive district for property located at 4311 Bragg Boulevard. Containing 2.01 acres more or less and being the property of Bill Claydons Tattoo World Inc.

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated during the remapping portion of the Unified Development Ordinance (UDO) adoption, the property was zoned to LI Limited Commercial. He explained this was done to accommodate an adult oriented business located on the property. He stated while the LI district would allow for adult business, it would not allow for the general retail that was conducted in the other commercial buildings on the site. He stated the applicant was now requesting that the property be rezoned to CC Community Commercial to match its surrounding zoning and make all of the commercial uses on the property conforming except for the adult oriented one. He stated the adult oriented use would now become grandfathered and would be allowed to stay in business.

Case No. P13-16F. Initial zoning to LC Limited Commercial or to a more restrictive district for property located on W. Mountain Drive. Containing .77 acres more or less and being the property of Charles Horne.

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated in September of 2012 the City annexed the front portion of the property and zoned it to LC Limited Commercial. He explained that as the developer began to move forward with his plans for the property, he realized that he needed an additional area to be annexed to accommodate the required

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storm water retention facilities. He stated the owner was now petitioning for the new section to be annexed and for the zoning to match that of the previously annexed property which was LC. He advised the Zoning Commission recommended approval of the initial zoning. He further advised the Zoning Commission and staff recommended approval of the rezoning to the Limited Commercial based on (1) the property to the east being already within the City limits and zoned both LC and CC, and (2) LC zoning matching the previously annexed portion of the property and allowing the developer to move forward with his approved plans.

PUBLIC HEARINGS

Case No. P13-17F. Initial zoning to SF-6 Single Family Residential or to a more restrictive district for property located on Tammy and Holland Streets. Containing 3.2 acres more or less and being the property of Shaw Area Church of God and Cumberland County.

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the Shaw Area Church of God petitioned for annexation so that it could hook in to the PWC's utilities (water service). He stated once the petition was received, staff noticed that the church property was part of a previous residential subdivision involving four adjacent lots now owned by the County. He stated staff contacted the County to see if they were interested in having their properties annexed at the same time. He reported that the County's properties were currently vacant and if developed in the future, would need to be annexed as well to hook in to PWC utilities. He stated the County agreed to have their properties annexed at the same time as the church. He stated the City's most comparable district would be the SF-6 Single Family District. He advised the Zoning Commission recommended approval to initially zone the properties to SF-6. He stated there was one speaker in opposition to the request who filed an appeal to the Zoning Commission's recommendation. He advised the Zoning Commission and staff recommended approval of the rezoning to the SF-6 Single Family Residential based on (1) SF-6 being the closest equivalent zoning district in the City and (2) R6 County zoning surrounding the properties.

Public hearing to consider a petition requesting annexation of a noncontiguous area known as the property of the Shaw Area Church of God and Cumberland County (2 parcels are owned by the church and 4 parcels are owned by the County) (Located on the eastern side of Holland Street and the southern side of Tammy Street in the Shaw Heights Community).

Mr. David Nash, Planner II, stated 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 in order to connect the sanctuary building to an existing PWC water line which was in the street adjacent to the building. He explained the church property was in the Fayetteville MIA and therefore the owner was required to submit an annexation petition. He stated the property was not contiguous to the City, but could be annexed as a satellite. He stated there was an existing satellite area located nearby that was annexed on October 24, 1977. He explained the church's two parcels were part of a six-parcel subdivision for residential development and the other four parcels were owned by Cumberland County. He stated in order for any of the parcels to be annexed as a satellite, all six parcels needed to be part of the proposed annexation area pursuant to state law. He stated 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 which made it possible for the annexation petition to be processed by the City. He stated the impact of annexing the area would be minimal. He stated the Fire

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Department reported that the area was within the adopted baseline travel time established in the City's Fire/Emergency Management Standard of Cover document, the Environmental Services Department reported the two church buildings in the area were non-residential and therefore the City was not responsible for providing garbage pick-up services, and the Police Department reported that it would not have any increased costs for serving the area. He provided a review of the PWC services and reported PWC water was adjacent to the area. He stated the area was already served by PWC electrical service. He then provided a review of the zoning issues and reported the Zoning Commission approved the initial zoning of the area as SF-6 which was consistent with the previous County zoning of R6. He stated one person from the neighborhood spoke in opposition and filed an appeal, requesting that when the initial zoning was processed at a City Council meeting, that a public hearing be held. He stated staff recommended adoption of the annexation ordinance with an effective date of May 28, 2013, and establish the initial zoning consistent with the prior action on the zoning case.

Public hearing to consider a petition requesting annexation of a contiguous area known as the Charles Horne Stormwater Facility Property (Located on the northern side of West Mountain Drive).

Mr. David Nash, Planner II, presented this item and stated this was a request to annex property along the northern side of West Mountain Drive. He stated the petitioner was planning to construct a building for the Orkin Pest Control Company. He stated as of mid-May 2013, grading had been done on the site for the Orkin building but no building permit had been issued. He stated the area annexed on September 24, 2012, had not included the adjacent land to the north where the petitioner was planning to construct a future stormwater facility. He stated in order for the City to be able to inspect the entire Orkin Pest Control Company development site, the entire development site would need to be inside the City. He stated the petitioner then requested annexation of the land for the stormwater facility. He stated staff received the petition on March 14, 2012, and the petition was updated on May 13, 2013, which showed different parcel numbers and clarified that one of the parcels in the area was owned by Carolina Sun Investments, LLC. He provided a review of the City services wherein the City operating departments reported that the impact would be minimal. He stated the Fire Department reported the area was within the adopted baseline travel time established in the City's Fire/Emergency Management Standard of Cover document. He provided a review of the PWC services and reported PWC water and sewer were available to the area and PWC electrical service was also available to the area. He stated in August 2012 a new law went into effect regarding the use of stormwater ponds, which stated development projects located within five miles from the farthest edge of an airport "air operations area" shall not be required to use stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that would promote standing water. He explained the purpose was to reduce the impacts and attraction of birds and other wildlife that would pose a hazard to aircraft. He stated staff had made the petitioner and engineer for the project aware of the law. He stated the City Engineer reported the developer would need to submit plans to the City before they develop.

There being no further business, the meeting adjourned at 4:43 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
BUDGET WORK SESSION MINUTES
LAFAYETTE ROOM
MAY 22, 2013
5:00 P.M.**

Present: Council Members Keith Bates, Sr. (District 1); Robert A. Massey (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J.L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9) (arrived at 5:07 p.m. and departed at 6:10 p.m.)

Absent: Mayor Anthony G. Chavonne; Council Member Kady-Ann Davy (District 2)

Others Present: Theodore L. Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Dele Smith, Assistant City Manager
Karen McDonald, City Attorney
Harold Medlock, Police Chief
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget Manager
Victor Sharpe, Community Development Director
Tracie Davis, Corporate Communications Director
Dwight Miller, PWC Chief Financial Officer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Council Member Massey called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Haire.

3.0 APPROVAL OF AGENDA

Consensus of Council was to approve the agenda.

4.0 BUDGET ITEMS OF BUSINESS

4.1 Introduction and Budget Overview

Mr. Theodore Voorhees, City Manager, presented this item with the aid of a power point presentation. Mr. Voorhees reviewed the base budget and stated it would follow the budget guidelines set forth by Council. He stated the recommended budget would maintain the current tax rate of 45.6 cents per \$100.00 of assessed valuation and the Downtown Municipal Service District current tax rate of 10 cents per \$100.00 of assessed valuation. He stated it would propose minor revenue enhancements in fees for stormwater and solid waste services, accommodate the Police Department's realignment and new organizational structure, transition from Time Warner Cable to the new FAY-TV7 government access channel to better communicate with the citizens, reassign the Stormwater Fund into the Street Sweeping program. He stated the recommended budget would also provide for a modest 2.5 percent merit pay increase opportunity. He stated the proposed budget would also include funds for the Capital Improvement Program and Information Technology Plan. He stated the base budget would establish a \$1 million revolving fund for corridor improvement initiatives and provide a \$1 million one-time boost to accelerate street resurfacing in response to feedback from citizens and City Council.

Mr. Voorhees addressed the following budget options that were outside of the base budget:

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Parks and Recreation Project Proposals

Option 1: 1.5 cent x 15 years = \$35,000,000.00

Option 2: 1 cent x 15 years = \$24,000,000.00

Option 3: .5 cent x 15 years = \$12,000,000.00

Police Deployment Budget Proposal

COPS Grant + 1 cent on tax rate = 15 officers + \$3 million for district office. This was a new opportunity presented by the federal grant cycle within the last month.

Mr. Voorhees then reviewed the following City PWC expense/revenue adjustments:

	Fiscal Year 2013	Fiscal Year 2014	Future Fiscal Years
General Fund Expenditure Reductions			
Electric Gross Receipts Tax/Power Supply Agreement	(499,600)	(499,600)	(499,600)
Purchasing Services	-	(157,204)	TBD
Fleet Maintenance Indirect Cost Allocation	-	(85,500)	(85,500)
Additional Fleet Maintenance Cost Adjustments	-	-	TBD
Fiber Services	-	TBD	TBD
Exchange Server Services	-	TBD	TBD
Fort Bragg Water Infrastructure Repayment	-	-	TBD
Total	(499,600)	(742,304)	(585,100)
General Fund Revenues			
PWC Government Access Channel Contribution	-	85,000	85,000
Total Benefit for General Fund	499,600	827,304	670,100

Mr. Voorhees then itemized the 22 recommended new initiatives at a net cost of \$1,387,281.00 as follows:

- Transit - Add a new route - Strickland Bridge Road
- Human Resources Development - High Density Filing System for Personnel Records
- Transit - Fort Bragg morning and evening service
- Development Services - Building Division vehicles
- Police - Forensic Manager
- Environmental Services - Code Enforcement Administrator
- Transit - Transit Security
- Transit - Increase Intermittent Base Pay to \$12.53
- Human Relations - Study Circles
- Fire - Honor Guard over-time pay
- Transit - Route 14 Express
- City Manager's Office - Secretary Position
- Development Services - Senior Planner
- Information Technology - Desktop Support Technician
- Community Development - Community Development Planner
- HRD - Kenexas - Compensation Software Tool

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- City Clerk - Part-time Records Technician (OAI) - One-time contract
- Parks and Recreation - Trash Pickup
- Development Services - Planning and Zoning Administrator
- Engineering and Infrastructure - Unfreeze Engineer II
- Corporate Communications - Government Access Channel coordinator
- Parks and Recreation - New Century School/Park

Following the presentation, a question and answer period ensued.

Mr. Voorhees informed Council that the recommended budget would be discussed further at the regular meeting on May 28, 2013; budget work session on May 29, 2013; work session on June 3, 2013; and regular meeting on June 10, 2013. He further informed Council the public hearing on the budget would be held during the June 10, 2013, meeting with the possibility of adoption of the budget.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:20 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

052213

**FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD ROOM
MAY 28, 2013
6:00 P.M.**

Present: Mayor Pro Tem James W. Arp, Jr. (District 9)

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

Absent: Mayor Anthony G. Chavonne

Others Present: Theodore Voorhees, City Manager
Rochelle Small-Toney, Deputy City Manager
Dele Smith, Assistant City Manager
Karen McDonald, City Attorney
Members of the Press

Mayor Pro Tem Arp called the meeting to order at 6:20 p.m. and began by discussing the letter from the Downtown Alliance. He stated the letter was advising of the unanimous vote by the Alliance regarding the Downtown Municipal Services District funding.

Mayor Pro Tem Arp also reviewed a memo from Ms. Lisa Smith, Chief Financial Officer, regarding the assessment process.

Mayor Pro Tem Arp then proceeded with review of the consent agenda.

Council Member Applewhite advised of her intent to pull Item 5.1 for a meeting with the Police Benevolent Association and other interested parties.

A discussion period ensued.

Council Member Fowler advised of his intent to pull Item 5.2

Mayor Pro Tem Arp then proceeded with review of the public hearings and other items on the agenda.

Mr. Theodore Voorhees, City Manager, advised there were only two items for discussion regarding the budget and if Council was so inclined, the meeting on May 29, 2013, could be cancelled. Consensus of Council was to cancel the budget meeting.

There being no further business, the meeting adjourned at 6:40 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

052813

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
MAY 28, 2013
7:00 P.M.**

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

Absent: Mayor Anthony G. Chavonne

Others Present: Theodore Voorhees, City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Dele Smith, Assistant City Manager
Brian Meyer, Assistant City Attorney
Patricia Bradley, Police Attorney
Lisa Smith, Chief Financial Officer
Victor Sharpe, Community Development Director
Scott Shuford, Development Services Director
Tracie Davis, Corporate Communications Director
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
Rebecca Rogers-Carter, Strategic Planning Manager
Jamie McLaughlin, Downtown Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Pro Tem Arp called the meeting to order.

2.0 INVOCATION

The invocation was offered by Steve and Lynn Newsome, Co-Directors of the Quaker House.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Hurst moved to approve the agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

5.0 CONSENT

Council Member Applewhite requested Item 5.1 be pulled for discussion and separate vote and Council Member Fowler requested Item 5.2 be pulled for discussion and separate vote.

MOTION: Council Member Massey moved to approve the consent agenda with the exception of Items 5.1 and 5.2.

SECOND: Council Member Davy

VOTE: UNANIMOUS (9-0)

5.1 Pulled for a separate vote by Council Member Applewhite.

5.2 Pulled for a separate vote by Council Member Fowler.

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5.3 Airport Commission ex-officio membership.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 3-51(b)(2), EX OFFICIO, NONVOTING MEMBERS, OF ARTICLE II, AIRPORT COMMISSION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2013-009.

5.4 Capital Project Ordinance Amendment 2013-29 (Linear Park Project).

The amendment appropriated an additional \$46,300.00 for the Linear Park Project, as well as related improvements at the Cross Creek Park.

5.5 Capital Project Ordinance Amendment 2013-30 (Airport Runway and Taxiway Improvements in Federal Project AIP 39).

The amendment appropriated an additional \$45,050.00 for the grant funded airport capital project.

5.6 Capital Project Ordinance Amendment 2013-31 (Transit Capital Grant 469).

The amendment appropriated an additional \$492,795.00 for the project and funded by \$404,322.00 in federal grant proceeds and a required local match of \$88,473.00 from the General Fund.

5.7 Capital Project Ordinance Amendments 2013-32 and 2013-33 (Transit Capital Grant 514); Special Revenue Fund Project Ordinance Amendment 2013-7 (Transit Planning Grant 514); and Associated Resolutions Authorizing NC Department of Transportation (NCDOT) Capital and Planning Grants.

Capital Project Ordinance Amendment 2013-32 and Special Revenue Fund Project Ordinance Amendment 2013-7 appropriated \$115,000.00 in state grant funds and reduced the local match from the General Fund by the same amount for transit projects associated with Federal Grant 514. In addition, the resolutions authorized the City Manager to execute the associated grant agreement with the NCDOT.

Capital Project Ordinance Amendment 2013-33 increased the transit capital project budget by \$64,441.00 by appropriating additional Federal Transit Administration (FTA) funds of \$51,553.00 and a required local match of \$12,888.00.

RESOLUTION AUTHORIZING CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (FY 2014 TRANSIT CAPITAL GRANT NC-90-X514)). RESOLUTION NO. R2013-024.

RESOLUTION AUTHORIZING CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (FY 2014 TRANSIT PLANNING GRANT NC-90-X514). RESOLUTION NO. R2013-025.

5.8 Case No. P13-13F. City-initiated rezoning from LI Light Industrial to CC Community Commercial or to a more restrictive district for property located at 4311 Bragg Boulevard. Containing 2.01 acres more or less and being the property of Bill Claydons Tattoo World Inc.

5.9 Case No. P13-16F. Initial zoning to LC Limited Commercial or to a more restrictive district for property located on W. Mountain Drive. Containing 0.77 acres more or less and being the property of Charles Horne.

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5.10 Fayetteville Advisory Committee on Transit (FACT) membership.

RESOLUTION TO REVISE MEMBERSHIP REQUIREMENTS OF THE FAYETTEVILLE ADVISORY COMMITTEE ON TRANSIT (FACT). RESOLUTION NO. R2013-026.

5.11 Federal Advocacy Partnership Memorandum of Understanding.

5.12 Approve meeting minutes:

April 2, 2013 - Work Session
April 8, 2013 - Discussion of Agenda Items
April 8, 2013 - Regular Meeting
April 10, 2013 - Special Budget
April 17, 2013 - Agenda Briefing
April 22, 2013 - Discussion of Agenda Items
April 22, 2013 - Regular Meeting

5.13 Bid recommendation for installation of Cape Fear substation to Lee Electrical Construction, Aberdeen, NC, lowest responsive bidder, in the amount of \$1,363,150.00.

Bids were received as follows:

Lee Electrical Construction (Aberdeen, NC) \$1,363,150.00
Pike Electric (Charlotte, NC) \$1,369,761.87
Sumter Utilities (Sumter, SC) \$2,057,714.21

5.14 Request from Cape Fear Botanical Garden.

The Cape Fear Botanical Garden (CFBG) was seeking to refinance to take advantage of lower interest rates. The original 2009 loan in which the City Council agreed to subordinate the City's interest was in the amount of \$5.5 million. The loan refinance would have a principal amount of \$3.1 million. The CFBG was requesting that the City execute an addendum to the new deed of trust, as it did with the original deed of trust, so that the CFBG could refinance the loan. The City's restrictions and reversionary interest would again be released in the 10.1 acre tract during the time CFBG was indebted to the bank and in the event of foreclosure and would reattach upon satisfaction of the deed of trust.

5.1 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.

This item was pulled by Council Member Applewhite. She stated she would like to have an opportunity to meet with the Police Benevolent Community and citizens before voting on the item, and therefore was requesting Council to table the item until the next regular meeting.

MOTION: Council Member Applewhite moved to table the item until the June 10, 2013, regular City Council meeting.

SECOND: Council Member Crisp

VOTE: PASSED by a vote of 7 in favor to 2 in opposition (Council Members Massey and Fowler)

5.2 Adoption of a resolution of the City Council opposing House Bill 773.

This item was pulled by Council Member Fowler. He stated he was not in agreement with the Rental Action Management Program (RAMP) as it treated property owners that rent out their properties differently from property owners that reside in their homes.

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Council Member Crisp stated there were mechanisms in place that addressed resident home owners that do not comply with the Code, and stated he did not see a disparity.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE OPPOSING HOUSE BILL 773. RESOLUTION NO. R2013-023.

MOTION: Council Member Davy moved to adopt the resolution opposing House Bill 773.
SECOND: Council Member Hurst
VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Fowler)

6.0 PUBLIC HEARINGS

6.1 Case No. P13-17F. Initial zoning to SF-6 Single Family Residential or to a more restrictive district for property located on Tammy and Holland Streets. Containing 3.2 acres more or less and being the property of Shaw Area Church of God and Cumberland County.

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the Shaw Area Church of God petitioned for annexation so that it could hook in to the PWC's utilities (water service). He stated once the petition was received, staff noticed that the church property was part of a previous residential subdivision involving four adjacent lots now owned by the County. He stated staff contacted the County to see if they were interested in having their properties annexed at the same time. He reported that the County's properties were currently vacant and if developed in the future, would need to be annexed as well to hook in to PWC utilities. He stated the County agreed to have their properties annexed at the same time as the church. He stated the City's most comparable district would be the SF-6 Single Family District. He advised the Zoning Commission recommended approval to initially zone the properties to SF-6. He stated there was one speaker in opposition to the request who filed an appeal to the Zoning Commission's recommendation. He advised the Zoning Commission and staff recommended approval of the rezoning to the SF-6 Single Family Residential based on (1) SF-6 being the closest equivalent zoning district in the City and (2) R6 County zoning surrounding the properties.

Council Member Massey inquired if the land was contiguous to the City. Mr. Harmon responded in the negative and stated it was a satellite site.

Council Member Massey inquired if the satellite was referred to as a doughnut, called Shaw Heights, and if so, were the petitioners requesting annexation as a result of the policy the City had with PWC regarding water hook-up. Mr. Harmon responded in the affirmative.

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

Mr. Joe Tolley, 1231 Charmain Street, Fayetteville, NC 28311, appeared in opposition and stated he was appealing the Zoning Commission recommendation. He requested clarity on how much property was involved in the annexation as a letter he received from the County stated 3.2 acres, yet he measured the property himself and found it to be only 2 acres. He requested the item be tabled until all the facts had been received.

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

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Council Member Bates inquired what the procedures were when a citizen appeals a Zoning Board recommendation. Mr. Harmon responded the Zoning Board was only a recommending body; they could not zone or rezone properties. He explained typically, if the Zoning Board recommended approval and the staff recommended approval, then the item would be presented to Council in the form of a consent item. He further explained as a result of Mr. Tolley filing an appeal, the item was coming before Council as a public hearing thereby providing an opportunity for citizens to address the Council.

Council Member Applewhite inquired how the size of the site was determined. Mr. Harmon responded staff used the County tax records, but with the addition of the size of various right-of-ways, it increased the property size.

Council Member Applewhite stated she was confused as to what measurement should be stated in the motion for the annexation.

Council Member Crisp stated he was not willing to institute the annexation until the figures were clarified. He inquired what the specific interest of Mr. Tolley was as to whether he was a property owner contiguous to the proposed annexation property. Mr. Harmon responded he was not, but was a resident of Shaw Heights.

Council Member Massey stated he would support holding off on making a decision until all of the facts had been put in place.

Council Member Fowler stated he wanted to see the same amount of land stated in both the rezoning and the annexation.

A discussion period ensued.

MOTION: Council Member Massey moved to table the item until the June 10, 2013, regular City Council meeting.
SECOND: Council Member Crisp
VOTE: PASSED by a vote of 8 in favor and 1 in opposition (Council Member Hurst)

6.2 Public hearing to consider a petition requesting annexation of a noncontiguous 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).

Mr. David Nash, Planner II, stated 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 in order to connect the sanctuary building to an existing PWC water line which was in the street adjacent to the building. He explained the church property was in the Fayetteville MIA and therefore the owner was required to submit an annexation petition. He stated the property was not contiguous to the City, but could be annexed as a satellite. He stated there was an existing satellite area located nearby that was annexed on October 24, 1977. He explained the church's two parcels were part of a six-parcel subdivision for residential development and the other four parcels were owned by Cumberland County. He stated in order for any of the parcels to be annexed as a satellite, all six parcels needed to be part of the proposed annexation area pursuant to state law. He stated 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 which made it possible for the annexation petition to be processed by the City.

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

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Mr. Anthony Brown, 636 Dawless Road, Fayetteville, NC 28311, appeared in favor and stated he was a trustee from the Church of God and was requesting approval.

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

MOTION: Council Member Bates moved to table the item until the June 10, 2013, regular City Council meeting.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (9-0)

6.3 Public hearing to consider a petition requesting annexation of a contiguous area known as the Charles Horne Stormwater Facility Property (Located on the northern side of West Mountain Drive).

Mr. David Nash, Planner II, presented this item and stated this was a request to annex property along the northern side of West Mountain Drive. He stated the petitioner was planning to construct a building for the Orkin Pest Control Company. He stated as of mid-May 2013, grading had been done on the site for the Orkin building but no building permit had been issued. He stated the area annexed on September 24, 2012, had not included the adjacent land to the north where the petitioner was planning to construct a future stormwater facility. He stated in order for the City to be able to inspect the entire Orkin Pest Control Company development site, the entire development site would need to be inside the City. He stated the petitioner then requested annexation of the land for the stormwater facility. He stated staff received the petition on March 14, 2012, and the petition was updated on May 13, 2013, which showed different parcel numbers and clarified that one of the parcels in the area was owned by Carolina Sun Investments, LLC. He provided a review of the City services wherein the City operating departments reported that the impact would be minimal. He stated the Fire Department reported the area was within the adopted baseline travel time established in the City's Fire/Emergency Management Standard of Cover document. He provided a review of the PWC services and reported PWC water and sewer were available to the area and PWC electrical service was also available to the area. He stated in August 2012 a new law went into effect regarding the use of stormwater ponds, which stated development projects located within five miles from the farthest edge of an airport "air operations area" shall not be required to use stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that would promote standing water. He explained the purpose was to reduce the impacts and attraction of birds and other wildlife that would pose a hazard to aircraft. He stated staff had made the petitioner and engineer for the project aware of the law. He stated the City Engineer reported the developer would need to submit plans to the City before they develop.

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

Mr. Charles Horne, 317 Parkview Avenue, Fayetteville, NC 28305, appeared in favor and requested approval of the annexation request.

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

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA [CHARLES HORNE STORMWATER FACILITY PROPERTY - WEST MOUNTAIN DRIVE (NORTHERN SIDE OF) - AREA INCLUDES TWO TAX PARCELS: PIN 0436-00-3201 (ALL) and PIN 0436-00-0086 (PART OF)]. ANNEXATION ORDINANCE NO.2013-05-542.

MOTION: Council Member Davy moved to adopt the annexation ordinance with an effective date of May 28, 2013, to include the rezoning approved under Consent Item No. 5.9 - LC Limited Commercial.

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SECOND: Council Member Massey
VOTE: UNANIMOUS (9-0)

7.0 OTHER ITEMS OF BUSINESS

7.1 Adoption of the City of Fayetteville FY 2014 Strategic Plan.

Ms. Rebecca Rogers-Carter, Strategic Planning Manager, presented this item and stated as the City of Fayetteville continued to grow and thrive, the City Council was looking to chart a course with a strategic plan that would articulate a vision for the community's future to help ensure vitality and sustainability. She stated the City of Fayetteville was guided by a comprehensive strategic planning process. She stated the City Council was meeting annually to refine the items that comprised the City's strategic plan and to ensure that it was reflective of the changing needs of the growing community. She stated the strategic plan had five main areas that represented a commitment to serving the community. She stated the plan was comprised of a vision for the community; an organizational mission and core values; five-year goals supporting the long-term vision for the City; and annual Targets for Action (TFA) to advance progress toward the goals. She stated the model was aligning City programs and spending with long-term goals, bringing critical needs into focus, and providing an organizational roadmap for success. She stated the City's strategic plan was a critical component of a larger system of planning for the organization's success, which included the annual budget process, citizen input, capital and technology prioritization, and financial planning. She stated the City's strategic planning process was designed to build upon past successes, yet also accommodate proactive response to changing environments. She stated this year they incorporated more input from staff and citizens to shape the priorities of the plan, and to focus on areas of unity and common interests among the City Council, staff, and citizens. She introduced Fountainworks facilitators Mr. Warren Miller and Ms. Julie Brennan.

Mr. Warren stated in this strategic plan they had identified the following six goals for the next five years, which would help achieve the vision:

1. The City of Fayetteville will be a safe and secure community.
2. The City of Fayetteville will have a strong, diverse, and viable local economy.
3. The City of Fayetteville will be designated to include vibrant focal points, unique neighborhoods, and high quality, effective infrastructure.
4. The City of Fayetteville will be a highly desirable place to live, work, and recreate with thriving neighborhoods and a high quality of life for all citizens.
5. The City of Fayetteville will have unity of purpose in its leadership and sustainable capacity within the organization.
6. The City of Fayetteville will develop and maintain strong and active community connections.

Ms. Brennan stated the City Council had also prioritized 13 specific targets for action for staff to enact this year to achieve these goals. She stated they incorporated performance measures for each of the goals into the plan, so that they could measure the impact they were having on the goals. She noted that an edit was necessary for Goal No. 1, Performance Measure No. 2, "Create gang task force", to be replaced with "Enhance gang prevention and reduction strategy".

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Council Member Applewhite thanked Mr. Warren and Ms. Brennan for a very productive and fun strategic planning process.

Council Member Crisp thanked Mr. Warren and Ms. Brennan for their direction and significant focus.

Mayor Pro Tem Arp stated the strategic planning process was a great job all around, and implementation was the key to achieving the goals.

MOTION: Council Member Bates moved to adopt the City of Fayetteville FY 2014 Strategic Plan to include the edit to Goal No.1, Performance Measure No. 2, "Create gang task force", to be replaced with "Enhance Gang Prevention and Reduction Strategy".
SECOND: Council Member Haire
VOTE: UNANIMOUS (9-0)

7.2 Community Development - Approval of update to the Downtown Fayetteville Renaissance Plan.

Ms. Jami McLaughlin, Downtown Development Manager, and Mr. William Grimes, Studio Cascade, presented this item with the aid of a power point presentation. Ms. McLaughlin stated the Downtown Development Plan was a Strategic Plan Target Action Item in FY 2011 as part of the City Council strategic planning process and reported on quarterly. She stated the end result was that funding was approved in FY 2012 for a consultant to develop a new plan of work for the next ten years. She stated the City of Fayetteville through the Community Development Department contracted a team of consultants led by Studio Cascade, Inc., to update the 2002 Downtown Fayetteville Renaissance Plan and to provide strategic visioning services for Downtown Fayetteville. She introduced Mr. William Grimes, Studio Cascade consultant. Mr. Grimes reviewed the following goals of the plan:

- To engage stakeholders in the creation of an inspiring vision for the future of Downtown Fayetteville, creating a framework for the role the City of Fayetteville and partnering agencies would play in realizing that vision;
- To create shared goals for the City of Fayetteville that would enable all stakeholders to align programs and services to meet these goals;
- To provide strategic and tactical planning resulting in a specific set of short- and long-term strategies and action items over a ten-year period; and
- To assure the plan would address Downtown Fayetteville issues and provide real value to the stakeholders by creating measurable results for the City of Fayetteville.

Mr. Grimes stated community outreach efforts since September 2012 included stakeholder interviews, a weeklong "storefront studio", online surveys and social media, marketing/advertising in print and broadcast media, presentations and workshops with the Fayetteville Planning Commission, and multiple public workshops. He stated the major push in the plan was to emphasize the relationship between Fayetteville State University, the central core, and the Cape Fear River, targeting public and private investment to enhance the crescent that links all three. He stated improvements to Murchison Road, new development projects in the core, a re-imagined Russell Street, and a redeveloped Campbellton town site form the backbone of the strategy. He stated later phases in the downtown strategy would look to build upon the crescent, stimulating reinvestment in neighborhoods around Old Wilmington Road, Grove Street, the Orange Street School, and the industrial district in the southwestern portion of the planning area.

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Mr. Grimes stated the following elements would transform the downtown in the early phases of the plan and demonstrate how the downtown would evolve:

- The new Campbellton town master plan, with a mix of residential, retail, and employment uses taking advantage of the Cape Fear River frontage;
- A Russell Street that would serve as the primary linkage to the new Campbellton town from the central core, with mixed housing and retail uses and an enhanced streetscape, potentially including a streetcar in its median;
- Individual development projects in the central core, including a permanent Farmers Market, a visual performing arts center, and a variety of housing projects to help sustain retail demand downtown; and
- Development of "Catalyst Site 1" on Murchison Road as an indicator of the increasing ties between Fayetteville State University and the central core, enhancing pedestrian linkages between the university and the central core and elevating economic activity in that portion of downtown.

Mr. Grimes continued by stating the Planning Commission held a public hearing on April 23, 2013, and voted unanimously to recommend to City Council to approve the adoption of the plan. He stated the plan was also presented at the May 6, 2013, City Council work session. He stated implementation should occur over the next ten years. He stated recommended strategies would sustain the improvement already made and both extend and expand initiatives to continue momentum; support existing private investment; and encourage new, more diverse investment. He stated since 2002, over \$76 million had been invested in construction including over \$21 million in public investment and \$55 million in private investment.

A brief discussion period ensued.

MOTION: Council Member Davy moved to approve the update of the Fayetteville Downtown Renaissance Plan.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (9-0)

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

Council Member Hurst stated the Appointment Committee met on May 16, 2013, to review applications for appointments to the Historic Resources Commission and the Zoning Commission. He stated it was from that meeting the Appointment Committee was presenting the following recommendations for appointments to the City of Fayetteville boards and commissions:

<u>Applicants</u>	<u>Terms</u>
<u>Historic Resources Commission</u>	
Ira Neil Grant (2nd Term - Category 3 At-Large)	May 2013-March 2015
Catherine M. Mansfield (2nd Term - Category 6 At-Large)	May 2013-March 2015
<u>Zoning Commission</u>	
Benjamin Stout (Fill-In)	May 2013-Sept 2013
Guillermo Matias (Alternate)	May 2013-Sept 2014

Council Member Crisp acknowledged and gave thanks for the many years of volunteer service to the City from Ms. Colleen Astrike and stated he mourns her passage.

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MOTION: Council Member Hurst moved to approve the recommended appointments with respective terms of office.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (9-0)

7.4 Presentation of Recommended Fiscal Year 2013-2014 Budget.

Mr. Theodore Voorhees, City Manager, provided an overview of the recommended Fiscal Year 2013-2014 budget with a power point presentation. He provided graphs showing how the City of Fayetteville was measuring up against the cities of Durham, Wilmington, High Point, Greensboro, Cary, and Winston-Salem in respect to 2011 total property tax burden per capita, administration staffing levels, Human Resource Development staffing levels, Planning/Land Use staffing levels, and Information Technology staffing levels. He stated for each category Fayetteville scored the lowest and the source of the data was from the John Locke Foundation. He provided an overview of the three decision filters that were utilized for the recommended budget which included the Strategic Plan, Citizen Survey, and City Council Budgetary Guidelines. He stated the recommended base budget would maintain the current tax rate of 45.6 cents per \$100.00 of assessed evaluation and the Downtown Municipal Service District current tax rate of 10 cents per \$100.00 of assessed valuation. He stated it would align appropriations by portfolio to provide maximum flexibility in service delivery and accountability, accommodate the Police Department's realignment and new organizational structure, propose minor revenue enhancements in fees for stormwater and solid waste services, transition from Time-Warner Cable to the new FAY-TV7 government access channel to better communicate with the citizens, reassign the Stormwater Fund with the street sweeping program, transition Environmental Services to an enterprise fund, implement two minor FAST route adjustments with offsetting savings, fund the implementation of Phase II of the Classification and Compensation Study, provide for a modest 2.5 percent merit pay increase opportunity, fund the proposed Capital Improvement Program and the Information Technology Plan, establish a \$1 million revolving fund for corridor improvement initiatives, and provide a \$1 million one-time boost to accelerate street resurfacing in response to feedback from citizens and City Council. He stated the proposed stormwater fee of \$4.00 per month would result in an annual increase of \$12.00 per year to produce and additional \$1.7 million per year. He stated the primary purpose of the increase was to fund storm drainage system improvements and eliminate the General Fund subsidy for street sweeping. He stated the proposed solid waste fee would be \$48.00 per year which was previously known as the recycling fee. He stated the annual increase of \$10.00 would produce an additional \$599,000.00 which would reduce the General Fund subsidy. He stated the recommended budget included \$1.3 million in new initiatives that would be covered by changes in the financial relationship with PWC. He stated in addition approximately \$2.7 million in new initiatives were being deferred due to the realignment study. Mr. Voorhees provided Council with the following three options for Parks and Recreation Project Proposals of which all were requiring a tax increase:

Option 1 1.5 cent X 15 years = \$35,000,000.00
Option 2 1 cent X 15 years = \$24,000,000.00
Option 3 .5 cent X 15 years = \$12,000,000.00

Mr. Voorhees stated the Police staffing budget proposal would involve the COPS Grant + 1 cent on the tax rate = 15 officers and \$3 million for a district office.

A discussion period ensued.

Mr. Steven Blanchard, PWC General Manager, presented the proposed FY 2014 budget for the Fayetteville Public Works Commission. He stated a major focus was continuing in replacing and refurbishing aging infrastructure in the water, sanitary sewer, and electric utility systems. He stated funding for this type of work had

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continually increased over the last few years and was increased in this budget. He presented the PWC FY 2013-2014 recommended budget as follows:

Electric Fund	\$242,288,200.00
Water and Wastewater Fund	103,834,500.00
FMISF	7,759,500.00
Total 2013-2014 Budget	<u>\$353,882,200.00</u>

This item was for information purposes only and no action was taken.

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly statement of taxes for April 2013.

2012 Taxes	\$425,145.95
2012 Vehicle	457,988.83
2012 Taxes Revit	3,224.10
2012 Vehicle Revit	984.67
2012 FVT	50,017.31
2012 Transit	50,017.36
2012 Storm Water	12,628.82
2012 Fay Storm Water	25,257.73
2012 Fay Recycle Fee	21,627.43
2012 Annex	0.00
2011 Taxes	10,892.16
2011 Vehicle	15,702.16
2011 Taxes Revit	0.00
2011 Vehicle Revit	20.20
2011 FVT	2,784.12
2011 Transit	2,784.11
2011 Storm Water	449.50
2011 Fay Storm Water	899.00
2011 Fay Recycle Fee	855.99
2011 Annex	0.00
2010 Taxes	1,960.21
2010 Vehicle	1,875.01
2010 Taxes Revit	13.62
2010 Vehicle Revit	0.00
2010 FVT	441.51
2010 Transit	441.50
2010 Storm Water	60.18
2010 Fay Storm Water	120.35
2010 Fay Recycle Fee	152.56
2010 Annex	0.00
2009 Taxes	637.67
2009 Vehicle	817.14
2009 Taxes Revit	0.00
2009 Vehicle Revit	0.00
2009 FVT	183.65
2009 Transit	183.65
2009 Storm Water	48.00
2009 Fay Storm Water	96.00
2009 Fay Recycle	114.00
2009 Annex	0.00
2008 and Prior Taxes	652.54
2008 and Prior Vehicle	3,317.82
2008 and Prior Taxes Revit	0.00
2008 and Prior Vehicle Revit	0.00
2008 and Prior FVT	534.68
2008 and Prior Transit	100.99
2008 and Prior Storm Water	16.35
2008 and Prior Fay Storm Water	32.71
2008 and Prior Fay Recycle Fee	57.24

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2008 and Prior Annex 14.70

Interest 32,851.96

Revit Interest 141.79

Storm Water Interest 606.64

Fay Storm Water Interest 1,212.28

Annex Interest 1.92

Fay Recycle Interest 1,102.16

Fay Transit Interest 1,467.95

Total Tax and Interest \$1,130,536.22

9.0 ADJOURNMENT

MOTION: Council Member Fowler moved to cancel the Budget work session meeting scheduled for May 29, 2013.

SECOND: Council Member Bates

VOTE: UNANIMOUS (9-0)

There being no further business, the meeting adjourned at 9:17 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

052813

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

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:13 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (arrived at 5:15 p.m.); Wade Fowler (District 8); James W. Arp, Jr. (District 9) (arrived at 5:18 p.m. and left at 6:15 p.m.)

Others Present: Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Dele Smith, Assistant City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Harold Medlock, Police Chief
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering and Infrastructure Director
Dwayne Campbell, Chief Information Officer
Tracie Davis, Corporate Communications Director
Tracey Broyles, Budget Manager
Greg Caison, Stormwater Manager
Dwight Miller, PWC Chief Financial Officer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Haire.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (7-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Report of Target for Action on City-Owned Property, Buildings, and Facilities: Potential Disposal.

Ms. Kecia Parker, Real Estate Manager, presented this item and stated staff had researched the inventory list of City-owned property, buildings, and facilities for potential disposal and had also received feedback from respective department directors. She stated two properties had been identified as surplus. She stated the City currently had 1107 Clark Road which was a Community Development parcel and the Festival Park Plaza Building which was a Parks and Recreation parcel. She stated the recommended course of action was to follow City Council Policy No. 155.1 that was revised March 26, 2013.

A brief discussion period ensued.

4.2 Fiscal Year 2013-2014 Recommended Budget.

Mr. Theodore Voorhees, City Manager, presented this item with the aid of a power point presentation and provided a binder that contained

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all presentations from the FY 2013-14 Recommended Budget meetings. He also provided Council with a handout of Group 3 Budget Questions and Answers. He provided a chart that mapped out funding options for the Stormwater Fee, Solid Waste Fee, Street Resurfacing, Community Investment Fund, COPS Grant + 1 cent tax, and the Parks and Recreation Capital Plan. He explained the chart explained what each of the categories would provide and the impact on the City if the categories were not approved. He stated that in order to improve overall satisfaction with City services, the City of Fayetteville should emphasize the following areas: Police Services, Maintenance of City Streets, and Traffic Flow. He provided the following two options for the FY 2014 Budget:

Option 1

Approve: Stormwater Fee, Solid Waste Fee, Street Resurfacing, and COPS + 1 cent tax

Put on hold: Community Investment Fund

Remove: Parks and Recreation Capital Plan

Option 2

Approve: Stormwater Fee, Street Resurfacing, and COPS + 1 cent tax

Put on hold: Community Investment Fund

Remove: Solid Waste Fee and Parks and Recreation Capital Plan

A discussion period ensued.

Consensus of the Council was to create an alternative Option 3 as follows:

Option 3

Approve: COPS + 1 cent

Put on hold: Community Investment and One Swimming Pool

Remove: Stormwater Fee, Solid Waste Fee, and Street Resurfacing

Mr. Voorhees stated the Fiscal Year 2013-2014 Budget public hearing would be held on June 10, 2013, and staff would prepare the appropriate budget ordinance.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 6:25 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

060313

**FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD ROOM
JUNE 10, 2013
6:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 6:20 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (arrived at 6:20 p.m.); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Absent: Robert A. Massey, Jr. (District 3)

Others Present: Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Dele Smith, Assistant City Manager
Karen McDonald, City Attorney
Members of the Press

Mayor Chavonne called the meeting to order at 6:15 p.m. and began by reviewing the recognitions. He then proceeded with review of the consent items.

Council Member Applewhite advised of her intent to pull Item 6.1.

Mayor Chavonne then proceeded with review of the public hearing items and other items on the agenda.

Staff noted the item related to street paving would need to be deferred if the budget was not adopted.

There being no further business, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JUNE 10, 2013
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Dele Lowman Smith, Assistant City Manager
Karen McDonald, City Attorney
Harold Medlock, Police Chief
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget Manager
Rusty Thompson, Engineering and Infrastructure Director
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
David Nash, Planner II
Lee Jernigan, Traffic Engineer
Greg Caison, Stormwater Manager
Jami McLaughlin, Downtown Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Dwayne Smith of Lighthouse Baptist Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 748, chartered by Camp Ground United Methodist Church.

4.0 APPROVAL OF AGENDA

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

ANNOUNCEMENTS AND RECOGNITIONS

A Certificate of Excellence was presented to Ms. Savanna Pulver, a ten year old student at New Century Elementary School and winner of the Public Speaking contest held in Union County at Wingate University.

Ms. Kellie Perkins, an art teacher with Terry Sanford High School, presented a power point presentation on the making of a mural by some of her students entitled "Homage to Fayetteville: Past, Present and Future", depicting Fayetteville's continuing and growing heritage. She stated the mural was on display in City Hall.

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Council Member Hurst presented Ms. Victoria Huggins, Miss Fayetteville 2013, and Ms. Emili McPhail, Miss Fayetteville's Outstanding Teen, each with a City coin and recognized both young ladies for being marvelous ambassadors for the City.

Mayor Chavonne presented a Proclamation to Mr. Jerry Dietzen, Environmental Services Director, proclaiming June 17, 2013, to be "Garbage Man Day".

Mr. Roger Beasley, Treasurer of the North Carolina Chapter of the American Planning Association, presented the "Great Place in North Carolina - Hay Street" award to Mayor Chavonne.

5.0 PUBLIC FORUM

Ms. Barbara Marshall, 7640 Wilkins Drive, Fayetteville, NC 28311, requested additional time for submitting a grant application in reference to a property slated for demolition at 869 Brewer Street.

6.0 CONSENT

MOTION: Council Member Applewhite moved to approve the consent agenda with the exception of Item 6.1 which was pulled for discussion and separate vote.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

6.1 Pulled for a separate vote by Council Member Applewhite.

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

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. ORDINANCE NO. S2013-010.

6.3 Budget Ordinance Amendment 2013-15 (General Fund, Emergency Telephone System Fund and Transit Operating Fund); 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).

Amendment 2013-15 increased total General Fund appropriations by \$380,000.00 across several departments, Emergency Telephone System Fund appropriations by \$25,000.00, and Transit Operating Fund appropriations by \$150,000.00. These budget amendments were 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.

Amendments 2013-34, 2013-35, 2016-36, and 2013-37 allowed 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.

Amendment 2013-8 for the HOME Investment Partnership Program was consistent with funding needs communicated with year-end budget projections and the Community Development Action Plan.

6.4 PWC financial matters:

The following PWC financial matters were approved:

- A. Electric, Water/Wastewater, and Fleet Maintenance Internal Service Fund Budget Amendment #2: The current adopted budget as amended for Fiscal Year 2013 was \$350,502,525.00 and the Amendment #2 decrease was \$8,004,700.00. This

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brought the proposed Fiscal Year 2013 budget to \$342,497,825.00.

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 reflected expected activity for Fiscal Year 2013.
5. Annexation Phase V Reserve Fund Amendment #9 reflected 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.

6.5 Rescission of gross receipts tax payment to PWC.

On May 22, 2013, PWC considered and approved an agreement to rescind the agreement between the City and PWC dated June 10, 2009. The agreement entitled "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 dated July 1, 2012.

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

The amendment replaced the amendment approved by Council 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 had not reflected a partial closeout that was approved by Council on January 28, 2013, which reduced the storm water capital project.

6.7 Special Revenue Fund Project Ordinance 2013-10 (2013 Badges for Baseball Program).

The ordinance appropriated \$23,950.00 for the 2013 Badges for Baseball Program.

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

The ordinance appropriated \$4,624.00 for the 2012 Badges for Baseball Program Grant No. 2.

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6.9 Special Revenue Fund Project Ordinance Closeouts 2013-8 through 2013-13 (Community Development Block Grant and HOME Projects.

Annually the City closes out several projects that are completed in previous fiscal years and no longer active. Various Community Development Block Grant Fund and HOME Investment Partnership projects and activities funded by the U.S. Department of Housing and Urban Development were completed in a previous fiscal year and the revenues and expenditures related to the projects were audited.

6.10 Tax refunds greater than \$100.00.

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
Baxley, Thomas E., Sr.	2009-2011	Corrected Assessment	\$104.30
Total			<u>\$104.30</u>

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.

This item was pulled by Council Member Applewhite. She stated along with certain staff members and the City Manager she had met with the members of the Police Benevolent Association (PBA) on June 6, 2013, to discuss supporting the passage of legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to members of a Citizen Review Board. She stated as a result of that meeting she was making the following motion:

MOTION: Council Member Applewhite moved to table this item for a period not to exceed 90 days in order to allow the PBA time to identify areas to agree and compromise with staff.

SECOND: Council Member Crisp

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

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. RESOLUTION NO. R2013-027.

MOTION: Council Member Bates moved to approve the 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.

SECOND: Council Member Fowler

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

7.0 PUBLIC HEARINGS

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.

Mr. Theodore Voorhees, City Manager, presented this item with the aid of a power point presentation. He reviewed the following changes that had been made to the original recommended budget:

- General tax rate set at 46.6 cents per \$100.00 value
- Removed \$1 million each in one-time funding for street resurfacing and the community investment initiative

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- Eliminated the storm water and solid waste fee increases
- Eliminated \$499,600.00 payment to PWC from the electric franchise taxes
- Reduced purchasing payment to PWC by \$157,204.00
- Added \$85,000.00 payment from PWC for government access channel
- Reduced payments for the General Fund, Solid Waste Fund, and Risk Management Fund to PWC Fleet Maintenance Internal Service Fund by \$483,250.00
- Added new initiatives (Transit system initiatives, desktop support specialist, Development Services vehicle, study circles and records management)

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

Mr. Jerry Reinoehl, 516 Deerpath Drive, Fayetteville, NC 28311, appeared in opposition to the recommended budget pertaining to the tax increase.

Mr. Paul Williams, 2539 S. Edgewater Drive, Fayetteville, NC 28303, appeared in opposition to the recommended budget and stated additional police officers should be funded by the City without a tax increase as safety was their number one priority.

Ms. Annette Wilson-Renteria, 7130 Ashwood Circle, NC 28303, stated she was also representing her neighbors and requested that the interest on Phase V Project 7 assessments be removed.

Mr. David Wilson, 6326 Morganton Road, Fayetteville, NC, appeared in opposition to the recommended budget and stated the City was being run in an unprofessional manner.

Mr. J. B. Amaker, 6839 Bryanstone Way, Fayetteville, NC, appeared in opposition to the recommended budget and stated military personnel being assigned to Fort Bragg were choosing to reside in surrounding communities other than Fayetteville.

Mr. L. A. Barner, 337 Rhew Street, Fayetteville, NC, appeared in opposition of the recommended budget and was against any new taxes or fees.

Mr. Jose' Cardona, 233 Addison Street, Fayetteville, NC, appeared in opposition to the recommended budget and suggested the City should utilize funds from PWC.

Ms. Fay Lockmay, 2820 Strickland Bridge Road, NC 28306, appeared in opposition to the recommended budget and recommended use of funding from PWC rather than a tax increase.

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

Mayor Chavonne announced the Council would discuss the recommended Fiscal Year 2013-2014 Budget on June 19, 2013, and would take action on the proposed budget at the June 24, 2013, regularly scheduled meeting.

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.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and stated automotive wrecker services were allowed as a

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special use in the CC Community Commercial district and as a permitted use in the LI and HI industrial districts and were subject to the use-specific standards in all three districts. She stated the use-specific standards associated with automotive wrecker services require that the use be at least 250 feet from any residential district, school, or child care center. She stated there were no variances permitted for the standards in Section 30-4.C. She stated a change in the standards was the only realistic way for the applicant to use some of his properties for his wrecker service. She stated if the 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. She stated during that process the reviewing bodies could consider specific circumstances, impacts, and possible mitigation and, if appropriate, establish conditions as part of an approval. She stated more flexibility in the separation standards had 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. She stated 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 Special Use Permit. She stated the noise, hours of operation, and appearance were some key operational aspects that could have negative impacts on nearby residential uses; however, wrecker and towing businesses provide important services to both the public and private sectors. She stated the rigid separation standard of 250 feet from any residential zoning district, school, or child care center could prevent use of properly zoned sites whose impacts were minimal because of other separation features or where the impacts could be mitigated effectively. She stated the development ordinance provided seven standards of review for proposed text amendments. She stated the applicant's response was contained on the application form or summarized in the table in the staff report to the Planning Commission. She stated the requested amendment appeared to meet or have no negative findings for all seven standards.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE. ORDINANCE NO. S2013-011.

MOTION: Council Member Bates moved to adopt the ordinance.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

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.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item with the aid of a power point presentation and stated the proposed amendment would change the existing requirements for Traffic Impact Analysis (TIA) based on the amount of trips generated by a development site. She stated existing standards require TIAs for every site that meets a minimum trip generation threshold, regardless of surrounding conditions or information available. She stated the proposed standards would 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. She stated the revision would provide flexibility so that TIAs were not required for all sites based simply on meeting a minimum trip generation threshold. She stated the change would allow staff to use trip generations as a guide and consider other factors when determining if a TIA was needed for a development site, or what would need to be included in a specific TIA.

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She stated 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. She stated staff could utilize the proposed flexibility to better focus the scope of the TIA and determine the appropriate roadway mitigations for development sites, which would lead to both a more efficient development process and well-functioning corridors.

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

Mr. Lee Jernigan, Traffic Engineer, stepped up to the podium to engage in a question and answer session.

Council Member Bates expressed concerns that the TIA would not be required as frequently as they were under the current system in place.

Mayor Chavonne inquired if they would lose any tools with the adoption of the ordinance. Mr. Jernigan responded they were not compromising anything and this would provide them additional flexibility.

Council Member Fowler stated that they would not necessarily need a TIA for every development site and stated it all sounded good.

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. ORDINANCE NO. S2013-012.

MOTION: Council Member Crisp moved to adopt the ordinance.

SECOND: Council Member Davy

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

7.4 Public hearing and consideration of adoption of revisions to Chapter 23, Article III, Sec. 23-24(3), Stormwater Management Ordinance.

Mr. Greg Caison, Stormwater Manager, presented this item and stated the Stormwater Management Ordinance was originally adopted in 2009 to establish minimum requirements to control the adverse effects of increased stormwater quantity and runoff quality. He stated further changes were adopted in 2012 and earlier this year as City staff and users in the community continued to use the ordinance and identify needed refinements. He stated City staff had become aware of concerns that had been voiced regarding the current impervious area threshold for redevelopment and new construction to existing development above which stormwater controls were required by ordinance. He stated there had been instances where it had been difficult and/or impractical to require controls on projects where only minor additions occurred. He stated specific changes were 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. He stated currently, the impervious area threshold was 2,000 square feet of new impervious area. He stated it was being proposed that the exemption threshold to provide stormwater management measures be raised to 5,000 square feet of new impervious area to better apply the requirement in these situations. He stated the cumulative impact of the additional impervious area was not thought to be problematic.

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

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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. ORDINANCE NO. S2013-013.

MOTION: Council Member Fowler moved to adopt the ordinance.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.1 Award contract for Resurface Various Streets 2014 - Phase I.

Mayor Chavonne announced this item would be deferred until after the Fiscal Year 2013-2014 Budget was adopted.

8.2 Case No. P13-17F. Initial zoning to SF-6 Single Family Residential or to a more restrictive district for property located on Tammy and Holland Streets. Containing 2.21 acres more or less and being the property of Shaw Area Church of God and Cumberland County.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated Shaw Area Church of God petitioned the City for annexation so that it could hook in to PWC's utilities (water service). He stated once the petition was received, staff noticed that the church property was part of a previous residential subdivision involving the four adjacent lots now owned by the County. He stated the 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. He stated currently the County's properties were all vacant and if developed in the future, they would need to be annexed as well to hook in to PWC utilities. He stated the County agreed to have their properties annexed at the same time as the church. He stated both the church and County requested that they come into the City under the closest zoning district as they had now. He stated the City's most comparable district would be the SF-6 Single Family District.

Council Member Massey inquired if the Church of God petitioners had been notified of this item coming before Council this evening. Mr. Harmon responded in the affirmative.

MOTION: Council Member Crisp moved to approve the initial zoning to SF-6 Single Family Residential district as presented by staff.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

8.3 Consideration of a petition requesting annexation of a noncontiguous area known as property of Shaw Area Church of God and Cumberland County (2 parcels are owned by the Church and 4 parcels are owned by County) (Located on the eastern side of Holland Street and the Southern Side of Tammy Street in Shaw Heights Community).

Mr. David Nash, Planner II, presented this item and stated the 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 in order to connect the sanctuary building to an existing PWC water line which was in the street adjacent to the building. He explained the church property was in the Fayetteville MIA and therefore the owner was required to submit an annexation petition. He stated the property was not contiguous to the City, but could be annexed as a satellite. He stated there was an existing

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satellite area located nearby that was annexed on October 24, 1977. He explained the church's two parcels were part of a six-parcel subdivision for residential development and the other four parcels were owned by Cumberland County. He stated in order for any of the parcels to be annexed as a satellite, all six parcels needed to be part of the proposed annexation area pursuant to state law. He stated 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 which made it possible for the annexation petition to be processed by the City. He stated at the May 28, 2013, City Council public hearing, the initial zoning and annexation items were tabled so that staff could clarify the exact acreage of the property to be annexed and initially zoned. He stated it was confirmed that the number of acres was 2.21.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA [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 AND 0419-85-4126) (4 PARCELS OWNED BY COUNTY: 0419-85-3131, 0419-85-3075, 0419-85-5040, AND 0419-84-4963). ANNEXATION ORDINANCE NO.2013-06-543.

MOTION: Council Member Massey moved to adopt the annexation ordinance consistent with the prior action of zoning to SF-6 with an effective date of June 10, 2013.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

8.4 Uninhabitable structures demolition recommendations.

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

869 Brewer Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure on June 8, 2012. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in May 2007. He further noted within the past 24 months there had been 10 calls for 911 service and 3 code violations with no pending assessments. He advised the low bid for demolition was \$8,675.00.

804 Hillsboro Street

Mr. Shuford stated the structure was a vacant residential home in a commercial zoning. He further stated the owner attended the hearing and an order to repair or demolish the structure was issued. He noted to date there had been no repairs to the structure and no record of utilities. He further noted within the past 24 months there had been no calls for 911 service and 4 code violations with no pending assessments. He advised the low bid for demolition was \$1,500.00.

627 North Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure on July 30, 2012. He further stated the owner attended the hearing and an order to repair or demolish the structure within 90 days was issued. He noted to date there had been no repairs to the structure and no record of utilities. He further noted within the past 24 months there had been 2 calls for 911 service and 2 code violations with no pending assessments. He advised the low bid for demolition was \$1,300.00.

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1528 S. Reilly Road

Mr. Shuford stated the structures were vacant residences consisting of a modular home, a single-wide mobile home, and a block structure. He further stated the owner had not appeared at the hearing. He noted to date there were no repairs to the structures and no record of utilities. He further noted in the past 24 months there had been 3 calls for 911 service and 1 code violation with no pending assessments. He advised the low bid for demolition was \$4,500.00.

226 Woodrow Street

Mr. Shuford stated the structure was a residential home that was the subject of a fire in October 2012 and was inspected and condemned as a dangerous structure on March 5, 2013. He further stated a representative of the owner attended the hearing and an order to repair or demolish the structure within 60 days was issued. He noted to date there had been no repairs to the structure. He further noted within the past 24 months there had been 32 calls for 911 service and 9 code violations with no pending assessments. He stated the low bid for demolition was \$2,500.00.

A brief discussion period ensued.

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 (869 Brewer Street, PIN 0428-96-1515). ORDINANCE NO. NS2013-021.

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 (804 Hillsboro Street, PIN 0437-49-8817). ORDINANCE NO. NS2013-022.

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 (627 North Street, PIN 0437-67-9659). ORDINANCE NO. NS2013-023.

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 (1528 S. Reilly Road, PIN 9497-10-7747). ORDINANCE NO. NS2013-024.

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 (226 Woodrow Street, PIN 0427-67-3923). ORDINANCE NO. NS2013-025.

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

SECOND: Council Member Davy

VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly statement of taxes for May 2013.

2012 Taxes	\$277,049.81
2012 Vehicle	441,970.31
2012 Taxes Revit	1,022.52
2012 Vehicle Revit	926.89
2012 FVT	45,015.34

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2012 Transit	45,015.35
2012 Storm Water	7,285.21
2012 Fay Storm Water	14,570.44
2012 Fay Recycle Fee	15,442.75
2012 Annex	0.00
2011 Taxes	4,269.80
2011 Vehicle	9,706.38
2011 Taxes Revit	1.00
2011 Vehicle Revit	0.00
2011 FVT	1,719.46
2011 Transit	1,719.46
2011 Storm Water	97.42
2011 Fay Storm Water	194.83
2011 Fay Recycle Fee	270.47
2011 Annex	0.00
2010 Taxes	972.47
2010 Vehicle	1,298.53
2010 Taxes Revit	1.07
2010 Vehicle Revit	0.00
2010 FVT	383.59
2010 Transit	383.59
2010 Storm Water	12.00
2010 Fay Storm Water	24.00
2010 Fay Recycle Fee	38.00
2010 Annex	0.00
2009 Taxes	413.94
2009 Vehicle	652.78
2009 Taxes Revit	0.00
2009 Vehicle Revit	0.00
2009 FVT	167.94
2009 Transit	167.92
2009 Storm Water	12.00
2009 Fay Storm Water	24.00
2009 Fay Recycle	38.00
2009 Annex	0.00
2008 and Prior Taxes	253.04
2008 and Prior Vehicle	2,182.11
2008 and Prior Taxes Revit	0.00
2008 and Prior Vehicle Revit	0.00
2008 and Prior FVT	441.69
2008 and Prior Transit	90.91
2008 and Prior Storm Water	108.00
2008 and Prior Fay Storm Water	0.00
2008 and Prior Fay Recycle Fee	0.00
2008 and Prior Annex	27.98
Interest	24,433.66
Revit Interest	36.07
Storm Water Interest	453.45
Fay Storm Water Interest	776.07
Annex Interest	2.60
Fay Recycle Interest	794.96
Fay Transit Interest	1,205.00
Total Tax and Interest	\$901,672.81

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10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:43 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JUNE 19, 2013
4:00 P.M.**

Present: Mayor Anthony G. Chavonne

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

Absent: D. J. Haire (District 4); Wade Fowler (District 8)

Others Present: Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Dele Lowman Smith, Assistant City Manager
Karen McDonald, City Attorney
Scott Shuford, Development Services Director
Rusty Thompson, Engineering and Infrastructure Director
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget Manager
Tracie Davis, Corporate Communications Director
Karen Hilton, Planning and Zoning Division Manager
Erica Haggard, Interim Human Resource Development Director
Greg Caison, Stormwater Manager
Rebecca Rogers-Carter, Management Services Manager
Dwight Miller, PWC Chief Financial Officer
Pamela Megill, City Clerk
Members of the Press

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

City staff presented the following items scheduled for the Fayetteville City Council's June 24, 2013, and July 22, 2013, agendas:

TEXT AMENDMENT

Consolidation of Tree Save, Open Space, Parkland

Mr. Scott Shuford, Development Services Director, presented this item and provided an overview of the revision to the open space/parkland and tree save requirements. He stated after meeting with the developer group on the issue, staff prepared an ordinance for Planning Commission and City Council consideration that would modify the requirements. He stated the group presented a compelling argument that current standards, combined with stormwater requirements, were problematic on smaller sites and hindered both development and redevelopment. He explained the ordinance would not modify other landscaping requirements such as streetyard, bufferyards, and parking lot landscaping.

DEMOLITION

Demolition of former Patel Motel (442 S. Eastern Boulevard)

Mr. Scott Shuford, Development Services Director, presented this item and provided an overview of the planned demolition of the former Patel Motel and stated the Fayetteville Police Department obtained a court order forcing the business to close as a nuisance on March 22, 2012. He stated a hearing on the condition of the structures was conducted on January 23, 2013, in which the owner attended. He stated thereafter a hearing order with special conditions to repair or demolish the structures was issued on January 28, 2013. He noted

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there had not been any change in the condition of the structures. He explained the demolition would require a formal bid process due to the cost of demolishing the structures.

CONSENT ITEMS

Case No. P13-05F. Rezoning from HI to BP/CZ for 235 acres known as the Military Business Park at Sante Fe, All American, and Bragg Boulevard.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item with the aid of a power point presentation. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She stated the properties were located between Bragg Boulevard, Santa Fe Drive, and the All American Expressway and currently zoned HI Heavy Industrial. She explained the previous M2 zoning had been applied to the site in 2010 to address the mix of manufacturing, some commercial, and other related office or support uses envisioned for the park. She further explained the new LI or HI zoning would not allow such a mix. She stated in November of 2012 City Council adopted an amendment to the development code that created a new zoning district, the BP Business Park. She further stated the amendment allowed business parks over 50 acres in size to create development standards specific to their site. She advised the following conditions were offered by the owner:

1. The submitted Exterior Design and Use Standards for the Military Business Park.
2. The developer would have to meet all other development requirements of the City and State that were not specifically addressed in the submitted Exterior Design and Use Standards for the Military Business Park.

Ms. Hilton advised the Zoning Commission and staff recommended approval of the rezoning to BP based on (1) the Land Use Plan calling for Light Industrial on the property, (2) the property already being developed as a multiphase business park, and (3) the submitted conditions.

Case No. P13-15F. Initial zoning to LI Light Industrial or to a more restrictive district for property located at 185 Airport Road. Containing 4.49 acres more or less and being the property of Fullblock LLC.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item with the aid of a power point presentation. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She stated the property was currently being developed as a commercial flex space building. She explained the owner of the project petitioned the City for annexation so that the building could be hooked in to PWC's water and sewer system. She noted the building was already under construction and permitted for construction through Cumberland County. She advised the Zoning Commission and staff recommended approval of the initial zoning to LI based on (1) the Land Use Plan calling for Heavy Industrial, and (2) commercial and industrial uses being on two sides of the property, and (3) the LI district being an appropriate zoning for the property.

Case No. P13-18F. The rezoning from SF-10 Single Family Residential to CCC Community Commercial or to a more restrictive district for property located at Yadkin Road and the All American Expressway and being the property of Hyung S. Sackos.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item with the aid of a power point presentation. Ms. Hilton showed vicinity maps and gave overviews of the current land uses,

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current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She stated the property was located between Yadkin Road and the All American Expressway and access to the property was from Yadkin Road. She further stated the property was 1.23 acres and the front part was zoned CC Community Commercial and the back .65 acres was zoned SF-10 Single Family Residential. She explained when the All American Expressway was built the property was cut off from other buildable sites similarly zoned. She stated the owners of the property would like to rezone the rear 0.65 acres to make the entire property CC. She advised the Zoning Commission and staff recommended approval of the rezoning to CC based on (1) the Land Use Plan calling for Heavy Commercial on the portion of the property, (2) the portion of the property to the south already being zoned CC, and (3) the area zoned SF-10 on the property being surrounded by commercial and office zoning along with the Expressway.

PUBLIC HEARINGS

Case No. P13-14F. Rezoning from SF-10 Single Family Residential to CC Community Commercial or to a more restrictive district for property located at Lake Valley Road across from street # 4760. Containing 12.95 acres more or less and being the property of JKAM Investments LLC.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and stated the property was located behind property facing Lake Valley Drive to the south side across from the Embassy Suites Hotel and Conference Center. She stated the property did not have direct access to Lake Valley Drive, but was part of a larger proposed development that would include a movie theater. She stated the proposed development would be separated from the residential by a creek, woods, and wetlands area. She reviewed the survey noting the areas of proposed open space and tree save. She stated most of the existing woods would be preserved on the property and would form a natural buffer between the property and its residential neighbors. She stated the detention pond shown on the site plan already existed and serves as the stormwater detention for the Embassy Suites development. She stated the only new construction on the property would be approximately 60 parking spaces and would be located away from the neighboring residential properties. She advised stated the Zoning Commission recommended approval of the rezoning request. She stated there were four speakers during the public hearing with two speaking in favor and two in opposition. She advised the Zoning Commission and staff recommended approval of the rezoning to CC based on (1) the Land Use Plan calling for Heavy Commercial on the property, (2) the property to the north which borders Lake Valley Drive being already zoned CC, and (3) the open space and tree save areas providing an adequate buffer between the property and the surrounding residential.

Case No. P13-12F. Initial zoning from R6A County Residential to LC Limited Commercial or to a more restrictive district for property located at 1030 Palm Drive and Honeycutt Road. Containing 1.32 acres more or less and being the property of Estate Builders, LLC.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She stated the owner of the properties petitioned for annexation into the City of Fayetteville and as part of the petition the applicant requested that the property be initially zoned to LC Limited Commercial. She stated currently the properties were zoned R6A in the Cumberland County's jurisdiction. She stated the Land Use Plan was calling for the properties to eventually convert to heavy commercial. She stated it was staff's opinion that development in the area had not increased enough to warrant the conversion of the properties to commercial. She stated there were already several properties in the area zoned for commercial use that were either undeveloped or underdeveloped. She stated less than a

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mile to the south of the project on McArthur Road, there would be an interchange built for Interstate 295 and an increase in traffic would be expected in the area. She explained as stated in previous reports to the City Council, Fayetteville had an overabundance of property already zoned for commercial use. She stated staff would encourage the developer to look at infill development instead of expanding the commercial zoning footprint in the City. She stated if annexed it was staff's opinion that the property should remain zoned residentially at this time. She advised the Zoning Commission recommended approval of the rezoning.

Case No. P13-21F. The rezoning from AR Agricultural Residential to SF-10/CZ Single-Family Residential Conditional Zoning or to more restrictive district for property located in River Glen Subdivision on Vendenberg Drive. Containing 196 acres more or less and being the property of Estate Builders, LLC.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She stated the property was located on the east side of the Cape Fear River and was the undeveloped portion of River Glenn Subdivision. She stated prior to the initial approval of the subdivision in 2007, the owner requested that a flood study be conducted on the property. She noted the result of the study greatly reduced the amount of floodplain. She stated the subdivision was originally approved for 469 lots under the old AR district with zero lot line and 111 of those lots were platted in Phase I. She stated in July of 2011, the developer was issued a Zoning Permit to obtain their Vested Rights for the project. She stated properties were developed in Phase I in size from approximately 10,000 square feet to 35,000 square feet. She stated the requested conditional zoning would allow up to 571 zero lot line lots on approximately 196 acres, which was an increase of 213 lots over what was currently approved. She stated approximately 100 acres, most of which was floodway or floodplain, would be designated as open space. She stated the typical lot size was approximately 8,700 square feet as shown on the applicant's site plan. She stated lots were much smaller than the lots in Phase I. She stated the proposed subdivision would be accessed through the existing Phase I of River Glen Subdivision through two separate routes. She stated the City's Land Use Plan was in conflict with what had previously been built and with what was proposed. She stated the area on the Land Use Plan shown as 1 acre lots had been developed and was being proposed for much higher density. She stated the discrepancy was likely due to water and sewer being extended into the area since the time when the Land Use Plan was adopted. She stated the following conditions were offered by the applicant:

1. The submitted Preliminary Site Plan.
2. The submitted conditions of approval.

Ms. Hilton stated the applicant offered to accept a more restrictive SF-15/CZ district. She stated the Zoning Commission denied any rezoning request and the applicant appealed the case to the City Council. She advised the Zoning Commission and staff recommended denial of the rezoning based on (1) the significant increase in density from the approved plan to the plan proposed with the rezoning, (2) all traffic from the proposed subdivision going through existing neighborhoods with larger lot sizes, (3) the proposed development including 8,700 square foot lots throughout, independent of surrounding and adjacent property's size, and (4) the submitted site plan as a condition of approval raising the following concerns from staff:

- A. No additional road connections are proposed. Under this plan there would be only two road outlets serving 682 lots.

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- B. This development is located along the Cape Fear River, and includes approximately 107 lots in the 100 year floodplain, of the 571 proposed in this rezoning.
- C. Open Space and Community areas are located along the periphery of the development, away from most of the residential lots, as remnants of land having no significance to the design of the site.

Case No. P13-22F. The rezoning from SF-10 Single-Family Residential to SF-6/CZ Single-Family Residential Conditional Zoning or to a more restrictive district for property located at 6959 Fillyaw Road and being the property of Kewon Edwards.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She stated the property was located on Fillyaw Road and currently had four single-family houses on it. She stated the City's Land Use Plan called for low-density residential on the property. She stated the existing four homes were the maximum allowed on the property in the SF-10 district. She stated the owner was requesting a rezoning to SF-6/CZ which would allow up to 13 units on the property under a Special Use Permit. She stated the property had single-family residential on three sides and multifamily across the street. She stated the single-family lots that were behind and on two sides of the property range in size from around 12,000 square feet to 17,000 square feet. She stated a new SF-6 district would allow lots to have the size of the smallest lots on the part of the south side of Fillyaw Road. She stated the Zoning Commission met on June 11, 2013, and held a public hearing on the case. She stated there were two speakers in favor and none in opposition. She stated the Zoning Commission recommended approval of the rezoning to SF-6/CZ based on (1) the redevelopment of a blighted area, (2) the property being across the street from a large multifamily development, (3) the proximity to Yadkin Road and Fort Bragg, and (4) a Special use Permit being required for the property to be developed as multifamily.

OTHER ITEMS

Application of County Animal Control Ordinance revisions to City

Mr. Theodore Voorhees, City Manager, stated at the City Council's May 14, 2012, meeting, the County Attorney presented proposed revisions to the Animal Control Ordinance. He stated the Board of Commissioners adopted the revised Animal Control Ordinance on May 21, 2012. He stated in order to meet the City Council's interest of having one ordinance for the City and the County, the City Council adopted a resolution making the County's ordinance applicable within the municipal limits of Fayetteville as well as an Ordinance repealing Chapter 6, Animals and Fowl, Section 17-15, Barking dogs, Section 18-9, Animals running at Large, and Section 20-3, Police dogs and horses, of the City Code. He stated on June 17, 2013, the County Board of Commissioners adopted certain revisions to the Animal Control Ordinance. He stated the changes included additional definitions, a reduction in the compliance period following notices of violation, regulation of nuisance animals and new sections regarding spaying or neutering of dogs and cats as a condition for reclamation by an owner, tethering of animals, sanitation, breeding permits, and nuisance/reckless owners. He stated City staff would provide for the Council's consideration the County's Revised Animal Control Ordinance and a proposed Resolution making the County's revised ordinance, and any subsequent revisions, applicable within the municipal limits of Fayetteville.

Recommended Fiscal Year 2013-2014 Budget

Mr. Theodore Voorhees, City Manager, presented this item and referenced the handout that was provided to Council during the June 3,

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2013, work session meeting. He stated that two additional matters had now entered the picture that merit attention while they contemplated how to move forward. He stated the first concerns the potential financial impact of the court decisions on video sweepstakes privilege license fees. He stated they had taken the fiscally conservative approach of not budgeting these revenues due to their controversial nature. He stated there was concern that they might be ruled illegal, and there was concern that the industry itself might be made illegal through legislative action. He stated either direction could jeopardize the City's ability to collect. He stated as it turned out, both happened. He stated the General Assembly outlawed video sweepstakes and the City had, accordingly, stopped licensing such activity. He stated meanwhile, the courts also applied the ruling in the Lumberton case to their situation in Fayetteville. He stated while they contend that the facts in their case are different, there was concern that they may be required to return some or all of the revenues to the licensee. He stated in light of the current court decision, the conservative approach was to set these revenues aside and not to treat them as undesignated fund balance as they had in the past. He stated the second issue had to deal with what was going on in the General Assembly with tax reform. He stated while they hoped the current Senate bill was modified to be more in line with the House bill, it remained to be seen. He stated accordingly, they may be required to address significant shortfalls in FY 2015 which would suggest that they should avoid drawing down fund balance any more than absolutely necessary. He stated this would give them greater flexibility in the following fiscal year. He stated the fiscal impact of the two issues could run as high as \$6 million (\$3 million in one-time sweepstakes privilege license refunds, and \$3 million in recurring revenue losses due to tax reform.) He stated in both cases, it was still too early to know what, if any, impact would be decided, but he wanted them to be aware of the magnitude of the issues. He recommended the Council adopt the FY 2014 budget, as proposed, without the following:

- Additional 1 cent property tax increase and hiring of the associated 15 police officers
- \$1.00 per month stormwater fee increase
- \$10.00 per year solid waste fee increase
- \$1 million boost in one-time street resurfacing funds
- \$1 million community investment project funds
- Any of the proposed parks and recreation capital project initiatives

Mr. Voorhees recommended they retain the employee merit pay increase, but reduce the budgeted amount from 2.5 percent to 2.0 percent. He stated addressing pay was identified as a Council Strategic Plan Target for Action and was the number one employee issue from the employee opinion survey. He recommended the savings from the adjustment be allocated to fund balance in anticipation of the budgetary impacts discussed above, with one exception. He stated they would add back the supplemental litter crews that were eliminated in the current fiscal year and which had reduced their ability to keep roadsides clean. He continued in defending the recommendation on public safety issues and reminded everyone that the new police deployment plan was already adding five new positions, and they had a funded plan to add more officers over the next three fiscal years. He stated additionally, the current staffing model would result in an approximately 46 percent increase in staffing during periods of highest demand. He also stated while this would necessarily reduce available officers during periods of low demand, nevertheless, they thought it would deliver more value to the citizen and better match resources and costs with need.

A discussion period ensued.

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Mayor Pro Tem Arp stated he had concerns with the budget process in that it lacked clarity. He also expressed concerns regarding employee pay increases and the uncertainty of several factors that could impact the City budget.

Council Member Crisp stated he was in favor of the City Manager's recommended budget, and that he had been opposed to the one cent tax increase for the funding of additional police officers because the Chief had not identified his needs.

Council Member Applewhite stated the City employees were underpaid and turnover of staff was costly. She stated removing or reducing the pay increase was taking the low hanging fruit, and stated exceptional employees should be rewarded.

Council Member Massey stated due to the uncertainty of several issues, they should take the most conservative approach with the budget. He stated they needed to trust the City Manager and do what was best for the citizens.

Council Member Davy inquired if a one-time bonus, similar to what Cumberland County was proposing for their employees, would be reasonable. Mr. Voorhees responded that action would send a message to the employees that they were not being paid for the value of service they were providing.

Council Member Hurst stated he did support the one cent tax increase to providing the funding for 15 additional police officers, and was also in support of the City Manager's recommended budget.

Council Member Bates stated he would support a one cent tax increase to provide for the funding of 15 additional police officers and would support the consensus of the Council for adopting the budget.

Mr. Voorhees stated he along with staff have tried to be as transparent as possible throughout the entire budget process and have provided as much information and options as they were able. He stated this was a reasonable budget and it was also justifiable.

Mayor Chavonne stated the recommended budget presented this evening would be placed on the June 24, 2013, City Council regular meeting agenda for consideration and adoption.

There being no further business, the meeting adjourned at 5:50 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
JUNE 24, 2013
7:00 P.M.

Present: Mayor Anthony G. Chavonne

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

Others Present: Theodore Voorhees, City Manager
Rochelle Small-Toney, Deputy City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Dana Clemons, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Tracey Broyles, Budget Manager
Victor Sharpe, Community Development Director
Scott Shuford, Development Services Director
Harold Medlock, Police Chief
Patricia Bradley, Police Attorney
Benjamin Major, Fire Chief
Craig Harmon, Planner II
David Nash, Planner II
Kecia Parker, Real Estate Manager
Steven Blanchard, PWC CEO/General Manager
Dwight Miller, PWC Chief Financial Officer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Marvin Price, Common Ground Ministry.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Arp moved to approve the agenda.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

5.0 CONSENT

MOTION: Council Member Crisp moved to approve the consent agenda.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (10-0)

5.1 Capital Project Ordinance Amendment 2013-38 (Winslow Street Streetscape Municipal Agreement).

The amendment appropriated \$1,413,080.00 for streetscape improvements along both sides of Winslow Street, from Hay Street south to approximately Kyle Street. The source of funds for the amendment was a reimbursement from the N.C. Department of Transportation in the

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amount of \$1,230,000.00 and \$183,080.00 from the General Fund previously set aside for the agreement.

- 5.2 Approval of a supplemental municipal agreement with NCDOT for streetscape improvements along Winslow Street.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF STREETSCAPE IMPROVEMENTS ALONG WINSLOW STREET (SR 3826). RESOLUTION NO. R2013-028.

- 5.3 Municipal agreement with NCDOT for sidewalk improvements on Camden Road from King Charles Road to north of Owen Drive.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF SIDEWALK IMPROVEMENTS ALONG CAMDEN ROAD (SR 1003). RESOLUTION NO. R2013-029.

- 5.4 Approval of a municipal agreement with NCDOT for landscape improvements on Glensford Drive.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF LANDSCAPING PLANTINGS AND AN IRRIGATION SYSTEM ALONG GLENSFORD DRIVE (SR 1596). RESOLUTION NO. R2013-030.

- 5.5 Resolution authorizing sale of real property located at 1107 Clark Road, Fayetteville, NC.

RESOLUTION AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BY ADVERTISEMENT FOR SEALED BIDS. RESOLUTION NO. R2013-031.

- 5.6 Capital Project Ordinance Amendment 2013-39 and associated resolutions authorizing a North Carolina Department of Transportation Grant (State Transit Capital and Planning Grant 514).

The amendment appropriated \$136,800.00 in state grant funds and reduced the local match from the General Fund by the same amount for transit projects associated with Federal Grant 514. In addition, the resolutions authorized the City Manager to execute the associated grant agreements with the North Carolina Department of Transportation (NCDOT) for the State Planning and Capital 514 Grant.

RESOLUTION AUTHORIZING CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (FY 2013 TRANSIT CAPITAL GRANT NC-90-X514) RESOLUTION NO. R2013-032.

RESOLUTION AUTHORIZING CITY OF FAYETTEVILLE TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (FY 2013 TRANSIT PLANNING GRANT NC-90-X514). RESOLUTION NO. R2013-033.

- 5.7 Application of County Animal Control Ordinance Revisions to City.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE PURSUANT TO NCGS §153A-122 MAKING THE REVISED ANIMAL CONTROL ORDINANCE, CHAPTER 3 OF THE CUMBERLAND COUNTY, NORTH CAROLINA, CODE OF ORDINANCES, ADOPTED BY THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS ON JUNE 17, 2013, AND ANY SUBSEQUENT REVISIONS, APPLICABLE WITHIN THE CITY OF FAYETTEVILLE. RESOLUTION NO. R2013-034.

6.0 PUBLIC HEARINGS

- 6.1 Case No. P13-14F. Rezoning from SF-10 Single Family Residential to CC Community Commercial or to a more restrictive district for property located on Lake Valley Road across from 4760 Lake

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Valley. Containing 12.95 acres more or less and being the property of JKAM Investments LLC.

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land use and zonings, and 2010 Land Use Plan. He stated the property was located behind property facing Lake Valley Drive to the south side across from the Embassy Suites Hotel and Conference Center. He stated the property did not have direct access to Lake Valley Drive, but it was part of a larger proposed development that would include a movie theater. He stated the property did adjoin residential developments to the west and south. He stated the proposed development would be separated from the residential by a creek, woods, and wetlands area. He stated most of the existing woods would be preserved on the property and form a natural buffer between the property and its residential neighbors. He stated the detention pond shown on the site plan already existed and served as the storm water detention for the Embassy Suites development. He stated the only new construction on the property would be approximately 60 parking spaces and would be located in one of the furthest areas away from the neighboring residential properties. He stated the Zoning Commission voted 5-0 to recommend approval of this rezoning request. He stated there were four speakers during the public hearing with two in favor and two in opposition. He stated the Zoning Commission and staff recommended approval of the rezoning to CC based on the following:

1. The Land Use Plan calling for Heavy Commercial on the property.
2. The property to the north which borders Lake Valley Drive was already zoned CC.
3. The open space and tree save areas would provide an adequate buffer between the property and the surrounding residential.

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

Mr. Jimmy Kizer, 115 Broadfoot Avenue, Fayetteville, NC 28305, appeared in favor and stated he was the Engineer for the project.

Ms. Susan Sansverie, 5229 Mawood Avenue, Fayetteville, NC 28314, appeared in opposition and stated Fayetteville did not need any additional movie houses.

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

A brief discussion period ensued.

MOTION: Mayor Pro Tem Arp moved to approve the rezoning to Community Commercial district as presented by staff.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

7.0 OTHER ITEMS OF BUSINESS

7.1 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.

Mr. Theodore Voorhees, City Manager, presented this item with the aid of a power point presentation and stated Council was requested to consider adoption of the Fiscal Year 2013-2014 Budget Ordinance which was incorporating changes to the recommended budget as discussed at the June 19, 2013, budget workshop and detailed below. He stated in

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addition to setting the general ad valorem tax rate at 45.6 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 was also levying the stormwater fee at \$3.00 per month and the residential solid waste fee at \$38.00 per year and adopting the fee schedule presented. He stated Council was also requested 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. He stated the proposed budget ordinance was incorporating the following changes to expenditures included in the recommended budget for the General Fund:

1. Removing \$1 million each from one-time street resurfacing funding and the community investment initiative;
2. Eliminating the \$499,600.00 transfer to the Public Works Commission from electric franchise tax proceeds;
3. Reducing budgets for payments to PWC for purchasing and fleet maintenance services by \$492,854.00;
4. Adding \$717,791.00 for a variety of new initiatives;
5. Reducing funding for employee pay increases by \$127,311.00 to fund 2 percent as opposed to 2.5 percent merit increases;
6. Reducing transfers to the Transit Fund by \$9,047.00 due to the merit increase reduction; and
7. Increasing the budget for the transfer to the Solid Waste fund by \$450,671.00.

Mr. Voorhees stated the ordinance was also reflecting the following changes to the revenues and other financing sources for the General Fund:

1. Adding \$85,000.00 in contributions from the Public Works Commission to share in the costs of operating the new government access channel; and
2. Reducing the planned fund balance appropriation by \$2,045,350.

Mr. Voorhees stated the proposed budget ordinance was also reflecting the following changes from the recommended budgets for other City funds:

1. Adjusting the Environmental Services Fund expenditure and revenue budgets to reduce projected costs for fleet maintenance by \$141,200.00 and for employee compensation by \$7,234.00, reducing revenues from solid waste fees by \$599,105.00, and increasing the transfer from the General Fund by \$450,671.00;
2. Adjusting the Stormwater Fund expenditure and revenue budgets to reduce revenues from the stormwater fee by \$1,742,438.00, appropriating \$1,654,197.00 from fund balance, and reducing projected expenditures by \$88,241.00; and
3. Adjusting the Transit Fund expenditure and revenue budgets to reduce employee compensation funding by \$9,047.00, adding \$377,730.00 to fund new initiatives, increasing the General Fund transfer by \$136,035.00, and adding \$35,809.00 in projected fare revenue and \$196,839.00 in projected federal grant revenues related to the new initiatives.

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Mr. Voorhees stated the financial plan for the Risk Management Fund was reflecting a \$7,142.00 reduction in expenditures and revenues and other financing sources related to a reduction in projected fleet maintenance costs and employee compensation. He stated in addition, the proposed budget ordinance was also reflecting the following changes from the recommended budget for Public Works Commission funds:

1. Increasing expenditure budgets for the Electric and Water and Wastewater Funds by \$85,000.00 to share in the cost of the government access channel and by \$85,500.00 due to the impact of reduced indirect cost allocations to the Fleet Maintenance Internal Service Fund;
2. Reducing the interfund transfer from the City's General Fund to the Water and Wastewater Fund by \$499,600.00 as discussed above; and
3. Appropriating \$670,100.00 from the Rate Stabilization Fund to offset the expenditure increases and the transfer reduction.

Mr. Voorhees stated the financial plan for the Fleet Maintenance Internal Service Fund was reflecting a \$131,500.00 reduction in expenditures and revenues and other financing sources related to the indirect cost allocation reduction. He stated the fee schedule presented for adoption was as presented in the recommended budget document with the exception of the monthly stormwater fee and annual residential solid waste fees, which would remain at \$3.00 per month and \$38.00 per year respectively. He stated the capital improvement and information technology plans reflected 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
- Electronic Plan Review System Module

Mr. Voorhees stated the capital project ordinances and capital project ordinance amendments presented for adoption were consistent with these plans.

A brief discussion period ensued.

MOTION: Council Member Hurst moved to 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.

SECOND: Council Member Bates

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Mayor Pro Tem Arp)

7.2 Award contract for Resurface Various Streets 2014 - Phase I to Highland Paving Company, Fayetteville, NC, lowest responsive bidder, in the amount of \$1,568,190.20.

Mr. Rusty Thompson, Engineering and Infrastructure Director, presented this item and stated the project was first advertised for bids to be opened on May 23, 2013, and only two bids were received. He stated the North Carolina General Statutes require three bids be received in order to open on the first advertisement and therefore the project was re-advertised and bids were opened on May 31, 2013, as follows:

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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 percent of the work on the project. \$3,605,000.00 was included in the FY 2013-2014 budget for resurfacing work.

MOTION: Council Member Bates moved to award the contract as recommended by staff.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

8.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:41 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

062413

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: July 22, 2013
RE: **Bid Recommendation to Award Contract for Rockfish Creek Water Reclamation Facility Alkalinity Feed Improvements**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests that Council approve bid recommendation to award contract for Rockfish Creek Water Reclamation Facility Alkalinity Feed Improvements.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of July 10, 2013 approved bid recommendation to award contract for the Rockfish Creek Water Reclamation Facility Alkalinity Feed Improvements to State Utility Contractors, Monroe, NC, the lowest responsive, responsible bidder in the total amount of \$714,000.00 and forward to City Council for approval. This is a budgeted item (\$390,000 in FY2014 CIP WS54; \$360,000 is being transferred from FY 2014 WS15 to fund the balance of the project). Bids were received April 11, 2013 as follows:

<u>Bidders</u>	<u>Total Cost</u>
State Utility Contractors, Monroe, NC	\$714,000.00
Morrison Engineers, Raleigh, NC	\$779,800.00
Turner Murphy, Rockville, SC	\$845,208.00
Dellinger, Inc., Monroe, NC	\$931,906.00
T.A. Loving Co., Goldsboro, NC	\$947,000.00
Water & Waste Systems, Garner, NC	\$949,000.00

State Utility Contractors will be utilizing a SDBE subcontractor for 1% of the work on this project.

ISSUES:

N/A

BUDGET IMPACT:

PWC Budget

OPTIONS:

N/A

RECOMMENDED ACTION:

The Public Works Commission recommends to the City Council to award contract for the Rockfish Creek Water Reclamation Facility Alkalinity Feed Improvements to State Utility Contractors, Monroe, NC, in the total amount of \$714,000.00.

ATTACHMENTS:

Bid Recommendation
Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** June 28, 2013

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award contract for Rockfish Creek WRF Alkalinity Feed Improvements

BID/PROJECT NAME: Rockfish Creek WRF Alkalinity Feed Improvements

BID DATE: April 11, 2013 **DEPARTMENT:** Water Resources Engineering

BUDGET INFORMATION: FY2014 CIP WS54 - \$390,000; \$360,000 is being transferred from FY2014 WS15 to fund the balance of the project.

.....

BIDDERS	TOTAL COST
<u>State Utility Contractors, Monroe, NC</u>	<u>\$714,000.00</u>
<u>Morrison Engineers, Raleigh, NC</u>	<u>\$779,800.00</u>
<u>Turner Murphy, Rockville, SC</u>	<u>\$845,208.00</u>
<u>Dellinger, Inc., Monroe, NC</u>	<u>\$931,906.00</u>
<u>T.A. Loving Co., Goldsboro, NC</u>	<u>\$947,000.00</u>
<u>Water & Waste Systems, Garner, NC</u>	<u>\$949,000.00</u>

.....

AWARD RECOMMENDED TO: State Utility Contractors, Monroe, NC

BASIS OF AWARD: Lowest responsive, responsible bidder

AWARD RECOMMENDED BY: Vance McGougan, PWC Water Resources Engineering and Gloria Wrench, Purchasing Manager

.....
COMMENTS: Plans and specifications were requested by seven (7) contractors with six (6) contractors responding. The lowest responsive, responsible bidder is recommended. State Utility Contractors has agreed to extend their bid price through July 31, 2013.

ACTION BY COMMISSION
APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL
APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

ROCKFISH CREEK WRF ALKALINITY FEED IMPROVEMENTS BID DATE: APRIL 11, 2013

Consulting Engineer

Hazen and Sawyer, PC, Raleigh, NC

Advertisement

- | | | |
|----|--|---------------------------|
| 1. | PWC Website | 03/11/13 through 04/11/13 |
| 2. | Greater Diversity News, Wilmington, NC | 03/14/13 |

List of Organizations Notified of Bid

1. NAACP Fayetteville Branch, Fayetteville, NC
2. NAWIC, Fayetteville, NC
3. N.C. Institute of Minority Economic Development, Durham, NC
4. CRIC, Fayetteville, NC
5. Fayetteville Business & Professional League, Fayetteville, NC
6. SBTDC, Fayetteville, NC
7. FTCC Small Business Center, Fayetteville, NC
8. Fayetteville Area Chamber of Commerce, Fayetteville, NC
9. Carolinas AGC, Charlotte, NC
10. iSqFt Planroom (Hispanic Contractors Association), Charlotte, NC

List of Contractors Requesting Plans and Specifications

1. Water and Waste Systems, Raleigh, NC
2. Turner Murphy, Rockville, SC
3. T.A. Loving, Goldsboro, NC
4. Dellinger, Inc., Monroe, NC
5. Morrison Engineers, Raleigh, NC
6. State Utility Contractors, Monroe, NC
7. A.C. Shultes, Wallace, NC

SDBE Participation

State Utility Contractors will be utilizing a SDBE subcontractor for 1% of the work on this project.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: July 22, 2013
RE: **Bid Recommendation to Award Contract for U.S. 301 Water Main Replacement**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests that Council approve bid recommendation to award contract for U.S. 301 Water Main Replacement.

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of July 10, 2013 approved bid recommendation to award contract for U.S. 301 Water Main Replacement to Sandy's Hauling & Backhoe Service, Roseboro, NC, the lowest responsive, responsible bidder in the total amount of \$601,000.00 and to forward to City Council for approval. This is a budgeted item (\$700,000 in FY2014 CIP WS14). Bids were received May 31, 2013, as follows:

<u>Bidders</u>	<u>Total Cost</u>
Sandy's Hauling & Backhoe Service, Roseboro, NC	\$601,000.00
T.A. Loving Co., Goldsboro, NC	\$662,520.00

Sandy's Hauling & Backhoe Service will not be utilizing SDBE subcontractors on this project. The PWC Purchasing staff has reviewed Sandy's Hauling & Backhoe Service's "good faith efforts" and has determined they did meet the "good faith effort" requirements to solicit SDBE participation for this work.

ISSUES:

N/A

BUDGET IMPACT:

PWC Budget

OPTIONS:

N/A

RECOMMENDED ACTION:

The Public Works Commission recommends to the City Council to award contract for U.S. 301 Water Main Replacement to Sandy's Hauling & Backhoe Service, Roseboro, NC in the total amount of \$601,000.00.

ATTACHMENTS:

Bid Recommendation

Bid History

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Steve Blanchard, CEO/General Manager **DATE:** June 28, 2013

FROM: Gloria Wrench, Purchasing Manager

.....
ACTION REQUESTED: Award contract for U.S. 301 Water Main Replacement

BID/PROJECT NAME: U.S. 301 Water Main Replacement

BID DATE: May 31, 2013 **DEPARTMENT:** Water Resources Engineering

BUDGET INFORMATION: FY2014 CIP WS14 – \$700,000

.....

BIDDERS	TOTAL COST
<u>Sandy's Hauling & Backhoe Service, Roseboro, NC</u>	<u>\$601,000.00</u>
<u>T.A. Loving Co., Goldsboro, NC</u>	<u>\$662,520.00</u>

.....

AWARD RECOMMENDED TO: Sandy's Hauling & Backhoe Service, Roseboro, NC

BASIS OF AWARD: Lowest responsive, responsible bidder

AWARD RECOMMENDED BY: Ben Latino, McKim & Creed; John Allen, PWC Water Resources Engineering; and Gloria Wrench, Purchasing Manager

.....
COMMENTS: Plans and specifications were requested by fifteen (15) contractors with two (2) contractors responding. This bid was originally scheduled to open on May 23, 2013; however, only two (2) bids were received. North Carolina General Statutes 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.

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

U.S. 301 WATER MAIN REPLACEMENT BID DATE: MAY 31, 2013

Consulting Engineer

McKim & Creed, Raleigh, NC

Advertisement

1. PWC Website 04/23/13 through 05/23/13 (1st advertisement)
05/23/13 through 05/31/13 (2nd advertisement)
2. Greater Diversity News, Wilmington, NC 04/25/13

List of Organizations Notified of Bid

1. NAACP Fayetteville Branch, Fayetteville, NC
2. NAWIC, Fayetteville, NC
3. N.C. Institute of Minority Economic Development, Durham, NC
4. CRIC, Fayetteville, NC
5. Fayetteville Business & Professional League, Fayetteville, NC
6. SBTDC, Fayetteville, NC
7. FTCC Small Business Center, Fayetteville, NC
8. Fayetteville Area Chamber of Commerce, Fayetteville, NC
9. Carolinas AGC, Charlotte, NC
10. iSqFt Planroom (Hispanic Contractors Association), Charlotte, NC

List of Contractors Requesting Plans and Specifications

1. Garney Construction, Kansas City, MO
2. Sandy's Hauling & Backhoe Service, Roseboro, NC
3. Utility Services Authority, LC, Belleville, MI
4. Ralph Hodge Construction Company, Wilson, NC
5. Pipeline Utilities, Raleigh, NC
6. T.A. Loving, Goldsboro, NC
7. Sunland Construction, Eunice, LA
8. Utilities Plus, Inc., Linden, NC
9. Dellinger, Inc., Monroe, NC
10. Mears Group, Inc., Rosebush, MI
11. Michel Pipeline, Brownsville, WI
12. Foremost Pipeline Construction, Gaston, SC
13. State Utility Contractors, Monroe, NC
14. Cameron Development, Inc., High Point, NC
15. Lee Electrical Construction, Inc., Aberdeen, NC

SDBE Participation

Sandy's Hauling & Backhoe Service will not be utilizing SDBE subcontractors on this project. Purchasing staff has reviewed Sandy's Hauling & Backhoe Service's "good faith efforts" and has determined they did meet the "good faith effort" requirements to solicit SDBE participation for this work.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: July 22, 2013
RE: **Resolution Accepting State Revolving Loan Offer for the Construction Portion of the PO Hoffer Water Treatment Plant Phase I and Resolution to Establish a 2013 PO Hoffer Phase I State Revolving Loan Capital Project Fund and Related Budget**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests that Council adopt the following resolutions:

- Resolution Accepting the State Revolving Loan Offer in the amount of \$12,000,000 for the Construction Portion of the PO Hoffer Water Treatment Plant, Phase I
- Resolution to Establish a 2013 PO Hoffer Phase I State Revolving Loan Capital Project Fund and Related Budget

RELATIONSHIP TO STRATEGIC PLAN:

Lowest Responsible Rates, Most Financially Sound Utility.

BACKGROUND:

The Public Works Commission, during their meeting of July 10, 2013 adopted Resolution PWC2013.05 of the Public Works Commission of the City of Fayetteville, North Carolina to Accept a State Loan Offer under the North Carolina Water Revolving Loan and Grant Act of 1987. The State of North Carolina Department of Environment and Natural Resources Division of Water Resources is offering PWC a State Loan in the amount of \$12,000,000 for the construction portion of the PO Hoffer Water Treatment Plant, Phase 1. The loan terms are 20 years, zero percent interest and a closing fee of 2.0%.

Also during their July 10, 2013 meeting, the Public Works Commission adopted Resolution PWC2013.06 of the Public Works Commission of the City of Fayetteville, North Carolina to Establish a 2013 PO Hoffer Phase I State Revolving Loan Capital Project Fund for Fiscal Years 2014-2015 and the associated Budget.

ISSUES:

N/A

BUDGET IMPACT:

PWC Budget

OPTIONS:

N/A

RECOMMENDED ACTION:

The Public Works Commission recommends to the City Council the adoption of the following:

1. Resolution Accepting the State Revolving Loan Offer in the amount of \$12,000,000 for the Construction Portion of the PO Hoffer Water Treatment Plant, Phase I.
2. Resolution to Establish a 2013 PO Hoffer Phase I State Revolving Loan Capital Project Fund and Related Budget.

ATTACHMENTS:

memo

Resolution Accepting State Loan Offer

Exhibit A

PWC Resolution 2013.05 Accepting State Loan Offer

City Resolution Establishing CPF and Related Budget

PWC Resolution 2013.06 Establishing CPF and Related Budget



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

PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE
ELECTRIC & WATER UTILITIES

955 OLD WILMINGTON RD
P.O. BOX 1089
FAYETTEVILLE, NORTH CAROLINA 28302 1089
TELEPHONE (910) 483-1401
WWW.FAYPWC.COM

July 10, 2013

MEMO TO: Steven K. Blanchard, CEO

MEMO FROM: J. Dwight Miller, CFO

SUBJECT: Acceptance of a State Loan Offer and Establishing a Capital Project Fund

The State of North Carolina Department of Environment and Natural Resources Division of Water Resources are offering PWC a State Loan in the amount of \$12,000,000 for the construction portion of the PO Hoffer Water Treatment Plant Phase I. The loan terms are 20 years, zero percent interest and a closing fee of 2.0%. Resolution No. PWC2013.05 accepts the loan offer, gives assurances to NCDENR and authorizes the General Manager to execute other documents as necessary related to the State Loan.

Resolution No. PWC2013.06 establishes a Capital Project Fund to account for the State Loan proceeds and construction cost of the PO Hoffer Phase I Project. The project estimates for planning, design and Phase I construction is \$19,521,552. In addition to the \$12,000,000 State Revolving Loan for construction and \$2,801,858 State Revolving Loan for planning and design, approximately \$4,719,694 will be funded from the Water and Wastewater fund, other debt financing or a combination of both. A Project Fund Budget (Exhibit A) to account for and meet reporting requirements of the Project is attached.

Staff request that the Commission approve:

1. Resolution PWC2013.05 accepts a State Revolving Loan offer of \$12,000,000, gives specified assurances and authorizes the General Manager to complete the required documents;
2. Resolution PWC2013.06 establishing the 2013 PO Hoffer Phase I State Revolving Loan Capital Project Fund for fiscal years 2014-2015 and the associated budget, Exhibit A,
3. And request that City Council adopt similar resolutions (attached) for items 1 and 2 above, at its meeting on July 22, 2013.

BUILDING COMMUNITY CONNECTIONS SINCE 1905

AN EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

**RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH
CAROLINA TO ACCEPT A STATE LOAN OFFER UNDER THE
NORTH CAROLINA WATER REVOLVING LOAN AND GRANT
ACT OF 1987**

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, water supply systems, and water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources (NCDENR) has offered to the City of Fayetteville, NC (CITY) through the Public Works Commission (COMMISSION) a State Revolving Loan in the amount of \$12,000,000 for the construction portion of the PO Hoffer Water Treatment Plant Phase I construction project (PROJECT), (see Exhibit A), and

WHEREAS, the loan terms are 20 years, 0% interest and 2% closing fee, and

NOW THEREFORE BE IT RESOLVED BY THE CITY THAT:

Section 1. The CITY does hereby accept the State Revolving Loan offer of \$12,000,000 as presented in Exhibit A.

Section 2. The CITY does hereby give assurance to NCDENR that the CITY will adhere to the Assurances specified in the loan offer.

Section 3. Steven K. Blanchard, General Manager of the COMMISSION, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; to execute the promissory note; and to execute such other documents as may be required in connection with the application.

Section 4. The CITY has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 22nd day of July, 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

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

OFFER AND ACCEPTANCE OF LOAN OR GRANT
FOR WATER SUPPLY SYSTEM PROJECT

PART A

SECTION 1 - OFFER

Legal Name, PWS ID and Address of Applicant Fayetteville Public Works Commission PWS ID: 0326010 PO Box 1089 Fayetteville, North Carolina 28302	Project Number: WIF-1761 CFDA Number: 66.468 <small>(for federal assistance only)</small> Grant ID Number: FS-984338 <small>[Enter last two digits of FY, if known]</small> <small>(for federal assistance only)</small>
Total Estimated Project Cost	\$16,719,694
Estimated Project Cost Eligible for State Participation	\$16,719,694
Total Grant Amount Offered	\$ 0
Total Loan Amount Offered	\$ 12,000,000

Authorization	Amount	Fee Rate	Fee	Term (years)	Interest Rate
DWSRF Repayable Loan	\$12,000,000	2.0%	\$240,000	20	0%

Description of Project:

P.O. Hoffer WTP rehabilitation will address aging infrastructure and improvements to the existing 32 MGD WTP without expansion - Phase I.

Consideration having been given by the Division of Water Resources of the Department of Environment and Natural Resources to (a) the application submitted by the Applicant pursuant to the North Carolina Clean Water Revolving Loan and Grant Act of 1987, as amended, and the rules and regulations adopted pursuant thereto; (b) the public benefits to be derived by the construction of this project; (c) the relation of the ultimate cost of constructing and maintaining the system to the public interest and to the public necessity for the system; and (d) the adequacy of the provisions made or proposed by the Applicant for assuring proper and efficient operation and maintenance of the system after completion of the construction thereof; and it having been determined by the Division of Water Resources of the Department of Environment and Natural Resources that (1) the Applicant is eligible; (2) the project meets the criteria for State loans or grants as prescribed in the Act and the Rules, adopted pursuant thereto inclusive of 40 CFR Parts 6, 9 and 35, when appropriate; and (3) the project is entitled to priority over other projects eligible for consideration during the same priority period, the Division of Water Resources of the Department of Environment and Natural Resources acting in behalf of the State of North Carolina, hereby offers:

To make a State loan/grant of the above named Applicant subject to the assurances included in this document as Section 2, in order to aid in financing the construction of the project pursuant to the Act. If the actual construction cost, as determined by the Division of Water Resources of the Department of Environment and Natural Resources upon completion of construction, is less than the estimated cost upon which the loan/grant offer is based, the amount of the State loan/grant shall be reduced to the actual cost.

In addition, this offer is made subject to completion and submission of Part B, Supplemental Project Information, DENR Form 1951B, of this Offer and Acceptance, and to the following conditions:

1. The Applicant will furnish information that satisfactorily demonstrates the availability of funds, other than State loan or grant funds, to pay the remaining costs of the project.
2. The Applicant will provide the Departmental Administrative Fee (as shown on the front page) to the Department prior to the second loan/grant disbursement.
3. The proposed loan/grant and fee amount(s) shown on the front page are estimates. The Part B may revise loan/grant and fee amounts.

This Offer must be accepted, if at all, on or before (date)

7/31/2013

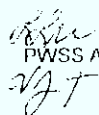
For the Department of Environment and Natural Resources

Date



Name and Title

Thomas A. Reeder, Division Director

 6-19-2013
PWSS Accounting Approval
VJT

SECTION 2 – ASSURANCES

The Applicant hereby gives assurance to the Division of Water Resources of the Department of Environment and Natural Resources:

- A. That no construction of the project shall be undertaken, and no contract(s) for construction, alteration, or installation shall be entered into prior to the issuance of authorization to construct by the Division of Water Resources of the Department of Environment and Natural Resources.
- B. That the Applicant will undertake good faith efforts, both directly and through a prime or general contractor, to involve minority owned businesses in the bidding process in accordance with G.S. 143-128.2.
- C. That for Drinking Water State Revolving Fund Loan projects, the DWSRF Special Conditions Package shall be included as a supplement to these Assurances, and shall be incorporated into the project construction specifications, and that the Applicant shall take other steps, as necessary, to ensure implementation.
- D. That the construction contract(s) will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than one hundred percent (100%) of the contract price, and to maintain during the life of the contract(s) adequate fire, and extended coverage, workmen's compensation, public liability and property damage insurance.
- E. That any proposed change or changes in the contract or contracts, which make any major alteration in the work required by the plans and specifications, will be submitted to the Division of Water Resources of the Department of Environment and Natural Resources.
- F. That complete signed copies of all change orders will be submitted to the Division of Water Resources of the Department of Environment and Natural Resources as issued.
- G. That the construction of the project, including the award of contracts in connection therewith, shall conform to the applicable requirements of State and local law and ordinances.
- H. That the construction contract(s) will provide that the representatives of the State will have access to the work whenever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection.
- I. That the Applicant will provide and maintain competent and adequate engineering supervision and inspection at the project to insure that the construction conforms to the approved plans and specifications.
- J. That adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.
- K. That all funds loaned or granted pursuant to the Acts shall be expended solely for carrying out the approved project and an audit shall be performed in accordance with G.S. 159-34, as amended.
- L. That any books, documents, papers, and records of the Applicant pertinent to loans or grants received under the Acts shall be made available to State personnel or their duly authorized representatives for the purpose of audit and examination.
- M. That the declarations, assurances, representations and statements made by the Applicant in the application, and all documents, amendments, and communications filed with the Division of Water Resources of the Department of Environment and Natural Resources by the Applicant in support of its request for a loan/grant will be fulfilled.
- N. That the Applicant agrees to construct the project or cause it to be constructed to final completion in accordance with the application and plans and specifications approved by the Division of Water Resources of the Department of Environment and Natural Resources.
- O. That the Applicant will permit the Division of Water Resources of the Department of Environment and Natural Resources or its authorized agents to have access to the project and the records pertaining to its operation at any reasonable time following completion of construction for the purpose of inspecting the operation and maintenance of the project and determining adherence to the Division of Water Resources of the Department of Environment and Natural Resources operational requirements for water supply systems.
- P. That the Applicant shall demonstrate to the satisfaction of the Division of Water Resources of the Department of Environment and Natural Resources that it has or will have a fee simple or such other estate or interest in the site of the project, including

necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project.

- Q. That the Applicant will provide a completed Part B, Supplemental Project Information, Form 1951B, of this Acceptance Document, which is a prerequisite to the debt instrument preparation and to the payments process, following the award of construction contracts.
- R. That the Applicant will schedule and meet with the Local Government Commission's staff, if required, to finalize the debt instrument a minimum of ten days prior to the request for disbursement of the first loan funds.
- S. That the Applicant shall make provisions, including procedures and manuals as appropriate, to assure proper and efficient operation and maintenance of the system after completion of the construction of the project.
- T. The Davis-Bacon Act requirements apply to the entirety of the construction activities.
- U. The sales taxes collected as part of this project's expenses are not reimbursable.
- V. The Applicant shall require all prime construction contractors, as part of their bid, to certify that subcontracts have not and will not be awarded to any firm or individual that has been debarred for noncompliance with Federal law, regulations or standards and whose name appears on the Excluded Parties List or successor System.
- W. The Applicant shall comply with Title 40, Code of Federal Regulations, Part 30, Section 13 (40 CFR 30.13) and Title 2, Code of Federal Regulations, Part 1532 (2 CFR 1532). This compliance shall include meeting the requirements of Subpart C of 2 CFR 180 as it applies to transactions identified in Subpart B (also of 2 CFR 180).
- X. The Applicant acknowledges that failure to disclose transactions with debarred firms or individuals in accordance with Title 2, Code of Federal Regulations, Part 180, Section 335 (2 CFR 180.335) may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.
- Y. The loan or grant is withdrawn if the Applicant fails to enter into a construction contract for the project within one year after the date of this offer and acceptance, unless the Applicant has documented to the satisfaction of the Division of Water Resources of the Department of Environment and Natural Resources that the Applicant has good cause for the failure. Evidence of good cause shall be made in writing and submitted to the Department within 30 days of expiration of the one year deadline. If the Department finds good cause, the Department will set a new date by which the Applicant must take action or forfeit the loan or grant, in accordance with G.S. §159G-41.
- Z. All requests for reimbursement shall be submitted within three years of acceptance of this Offer and Acceptance of Loan or Grant for Water Supply System Project (Part A).
- AA. The Applicant will expend all of the requisitioned loan/grant proceeds for the purpose of paying costs of the project within three banking days after the receipt of such funds from the state.

SECTION 3 – ACCEPTANCE

On Behalf of (Legal Name of Applicant)

Fayetteville Public Works Commission

I, the undersigned, being duly authorized to take such action, do hereby accept this offer and make the assurances contained therein.

Signature of Representative

Date

Name and Title of Representative (Type or Print)

Steve Blanchard, General Manager

**RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE CITY
OF FAYETTEVILLE, NORTH CAROLINA TO ACCEPT A STATE
LOAN OFFER UNDER THE NORTH CAROLINA WATER REVOLVING
LOAN AND GRANT ACT OF 1987**

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, water supply systems, and water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources (NCDENR) has offered to the Public Works Commission of the City of Fayetteville, NC (COMMISSION) a State Revolving Loan in the amount of \$12,000,000 for the construction portion of the PO Hoffer Water Treatment Plant Phase I construction project (PROJECT), (see Exhibit A), and

WHEREAS, the loan terms are 20 years, 0% interest and 2% closing fee, and

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION THAT:

Section 1. The COMMISSION does hereby accept the State Revolving Loan offer of \$12,000,000 as presented in Exhibit A.

Section 2. The COMMISSION does hereby give assurance to NCDENR that COMMISSION will adhere to the Assurances specified in the loan offer.

Section 3. Steven K. Blanchard, General Manager of the COMMISSION, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; to execute the promissory note; and to execute such other documents as may be required in connection with the application.

Section 4. The COMMISSION has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Section 5. The City Council of the City of Fayetteville is hereby requested to adopt this Resolution in the form presented above.

ADOPTED, this the 10th day of July, 2013.

PUBLIC WORKS COMMISSION OF THE CITY
OF FAYETTEVILLE, NORTH CAROLINA

Wilson A. Lacy, Chairman

ATTEST:

Lynne B. Greene, Secretary

**RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE CITY OF
FAYETTEVILLE, NORTH CAROLINA TO ESTABLISH A 2013 PO HOFFER
PHASE I STATE REVOLVING LOAN CAPITAL PROJECT FUND**

WHEREAS, on March 27, 2013 and April 8, 2013, respectively, the Public Works Commission of the City of Fayetteville, NC (COMMISSION) and the City of Fayetteville, NC (CITY) authorized accepting a loan offer from the State of North Carolina Department of Environment and Natural Resources ("NCDENR") in the amount of \$2,801,858 for planning and design of the PO Hoffer three phase construction project, and

WHEREAS, on July 10, 2013 and July 22, 2013, respectively, the COMMISSION and CITY authorized accepting a loan offer from NCDENR in the amount of \$12,000,000 for a large portion of the construction of the PO Hoffer Phase I project with an estimated total construction cost of \$16,719,694; and

WHEREAS, the planning, design and construction combined (PROJECT) has a total project cost, including closing fees, of \$19,521,552; and

WHEREAS, the amount approved by the Local Government Commission on March 5, 2013 for the PROJECT was \$19,132,220; and

WHEREAS, the CITY, in accordance with G.S 159-26(b)(6), intends to establish a capital project fund in accordance with G.S 159-13.2 for the purposes of accounting for and reporting of the PROJECT, and

NOW, THEREFORE, be it resolved by the CITY that:

Section 1. The CITY hereby establishes a 2013 PO Hoffer Phase I State Revolving Loan Capital Project Fund (CPF) and the related budget, as presented in Exhibit A of this Resolution, for the purposes of accounting for and reporting of the PROJECT.

Section 2. The COMMISSION will maintain within the CPF sufficient detailed accounting records to satisfy the requirements of NCDENR, the loan agreement, and federal regulations.

Section 3. The PROJECT will be financed through a combination of a state loan, Water & Sewer General Fund and/or other debt financing. Funds may be advanced from the Water & Sewer General Fund for the purpose of making payments as they become due. Reimbursement requests will be made to the NCDENR in an orderly and timely manner.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 22nd day of July, 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

PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE 2013 PO HOFFER PHASE I STATE REVOLVING LOAN CAPITAL PROJECT FUND For Fiscal Years 2014 - 2015		
Initial Budget		
	PROPOSED BUDGET	RECOMMENDED BY ADMINISTRATION
Estimated Revenues and Other Funding Sources		
State Revolving Loan proceeds	\$14,801,858	\$14,801,858
Transfer from W/S and/or Other Debt Financing	\$4,719,694	\$4,719,694
Total Revenues	\$19,521,552	\$19,521,552
Estimated Expenditures		
Project costs (including closing fees)	\$19,521,552	\$19,521,552
Total Expenditures	\$19,521,552	\$19,521,552
<div> <div>ADOPTED BY COMMISSION:</div> <div>ADOPTED BY CITY COUNCIL:</div> <div> <div><i>Proposed</i></div> <div> <div>July 10, 2013</div> <div>July 22, 2013</div> </div> </div> </div>		

**RESOLUTION OF THE PUBLIC WORKS COMMISSION OF THE CITY OF
FAYETTEVILLE, NORTH CAROLINA TO ESTABLISH A 2013 PO HOFFER
PHASE I STATE REVOLVING LOAN CAPITAL PROJECT FUND**

WHEREAS, on March 27, 2013 and April 8, 2013, respectively, the Public Works Commission of the City of Fayetteville, NC (COMMISSION) and the City of Fayetteville, NC (CITY) authorized accepting a loan offer from the State of North Carolina Department of Environment and Natural Resources ("NCDENR") in the amount of \$2,801,858 for planning and design of the PO Hoffer three phase construction project, and

WHEREAS, on July 10, 2013 the COMMISSION authorized accepting a loan offer and the CITY is requested to authorize accepting this loan offer on July 22, 2013 from NCDENR in the amount of \$12,000,000 for a large portion of the construction of the PO Hoffer Phase I project with an estimated total construction cost of \$16,719,694; and

WHEREAS, the planning, design and construction combined (PROJECT) has a total project cost, including closing fees, of \$19,521,552; and

WHEREAS, the amount approved by the Local Government Commission on March 5, 2013 for the PROJECT was \$19,132,220; and

WHEREAS, the COMMISSION, in accordance with G.S 159-26(b)(6), intends to establish a capital project fund in accordance with G.S 159-13.2 for the purposes of accounting for and reporting of the PROJECT, and

NOW, THEREFORE, be it resolved by the COMMISSION that:

Section 1. The COMMISSION hereby establishes a 2013 PO Hoffer Phase I State Revolving Loan Capital Project Fund (CPF) and the related budget, as presented in Exhibit A of this Resolution, for the purposes of accounting for and reporting of the PROJECT.

Section 2. The COMMISSION will maintain within the CPF sufficient detailed accounting records to satisfy the requirements of NCDENR, the loan agreement, and federal regulations.

Section 3. The PROJECT will be financed through a combination of a state loan, Water & Sewer General Fund and/or other debt financing. Funds may be advanced from the Water & Sewer General Fund for the purpose of making payments as they become due. Reimbursement requests will be made to the NCDENR in an orderly and timely manner.

Section 4. The City Council of the City of Fayetteville is hereby requested to adopt this Resolution in the form presented above.

ADOPTED, this the 10th day of July, 2013.

PUBLIC WORKS COMMISSION OF THE CITY
OF FAYETTEVILLE, NORTH CAROLINA

Wilson A. Lacy, Chairman

Attest:

Lynne B. Greene, Secretary

PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE 2013 PO HOFFER PHASE I STATE REVOLVING LOAN CAPITAL PROJECT FUND For Fiscal Years 2014 - 2015		
Initial Budget		
	PROPOSED BUDGET	RECOMMENDED BY ADMINISTRATION
Estimated Revenues and Other Funding Sources		
State Revolving Loan proceeds	\$14,801,858	\$14,801,858
Transfer from W/S and/or Other Debt Financing	\$4,719,694	\$4,719,694
Total Revenues	\$19,521,552	\$19,521,552
Estimated Expenditures		
Project costs (including closing fees)	\$19,521,552	\$19,521,552
Total Expenditures	\$19,521,552	\$19,521,552
<div> <div>ADOPTED BY COMMISSION:</div> <div>ADOPTED BY CITY COUNCIL:</div> <div> <div><i>Proposed</i></div> <div> <div>July 10, 2013</div> <div>July 22, 2013</div> </div> </div> </div>		

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: July 22, 2013
RE: **Special Revenue Fund Project Ordinance 2014-1 (Special Victim Unit Project)**

THE QUESTION:

This ordinance appropriates \$3,000 for the Special Victim Unit Project of the Police Department.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1: The City of Fayetteville will be a safe and secure community.

BACKGROUND:

The Women's Giving Circle of Cumberland County, hosted by Cumberland Community Foundation has approved a grant of \$3,000 to support the Special Victim Unit Project of the Fayetteville Police Department. The project will allow the Police Department to purchase materials for the Life Skills classes held at the Family Justice Center. There is no local match requirement.

ISSUES:

None.

BUDGET IMPACT:

None.

OPTIONS:

- 1) Adopt Special Revenue Fund Project Ordinance 2014-1.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2014-1.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2014-1.

ATTACHMENTS:

Special Revenue Fund Project Ordinance 2014-1 (Special Victim Unit Project)

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2014-1

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 adopted:

Section 1. The project authorized is for the Special Victim Unit Project of the Police Department at the Family Justice Center awarded by the Women's Giving Circle of Cumberland County, hosted by Cumberland Community Foundation.

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

Women's Giving Circle of Cumberland County, hosted by Cumberland Community Foundation, Inc.	<u>\$ 3,000</u>
--	-----------------

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

Project Expenditures	<u>\$ 3,000</u>
----------------------	-----------------

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

Adopted this 22nd day of July, 2013.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Lisa Smith, Chief Financial Officer
DATE: July 22, 2013
RE: **Special Revenue Fund Project Ordinances 2014-2 and 2014-3 (FY2013-2014 CDBG and HOME Program Budgets)**

THE QUESTION:

The ordinances appropriate \$65,263 for the FY2013-2014 Community Development Block Grant Program and \$21,892 for the FY2013-2014 HOME Investment Partnership Program.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2 - The City of Fayetteville will have a strong, diverse and viable local economy.

Goal 4 - The City of Fayetteville will be a highly desirable place to live, work and recreate with thriving neighborhoods and a high quality of life for all citizens.

BACKGROUND:

This action will establish a budget for payroll and payroll related items for the new program year beginning July 1, 2013 until funding approval by HUD has been received.

The U.S. Department of Housing and Urban Development is expected to provide federal grants of \$1,362,046 for the CDBG program and \$575,873 for the HOME program. CDBG and HOME program income of \$211,913 and \$315,616, respectively, will also be appropriated in combination with the grants.

All projects, activities and funding sources were included in the FY2013-2014 Annual Action Plan, which was approved by City Council on April 22, 2013.

As soon as the grant is awarded and funding approval received, a budget amendment will be prepared to bring the funding levels up to the amounts specified in the approved Action Plan.

ISSUES:

None.

BUDGET IMPACT:

See background section above for budget impact.

OPTIONS:

1. Adopt the ordinances for the projects to continue.
2. Do not adopt the ordinances.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinances 2014-2 and 2014-3.

ATTACHMENTS:

Special Revenue Fund Project Ordinance 2014-2 (CDBG)

Special Revenue Fund Project Ordinance 2014-3 (HOME)

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2014-2

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 adopted:

Section 1. The project authorized is for the FY2013-2014 funding of payroll related to the Community Development Block Grant Program (CDBG) that will be funded in part 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 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:

Program Income	<u>\$ 65,263</u>
----------------	------------------

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

Project Expenditures	<u>\$ 65,263</u>
----------------------	------------------

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

Adopted this 22nd day of July, 2013.

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2014-3

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 adopted:

Section 1. The project authorized is for the FY2013-2014 funding of payroll related to the HOME Investment Partnership Program that will be funded in part 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 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:

Program Income	<u>\$ 21,892</u>
----------------	------------------

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

Project Expenditures	<u>\$ 21,892</u>
----------------------	------------------

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

Adopted this 22nd day of July, 2013.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: July 22, 2013
RE: **Tax Refunds Greater Than \$100**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

The attached refund was approved by the Cumberland County Special Board of Equalization for the month of June 2013.

ISSUES:

None

BUDGET IMPACT:

The budget impact is \$1,121.13.

OPTIONS:

Approve the refund.

RECOMMENDED ACTION:

Staff recommends approval of the tax refund.

ATTACHMENTS:

Tax Refunds Over \$100.00



July 22, 2013

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer

FROM: Nancy Peters, Accounts Payable *N/P*

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 June, 2013.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
WCP Inc..	2593881	2007-2011	Clerical Error	1121.13
Total				\$1121.13

CITY COUNCIL ACTION MEMO

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

THE QUESTION:

Request to initially zone property to LC – Limited Commercial

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: James Sanders, Donna Muraski and Charlotte Strickland.
Applicant: James Sanders, Donna Muraski and Charlotte Strickland
Requested Action: Initial Zoning to LC
Property Address: Intersection of 1030 Palm Spring Drive and Honeycutt Road
Council District: 1
Status of Property: Developed Residential Homes
Size: 1.32 acres +/-
Adjoining Land Use & Zoning:
North - R6A County
South - R6A County
West - R6A County
East – C1(P) County
Letters Mailed: 36
Land Use Plan: Heavy Commercial
2030 Land Use Plan: Policy 9.2: Local governments should BE CAUTIOUS OF REZONING RESIDENTIALLY ZONED LAND to commercial zoning solely because it adjoins a major highway or street. Proper design and/or buffering has shown that land tracts adjoining major streets can be properly developed for residential use.

ISSUES:

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

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

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

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

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

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

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

BUDGET IMPACT:

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

OPTIONS:

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

RECOMMENDED ACTION:

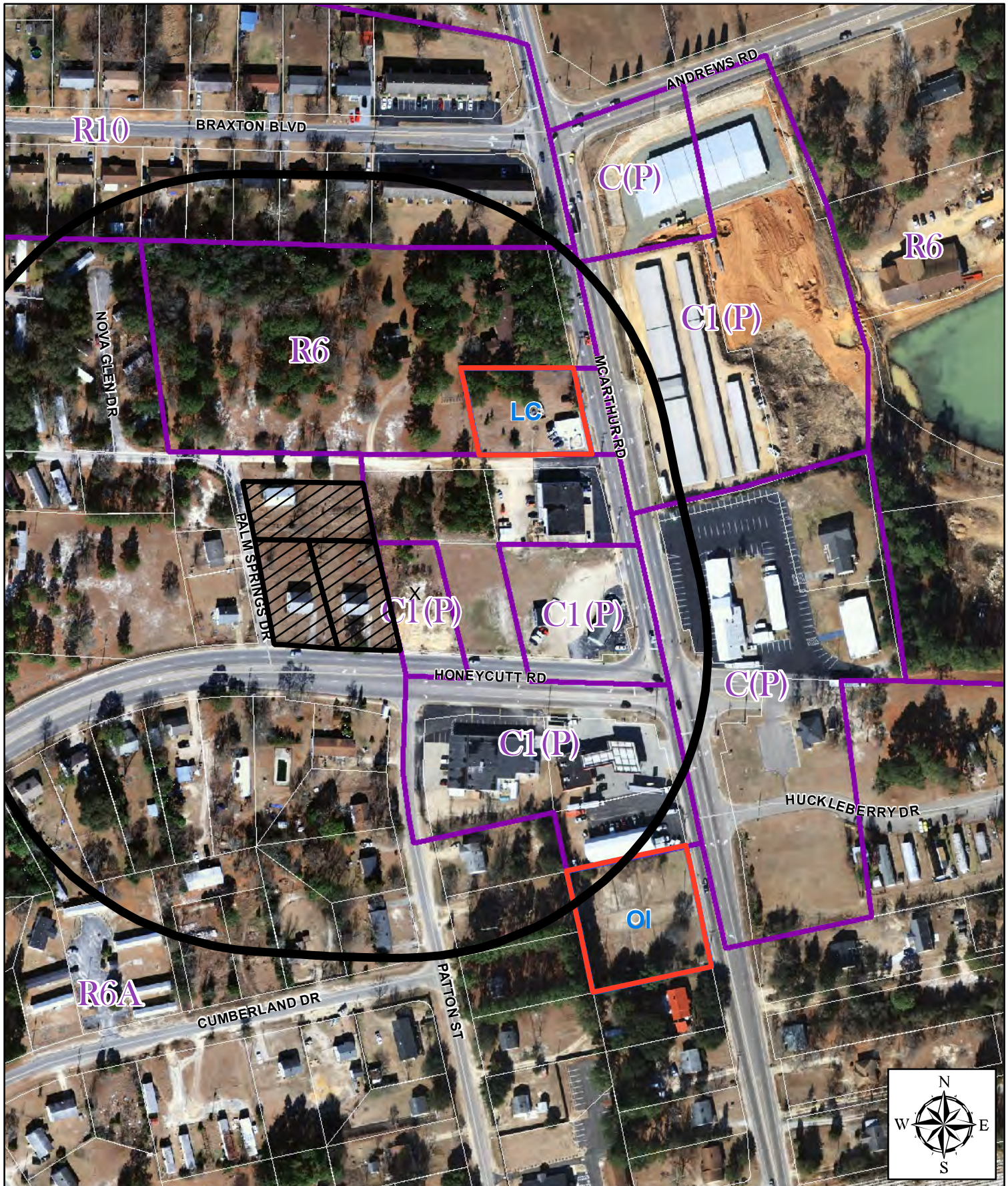
Zoning Commission Recommends: That the City Council move to APPROVE the rezoning to Limited Commercial, as requested by the applicant

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

ATTACHMENTS:

Zoning Map
Current Land Use
Land Use Plan
Site Photo
Site Photo
Site Photo
Surrounding Area Photo
Surrounding Area Photo
Surrounding Area Photo
PowerPoint

ZONING COMMISSION
CASE NO. P13-12F



Request: Initial Zoning R6A & C1(P)
Location: 1024, 1022 Honeycutt Rd &
 1030 Palm Springs Dr.
Size: 1.3 acres +/-

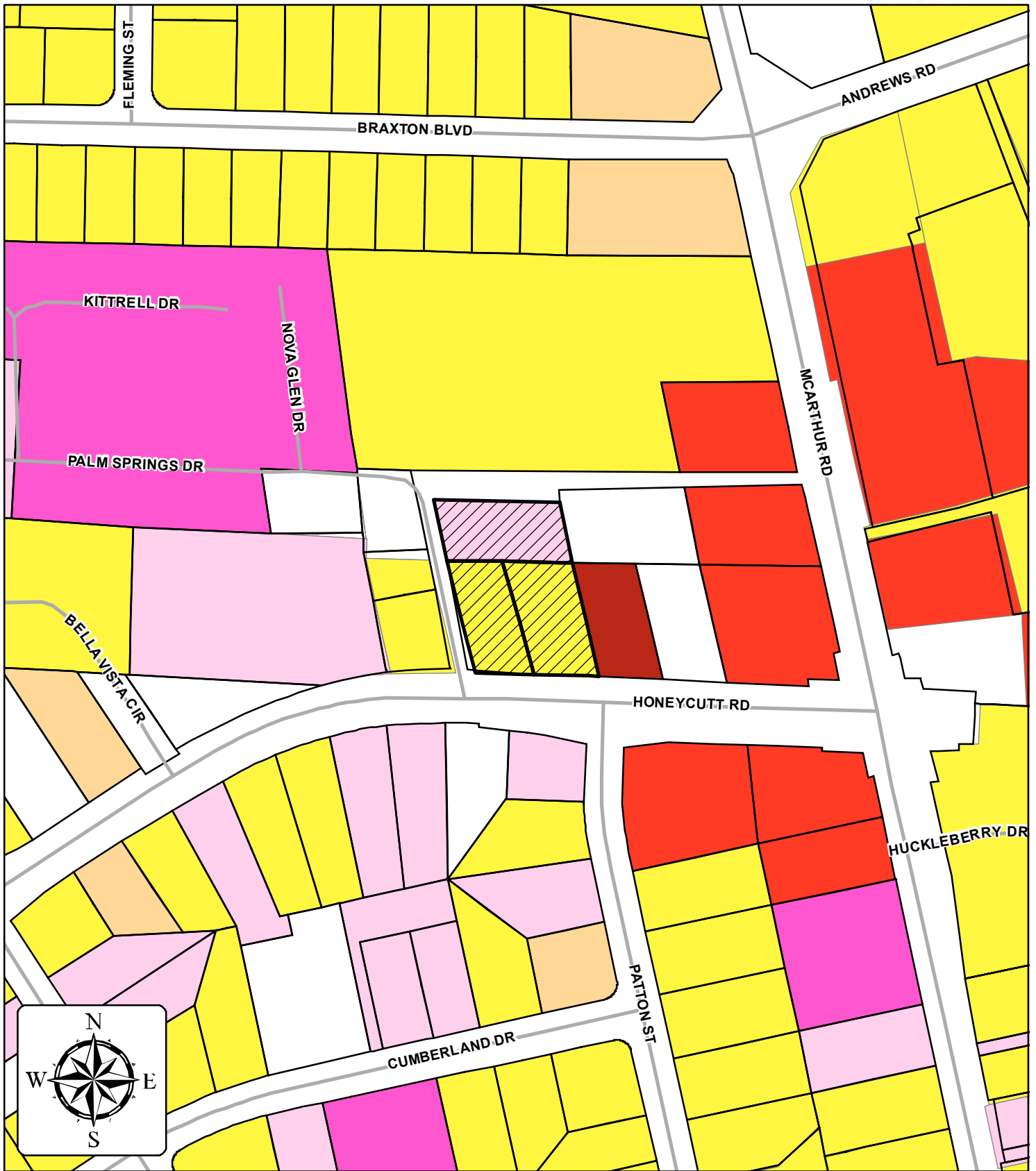
Zoning Commission: 05/14/2013 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0521-50-6080, 0521-50-7080 & 0521-50-7104

7-1-1-1

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

Current Land Use

P13-12F

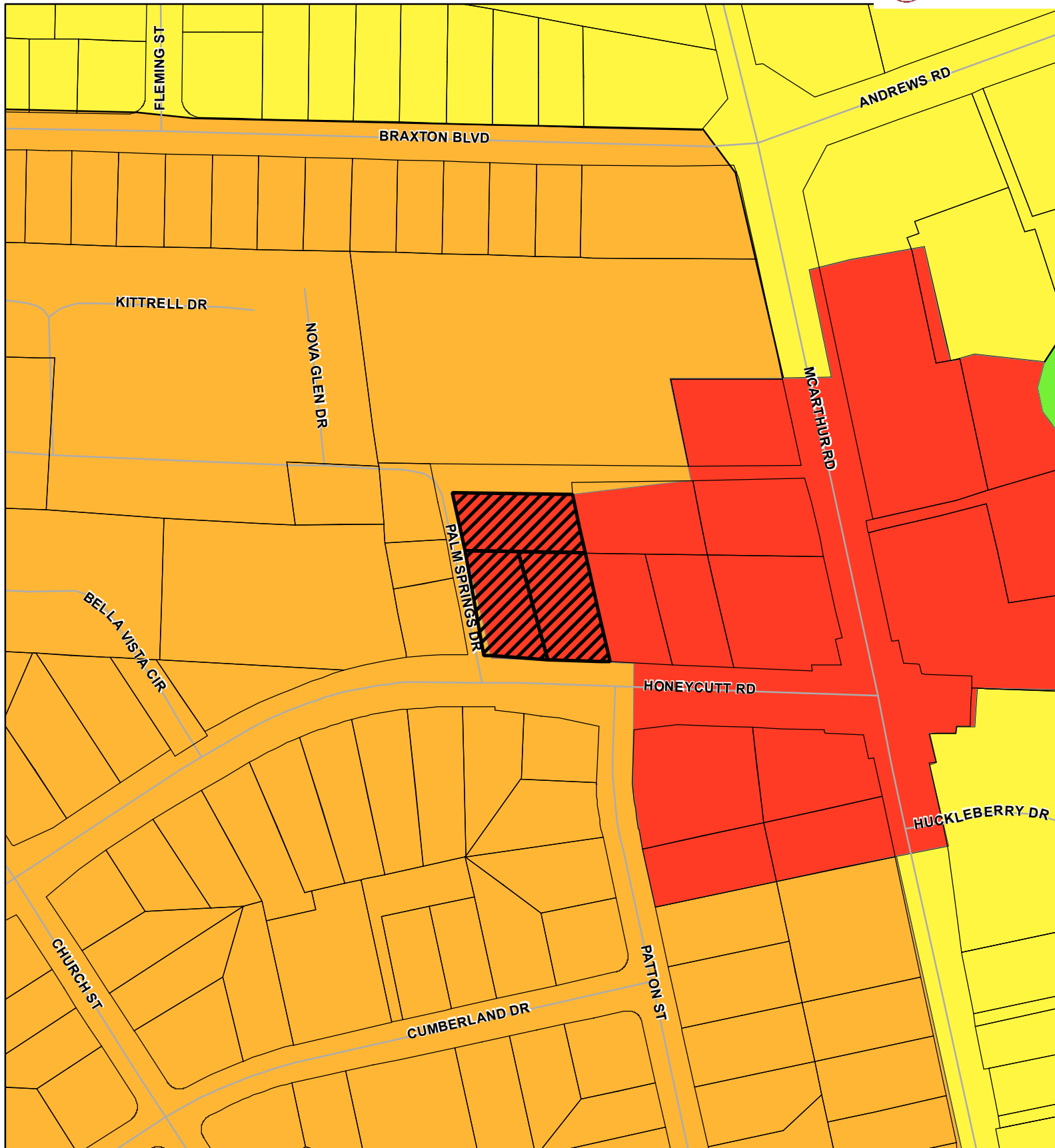


Legend

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

2010 Land Use Plan

Case No. P13-12F



Legend

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





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



7-1-6-1



COVER IT UP Vinyl & Canvas
Civilian & Military Equipment Covers

1003

SHERIFF ANNEX

1007



7 - 1 - 8 - 1



CITY COUNCIL MEETING

July 22, 2013

433 Hay Street
Fayetteville, NC 28301
www.cityoffayetteville.org
facebook.com/cityoffayetteville
Twitter @CityOfFayNC





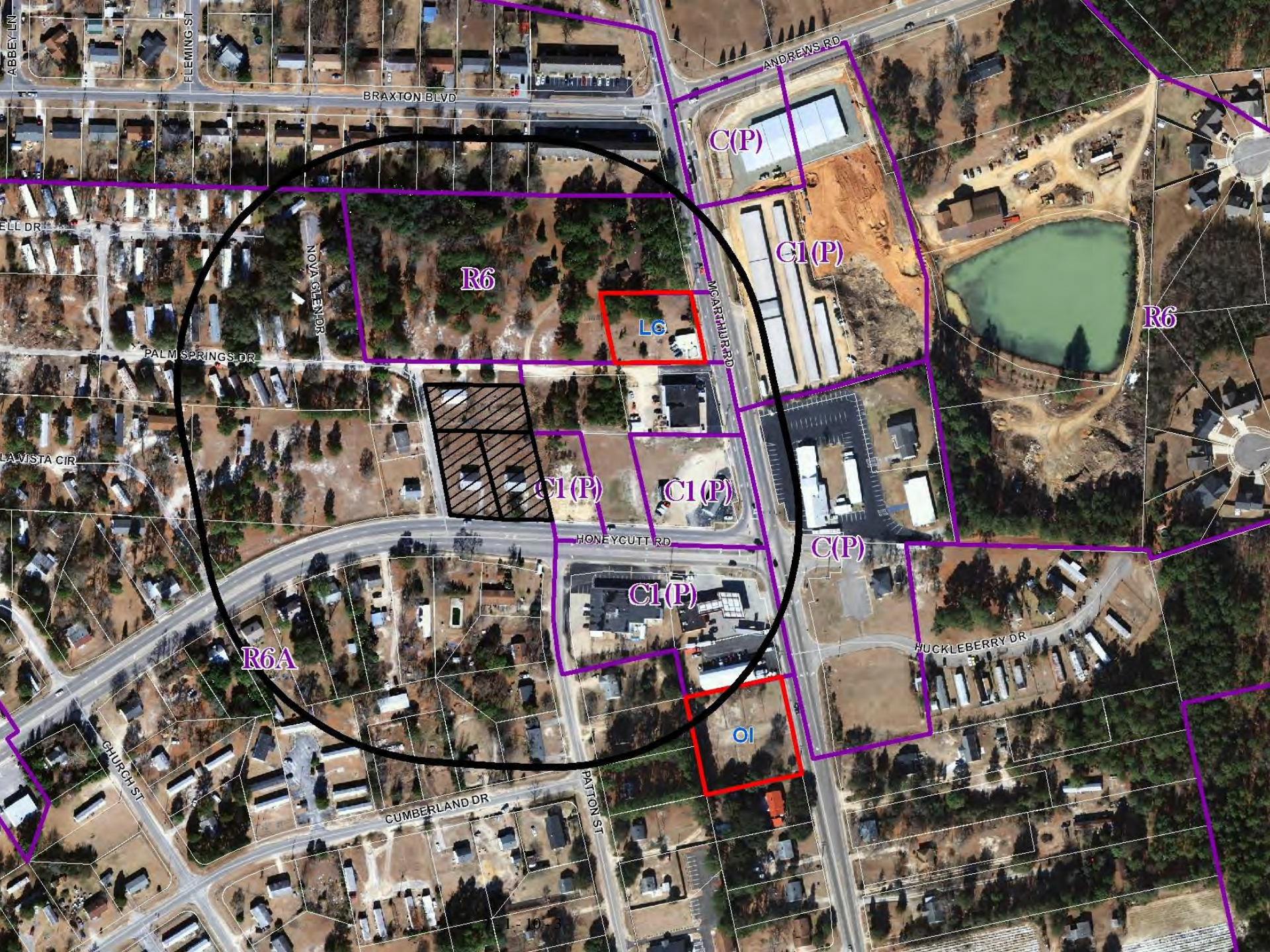
CASE NO. P13-12F

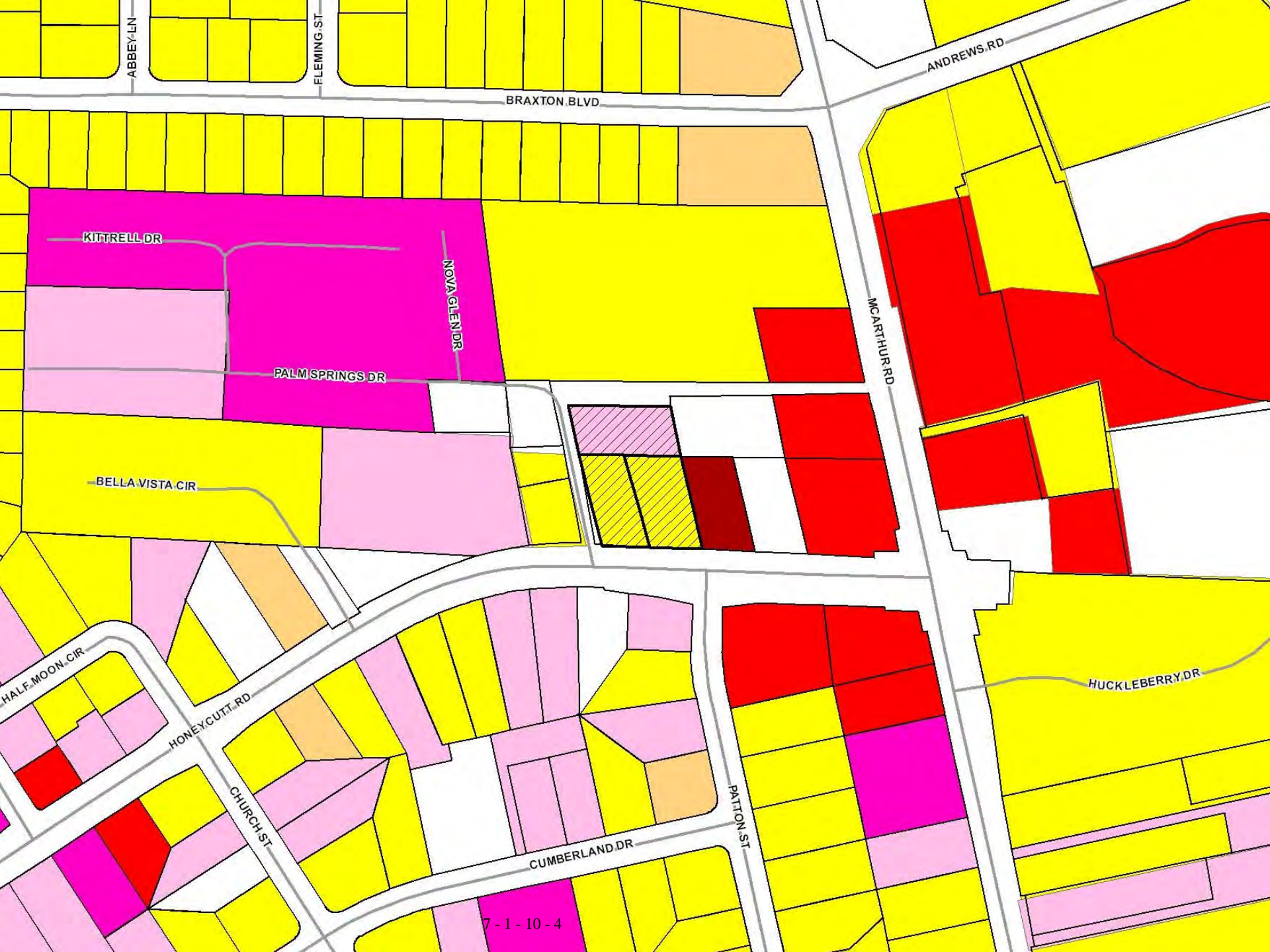
Requested Action: Initial Zoning
R6A County to LC

Property Address: 1030 Palm Drive
and Honeycutt Road

Size: 1.32 acres +/-







ABBEY LN

FLEMING ST

BRAXTON BLVD

ANDREWS RD

KITRELL DR

NOVA GLEN DR

PALM SPRINGS DR

BELLA VISTA CIR

MCARTHUR RD

HALF MOON CIR

HONEYCUTT RD

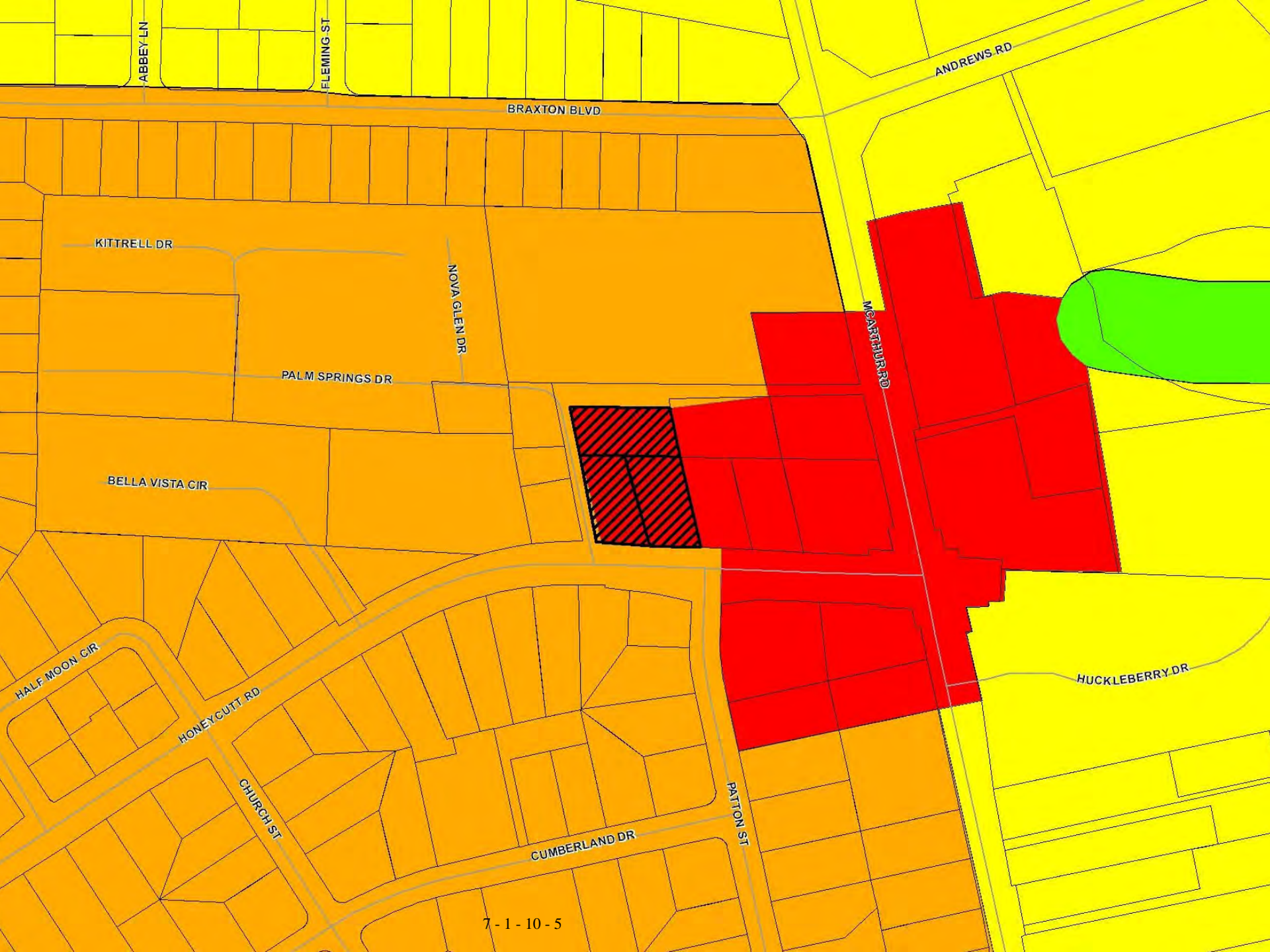
CHURCH ST

CUMBERLAND DR

PATTON ST

HUCKLEBERRY DR

7-1-10-4



ABBEY LN

FLEMING ST

BRAXTON BLVD

ANDREWS RD

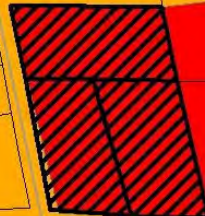
KITTRELL DR

NOVA GLEN DR

PALM SPRINGS DR

MCARTHUR RD

BELLA VISTA CIR



HALF MOON CIR

HONEYCUTT RD

CHURCH ST

CUMBERLAND DR

PATTON ST

HUCKLEBERRY DR

7-1-10-5





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



7-1-10-8





CATERING
TAKE OUT
BUDGET PRICES

Parker's

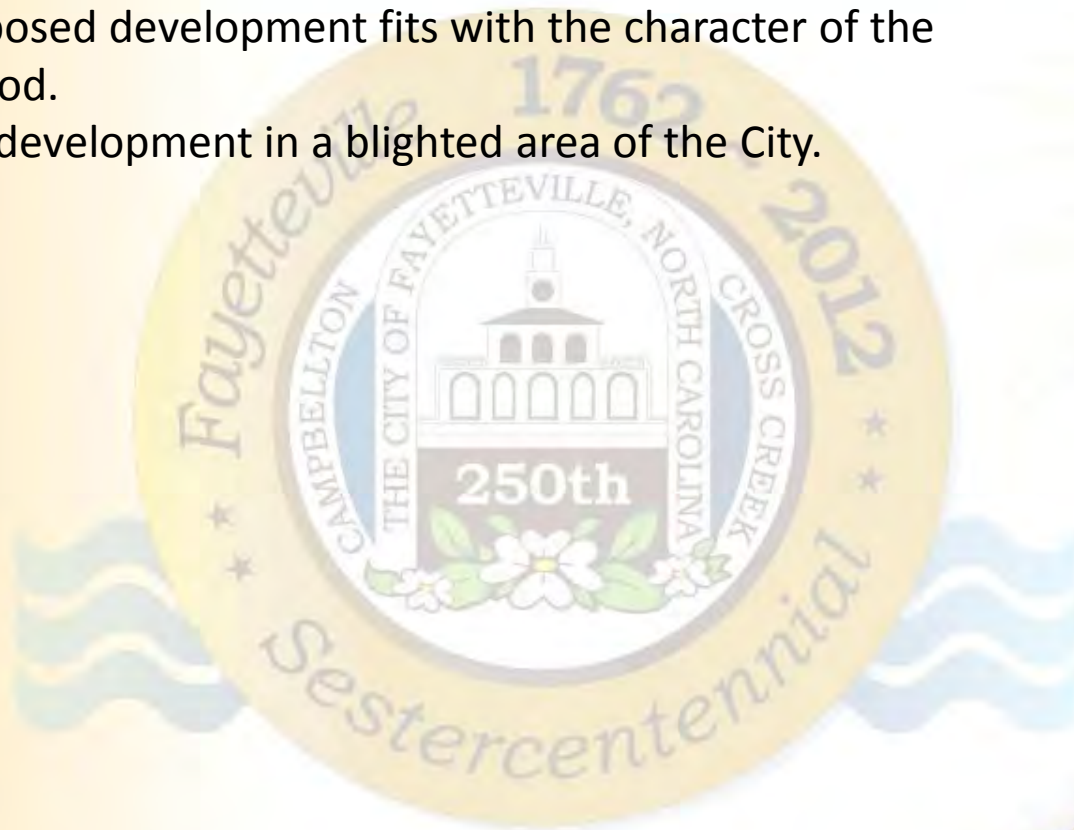
SALES
REPAIRS
RECYCLING

Mufflers & Pipes
Front End Service
Air Conditioning
Tune Up
Brake Service
Fan Belts



The Zoning Commission recommends APPROVAL of the initial zoning to LC

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





The staff recommends denial of the initial zoning to LC, property should remained zoned residential SF-6

1. 2030 Plan discourages rezoning property to commercial solely based on it being adjacent to thoroughfare.
2. Undeveloped and underdeveloped commercial property at this intersection should be developed or redeveloped before additional land is zoned for commercial use.
3. If annexed this property should remain residentially zoned at this time (SF-6).

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: July 22, 2013
RE: **P13-21F. The rezoning of property from AR – Agricultural Residential to SF-10/CZ Single Family Residential Conditional Zoning or to a more restrictive district, located in River Glen Subdivision on Vandenberg Drive containing 196 acres more or less and being the property of Estate Builders, LLC. (Appeal)**

THE QUESTION:

Request to rezone property from AR Agricultural Residential to SF-10/CZ Single Family Residential Conditional.

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Estate Builders, LLC
Applicant: Ronald S. Williams (primary contact)
Requested Action: AR to SF-10/CZ
Property Address: River Glen Subdivision on Vandenberg Drive
Council District: 2
Status of Property: Vacant
Size: 196 acres +/-
Adjoining Land Use & Zoning:
North - A1 County Agricultural
South - A1 County Agricultural
West - CD Conservation District (River)
East – AR Agricultural Residential & A1 County Agricultural
Letters Mailed: 76
Land Use Plan: 1 Acre Residential, Conservation District & Heavy Industrial

ISSUES:

This property is located on the east side of the Cape Fear River and is the undeveloped portion of River Glenn Subdivision. Prior to the initial approval of this subdivision in 2007, the owner requested that a flood study be conducted on this property. The resulting study greatly reduced the amount of floodplain. This subdivision was originally approved for 469 lots under the old AR district with zero lot line and 111 of those lots were platted in Phase I. In July of 2011, the developer was issued a Zoning Permit to obtain their Vested Rights for this project. [Zoning Permits may be obtained three times to extend a project's approval time before construction must start. The first two permits each last two years, and the third permit lasts one year, for a total extension of five years from the time a project is approved.] Properties developed in Phase I range in size from approximately 10,000 square feet to 35,000 square feet.

The requested conditional zoning allows up to a total of 682 zero lot line lots in this development, which is an increase of 213 lots over what is currently approved. Approximately one hundred acres, most of which is floodway or floodplain, will be designated as open space. The typical lot size is approximately 8,700 square feet as shown on the applicant's site plan. Lots are much smaller than the lots in phase I. The proposed subdivision would be accessed through the existing Phase 1 of River Glen Subdivision through two separate routes.

The City's Land Use Plan (LUP) is in conflict with what has previously been built and with what is proposed. Areas that are zoned and built for residential are shown on the LUP as heavy

industrial. The area on the LUP shown as 1 acre lots has been developed and is being proposed for much higher density. This discrepancy is likely due to water and sewer being extended into the area since the time when the LUP was adopted.

Conditions for approval offered by the applicant:

1. Attached Preliminary Site Plan.
2. Attached Conditions of approval.

The Zoning Commission met on June 11th and held a public hearing on this case. There were two speakers in favor and three in opposition to this request. The applicant offered to accept a more restrictive SF-15/CZ district. The Zoning Commission however voted to deny any rezoning request 3-1. The applicant appealed this case to the City Council.

The Zoning Commission and staff recommend Denial of this rezoning based on:

1. The significant increase in density from the approved plan to the plan proposed with this rezoning. (River Glen is currently approved for 469 lots. This rezoning would increase the subdivision's total number of lots to 682, an increase of 213 lots.)
2. All traffic from the proposed subdivision will go through existing neighborhoods with larger lot sizes.
3. The proposed development includes 8700 square foot lots throughout, independent of surrounding and adjacent property's size.
4. The site plan submitted as a condition of approval raises many concerns from staff.
 - A. No additional road connections are proposed. Under this plan there would be only two road outlets serving 682 lots.
 - B. This development is located along the Cape Fear River, and includes approximately 107 lots in the 100 year floodplain, of the 571 proposed in this rezoning.
 - C. Open Space and Community areas are located along the periphery of the development, away from most of the residential lots, as remnants of land having no significance to the design of the site.

BUDGET IMPACT:

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

OPTIONS:

- 1) Approval of the rezoning to SF-10/CZ as requested by the applicant with site plan subject to further change as it goes through the TRC review process;
- 2) Approval of the rezoning with additional conditions;
- 3) Denial of the rezoning as presented (Recommended).

RECOMMENDED ACTION:

Zoning Commission & Staff Recommend: That the City Council move to DENY the rezoning to SF-10/CZ as presented by the staff based on the comments raised in the issues section of this report.

ATTACHMENTS:

Conditions of Approval
Zoning Map
Current Land Use
Land Use Plan
Appeal
Site Plan

Conditions offered by the applicant:

Building Orientation

(1) To Streets

All single-family detached dwelling shall be oriented so that the primary entrance faces the street. In the case of corner lots, the primary entrance shall face the street from which the dwelling derives its street address.

(2) Fronting Open Space/Parkland

- a. Except for single-family detached or attached development in a subdivision approved prior to July 1, 2011, or proposed as part of a zero lot line development of three acres or less, at least ten percent of all single-family dwellings shall front upon an open space set-asides when part of a single-family detached or attached development (see Figure 30-5.G.3, Fronting Open Space).

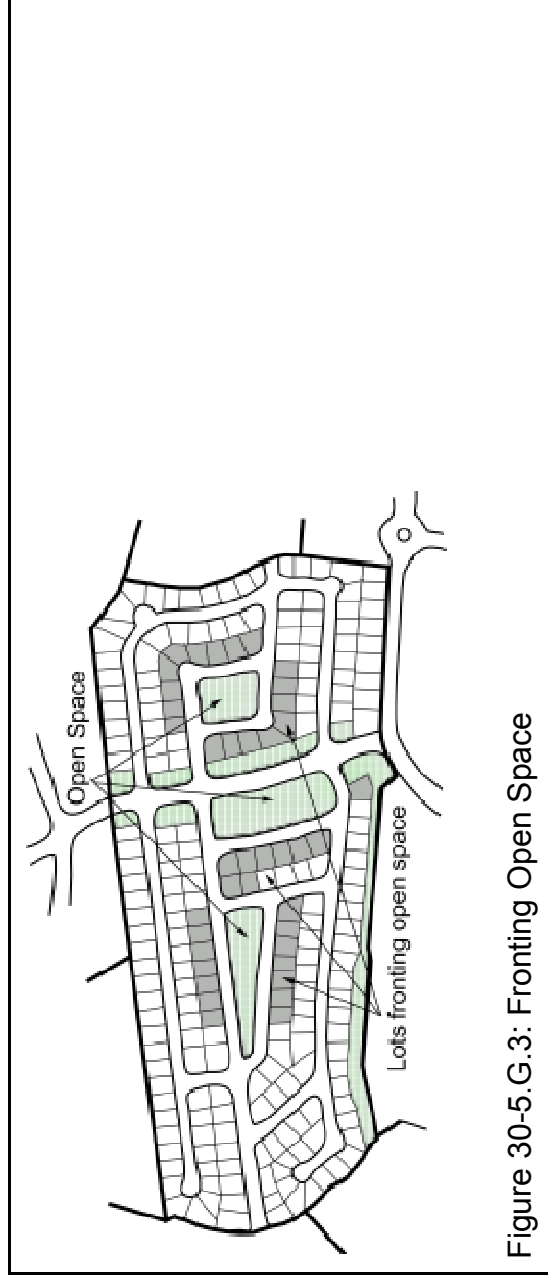


Figure 30-5.G.3: Fronting Open Space

- b. As an alternative to subsection (a) above, a developer may propose access to open space facilities within or adjacent to a development via a right-of-way 20 feet wide that is reasonably accessible to all residents in a development.

Garage Standards

(1) Applicability

The standards in this section shall apply to new attached and detached street-facing and side-loaded garages and car ports located on lots smaller than one acre in area and within 50 feet of the street right-of-way fronting a dwelling.

(2) Location

- a. Street facing garages and carports shall not be more than ten feet forward of the front façade plane of the dwelling they serve.
- b. Side-loaded garages on the primary façade shall provide at least one window on the primary façade wall that is comparable in size and appearance to other windows on the primary façade.

(3) Maximum Size

- a. Detached garages and car ports shall not exceed 30 percent of the dwelling's total floor area.
- b. A street-facing garage door(s) or carport opening shall not exceed 40 percent of the total front façade area of the dwelling.

Roof Projections

All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations to the maximum extent practicable, or be otherwise configured to have a minimal visual impact as seen from the street.

Foundations

- (1) Except for structures designed or intended for occupation by persons with physical disabilities, the finished floor elevation at the front facade shall be a minimum of 24 inches above grade for structures set back from the front lot line less than 20 feet.
- (2) Exposed foundation wall and piers shall be clad in face brick, stone, stucco or some other masonry material accurately imitating these materials. Latticework screening may be installed to within four inches of grade between piers on front and side building facades.

Architectural Variability

- (1)

Purpose and Intent

The intent of these standards is not to limit creativity or mandate individual architectural styles; rather the intent is to ensure single-family residential development avoids monotonous design with little or no architectural variability between different homes along a street.
- (2)

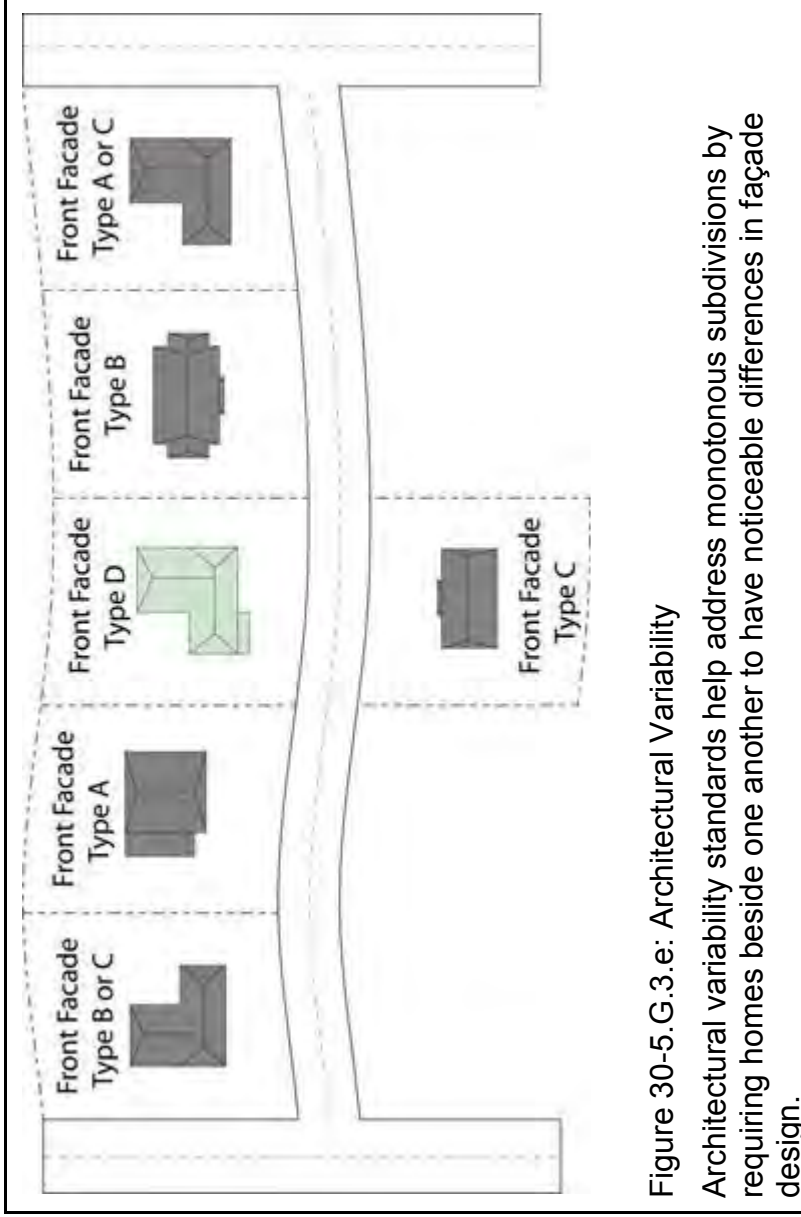
Applicability

 - a. These standards shall apply to all single-family detached residential subdivisions of 20 lots or more.
 - b. Residential development on lots exceeding 30,000 square feet in area shall be exempted from these standards.
- (3)

Standards

Development subject to these standards shall include distinctly different front façade elevations within any single phase of the development such that:

 - a. No three homes that are side-by-side may have the same front façade elevation (see Figure 30-5.G.3.e, Architectural Variability); and



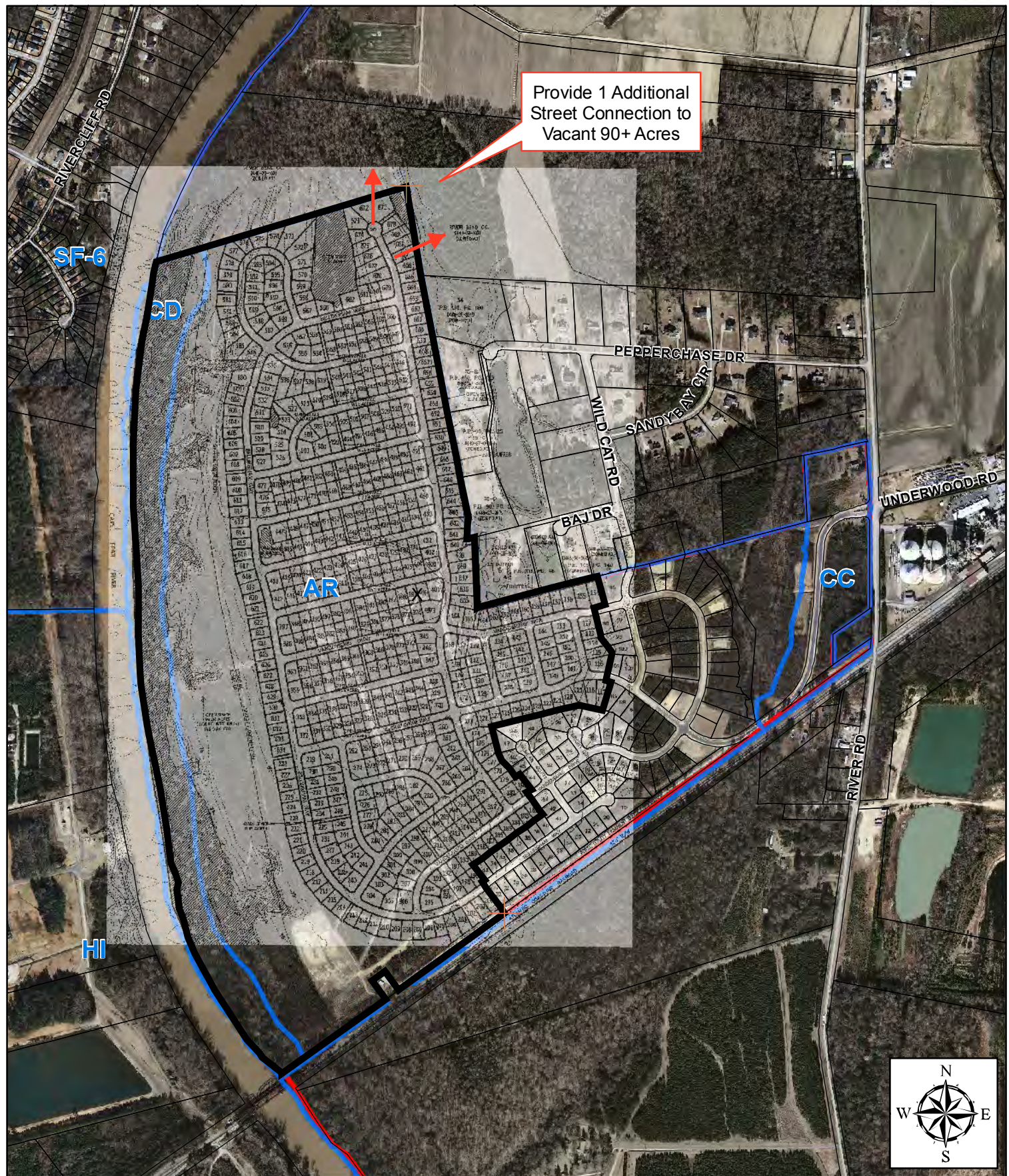
- b. No homes directly across the street from one another shall have the same front façade elevation.
- (4) Distinctly Different Defined
 “Distinctly different” shall be defined to mean that a single-family residential detached dwelling’s front façade must differ from other single-family detached building’s elevations in at least two of the following five ways:

- a. The use of different surface materials;
 - b. Variations in rooflines, pitches, or the use of dormers;
 - c. Variation in the location and proportion of front porches;
 - d. Variation in the location or proportion of garages and garage doors; or
 - e. Mirror images of the same configuration (provided different building colors are used).
- (5) Garage Behind the Front Façade
The location of a garage behind the front façade of the dwelling it serves may be credited as a “distinctly different” feature, even when adjacent dwellings also have garages located behind the front façade.

Site Plan

- (1) Attached preliminary site plan.

ZONING COMMISSION
CASE NO. P13-21F

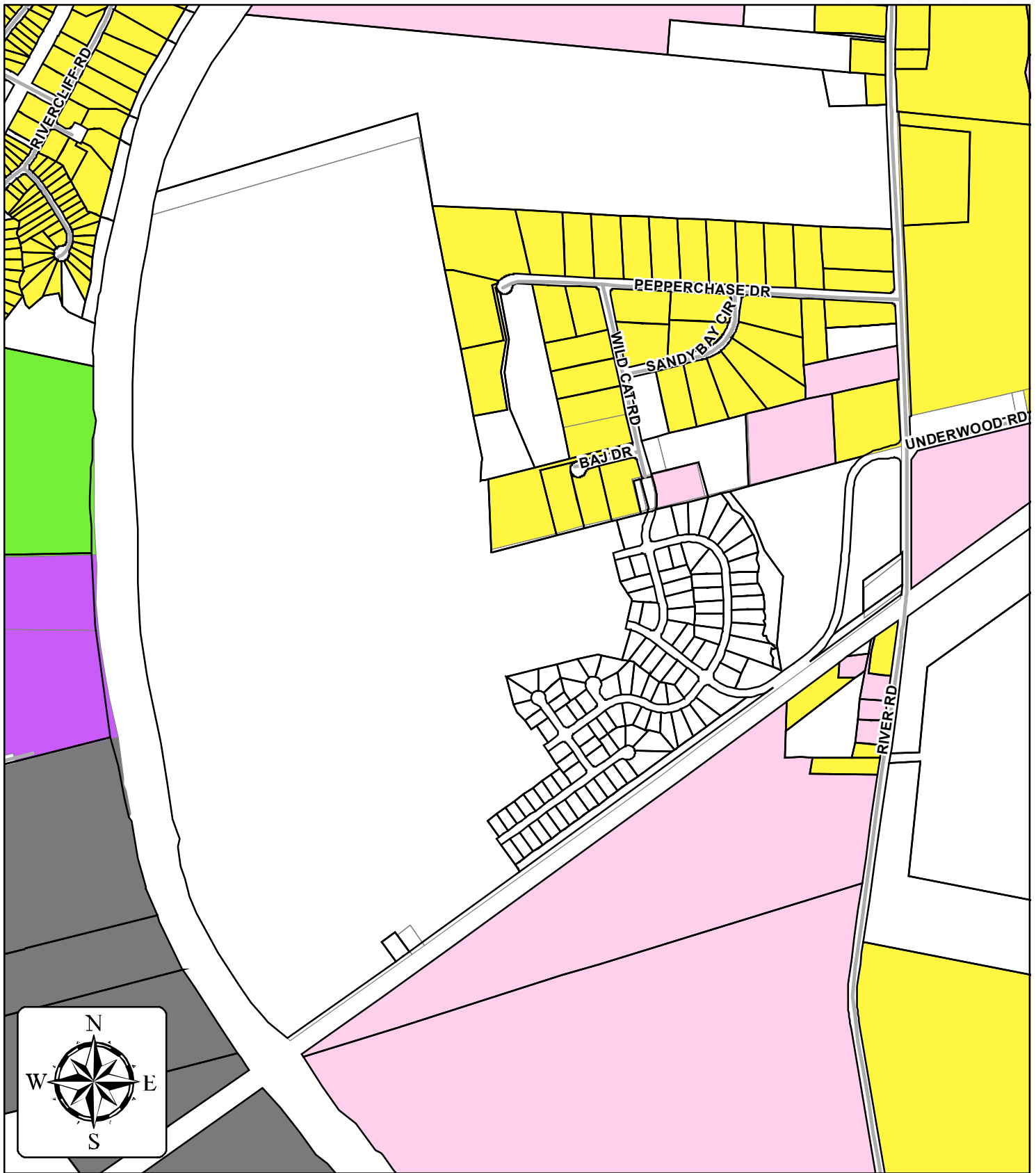


Request: AR to SF-10/CZ
Location: River Glen Subdivision
Size: 195 acres +/-

Zoning Commission: 06/11/2013 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0448-26-3099

Current Land Use

P13-21F

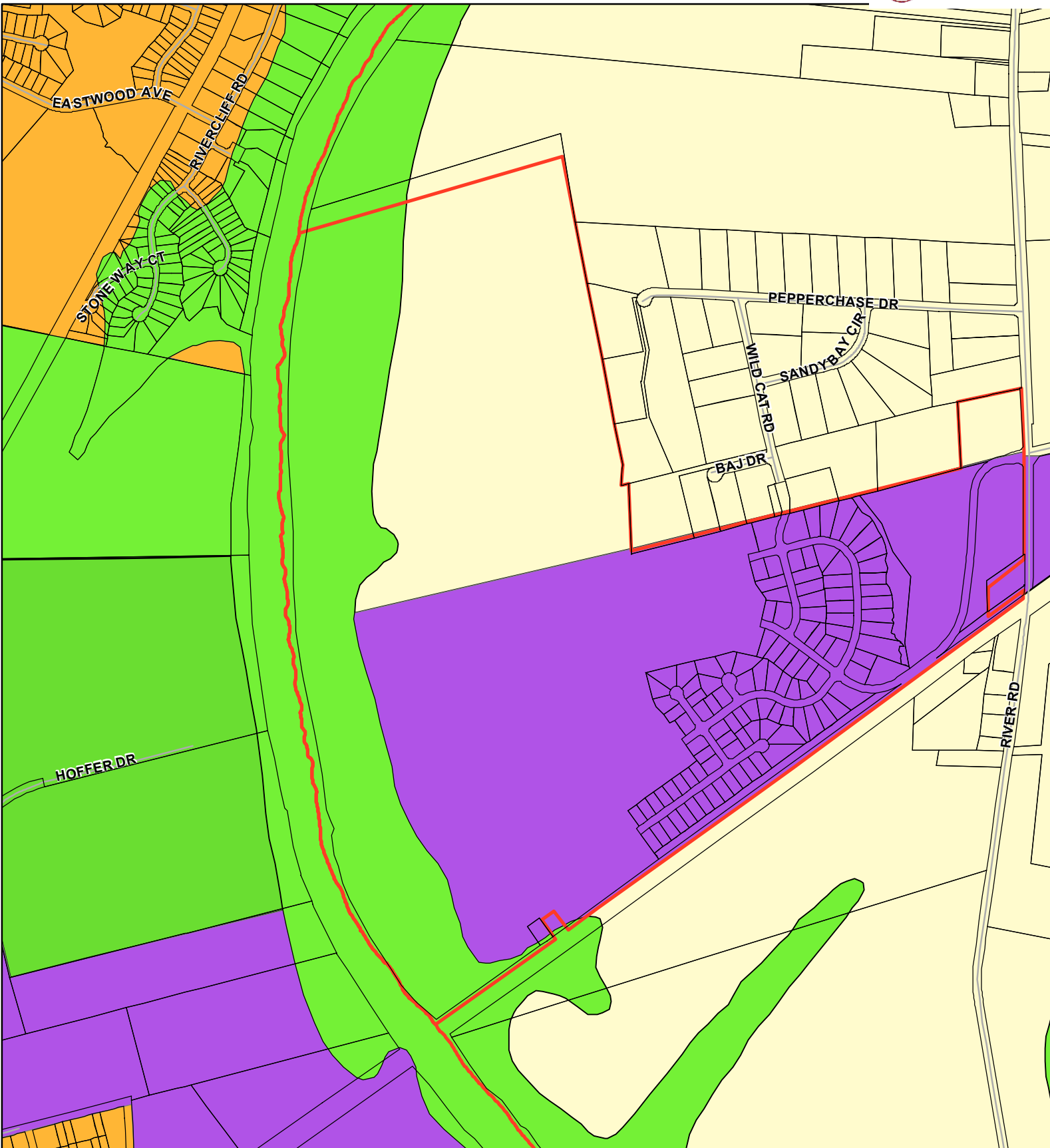


Legend

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. P13-21F



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

COPY

APPEAL NOTICE (S160A-364)

The undersigned hereby gives notice of appeal to the Fayetteville City Council and requests a public hearing on Case No. 13-21E, heard by the City of Fayetteville Zoning Commission on June 11, 2013.

James M. Kizer, Jr.
Print Name

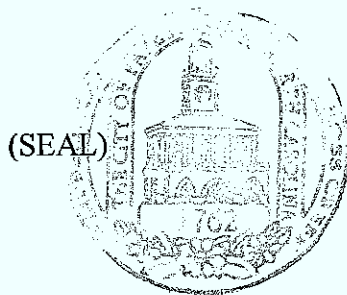
115 Broadfoot Ave., Fayetteville, NC 28305
Address


Signature

6/17/13
Date

Received by the City Clerk

6/17/13
Date



Pamela J. Heggie
Signature

NOTE: This appeal notice must be filed within ten (10) days of the last action on the case by the Zoning Commission. (See Reverse Side)



LEGEND

- 
-  FUTURE RIVER GLEN SECTIONS
 -  PREVIOUSLY RECORDED LOT LINES
 -  APPROX. 100 YR. FLOOD LINE
 -  APPROX. 100 YR. FLOOD LINE (APPROX. FLOODWAY LINE)
 -  APPROX. 100 YR. FLOOD LINE
 -  APPROX. CD LINE (FLOODWAY/ZONING LINE)
 -  CURRENT PAVEMENT/CITY LIMITS
 -  G/S STRUCTURES

NOTES:

11. PROPERTY SITED ON A & CD. REMAINING UNDEVELOPED A/L AND FUTURE SECTIONS OF FUTURE GLEEN) TO BE REZONED TO SF-10 (195.9 ACRES), .570 FUTURE LOTS/195.9 = 2.91 UNITS/ACRE).
12. REFERENCE: PG. 124, PG. 170 PG. 180, PG. 59; D.B. 7010A, PG. 805.
13. PROPERTY IS PIN 0448-26-3039.
14. TOTAL UNDEVELOPED A/L AND REAR = 282.4 ACRES, BY COORDINATES.
15. THERE ARE NO N.C. GRID CONTROL MONUMENTS WITHIN 2000' OF SITE.
16. TOTAL OF 681 LOTS (111 PREVIOUSLY RECORDED, 570 FUTURE).
17. WATER & SEWER BY PUBLIC WORKS COMMISSION.
18. ALL UTILITIES ARE PUBLIC 50' R/W WITH 27' BACK TO BACK ROLL BACK CURB & GUTTER.
19. TYPICAL LOT SIZE = 70X 125'.
20. MINIMUM STRUTBACK PERIMETER LINES:
 - REAR: 35'
 - SIDE: 10'
 - MINIMUM STRUTBACK INTERIOR LOT LINES:
 - NONE REQUIRED
21. DEVELOPER/PROPERT OWNER
ESTATE BUILDERS, LLC.
JOHN KOENIG JR.
17483 WILMINGTON HWY
FAVETTEVILLE, NC 28306
22. SIDEWALKS WILL BE LOCATED ON BOTH SIDES OF STREETS PERUDO REQUIREMENTS.

(A Zero Lot Line Development)

(PRELIMINARY)

RIVER GLEN

DEVELOPMENT BY

ESTATE BUILDERS, LLC

CROSS CREEK TWP. CUMBERLAND CO., N.C.

SCALE: 1" = 300'

JUNE 10, 2013

SCALE: 1"= 300'

GRAPHIC SCALE IN FEET

300 150 0 300 600

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: July 22, 2013
RE: **P13-22F. The rezoning of property from SF-10 Single Family Residential to SF-6/CZ Single Family Residential Conditional Zoning or to a more restrictive district, located at 6959 Fillyaw Road being the property of Kewon Edwards.**

THE QUESTION:

Request to rezone property from SF-10 Single Family Residential to SF-6/CZ Single Family Residential Conditional.

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Kewon Edwards
Applicant: Kewon Edwards
Requested Action: SF-10 to SF-16/CZ
Property Address: 6959 Fillyaw Road
Council District: 4
Status of Property: Developed Single Family Houses
Size: 1.7 acres +/-
Adjoining Land Use & Zoning:
North - SF-10 & MR-5
South - SF-10
West - MR-5
East - SF-10
Letters Mailed: 63
Land Use Plan: Low Density Residential

ISSUES:

This property is located on Fillyaw Road and currently has four single family houses on it. The City's Land Use Plan calls for low density residential on this property. The existing four homes is the maximum allowed on this property in the SF-10 district. The owner is requesting a rezoning to SF-6/CZ which would allow up to 13 units on this property under a Special Use Permit. This property has single family residential on three sides and multifamily across the street. The single family lots that are behind and on two sides of this property range in size from around 12,000 square feet to 17,000 square feet. A new SF-6 district would allow lots to be half the size of the smallest lots on this part of the south side of Fillyaw Road.

Conditions offered by the owner (Please see attachment).

The Zoning Commission met on June 11th and held a public hearing on this case. There were two speakers in favor and none in opposition to this request. The Zoning Commission voted 3-1 to approve the rezoning to SF-6/CZ.

The Zoning Commission recommends Approval of the rezoning to SF-6/CZ based on:

1. Redevelopment of a blighted area.
2. This property is across the street from a large multi-family development.
3. Proximity to Yadkin Road and Fort Bragg.
4. A SUP will be required for this property to be developed as multi-family.

The staff recommends Denial of this rezoning to SF-6/CZ based on:

1. The Land Use Plan calls for low density residential, SF-6 is one of the City's medium density districts.
2. Single Family Residential is on three sides of this property.
3. SF-6 is not in keeping with the housing density on the south side of Fillyaw Road.

BUDGET IMPACT:

This action would result no increase in City services or revenue collected through the City property taxes.

OPTIONS:

- 1) Approval of the rezoning to SF-6/CZ as requested by the applicant (Zoning Commission Recommendation);
- 2) Approval of the rezoning with additional conditions;
- 3) Denial of the rezoning (Staff Recommendation).

RECOMMENDED ACTION:

Zoning Commission Recommends: That the City Council move to APPROVE the rezoning to SF-6/CZ as presented by the staff with conditions offered by the applicant.

Staff Recommends: That the City Council move to DENY the rezoning to SF-6/CZ as presented by the staff with conditions offered by the applicant.

ATTACHMENTS:

Conditions offered by applicant

Zoning Map

Current Land Use

Land Use Plan

Conditions offered by the applicant:

Building Orientation

(1) To Streets

All single-family detached dwelling shall be oriented so that the primary entrance faces the street. In the case of corner lots, the primary entrance shall face the street from which the dwelling derives its street address.

(2) Fronting Open Space/Parkland

- a. Except for single-family detached or attached development in a subdivision approved prior to July 1, 2011, or proposed as part of a zero lot line development of three acres or less, at least ten percent of all single-family dwellings shall front upon an open space set-asides when part of a single-family detached or attached development (see Figure 30-5.G.3, Fronting Open Space).

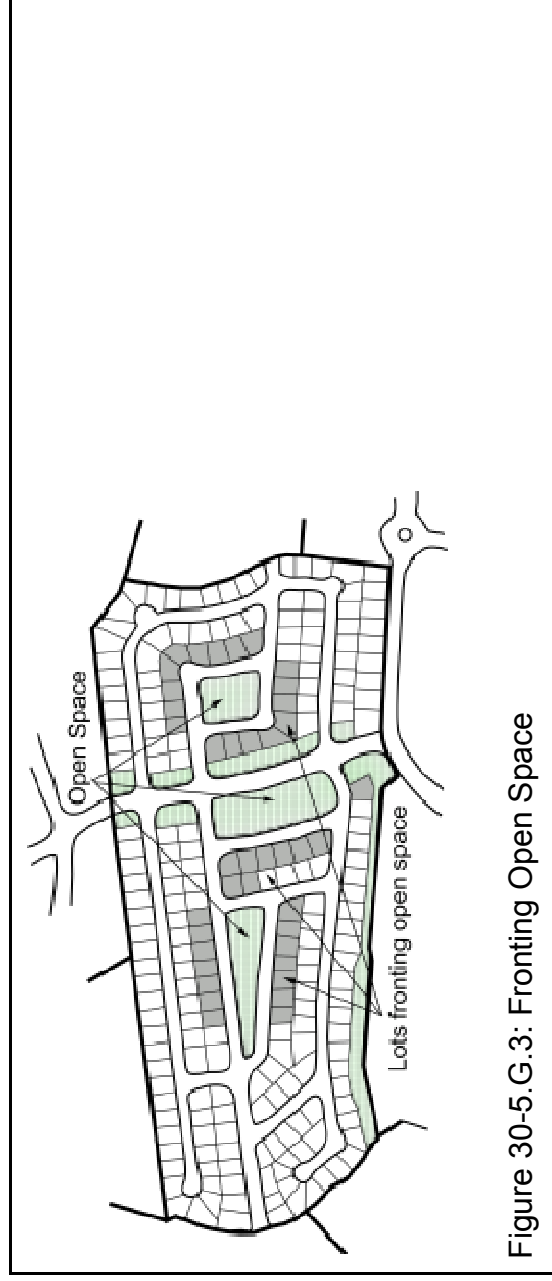


Figure 30-5.G.3: Fronting Open Space

- b. As an alternative to subsection (a) above, a developer may propose access to open space facilities within or adjacent to a development via a right-of-way 20 feet wide that is reasonably accessible to all residents in a development.

Garage Standards

(1) Applicability

The standards in this section shall apply to new attached and detached street-facing and side-loaded garages and car ports located on lots smaller than one acre in area and within 50 feet of the street right-of-way fronting a dwelling.

(2) Location

- a. Street facing garages and carports shall not be more than ten feet forward of the front façade plane of the dwelling they serve.
- b. Side-loaded garages on the primary façade shall provide at least one window on the primary façade wall that is comparable in size and appearance to other windows on the primary façade.

(3) Maximum Size

- a. Detached garages and car ports shall not exceed 30 percent of the dwelling's total floor area.
- b. A street-facing garage door(s) or carport opening shall not exceed 40 percent of the total front façade area of the dwelling.

Roof Projections

All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations to the maximum extent practicable, or be otherwise configured to have a minimal visual impact as seen from the street.

Foundations

- (1) Except for structures designed or intended for occupation by persons with physical disabilities, the finished floor elevation at the front facade shall be a minimum of 24 inches above grade for structures set back from the front lot line less than 20 feet.
- (2) Exposed foundation wall and piers shall be clad in face brick, stone, stucco or some other masonry material accurately imitating these materials. Latticework screening may be installed to within four inches of grade between piers on front and side building facades.

Architectural Variability

- (1) **Purpose and Intent**
The intent of these standards is not to limit creativity or mandate individual architectural styles; rather the intent is to ensure single-family residential development avoids monotonous design with little or no architectural variability between different homes along a street.
- (2) **Applicability**
 - a. These standards shall apply to all single-family detached residential subdivisions of 20 lots or more.
 - b. Residential development on lots exceeding 30,000 square feet in area shall be exempted from these standards.
- (3) **Standards**
Development subject to these standards shall include distinctly different front façade elevations within any single phase of the development such that:
 - a. No three homes that are side-by-side may have the same front façade elevation (see Figure 30-5.G.3.e, Architectural Variability); and

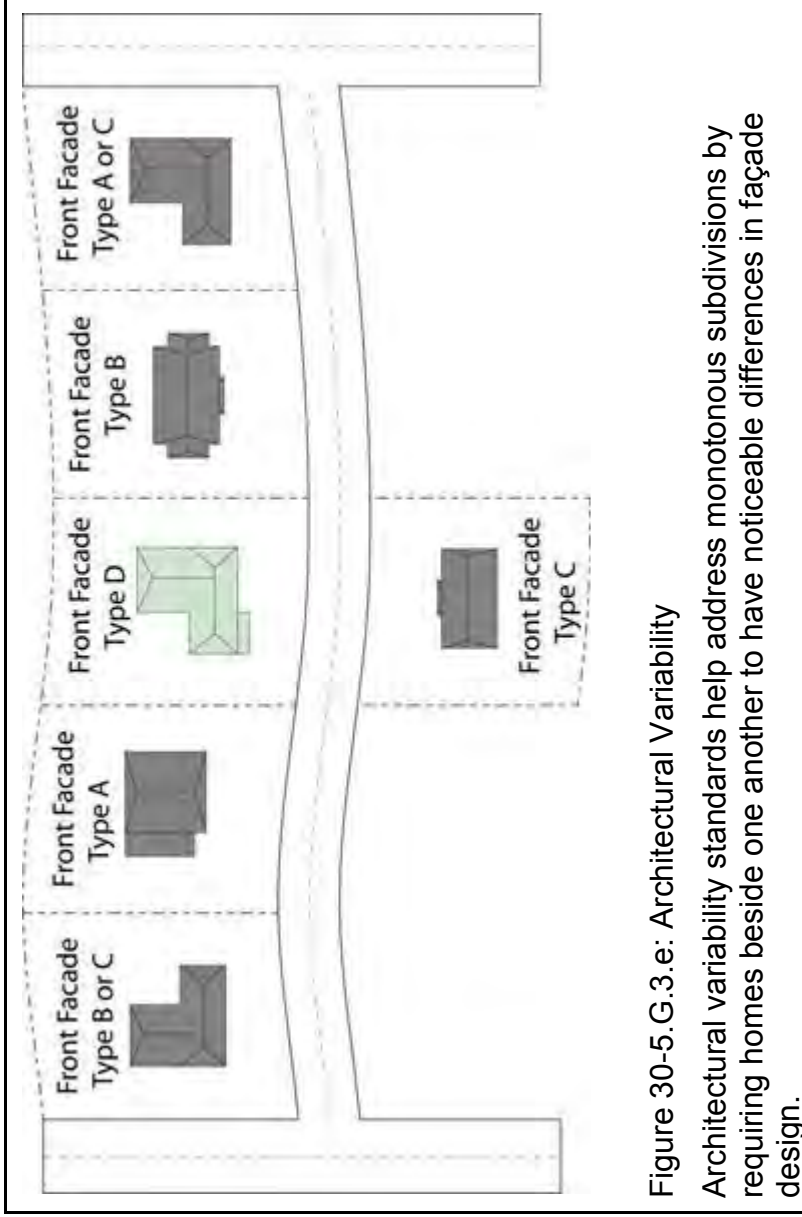


Figure 30-5.G.3.e: Architectural Variability
Architectural variability standards help address monotonous subdivisions by requiring homes beside one another to have noticeable differences in façade design.

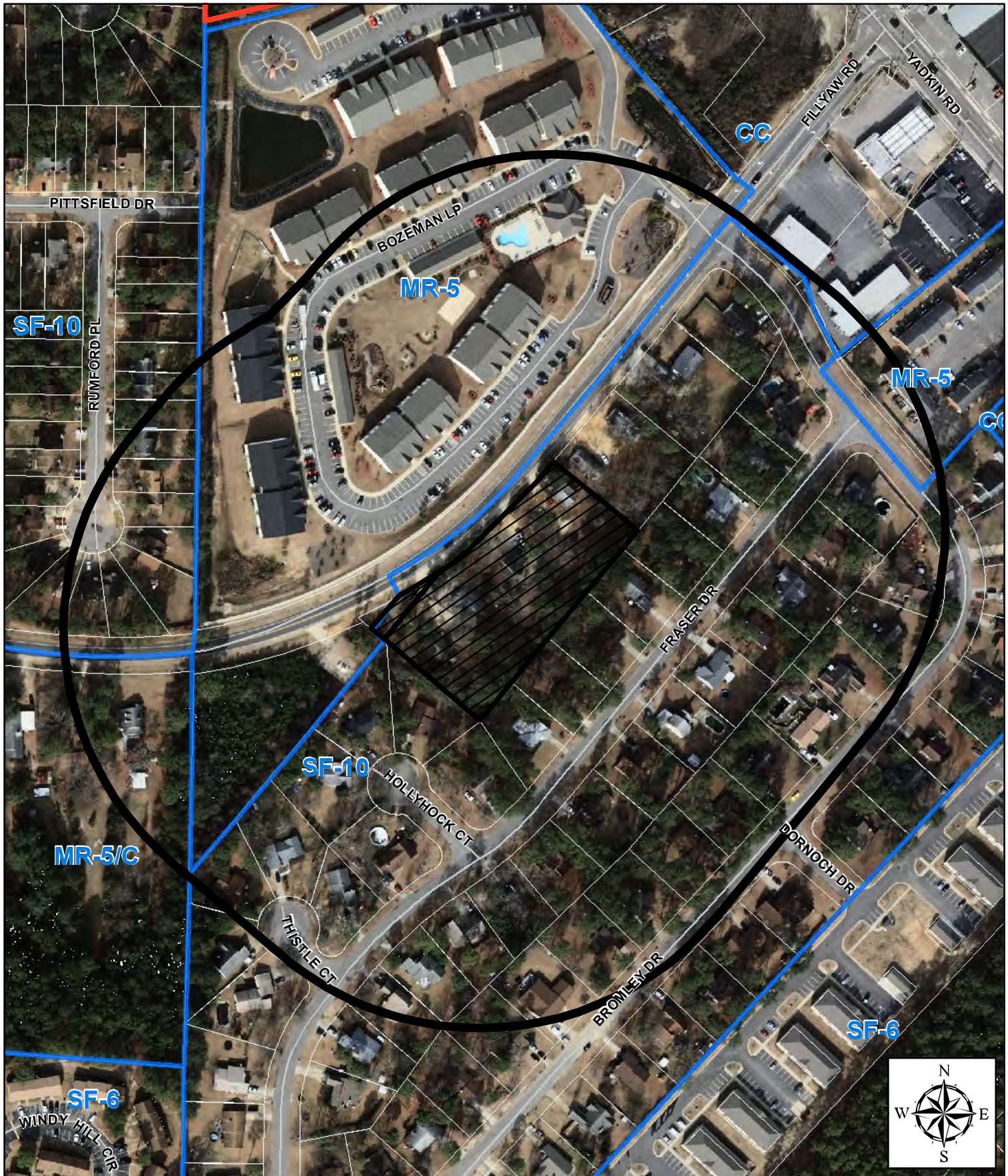
- b. No homes directly across the street from one another shall have the same front façade elevation.
- (4) Distinctly Different Defined
“Distinctly different” shall be defined to mean that a single-family residential detached dwelling’s front façade must differ from other single-family detached building’s elevations in at least two of the following five ways:

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 - b. Variations in rooflines, pitches, or the use of dormers;
 - c. Variation in the location and proportion of front porches;
 - d. Variation in the location or proportion of garages and garage doors; or
 - e. Mirror images of the same configuration (provided different building colors are used).
- (5) **Garage Behind the Front Façade**
The location of a garage behind the front façade of the dwelling it serves may be credited as a “distinctly different” feature, even when adjacent dwellings also have garages located behind the front façade.

Site Plan

- (1) Attached preliminary site plan.

ZONING COMMISSION
CASE NO. P13-19F or P13-22F

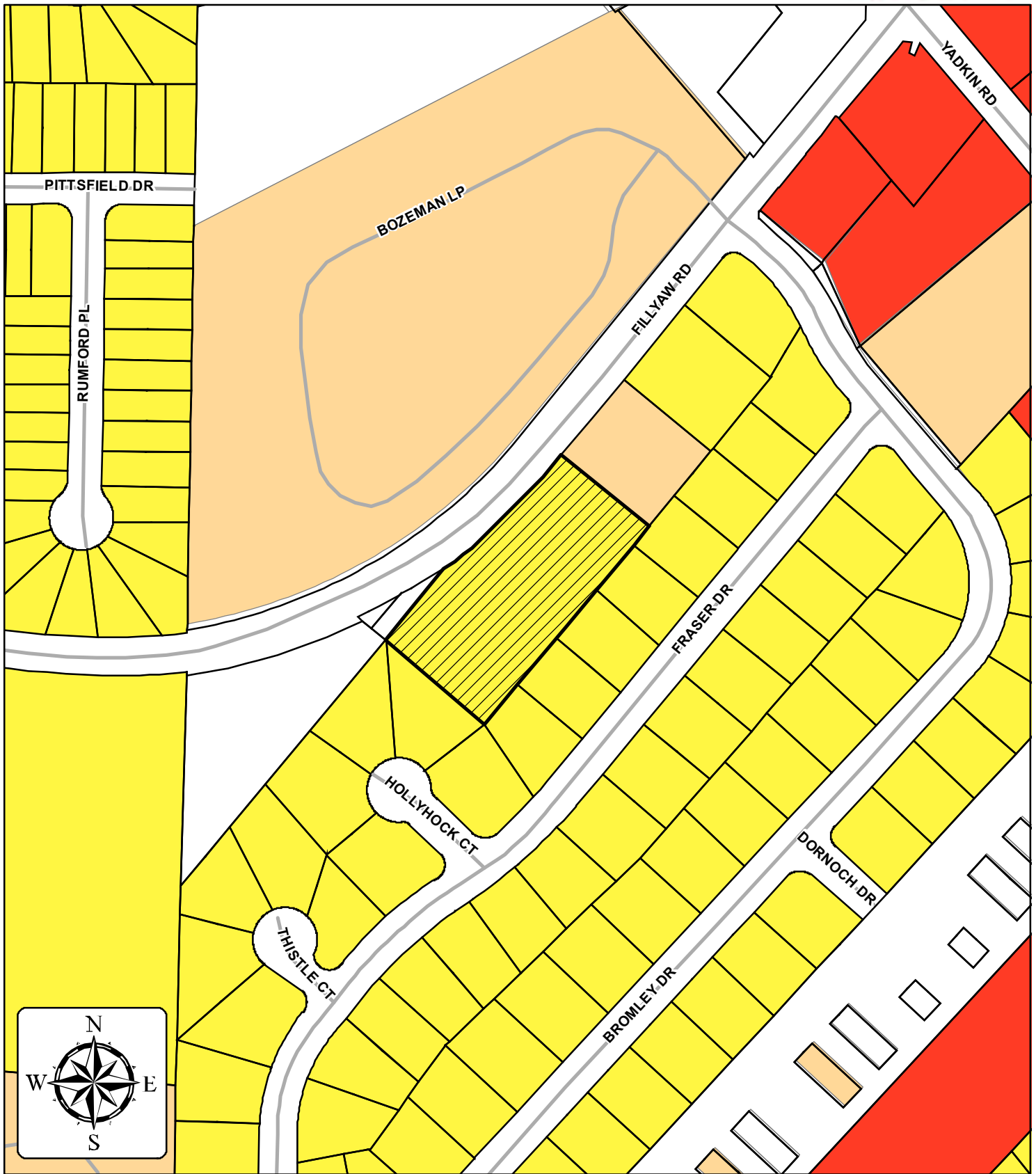


Request: SF-10 to SF-6 or SF-6/CZ
Location: 6959 Fillyaw Rd
Size: 1.79 acres +/-

Zoning Commission: 06/11/2013 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0409-02-8414, 0409-02-6442

Current Land Use

P13-22F

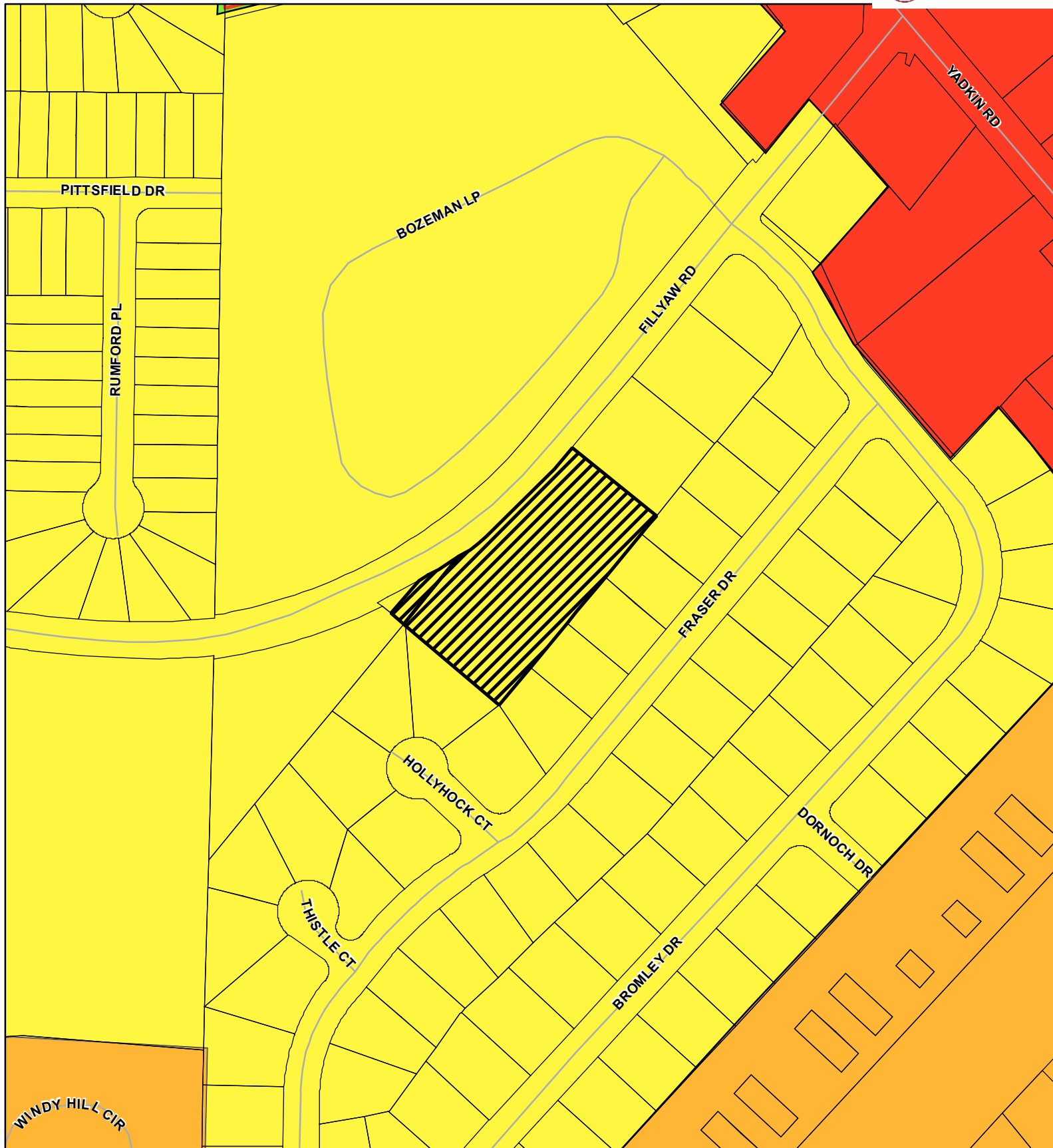


Legend

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. P13-22F



Legend

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Russell Thompson, PE, PTOE Engineering and Infrastructure Director
DATE: July 22, 2013
RE: A requested variance from the Stormwater Ordinance.

THE QUESTION:

A requested variance from the Stormwater Ordinance.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

This property faces Owen Drive and is approximately 0.2 mile south of Southern Avenue.
Owner: H. Ronald Solomon and Melanie Solomon-Keefe
Applicant: H. Ronald Solomon and Melanie Solomon-Keefe
Requested Action: Variance from the 5,000 square foot requirement to the 20,000 square foot requirement
Property Address: 2898 Owen Drive
Status of property: Some asphalt paving but vacant
Size: 0.66 acres
Letters Mailed: 3

ISSUES:

This property has had some pavement installed at some time in the past. Due to the pavement the owner would be limited to 5,000 square feet of additional impervious area before complying with the stormwater ordinance.

The lot size of 0.66 acres is a very small parcel for development and the property owner is requesting to be allowed to develop to the 20,000 square foot criteria.

BUDGET IMPACT:

N/A

OPTIONS:

Approve the variance

Deny the Variance

Approve the variance with the condition the the property comply with all stormwater regulations if more that 20,000 square feet of impervious area is constructed.

RECOMMENDED ACTION:

Approve the variance with the condition the the property comply with all stormwater regulations if more that 20,000 square feet of impervious area is constructed.

ATTACHMENTS:

Petition for Variance Request

Parker Pawn Shops

5701 Yadkin Road, Suite 200 Fayetteville, NC 28303
910-867-5159

To Fayetteville City Council Members:

Thank you for hearing our request for a variance from the Stormwater Control Ordinance as it currently applies to our property located at 2898 Owen Drive.

The subject property referred to in the attached application is currently owned by Ronnie Solomon and Melanie Keefe of Parker House of Music, DBA Parker Pawn Shops. We currently operate a business located at 2885 Owen Drive. This property is in the strip shopping center owned by Mr. Bill Agapion. Unbeknownst to us until January of this year, and finally decided by Judge Tucker in May, 2013, this property is soon to be condemned and demolished by the City of Fayetteville.

We immediately began to search for a new location for our service oriented business that currently employs 15 people and has been a fixture in Massey Hill for the past 15 years. We have grown fond of the Massy Hill community and have built a good reputation with the patrons in the area who benefit from the goods and services that we provide.

After much investigation and diligence we purchased the subject property (2898 Owen Drive) and immediately began the process of development. The parcel is only 0.66 acres (28,750 square feet). The owners' intention is to construct up to a 15,000 square foot building (two stories) with parking sufficient to accommodate a building of that size. This would increase the tax value of the current property from \$180,000.00 to over \$1,500,000.00 thus generating 8 times more tax revenue for the city and the county.

As you review the attached application, please keep in mind that we as property owners are facing a hardship. We are being forcibly removed from a location that we have occupied for more than 15 years. In fact, we had just renewed our lease for an additional 15 years in November 2012 before finding out that our building was condemned and scheduled for demolition. We would like to continue to serve this community, to employ the staff and invest in this area that the city has classified as blighted.

Long before we purchased the property, someone spread approximately 8000 square feet of asphalt on the property without permission from any authority thereby creating a "developed" property rather than an undeveloped lot. It is important to point out that at no time had there been a permit to lay the asphalt, the asphalt has never shown up on the property tax record and there has never been any utility meter placed on this property for it to be considered a development. This subject property has 25-30 year old unusable asphalt on it which would restrict any development to a mere 5000 square feet. This is not nearly enough to provide ample space for a business and the required parking. If the asphalt had never been spread or if the property had 20,000 square feet of asphalt then there would not be an issue that even required a variance. It just so happens that the amount of unauthorized asphalt that is on the property restricts current development to only 5000 square feet without the need for a storm water retention pond. A storm retention pond on .66 acres is not realistic and would take up a majority of the useable property.

We are asking that you approve the variance to reflect the property to be **undeveloped** so that we can utilize up to 20,000 square feet of the property with impervious material prior to having to install a storm water retention pond. We feel that this request is in the spirit of the law and is both reasonable and makes good business development sense.

We have the support and endorsement of the City of Fayetteville engineering department and would appreciate your support and positive vote in this matter.

Sincerely,



Melanie Keefe

Ronnie Solomon

Administrative Manual..... February 2012

Form #SC021

Notice of Petition for Variance Request – Form #1

City Council

Stormwater Control Ordinance

Date Filed: _____ Case Number: _____ Received By: _____

INSTRUCTIONS FOR FILING A PETITION FOR VARIANCE

This form must be filled out completely. Please attach the appropriate additional form depending on your request type along with required information as outlined in the appropriate checklist. Please type or print legibly. All property owners must sign and consent to this application, attach additional sheets if necessary. If the application is not the owner, the owners must sign the Designation of Agent section at the bottom of this form.

The Applicant Hereby requests a variance from the provisions of the Stormwater Control Ordinance as stated on Form #2.

Applicant or Agent's Name: H. Ronald (Ronnie) Solomon & Melanie Solomon-Keefe

Mailing Address: P.O. Box 11009, Fayetteville, NC 28303Daytime Telephone: 910-494-0137 Home Telephone: 910-860-7706Interest in this Case (Please circle one): Owner Adjacent Owner Other

Property Owner(s) [if other than applicant/agent]: _____

Mailing Address: _____

City, State, Zip: _____

Daytime Telephone: _____ Home Telephone: _____

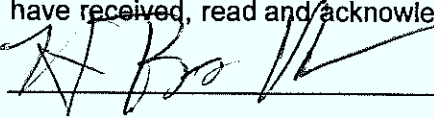
Property Address: 2898 Owen Drive, Fayetteville, NC 28306

Tax Parcel Number: 0426-91-9724 Zoning District: CC

Subdivision Name: VF TalleyConditional District: YES/NO

Applicant Certification and Designation of Agent

I (we) certify that the information in this application, the attached form(s) and documents submitted by me (us) as part of this application are true and correct. In the event any information given is found to be false, any decision rendered may be revoked at any time. I (we) hereby appoint the person named above as my (our) agent to represent me (us) in this application and all proceedings related to it. I (we) further certify to have received, read and acknowledged the information and requirements outlined in this packet.



H. Ronald Solomon, Property Owner

July 2, 2013

Date



Melanie Solomon-Keefe, Property Owner

July 2, 2013

Date

Notice of Petition for Variance Request – Form #2

City Council

Stormwater Control Ordinance

Date Filed: _____ Case Number: _____ Received By: _____

Has work started on this project?

YES ☒ NO

If yes, did you obtain a building permit?

YES ☒ NO

If yes, attach a copy.

Have you received a Notice of Violation for this project?

YES ☒ NO

yes, attach a copy.

Has this property been rezoned?

YES* NO

If yes, Petition Number: _____

**Property was rezoned from CIP to CC during UDO Ordinance*

(1) What section numbers from the Stormwater Control Ordinance are you seeking a variance from? Please list each section, the requirement and the requested variance.

Item	Code Section	Code Requirement	Variance Request
A	23-24(3)	New Construction	23-24(2) New Development

(2) Please describe why the variances requested are necessary.

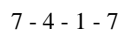
This property was purchased on June 5, 2013 by Ronnie Solomon and Melanie Keefe of Parker House of Music, DBA Parker Pawn Shops. The purchase was a direct result of legal action by the city of Fayetteville against the landlord of their current location of 15 years on Owen Drive, Bill Agapion. We currently have a valid lease with Mr. Agapion for 15 more years at this location and were only made aware of the city's desire to condemn the property in January of this year.

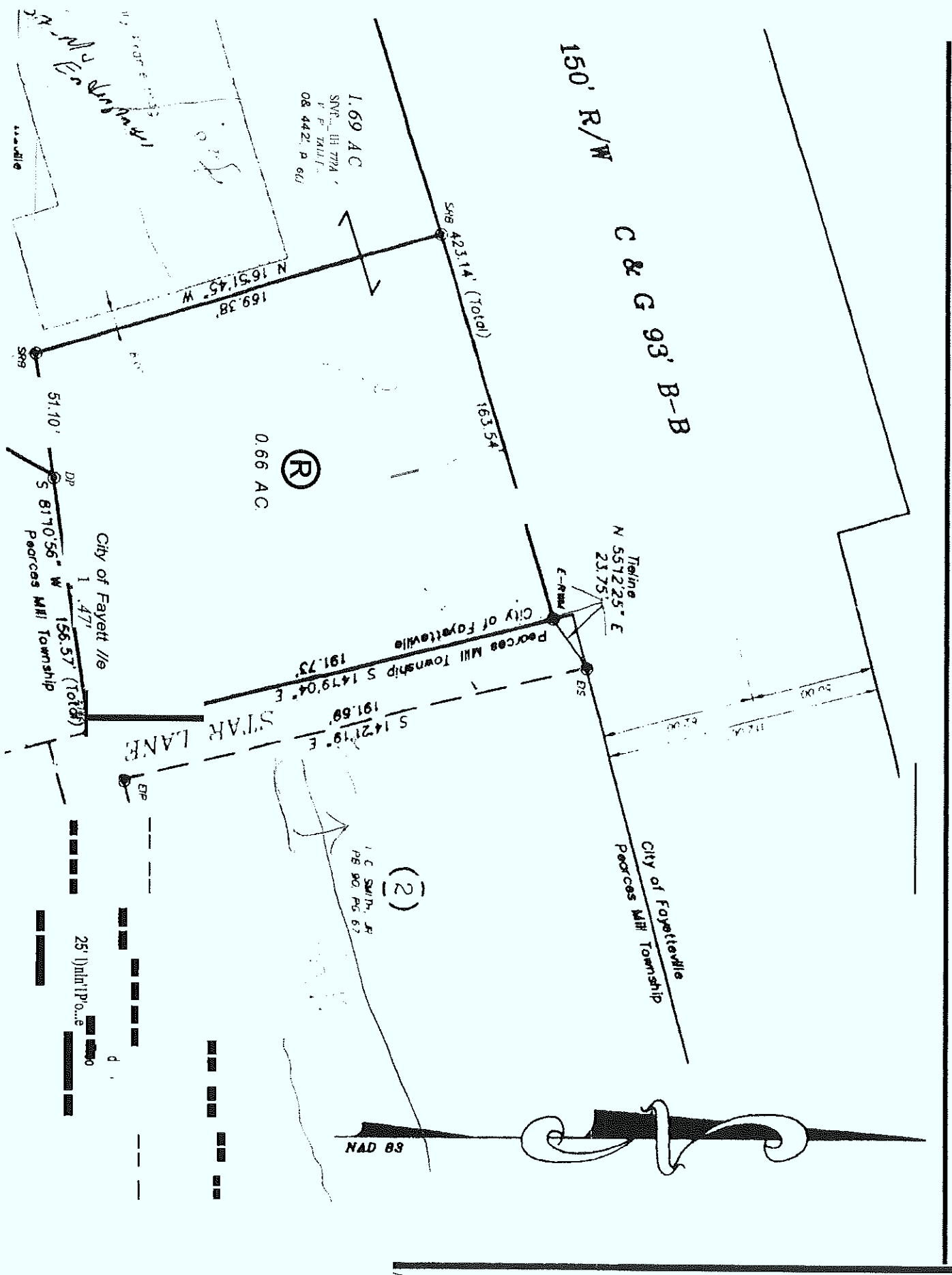
(4) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and, that the use of the property, if the variance is granted, shall not substantially detract from the character of the neighborhood.)

a. Because the existing imperious asphalt was installed without knowledge or permit, we are convinced that by improving to property to non-structural BMP's, we will be able to better control stormwater from this parcel.

5) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public shall be substantially outweighed by the harm suffered by the Applicant.

a. Aside from the large capital investment into this an area considered economically depressed, by bringing the property back to its original state as a vacant property, it will be in accordance with a stormwater control ordinances. This renovated property will enhance this area by providing more economic development, increased jobs, higher property values and less opportunity for crime.







COUNTY TAX ASSESSOR

EMAIL



Property Information Mini-Sheet

[Click for Tax Sheet](#)
[Tax Records](#) | [General Info](#) | [Phone Numbers](#) | [Real Estate](#) | [Personal](#) | [County](#) |

Date: 07/01/2013

COUNTY OF CUMBERLAND Tax Year: 2013

Time: 22:44:15

Parcel ID: 0426-91-7720- Tax Year: j 2013 **V**

Owner Name(s): TALLEY INVESTMENTS LLC

Owner Address: PO BOX 87313 FAYETTEVILLE NC 28304

Situs Address: 002882 OWEN DR FAY

Taxing District: 1000 FAYETTEVILLE

Tax Bill Number: 2501294

Old Parcel ID: 0426-91-7624-

Property Class: COMMERCIAL

Neighborhood: 8010

Zoning: C1P-

Frontage: 259.60 Depth: 197.33

Map & Sheet: 0426-20

Plat Book & Page: 0102 -0136

Legal Description: NP PT LT 1 VF TALLEY (0.94 AC)

Parcel Taxable Value: (REVALUATION 2009)

	Total	Land	Building	Misc.	Date
Appraised:	556,962.00	236,349.00	300,059.00	20,554.00	05/21/2009

Land Assessment:

	Land Use	Land Units	Land Type	Land Rate	Land Value
COMMERCIAL	SQ FOOTAG	40,946.40	SF	5.77	236,349.00

(A max of 5 sales can be shown)

Sale History Data:

Deed Book	Deed Page	Sale Date	Sale Price
07779	00868	01/03/2008	0.00
07779	00856	01/03/2008	0.00
04425	00663	01/04/1996	0.00

(A max of 10 improvements can be shown)

Miscellaneous Improvements:

Description	Type	Unit	Number of Units
ASPHALT PAYING	ASP	SF	34,851.00
CONCRETE PAV	COP	SF	1,558.00

Choose the Building to Display: **01** ☐[Get Building Info](#)



COUNTY TAX ASSESSOR

EMAIL



Property Information Mini-Sheet

[Click for Tax Sheet](#)
[Tax Records](#) | [General Info](#) | [Phone Numbers](#) | [Real Estate](#) | [Personal](#) | [County](#) |

Date: 07/01/2013

COUNTY OF CUMBERLAND Tax Year: 2013

Time: 22:45:21

Parcel ID: 0426-91-7566- TaxYear: j 2013 **V**
 Owner Name(s): TALLEY INVESTMENTS LLC
 Owner Address: PO BOX 87313 FAYETTEVILLE NC 28304
 Situs Address: 000000 JOSEPH STN/A
 Taxing District: 0051 PEARCES MILL
 Tax Bill Number: 2501626
 Old Parcel ID: 0426-91-6488-
 Property Class: RESIDENTIAL
 Neighborhood: 1083
 Zoning: R6A-
 Frontage: 199.23 Depth: 240.71
 Map & Sheet: 0426-20
 Plat Book & Page: 0102 -0136
 Legal Description: S PT LT 1 VF TALLEY (0.75 AC)

Parcel Taxable Value: (REVALUATION 2009)

	Total	Land	Building	Misc.	Date
Appraised:	7,938.00	7,938.00	0.00	0.00	04/22/2009

Land Assessment:

Land Use	Land Units	Land Type	Land Rate	Land Value
RESIDENTIAL LOT	1.75	LT	4,536.00	7,938.00

(A max of 5 sales can be shown)

Sale History Data:

Deed Book	Deed Page	Sale Date	Sale Price
07779	00868	01/03/2008	0.00
07779	00856	01/03/2008	0.00
04425	00663	01/04/1996	0.00
02430	0201	07/01/1984	1.00

(A max of 10 improvements can be shown)

Miscellaneous Improvements:

Description	Type	Unit	Number of Units
NO DATA FOUND			

Choose the Building to Display: 00 v |

[Get Building Info](#)

http://152.31.99.19/D21LIB/WWW/SWMW200_CGI?LRPARC=2501626&TXYEAR=201...

7/1/2013



COUNTY TAX ASSESSOR
EMAIL



Property Information Mini-Sheet

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[Tax Records](#) | [General Info](#) | [Phone Numbers](#) | [Real Estate](#) | [Personal](#) | [County](#)

Date: 07/10/2013

COUNTY OF CUMBERLAND Tax Year: 2013

Time: 22:46:17

Parcel ID: 0426-91-9541- TaxYear:

Owner Name(s): HERRINGTON, WILLIAM C & WIFE S

Owner Address: 3119 PHILLIES CIR FAYETTEVILLE NC 28306-2125

Situs Address: 000332 STARLNN/A

Taxing District: 0051 PEARCES MILL

Tax Bill Number: 2501634

Old Parcel ID: 0426-91-8474-

Property Class: RESIDENTIAL

Neighborhood: 4030

Zoning: R6A-

Frontage: 200.00 Depth: 240.70

Map & Sheet: 0426-20

Plat Book & Page: 0014 -0033

Legal Description: LTS 5-8 CARTERHGTS (1.20)

Parcel Taxable Value: (REVALUATION 2009)

	Total	Land	Building	Misc.	Date
Appraised:	11,250.00	11,250.00	0.00	0.00	02/25/2013

Land Assessment:

Land Use	Land Units	Land Type	LandRate	Land Value
RURAL LOT	1.00	LT	11,250.00	11,250.00

(A max of 5 sales can be show11)

Sale History Data:

Deed Book	Deed Page	Sale Date	Sale Price
02897	0468	07/01/1984	1.00

(A max of 10 improvements can be shown)

Miscellaneous Improvements:

Description	Type	Unit	Number of Units
NO DATA FOUND			

Choose the Building to Display:

[Get Building Info](#)

Building#:

Building Characteristics

OOOFOO

of Stry

Improvement Type:

NO DATA FOUND



COUNTY TAX ASSESSOR

EMAIL



Property Information Mini-Sheet

[Click for Tax Sheet](#)
[Tax Records](#) | [General Info](#) | [Phone Numbers](#) | [Real Estate](#) | [Personal](#) | [County](#)

Date: 07/01/2013

COUNTY OF CUMBERLAND Tax Year: 2013

Time: 22:48:11

Parcel ID: 0436-01-1821- TaxYear: j 2013 **V**
 Owner Name(s): KPC COMMERCIAL LLC
 Owner Address: 290 ROYAL SUNSET DR DURHAM NC 27713
 Situs Address: 002956 OWEN DR FAY
 Taxing District: 1000 FAYETTEVILLE
 Tax Bill Number: 9018124
 Old Parcel ID: 0436-01-0754-
 Property Class: COMMERCIAL
 Neighborhood: 8010
 Zoning: CIP-
 Frontage: 250.53 Depth: 192.65
 Map & Sheet: 0436-17
 Plat Book & Page: 0090-0067
 Legal Description: LT 2 IC SMITH JR PROP (1.10 ACS)

Parcel Taxable Value: (REVALUATION 2009)

	Total	Land	Building	Misc.	Date
Appraised:	1,275,700.00	304,267.00	918,048.00	53,385.00	09/18/2012

Land Assessment:

	Land Use	Land Units	Land Type	Land Rate	Land Value
COMMERCIAL	SQ FOOTAG	47,916.00	SF	6.35	304,267.00

(A max of 5 sales can be shown)

Sale History Data:

Deed Book	Deed Page	Sale Date	Sale Price
07427	00688	11/22/2006	1,280,000.00
06967	00051	08/05/2005	0.00
03935	00704	04/02/1993	175,000.00

(A max of 10 improvements can be shown)

Miscellaneous Improvements:

Description	Type	Unit	Number of Units
CONCRETE PAV	COP	SF	144.00
WALLBRK/CB	WLB	LF	34.00
SIDEWALK	http://mainfr.c		CSW SF
ASPHALT PAVING	o.cumberland.		ASP SF
CONCRETE PAV	nc.		COP SF
	us/default.asp		
	x		

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Nash, AICP, Planner II
DATE: July 22, 2013
RE: **Public Hearing to Consider a Petition Requesting Annexation of a Non-Contiguous Area Known as the Fullblock LLC Property-Located at 185 Airport Road**

THE QUESTION:

Request to annex (as a satellite area) a parcel owned by Fullblock, LLC

RELATIONSHIP TO STRATEGIC PLAN:

Strong local economy

BACKGROUND:

This request originated on February 25, 2013, when Fullblock, LLC submitted an annexation petition to the City. The petition was signed by Mr. William B. Fuller, Jr, Managing Member of Fullblock, LLC. The property requested for annexation is located at the intersection of Airport Road and Aviation Parkway. An office/warehouse building is currently under construction on the property.

The Fullblock property is not contiguous to the City, but it can be annexed as a satellite. Fullblock previously built another office/warehouse building nearby (at 135 Airport Road); this other property was annexed as a satellite on December 13, 2010.

According to the City Engineering staff's metes and bounds description, the property requested for annexation consists of 4.47 acres, more or less.

The Zoning Commission held its public hearing on May 14, 2013.

ISSUES:

Sufficiency: The City's Real Estate staff has verified that Fullblock, LLC, is the owner of the property requested for annexation. (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-The Fire Department reports that the travel distance is 4.3 miles from the closest City station; it might take the department 10 minutes to travel to the property. The department's goal is 5.3 minutes for the first arriving unit. The Pearces Mill Volunteer Fire Department is only .08 miles (3 minute travel time) from the property; Pearces Mill could provide 24 hour uninterrupted response service. Therefore, the Fire Department will establish a contract with Pearces Mill to provide response coverage to this property. The Police Department and the Engineering and Infrastructure Department reported that they would have no significant impacts from annexing the area. The Environmental Services Department would not be responsible for providing garbage pick-up services, because the building will not be residential.

PWC Services-PWC water, sewer, and electrical services are all available to the property. There is also a private sewer line in Aviation Parkway and a private sewer lift station at the end of Aviation Parkway.

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 City's Legal Department has recently interpreted that standard in a new

way-it applies only for residential properties; based on this interpretation, the area complies with that standard.

Compliance with Policy 150.2: This policy, as amended on February 13, 2012, states that all property within the City's MIA that meets the statutory requirements for annexation must be annexed before water or sewer service will be provided or expanded. In this situation, because of an unusually lengthy research process on a satellite standard, an agreement enabled PWC water and sewer to be provided before annexation; services will be discontinued if, for instance, the petition is withdrawn.

Effective Date: The 2011 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: There will be revenues from the property tax and the stormwater fee; however, these revenues have not been projected. There will be no population-based revenues, because the area has no population.

Projected Costs: No City operating departments have expressed concerns or unusual increases in costs to serve this area, if it is annexed.

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

OPTIONS:

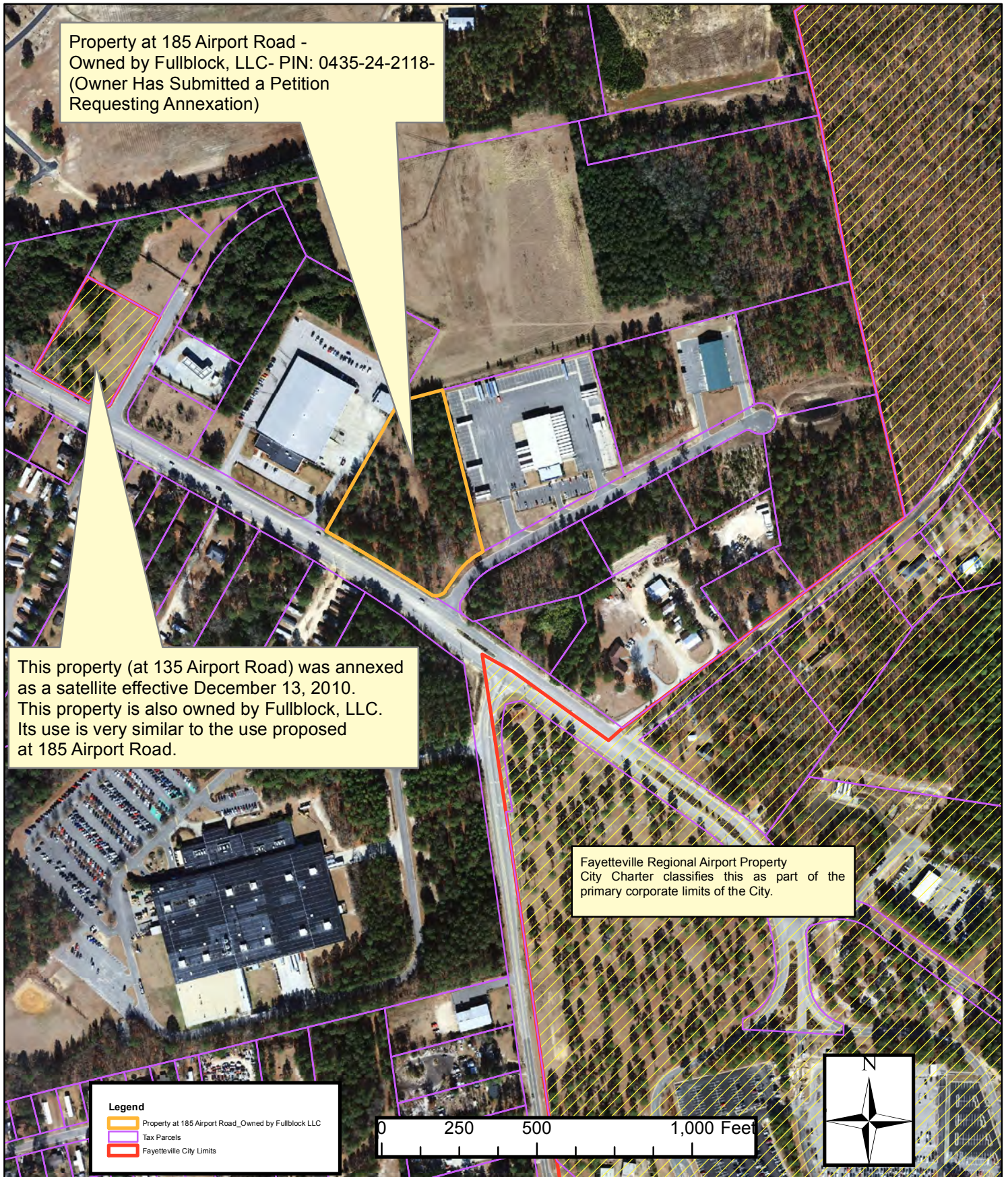
1. Adopt the Annexation Ordinance with an effective date of July 22, 2013, and include approval of the final initial zoning action consistent with the prior action on the zoning.
2. Adopt the Annexation Ordinance with an effective date within six months of the date of passage of the ordinance, and include approval of the final initial zoning action consistent with the prior action on the zoning.
3. Do not adopt the Annexation Ordinance. This option means the property would remain outside the City and the initial zoning would not occur.
4. Table action on the requested annexation.

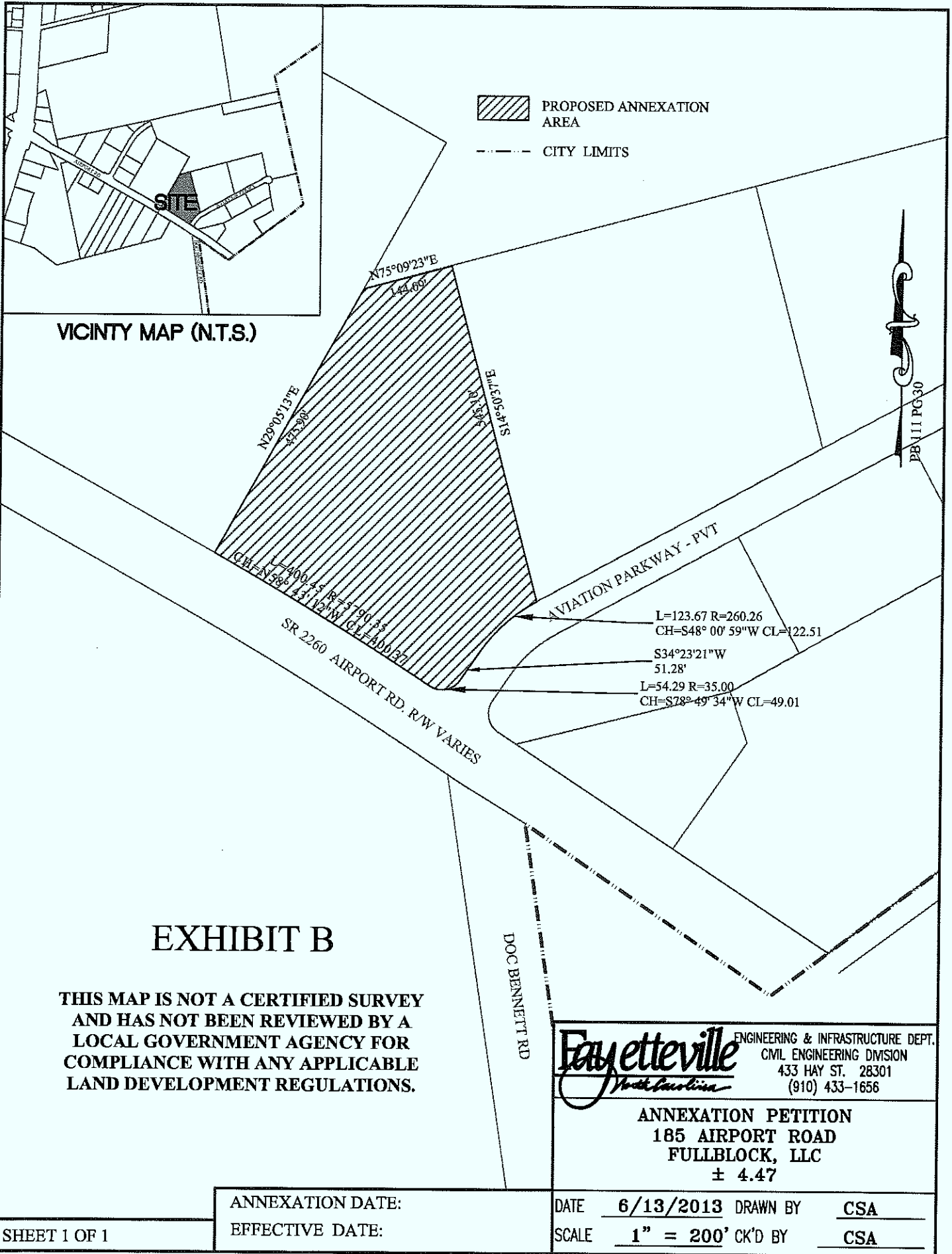
RECOMMENDED ACTION:

City staff recommends Option 1, that the City Council moves to adopt the proposed ordinance annexing the area effective July 22, 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
Proposed Ordinance





BASIC INFORMATION ABOUT THE AREA
Information Updated as of: July 12, 2013
Date Petition Received: February 25, 2013
Proposed Annexation Public Hearing Date: July 22, 2013
Annexation Number:

1. Name of Area:	Fullblock, LLC Property (185 Airport Road)
2. Names of Petitioners:	Fullblock, LLC (William B. Fuller, Jr., Managing Member)
3. Location/Address/:	General location is on the southern side of the City, near the Fayetteville Regional Airport. It is at the northwestern corner of the intersection of Airport Road and Aviation Parkway. It has been assigned an address of 185 Airport Road.
4. Tax Identification Number (PIN):	0435-24-2118
5. Fire Department Affected by Annexation:	Pearces Mill
6. Is the Area Contiguous?	No
7. Is the Area in the Fayetteville MIA (Municipal Influence Area)?	Yes
8. Type of Annexation:	Petition-initiated non-contiguous area
9. Background:	The owner is now constructing an office/warehouse building on this site. The owner would like to use PWC water & sewer.
10. Reason the Annexation was Proposed:	Since the owner wants to use PWC water and sewer, and since the property is in the Fayetteville MIA, the owner was required to submit an annexation petition, per Policy 150.2.
11. Number of Acres in Area:	4.47+/- acres (per City calculation); 4.49+/- acres per petition
12. Type of Development in Area:	Land requested for annexation is currently being developed.
13. Present Conditions:	<ul style="list-style-type: none"> a. <u>Present Land Use</u>: Under construction b. <u>Present Number of Housing Units</u>: 0 c. <u>Present Demographics</u>: Total Pop=0 d. <u>Present Streets</u>: None in area e. <u>Water and Sewer Service</u>: Available from PWC f. <u>Electrical</u>: Available from PWC
14. Factors Likely to Affect Future of Area:	<ul style="list-style-type: none"> a. <u>Plans of Owner</u>: To build a new office/warehouse building on the site. 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>-Heavy Industrial 2. <u>Zoning</u> <ul style="list-style-type: none"> a. <u>Current Zoning in County</u>: M(P) b. <u>Likely Zoning After Annexation</u>: LI 3. <u>In Airport Impact Zone</u>?-Yes (Traffic Pattern Zone) 4. <u>In Airport Overlay District</u>?-Yes 5. <u>Plans Already Approved by County</u>? Yes (Case 12-097 approved on 7/19/12)
15. Expected Future Conditions:	<ul style="list-style-type: none"> a. <u>Future Land Use</u> -Office/Warehouse building. Size of building: 24,000 sq ft b. <u>Future Number of Housing Units</u>: Total=0 (0 HU x 90% occupancy rate*=0 occupied HU) * Based on 2010 Census for Fayetteville c. <u>Future Demographics</u>: Total Pop=0 (0 occupied HU x 2.45 avg household size*=0) *Based on 2010 Census for Fayetteville d. <u>Future Streets</u>: None expected in the area e. <u>Water and Sewer Service</u>: Will be provided by PWC f. <u>Electric Service</u>-Can be provided by PWC
16. Present Tax Value (Will increase when development is completed):	Total Assessed Value \$101,704 Land Value \$101,704 Building Value \$ 0 Extra Feature Value \$ 0

MEMO

To: David Nash, Planning Department

From: Brandy R. Bishop, Senior Paralegal

CC: To the file

Date: February 28, 2013

Re: Sufficiency of Annexation Petition

SIGNERS OF THE PETITION: William B. Fuller, Member/Manager of Fullblock, LLC

Fullblock, LLC, a North Carolina limited liability company, per recorded Deed 8905, Page 169, is the record owner for the 4.49 acre tract.

PIN: 0435-24-2118- 4.49 acre tract (Lot 1A, Averitt Properties, Inc.)

My search ended **February 27, 2013** at **8:00 a.m.**.

*****Please note the petition should reflect the name Fullblock, LLC as the name of the LLC. Our current petition states, "See attached Manager's Certificate." The legal name should be stated on the petition. David, please make the appropriate changes.*****

Petition is now sufficient!

Annexation Ordinance No: _____

**Fullblock LLC Property-Located at
185 Airport Road-Includes 1 Tax
Parcel- (0435-24-2118)**

**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 July 22, 2013, after due notice by publication on July 12, 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 and as interpreted by the City's Legal Department, will be fragmented by this proposed annexation;
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Fayetteville;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous property owned by Fullblock, LLC is hereby annexed and made part of the City of Fayetteville, North Carolina as of July 22, 2013:

BEGINNING at a point at the intersection of the northern right-of-way margin of Airport Road and western right-of-way margin of Aviation Parkway, said point also being the southwest corner of Lot 1A as shown on plat entitled "AVERITT PROPERTIES, INC." as recorded in Plat Book 111 Page 30 of the Cumberland County Registry; and running thence with an arc of a curve to the left having a radius of 5790.35 feet a distance of 400.45 feet to a point having a chord bearing and distance of North 58 degrees 43 minutes 12 seconds West 400.37 feet to a point; thence North 29 degrees 05 minutes 13 seconds East 475.90 feet to a point; thence North 75 degrees 09 minutes 23 seconds East 144.09 feet to a point; thence South 14 degrees 50 minutes 37 seconds East 545.10 feet to a point; thence with an arc of a curve to the left having a radius of 260.26 feet a distance of 123.67 feet to a point having a chord bearing and distance of South 48 degrees 00 minutes 59 seconds West 122.51 feet to a point; thence South 34 degrees 23 minutes 21 seconds West 51.28 feet to a point; thence with an arc of a curve to the right having a radius of 35.00 feet a distance of 54.29 feet to a point having a chord bearing and distance of South 78 degrees 49 minutes 34 seconds West 49.01 feet to the **POINT AND PLACE OF BEGINNING**, and containing 4.47 Acres more or less.

Section 2. Upon and after July 22, 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 ACTION MEMO

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

THE QUESTION:

Request to annex (as a satellite area) three parcels located on Honeycutt Road in the Eureka Springs community

RELATIONSHIP TO STRATEGIC PLAN:

Strong local economy

BACKGROUND:

Mr. Eric Nelson proposes new commercial development on Honeycutt Road at Palm Springs Drive in the Eureka Springs community. The site chosen by Mr. Nelson consists of three tax parcels. This site is not contiguous to the City. (See Vicinity Map, attached.)

There are currently two vacant houses on the three parcels. The total size of the site is approximately 1.32 acres.

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

Mr. Nelson has not yet purchased the three parcels. Therefore, he has asked the current owners to submit an annexation petition. The City staff received the petition on March 5, 2013.

The Zoning Commission held its public hearing on April 9, 2013.

ISSUES:

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

PWC Services-PWC Water is available on Honeycutt Road, and a fire hydrant is located along the edge of Honeycutt Road, in front of the two houses. PWC Sewer is about 500 feet away in McArthur Road; an extension would be needed in order to provide sewer to the site. Regarding

PWC Electrical service, this site is not within the PWC electrical service area.

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

Legal Description: The recombination survey map shows an overlap area and a gap area (See attached recombination survey map). Mr. Nelson will provide a final legal description to enable consideration of the ordinance before your public hearing on July 22 or he will ask that you table the petition.

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

BUDGET IMPACT:

Fiscal impact analysis involves a comparison of projected revenues with projected costs.

Projected Revenues: There will be revenues from the property tax and the stormwater fee.

However, these revenues have not been projected. There will be no population-based revenues, because the area has no population.

Projected Costs: No City operating departments have expressed concerns or unusual increases in costs to serve this area, if it is annexed.

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

OPTIONS:

1. Adopt the Annexation Ordinance with an effective date of July 22, 2013, and include approval of the final initial zoning action consistent with the prior action on the zoning.
2. Adopt the Annexation Ordinance with an effective date within six months of the date of passage of the ordinance, and include approval of the final initial zoning action consistent with the prior action on the zoning.
3. Do not adopt the Annexation Ordinance. This option means the property would remain outside the City and the initial zoning would not occur.
4. Table action on the requested annexation.

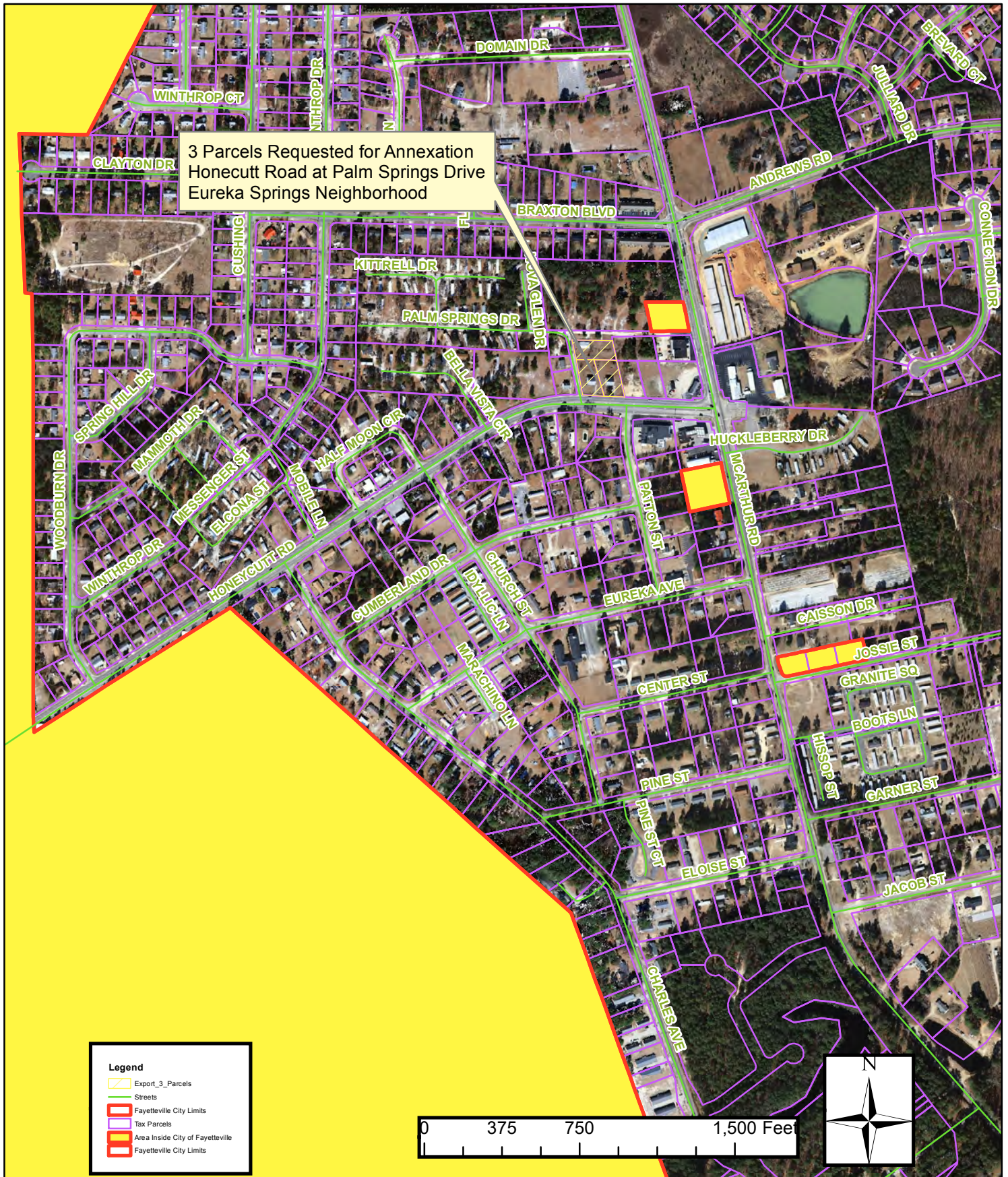
RECOMMENDED ACTION:

City staff recommends Option 1 (pending adequate legal description): that the City Council moves to adopt the proposed ordinance annexing the area effective July 22, 2013, and establish the initial zoning consistent with the prior action on the zoning case.

ATTACHMENTS:

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

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



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

BASIC INFORMATION ABOUT THE AREA**Information Updated as of: June 20, 2013****Date Petition Received: 3/5/13****Ordinance Adoption Date: / Effective Date:**

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

MEMO

To: David Nash, Planning Department

From: Brandy R. Bishop, Senior Paralegal

CC: To the file

Date: April 5, 2013

Re: Sufficiency of Annexation Petition

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

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

0521-50-6080- Maj Pt of Lot 1 Honeycutt Road M&B
0521-50-7080- Maj Pt of Lot 2 Honeycutt Road M&B
0521-50-7104- Lt 100 x 200 (0.46 Acres +/-) M&B

My search ended April 2, 2013 at 8:00 a.m.

Petition is now sufficient!

Annexation Ordinance No: _____

**Honeycutt Road at Palm Springs
Drive Property-Located in the
Eureka Springs Community-
Includes 3 Tax Parcels- (0521-50-
7080, 0521-50-6080, 0521-50-7104)**

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

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

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

WHEREAS, the City of Fayetteville has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on July 22, 2013, after due notice by publication on July 12, 2013; and

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous property owned by John Steven Sanders, Donna Lynn Muraski, and Charlotte A. Strickland is hereby annexed and made part of the City of Fayetteville, North Carolina as of July 22, 2013:

The Honeycutt Road at Palm Springs Drive Property-This approximately 1.32 acre area, located in the Eureka Springs community, is in the northeastern corner of the intersection of Honeycutt Road and Palm Springs Drive. The area consists of 3 tax parcels and 3 addresses: 0521-50-7080, at 1022 Honeycutt Rd; 0521-50-6080, at 1024 Honeycutt Rd; and 0521-50-7104, at 1020 Palm Springs Dr. There are currently two homes on the properties; commercial redevelopment is proposed.

Section 2. Upon and after July 22, 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__.

ATTEST _____
Pamela Megill, City Clerk

Anthony G. Chavonne, Mayor

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager, Planning and Zoning
DATE: July 22, 2013
RE: **Text amendment to City Code Chapter 30 various articles for clarification, consistency and adjustments to provide greater flexibility and options.**

THE QUESTION:

Text amendments (Set 8) to zoning and subdivision standards in City Code Chapter 30

RELATIONSHIP TO STRATEGIC PLAN:

Strong local economy

BACKGROUND:

The proposed amendments reflect corrections staff has been accumulating, or adjustments that staff considers minor that have emerged during daily application of the new development code. This is part of an on-going overall fine-tuning and correcting typical of completely re-written codes. There one section of more substantive change: the expansion of uses and ability to propose less restrictive numerical standards in conditional zoning requests. The Planning Commission considered a second more substantive item but requested, with staff concurrence, that that section be withdrawn for later consideration.

ISSUES:

There is one section of more substantive change: the expansion of uses and ability to propose less restrictive numerical standards in conditional zoning requests. The change to allow less restrictive conditions is intended to add flexibility relative to dimensional standards and to minimize the need to use an overly intense district or much higher density zoning district 'conditioned down' to one or two uses. That practice creates the expectation that the scale, character or full range of uses in that higher zoning district is appropriate for the area when, in fact, the very basis for the conditions is that the full range of uses or densities or scale are not acceptable.

All amendments to Chapter 30 are evaluated with regard to seven criteria. Please see attached report. All proposed changes are supportive of or consistent with these criteria.

BUDGET IMPACT:

No direct impacts.

OPTIONS:

1. Approve the set of minor adjustments as presented (recommended).
2. Approve the ordinance with changes.
3. Table action with direction to staff.
4. Deny the ordinance.

RECOMMENDED ACTION:

The Planning Commission and staff recommend that the City Council move to APPROVE the ordinance of minor adjustments to Chapter 30 as presented by staff.

ATTACHMENTS:

Draft Ordinance Chapter 30 Misc. (Set 8)
Evaluation Criteria

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE FOR CLARITY, CONSISTENCY, AND SMALL ADJUSTMENTS TO PROVIDE GREATER FLEXIBILITY AND OPTIONS IN REDEVELOPMENT (Set 8).

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. Change two sections to add the Alternative Signage Plan for Large Development as a review process and to change the hearing process to a simpler approach, as follows:

Section 1a. In Table 30-2.B.11: Required Public Hearings and Publicly Noticed Meetings [1] [2], add “Alternative Signage Plan for Large Development” and place a “P” in the Planning Commission column to indicate Publicly Noticed Meeting.

TABLE 30-2.B.11: REQUIRED PUBLIC HEARINGS AND PUBLICLY NOTICED MEETINGS [1] [2] S = STANDARD PUBLIC HEARING Q = QUASI-JUDICIAL PUBLIC HEARING P = PUBLICLY-NOTICED MEETING					
APPLICATION TYPE	BODIES CONDUCTING PUBLIC HEARING OR PUBLICLY-NOTICED MEETING				
	CITY COUNCIL	PLANNING COMMISSION	ZONING COMMISSION	HISTORIC RESOURCES COMMISSION	BOARD OF ADJUSTMENT

Alternative Signage Plan for Large Development	A	P			
NOTES					

Section 1b. In 30-5.L.10(f) change Item (4) to review and approval at a publicly noticed meeting of the Planning Commission, as follows:

30-5.L.10. (f) Large Development Alternative Signage Plan

- (4)** Review procedure. The city manager shall schedule the signage plan for Planning Commission consideration at a publicly noticed meeting to hear the request, consider any public comment, and make a decision. Appeal of the decision may be made to the City Council in accordance with procedures in 30-2.C.18 Appeal, Item (c) Initiation. In reviewing the proposed signage plan, the Planning Commission shall take the following matters into consideration.

Section 2. In 30-2.C.1 Map Amendment, under (e)(4) Appeal to City Council, in Item b delete the phrase “or any supermajority vote required in accordance with Section 30-2.C.1(f) Protest Petitions”. Further, insert a new Item b regarding protest petitions, to read as follows, and renumber as needed:

30-2.C.1. (e) (4) Appeal to City Council

- a.** Any person aggrieved by the Zoning Commission's recommendation (aggrieved party) shall have the right to appeal the recommendation to the City Council by filing a written notice of appeal with the City Clerk within ten days after the Zoning Commission's recommendation. If a notice of appeal is timely filed, the City Council shall hold a public hearing on the application in accordance with Section 30-2.B.12, Public Notification, and Section 30-2.B.13, Standard Public Hearing Procedures.
- b.** **If a protest petition is filed meeting the standards in Section 30-2.C.1(f) Protest Petitions, the City Council shall hold a public hearing on the application in accordance with Section 30-2.B.12 Public Notification and Section 30-2.B.13 Standard Public Hearing Procedures, and must approve the application by a supermajority vote as required by North Carolina General Statute 160A-386.**
- c.** If the Zoning Commission recommends approval of the application as submitted or with a reduction in the area included, or approval of a rezoning to a more restricted base zoning district, and no appeal is filed within the time limit prescribed in Section 30-2.C.1.e.4.a above, the City Council, at its next regular meeting, shall have the right to approve the application, by a majority vote of a quorum present, without an additional public hearing. The City Council shall not make any other decision on the application without first holding a public hearing in accordance with Section 30-2.B.12, Public Notification, and Section 30-2.B.13, Standard Public Hearing Procedures.
- d.** If the Zoning Commission recommends denial of the application, and no appeal is filed within the time limit prescribed in Section 30-2.C.1.e.4.a above, the action recommended by the Zoning Commission, along with its adopted Statement of Consistency and Reasonableness, shall be deemed to be the final action of the City Council.

Section 3. In 30-2.C.4 Conditional Rezoning, make the following changes to correct procedures and to modify the range of conditions that may be offered.

Section 3a. In 30-2.C.4(d)(6) Appeal to City Council, Item b, delete the phrase “or any supermajority vote required in accordance with Section 30-2.C.1(f) Protest Petitions”. Further, insert a new Item b regarding protest petitions, to read as follows:

30-2.C.4. (d) (6) Appeal to City Council

- b. If a protest petition is filed meeting the standards in Section 30-2.C.1(f) Protest Petitions, the City Council shall hold a public hearing on the application in accordance with Section 30-2.B.12 Public Notification and Section 30-2.B.13 Standard Public Hearing Procedures, and must approve the application by a supermajority vote as required by North Carolina General Statute 160A-386.**
- c. If the Zoning Commission recommends approval of the application, and no appeal is filed within the time limit prescribed in Section 30-2.C.4.d.6.a above, the City Council, at its next regular meeting, shall have the right to approve the application, by a majority vote of a quorum present, without an additional public hearing. The City Council shall not take any other decision on the application without first holding a public hearing in accordance with Section 30-2.B.12, Public Notification, and Section 30-2.B.13, Standard Public Hearing Procedures.**
- d. If the Zoning Commission recommends denial of the application, and no appeal is filed within the time limit prescribed in Section 30-2.C.4.d.6.a above, the action recommended by the Zoning Commission, along with its adopted Statement of Consistency and Reasonableness, shall be deemed to be the final action of the City Council.**

Section 3b. In 30-2.C.4(d)(8) Conditional Zoning, add new Items e and f as follows to allow conditions to add uses to or to have standards less restrictive than the base zoning, overlay or other applicable requirements in this Ordinance:

30-2.C.4. (d) (8) Conditions of Approval

- d. Except as provided in Items e and f below, no condition shall be less restrictive than the standards of the parallel general use (base) zoning district, any applicable overlay zoning district standard, or other applicable requirement in this Ordinance.**
- e. A condition may be proposed to add a use or a limited number of uses not otherwise permitted to the base district or applicable overlay zoning district in order to address unique site characteristics and position within the area or to promote good planning practice or community goals, provided such use or uses are deemed compatible with the surrounding development based on use characteristics and/or operation either generally or as limited by the conditions.**
- f. A condition may be proposed to modify dimensional standards that would be less restrictive than the base district or applicable overlay**

zoning district in order to address unique site characteristics or conflicts between standards that prevent good planning practice or achievement of community goals, provided such modifications to dimensional standards are deemed compatible with the surrounding development based on site design and/or operation either generally or as limited by the conditions.

Section 3c. In Section 30-2.C.4(i) Designation on Official Zoning Map, replace the phrase “prefix “C”” with the phrase “suffix “/CZ””, as follows:

30-2.C.4. (i) Designation on Official Zoning Map

Designation of a conditional zoning district on the Official Zoning Map shall bear the same designation as the parallel general use (base) zoning district but shall also include the suffix “/CZ”.

Section 4. In 30-2.C.16 Administrative Adjustment at the end of the last sentence following “shall not exceed 10 percent”, add the phrase “unless explicitly provided for in this Chapter”

Section 5. In 30-2.C.18(c) Appeal (Initiation), correct Items (1) and (2) to read as follows:

30-2.C.18. (c) Initiation

- (1)** Except for appeals of decisions on a Board of Adjustment Decision (Section 30-2.C.14), an appeal shall be initiated by filing a written Notice of Appeal with the Clerk within 10 days of the date of the interpretation or decision being appealed.
- (2)** Appeals of a decision ~~on a~~ by the Board of Adjustment shall be filed with the Superior Court of Cumberland County within 30 business days of the date of the decision or as provided in Section 30-2.C.14. (e) (4) Appeal.

Section 6. In 30-5.F.3(a) 30-5.F.6 and Table 30-5.F.6, modify as follows to eliminate conflicts and provide clarity:

Section 6a. In 30-5.F.3(a), clarify that certain other provisions may still apply:

30-5.F.3. Exemptions

(a) Development limited to a single lot shall be exempted from the following standards in this section except as may be required based on a traffic impact analysis or related analysis consistent with Section 30-5.M:

- (1)** Section 30-5.F.4, Streets;
- (2)** Section 30-5.F.5, Block Design; and
- (3)** Section 30-5.F.6, Development Entry Points;

Section 6b. In 30-5.F.5(a) change references from “subdivisions” to “developments” as shown below:

30-5.F.6. Development Access

(a)

Unless exempted in accordance with subsection (c) below, all development shall provide access from the development to the street system outside the development in accordance with Table 30-5.F.6, Required Access:

Section 7. 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 8. 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 22nd day of July, 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

PAMELA MEGILL, City Clerk

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

Proposed amendment: Staff-initiated text amendment to amend various sections of City Code Chapter 30 for clarification, consistency, and small adjustments to provide greater flexibility and options in redevelopment (Set 8).

Background: The proposed amendments reflect corrections staff has been accumulating, or adjustments that staff considers minor that have emerged during daily application of the new development code. This is part of an on-going overall fine-tuning and correcting typical of completely re-written codes. There are two sections of more substantive change: the expansion of uses and ability to propose less restrictive numerical standards in conditional zoning requests, and a change in the dimensions that trigger a required pedestrian pathway in a large parking lot. For the latter, experience with site plans for larger developments revealed that the 6 rows of parking requiring a pathway may be too short an area, but 6 bays is too great a distance. Staff is recommending 4 bays (parking row(s) and the access aisle between), or roughly every 250 feet.

The change to allow less restrictive conditions is intended to add flexibility relative to dimensional standards and to minimize the need to use an overly intense district or much higher density zoning district 'conditioned down' to one or two uses, when the scale, character or full range of uses in that zoning district is inappropriate for the area. The appearance and expectation generated by having to 'upzone' and condition down is that the higher density or greater commercial intensity is generally acceptable in that area when in fact it was not.

Analysis: The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the following table, although with basically 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, more attractive city 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, and inconsistencies that have been identified are being removed by this amendment.
3) Whether and the extent to which there are changed conditions that require an amendment;	These corrections and adjustments should remove some conflicts or areas of confusion and more accurately reflect current development needs and the most efficient yet effective review and approval process. The change related to less restrictive

	conditions for a Conditional Zoning District adds flexibility to achieve a better fit in specific areas without having to establish an overly intense or dense zoning (and, ultimately, development) that would conflict with public goals and plans.
4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;	These corrections and adjustments should remove some conflicts or areas of confusion and more accurately reflect development needs and an efficient and effective review and approval process.
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 related to less restrictive conditions for a Conditional Zoning District and the more relaxed standard triggering the provision of pedestrian pathways in large parking areas should provide greater flexibility to achieve a better fit in specific areas consistent with public goals and adopted plans.
6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and	The change to the conditional zoning district in particular would contribute to a more logical and orderly development pattern consistent with public goals and adopted plans.
7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment.	There should not be negative environmental impacts.

Options:

- Approval of the text amendment referred to as Set 7, to adjust and correct several sections of City Code Chapter 30 (recommended by staff)
- Approval with modifications of the proposed text amendments (Set 7).
- Denial of the proposed text amendments.
- Continue the hearing to a date certain with direction for further research or change.

Recommendation. Based on staff experience with the current code, staff recommends approval of the draft text amendments collectively referred to as Set 8.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Scott Shuford, AICP, Director, Development Services
DATE: July 22, 2013
RE: **Text amendments to City Code Chapter 30 for consolidation and adjustment of tree save, open space and parkland standards to provide greater flexibility and options in (re)development.**

THE QUESTION:

changes to tree preservation, open space and parkland standards in City Code Chapter 30 to provide greater flexibility and options in (re)development

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy
A Great Place to Live

BACKGROUND:

This amendment is the second major revision to the tree save, open space and parkland standards. Prepared in conjunction with a developer advisory group, these revisions consolidate and reduce the standards to better fit both community objectives and the range of sites, new development, and redevelopment options throughout the city.

The Planning Commission is scheduled to consider this amendment following a public hearing on July 16, 2013. The resulting action and final draft ordinance will be conveyed prior to your meeting.

ISSUES:

Continued experience with site plan reviews has illustrated the unusually large impacts the combination of stormwater, tree save, open space, and parkland requirements can have on the developable area of a site. The current standards plus stormwater facilities can require over 30% of a site in some instances, particularly for small sites. The revisions, developed in conjunction with a private sector advisory committee, make significant adjustments in the standards and the alternatives.

The attached report for the Planning Commission highlights the changes and evaluates the changes relative to seven criteria for text amendments to Chapter 30.

BUDGET IMPACT:

No direct impact.

OPTIONS:

1. Approve the ordinance revising tree save, open space and parkland standards as presented (recommended).
2. Approve the ordinance with changes.
3. Table action with direction to staff.
4. Deny the ordinance.

RECOMMENDED ACTION:

Recommendation pending Planning Commission action July 16, 2013.

ATTACHMENTS:

Draft Ord - Tree Save Op Sp and Pkland

Evaluation Criteria

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND City Code Chapter 30, various sections, to combine tree save, parkland and open space requirements, provide incentives and credits for certain features, and adjust standards to facilitate redevelopment and use of small lots.

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 last amended June 10, 2013, be amended as follows:

SECTION 1.0 Amend Section 30-2.C.9. STANDARDS AND REQUIREMENTS FOR DEVELOPMENT APPLICATIONS, CLEAR-CUTTING PERMIT to modify references to tree save areas under (a) and (e), as follows:

(a) Purpose and Intent

* * * * *

- (1)** Retain a percentage of tree canopy ~~as a tree save area~~ in furtherance of the city's effort to maintain and restore tree canopy coverage across the city;

* * * * *

(e) Clear-Cutting Permit Standards

A Clear-Cutting Permit shall be approved only upon a finding that all of the following standards are met:

- (1)** No trees proposed for removal are located in areas off limit to development, such as conservation easements, ~~dedicated open space or~~ tree save areas, floodplains, stream buffers and wetlands;

* * * * *

SECTION 2.0 Amend Section 30-3.G.2. GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT DISTRICTS to strike reference to 'parkland' under (a) and (g), as follows:

(a) Planned Development Master Plan

The Master Plan shall:

* * * * *

- (5)** Identify the general location, amount, and type (whether designated for active or passive recreation) of open space ~~/parkland~~;

* * * * *

(g) Planned Development Terms and Conditions

The terms and conditions document shall incorporate by reference or include, but not be limited to:

* * * * *

- (4) Provisions addressing how multimodal transportation, potable water, wastewater, stormwater management, open space/~~parkland~~, and other public facilities will be provided to accommodate the proposed development;

SECTION 3.0 Amend Section 30-5.B. LANDSCAPING AND TREE PROTECTION STANDARDS, removing the tree save area requirement, as follows:

Section 3.1 Amend Section 30-5.B.3. GENERAL REQUIREMENTS, to modify the text under (a) PreApplication Meeting and Tree Protection Plan, as follows:

(a) PreApplication Meeting and Tree Protection Plan

- (1) Prior to plan development and submittal, the applicant shall meet with the City and provide the City with a graphic depiction on an aerial map, illustrating the existing tree canopy and potential areas for preservation of existing healthy trees with good form. the location of the proposed tree save area, described in Section 30-5.B.6.f. Knowing the location and size of significant trees on the development site, facilitates a common understanding of what options and incentives are available helps the staff evaluate possible modifications to the proposed plans to preserve trees and improve the appearance of the proposed development while meeting the development goals of the applicant.
- (2) The applicant shall also provide information on the location and species of any trees having a DBH of 30 inches or greater which may currently exist on the site. Potential opportunities for tree preservation will be discussed. Tree preservation is to be determined in conjunction with the City's input.
- (3) Once determined, the applicant shall indicate the location of the tree save area(s) and tree protection zones on the development plans. Tree protection areas based on the trees' critical root zones shall be noted and drawn to scale on demolition, grading and erosion control, and landscaping plans. The general type, size and nature of the proposed tree save area(s) and identification of existing trees to be saved and credited toward landscaping requirements shall be included as a table, as well as being graphically illustrated (see Section 30-5.B.6, Tree Preservation and Section 30-5.B.8, Tree Preservation During Construction).
- ~~(4) Tree save areas must be described by metes and bounds on the recorded plat, individual recorded deeds, and all property association documents for land held in common.~~

Section 3.2 Edit Section 30-5.B.3. GENERAL REQUIREMENTS, (b) Landscape Plan, under item (3), by removing comma, as follows:

- (3) The landscape plan should be prepared by a professional, knowledgeable about plant material and design. Please refer to the City's landscaping guidelines for additional guidance on what is to be included on the landscape plan.

Section 3.3 Amend Section 30-5.B.3. GENERAL REQUIREMENTS, under (c) Coordination with Stormwater Requirements, as follows:

(c) Coordination with Stormwater Requirements

When required stormwater management facilities are enhanced as a site amenity (see Section 30-5.C.3.b.6, Stormwater Management Devices), they may qualify as a portion of the required open space/~~parkland~~. Determination of credit shall be at the discretion of the city manager in accordance with the provisions of Section 30-5.C.3.b.6.

Section 3.4 Amend Section 30-5.B.3. GENERAL REQUIREMENTS, (e) Planting Standards, under item (1) Existing Vegetation, to reduce the tree caliper size referenced, as follows:

(1) Existing Vegetation

Existing healthy, well-formed canopy and/or understory trees as well as healthy shrubs may be credited toward the requirements of this section, provided the vegetation meets or exceeds the minimum size standards and is protected before and during development of the site and maintained thereafter in a healthy growing condition (see Section 30-5.B.7, Tree Preservation Incentives).

- a. The property owner must include in a tree survey (see Section 30-5.B.6.d, Tree Survey) all existing trees **five four**-inch caliper or greater proposed to be saved to satisfy a portion of the planting requirements. A tree survey is otherwise not required.

Section 3.5 Amend slope ratio in Section 30-5.B.3. GENERAL REQUIREMENTS, (e) Planting Standards, under item (6) Berms, as follows:

(6) Berms

All berms shall comply with the following design standards:

- a. The slope of all berms shall not exceed a **two-to-one (2:1) three-to-one (3:1)** ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of eight feet above the toe of the berm.

Section 3.6 Amend Section 30-5.B.3. GENERAL REQUIREMENTS, (e) Planting Standards, under item (7) Limitations on Landscaping Placement, sub-item a, c, and e, as indicated:

(7) Limitations on Landscaping Placement

a. Within Easements

- i. **No trees shall be planted within water and sewer easements.** Nothing except groundcover **and approved shrubs (maximum height of 42")** shall be planted or installed within any underground or overhead utility, drainage, or gas easement, without the prior written consent of the utility provider, the City, or as provided for by the applicable easement agreement. Minimum clear separation distances required by the current adopted version of the North Carolina Fire Code shall be maintained for any fire protection system. **Access to manholes, meter boxes, and similar features shall be maintained.**

* * * * *

c. Utility-Owned Facilities

- i. Nothing except groundcover shall be planted or installed within five feet of an underground meter, without the prior written consent of the utility owner.
- ii. Nothing except groundcover **and approved shrubs** shall be planted or installed within ten feet of water and sewer main lines, without the prior written consent of the utility owner.

* * * * *

e. Change of Use and Expansion

Any additions or expansions shall meet the requirements of Section 30-7, Nonconforming Sites.

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Section 3.7 Amend the Notes section of Section 30-5.B.4. LANDSCAPING REQUIREMENTS, (d) Property Perimeter Landscape Buffers, TABLE 30-5.B.4.D.4: PROPERTY PERIMETER BUFFER TYPES, striking Note [1] and renumbering the remaining notes, as follows:

TABLE 30-5.B.4.D.4: PROPERTY PERIMETER BUFFER TYPES

* * * * *

NOTES:

[1] Where a tree save area is located adjacent to a property line, no additional buffer is required along that portion of the property line.

[1] Any required perimeter buffer width can be reduced to five feet with the provision of a solid masonry wall

six feet in height, along with ten shrubs per every 100 linear feet located outside the wall.

[2] Perimeter buffer widths (but not vegetation amounts) may be reduced in accordance with Section 30-5.B.4.f, Alternative Landscape Plan.

Section 3.8 Amend the Notes section of Section 30-5.B.4. LANDSCAPING REQUIREMENTS, (d) Property Perimeter Landscape Buffers, TABLE 30-5.B. 4.D.5: BUFFER TYPE APPLICATION, striking Note [4], as indicated below:

TABLE 30-5.B.4.D.5: BUFFER TYPE APPLICATION

NOTES:

* * * * *

[4] Where a tree save area is located adjacent to a property line, no additional buffer shall be required along that portion of the property line.

Section 3.9 Amend Section 30-5.B.6. TREE PRESERVATION, (b) Applicability, item (2) Exemptions, as follows:

(2) Exemptions

The following development shall be exempt from these standards:

- a. Land within the Downtown (DT) district;
- b. Existing single-family detached residential dwellings on lots of record established prior to the effective date of this Ordinance except for trees planted to fulfill the street tree requirements of Section 30-5.B.4.a; and
- c. Installation and maintenance activities conducted by utility providers within utility easements, public lands, or public right-of-way.

Section 3.10 Amend Section 30-5.B.6. TREE PRESERVATION, (d) Tree Survey, as follows:

(d) Tree Survey

Generally a tree survey is only required to illustrate the location, species, caliper, and condition of existing trees on the development site, which the developer is proposing to save and for which he/she shall receive landscaping or open space credit (see Section 30-5.B.7, Tree Preservation Incentives and Section 30-5.C.4, Bonuses and Incentives); In addition however, a tree survey is required for the purposes of documenting any tree having a caliper of 30 inches or greater. This information is used by the city manager in determining the exact location and extent of the required tree protection zone. The establishment of the required tree save area (see Section 30-5.B.6.f) does not require a tree survey submittal.

Section 3.11 Amend Section 30-5.B.6. TREE PRESERVATION, (e) Specimen Trees Identified, revising the title and adding items (1) and (2), as follows:

(e) Specimen Trees Identified Defined; Provisions for Removal

(1) Specimen trees defined.

Any healthy tree with a caliper measurement meeting or exceeding 30 inches shall be considered to be a specimen tree unless exempted under Section 30-5.B.7.(a)(2).

(2) Provisions for removal.

Removal of specimen trees, while strongly discouraged, may sometimes be necessary due to the location of a tree or trees on a site or the size of the site. Applicants desiring to remove specimen tree(s) shall present compelling site design arguments for such removal, such as lot size, building placement, driveway and other vehicular use area layout, and similar considerations or constraints to justify removal. Applicants shall familiarize themselves with the incentives for preserving specimen trees in Section 30-

5.C.4, Bonuses and Incentives). If justified by site design considerations or constraints and the incentives for preservation are deemed insufficient by the applicant, specimen trees may be removed upon payment of \$100.00 per caliper inch of the removed tree(s) into the City's tree fund.

Section 3.12 Delete Section 30-5.B.6. TREE PRESERVATION, (f) Tree Save Area Established, and (g) Payment-in-Lieu of Tree Save Area, *in their entirety*, and renumber as necessary.

Section 3.13 Amend Section 30-5.B.7. TREE PRESERVATION INCENTIVES, (a) Tree Preservation Credits, item (2) Exempted Trees, striking part of the sentence, as follows:

(2) Exempted Trees

The following trees, regardless of their size, shall be exempted from the requirements in this section ~~and do not qualify as tree save credit.~~

- a. Southern Yellow Pine;
- b. Bradford Pear;
- c. Mulberry; and
- d. Silver Maple.

Section 3.14 Delete Section 30-5.B.7. TREE PRESERVATION INCENTIVES, (a) Tree Preservation Credits, item (3) Additional Credits, *in its entirety*.

Section 3.15 Amend Section 30-5.B.7. TREE PRESERVATION INCENTIVES, (b) Credit Toward Open Space/Parkland, including the title and subsequent text, as follows:

(b) Credit Toward Open Space/~~Parkland~~

If significant ~~specimen trees or groves of three or more trees over 4-inch caliper~~ are preserved and protected during development of the site (beyond those ~~included in a required tree save area or~~ credited toward landscaping requirements), credit may be applied toward the required open space/~~parkland~~ acreage by calculating the area of the critical root zone circumference and multiplying that square footage by ~~two three~~, deriving a ~~200 300~~ percent credit. ~~(See also Section 30-5.C.4, Bonuses and Incentives.)~~

SECTION 4.0 Amend Section 30-5.C. OPEN SPACE/PARKLAND DEDICATION in all Subsections beginning with the renaming of the Section and renumbering, as needed:

Section 4.1 Revise the section title, to read: "30-5.C. OPEN SPACE DEDICATION"

Section 4.2 Modify Section 30-5.C.1, to strike reference to 'parkland' in item (a), (b), and (c), as indicated below:

1. PURPOSE AND INTENT

The purpose of this section is to:

- (a) Establish the standards under which residential, nonresidential, and mixed-use development shall dedicate a portion of the development area as open space/~~parkland~~;
- (b) Describe the procedure for determining the composition of open space/~~parkland~~ dedication. Innovative combinations of land dedication and actual development of public recreation facilities may be proposed for consideration; and
- (c) Set out the minimum ownership and maintenance standards for open space/~~parkland~~ dedication.

Section 4.3 Modify Section 30-5.C.2. APPLICABILITY, to strike reference to 'parkland' in item (a), (b), and (c), as indicated below:

2. APPLICABILITY

- (a) The provisions of this section shall apply to development of all land in the City subject to a Subdivision Plan (Section 30-2.C.6), Planned Development (Section 30-2.C.3), Site Plan (Section 30-2.C.5), or Building Permit (Section 30-2.C.12), as appropriate except that conservation subdivisions are exempt from these open space/~~parkland~~ standards, but remain subject to the conservation area standards of Section 30-6.D, Conservation Subdivisions. Additionally, development in the Downtown (DT) district and new residential development of three or fewer dwelling units shall be exempt from these standards. The term development shall include redevelopment sites subject to the provisions in Section 30-7, Nonconformities.
- (b) All development in the City subject to these standards shall provide open space/~~parkland~~ dedication in accordance with Table 30-5.C.3, Required Open Space/~~Parkland~~ Dedication.
- (c) The exact composition of the open space/~~parkland~~ dedication will vary from site to site based upon the proposed use and context of the parcel.

Section 4.4 Amend Section 30-5.C.3. OPEN SPACE/~~PARKLAND~~ STANDARDS, beginning with revising the title, amending subsequent items (a), (b), (c), (d), and (e) as follows, and including amending TABLE 30-5.C.3 and Figure 30-5.C.3.b.2:

3. OPEN SPACE/~~PARKLAND~~ STANDARDS

All areas proposed for dedication as open space/~~parkland~~ shall meet the following standards:

(a) Amount of Open Space/~~Parkland~~ Required

Development shall provide at least the minimum amounts of open space/~~parkland~~ identified in Table 30-5.C.3, Required Open Space/~~Parkland~~ Dedication, below:

TABLE 30-5.C.3: REQUIRED OPEN SPACE/PARKLAND DEDICATION		
USE CLASSIFICATION [1] DEVELOPMENT TYPE AND/OR SIZE	MINIMUM OPEN SPACE/PARKLAND AREA (AS PERCENTAGE OF DEVELOPMENT SITE AREA)	
	HLO ZONING DISTRICT NOT WITHIN DOWNTOWN (DT) [12]	ALL OTHER ZONING DISTRICTS
Residential [3] One acre or less	5% None	10% None
Public and Institutional Use Redevelopment sites less than five acres [2]	5%	10% 5%
Industrial [4] Redevelopment corridor sites five acres or greater [3]	5%	5% 7.5%*
Commercial and Mixed-Use Unimproved sites greater than one acre to 10 acres [4]	5%	10%*
Unimproved sites greater than 10 acres [4]	5%	15%*
Residential sites greater than one acre to five acres [5]	5%	10%**
Residential sites greater than five acres to 20 acres [5]	5%	15%**
Residential sites greater than 20 acres [5]	5%	20%**
All allowed uses in the CD district	50%	
*A minimum of 5% open space shall be provided on-site of which 50 percent must be usable.		
**A minimum of 10% open space shall be provided on-site of which 50 percent must be usable.		
NOTES:		
[1] See Table 30-4.A, Use Table.		
[2] Downtown (DT) district including any HLO district within it is exempt from the open space dedication requirements.		
[3] New residential development with three or fewer units shall be exempt from these requirements, as well as conservation subdivisions. Conservation subdivisions remain subject to the conservation area standards of Section 30-6.D, Conservation Subdivisions.		
[4] Includes the BP Business Park district except as otherwise noted in Table 30-4.A Use Table.		
[12] For the purpose of this Section, a "redevelopment site" is a site upon which a building		

TABLE 30-5.C.3: REQUIRED OPEN SPACE/ PARKLAND DEDICATION		
USE CLASSIFICATION [1] DEVELOPMENT TYPE AND/OR SIZE	MINIMUM OPEN SPACE/ PARKLAND AREA (AS PERCENTAGE OF DEVELOPMENT SITE AREA)	
	HLO ZONING DISTRICT NOT WITHIN DOWNTOWN (DT) [12]	ALL OTHER ZONING DISTRICTS

suitable for human occupancy has been constructed and which does not conform to the open space requirements of this Section. new investment and construction activity to make a site that had previously been improved with a habitable building, usable and habitable with a new or remodeled structure built to current standards.

[3] For the purpose of this Section, the term “redevelopment corridor” includes any road so designated by action of the City Council.

[24] For the purpose of this Section, an “unimproved site” is a site upon which no building suitable for human occupancy has been constructed. Unimproved sites that have been cleared of vegetation prior to submittal of development plans will incur a 5% clearing penalty added to the applicable percentage listed above.

[5] Residential sites that have been cleared of vegetation prior to submittal of development plans will incur a 5% clearing penalty added to the applicable percentage listed above.

(b) Nature of Open Space/~~Parkland~~ to be Dedicated

(1) Trees Required

Open space areas shall be planted with a minimum of 24 trees per acre unless otherwise specified or as approved by city manager (exceptions may include sports fields, areas with urban amenities, etc.)

Composition of the Open Space/~~Parkland~~ may include a variety of features and facilities as described below:

~~(4)~~(2) Usability of Dedicated Land

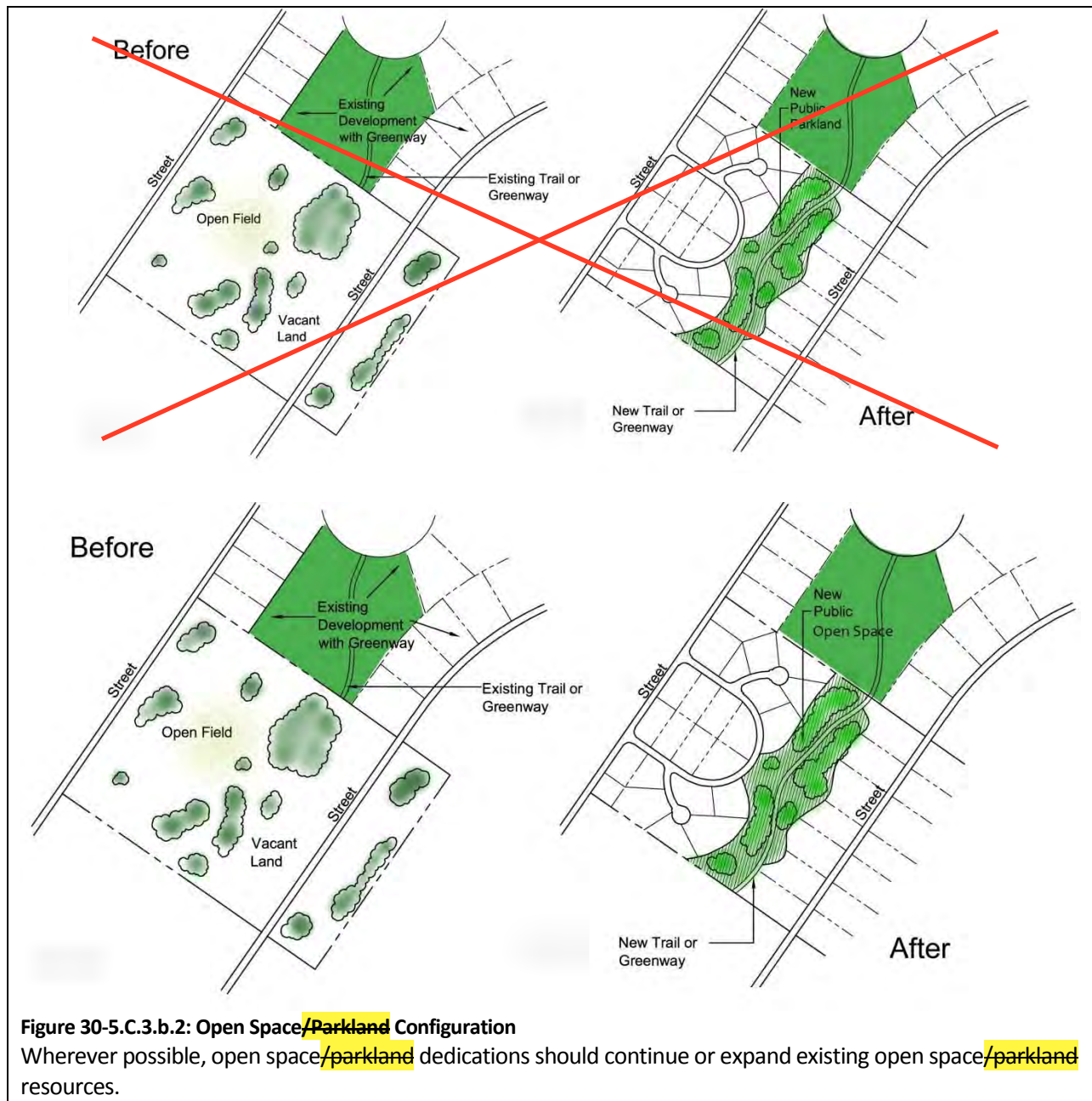
At least 50 percent of the dedicated land is to be usable for active or passive recreational facilities and shall be planned and improved with those facilities which support such use. Development plans shall include details of these facilities.

Facilities may include, but are not limited to, tennis courts, swimming pools, clubhouses, athletic fields, basketball courts, play grounds, open play areas, community gardens, roof gardens, green roofs, multi-use trails, picnic facilities, and urban features/amenities such as plazas and fountains. If in question, the usability of the dedicated land shall be at the determination of the city manager.

~~(2)~~(3) Size and Location

a. The open space/~~parkland~~ dedication should generally be concentrated in a single tract of land that encompasses the open space and its associated improvement, if any, regardless of whether the development is occurring in phases or sections. Larger projects may provide open space/~~parkland~~ in multiple areas, provided no one area is less than one-half acre in size. Exceptions may be provided at the discretion of the city manager based upon a determination that multiple or smaller tracts better serve the development or the interests of the City.

b. Residential open space should generally be centrally located and within ¼ mile of 80% of the lots or units. The city manager may require that trail easements or open space be the land dedicated be located on the periphery of the development in order to allow enlargement of future trail facilities or public parks by combining the open space/~~parkland~~ areas with adjacent development of park facilities when deemed to be in the best interest of the City’s current and/or long-range parks and recreation plans (see Figure 30-5.C.3.b.2, Open Space/~~Parkland~~ Configuration).



(3)(4) Access

Access shall be free, easy, and convenient to and from the open space/parkland area.

- a. In residential areas, the access shall be provided by means of streets and sidewalks, or walkways, or trail, with access right-of-way being a minimum width of 20 feet. Rights of way for this access shall be shown on the Site Plan or Subdivision Plan.
- b. All publicly dedicated open space/parkland areas shall have access by way of a public street. Dedicated areas that do not have frontage on a public street but are adjacent to existing or proposed public open space/parkland with access are exempt from this requirement, but may be required to provide pedestrian/bicycle access from the adjacent neighborhood.

(4)(5) Conservation Features

Conservation features such as the following may be counted toward the open space/parkland requirement:

- a. The 100-year floodplain;
- b. Wetlands under the jurisdiction of the Army Corps of Engineers or the State of North Carolina;
- c. Non-jurisdictional wetlands not under the jurisdiction of the Army Corps of Engineers or the State of North Carolina;
- d. Wildlife corridors or habitat utilized by endangered or threatened species;
- e. Tree protection zones associated with the preservation of significant trees beyond those included in required tree save areas (see Section 30-5.C.4.d);
- f. Natural fields and meadows;
- g. Prime agricultural lands that remain in agricultural use;
- h. Scenic corridors and views;
- i. Historic, archeological, and cultural resources; and/or
- j. Areas that could serve to extend existing public facilities, such as greenways, trails, parks or recreation areas.



Figure 30-5.C.3.b.7: Stormwater Amenities

Stormwater management devices configured as a site amenity may be credit towards open space ~~set-aside~~ dedication requirements.

(5)(6) Open Water Areas

No more than 50 percent of the total open space/~~parkland~~ ~~dedication set-aside~~ may be comprised of open water (lakes, natural ponds, streams, rivers, etc.).

(6)(7) Stormwater Management Devices

- a. Up to ~~fifty~~ 100 percent of land area occupied by ~~unfenced~~ stormwater management devices (including retention ponds, fully vegetated detention basins, and other bio-retention devices, ~~but not pervious pavement or~~ underground storage devices) may be counted toward the total open space/~~parkland~~ dedication requirement ~~in accordance with Section 30-5.C.4, Bonuses and Incentives~~. In order to qualify, the feature must be enhanced to function as a site amenity, and support passive recreational use by providing access as an integrated site feature. Slopes shall be no greater than three to one (3:1) and the feature shall include landscaping with native trees, shrubs, and littoral plantings as appropriate, and pedestrian elements such as pathways with benches (see Figure 30-5.C.3.b.6, Stormwater Amenities). An example of an amenity would be a lighted aerating fountain as an aesthetic focal point.
- b. A living green roof may be installed and maintained to satisfy all or a portion of the open space/~~parkland~~ dedication. The owner may be required to submit an annual inspection and maintenance report as outlined in the City's landscaping guidelines.

(c) Not Counted as Open Space/~~Parkland~~

The following areas shall not be counted as open space/~~parkland~~ dedication:

- (1) Remnants of land having no significance to the design of the site;
- (2) Land occupied by required landscaping, except as noted in Section 30-5.C.4, Bonuses and Incentives;
- (3) Private yards not subject to an open space/parkland or conservation easement;
- (4) Public street rights-of-way or private street easements, including sidewalks located within those rights-of-way or easements. Exceptions may be provided at the discretion of the city manager for rights-of-way accommodating multi-use trails;
- (5) Parking areas and driveways;
- (6) Land covered by structures not designated for recreational use; and
- (7) Designated outdoor storage areas;
- (8) Any area already designated as conservation easement;
- (9) Any significant tree(s) already taken as credit under Table 30-5.B.7.a, Tree Preservation Credits; and
- (10) Any area already designated or proposed as a tree save area.

(d) Provision in Multi-Phase Developments

Multi-phase development shall preserve open space/parkland in phases, so that the first phase of development does not contain 100 percent of the open space/parkland acreage allotted for the entire development, but does contain, at a minimum, its pro rata share of the total acreage. One hundred percent may be provided in the initial phase if the open space/parkland is central to the overall Site Plan and configured such that all phases will have reasonable access to the open space/parkland facilities.

(e) Maintenance of Open Space/Parkland Dedicated Areas

The owner of the land shall be responsible for maintenance of all open space/parkland dedicated areas. Failure to maintain open space/parkland areas or other community facilities in accordance with the approved Final Plat (Section 30-2.C.6.e) or Site Plan (Section 30-2.C.5) shall be a violation of this Ordinance subject to the remedies and penalties in Article 30-8: Enforcement.

Section 4.5 Amend Section 30-5.C.4. REDUCTIONS IN REQUIRED OPEN SPACE/PARKLAND DEDICATION to revise the title to “BONUSES AND INCENTIVES” and the subsequent text as indicated below:

4. BONUSES AND INCENTIVES REDUCTIONS IN REQUIRED OPEN SPACE/PARKLAND DEDICATION

The amount of land required to be designated for open space/parkland dedication may be reduced by use of any of the following bonuses and incentives in the following situations:

- (a) Saving specimen trees – 300 percent bonus for critical root zone circumference;
- (b) Saving groves of three or more existing trees over 4-inch in caliper – up to 300 percent bonus for critical root zone circumference depending on tree form and health;
- (c) Stormwater BMPs count 100 percent if designed as amenity AND include trees in the shelf area; minimum tree planting is 36 trees per acre and 3:1 maximum slope;
- (d) Stormwater BMPs count 50 percent if designed as amenity OR planted with trees in the shelf area; minimum tree planting is 36 trees per acre and 3:1 maximum slope;
- (e) Undisturbed uplands adjacent to streams and wetlands count 200 percent if a minimum of 30 feet in width; such areas shall be augmented as necessary to a minimum of 36 trees per acre;
- (f) Required property perimeter buffer areas count 100 percent if 30 feet or more in width;
- (g) Open space developed with urban amenities count 200 percent; NOTE: For the purpose of this section, “urban amenities” are pedestrian-oriented site features such as sidewalk cafes, outdoor waiting areas, courtyards, plazas, etc. ;
- (h) Fifty percent reduction in open space on nonresidential or mixed-use developments with the primary building (with floor area ratio greater than 0.15) located proximate to the street or corner right-of-way and when parking located to side or rear;

(i) If public parks or public recreational facilities are constructed consistent with a plan acceptable to the City within the development, the open space/~~parkland~~ acreage may be reduced in proportion to the value of the improvements made by the applicant, as determined by the city manager.

(j) If the land proposed for designation as open space/~~parkland~~ adjoins or is otherwise immediately accessible and connected to public open space/~~parkland~~, the acreage may be reduced by up to a maximum of 25 percent of the total.

(k) If substantial active recreational facilities (e.g., a pool and clubhouse) are provided to serve the residents of the development, the open space/~~parkland~~ acreage may be reduced in proportion to the value of the improvements made by the applicant up to a maximum of 50 percent of the total required acreage as determined by the city manager.

(l) If significant trees are preserved and protected during development of the site (beyond those included in a required tree save area or credited toward landscaping requirements), credit may be applied toward the required open space/~~parkland~~ acreage by calculating the area of the critical root zone circumference and multiplying that square footage by two, deriving a 200 percent credit.

Section 4.6 Modify Section 30-5.C.6. DETERMINING OWNERSHIP OF OPEN SPACE/~~PARKLAND~~ DEDICATION OR PAYMENT-IN-LIEU, beginning with revising the title and amending subsequent items (a), (b), and (c), as follows:

6. DETERMINING OWNERSHIP OF OPEN SPACE/~~PARKLAND~~ DEDICATION OR PAYMENT-IN-LIEU

The city manager shall review all proposals concerning open space/~~parkland~~ dedication with consideration given for relevant park plans adopted by the City and shall decide whether a payment-in-lieu of dedication or whether one of the following ownership options for dedicated acreage is acceptable:

(a) Ownership Options

The open space/~~parkland~~ dedication shall be clearly conveyed on the Site Plan, or the Final Plat, through recorded easement or separate tract, as appropriate.

(1) Retained on Private Lots

All required open space/~~parkland~~ dedicated areas to be retained under private ownership on an individual building lot shall be maintained through the use of a recorded easement prohibiting future development of the open space/~~parkland~~ except in accordance with this section. Exceptions may be provided at the discretion of the city manager, depending upon the type and acreage of the designated open space.

Such open space/~~parkland~~ dedication shall be clearly marked on the Site Plan, or the Subdivision Plan and Final Plat, as appropriate. Exceptions may be provided at the discretion of the city manager based upon a determination that multiple or smaller tracts better serve the development or the interests of the City.

(2) Homeowners or Property Owners Association

Developments having over 20 lots, shall designate open space/~~parkland~~ dedicated areas as a separate tract on the Subdivision Plan and Final Recorded Plat, to be held in joint or common ownership, through a recognized homeowners or property owners association, established in accordance with the following:

a. The landowner shall submit documents for the creation of the homeowners or property owners association to the City for review and approval, including the association's bylaws, all documents governing ownership, maintenance, and use restrictions for the open space/~~parkland~~ dedication, and a legal description of open space/~~parkland~~ dedication areas.

b. The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before issuance of the first Building Permit.

c. Membership in the association shall be automatic (mandatory) for all purchasers of land, dwelling units, or structures in the development, and their successors in title.

d. The association shall be responsible for liability insurance and local taxes on common open space/~~parkland~~ owned by it. Any fees levied by the association that remain unpaid will become a lien on the individual property in accordance with procedures established under the dedication

or organization document. The covenants and easements shall also prohibit future development of any common open space, for other than open space or recreational purposes, and shall provide for continued maintenance of any common open space and recreational facilities.

(3) Nonprofit Organization

The landowners may convey open space/~~parkland~~ to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the City is provided adequate assurance the dedication will be properly managed and maintained.

(4) Public Dedication and Conveyance

The landowners may convey open space/~~parkland~~ dedication to the City for public use, maintenance and management. This option requires the consent of the city manager to accept the open space/~~parkland~~ area for public use.

(b) Timing

The process to dedicate open space/~~parkland~~ acreage or pay a fee-in-lieu for all or a portion of the open space/~~parkland~~ requirements must be completed prior to the issuance of the Final Site Plan or Subdivision Plan approval first Building Permit (Section 30-2.C.12). All open space/~~parkland~~ improvements and facilities must be completed no later than the date on which certificates of occupancy are issued for the first 50 percent of the total number of dwelling units to be constructed within the project area.

(c) Voluntary Payment-In-Lieu

(1) Procedure for Approval

- a. The payment of such fees in-lieu shall be reviewed and approved as part of the Site Plan (Section 30-2.C.5), or Final Plat (Section 30-2.C.6.e), as appropriate. Any developer desiring to make such in-lieu fee payment shall attach a formal written request to the city manager.
- b. Upon receipt of the application, the city manager shall review the request and decide if it is in the best interest of the community to require dedication of open space/~~parkland~~ or accept a payment-in-lieu based on the standards in Section 30-5.C.3, Open Space/~~Parkland~~ Standards.
- c. Appeals of the decision of the city manager or the Technical Review Committee on the provision of open space/~~parkland~~ dedication shall be decided by the City Council in accordance with Section 30-2.C.18, Appeal.

(2) Amount of Payment

- a. The payment-in-lieu shall be calculated based upon the square footage of land required for dedication, consistent with the requirements of Table 30-5.C.3, Required Open Space/~~Parkland~~ Dedication. The land value factor contained in the fee schedule adopted annually by the City Council will be applied to the land area required for dedication to arrive at the payment-in-lieu amount.
- b. For developments and subdivisions containing more than 20 residential units, the payment-in-lieu option may only be used for up to 50 percent of the open space/~~parkland~~ requirements in order to ensure that these larger projects provide on-site open space/~~parkland~~ for their residents.

* * * * *

SECTION 5.0 Modify Section 30-5.G. SINGLE-FAMILY DESIGN STANDARDS, Subsection 3. DESIGN STANDARDS, item (a) as follows:

(a) Building Orientation

* * * * *

(2) Fronting Open Space/~~Parkland~~

- a. Except for single-family detached or attached development in a subdivision approved prior to July 1, 2011, or proposed as part of a zero lot line development of three acres or less, at least ten percent of all single-family dwellings shall front upon an open space/~~parkland~~ set-asides when part of a single-family detached or attached development .
- b. As an alternative to subsection (a) above, a developer may propose access to open space/~~parkland~~ facilities within or adjacent to a development via a right-of-way 20 feet wide that is reasonably accessible to all residents in a development.

SECTION 6.0 Modify Section 30-6.D. CONSERVATION SUBDIVISION, Subsection 5. DELINEATION OF CONSERVATION AREAS AND DEVELOPMENT AREAS WITHIN THE CONSERVATION SUBDIVISION, item (b), as follows:

(b) Ownership

The conservation area shall be considered as an open space/~~parkland~~ dedication, and it shall comply with the ownership requirements in Section 30-5.C.5.a, Ownership Options.

SECTION 7.0 Modify Section 30-7.F. NONCONFORMING SITES, as follows:

Section 7.1 Modify introductory comments in 30-7.F NON-CONFORMING SITES , as follows:

Interior or exterior remodel, expansion of uses or structures, or a change in use on a lot or site that does not comply with the off-street parking, landscaping, perimeter buffer, screening, ~~tree save area~~, and open space/~~parkland~~ requirements of this Article shall comply with the following standards:

Section 7.2 Modify Section 30-7.F.1. INTERIOR AND EXTERIOR REMODELING OF BUILDINGS OR STRUCTURES, including subsection item (a), as follows:

1. INTERIOR AND EXTERIOR REMODELING OF BUILDINGS OR STRUCTURES

If a Building Permit is required for interior or exterior remodeling of the building or structure, the remodeling or redevelopment shall require correction of existing on-site nonconforming off-street parking, landscaping, perimeter buffer, screening, ~~tree save area~~, and open space/~~parkland~~ standards in accordance with this section.

(a) Off-Street Parking, Landscaping, Perimeter Buffers, ~~Tree Save Area~~, Open Space/~~Parkland~~, and Screening

* * * * *

(2) More Than 25 Percent but Less Than 75 Percent of Structure Value

Remodeling in any continuous 12-month period that costs more than 25 percent but less than 75 percent of the current fair market or assessed value of the structure (at the option of the applicant) shall require that a corresponding percentage of the off-street parking, landscaping, perimeter buffer, screening, ~~tree save area~~, and open space/~~parkland~~ standards of this Ordinance be installed or upgraded on the site, until the site achieves 100 percent compliance. (For example, if a site has 20 of 30 required parking spaces (66 percent of the required parking) and the cost of the remodeling is 30 percent of the value of the building, then 30 percent of the total amount of required off-street parking shall be provided, or nine additional spaces, bringing the parking to 96 percent of the total amount of off-street parking required under this Article).

(3) 75 Percent or More of Structure Value

Remodeling projects that cost 75 percent or more of the current fair market value of the structure shall require 100 percent compliance with the off-street parking, landscaping, perimeter buffer, screening, ~~tree save area~~, and open space/~~parkland~~ standards of this Article.

Section 7.3 Modify Section 30-7.F.2, Additions and Expansions, (a) Off-Street Parking, Landscaping, Perimeter Buffers, Tree Save Area, Open Space/Parkland, and Screening beginning with the title and subsequent items (1) and (2), as follows:

(a) Off-Street Parking, Landscaping, Perimeter Buffers, ~~Tree Save Area~~, Open Space/~~Parkland~~, and Screening

(1) Expansion of 50 Percent or Less of Gross Square Footage Over Five Years

Expansions in any continuous five-year period, which result in a 50 percent or less increase in the gross square footage of the existing structure (measured at the beginning of the five-year period), require that a corresponding percentage of the off-street parking, landscaping, perimeter buffer, screening, ~~tree save area~~, and open space/~~parkland~~ standards of this Ordinance be installed or upgraded on the site, until the site achieves 100 percent compliance. (For example, if the addition is 25 percent of the area of the existing structure and the site contains only 50 percent of the required landscaping, 25 percent of the required landscaping for the entire site must be provided, thereby bringing the landscaping on the site to 75 percent of the total required.) Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.

(2) Expansion of Greater Than 50 Percent of Gross Square Footage Over Five Years

Expansions over any continuous five-year period, which result in a greater than 50 percent increase of the gross square footage of the existing structure (measured at the beginning of the five-year period), require the entire property to meet all of the off-street parking, landscaping, perimeter buffer, screening, ~~tree save area~~, and open space/~~parkland~~ standards of this Article.

Section 7.4 Modify Section 30-7.F.3, CHANGES IN USE, to remove reference to ‘tree save area’ and ‘parkland’, as follows:

3. CHANGES IN USE

Any change in use shall require the entire property to meet all of the off-street parking, landscaping, perimeter buffer, screening, ~~tree save area~~, and open space/~~parkland~~ standards of this Article.

SECTION 8.0 Amend Section 30-9. DEFINITIONS, deleting ‘Tree Save Area’, adding a definition for ‘Urban Amenities’ and modifying, as follows:

LAND VALUE FACTOR

For the purposes of determining a payment-in-lieu of ~~Tree Save Area or Open Space/Parkland~~ Dedication, each year the value of single family land in the City subdivided over the previous three years will be averaged to arrive at a Land Value Factor.

* * * * *

OPEN SPACE

Space suitable for passive recreation, gardens or landscaping which may include areas left in their natural state, trails, ponds, stream banks, recreation areas, areas of excessive slopes, low-lying areas, marshland, and environmentally-sensitive areas, ~~and urban amenities, and required landscaping areas~~. Such space must be free of automobile traffic and parking, and be readily accessible to all those for whom it is required.

* * * * *

OPEN SPACE/~~PARKLAND~~ DEDICATION

Portion of a proposed development required for ~~set-aside and recorded~~ as permanent open space/~~parkland~~ by Section 30-5.C, Open Space/~~Parkland~~ Dedication.

* * * * *

PUBLIC SQUARE OR PLAZA

Open space/~~parkland~~ generally open and readily accessible to the public and used by pedestrians for passive recreation and as an outdoor meeting or gathering place. Such uses normally are improved with amenities such as shelters, seating, fountains, art, and landscaping in contrast to large grassed areas.

* * * * *

SPECIMEN TREE

A ~~healthy~~ tree considered to be an important community asset due to its unique or noteworthy characteristics or values and which meet the minimum size thresholds included in Section 30-5.B.6.e, Specimen ~~Trees~~ Identified; Provisions for Removal.

* * * * *

TREE SAVE AREA

An area with a minimum of 36 trees/acre (or equivalent credit based on tree size, see Table 30-5.B.7.A, Existing Tree Credits) of clustered canopy and understory trees comprising a certain percentage of the development site, which is set aside for protection as part of the development process, and which is described by metes and bounds and recorded on the final plat, and which limits the location of buildings to greater than ten feet from the tree save area. (see Section 30-5.B.6.f, Tree Save Area Established).

* * * * *

URBAN AMENITIES

Pedestrian-oriented site features such as sidewalk cafes, outdoor waiting areas, courtyards, plazas, etc.

SECTION 9.0 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 10.0 It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the ____ day of August , 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

City Clerk

Staff Report Proposed Text Amendment

Proposed: Amend City Code Chapter 30, various sections, to combine tree save, parkland and open space requirements, provide incentives and credits for certain features, and adjust standards to facilitate redevelopment and use of small lots.

Background: This amendment is the second major revision to the tree save, open space and parkland standards. Prepared in conjunction with a developer advisory group, these revisions consolidate and reduce the standards to better fit both community objectives and the range of sites, new development, and redevelopment options throughout the city.

Continued experience with site plan reviews has illustrated the unusually large impacts the combination of stormwater, tree save, open space, and parkland requirements on the developable area of a site. Instead of what amounted to between 30 and 40% of the site, the revised open space standards plus stormwater facilities should not require more than 20 to 25% of the site area, if that much. Following are the major changes contained in this amendment:

- Individual single-family properties remain exempted from these standards;
- Tree save, open space, and parkland requirements are consolidated as “open space”;
- For nonresidential development including multi-family (more than three units):
 - 1 acre or less, no open space requirements;
 - Redevelopment sites less than five acres: 5% open space is required;
 - Unimproved sites greater than 1 acre up to 10 acres: 10% is required;
 - Redevelopment corridor sites 5 acres or greater: reduced to 7.5%.
- For residential subdivisions: (at least 10% must be on-site)
 - Sites greater than 1 acre to 5 acres: 10% open space is required;
 - Sites greater than 5 acres to 20 acres: 15% is required;
 - Sites greater than 20 acres: 20% is required.
- Specimen trees (trees 30 inches or more in diameter) or existing trees proposed for credit in landscaping or open space still require location on a site plan and review for any credit or removal. Instead of on site replacement when a specimen tree must be removed, \$100 per caliper inch may be paid into a tree planting fund.
- Incentives encourage protection of specimen trees and existing clusters of trees.
- Other incentives and options are offered for constrained or more urban sites.
- Stormwater facilities, whether LID or typical stormwater ponds, are more fully integrated into open space standards.
- Where open space is provided, at least 50% must be usable for passive or active recreation;
- In-lieu-payment may be made for the open space requirement except that for multi-family development over 20 units, at least 50% of the required open space must be provided on site.

Analysis: The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the following table, along with staff analysis of how the proposed changes relate to the evaluation standards.

Standard	Analysis
1) Whether and the extent to which the proposed amendment is consistent with	The City Strategic Plan envisions a strong local economy and livable neighborhoods. The revisions facilitate

all City-adopted plans that are applicable;	reinvestment in existing smaller sites, establish a more balanced standard for other commercial development, and, as important components of stable, enduring neighborhoods, continue to require some on-site open space and recreational facilities in larger subdivisions.
2) Whether the proposed amendment is in conflict with any provision of this Ordinance, and related City regulations;	There are no known conflicts. The coordination with stormwater standards involved both state and City staff.
3) Whether and the extent to which there are changed conditions that require an amendment;	These revisions incorporate ongoing experience during site plan review, evolution of some stormwater standards, and input from the development community and its experience with the standards. The changes address the cumulative impacts of stormwater, tree save, open space and parkland requirements, especially on smaller sites.
4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;	The revisions also provide incentives to retain significant stands of trees and specimen trees to add value to non-residential development and recognize the importance of trees in the public landscape and environment.
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 revisions facilitate reinvestment in existing smaller non-residential sites and provide incentives for redevelopment sites. Residential subdivisions will continue to be required to provide some on-site open space and recreational facilities.
6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and	The revisions establish a more balanced standard given the cumulative effects that stormwater, tree save, open space and parkland requirements have had in the past.
7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment	Protection of specimen trees and existing stands of trees is encouraged through strong incentives (extra credit up to 300%). Residential subdivisions must provide at least 50% of the required open space on site. Priorities continue to include identification and protection of environmentally sensitive areas of a site.

Recommendation: Based on staff research, review of the above standards and discussion with the UDO Advisory Committee, staff supports the proposed code amendments.

Options:

- Approve the text amendments as presented by staff (Recommended).
- Modify the proposed text amendments (must be more restrictive than advertised).
- Defer action with guidance regarding further research or change.
- Deny the proposed text amendments.

Attachments: Draft Ordinance

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: July 22, 2013
RE: **Uninhabitable Structures Demolition Recommendation**
442 S. Eastern Boulevard

THE QUESTION:

Ordinance to demolish dangerous structure.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards ordinance. The structures are vacant commercial buildings formerly used as a motel that were inspected and condemned as dangerous buildings on January 7, 2013. The motel was closed as a public nuisance by a Superior Court order in March 2012. A hearing on the condition of the buildings was conducted on January 23, 2013, in which the owner attended. A subsequent Hearing Order to repair or demolish the buildings within 60 days was issued and mailed to the owner on January 28, 2013. To date there have been no repairs to the buildings. The utilities to the office building have been disconnected since September 2012; utilities to the second building were disconnected approximately March 2012. There is no record of the utilities to the third building. In the past 24 months there have been 193 calls for 911 service to the property. There have been no code violation cases and no pending assessments. The low bid for demolition has yet to be determined.

ISSUES:

The subject property is sub-standard and detrimental to the surrounding area and promotes nuisances and blight, contrary to the City's Strategic Plan.

BUDGET IMPACT:

The demolition cost of this structure will be determined through a formal bidding process; there will be additional costs for asbestos testing and abatement if needed.

OPTIONS:

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

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the ordinance authorizing demolition of the structure.

ATTACHMENTS:

Aerial Map-- 442 S. Eastern Boulevard
Docket-- 442 S. Eastern Boulevard

Ordinance-- 442 S. Eastern Boulevard

Photo 1- 442 S. Eastern Boulevard

Photo 2- 442 S. Eastern Boulevard

Photo 3- 442 S. Eastern Boulevard

Photo 4- 442 S. Eastern Boulevard

Photo 5- 442 S. Eastern Boulevard

Photo 6- 442 S. Eastern Boulevard

Photo 7- 442 S. Eastern Boulevard

Photo 8- 442 S. Eastern Boulevard

Photo 9- 442 S. Eastern Boulevard

Photo 10- 442 S. Eastern Boulevard



Location: 442 S. Eastern Boulevard
PIN: 0437-90-7308

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	442 S. Eastern Boulevard
Property Owner(s)	Prakash and Daxababen Patel, Eastover, NC
Date of Inspection	January 7, 2013
Date of Hearing	January 23, 2013
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed January 28, 2013
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since September 2003.
	.
Police Calls for Service (past 2 yrs)	193

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 22nd day of July, 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:

442 S. Eastern Boulevard
PIN 0437-90-7308

BEGINNING at the intersection of the Western margin of Eastern Boulevard with the Northern margin of Bell Street and running thence with the Northern margin of Bell Street for a first call South 77 deg. 30 min. West 446.4 feet to a point; thence North 16 deg. 00 min. West 242.34 feet to a point; thence North 12 deg. 00 min. West 96.42 feet to a point; thence South 80 deg. 17 min. East 555 feet to a point in the Western margin of Eastern Boulevard; thence South 09 deg. 43 min. West 300 feet to the point of beginning. Containing 4.71 acres more or less.

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

Prakash Patel and wife Daxababen Patel
3236 Dunn Road
Eastover, NC 28312

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before April 28, 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-432, 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-432, the cost of the demolition 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-432 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 __22nd__ day of __July__, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



8-1-4-1



8-1-5-1



8-1-6-1



8-1-7-1



Electrical
Room



8-1-9-1



8-1-10-1





DO NOT
PUT IN
MACHINE
MACHINE
MACHINE



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Pamela Megill, City Clerk
DATE: July 22, 2013
RE: **Monthly Statement of Taxes for June 2013**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS:

Tax Statement - May 2013

Tax Statement - June 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

6/3/2013

FAYETTEVILLE MACC LEDGER

MAY 2013

2002-2012

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

MAY 2013

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

MAY 2013

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



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: July 1, 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 June 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

JUNE 2013

FVT: FAYETTEVILLE TAX (\$5.00)

7/3/2013

FAYETTEVILLE MACC LEDGER

2002-2012

JUNE 2013

2012 FAY RECYCLE FEE	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
772.28	0.00	189.20	321.51	0.00	0.00	68.89	68.89	0.00	0.00	0.00	0.00
590.99	0.00	719.40	360.51	0.00	0.00	50.00	50.00	84.00	168.00	266.00	0.00
385.03	0.00	67.70	487.79	0.00	0.00	50.00	50.00	0.00	0.00	0.00	0.00
372.43	0.00	427.74	208.98	0.00	0.00	52.92	52.92	0.00	0.00	0.00	0.00
1,828.33	0.00	37.73	418.66	0.00	0.00	85.00	85.00	0.00	0.00	0.00	0.00
741.34	0.00	378.72	131.51	0.00	0.00	21.66	21.67	12.00	24.00	38.00	0.00
304.00	0.00	25.42	212.23	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00
228.00	0.00	0.00	277.82	0.00	0.00	40.00	40.00	0.00	0.00	0.00	0.00
543.75	0.00	1,296.25	443.24	0.00	0.00	77.05	77.05	48.00	96.00	228.00	0.00
348.86	0.00	331.80	653.45	0.00	0.00	70.00	70.00	12.00	24.00	76.00	0.00
592.15	0.00	58.09	252.20	0.00	0.00	91.35	91.35	69.43	138.86	3.07	0.00
302.71	0.00	0.00	312.16	0.00	0.00	55.00	55.00	0.00	0.00	0.00	0.00
440.62	0.00	187.22	132.39	0.00	0.00	50.00	50.00	0.00	0.00	0.00	0.00
380.00	0.00	1.74	(47.80)	0.00	0.00	14.33	14.32	0.00	0.00	0.00	0.00
610.67	0.00	360.70	269.54	0.00	0.00	76.61	76.60	14.03	28.06	44.43	0.00
684.00	0.00	105.05	356.85	0.00	0.00	55.07	55.06	6.57	13.14	20.81	0.00
190.00	0.00	470.17	691.37	0.00	0.00	80.00	80.00	0.00	0.00	0.00	0.00
117.29	0.00	1.80	60.69	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00
657.20	0.00	142.96	(69.70)	0.00	0.00	15.00	15.00	12.00	24.00	38.00	0.00
1,221.46	0.00	4.53	546.11	0.00	0.00	68.20	68.20	4.46	8.92	14.12	0.00
76.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11,387.11	0.00	4,806.22	6,019.51	0.00	0.00	1,066.08	1,066.06	262.49	524.98	728.43	0.00

7/3/2013

FAYETTEVILLE MACC LEDGER

2002-2012

JUNE 2013

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
54.31	56.51	0.00	0.00	21.55	21.55	0.00	0.00	0.00	0.00	7.49	2.89	0.00
63.33	29.96	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	(48.63)	0.00
23.94	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5.69	(61.24)	0.00	0.00	10.85	10.84	0.00	0.00	0.00	0.00	0.00	19.07	0.00
0.00	137.82	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	0.00	15.87	0.00
222.94	(185.62)	0.00	0.00	(8.36)	(8.36)	12.00	24.00	38.00	0.00	208.02	65.79	0.00
0.00	59.07	0.00	0.00	14.64	14.65	0.00	0.00	0.00	0.00	0.00	19.18	0.00
0.00	117.03	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	73.01	0.00
17.46	17.83	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	58.09	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	59.97	0.00
12.20	107.98	0.00	0.00	28.36	28.36	0.00	0.00	0.00	0.00	0.00	33.70	0.00
0.00	9.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	19.20	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	11.06	0.00
0.00	(93.57)	0.00	0.00	(4.26)	(4.26)	0.00	0.00	0.00	0.00	0.00	(24.94)	0.00
35.74	44.22	0.00	0.00	20.00	20.00	0.00	0.00	0.00	0.00	49.02	59.10	0.00
12.20	61.45	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	84.18	0.00
0.00	78.09	0.00	0.00	23.03	23.03	0.00	0.00	0.00	0.00	0.00	33.70	0.00
12.69	28.73	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	2.35	0.00	0.00
142.96	(26.41)	0.00	0.00	15.00	15.00	12.00	24.00	38.00	0.00	0.00	30.42	0.00
92.67	21.25	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	47.70	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
696.13	479.87	0.00	0.00	220.81	220.81	24.00	48.00	76.00	0.00	266.88	482.07	0.00

7/3/2013

FAYETTEVILLE MACC LEDGER

2002-2012

JUNE 2013

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	2008 & PRIOR STORM WATER
0.00	8.91	8.91	0.00	0.00	0.00	0.00	20.35	109.04	0.00	0.00	25.59	0.49	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30.75	0.00	0.00	5.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	13.12	55.00	0.00	0.00	15.00	0.00	60.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	96.73	0.00	0.00	15.00	0.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	14.93	0.00	0.00	0.00	0.00	0.00
0.00	30.00	30.00	12.00	24.00	38.00	0.00	53.45	42.28	0.00	0.00	31.92	8.66	0.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	66.57	0.00	0.00	10.00	5.00	0.00
0.00	20.00	20.00	0.00	0.00	0.00	0.00	35.70	103.18	0.00	0.00	40.00	20.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.63	0.00	0.00	10.00	0.00	0.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	0.00	57.16	0.00	0.00	15.00	5.00	0.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	30.36	80.26	0.00	0.00	36.45	11.45	0.00
0.00	4.17	4.18	0.00	0.00	0.00	0.00	0.00	210.50	0.00	0.00	26.45	0.00	0.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	19.46	0.00	0.00	6.20	0.00	0.00
0.00	(5.00)	(5.00)	0.00	0.00	0.00	0.00	0.00	7.66	0.00	0.00	15.00	0.00	0.00
0.00	20.00	20.00	12.00	24.00	38.00	0.00	0.00	51.78	0.00	0.00	5.00	0.00	84.00
0.00	10.00	10.00	0.00	0.00	0.00	0.00	20.41	168.08	0.00	0.00	10.00	0.00	0.00
0.00	6.09	6.09	0.00	0.00	0.00	0.00	0.00	145.51	0.00	0.00	35.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00	12.77	0.00	0.00	5.00	0.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	(83.29)	0.00	0.00	(5.00)	(5.00)	0.00
0.00	6.51	6.50	0.00	0.00	0.00	0.00	0.00	279.85	0.00	0.00	35.00	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
0.00	155.68	155.68	24.00	48.00	76.00	0.00	233.39	1,518.85	0.00	0.00	336.61	45.60	144.00

7/3/2013

FAYETTEVILLE MACC LEDGER

2002-2012

JUNE 2013

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	1,463.41	0.00	15.78	31.55	0.00	44.16	88.20	61,205.90
0.00	0.00	0.00	689.34	0.00	22.28	44.53	0.00	70.77	41.04	23,988.41
0.00	0.00	0.00	713.61	0.15	43.97	14.06	0.00	20.08	37.74	18,415.22
0.00	0.00	0.00	788.50	0.00	17.98	35.94	0.00	20.68	42.96	25,986.43
0.00	0.00	0.00	1,546.82	0.00	15.55	31.11	0.00	104.33	66.38	53,521.52
0.00	0.00	0.00	1,400.98	4.95	28.06	56.10	0.00	69.07	76.01	55,070.88
0.00	0.00	0.00	1,228.61	0.00	28.42	56.89	0.00	17.80	41.15	35,957.27
0.00	0.00	0.00	680.17	0.00	4.16	8.35	0.00	13.21	61.32	25,401.56
0.00	0.00	0.00	1,020.44	0.00	16.30	32.60	0.00	67.30	61.84	33,134.18
0.00	0.00	0.00	926.49	0.00	22.05	44.14	0.00	29.50	73.03	31,738.83
0.00	0.00	0.00	1,283.27	0.00	27.87	55.71	0.00	40.37	83.13	51,163.29
0.00	0.00	0.00	559.13	0.00	4.29	8.57	0.00	13.58	34.77	18,371.06
0.00	0.00	0.00	711.38	0.00	7.65	15.29	0.00	26.41	39.69	15,286.18
0.00	0.00	0.00	684.36	0.00	7.08	14.17	0.00	22.40	32.28	23,267.66
0.00	0.00	14.38	910.13	0.00	73.70	27.90	1.68	44.17	58.57	26,559.03
0.00	0.00	0.00	877.80	0.08	11.20	22.37	0.00	39.80	54.41	56,238.28
0.00	0.00	0.00	858.06	0.00	7.65	15.29	0.00	11.00	42.89	27,808.48
0.00	0.00	0.00	800.09	5.13	23.03	46.02	0.00	9.47	20.90	22,398.06
0.00	0.00	0.00	888.10	0.00	15.13	30.25	0.00	52.33	33.81	31,545.52
0.00	0.00	0.00	1,865.90	0.00	25.93	51.92	0.00	69.16	63.76	58,235.03
0.00	0.00	0.00	108.25	0.00	1.40	2.79	0.00	4.41	5.63	9,169.72
0.00	0.00	14.38	20,004.84	10.31	419.48	645.55	1.68	790.00	1,059.51	704,462.51

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: July 22, 2013
RE: **Tax Refunds Less Than \$100**

THE QUESTION:

No action required. Information only.

RELATIONSHIP TO STRATEGIC PLAN:

Not applicable.

BACKGROUND:

The attached refunds for less than \$100 each were approved by the Cumberland County Special Board of Equalization for the month of June 2013.

ISSUES:

None

BUDGET IMPACT:

The budget impact is \$81.68.

OPTIONS:

Not applicable.

RECOMMENDED ACTION:

Information only. No action required.

ATTACHMENTS:

Tax Refunds Under \$100.00



July 22, 2013

MEMORANDUM

TO: Lisa Smith, Chief Financial Officer

FROM: Nancy Peters, Accounts Payable *NP*

RE: Tax Refunds of Less than \$100

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

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
S&S Tree Svc. & Equipment	1283531	2012	Illegal Tax Double Listed	2.00
Bright, Herbert	2106026	2011	Corrected Assessment	79.68
TOTAL				\$81.68