



FAYETTEVILLE CITY COUNCIL
AGENDA
FEBRUARY 11, 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 CONSENT

5.1 Approve Meeting Minutes:

November 13, 2012 Regular
November 14, 2012 Agenda Briefing
November 20, 2012 Special Meeting
November 26, 2012 Discussion of Agenda Items
November 26, 2012 Regular
December 3, 2012 WKS
December 10, 2012 Regular
January 23, 2013 Agenda Briefing

5.2 Addition of Certain Streets to the City of Fayetteville System of Streets

5.3 Calendar 2013 Federal Legislative Agenda

5.4 Adoption of the 2013-2014 State Legislative Agenda

5.5 City and PWC Consolidation Resolution and Budget Ordinance
Amendment 2013-9

5.6 A Resolution to seek the amendment of an Act to Require Counties and
Cities Near Military Bases to Give Notice of Land-Use Planning Changes
to such bases.

5.7 PWC - Phase 5 Annexation Areas 14 and 15

6.0 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.

- 6.1 Amendment to City Code Chapter 30 Development Standards to make various minor adjustments and corrections including consolidating duplicate sign sections; providing for canopy signs in the downtown district; revising the street yard definition; revising glazing, canopies and yard areas, and nonconforming sites and lots; and distinguishing between base district standards versus official design review (e.g. historic) standards.

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

7.0 OTHER ITEMS OF BUSINESS

- 7.1 Approval of the transit fare structure and amendment to the City's Fee Schedule.

Presenter(s): Randall Hume, Transit Director

- 7.2 Uninhabitable Structures Demolition Recommendations

303 Brookwood Avenue

1522 Lacy Street

324 Lincoln Drive

618 Mechanic Street

Presenter(s): Scott Shuford, Development Services Director

- 7.3 Revenue and Expenditure Report for Annual Funds for the Six-Month Period Ended December 31, 2012

Presenter(s): Lisa Smith, Chief Financial Officer

- 7.4 Hire Fayetteville First - Disparity Study Request For Proposals (Council Member Haire - request)

Presenter(s): Kristoff Bauer, Asst. City Manager

8.0 CLOSED SESSION

- 8.1 NCGS 143-318.11 Closed Session

Presenter(s): Ted Voorhees, City Manager

9.0 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

February 11, 2013 - 7:00 p.m.

COMMUNITY CHANNEL 7

COUNCIL MEETING WILL BE RE-AIRED

February 13, 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: Mayor and City Council
FROM: Pamela Megill, City Clerk
DATE: February 11, 2013
RE: **Approve Meeting Minutes:**

November 13, 2012 Regular
November 14, 2012 Agenda Briefing
November 20, 2012 Special Meeting
November 26, 2012 Discussion of Agenda Items
November 26, 2012 Regular
December 3, 2012 WKS
December 10, 2012 Regular
January 23, 2013 Agenda Briefing

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:

November 13, 2012 Regular
November 14, 2012 Agenda Briefing
November 20, 2012 Special Park Bond
November 26, 2012 Discussion of Agenda Items
November 26, 2012 Regular
December 3, 2012 WKS
December 10, 2012 Regular

DRAFT

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
NOVEMBER 13, 2012
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: Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Dana Clemons, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Rusty Thompson, Engineering and Infrastructure Director
Lee Jernigan, Traffic Engineer
Karen Hilton, Planning and Zoning Division Manager
Patricia Bradley, Police Attorney
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 Mayor Pro Tem Arp.

3.0 PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS AND RECOGNITION

Mayor Chavonne stated the Inner Mongolia Normal University (IMNU) was the first higher education institution established in China to educate minority students, especially Mongolians. He reported IMNU currently had approximately 36,000 full-time undergraduate students, 4,200 full-time graduate students, 400 international students, and 2,400 full-time faculty and staff members and approximately 50 percent of the students, faculty, and staff were minorities. He explained in 2004 Fayetteville State University (FSU) had established a partnership with IMNU and since then, IMNU had sent several students to study at FSU and a faculty member to assist FSU in establishing a Chinese program. He further explained in 2007 eight FSU students participated in a summer program hosted at IMNU and beginning in 2008 IMNU had provided full scholarships to FSU students enabling them to study Chinese. He announced that currently two FSU graduates were working on their Master degrees in Psychology and Economics at IMNU. He further announced that FSU and IMNU signed an agreement to establish a 2+2 Dual Degree Program which would enable more students from IMNU to study at FSU. Mayor Pro Tem Arp presented a plaque to the group and a City Coin to each visiting member.

Council Members Chavonne and Massey presented a proclamation to Mr. Jack Bowman, General Manager of Cape Fear Heroes, the 2012 American Indoor Football National Champion, proclaiming appreciation and admiration to the Cape Fear Heroes Professional Indoor Football Team and offering best wishes in all their future endeavors.

DRAFT

Council Members Chavonne and Davy presented a proclamation to Ms. Carol Thomas, Ms. Vickie Walter, Ms. Anita Buck, and Ms. Brenda Matthews from Amedisys Home Health Care and Mr. Wayne Wampler, Community Relations Representative for United Hospice of Eastern North Carolina, proclaiming November 2012 Home Care and Hospice Month.

4.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Arp moved to approve the agenda with the addition of Item 6.19, public hearing for November 26, 2012, for economic development incentives, and Item 6.20, Goodyear Tire Company - \$70,000.00 per year for the next ten years and providing a minimum of 2,000 employees.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

5.0 PUBLIC FORUM

Mr. S. Barnes, 4809 Ellsworth Drive, Fayetteville, NC 28304, expressed concerns regarding out of town roofing companies operating in the City.

Saint Michael, 8816 Tin Lizza Drive, Fayetteville NC 28314, announced he was organizing a fundraiser to purchase Christmas gifts for the 600 children in Cumberland County foster homes and care.

Ms. Wendy Michener, 223 Hillside Avenue, Fayetteville, NC 28301, announced she was leaving Fayetteville and invited everyone to attend a farewell "dessert pot luck" party for herself. She also spoke in favor of the Parks and Recreation Bond.

6.0 CONSENT

MOTION: Council Member Applewhite moved to approve the consent agenda with the exception of Item 6.8.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

6.1 Approval of a Municipal Agreement with NCDOT for maintenance of traffic signals on the State Highway System.

6.2 Approval of speed limit recommendations along Reilly Road near Old Raeford Road and at Ben Martin Elementary School.

CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1403 (From SR 3569 TO 0.23 mile south of SR 1400) - Car (55 MPH) and Truck (55 MPH)]. ORDINANCE NO. NS2012-037.

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1403 (Between 0.24 mile north of SR 3569 AND 0.23 MILE SOUTH OF SR 1400) - Car (55 MPH) and Truck (55 MPH)]. ORDINANCE NO. NS2012-038.

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1403 (Between SR 3569 and 0.24 mile north of SR 3569) - Car (45 MPH) and Truck (45 MPH)]. ORDINANCE NO. NS2012-039.

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1403 (Between 0.60 mile south of SR 1406 and 0.27 mile south of SR 1406 - Benjamin Martin Elementary School, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only) - Car (35 MPH) and Truck (35 MPH)]. ORDINANCE NO. NS2012-040.

CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRENCE [SR 1403 (Between 0.60 mile south of SR 1406 and 0.27 mile south of SR 1406 - Reilly Road Elementary

DRAFT

School, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only) - Car (35 MPH) and Truck (35 MPH)]. ORDINANCE NO. NS2012-041.

- 6.3 Award contract for culvert replacement on Murray Hill Road and Branson Creek to Sandy's Hauling & Backhoe Service, Inc., Roseboro, NC, lowest responsive, responsible bidder, in the amount of \$506,477.94.

Bids were received as follows:

| | |
|---|--------------|
| Sandy's Hauling and Backhoe Service, Inc. (Roseboro, NC) .. | \$506,477.94 |
| Utilities Plus, Inc. (Linden, NC) | \$536,754.66 |
| TA Loving Company Construction Services (Goldsboro, NC) .. | \$552,854.00 |
| Hine Sitework, Inc. (Goldsboro, NC) | \$554,873.00 |
| RF Shinn Contractor, Inc. (Concord, NC) | \$664,001.00 |
| Triangle Grading and Paving, Inc. (Burlington, NC) | \$748,045.10 |
| Lanier Construction Company, Inc. (Snow Hill, NC) | \$757,783.67 |
| ES & J Enterprises Inc. (Autryville, NC) | \$883,000.00 |

- 6.4 Bid recommendation for purchase of one cab and chassis with service body and PTO mounted compressor awarded to Terex Equipment Services, Inc., Rock Hill, SC, lowest bidder in the amount of \$97,481.30.

Bids were received as follows:

| | |
|--|--------------|
| Terex Equipment Services (Rock Hill, SC) | \$97,481.30 |
| Terex Equipment Services (Rock Hill, SC) | \$100,746.22 |
| Smith International (Fayetteville, NC) | \$101,971.00 |
| Piedmont Truck Center (Greensboro, NC) | \$112,000.00 |

- 6.5 Sale and redevelopment of 301 Bragg Boulevard AKA Old Days Inn site.

RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER TO PURCHASE AND DEVELOP CITY-OWNED PROPERTY COMMONLY KNOWN AS 301 BRAGG BOULEVARD AND AUTHORIZE PUBLICATION OF LEGAL NOTICE OF UPSET BID PROCESS PURSUANT TO N.C.G.S. § 160-269. RESOLUTION NO. R2012-044

- 6.6 Budget Ordinance Amendment 2013-7 (Encumbrances, designations and other items).

The amendment appropriated \$1,876,667.00 across several annually budgeted funds for purchase orders and contracts outstanding at the close of fiscal year 2011-2012, and \$1,200,541.00 in the General Fund for specific items designated from the fiscal year 2011-2012 budget and for unspent donations. The amendment also appropriated an additional \$82,439.00 from General Fund fund balance for other items which included \$8,803.00 to pay upfront software license costs for savings compared to lease costs, \$20,550.00 to conduct a community survey, \$30,000.00 for the Police Chief selection process, and \$23,086.00 for crime analysis software training for Police staff that was planned in fiscal year 2012, but not implemented.

- 6.7 Capital Project Ordinance Amendment 2013-20 (Airport - Rehabilitation of Taxiway "A" Pavement and Lighting).

The amendment appropriated \$163,250.00 in passenger facility charge revenue and reduced the transfer from the Airport Operating fund by \$163,250.00, resulting in no change in the overall budget for the project.

- 6.8 Pulled for discussion by Council Member Applewhite.

- 6.9 Approve meeting minutes:

August 6, 2012 - Work Session
August 13, 2012 - Regular

DRAFT

- 6.10 Request for public hearing at the November 26, 2012, 7:00 p.m., City Council meeting on the formation of a Citizen Review Board.
- 6.11 Bid recommendation to award annual contracts for purchase of miscellaneous electric inventory items as recommended by PWC to the lowest bidders.

Contracts were awarded as follows:

Contract #1: HD Supply Power Solutions (Wake Forest, NC)..\$437,082.90
Contract #2: WESCO Distribution (Raleigh, NC).....\$594,531.60
Contract #3: Stuart C. Irby (Rocky Mount, NC).....\$587,948.56

- 6.12 Resolution of the City of Fayetteville, North Carolina, approving a state loan promissory note.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, APPROVING A STATE LOAN PROMISSORY NOTE. RESOLUTION NO. R2012-043.

- 6.13 Award contract for resurface of various Streets, 2013 - Phase II, to Highland Paving Company, LLC, Fayetteville, NC, lowest responsive, responsible bidder, in the amount of \$1,966,095.19.

Bids were received as follows:

Highland Paving Company LLC (Fayetteville, NC).....\$1,966,095.19
Barnhill Contracting Company (Fayetteville, NC).....\$2,213,111.35
Zoladz Construction Co., Inc. (Fuquay Varina, NC).....\$2,454,875.70

- 6.14 Special Revenue Fund Project Ordinance Amendment 2013-5 (Washington Drive School Site Project).

The amendment added an additional \$12,245.00 to the project budget for demolition and asbestos abatement.

- 6.15 Special Revenue Fund Project Ordinance Amendment 2013-3 (CDBG Program) and Special Revenue Fund Project Ordinance Amendment 2013-4 (HOME Program).

The amendments appropriated program income for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME) in the amounts of \$131,383.00 and \$56,123.00 respectively.

- 6.16 Tax refunds of greater than \$100.00.

| Name | Year | Basis | City Refund |
|---------------------------------|------|----------------------|-----------------|
| ActivCare Physical Therapy, LLC | 2011 | Corrected Assessment | \$224.16 |
| Mansour, MA | 2011 | Corrected Assessment | 287.43 |
| Total | | | <u>\$511.59</u> |

- 6.17 The Public Works Commission of the City of Fayetteville requests Council approve tentative award of contract for Outfall Rehabilitation Project to Insituform Technologies, Chesterfield, MO, lowest responsive, responsible bidder, in the amount of \$2,736,171.00 and adopt resolution.

Bids were received as follows:

Insituform Technologies (Chesterfield, MO)\$2,736,171.00
SAK Construction, LLC (O'Fallon, MO)\$3,355,120.00
Layne Inliner, LLC (Charlotte, NC)\$3,779,400.00
Am-Liner East (Berryville, VA)\$4,320,499.00

RESOLUTION OF TENTATIVE AWARD OUTFALL REHABILITATION. RESOLUTION NO. R2012-042.

DRAFT

- 6.18 Resolution to adopt the 2013 proposed City Council meeting dates calendar.**

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA, TO ADOPT THE 2013 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS. RESOLUTION NO. R2012-045.

- 6.19 Set a public hearing for November 26, 2012, economic development incentives.**

- 6.20 Goodyear Tire and Rubber Company - Amendment to Incentive Agreement dated January 1, 2008.**

The incentive payment was established at \$70,000.00 per year with the first incentive payment to be paid by January 1, 2013, and continuing for nine more years as long as employment at the Fayetteville plant remained above 2,000 personnel.

- 6.8 Resolution introducing Bond Order authorizing \$45,000,000.00 Parks and Recreation Bonds, setting the public hearing thereon, and other related matters.**

This item was pulled for discussion by Council Member Applewhite. She stated she had sent an e-mail to Ms. Lisa Smith, Chief Financial Officer, to inquire what the total financial cost of the Parks and Recreation Bond would be. She requested that Ms. Smith repeat the information she had provided for the benefit of the citizens. Ms. Smith explained the total amount for the bond package was an amount not to exceed \$45 million which was the principal amount. She further explained a scenario was created where they estimated a 5 percent interest cost on the \$45 million which was a very conservative estimate. She stated the cost to conduct the bond referendum was approximately \$18,000.00 and the cost of the educational campaign was roughly \$74,000.00.

Council Member Applewhite stated a final good faith estimate that included the bond package, interest, and transfers from the general fund would amount to approximately \$83 million at the end of a 20-year period. She further stated at the previous work session a discussion had taken place regarding moving the tennis and sports complexes to Shaw Heights and requested that Mr. Michael Gibson, Parks, Recreation and Maintenance Director, provide an overview of why the Shaw Heights location became an option for these facilities. Mr. Gibson responded that I-295 was located there and with it there was an opportunity to generate economic opportunity. He explained the Shaw Heights location had better terrain than the original location.

A brief discussion period ensued regarding the possibility of eminent domain to acquire all of the necessary parcels should this location be selected.

Council Member Applewhite inquired of Mr. Gibson if Fort Bragg was included when they counted the population. Mr. Gibson responded in the affirmative.

Council Member Applewhite inquired if the six swimming pools on Fort Bragg were considered in the package. Mr. Gibson replied in the negative and explained only 15 percent of enlisted military resided on Fort Bragg and recreational service areas were based on zip codes.

Council Member Applewhite inquired what the planned fee for an annual pass was for a family of four to utilize the aquatic center. Mr. Gibson responded it was \$600.00 and families unable to pay that amount could have the fee cut by 50 percent if they met the criteria for the discount.

Council Member Applewhite inquired of Mr. Kristoff Bauer, Assistant City Manager, as to what the budget was for the education

DRAFT

outreach program. Mr. Bauer responded it was \$74,000.00 to cover the costs of providing educational meetings, brochures, advertising, salary for an intern, media buys, and a commercial.

Council Member Applewhite inquired if the \$83 million price tag had been disclosed at the educational meetings. Mr. Bauer responded the ballot measure that would be in front of the voters was for the \$45 million and that was the amount of debt authorized by statute.

Council Member Hurst inquired of Mr. Bauer if the 5 percent interest rate was a very conservative estimate. Mr. Bauer responded in the affirmative and stated recent bond issues had an interest rate of 3.5 percent.

Council Member Hurst stated that citizens would be voting on a general obligation bond of \$45 million and not \$83 million and inquired of Mr. Bauer if that was a true statement. Mr. Bauer replied in the affirmative.

Council Member Fowler stated it was impossible to give a good faith estimate when the interest rate was not known. He further stated they needed to publish the amount the City would be borrowing, not what the City would be paying back which was the requirement of State law.

Mayor Pro Tem Arp stated once the County withdrew from the Parks and Recreation bond package, the City began looking at alternative sites for the sports complex. He stated from an economic development standpoint, the major corridors they were looking at were Bragg Boulevard and Murchison Road. He inquired of Mr. Gibson if locating a sports facility would bring about revitalizing economic growth. Mr. Gibson responded having the traffic in the area would be a positive impact and deferred the question of economic development to the City Manager. Mr. Ted Voorhees, City Manager stated the proximity of interchange I-295 with the Bragg Boulevard and Murchison Road corridor coupled with a major sports complex was a very compelling economic generator.

Mayor Chavonne inquired of Mr. Gibson how many meetings he had attended to help educate the bond package. Mr. Gibson responded approximately 40.

Mayor Chavonne inquired how the meetings had fared. Mr. Gibson responded he had gone before many diverse groups within the community and the responses had been supportive and overwhelmingly recognizant of the value in the proposal put forward.

Mayor Chavonne stated the purpose of the item was to set a public hearing for November 26, 2012, to give the citizens an opportunity to come to the Council meeting and voice their opinion.

Council Member Davy inquired how a group, such as church, civic, and organization groups, could arrange to have the City provide an educational briefing on the Parks and Recreation bond proposal. Mr. Gibson responded all they would need to call the Parks and Recreation Department and schedule an appointment, and presentations could also be provided on Saturdays and Sundays.

Further discussion ensued regarding public transportation to recreation facilities, travel to larger areas that facilitate all-star games, and safe walking areas to proposed swimming pool facilities.

MOTION: Council Member Hurst moved to adopt the resolution introducing the bond order authorizing \$45,000,000.00 Parks and Recreation Bonds, designating the Chief Financial Officer to make and file the sworn statement of debt with the City Clerk; directing the City Clerk to present that statement, and schedule the public hearing on the bond order for November 26, 2012, at 7:00 p.m. in the Council

DRAFT

Chambers; and direct the City Clerk to publish the bond order in The Fayetteville Observer not later than six days before the public hearing.

SECOND: Council Member Davy

SUBSTITUTE MOTION:

Council Member Applewhite moved to delay adoption of the resolution introducing the bond order authorizing \$45,000,000.00 Parks and Recreation Bonds and setting a public hearing until such time as the community could be better educated on the projects and their locations and until such time as the City established a clear outline of the community outreach for educating the citizens.

SECOND: Council Member Haire

VOTE: FAILED by a vote of 4 in favor to 6 in opposition (Council Members Chavonne, Arp, Hurst, Bates, Fowler, and Davy)

ORIGINAL MOTION VOTE:

FAILED by a vote of 4 in favor to 6 in opposition (Council Members Fowler, Bates, Applewhite, Massey, Haire, and Crisp)

7.0 PUBLIC HEARINGS

7.1 Amendment to City Code Chapter 30 to create a Business Park zoning district with related changes in use definitions and classification.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. She stated the proposed amendment was drafted as a new Business Park zoning district to define allowed principal and accessory uses, development standards, sign regulations, and other related standards for development. She explained the district would be placed on a property of 50 acres or more only through the normal map change (rezoning) process and could be accompanied by a conditional zoning request to establish more specific standards or list of uses. She further explained the zoning district was intended to address the need for a wide mix of uses consistent with models of successful industrial or business parks. She stated the Commission discussed advantages and disadvantages of an overlay versus a new base district and the members recommended a base district format as presented in the ordinance. She stated the two primary issues were (1) a district with a sufficiently wide range of allowed uses and less stringent setback standards and (2) a framework of development standards that would encourage compatibility among such diverse uses but would also allow the developer room to establish more specific standards to create the identity and unifying features important to such parks. She advised the Planning Commission and staff recommended adoption of the proposed ordinance as presented creating a new Business Park base zoning district based upon the finding that all seven standards for review of zoning text amendments listed in Article 30-2 had been met.

A brief discussion period ensued.

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 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. ORDINANCE NO. S2012-024.

MOTION: Council Member Bates moved to adopt the proposed ordinance as presented creating a new Business Park base zoning

DRAFT

district, based upon the finding that all seven standards for review of zoning text amendments listed in Article 30-2 had been met.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

- 7.2 Amendments to City Code Chapter 30 to make corrections and minor adjustments to various sections, tables, and figures, including setbacks in SF-10, SF-15, and NC districts, auto-oriented standards, parking and loading, calculating gross residential densities, zero lot line, paint/body shop standards, easements and setbacks, performance bonds, glazing in DT district, and other changes consistent with interpretations to date.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and stated staff had identified additional corrections and minor changes or cleanup through regular use of the new Development Code and comments received from the private sector users. She further stated the Unified Development Ordinance (UDO) provided seven standards of review for proposed text amendments. She explained the ordinance was consistent with those standards as provided in the staff report. She advised the Planning Commission and staff recommended adoption of the amendments as presented by staff based on the finding that all seven review standards provided in Article 30-2 for text amendments had been met.

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.

A brief discussion period ensued pertaining to fast food establishments' pick-up windows, entrances, and exits.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO MAKE MINOR CORRECTIONS AND ADJUSTMENTS INCLUDING SETBACKS IN NC DISTRICTS, AUTO-ORIENTED STANDARDS, PARKING AND LOADING STANDARDS, CALCULATION OF GROSS RESIDENTIAL DENSITIES, ZERO LOT LINE, RESIDENTIAL CORNER SIDE AND REAR SETBACKS, PAINT AND BODY SHOP STANDARDS, SETBACK COMPLIANCE AND EASEMENTS, PERFORMANCE BONDS, GLAZING IN DOWNTOWN DISTRICT, AND OTHER CHANGES CONSISTENT WITH INTERPRETATIONS TO DATE AS WELL AS OTHER CORRECTIONS INCLUDING NUMEROUS FIGURES (COLLECTIVELY REFERRED TO AS SET 6). ORDINANCE NO. S2012-025.

MOTION: Council Member Crisp moved to adopt the amendment as presented by staff based on the finding that all seven review standards provided in Article 30-2 for text amendments had been met.

SECOND: Council Member Hurst

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

- 7.3 Request by Lamar Advertising for an amendment to City Code Chapter 30 to permit conversion of an existing billboard to a digital face with the removal of two other existing billboard faces.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item with the aid of a power point presentation. She provided background on a text amendment change requested by Lamar Outdoor Advertising that would allow the installation of a single digital billboard to replace three conventional billboard faces, including the face being upgraded to digital. She briefly reviewed the current standards and regulations and advised current regulations would not permit digital billboards as new billboards were only allowed in LI and HI industrial districts and only if they met specific standards for spacing. She stated currently nonconforming billboards could be upgraded under certain standards through a hearing process at the

DRAFT

Planning Commission. She stated the objective was a public benefit for the gradual reduction in number, in exchange for those that remained better maintained, stronger, and more attractive. She stated the few existing digital billboards in the City were the result of a 2008 agreement between the City and Lamar Advertising which had allowed one nonconforming billboard face to upgrade to digital with removal of three other nonconforming billboard faces. She stated in this request, the focus on nonconforming signs was deleted to allow the upgrade of a conforming billboard face to digital with the removal of any two other existing billboard faces. She stated there was no opposition at the Planning Commission and there were three representatives of Lamar Advertising speaking in favor of the amendment, including the changes recommended by staff except for the higher trade-off ratio of 3 for 1. She stated among discussion items, the Planning Commission considered the potential of a more rapid upgrading to digital with the lower trade-off rate. She advised the staff and Planning Commission recommended that the transfer/upgrade process be placed in the Nonconformities chapter (Art. 30-7) because nearly all upgrades or transfers would be nonconforming signs. She further advised the fundamental objective would continue to be to amortize nonconforming billboards, steadily reducing the number while allowing maintenance that would acknowledge changes in technologies. She stated an administrative permit process was recommended instead of the public hearing. She concluded by stating the staff recommended a 3 for 1 transfer for an upgrade to a digital face for the following reasons:

1. The upgrade would enable a disproportionate increase in the number of advertisements capable of being displayed on the upgraded digital face during any given period versus the static faces.
2. The 3:1 exchange would reduce the overall number of billboards a little more rapidly and would have the effect of capping the total number of digital billboards in the future at a slightly lower level.
3. While this was a different situation, the 3:1 transfer rate seemed effective during the settlement period.

Ms. Hilton stated the Planning Commission reasoned that the requested 2:1 trade-off would encourage a more rapid upgrading of the existing nonconforming billboards around the community while continuing to reduce the total number of billboards.

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

Mr. Neil Yarborough, 115 Russell Street, Fayetteville, NC 28301, appeared in favor on behalf of Mr. Lloyd Johnson, Mr. Mark Stocks, and Ms. Rebecca Eatman-Jackson and requested Council vote to approve the Planning Commission's recommendation.

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

Council Member Crisp inquired of Mr. Yarborough how many digital billboards Lamar Advertising planned to erect in the next year. Mr. Yarborough responded five.

Further discussion ensued regarding locating boards that needed to be taken down.

Mr. Ted Voorhees, City Manager, stated the amendment would look better with a revision to the sign code and the settlement agreement was driven by a standalone treatment of the particular type of sign, not a community based project.

Mayor Pro Tem Arp inquired how much it would cost to advertise on digital billboard signs. Mr. Yarborough responded it would be

DRAFT

dependent on several factors, length of advertising period, amount of data, etc.

Further discussion ensued pertaining to the 2 for 1 and 3 for 1 exchange, billboards serving a beneficial purpose, and consistency with the sign code.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30, UNIFIED DEVELOPMENT ORDINANCE, TO ALLOW CONVERSION OF AN EXISTING NONCONFORMING STATIC BILLBOARD FACE TO A DIGITAL BILLBOARD FACE UNDER CERTAIN CONDITIONS. ORDINANCE NO. S2012-026.

MOTION: Mayor Pro Tem Arp moved to deny the request and address the sign code update.
SECOND: Council Member Davy
VOTE: FAILED by a vote of 3 in favor to 7 in opposition (Council Members Applewhite, Crisp, Fowler, Bates, Massey, Haire, and Hurst)

MOTION: Council Member Bates moved to approve the request with a trade-off of 3:1.
SECOND: Council Member Applewhite
VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Fowler, Arp, and Hurst)

8.0 OTHER ITEMS OF BUSINESS

8.1 National League of Cities (NLC) Conference Voting Delegates

Mr. Ted Voorhees, City Manager, presented this item and stated the NLC's Annual Business Meeting would be held on December 1, 2012. He stated as a direct member city, Fayetteville was entitled to vote at this meeting. He advised in order to cast votes on behalf of the City of Fayetteville, the City Council must select one Voting Delegate and one Alternate Voting Delegate. He stated City Council members attending this years' conference were Mayor Chavonne and Council Members Bates, Davy, and Fowler.

MOTION: Council Member Fowler moved to nominate Council Member Bates as the Voting Delegate and Council Member Bates nominated Council Member Fowler as the Alternate Voting Delegate.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

9.0 ADMINISTRATIVE REPORTS

9.1 Monthly statement of taxes for September 2012.

| | |
|----------------------------|----------------|
| 2012 Taxes | \$2,164,853.03 |
| 2012 Vehicle | 311,668.56 |
| 2012 Taxes Revit | 4,736.81 |
| 2012 Vehicle Revit | 215.60 |
| 2012 FVT | 37,165.58 |
| 2012 Transit | 37,165.56 |
| 2012 Storm Water | 78,863.19 |
| 2012 Fay Storm Water | 157,981.67 |
| 2012 Fay Recycle Fee | 104,384.60 |
| 2012 Annex | 0.00 |
| 2011 Taxes | 31,704.86 |
| 2011 Vehicle | 61,215.97 |
| 2011 Taxes Revit | 22.26 |
| 2011 Vehicle Revit | 0.00 |
| 2011 FVT | 8,462.33 |
| 2011 Transit | 8,462.31 |
| 2011 Storm Water | 975.64 |
| 2011 Fay Storm Water | 1,951.29 |

DRAFT

| | |
|--------------------------------------|----------------|
| 2011 Fay Recycle Fee | 2,111.58 |
| 2011 Annex | 0.00 |
| 2010 Taxes | 2,679.93 |
| 2010 Vehicle | 2,707.48 |
| 2010 Taxes Revit | 55.97 |
| 2010 Vehicle Revit | 4.21 |
| 2010 FVT | 610.67 |
| 2010 Transit | 610.69 |
| 2010 Storm Water | 112.25 |
| 2010 Fay Storm Water | 224.49 |
| 2010 Fay Recycle Fee | 186.01 |
| 2010 Annex | 0.00 |
| 2009 Taxes | 754.96 |
| 2009 Vehicle | 727.86 |
| 2009 Taxes Revit | 0.00 |
| 2009 Vehicle Revit | 0.00 |
| 2009 FVT | 197.21 |
| 2009 Transit | 197.23 |
| 2009 Storm Water | 24.00 |
| 2009 Fay Storm Water | 48.00 |
| 2009 Fay Recycle | 76.00 |
| 2009 Annex | 0.00 |
| 2008 and Prior Taxes | 7,400.04 |
| 2008 and Prior Vehicle | 1,422.30 |
| 2008 and Prior Taxes Revit | 0.00 |
| 2008 and Prior Vehicle Revit | 0.00 |
| 2008 and Prior FVT | 302.81 |
| 2008 and Prior Transit | 105.00 |
| 2008 and Prior Storm Water | 9.28 |
| 2008 and Prior Fay Storm Water | 0.00 |
| 2008 and Prior Fay Recycle Fee | 0.00 |
| 2008 and Prior Annex | 6.71 |
| Interest | 11,071.39 |
| Revit Interest | 18.05 |
| Storm Water Interest | 105.38 |
| Fay Storm Water Interest | 197.88 |
| Annex Interest | 0.64 |
| Fay Recycle Interest | 223.89 |
| Fay Transit Interest | 964.23 |
| Total Tax and Interest | \$3,042,985.40 |

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:52 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

111312

DRAFT

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
NOVEMBER 14, 2012
4:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Bobby Hurst (District 5); Wade Fowler (District 8); James W. Arp, Jr. (District 9) (arrived at 4:25 p.m.)

Absent: Council Members Keith Bates, Sr. (District 1); D. J. Haire (District 4); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7)

Others Present: Theodore Voorhees, City Manager (arrived at 4:25 p.m.)
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Scott Shuford, Development Services Director
Bart Swanson, Housing and Code Enforcement Division Manager
Frank Lewis, Senior Code Enforcement Administrator
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
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 November 26, 2012, agenda:

OTHER ITEMS OF BUSINESS

Uninhabitable Structures Demolition Recommendations

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and stated staff recommended adoption of the ordinances authorizing demolition of the structures. He reviewed the following demolition recommendations:

834 Brewer Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the executor for the owner's estate attended the hearing and a subsequent hearing was held in which an order was issued to repair or demolish the structure within 90 days. He noted to date there were no repairs to the structure and the utilities were disconnected in December 2009. He further noted within the past 24 months there had been no 23 calls for 911 service and 1 code violation with no pending assessments. He advised the low bid for demolition of the structure was \$1,500.00.

1203 West Drive

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. 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 2007. He further noted within the past 24 months there had been 7 calls for 911 service and 5 code violations with a pending assessment of \$288.92 for a lot cleaning. He advised the low bid for demolition of the structure was \$1,500.00.

DRAFT

721 Wilma Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the executor for the owner's estate attended the hearing and a subsequent hearing was held in which an order was issued to repair or demolish the structure within 90 days. He noted to date there were no repairs to the structure and the utilities were disconnected in September 2009. He further noted within the past 24 months there had been no 27 calls for 911 service and 1 code violation with a pending assessment of \$157.99 for a lot cleaning. He advised the low bid for demolition of the structure was \$1,500.00.

CONSENT ITEMS

Case No. P12-51F. Request for rezoning from SF-10 Single Family Residential to NC Neighborhood Commercial or to a more restrictive district on property located at 2016 Hope Mills Road. Containing 0.28 acres more or less and being the property of Alternative Investment Holdings, Inc.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the property was located on an area of Hope Mills Road designated for Office and Institutional (OI) uses in both the City's Land Use Plan and the Hope Mills Corridor Study. He advised the Zoning Commission and staff recommended approval of a more restrictive OI zoning district based on (1) the property having office uses to the north, south, and east and (2) both the City's Land Use Plan and Hope Mills Road Corridor Study calling for OI development on the property.

Case No. P12-52F. Request for rezoning from AR Agricultural Residential to CC Community Commercial or to a more restrictive district on property located at 2254 Gillis Hill Road. Containing 10.46 acres more or less and being the property of Barker Partners.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the property was located on Gillis Hill and Raeford Roads and just off of Highway 401. He stated the City's Land Use Plan called for heavy commercial to be placed on the property and commercial development had already occurred to both the north and south. He further stated the property was in a newly forming major commercial node for the City. He advised the Zoning Commission and staff recommend approval of the CC zoning district based on (1) the property to the north, south, and some to the west already having been zoned to CC; (2) the properties to the north and south already developed as commercial properties; and (3) the City's Land Use Plan calling for the property to be used as heavy commercial.

PUBLIC HEARING

Case No. P12-53F. Request for Special Use Permit to construct a Cellular Communication Tower on property located at 1363 Hoke Loop Road. Containing 0.25 acres more or less of 37 acres and being the property of James, Hazel and Harlee Evans.

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 owners of the property requested the approval of a Special Use Permit (SUP) to construct a cellular communication tower on property at 1363 Hoke Loop Road. He advised the Zoning Commission and staff recommended approval based on (1) the site plan and (2) the preliminary findings indicating the new structure would not create new impacts or compatibility issues and with the following conditions:

DRAFT

- (1) The proposed tower shall be capable of accommodating one additional collocation of either cellular/PCS/broadband service;
- (2) The facility shall comply with City codes regarding screening and buffering;
- (3) The tower will comply with the City setback requirements or be certified by a North Carolina Registered Professional Engineer that the tower will meet the specific breakpoint technology setback requirements;
- (4) The applicant shall provide documentation that the facility will comply with all FCC rules regarding interference to other radio services;
- (5) The applicant will request and obtain the required electrical permitting from the City needed for service;
- (6) The facility shall be constructed so that access is only attainable by qualified personnel;
- (7) The property shall not be used for storage or an employment center for any worker;
- (8) All support structure penetration ports are to be sealed in a manner to prevent wildlife access and or internal nesting; and
- (9) The applicant shall submit to the City upon completion of construction a certification from North Carolina Registered Professional Engineer that the structure as built and to include planned future installations has been constructed under the EIA/TIA-222 G standards (as amended) for Cumberland County, North Carolina.

Mr. Harmon further advised the Special Use Permit shall be approved only upon a finding that all of the following are met:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (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.

DRAFT

There being no further business, the meeting adjourned at 4:25 p.m.

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

111412

DRAFT

FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
CITY HALL, COUNCIL CHAMBER
NOVEMBER 20, 2012
5:30 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, Assistant City Manager
Karen McDonald, City Attorney
Dana Clemons, Assistant City Attorney
Karen Hilton, Planning and Zoning 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 Haire.

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

MOTION: Council Member Hurst moved to approve the agenda.

SECOND: Council Member Massey

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

5.0 OTHER ITEMS OF BUSINESS

5.1 Motion to suspend City Code Section 2-3(d) regarding reconsideration of the resolution introducing the Bond Order authorizing \$45,000,000.00 Parks and Recreation Bonds, setting the public hearing and other related matters.

Council Member Applewhite inquired of the City Manager as to why this item was added to the agenda two hours prior to the meeting taking place. Mr. Ted Voorhees, City Manager, responded it was a procedural process as the rule had to be suspended in order to proceed.

Council Member Applewhite inquired who had placed this item on the agenda. Mr. Voorhees responded he had placed the item on the agenda and explained if the item was not passed they could not move forward to the next item.

Council Member Applewhite inquired of the City Attorney as to how many votes were required to reconsider an item. Ms. Karen McDonald, City Attorney, responded it would require a three-fourths vote which would be eight.

Council Member Applewhite further inquired how many votes were required to suspend the rules. Ms. McDonald responded suspending the rules would require a two-thirds vote which would be seven. She also confirmed the City had adopted the "Suggested Rules of Procedure for a City Council" by Professor A. Fleming Bell, II.

DRAFT

Mayor Chavonne inquired of the City Attorney if all Council members were provided an opportunity to contact Professor Bell regarding suspending the rules. Ms. McDonald responded in the affirmative.

Mayor Chavonne stated Professor Bell was considered an expert on City Council parliamentary procedures.

MOTION: Council Member Davy moved to suspend City Code Section 2-3(d) regarding reconsideration of the resolution introducing the Bond Order authorizing \$45 million Parks and Recreation Bonds, setting the public hearing and other related matters.

SECOND: Council Member Hurst

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

5.2 Parks and Recreation - Resolution introducing Bond Order authorizing \$45,000,000.00 Parks and Recreation Bonds, setting the public hearing thereon and other related matters.

MOTION: Council Member Davy moved to adopt the resolution introducing the Bond Order authorizing \$45 million Parks and Recreation Bonds, designating the Chief Financial Officer to make and file the sworn statement of debt with the City Clerk; directing the City Clerk to present that statement and schedule the public hearing on the Bond Order for December 3, 2012, at 6:00 p.m. in the Council Chamber; and directing the City Clerk to publish the Bond Order in The Fayetteville Observer not later than six days before the public hearing.

SECOND: Council Member Massey

Mayor Pro Tem Arp stated he had been vocal regarding the amount of \$45 million being too large and offered a substitute motion.

SUBSTITUTE MOTION:

Mayor Pro Tem Arp moved to adopt the resolution introducing the Bond Order authorizing \$35 million Parks and Recreation Bonds, designating the Chief Financial Officer to make and file the sworn statement of debt with the City Clerk; directing the City Clerk to present that statement and schedule the public hearing on the Bond Order for December 3, 2012, at 6:00 p.m. in the Council Chamber; and directing the City Clerk to publish the Bond Order in The Fayetteville Observer not later than six days before the public hearing.

SECOND: Council Member Hurst

Mayor Chavonne requested staff to address why the motion was so complex and how they would reduce the package from \$45 to \$35 million. Mr. Kristoff Bauer, Assistant City Manager, requested the City Clerk provide the Council with a copy of the \$35 million bond sworn statement of debt. Mr. Bauer explained approval of the resolution would direct the City Clerk to present the sworn statement of debt, publish the Bond Order, and schedule the public hearing for the December 3, 2012, Council meeting. He further explained staff was proposing to remove the field house from the multi-million dollar aquatic facility, reduce the square footage of the facility, and delay starting on some of the projects up to one year to accommodate the lesser \$35 million bond.

Council Member Applewhite inquired why the field house was selected as an item to remove from the package. Mr. Bauer responded that staff was requested to look at how the original \$45 million package could be reduced by \$10 million and based on feedback and having the least impact the decision to remove the field house was made.

DRAFT

Council Member Applewhite inquired how City staff would reengage the citizens that had previously been briefed, and notify them of a lesser bond package. Mr. Voorhees responded this would be widely covered in the media, staff would educate the public to the best of their ability, and public hearings would be held. He further responded that educational materials would be adjusted to reflect the revised information.

Council Member Crisp stated the substitute motion was made seven minutes ago and yet staff was able to provide Council with a document pertaining to the \$35 million bond package immediately following the motion and second, so therefore staff must have had prior knowledge that the substitute motion was going to be made, and inquired why he had not received the information earlier. Mr. Bauer responded that staff was aware the substitute motion may be made with an appropriate second, and had prepared the documentation in case the motion was actually made.

Council Member Crisp stated there was nothing in the document that addressed the tax rate.

Council Member Haire stated at the prior meeting the Chief Financial Officer had provided the final cost, including interest, for the \$45 million bond, and inquired if he had the final figure, to include interest, that was provided in the \$35 million bond information. Mr. Bauer responded in the negative but that the information could be provided to Council.

Council Member Applewhite stated the substitute motion was made very spontaneously and inquired of Mr. Bauer as to who had requested the \$35 million bond document be prepared. Mr. Bauer responded the Mayor had made the request.

Council Member Applewhite inquired who was at the meeting when the request for the \$35 million bond document was made. Mr. Voorhees responded he was in attendance. Mayor Chavonne further responded he had been in many hours of discussion with various Council members regarding the bond package.

MOTION: Council Member Crisp moved to table this item for \$35 million.

SECOND: Council Member Applewhite

Council Member Haire inquired of Mr. Bauer if the \$35 million bond item passed, would staff be disclosing the full cost to the citizens through the educational program. Mr. Bauer stated if a citizen asked a specific question regarding cost, the City would certainly provide the information, but what the educational program would do was explain the wording that would appear on the ballot which was the authorization of \$35 million.

Council Member Crisp stated Council had not had sufficient time to analyze the \$35 million bond option.

Council Member Crisp requested to withdraw his motion to table this item.

Council Member Fowler stated it appeared the Council was deeply divided on the issue, but there had been issues raised this evening that warranted deep thought.

SUBSTITUTE MOTION RESTATED:

Mayor Pro Tem Arp moved to adopt the resolution introducing the Bond Order authorizing \$35 million Parks and Recreation Bonds, designating the Chief Financial Officer to make and file the sworn statement of debt with the City Clerk; directing the City Clerk to present that statement and schedule the public hearing on the Bond Order for December 3, 2012, at 6:00 p.m. in the Council Chamber; and directing

DRAFT

the City Clerk to publish the Bond Order in The Fayetteville Observer not later than six days before the public hearing.

SECOND: Council Member Hurst

VOTE: FAILED by a vote of 5 in favor to 5 in opposition (Council Members Applewhite, Haire, Fowler, Bates, and Crisp)

ORIGINAL MOTION RESTATED:

Council Member Davy moved to adopt the resolution introducing the Bond Order authorizing \$45,000,000.00 Parks and Recreation Bonds, designating the Chief Financial Officer to make and file the sworn statement of debt with the City Clerk; directing the City Clerk to present that statement and schedule the public hearing on the Bond Order for December 3, 2012, at 6:00 p.m. in the Council Chamber; and directing the City Clerk to publish the Bond Order in The Fayetteville Observer not later than six days before the public hearing.

SECOND: Council Member Massey

VOTE: FAILED by a vote of 5 in favor to 5 in opposition (Council Members Applewhite, Haire, Fowler, Bates, and Crisp)

4.0 ADJOURNMENT

There being no further business, the meeting adjourned at 6:12 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

112012

DRAFT

FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
EXECUTIVE CONFERENCE ROOM
NOVEMBER 26, 2012
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) (arrived at 6:20 p.m.); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present: Theodore Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Victor Sharpe, Community Development Director
Members of the Press

MOTION: Council Member Fowler moved to go into closed session for consultation with the attorney to discuss Item 5.2.
SECOND: Council Member Bates
VOTE: UNANIMOUS (9-0)

The regular session recessed at 6:05 p.m. The regular session reconvened at 6:15 p.m.

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

Mayor Chavonne reviewed the agenda items.

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

Respectfully submitted,

KAREN M. MCDONALD
City Attorney

ANTHONY G. CHAVONNE
Mayor

112612

DRAFT

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
NOVEMBER 26, 2012
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: Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Brain Meyer, Assistant City Attorney
Dana Clemons, Assistant City Attorney
Patricia Bradley, Police Attorney
John Kuhls, Human Resource Development Director
Scott Shuford, Development Services Director
Craig Harmon, Planner II
Russ Rogerson, Fayetteville-Cumberland County Chamber of Commerce
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 Bernard Jones, Prayer Minister, Christ Gospel Church.

3.0 PLEDGE OF ALLEGIANCE

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

RECOGNITION

Mr. George Breece, Chair of the Veterans Day Parade Committee, presented a plaque to the City and a plaque to Erica Brady, Parks and Recreation Special Events Coordinator, on behalf of the Veterans Day Parade. He also gave recognition to several City staff for their concerted efforts with making the parade a great event. Mr. Ted Voorhees, City Manager, further stated the Veterans Day Parade exemplified what Fayetteville was all about.

4.0 APPROVAL OF AGENDA

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

5.0 CONSENT

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

DRAFT

5.1 Amendment to City Personnel Ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 19, PERSONNEL, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2012-027.

5.2 Budget Ordinance Amendment 2013-8 (General Fund - Community Development).

The amendment appropriated \$125,000.00 from the General Fund balance to provide funding for a Business Assistance Program.

5.3 Capital Project Ordinance Amendment 2013-21 (Building Maintenance Projects).

The amendment appropriated \$179,850.00 for building maintenance projects to fund the space needs analysis and renovations.

5.4 Case No. P12-51F. Request for rezoning from SF-10 Single Family Residential to NC Neighborhood Commercial or to a more restrictive district on property located at 2016 Hope Mills Road. Containing 0.28 acres more or less and being the property of Alternative Investment Holdings, Inc.

5.5 Case No. P12-52F. Request for rezoning from AR Agricultural Residential to CC Community Commercial or to a more restrictive district on property located at 2254 Gillis Hill Road. Containing 10.46 acres more or less and being the property of Barker Partners.

5.6 Approval of three-year lease with NCI Information Systems, Inc., in the Festival Park Plaza Building.

The City Manager was authorized to enter into a three-year lease with NCI Information Systems, Inc., beginning December 1, 2012, with an annual rental rate of \$66,310.00 the first year, \$68,299.30 the second year, and \$70,348.28 the third year and to do any and all things necessary to implement the lease consistent with the City Council's authorization.

5.7 Resolution to convey Washington Drive and Blue Street parcels to Fayetteville State University Foundation, Inc.

RESOLUTION TO CONVEY REAL PROPERTY TO FAYETTEVILLE STATE UNIVERSITY FOUNDATION, INC. RESOLUTION NO. R2012-045.

5.8 Approve meeting minutes:

August 22, 2012 - Agenda Briefing
August 27, 2012 - Discussion of Agenda Items
August 27, 2012 - Regular Meeting
September 4, 2012 - Work Session
September 10, 2012 - Discussion of Agenda Items
September 10, 2012 - Regular Meeting
September 11, 2012 - Special Meeting
September 19, 2012 - Agenda Briefing
September 20, 2012 - Special Meeting
September 24, 2012 - Discussion of Agenda Items
September 24, 2012 - Regular Meeting

5.9 Bid recommendation to award contract for underground primary power cable, PWC Stock 1-065-522, to Stuart C. Irby, Rocky Mount, NC, lowest responsible bidder, in the amount of \$159,600.00.

Bids were received as follows:

| | |
|---|--------------|
| Stuart C. Irby (Rocky Mount, NC) | \$159,600.00 |
| CME Wire & Cable (Suwanee, GA) | \$162,097.00 |
| HD Supply Power Solutions (Wake Forest, NC) | \$167,256.00 |

DRAFT

WESCO (Raleigh, NC) \$187,800.00
Shealy Electrical Wholesalers, Inc. (Greenville, SC) . \$193,920.00
Mayer Electric (Fayetteville, NC) \$238,200.00

- 5.10 Bid award - Contract for Grove Street/Eastern Boulevard water main replacement to Sandy's Hauling and Backhoe Service, Roseboro, NC, lowest responsive, responsible bidder, in the amount of \$1,401,868.70.**

Bids were received as follows:

Sandy's Hauling & Backhoe Service (Roseboro, NC) ... \$1,401,868.70
Utilities Plus, Inc. (Linden, NC) \$1,584,371.12
State Utility Contractors, Inc. (Monroe, NC) \$2,292,851.00

- 5.11 Bid recommendation to award contract for water and wastewater chemical to Southern Ionics, West Point, MS, low bidder, in the amount of \$94,050.00.**

Bids were received as follows:

Southern Ionics (West Point, MS) \$94,050.00
JCI Jones Chemicals (Charlotte, NC) \$99,990.00
PVS Chemical Solutions (Detroit, MI) \$127,875.00

5.12 PWC Financial Matters: Project Fund Budget Amendments

The following PWC Project Fund Budget Amendments were approved:

1. Series 2009B Revenue Bond Capital Project Fund, Amendment #2, sent the remaining bond funds of \$4,231,677.00 to the Annexation Phase V, Areas 8-13, Capital Project Fund.
2. Annexation Phase V, Areas 8-13, Capital Project Fund, Amendment #3, received proceeds from Series 2009B Revenue Bond Capital Project Fund in the amount of \$4,231,677.00 and refunded that amount previously advanced from the Annexation Phase V Reserve Fund.
3. Electric Utility System Rate Stabilization Fund, Amendment #15, increased the loan amount for Annexation Phase V Reserve Fund to \$15,000,000.00.
4. The Annexation Phase V Reserve Fund, Amendment #7, received funds from the Annexation Phase V, Areas 8-13, Capital Project Fund (\$4,231,677.00), to budget an advance from the Electric Rate Stabilization Fund up to \$15,000,000.00 and remove the bond proceeds that would not be issued this fiscal year (\$25,000,000.00).

5.13 Special Revenue Fund Project Ordinance Amendment 2013-6 (Appropriation of Federal Forfeiture and State Controlled Substance Tax Funds for Law Enforcement purposes).

The amendment appropriated \$625,253.00 in controlled substance tax revenues, federal forfeiture funds, and associated investment income to increase resources for law enforcement purposes.

6.0 PUBLIC HEARINGS

6.1 Economic Development Incentives for Sykes Enterprises through Reaford Road, LLC.

Mr. Russ Rogerson, Executive Vice President for Economic Development, Fayetteville-Cumberland County Chamber of Commerce, presented this item and stated Council was being asked to approve the economic development incentives agreement with Reaford Road, LLC, to support the new business of Sykes Enterprises Incorporated.

DRAFT

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

Ms. Andrea B. Thomas, Director of Marketing Communications, Sykes Enterprises Incorporated, 400 North Ashley Drive, Suite 2800, Tampa, FL 33602, appeared in favor and stated Sykes Enterprises Incorporated was a provider of call center services and had applied for economic development incentives through the Joint City/County Economic Development Incentives Program administered by the Chamber of Commerce through the Alliance organization. She reviewed the following incentives:

- 50 percent property tax grant back for five years based upon the creation of 150 full-time jobs and \$12,500.00 in investment.
- 50 percent property tax grant back for an additional two years if 300 full-time jobs were created and maintained by year five.

Reviewing the agreement terms, Ms. Thomas stated the incentive application was anticipating the construction of a new building in the City of Fayetteville to house the services provided by Sykes Enterprises Incorporated and would be constructed within the City by Raeford Road, LLC, a limited liability corporation created specifically for that purpose. She further stated Sykes Enterprises Incorporated would execute a lease with Raeford Road, LLC, that would hold the ownership of the building. She advised the economic development incentive agreement would be written to award the tax grant back to Raeford Road, LLC, based upon the performance of Sykes Enterprises Incorporated. She further advised the benefit of the incentives would flow from Raeford Road, LLC, to Sykes Enterprises Incorporated through the terms of the lease. She explained over the seven year potential term of the grant back incentives, Raeford Road, LLC, was estimated to make property tax payments of \$377,600.00 on the new building and equipment added to the tax rolls by the project. She further explained the incentive would call for \$188,800.00 of the taxes to be rebated back to Raeford Road, LLC.

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

MOTION: Council Member Davy moved to direct the City Manager to draft and execute an economic development incentives agreement authorizing the execution of the economic development incentives agreement with Raeford Road LLC for the benefit of Sykes Enterprises.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

6.2 Case No. P12-53F. Request for Special Use Permit to construct a Cellular Communication Tower on property located at 1363 Hoke Loop Road. Containing 0.25 acres more or less of 37 acres and being the property of James, Hazel, and Harlee Evans.

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 owners of the property requested the approval of a Special Use Permit (SUP) to construct a cellular communication tower on property at 1363 Hoke Loop Road. He advised the Zoning Commission and staff recommended approval based on (1) the site plan and (2) the preliminary findings indicating the new structure would not create new impacts or compatibility issues and with the following conditions:

- (1) The proposed tower shall be capable of accommodating one additional collocation of either cellular/PCS/broadband service;

DRAFT

- (2) The facility shall comply with City codes regarding screening and buffering;
- (3) The tower will comply with the City setback requirements or be certified by a North Carolina Registered Professional Engineer that the tower will meet the specific breakpoint technology setback requirements;
- (4) The applicant shall provide documentation that the facility will comply with all FCC rules regarding interference to other radio services;
- (5) The applicant will request and obtain the required electrical permitting from the City needed for service;
- (6) The facility shall be constructed so that access is only attainable by qualified personnel;
- (7) The property shall not be used for storage or an employment center for any worker;
- (8) All support structure penetration ports are to be sealed in a manner to prevent wildlife access and or internal nesting; and
- (9) The applicant shall submit to the City upon completion of construction a certification from North Carolina Registered Professional Engineer that the structure as built and to include planned future installations has been constructed under the EIA/TIA-222 G standards (as amended) for Cumberland County, North Carolina.

Mr. Harmon further advised the Special Use Permit shall be approved only upon a finding that all of the following are met:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (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.

DRAFT

Mr. Thomas H. Johnson, Jr. Attorney with Nexsen Pruet, 4141 Parklane Avenue, Suite 200, Raleigh, NC 27612, appeared in favor and stated he was representing Graham Herring Real Estate. He provided a power point presentation and stated more people with smartphones using data intensive applications were creating a demand for more cell towers. He stated existing towers were reaching carrier capacity and creating demands for more cell towers. He stated 50 percent of United States citizens owned smartphones. He stated the average smartphone user accounted for 11 times more traffic than the average non-smartphone user. He stated as of June 2011, there were 96 million wireless-only Americans (31 percent of U.S.).

A brief question and answer period ensued regarding multiple carriers. Mr. Johnson stated all towers had multiple carriers as required by ordinance.

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

MOTION: Council Member Fowler moved to approve the request for a Special Use Permit for a cellular tower as presented by staff, subject to the conditions described by staff and based on the findings of fact listed.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

6.3 Public Hearing to discuss "Citizen Review Board".

Ms. Katherine Bryant, Interim Chief of Police, presented this item with the aid of a power point presentation and stated the formation of a Citizen Review Board would require two separate actions. She explained the Council would need to approve an ordinance empowering the Board and guiding its activities and text for such an ordinance was included in the packet provided for Council's information. She further explained in order for the Board to become fully effective, there would need to be authority granted by the State legislature for Board members to review protected personnel information--the investigative file--as part of the Board's deliberations. She stated this would require a local bill. She advised if, after the public hearing, Council wanted to proceed, then staff would prepare a final enabling ordinance for Council consideration with a July 1, 2013, effective date. She further advised this would provide time to recruit and select Board members and obtain enabling state legislation.

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

Ms. Wendy Michener, 223 Hillside Avenue, Fayetteville, NC, appeared in opposition and expressed concern that creating the Citizen Review Board would result in less transparency.

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

Council Member Haire inquired if the attendance requirement for the Citizen Review Board members would be the same as required for all other City Boards and Commissions. Ms. Bryant responded in the affirmative.

Council Member Bates inquired who he would report a complaint to if he had one as of today. Ms. Bryant responded depending on the seriousness of the complaint, it could be reported to the Office of Professional Standards at the Police Department.

Further discussion ensued regarding the required training.

MOTION: Mayor Pro Tem Arp moved to direct staff to prepare a final City ordinance creating a Citizen Review Board with an

DRAFT

effective date of July 1, 2013, as long as State enabling legislation has been obtained, and to request enabling State legislation be drafted and entered on the City's behalf.

SECOND: Council Member Fowler

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

7.0 OTHER ITEMS OF BUSINESS

7.1 Uninhabitable Structures Demolition Recommendations

Mr. Scott Shuford, Development Services Director, presented this item and stated staff recommended adoption of the ordinances authorizing demolition of the structures. He reviewed the following demolition recommendations:

834 Brewer Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the executor for the owner's estate attended the hearing and a subsequent hearing was held in which an order was issued to repair or demolish the structure within 90 days. He noted to date there were no repairs to the structure and the utilities were disconnected in December 2009. He further noted within the past 24 months there had been no 23 calls for 911 service and 1 code violation with no pending assessments. He advised the low bid for demolition of the structure was \$1,500.00.

1203 West Drive

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. 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 2007. He further noted within the past 24 months there had been 7 calls for 911 service and 5 code violations with a pending assessment of \$288.92 for a lot cleaning. He advised the low bid for demolition of the structure was \$1,500.00.

721 Wilma Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the executor for the owner's estate attended the hearing and a subsequent hearing was held in which an order was issued to repair or demolish the structure within 90 days. He noted to date there were no repairs to the structure and the utilities were disconnected in September 2009. He further noted within the past 24 months there had been no 27 calls for 911 service and 1 code violation with a pending assessment of \$157.99 for a lot cleaning. He advised the low bid for demolition of the structure was \$1,500.00.

Council Member Haire commended the Development Services Department for all of their hard work and accomplishments with the program. Mr. Shuford thanked Council Member Haire for his comments and stated 80 percent of the cases were generated by Code Enforcement staff.

Council Member Fowler inquired if research could be conducted to investigate the amount of excessive 911 calls as it related to excessive false burglar alarms which imposed a fine. Mr. Ted Voorhees, City Manager, responded that staff would research the request.

**AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA,
REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH**

DRAFT

RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (834 BREWER STREET, PIN 0428-96-4925). ORDINANCE NO. NS2012-042.

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 (1203 WEST DRIVE, PIN 0438-32-7592). ORDINANCE NO. NS2012-043.

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 (721 WILMA STREET, PIN 0438-07-0097). ORDINANCE NO. NS2012-044.

MOTION: Council Member Bates moved to approve the demolitions by adopting the ordinances.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (10-0)

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly statement of taxes for October 2012.

| | |
|----------------------------|----------------|
| 2012 Taxes... | \$8,099,780.73 |
| 2012 Vehicle | 410,274.85 |
| 2012 Taxes Revit | 15,772.07 |
| 2012 Vehicle Revit | 386.15 |
| 2012 FVT | 46,130.34 |
| 2012 Transit | 46,130.36 |
| 2012 Storm Water | 223,485.86 |
| 2012 Fay Storm Water | 446,971.82 |
| 2012 Fay Recycle Fee | 423,645.44 |
| 2012 Annex | 0.00 |
| 2011 Taxes | 30,461.69 |
| 2011 Vehicle | 63,038.67 |
| 2011 Taxes Revit | 102.71 |
| 2011 Vehicle Revit | 0.00 |
| 2011 FVT | 9,023.84 |
| 2011 Transit | 9,023.86 |
| 2011 Storm Water | 929.50 |
| 2011 Fay Storm Water | 1,858.98 |
| 2011 Fay Recycle Fee | 3,039.25 |
| 2011 Annex | 0.00 |
| 2010 Taxes | 4,021.66 |
| 2010 Vehicle | 2,491.27 |
| 2010 Taxes Revit | 52.65 |
| 2010 Vehicle Revit | 0.00 |
| 2010 FVT | 677.26 |
| 2010 Transit | 677.28 |
| 2010 Storm Water | 92.69 |
| 2010 Fay Storm Water | 185.38 |
| 2010 Fay Recycle Fee | 255.53 |
| 2010 Annex | 0.00 |
| 2009 Taxes | 1,190.20 |
| 2009 Vehicle | 538.59 |
| 2009 Taxes Revit | 0.00 |
| 2009 Vehicle Revit | 0.00 |
| 2009 FVT | 204.94 |
| 2009 Transit | 204.96 |
| 2009 Storm Water | 24.00 |
| 2009 Fay Storm Water | 48.00 |
| 2009 Fay Recycle Fee | 76.00 |
| 2009 Annex | 0.00 |

DRAFT

| | |
|--------------------------------------|----------------|
| 2008 and Prior Taxes | 490.88 |
| 2008 and Prior Vehicle | 2,186.70 |
| 2008 and Prior Taxes Revit | 0.00 |
| 2008 and Prior Vehicle Revit | 0.00 |
| 2008 and Prior FVT | 436.78 |
| 2008 and Prior Transit | 87.13 |
| 2008 and Prior Storm Water | 84.00 |
| 2008 and Prior Fay Storm Water | 72.00 |
| 2008 and Prior Fay Recycle Fee | 84.00 |
| 2008 and Prior Annex | 0.00 |
| Interest | 13,802.63 |
| Revit Interest | 10.84 |
| Storm Water Interest | 154.78 |
| Fay Storm Water Interest | 236.18 |
| Annex Interest | 0.00 |
| Fay Recycle Interest | 371.05 |
| Fay Transit Interest | 1,184.60 |
| Total Tax and Interest | \$9,859,998.10 |

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:13 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

112612

DRAFT

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
DECEMBER 3, 2012
5:00 P.M.**

Present: Mayor Anthony G. Chavonne

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

Others Present: Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Dana Clemons, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Scott Shuford, Development Services Director
Bruce Daws, Historic Properties Manager
David Nash, Planner II
Rusty Thompson, Engineering and Infrastructure Director
Lee Jernigan, Traffic Engineer
Greg Caison, Stormwater Manager
Bradley Whited, Airport Director
Victor Sharpe, Community Development Director
Jami McLaughlin, Downtown Development Manager
David Winslow, Consultant
William Grimes, Studio Cascade
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 Pro Tem Arp moved to approve the agenda with the addition of Item 4.7, closed session.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Informational Briefing on Proposed Civil War Museum

Mr. Bruce Daws, Historic Properties Manager, presented this item. He stated the Museum of the Cape Fear Historical Complex located at 801 Arsenal Avenue was part of the North Carolina Department of Cultural Resources, Division of State History Museums, and were supported in part by a museum foundation. He introduced Mr. David Winslow, Consultant, who was retained by the museum foundation to explore a new direction for the Museum of the Cape Fear.

Mr. Winslow stated a project such as this would traditionally take seven to ten years and hoped the ground breaking would begin in the spring of 2015. He further stated this would be an extraordinary state of the art facility and would be approximately 60,000 square feet. He announced the tentative name for the facility was the "North Carolina Civil War History Center".

DRAFT

Council Member Bates inquired if the funding for the museum would come from the state level. Mr. Winslow responded the state would provide funding for the operation, staffing, and maintenance of the building.

Council Member Bates inquired what type of assistance was needed from the City. Mr. Winslow responded he would need a demonstration of local support.

4.2 Community Development - Update on the Progress of the Downtown Plan

Ms. Jami McLaughlin, Downtown Development Manager, introduced Mr. William Grimes, Studio Cascade.

Mr. Grimes presented this item with the aid of a power point presentation and stated they had spent time interviewing various stakeholders for the downtown, met with the Planning Commission twice, and were working to develop a draft of goals, policies, and action items. He announced a "Storefront Studio" would be held December 4-6, 2012, at 100 Hay Street, which would be a public workshop to solicit feedback on input received from various focus groups and the public on the vision, priorities, and aspirations. He reviewed the demographic snapshot of Fayetteville and stated the City was a slightly younger community which was mainly influenced by the presence of active duty military and was very racially diverse. He highlighted ideas and suggestions from the downtown stakeholders and stated partnering with Fayetteville State University would be a key element.

A brief discussion period ensued regarding living in the downtown area.

Mr. Grimes concluded his presentation by providing an overview of the Renaissance Plan questionnaire.

4.3 Target for Action - Speed Limits: Review

Mr. Lee Jernigan, City Traffic Engineer, presented this item with the aid of a power point presentation. He reported the City was maintaining approximately 730 miles of roadways and the North Carolina Department of Transportation (NCDOT) approximately 172 miles, which included most of the main routes through town. He explained NCDOT required municipal concurrence for speed limit revisions and the existing speed limit remained if there was no municipal concurrence. He further explained speed limits were determined by roadway characteristics such as roadway surface, land width, grade, horizontal and vertical alignment, traffic volume, and number of driveways. He advised that shoulder characteristics were also a determining factor and accident history and accident patterns could also warrant speed limit revisions. He further advised that a speed limit investigation could be initiated by an external customer request such as NCDOT, citizens, and elected officials or by an internal customer request such as Engineering and Infrastructure, Transit, and other departments. He stated speed limit investigations for City-maintained roadways were conducted by the Traffic Services Division of the Engineering and Infrastructure Department and NCDOT-maintained roadways were investigated by NCDOT Division 6, Fayetteville, Division Traffic Engineer. He further stated for newly annexed roadways the existing speed limit remained in effect until NCDOT revised the ordinance and requested the municipality concur with the change.

A brief discussion period ensued.

Mr. Ted Voorhees, City Manager, stated that staff had a best practice in place with regards to speed limits.

DRAFT

4.4 Conversion of Private Streets to Public Streets

Mr. Rusty Thompson, Engineering and Infrastructure Director, presented this item with the aid of a power point presentation and stated on October 8, 2012, Council requested staff investigate the process to convert a private street to a public street. He reported staff identified more than 691 private streets in Fayetteville for which the condition, length, or ownership were not known. He explained a process was not provided in the current ordinance for acceptance of existing private streets. He further explained the law would not allow expenditure of public funds on private properties. He reviewed the following five options:

Option 1

Legislative - G.S. § 160A-536 - An act to authorize cities to establish a municipal service district for the purpose of converting private residential streets to public streets.

1. A city may establish a municipal service district for the purpose of converting private residential streets to public streets if conditions in the statute are met.
2. A municipal service district, commonly referred to as a Business Improvement District, is a financing mechanism used to provide revenue for a variety of services that enhance, not replace, existing city services.
3. North Carolina has 49 improvement districts and is sixth in the nation for the most districts.

Option 2

1. Amend the Development Ordinance.
2. Any developer or property owner who desires to engage in one or more of the following shall be required to upgrade the entire private street to conform to the UDO standard for new private streets:
 - a. If one or more lots are being added to an existing nonconforming private street;
 - b. If subdividing a lot; or
 - c. If extending or connecting to an existing nonconforming private street.

Option 3

1. Rescind the existing 1994 policy.
2. Create a new policy to include an assessment process that would cover the cost for the evaluation of the streets, design, property acquisition to include condemnation, and construction costs related to improving the street to an acceptable standard.
3. Include options for improvement the community could select upon petition such as paving with sidewalks and curb and gutter, paving with curb and gutter, strip paving with sidewalks with drainage ditches, and strip paving with drainage ditches.

DRAFT

Option 4

Include the paving/re-building of the private street during the water and sewer installation as an option and include in the assessment.

Option 5

Take no action and allow private property owners to improve/maintain their private street as needed.

A discussion period ensued.

Mr. Voorhees advised this could be an item for Council to debate during the strategic planning process. He stated the City could take a progressive series of steps to rectify this issue beginning with the least amount of government involvement.

Council Member Applewhite stated she did not want this item to become a non-issue. Mr. Voorhees acknowledged that staff was in agreement that they had to invest in what they had now, and bring back some serious options for correcting the issue.

Consensus of Council was to place this item on the Strategic Planning agenda.

4.5 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 January 2009 and established minimum requirements to control the adverse effects of increased stormwater quantity and runoff quality. He further reported changes were adopted in February 2012 to allow for additional state-mandated Phase II regulations, performance guarantee adjustments, and other technical revisions. He stated as City staff and users in the community continued to apply the ordinance and gain experience, administrative and procedural changes had been identified that could be refined and implemented to gain efficiencies for all users. He further stated City staff and affected users wrestled at times with matters surrounding the Best Management Practice (BMP) for installation and performance. He also stated the Homebuilder's Association approached staff to discuss continued concerns regarding the bonding process typically required for BMP performance guarantees, particularly in single-family residential subdivisions. He explained the performance guarantee effectively ensures that stormwater BMPs were constructed and installed according to engineering design. He stated users had expressed difficulty in obtaining financing for bonding without necessary permits as the process was currently written and staff agreed this could be unnecessarily burdensome. He further stated staff was also seeking to relax the performance guarantee on commercial properties since those projects were usually of short-term duration and protected by the Certificate of Occupancy issuance process. He reviewed the following specific changes being proposed to make the performance guarantee process more user-friendly and less burdensome:

1. Single-family residential subdivisions. The performance guarantee now required for stormwater BMPs in single-family subdivisions was 75 percent of the estimated construction cost prior to issuance of a permit. 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 and due at the approval of final plat. The conversion cost was usually much lower than the initial construction cost.

DRAFT

2. Commercial Developments. The performance guarantee that was now required for stormwater BMPs on commercial properties would become more site specific. Requirements could be waived by the City Engineer if conditions were warranted thereby also eliminating the administrative requirements associated with the handling of the performance guarantee.

Mr. Caison concluded by stating the recommendation represented a procedural change that would be of little or no consequence to budget. He recommended Council set a public hearing for consideration and voting on the proposed revisions to the Stormwater Control Ordinance, Article III of Chapter 23 of the City Code of Ordinances.

A brief discussion period ensued.

Consensus of Council was to set a public hearing on the proposed revisions to the Stormwater Control Ordinance, Article III of Chapter 23 of the City Code of Ordinances.

4.6 Hire Fayetteville First - Near Term Actions/Policy Revision

Mr. Kristoff Bauer, Assistant City Manager, presented this item with the aid of a power point presentation.

Council Member Haire made opening remarks and expressed frustration that the item had been "kicked down the road" for the past three to four months since this initiative was introduced.

Mr. Bauer stated he was working with staff from the Public Works Commission and Information Technology and Finance Departments to finalize the web site and other related matters. He reported Council adopted City Council Policy No. 135.2, Hire Fayetteville First Jobs Creation Policy, on July 9, 2012. He further reported that staff presented a timeline and action plan for implementing the program at the September 4, 2012, work session and the timeline included the steps necessary to complete a disparity study as directed by the policy. He also reported that on October 1, 2012, the Council discussed the definition of "Locally Owned Businesses" to be used in the adopted policy. He stated staff developed the following definition based on that conversation: "Local Business shall be those that demonstrate they pay business, personal, or real property taxes to Cumberland County; hold a valid City of Fayetteville Privilege License if applicable; and have their principle place of business in Cumberland County or employ at least two Cumberland County residents at a place of business within Cumberland County". He stated at the November 5, 2012, work session, Council discussed and confirmed the definition of "Locally Owned Business" and staff presented a scope of work and cost estimate for the disparity study and recommending a \$300,000.00 budget amendment. He further stated the majority of Council present did not support moving forward with the budget amendment and requested staff instead return at the December 3, 2012, work session with the following:

1. Recommended revisions to City Council Policy No. 135.2 consistent with Council discussion; and
2. Identification of specific actions that could be taken in pursuit of improving accountability of City purchasing practices and easing and promoting participation of local businesses in that process.

Mr. Bauer presented a draft revision of City Council Policy No. 135.2 and stated the draft was intended to support Council's discussion.

Mr. Voorhees stated the process followed to this point seemed to miss a few fundamental steps. He stated the condition of current purchasing practices, Council and community concerns regarding the

DRAFT

same, and clear objectives for the initiative all remained poorly defined. He stated staff would review a number of operational changes that could be implemented in January that would provide significantly more information regarding the outcomes and participants in the City's purchasing system. He stated limitations of those efforts would also be discussed. He further stated the efforts could move forward even should the Council agree to step back slightly to engage in a more directed conversation regarding what was possible and what was desirable. He further stated there was an issue of scale as Fayetteville was the sixth largest City in the state but their scale of operation was not here, they grew very quickly and it would be hard to make adjustments, "you do not send in a battalion to do a brigade job", we need to resource and prioritize appropriately. He continued that they needed to bring in an expert consultant and have them build a program.

A discussion period ensued.

Consensus of Council was to have staff report back the estimated number of months and estimated amount of money it would take to move the project forward to become operational.

City Manager's Report

Mr. Ted Voorhees, City Manager, presented this item and announced the following:

- The employee survey was completed and a report of the findings would be provided to Council.
- The Comprehensive Annual Finance Report was provided to Council this evening, appreciation was extended to the Finance Department and Print Shop.
- Meeting and working with Interim Police Chief Katherine Bryant and the Assistant City Manager on the issue of gun violence. There would be a press conference at 1:00 p.m. on December 6, 2012, outside the Police Department.
- Great progress was made toward narrowing down the candidates for selection of a Police Chief.
- Conversations took place with PWC staff pertaining to the strategic planning process and the City using a different facilitator.

4.7 Closed session for the purpose of discussing litigation in the matter of *Matthew Bases v. Vernia Murchison*.

MOTION: Mayor Pro Tem Arp moved to go into closed session.
SECOND: Council Member Massey
VOTE: UNANIMOUS (10-0)

The regular session recessed at 8:15 p.m. The regular session reconvened at 9:15 p.m.

MOTION: Council Member Hurst moved to go into open session and to approve the settlement of the *Matthew Bases v. Vernia Murchison* case for \$30,000.00.
SECOND: Council Member Bates
VOTE: UNANIMOUS (10-0)

DRAFT

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:15 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

120312

DRAFT

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
DECEMBER 10, 2012
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: Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Scott Shuford, Development Services Director
Craig Harmon, Planner II
David Nash, Planner II
Craig Hampton, Special Project Director
Patricia Bradley, Police Attorney
Michelle Thompson, Cherry, Bekaert & Holland
Ralph Huff, Developer
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 Mayor Pro Tem Arp.

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

5.0 PUBLIC FORUM

Mr. Amir Eronomy Mohammed Smith, 2700 Murchison Road, Fayetteville, NC 28301, stated the Broadell area of the City needed to have leaf pick-up earlier than February 2013 and expressed concern that many areas of the City needed to be cleaned up.

Bishop Larry Wright, 414 Hall Street, Fayetteville, NC 28301, invited all to attend the forthcoming Martin Luther King breakfast event which was a day of service to bring the community together. Bishop Wright presented the Mayor and City Council with a community ribbon.

6.0 CONSENT

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

DRAFT

6.1 Community Development - Amendment to agreement with Fayetteville Area Operation Inasmuch.

The amendment to the agreement for the 2012-2013 program year appropriated an additional \$3,000.00 for the purchase of equipment to make identification cards for homeless individuals.

6.2 Authorize the City Manager to execute a contract with Cherry, Bekaert and Holland to audit accounts for Fiscal Year 2012-2013.

6.3 Award contract for the purchase of two prefabricated bridges for Linear Park Trail at Grove Street to Wheeler Lumber, LLC, Bloomington, MN, lowest responsible bidder, in the amount of \$93,200.00.

Bids were received as follows:

| | |
|--|--------------|
| Wheeler Lumber, LLC (Bloomington, MN) | \$93,200.00 |
| Anderson Bridges, LLC (Colfax, WI) | \$94,000.00 |
| Comtech Engineered Solutions (Ft. Payne, AL) | \$131,104.00 |
| Echo Bridge, Inc. (Pine City, NY) | \$139,978.00 |

6.4 Capital Project Ordinance Amendment 2013-22 for the western area neighborhood park at New Century Middle School.

The amendment appropriated \$56,756.00 of accumulated fees in lieu of dedicated open space/parkland to fund construction of a concession stand and restrooms at the new park under construction at New Century Middle School.

6.5 Case No. P12-54F. Initial zoning from AR Agricultural Residential to OI Office and Institutional District, for property located at US 401 South - South Raeford Road. Containing 5.38 acres more or less and being the property of Gray and Ruby Murphy.

6.6 Consideration of assigning 12 recent annexation areas to election districts.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NC, ASSIGNING 12 NEW ANNEXATIONS TO THE 2011 ELECTION DISTRICTS AND REASSIGNING 18 PRE-CLEARED ANNEXATIONS TO THE 2011 ELECTION DISTRICTS. RESOLUTION NO. R2012-047.

6.7 Special Revenue Fund Project Ordinance Closeouts 2013-1 - 2013-6 and Capital Project Fund Ordinance Closeouts and Partial Closeouts 2013-1 - 2013-8.

Annually the City closes out completed projects in previous fiscal years and no longer active. The closeouts or partial closeouts were for various projects including street resurfacing, municipal transportation agreements, police, and airport projects. The projects were completed in a previous fiscal year and the revenues and expenditures related to the projects were audited.

7.0 PUBLIC HEARINGS

7.1 Case No. P12-50F. Request for rezoning from SF-6 Single-Family Residential to LC/CZ Conditional Limited Commercial or to a more restrictive district on property located at 102 Kirkland Drive. Containing 0.29 acres more or less and being the property of Drew and Kathrene Boxwell (Appeal of a Zoning Commission Denial).

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 reported the Zoning Commission denied the rezoning and therefore the applicant filed an appeal on November 15, 2012. He explained rezoning the property to

DRAFT

commercial or office use could be considered illegal spot zoning, however, there was a large medical facility adjacent to the property to the south across Cochran Avenue and there was an elementary school to the west across Ramsey Street. He further explained the campus-like setting and separation from the neighborhood of the existing commercial development was distinctly different than rezoning a house on a small lot at the entrance to the neighborhood. He stated the owner offered the conditions of (1) office use only and (2) exterior being compatible to surrounding area. He advised the Zoning Commission and staff recommended denial based on (1) the property being surrounded by single-family residential zoning, (2) rezoning the property to commercial affecting two residential streets of Cochran Avenue and Kirkland Drive, (3) both the City's Land Use Plan and Ramsey Street Corridor Plan calling for residential development on the property, (4) sufficient land already existing to accommodate the future nonresidential growth of Ramsey Street according to the Ramsey Street Corridor Plan, and (5) nibbling away existing residential discouraging redevelopment of already zoned commercial property thereby disrupting neighborhoods and affecting the traffic handling capacity of the streets. He further advised the Zoning Commission and staff recommend denying the appeal for rezoning to LC/CZ Conditional Limited Commercial.

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

Mr. Randy Scott, 1610 Fort Bragg Road, Fayetteville, NC, speaking on behalf of his mother residing on Kirkland Drive, appeared in opposition and stated his family had lived in the neighborhood for over 40 years and referred to this type of rezoning as "spot zoning".

Mr. Robert Royal, 106 Kirkland Drive, Fayetteville, NC, appeared in opposition and stated he had been a resident of Kirkland Drive since 1960s. He stated he had circulated the protest petition and filed it with the City Clerk.

Mr. Drew Boxwell, 102 Kirkland Drive, Fayetteville, NC, appeared in favor and stated he and his wife were the applicants and were requesting conditional use for office space zoning.

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

A discussion period ensued.

MOTION: Council Member Davy moved to deny the request for rezoning from SF-6 Single Family to LC/CZ Conditional Limited Commercial.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

7.2 Case No. P12-55F. Request for Special Use Permit to construct a Child Daycare Facility in an SF-10 district on property located on the northwest side of Lakewood Drive across from Meadowmont Lane. Containing a portion of a 48.6 acre tract and being the property of Hairr Family 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 stated the property was across from a new development that included a new Harris Teeter grocery store in the County's jurisdiction. He stated the property was zoned SF-10 and mostly surrounded by residential. He stated while the Land Use Plan called for low-density residential, a child daycare center would be an appropriate use if it met all the use specific standards for child care centers. He advised the Zoning Commission and staff recommended approval of the Special Use Permit for a child

DRAFT

care center as presented by staff and based on the use standards and the following findings:

- (1) The special use would comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use would be compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use would avoid significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use would be configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use would avoid significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use would maintain safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use would allow 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 would comply 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. Vincent Adderly, 2935 Spring Moss Lane, Fayetteville, NC 28306, appeared in opposition and requested the Council deny the Special Use Permit.

Mr. Matt Kirkpatrick, Developer for the applicant, 3715 Brighton Park Drive, Raleigh, NC 27612, appeared in favor and stated the facility would be extremely secure and highly regulated and would be approximately 10,800 square feet with a 7,000 to 8,000 square foot outdoor play area. He further stated the facility would be staffed by 15 employees and would be an excellent facility.

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

Council Member Applewhite expressed concerns regarding the retention pond in the vicinity.

A discussion period ensued regarding the retention pond and corresponding state requirements.

Ms. Karen McDonald, City Attorney, stated as Council had concerns and unanswered questions pertaining to the retention pond, an option could be to table the item to allow for further information to be gathered and allow time to request both the City Engineer and the Developer's Engineer to be present at the next Council meeting.

MOTION: Council Member Crisp moved to continue the public hearing through the next regular City Council meeting to be held on January 14, 2013, to allow staff time to garner more evidence and provide for testimony from the engineers.

SECOND: Mayor Pro Tem Arp

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

DRAFT

7.3 Case No. P12-56F. Request for a Special Use Permit for heavy auto repair on property zoned Community Commercial located at 5130 Raeford Road. Containing 2.66 acres more or less and being the property of DPGP 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 uses and zonings, and 2010 Land Use Plan. He stated the property was vacant and SF-10 district area was mainly undeveloped. He stated general auto repair was allowed by right in the CC, but heavy repairs, including body work, painting, engine and transmission repairs, would require a Special Use Permit. He stated the owner of the property would like to change one condition on the Special Use Permit and modify another. He stated in August of 2012 the City Council approved this Special Use Permit with the following conditions:

- (1) Property must meet the minimum requirements of the Development Code, such as parking and landscaping to name a few.
- (2) Type D buffer along Morris Street.
- (3) 12 caliper inches of trees and 36-inch high shrubs with a 10-foot buffer.
- (4) Chain link fence to remain.
- (5) Join the street maintenance association.
- (6) Hours of operation from 7:00 a.m. to 6:00 p.m. Monday to Friday and then 7:00 a.m. to 5:00 p.m. on Saturdays.
- (7) Bring Moore Street up to City standards to the property entrance.

Mr. Harmon stated the owners of the property were requesting conditions 6 and 7 be changed to read as follows:

- (6) No restriction on hours of operation.
- (7) Sidewalk installed along Moore Street and repairs to any damage done to City standards.

Mr. Harmon stated the Zoning Commission and staff recommended approval of the amendments to the conditions for this Special Use Permit based on (1) the property being currently zoned CC for heavy commercial, (2) a large car lot and other commercial uses surrounding the property, (3) the Special Use Permit allowing additional conditions be placed on the property, and (4) facilitating reuse of an existing vacant property consistent with the immediate area. He stated the Zoning Commission and staff recommended approval of the Special Use Permit for heavy auto repair, as presented by staff, based on the following findings and conditions:

Findings

- (1) The special use would comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use was compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use would avoid significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;

DRAFT

- (4) The special use was configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use would avoid significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use would maintain safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use would allow 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 would comply with all other relevant City, State, and Federal laws and regulations.

Conditions

- (1) Property must meet the minimum requirements of the UDO, such as parking and landscaping to name a few.
- (2) Type D buffer along Morris Street.
- (3) 12 inch trees and 36-inch high shrubs with a 10-foot buffer.
- (4) Chain link fence to remain.
- (5) Join the street maintenance association.
- (6) No restriction on hours of operation.
- (7) Sidewalk installed along Moore Street and repairs to any damage done to City standards.

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

Mr. Ben Lail, Engineer for the project, 409 Chicago Drive, Fayetteville, NC 28306, appeared in favor and requested Council approve the request for the Special Use Permit.

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 request for a Special Use Permit for heavy auto repair on property located at 5130 Raeford Road based on the eight findings and seven conditions.
SECOND: Council Member Fowler
VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.1 Presentation of the Audited FY 2011-2012 Comprehensive Annual Financial Report.

Ms. Lisa Smith, Chief Financial Officer, introduced Ms. Michelle Thompson, a partner with Cherry, Bekaert & Holland.

Ms. Thompson stated the completed audit of the City's 2011-2012 financial report was provided to the City Council on December 3, 2012. She thanked the Finance Department staff for their role in completing a successful audit process in preparation of the Comprehensive Annual

DRAFT

Financial Report. She respectfully requested the City Council accept the FY 2011-2012 Comprehensive Annual Financial Report.

MOTION: Mayor Pro Tem Arp moved to accept the audited FY 2011-2012 Comprehensive Financial Report.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

8.2 Sale and redevelopment of 301 Bragg Boulevard.

Mr. Craig Hampton, Special Projects Director, stated at the November 13, 2012, City Council meeting, Council approved the publication of a notice of upset bid for the property. He stated on November 28, 2012, receipt of bids was closed and no offers were received by the City Clerk as required by the advertisement. He reported construction would begin shortly after the beginning of 2013 and would take approximately one year to complete. He stated the project would create a positive impact to the Veterans Park budget due to the sale of land and to the general fund budget due to the increase in property taxes paid in the downtown area. He explained a tax value of \$9.1 million in the downtown tax district at the current combined City/Downtown tax rate of .556 per \$100.00 value would generate \$50,596.00 in annual general and central business district tax revenues. He introduced Mr. Ralph Huff, Developer for "Park View of Fayetteville", LLC.

Mr. Huff provided Council with a power point presentation and announced the site and floor plans were completed and he along with his partners have worked closely with City staff to ensure that the site work and building design met or exceed all UDO requirements. He stated the Park View team was ready to move forward with the sale of 14 manor units at 2,379 square feet, 6 townhome units at 2,927 square feet, and 27 loft units at 1,557 square feet. He advised prices would range from \$240,000.00 to \$350,000.00 depending on fit and finish. He stated Parkview was going to be a breathtaking addition to Fayetteville and thanked the Mayor and Council for their confidence in the Park View team.

Council Member Applewhite inquired how much the City had originally purchased the land for, and the amount the City subsequently sold it for. Mr. Ted Voorhees, City Manager, responded he would get that information and provide it to the Council.

Mr. Hampton advised staff recommended that Council adopt the resolution authorizing acceptance of offer to purchase and develop City-owned property commonly known as 301 Bragg Boulevard and authorize sale pursuant to N.C.G.S. § 160-269.

RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER TO PURCHASE AND DEVELOP CITY-OWNED PROPERTY COMMONLY KNOWN AS 301 BRAGG BOULEVARD AND AUTHORIZE SALE PURSUANT TO N.C.G.S. § 160-269. RESOLUTION NO. R2012-048.

MOTION: Council Member Davy moved to adopt the resolution authorizing acceptance of offer to purchase and develop City-owned property commonly known as 301 Bragg Boulevard and authorize sale pursuant to N.C.G.S. § 160-269.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

8.3 Recommendations of appointments to the Public Works Commission.

Council Member Hurst, Appointment Committee Chair, presented this item and stated the Appointment Committee met on November 27, 2012, to narrow the list of 21 applicants to fill two unexpired terms on the Public Works Commission. He reported the Committee by consensus narrowed the list to five candidates which were Mr. Glenn Adams, Ms. Lynne Greene, Mr. Karl Legatski, Mr. Wick Smith, and Dr. Assad Tavakoli. He stated it was then recommended that the PWC

DRAFT

President/CEO and City Manager speak with each of the five finalists and phone interviews were conducted on November 30 and December 3, 2012. He advised after receiving feedback from the PWC President/CEO and City Manager, Council Member Crisp made a motion to nominate Mr. Wick Smith and Ms. Lynne Greene which received unanimous consent.

MOTION: Council Member Hurst moved to accept the unanimous recommendation from the Appointment Committee for Mr. Wick Smith to fill the unexpired term of Ms. Terri Union through August 2014.

SECOND: Council Member Bates

Council Member Haire inquired of the City Manager if there was a list of questions for the phone interviews. Mr. Ted Voorhees, City Manager, responded Mr. Steven Blanchard, PWC President/CEO, had a series of questions. He further responded that he had chosen a different approach whereby he had a structured conversation with each of the candidates with the intent of covering a series of topics related to the same point but had no specific questions.

Council Member Haire referred to Question No. 10 on the boards and commissions application and expressed concerns regarding Mr. Smith's response as to the web design services he provided for the City of Fayetteville and Council Members Chavonne and Hurst's respective businesses as this could be perceived as unethical in putting him on the Commission. Council Member Hurst explained that Mr. Smith had indicated on his application that he had no outstanding contractual relationships and therefore there was no issue with him being nominated.

Council Member Bates stated Mr. Smith was a successful business owner and the Public Works Commission needed members that were successful to help run the utility.

Council Member Applewhite stated she had inquired at the Appointment Committee meeting as to whether the questions would be written and if the same questions would be provided to each candidate and the response was in the affirmative. She explained the responses in addition to the resumes could be used to understand the City Manager's decision on the two candidates. She inquired of the City Manager if there were written responses to the questions that could be shared with Council to support the nominations. Mr. Voorhees responded that Mr. Blanchard had written questions and some notes. He further responded he had no written questions but attempted to lead the five candidates through the same conversations. Mr. Voorhees explained neither one of them had complete packages of both the written questions and documentations of their responses in such a manner that they could provide those in writing to Council.

Council Member Applewhite inquired of Council Member Hurst if there was a summary of the findings that could be shared with Council so that they could support the nomination with the same understanding. Council Member Hurst responded at the December 3, 2012, Committee meeting it was reported that the phone interviews were completed by Mr. Blanchard and Mr. Voorhees and they only provided their impressions and thoughts of the candidates at the December 4, 2012, Committee meeting.

A discussion period ensued regarding questions and responses not being provided to Council and the new process of allowing the PWC President/CEO and City Manager to conduct phone interviews. Council Member Hurst explained it was his idea and it was presented at the November 5, 2012, work session and the Council approved the process as it was not a reappointment and it was felt the process needed to be more extensive.

Council Member Fowler stated that Mr. Smith should not be perceived as unethical for operating a successful local business and

DRAFT

dealing with local customers. He stated Mr. Smith was a truly ethical man and would do a terrific job.

Council Member Crisp stated since the December 4, 2012, Committee meeting, he had become concerned regarding Mr. Smith's business relationships and could no longer endorse Mr. Smith.

Mayor Chavonne expressed concern for the scrutiny on Mr. Smith as being unfair and apologized to all citizens who had an interest in serving on boards and commission for this behavior.

Mayor Chavonne opened the floor for nominations to fill Ms. Terri Union's term expiring August 2014.

RESTATED MOTION:

Council Member Hurst moved to accept the unanimous recommendation from the Appointment Committee for Mr. Wick Smith to fill the unexpired term of Ms. Terri Union through August 2014.

SECOND: Council Member Bates

Council Member Haire nominated Mr. Mitchell Colvin, seconded by Council Member Applewhite.

Council Member Crisp nominated Ms. Sheryl Lewis, seconded by Council Member Applewhite.

The votes were taken and Mayor Chavonne announced that Mr. Wick Smith, by a vote of six, was appointed to serve the term January 1, 2013, through August 31, 2014, on the Public Works Commission.

Mayor Chavonne opened the floor for nominations for Mr. Luis Olivera's term expiring August 2015.

MOTION: Council Member Hurst moved to accept the unanimous recommendation from the Appointment Committee for Ms. Lynne Greene to fill the unexpired term of Mr. Luis Olivera through August 2015.

SECOND: Council Member Bates

Council Member Crisp nominated Ms. Sheryl Lewis, seconded by Council Member Haire.

Council Member Applewhite nominated Mr. Mitchell Colvin with no second.

Council Member Massey nominated Mr. Donald LaHuffman with no second.

The vote was taken and Mayor Chavonne announced that Ms. Lynne Greene, by a vote of 7, was appointed to serve the term January 1, 2013, through August 31, 2015, on the Public Works Commission.

8.4 Uninhabitable Structures Demolition Recommendations

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

1201 North Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. 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 2002. He further noted within the

DRAFT

past 24 months there had been 1 call for 911 service and 3 code violations with a pending assessment of \$147.10 for lot cleaning. He advised the low bid for demolition was \$1,445.00.

1920 Powell Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. 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 August 2010. He further noted within the past 24 months there had been 59 calls for 911 service and 7 code violations with pending assessments of \$3,111.75 for lot cleaning and securing of the structure. He advised the low bid for demolition was \$1,400.00.

1086 Strickland Bridge Road

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure. 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 March 2011. He further noted within the past 24 months there had been 19 calls for 911 service and 4 code violations with a pending assessment of \$387.88 for lot cleaning. He advised the low bid for demolition was \$3,200.00.

237 S. Windsor Drive

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. 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 March 2008. He further noted within the past 24 months there had been 13 calls for 911 service and 4 code violations with pending assessments of \$1,517.43 for lot cleanings. He advised the low bid for demolition was \$1,500.00.

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 (1201 NORTH STREET, PIN 0438-61-9375). ORDINANCE NO. NS2012-045.

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 (1920 POWELL STREET, PIN 0436-13-0691). ORDINANCE NO. NS2012-046.

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 (1086 STRICKLAND BRIDGE ROAD, PIN 0406-07-6834). ORDINANCE NO. NS2012-047.

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 (237 S. WINDSOR DRIVE, PIN 0438-31-6260). ORDINANCE NO. NS2012-048.

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

SECOND: Council Member Haire

DRAFT

VOTE: UNANIMOUS (10-0)

8.5 Rental Action Management Program (RAMP)

Ms. Patricia Bradley, Police Attorney, presented this item with the aid of a power point presentation and stated the current RAMP ordinance was adopted by Council on February 27, 2012, and took effect on July 1, 2012. She stated Mr. Bauer met with staff members in November to discuss RAMP implementation which was progressing consistent with the implementation plan shared with Council in February. She stated the code enforcement qualification process was well underway. She stated Police staff had identified a few refinements to the ordinance to be brought forth to Council this evening. She stated during the implementation period, staff identified crimes which should be amended to more accurately reflect the type of crimes that RAMP was designed to address. She stated the proposed changes were to delete crimes where the tenant was the "true" victim, for example, burglaries, motor vehicle theft, and sexual assault. Also, she stated crimes that the tenant committed or could prevent others from committing on the property that they have control of such as various drug offenses need to be added.

Council Member Applewhite inquired what transpired after tenants moved out and new tenants moved in with regards to the crime statistics. Ms. Bradley responded that the statistics remained with the residence, not the tenant.

A brief discussion period ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 14, HOUSING, DWELLING, AND BUILDINGS, ARTICLE V, RENTAL ACTION MANAGEMENT PROGRAM, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2012-028.

MOTION: Council Member Davy moved to adopt the ordinance amendment with an effective date of December 10, 2012.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:22 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

ANTHONY G. CHAVONNE
Mayor

121012

DRAFT

FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JANUARY 23, 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
Brian Meyer, Assistant City Attorney
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
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 January 28, 2013, agenda:

PUBLIC HEARINGS

Case No. P12-55F. Request for Special Use Permit to construct a Child Daycare Facility in an SF-10 district on property located on the northwest side of Lakewood Drive across from Meadowmont Lane. Containing a portion of a 48.6 acre tract and being the property of Hairr Family LLC.

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 case had been tabled at the Council's December 10, 2012, meeting as concern was raised as to the site plan not indicating whether a fence would be installed around the detention pond. He further stated the concern was that no fence could be a hazard to children attending the daycare. He explained that since this was a Special Use Permit (SUP), the Council could condition the project to have a fence around the pond, which could affect other standards. He further explained the project would be required to meet state child care design standards which would address issues like fencing of outdoor play areas, design of drop-off areas, and other safety concerns. He provided information on the site plan not being a requirement for a SUP and the options available to treat the storm water runoff on the property. In summary, he stated staff was confident that child safety would be covered by both City and State site design requirements and if Council felt uncomfortable with the particular situation, the following language could be considered: In the event that a detention pond was used by the project developer to meet stormwater management requirements, it shall be fully surrounded by a four-foot tall fence placed in a location to allow pond maintenance, and any gates on said fence shall be secured at all times during which the pond was not being actively maintained or monitored. He advised the Zoning Commission and staff recommended approval based on (1) the property being a proper size and in a proper location for a day care center, (2) Lakewood Drive being a minor thoroughfare, (3) the property being located across the street from a new commercial center, and (4) meeting the City's use specific requirement for a child care center. He further advised that the Zoning Commission and staff recommended as presented by staff and based on the request being able to meet the following findings:

DRAFT

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (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.

Case No. P12-57F. Request for a Special Use Permit to construct monitored electrified fencing on property zoned CC - Community Commercial and located at 432 Rankin Street. Containing 1.26 acres more or less and being the property of ASC Equipment Co.

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 provided background on the development code amendment to allow electrified fencing. He explained the property was an existing building and business with a standard six foot chain link fence already in place. He further explained the application was not meeting the new standards for monitored electrified fencing. He stated the applicant asserted that this type of security fencing was needed where the business was located to protect the large equipment that was stored outside for rent. He noted there had been 65 calls for police service within a 500 foot radius in 2012, 29 calls were on Rankin Street and 2 from the address of the applicant. He advised the Zoning Commission and staff recommended approval based on (1) the property being surrounded by heavy commercial zoning and the uses bordering on light industrial, (2) the criminal activity in the area and monitored electric fencing being appropriate to protect the property, and (3) the design of the fencing following the regulations established in the City's design code. 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. 30-4.C.5.b.2 (Heavy Equipment Sales, Rental or Storage));
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;

DRAFT

- (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.

Council Member Applewhite requested details regarding the appearance of the warning signs be provided.

Council Member Crisp inquired whether the City could face any liability for approving the fence if someone was injured. Mr. Brian Meyer, Assistant City Attorney, responded that the City should not be liable for acts on private property and had been offered a hold harmless agreement from the manufacturer of the fence.

Council Member Crisp stated he would bring that topic up again at the public hearing.

Case No. P12-59F. Request for a Special Use Permit for warehousing on property zoned Community Commercial and located at 430 Chicago Drive. Containing 0.98 acres more or less and being the property of Lacast Commercial LLC.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the request was for a Special Use Permit (SUP) for the use of warehousing in the CC - Community Commercial district. He further explained that Chicago Drive was a heavy commercial, almost industrial area. He stated staff considered the property a proper location for low-intensity warehousing because the property was surrounded by heavy commercial and industrial zoning and uses. He further stated the building was approved prior to the adoption of the Unified Development Ordinance (UDO), and the owner was upgrading the proposed landscaping to more closely match that required by the UDO. He advised the Zoning Commission and staff recommended approval based on (1) the property being currently surrounded by heavy commercial and industrial zoning, (2) the City's Land Use Plan calling for heavy commercial on the property, and (3) the Land Use Plan calling for heavy commercial and industrial to surround the property. He further advised 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. 30-4.C.5.d.2);
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;

DRAFT

- (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.

Ms. Karen Hilton, Planning and Zoning Division Manager, reviewed upcoming text amendments to Article 30 that would be presented at the February 11, 2013, Council meeting regarding nonconforming sites, lots, and fence heights and downtown district adjustments.

Mr. Harmon presented information regarding Fort Bragg's wish to change the procedure for notification of zoning changes such that RLAC would be presented with the changes and would review rather than the notification being sent by certified mail to the Base Commander.

Council Member Applewhite raised concerns over the status of the street lighting ordinance and the progress toward forcing compliance with the ordinance by power companies outside PWC. Mr. Ted Voorhees, City Manager, stated that this would be addressed at the next work session.

Council Member Haire informed Council that he would be pulling Items 5.2 and 5.3 from the consent agenda concerning property acquisition for the Murchison Road Corridor Redevelopment Plan.

There being no further business, the meeting adjourned.

Respectfully submitted,

BRIAN M. MEYER
Assistant City Attorney

ANTHONY G. CHAVONNE
Mayor

012413

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Giselle Rodriguez, PE, Interim City Engineer
DATE: February 11, 2013
RE: **Addition of Certain Streets to the City of Fayetteville System of Streets**

THE QUESTION:

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 0.7 mile.

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 2013 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

1/24/13

**NEW STREETS FOR
COUNCIL APPROVAL
FEBRUARY 2013**

| STREET NAME | FROM | TO | LENGTH TO BE ACCEPTED |
|--------------------|---------------|------------------|----------------------------------|
| RIVER PARK DR | MIDDLE RD | BLUFFSIDE DR | 0.03 |
| CAPE POINT DR | BLUFFSIDE DR | BLUFFSIDE DR | 0.19 |
| RIVER LANDING DR | CAPE POINT DR | BLUFFSIDE DR | 0.09 |
| BLUFFSIDE DR | RIVER PARK DR | SW CORNER LOT 13 | 0.39 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| TOTALS | | | 0.70 |

4 STREETS TOTAL

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rebecca Rogers-Carter, Strategic Planning Manager
DATE: February 11, 2013
RE: **Calendar 2013 Federal Legislative Agenda**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

This item supports the City's goal of More Efficient City Government which seeks to efficiently invest in the City's programs and future infrastructure, facilities and equipment.

BACKGROUND:

The City of Fayetteville, Cumberland County and the Fayetteville-Cumberland County Chamber of Commerce have partnered with The Ferguson Group to develop a community-wide federal legislative agenda for calendar year 2013. The partners met December 12 in a series of meetings with City and County directors and staff to discuss community federal advocacy needs with The Ferguson Group lobbyists Debra Bryant and Sara Guy. During the day-long work shop, time was allocated for City Council members and County Commissioners to meet with the lobbyists. Based on these sessions with elected officials and local government staff, The Ferguson Group developed a draft of the Calendar Year 2013 Federal Legislative Agenda for your review and discussion.

On February 4, Ms. Mozingo presented the draft of the agenda to the Fayetteville City Council during its work session and to the Board of Commissioners at its regular meeting. Similar to the 2012 federal agenda, this year's draft agenda represents a major change from years past. Instead of focusing on earmarks, it now focuses on federal grant opportunities and legislative advocacy. Ms. Mozingo will explain this year's process and The Ferguson Group's shift to providing competitive grant services. A final draft of the agenda is attached for your review and consideration. The agenda is based on projects and issues which the partners identified as community priorities and which the lobbyists think federal grants or advocacy can be successfully secured. The initiatives are not listed in priority order.

ISSUES:

The issues we will share with our state legislative delegation are not included on the attached Calendar 2013 Federal Legislative Agenda.

BUDGET IMPACT:

OPTIONS:

- 1) Clarify interests for the Calendar Year 2013 Federal Legislative Agenda
- 2) Adopt the Calendar Year 2013 Federal Legislative Agenda

RECOMMENDED ACTION:

Adopt the Calendar Year 2013 Federal Legislative Agenda

ATTACHMENTS:

2013 Federal Legislative Agenda



Calendar Year 2013 Federal Legislative Agenda

| | |
|---|--|
| <p>The City of Fayetteville, Cumberland County, and the Fayetteville Regional Chamber of Commerce have formed a strategic partnership to establish a federal advocacy agenda. Federal funding and policy decisions are critical to the growth and strength of our community. In the best interest of their constituents, the partners have prioritized infrastructure, technology and programmatic needs. The combined advocacy efforts will protect and preserve essential community assets and resources, allowing Fort Bragg and its surrounding metropolitan and unincorporated areas to thrive. Therefore, the partners call upon the advocacy of its Congressional delegation to support their highest priorities.</p> | |
| <p>HOMELAND SECURITY, EMERGENCY RESPONSE AND PUBLIC SAFETY</p> | <p>Combating gun violence, gangs, domestic violence and human trafficking are top priorities. Our community operates under constant public safety danger based on the national security agenda, proximity to Fort Bragg, and our central location and accessibility to interstate highways. Interoperability improvements are a must for our community, yet there is no funding to do so. The military security component creates unique challenges in communications between first responders and the military. County public safety agencies, the city police and fire departments are in need of updating radio systems to be P-25 compliant. Additionally, radio interoperability between the city, county and Fort Bragg emergency services is very limited.</p> |
| <p>Position: Invest in our nation's homeland security, public safety and local first responders.</p> | |
| <p><u>PRIORITY INITIATIVES</u></p> <ul style="list-style-type: none">• Gun Safety• Technology inter-operability• Joint Emergency Operations Center• Anti-Human Trafficking• Innovative Family Justice Center• Court programming for domestic violence and sexual assault prevention | <p><u>ACTION STEPS</u></p> <p><i>Legislative Advocacy:</i></p> <ul style="list-style-type: none">• Design language for FY14 Justice Appropriations that gives the Justice Department the flexibility it needs to allow discretionary funding of a competitive grant for public safety technology• Assist acquisition of communication systems for P-25 compliance between military, first responders, and public safety officers• Incentivize joint emergency & crisis services; support government modernization• Fund Homeland Security• Support anti-human trafficking infrastructure funding; port, highway, and street development to provide effective police response <p><i>Federal Assistance:</i></p> <ul style="list-style-type: none">• Smart Policing Initiative• Project Safe Neighborhoods• Violence Against Women Act• Anti-gang initiatives• Byrne Criminal Justice Innovation program |



Calendar Year 2013 Federal Legislative Agenda

| | | |
|--|---|--|
| VETERANS, HEALTH & HUMAN SERVICES | North Carolina has a population of 760,000 veterans. Cumberland County has the third largest population of veterans for any county and ranks first for all categories of disabled veterans, including 100 percent disabled. Fayetteville and Cumberland County are proud to be the home of Fort Bragg, the second largest military installation in the world, and consider it a privilege to serve active-duty military and veterans. Yet the impact on local government, and our health and human services agencies, is significant. Increasingly limited resources are threatening the delivery of health-related and social services for veterans and our military population, who have been at war continuously for 12 years. | |
| Position: Advocate for targeted funding and legislation to assist with veterans support services, mental health resources, homelessness, and military workforce development. | | |
| PRIORITY INITIATIVES <ul style="list-style-type: none">• Support court innovation programs with emphasis on veterans and mental health needs• Crisis Intervention Training• Emergency shelter & homeless prevention program support• CDBG & HOME: Affordable Housing | ACTION STEPS <i>Legislative Advocacy:</i> <ul style="list-style-type: none">• Advocate for veterans support services provided by local governments: transportation, mental health, crisis intervention, medical care, transitional housing and counseling, including creating new legislation where needed• Work with national associations and coalitions to protect and sustain HOME and CDBG funding• Support funding for Institute for Museum and Library Services <i>Federal Assistance:</i> <ul style="list-style-type: none">• Veterans Treatment Court, grant application 2013.• Seek capital funding for drop-off center and programmatic support for Crisis Intervention Training• Street Outreach Program• Urban and Non-Urban Homeless Veterans Reintegration• Seek federal funding sources for a dedicated county law enforcement officer to work with homeless | |



Calendar Year 2013 Federal Legislative Agenda

TRANSPORTATION, ENVIRONMENT & INFRASTRUCTURE

Fayetteville's infrastructure network is vital to our community's safety, connectivity, economic development and growth. As local governments respond to fiscal challenges and existing infrastructure ages and lags behind growth, federal support is critical. Public transit is a Smart Growth environmental priority for the region. Fayetteville's public transit system has experienced an increase in public transit use of 80 percent since 2008. Airport funding must be protected and expanded as our military and business sectors greatly rely on the services provided by Fayetteville Regional Airport and are invested in the future growth of these services. It is imperative that we preserve our natural resources, and green spaces to create beautiful, walkable communities. Fayetteville's parks and recreation facilities lag behind the national standard and struggle to provide quality of life programs for all its citizens, including the military families our community supports.

Position: Advocate for the authorization of a well-funded, long-term, comprehensive surface transportation program. Advocate for enhanced congressional support for urban design, air quality improvement, traffic calming, street widening, and pedestrian safety improvements on roadways and corridor projects that will promote business development and necessary military transit. Advocate for infrastructure funding to accelerate job growth, assist communities with declining infrastructure, including capital projects for Parks and Recreation facilities.

PRIORITY INITIATIVES

- Protection of public transit system formula funding
- Expanding public transportation programs (rural, startups, etc)
- Protection and expansion of airport funding
- Expansion of roadways and utilities for business development
- I-295 accelerated schedule
- Environmental protection
- Community gateway and transportation corridor beautification funding
- Capital funding for

ACTION STEPS

Legislative Advocacy:

- Draft FAST amendments for surface transportation (MAP-21)
- Advocate for comprehensive regional master plan development funding
- Engage in planning process to prepare for smart communities/smart growth strategies, funding and implementation
- Support expanded authority in Water Resources Development Act under Section 219(f) for water and sewer upgrades and remove appropriation restrictions on Corps new starts
- Support the Community Parks Revitalization Act and innovative financing of park and recreational infrastructure

Federal Assistance:

- Seek funding for traffic safety study
- Help public transit system maximize federal resources
- Help Fayetteville Area Metropolitan Planning Organization maximize federal resources
- Seek funding to study I-95 corridor improvements
- Explore ways to help NCDOT fund an accelerated construction schedule for the Fayetteville-Cumberland County I-295 Outer Loop
- Seek grants to fund parks and recreational facilities



Calendar Year 2013 Federal Legislative Agenda

| | |
|---|--|
| maintenance, upgrades and additional facilities | |
| ECONOMIC & WORKFORCE DEVELOPMENT | Economic and talent development, in light of sequestration, creates an urgent need for industry diversification in Cumberland County. We are seeking ways to support business growth and new industry development to combat the county's high unemployment rate. Additionally, attempts to attract large industry to the area have brought to light an infrastructure deficit. Economic development initiatives would benefit greatly from the purchase and development of a mega site. |
| Position: Advocate for additional legislative attention to promote small business development, assist the growth of the local food economy, and workforce innovation grant funding for internships/work-based learning in high growth fields to support veteran employment and skilled workforce for businesses. | |
| PRIORITY INITIATIVES <ul style="list-style-type: none">• Foreign Direct Investment attraction• Mega site• Workforce training initiatives and hiring incentives• Farmers markets• Wounded Warrior employment assistance• Murchison Road Corridor Development | ACTION STEPS <i>Legislative Advocacy:</i> <ul style="list-style-type: none">• Support funding for U.S. Department of Labor Workforce Innovation Grant programs and High Growth Job Development Initiatives, as well as funding for work-based experiential learning, internships/externships, apprenticeships, youth work programs and business hiring incentives for veterans and ex-offenders• Support funding for workforce development programs for veterans, military families and wounded warriors• Support Veterans Administration and Small Business Administration programs that provide small business loans <i>Federal Assistance:</i> <ul style="list-style-type: none">• Seek funding for mega site infrastructure development funding• U.S. Economic Development Administration Public Works and Economic Adjustment Assistance Programs• U.S. Department of Agriculture's Farmers Market Promotion Program• Seek funding and leverage partnerships in an effort to promote economic development along the Murchison Road corridor |
| LOCAL GOVERNMENT SUSTAINABILITY | Congressional support of fiscal tools that help ensure financial sustainability for local governments. |
| INITIATIVES <ul style="list-style-type: none">• Online Sales Tax• Municipal Bonds• Impact Aid | ACTION STEPS <ul style="list-style-type: none">• Support legislation that allows local governments to collect sales taxes from online sales• Oppose increasing costs of issuing municipal bonds• Oppose cuts to Impact Aid and support legislation that assists with school construction projects |



Calendar Year 2013 Federal Legislative Agenda

| | |
|--|--|
| | |
|--|--|

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Rebecca Rogers-Carter, Strategic Planning Manager
DATE: February 11, 2013
RE: **Adoption of the 2013-2014 State Legislative Agenda**

THE QUESTION:

Adoption of the State Legislative Agenda

RELATIONSHIP TO STRATEGIC PLAN:

This item supports the City's goal of More Effective City Government which seeks to efficiently invest in the City's programs and future infrastructure, facilities and equipment.

BACKGROUND:

The 2013-2014 biennium of the North Carolina General Assembly convened on January 30, 2013. Fayetteville's legislative delegation's support and advocacy is instrumental in assisting the City with acquiring authority to establish certain programs and in securing community assets. In an effort to ensure that key issues impacting the City of Fayetteville remain at the forefront of the N.C. General Assembly, the City develops a state legislative agenda.

Each year, the City administration reviews various legislative issues that could impact the citizens and/or businesses of Fayetteville. The City's Legislative Action Committee met on December 6, 2012 to review the proposed state legislative agenda for the 2013 Long Session of the N.C. General Assembly. Issues are vetted and a draft agenda was presented to the City Manager for further review and consideration. The 2013-2014 State Legislative Agenda is now presented to City Council for consideration.

ISSUES:

N/A

BUDGET IMPACT:

OPTIONS:

- 1) Clarify interests for the 2013-2014 State Legislative Agenda
- 2) Adopt the 2013-2014 State Legislative Agenda

RECOMMENDED ACTION:

Staff recommends that Council moves to adopt the 2013-2014 State Legislative Agenda attached.

ATTACHMENTS:

2013-2014 State Legislative Agenda



City of Fayetteville 2013-2014 State Legislative Agenda

The 2013-2014 biennium of the North Carolina General Assembly convened on January 30, 2013. The following list represents the needs and interests of the City of Fayetteville. The members of our delegations are encouraged to:

- 1) Oppose legislation impacting municipal services and planning regulations by:
 - Balancing the State budget using State-collected local government revenues
 - Creating unfunded mandates for local governments
 - Limiting objective design review standards for development regardless of density
 - Further limiting existing billboard regulations.
- 2) Support legislation that enhances the community and protects municipal programs, resources, and revenues by:
 - Protecting municipal privilege license revenues
 - Protecting State public transit funding
 - Increasing the long underfunded State Fire Protection Fund
 - Increasing funding for local transportation infrastructure
 - Funding programs for energy efficiency audits, energy efficiency retrofits for public buildings, and climate change adaptation plans
 - Protecting legal authority of local governments to regulate tow truck operators to prevent predatory towing practices from private property
 - Protecting and strengthening the Metal Theft Prevention Act of 2012.
- 3) Seek legislation for the preservation of local municipalities' ability to grow, in a reasonable manner, while providing quality municipal services by:
 - Amending the city-initiated annexation law to permit so-called "doughnut hole" annexations to proceed without a referendum
 - Amending the city-initiated annexation law to provide that when there are no voters, a city may annex an area without a referendum
 - Approving technical adjustments regarding satellite annexations to simplify and clarify the law
 - Eliminating "free connections" for water and sewer in annexed areas as they are an unfair burden on existing ratepayers
 - Amending the city-initiated annexation law to relax the requirement to install water and sewer within a defined time period for areas in which significant redevelopment is projected to occur

Continued:

- Amending North Carolina Session Law 2004-75 to delete the requirement for “certified mail” notification to the military base commanders and include requirement for base commanders “or their designees” to be notified of activities requiring conditional or special use permits within a five-mile area.

4) Seek legislation to allow the City of Fayetteville to confidentially disclose limited personnel information to the members of the Citizen Complaint Review Board to facilitate its review of police disciplinary cases.

5) Support legislation outlined in the 2013-2014 North Carolina League of Municipalities Advocacy Goals.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Theodore L. Voorhees, City Manager
DATE: February 11, 2013
RE: **City and PWC Consolidation Resolution and Budget Ordinance Amendment 2013-9**

THE QUESTION:

Does the draft resolution accurately express the Council's interest and direction related to considering consolidation of City and PWC support services?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Efficient Government- Cost Effective Service Delivery. This is a Target for Action (TFA) for FY 2014. The resolution supports the action plan articulated in the strategic plan.

BACKGROUND:

The Council had significant discussion regarding the City's relationship with the PWC and the Fayetteville utilities managed thereby during the FY 2013 strategic planning retreat. While the history of this relationship is lengthy and varied there was strong consensus on Council that opportunities to gain efficiencies through the consolidation and/or reorganization of support services should be explored in pursuit of lowering costs for both the utility rate payers and City tax payers. The City and PWC consolidation study was identified as a TFA and a high priority policy action for FY 2013 in the City's strategic plan. This interest was discussed with the PWC and included in the strategic planning process they completed around the same time. The PWC action item is, unfortunately, more vague than that established by the Council. Further, two new PWC Commissioners have been appointed who did not participate in the dialog that led to these two similar expressions of interest.

The action plan prepared by staff in pursuit of advancing this policy objective includes working with Council to clarify short and long-term objectives. The resolution will provide an opportunity for the Council to establish its expectations of both City staff and the PWC. During February 4, 2013 City Council Meeting the City Manager, Mr. Theodore L. Voorhees, briefed Council on the City and PWC consolidation study strategic plan TFA and the necessary resolution to establish expectations. The consensus of Council, regarding the resolution was to bring it forward at the next regular City Council Meeting for formal consideration.

There was also considerable discussion about the RFP that was issued in December. Consistent with the action plan, staff issued an RFP seeking analytical and managerial support for this project. Three responses have been received. Based on the review of the three proposals and Council direction, staff recommendations are to enter into a service agreement with Davenport Lawrence.

ISSUES:

Discuss initial scope and funding need.

BUDGET IMPACT:

There is no budget impact for adopting the resolution. To award the Consulting Services Contract, the budget ordinance amendment will appropriate \$100,000 from General Fund fund balance.

OPTIONS:

- 1) Adopt the PWC Consolidation Resolution and Budget Ordinance Amendment 2013-9, and direct the City Manager to move forward with the study.
- 2) Provide clarification to the City Manager on Council expectations for the City and PWC Service

Consolidation, 2013 Target for Action (TFA).

RECOMMENDED ACTION:

Adopt the PWC Consolidation Resolution and Budget Ordinance Amendment 2013-9 and direct the City Manager to move forward with the study.

ATTACHMENTS:

City and PWC Consolidation Resolution
BOA 2013-9

RESOLUTION NO. R2013-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
SUPPORTING THE CITY CHARTER AND THE PUBLIC WORKS
COMMISSION AND DIRECTING THE CITY MANAGER TO EVALUATE AND
RECOMMEND FUNCTIONAL CONSOLIDATIONS THAT BENEFIT THE
CITIZENS OF FAYETTEVILLE**

WHEREAS, the City of Fayetteville is a municipal corporation that operates under the laws of North Carolina; and

WHEREAS, the Fayetteville City Council is the governing body of the City of Fayetteville; and

WHEREAS, the Charter of the City of Fayetteville, among other things, established a commission of the City of Fayetteville to be known as the Public Works Commission; and

WHEREAS, the City Council acknowledges the valuable contributions to the community made by the Public Works Commission and its employees over many years; and

WHEREAS, the greater Fayetteville community has benefitted from high quality water, wastewater and electric services provided at reasonable rates; and

WHEREAS, the Public Works Commission has operated these utilities utilizing objective rate-setting criteria and has contributed to the overall economic health, safety and welfare of Fayetteville; and

WHEREAS, the City Council supports the City Charter as currently constructed; and

WHEREAS, the responsibilities and the size of the City of Fayetteville have changed significantly since the time the Public Works Commission was established, and the role of city government has also changed dramatically in recent years such that the City Council desires to provide for a more robust overall City organization, with fewer duplicate administrative functions, and with capacity to meet the administrative support needs of the Public Works Commission and the larger organization; and

WHEREAS, the City Council has the authority under North Carolina General Statute 160A-146 to “create, change...and consolidate offices, positions, departments, boards, commissions, and agencies of the city government and generally organize and reorganize the city government in order to promote orderly and efficient administration of city affairs” subject to limitations provided by law; and

WHEREAS, the City Council, as the governing body of the City and appointing authority of the members of the Public Works Commission, has determined that it is in the best interest of the City of Fayetteville to study all City offices, positions, and departments of the Public Works Commission other than those essential to “supervision and management of the electric utility plant, the waterworks and sewerage,” with the goal of benefitting taxpayers and ratepayers through efficiency;

NOW, THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, this Council does hereby resolve that:

The City Manager is directed, within the limits of the City of Fayetteville Charter, to evaluate and recommend consolidating with the rest of the City government any offices, positions, and departments of the Public Works Commission that would be beneficial to the taxpayers and ratepayers, other than those essential to “supervision and management of the electric utility plant, the waterworks and sewerage;” and

The Public Works Commission is directed to provide access to all records, organizational materials, job descriptions, financial records, and any other materials reasonably requested by the City Manager and his agents to use in the study of consolidation; and

The City Manager may employ such consultants as may be advisable to develop appropriate plans for organizational consolidation, subject to budgetary limitations.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the __ day of _____, 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

2012-2013 BUDGET ORDINANCE AMENDMENT
CHANGE 2013-9

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

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

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

| <u>Item</u> | <u>Listed As</u> | <u>Revision</u> | <u>Revised Amount</u> |
|--|-----------------------|-------------------|-----------------------|
| <u>Schedule A: General Fund</u> | | | |
| Fund Balance Appropriation | \$ 7,356,309 | \$ 100,000 | \$ 7,456,309 |
| All Other General Fund Revenues and OFS | 141,112,812 | - | 141,112,812 |
| Total Estimated General Fund Revenues and Other Financing Sources | <u>\$ 148,469,121</u> | <u>\$ 100,000</u> | <u>\$ 148,569,121</u> |

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

| <u>Item</u> | <u>Listed As</u> | <u>Revision</u> | <u>Revised Amount</u> |
|---|-----------------------|-------------------|-----------------------|
| <u>Schedule A: General Fund</u> | | | |
| City Manager's Office | \$ 912,672 | \$ 100,000 | \$ 1,012,672 |
| All Other General Fund Departments | 147,556,449 | - | 147,556,449 |
| Total Estimated General Fund Expenditures | <u>\$ 148,469,121</u> | <u>\$ 100,000</u> | <u>\$ 148,569,121</u> |

Adopted this 11th day of February, 2013.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: February 11, 2013
RE: **A Resolution to seek the amendment of an Act to Require Counties and Cities Near Military Bases to Give Notice of Land-Use Planning Changes to such bases.**

THE QUESTION:

Passage of a resolution seeking the amendment of North Carolina Session Law 2004-75 Senate Bill 1161 enacted July 8, 2004.

RELATIONSHIP TO STRATEGIC PLAN:

Growth and development

BACKGROUND:

Resolution requested by: Regional Land Use Advisory Commission (RLUAC)
Session Law: 2004-75
Senate Bill: 1161
Enacted: July 8, 2004.

Purpose of Legislation: Require local governments to notify the Base Commander of any rezoning requests proposed within 5 miles of a Military Base.

ISSUES:

The Regional Land Use Advisory Commission (RLUAC), working in conjunction with Fort Bragg, is proposing two changes to State Legislation enacted in 2004. RLUAC would like for the City to adopt the attached resolution endorsing the following changes:

- Item 1. Delete the requirement for a "certified mail" notification to the military base commanders.
- Item 2. Include the additional requirement for base commanders "or their designees" to be notified of proposed subdivisions, telecom towers, windmills or any other activity requiring a conditional or special use permit within 5 miles of the military base.

What would these changes mean to the City? Item 1 would save the City the cost of sending an agenda packet by certified mail twelve times a year. This total would be around \$70 per year. The first thing Item 2 does is to allow RLUAC to be designated as the reviewing agency for Fort Bragg, a function that they already do. This will allow all of the required information to be sent straight to RLUAC. Item 2 will also increase the types of items the City is required to send to the Base's reviewing agency. Currently City staff already sends these new items to the Base as a courtesy. Because of this there will be no additional items for staff to mail out for review.

BUDGET IMPACT:

There will be very little impact to the City's budget. The City should see a slight decrease in cost for mailing monthly notifications of Planning related cases.

OPTIONS:

- 1. Approve the adoption of the attached resolution;
- 2. Pull item from the Consent Agenda for presentation from staff;
- 3. Deny the request to support this proposed legislative change.

RECOMMENDED ACTION:

Staff recommends: That the City Council adopt the attached resolution endorsing amendments of North Carolina Session Law 2004-75 Senate Bill 1161.

ATTACHMENTS:

Resolution for an Amendment to a State Act

**A RESOLUTION TO SEEK THE AMENDMENT OF
NORTH CAROLINA SESSION LAW 2004-75
SENATE BILL 1161 ENACTED JULY 8, 2004**

WHEREAS, the North Carolina General Assembly adopted Session Law 2004-75 known as *"An Act to Require Counties and Cities Near Military Bases to Give Notice of Land-Use Planning Changes to the Military Bases"*, and

WHEREAS, the law continues to be a very effective and important tool in facilitating communication between North Carolina's military bases and the surrounding local governments (cities and counties) concerning proposed zoning changes within five miles of the bases, and

WHEREAS, certain provisions of the existing law have proven to be burdensome for both the military and local governments to implement, and

WHEREAS, certain other potentially incompatible land uses were omitted from the law's notification requirements.

NOW THEREFORE BE IT RESOLVED, that the City of Fayetteville hereby requests the North Carolina General Assembly to adopt the following amendments to North Carolina Session Law 2004-75:

A. Delete the requirement for a "certified mail" notification to the military base commanders [152A-323 (b) and 160A-364 (b)], and

B. Include the additional requirement for base commanders "or their designees" to be notified of proposed subdivisions, telecom towers, and windmills or any other activity requiring a conditional or special use permit within the five-mile area.

Adopted this ____ day of _____, 2013

Mayor

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: February 11, 2013
RE: **PWC - Phase 5 Annexation Areas 14 and 15**

THE QUESTION:

Providing sanitary sewer service to Areas 14 and 15 of the Phase 5 Annexation.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

As part of the statutory requirements for annexation procedures, City Council approved Resolution Number R2013-005 in their meeting on January 14, 2013. A public hearing was held on January 28, 2013 to hear public comment regarding the project. The next step is to adopt the Resolution Directing Project be Undertaken.

ISSUES:

BUDGET IMPACT:

N/A

OPTIONS:

N/A

RECOMMENDED ACTION:

Staff recommends that Council adopt the Resolution Directing the Phase V Annexation Areas 14 and 15 Utility Improvement Projects be Undertaken.

ATTACHMENTS:

Resolution Directing Project be Undertaken

RESOLUTION DIRECTING CONSTRUCTION OF AREAS 14 AND 15 OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN

WHEREAS, on the 14th day of January, 2013, the City Council of the City of Fayetteville, North Carolina, adopted a Preliminary Assessment Resolution Providing for the Extension of its Sanitary Sewer Collection System in All or Portions of the Streets Within Areas 14 and 15 of the Phase 5 Annexation Listed on Exhibit “A”.

WHEREAS, the required public hearing has been held after due notice to the public and to the owners of the affected real property.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fayetteville, North Carolina that after careful study and consideration of the matter and of all pertinent facts and circumstances, including engineering and planning studies and advice, and in the exercise of its best legislative judgment, the City Council of Fayetteville, North Carolina finds as fact that:

1. The public interest, safety, convenience, and general welfare requires the extension of the sanitary sewer collection system into all or a portion of the streets as described on Exhibit “A”;
2. The resolution and order adopted at its meeting on the 14th day of January, 2013 by the City Council of the City of Fayetteville, North Carolina having been duly published on the 17th day of January, 2013 in the Fayetteville Observer, a newspaper published in the City of Fayetteville, North Carolina, giving notice of a meeting of the City Council to be held in Council Chambers of City Hall at 7 p.m., on the 28th day of January, 2013 when all objections to the legality of making the proposed improvements were to be made in writing, signed in person or by attorney, filed with the Clerk of the City of Fayetteville at or before said time, and that any objections not so made would be waived and objections to the legality as well as to the policy or expediency of the making of said improvements have not been filed or made (or

having been filed or made which objections were duly considered by said City Council and none of said objections were sustained);

3. The property abutting said streets will be benefitted by the extension of such sanitary sewer collection system to the extent of the part of the cost thereof to be assessed as stated below against such abutting property.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DOES ORDER THAT:

The sanitary sewer collection system shall be installed in all of the street portions to be specifically assessed upon the property receiving benefit of the sanitary sewer extension in the amount of \$5,000 for what is described as single family residential parcels requiring one sewer service lateral with remaining property being assessed at an equal rate of \$55.56 per foot of road frontage but not less than ninety (90) feet plus the average cost for service laterals as may be installed for the benefit of the non-single family residential parcels. Said assessments to be paid after completion of such work and within thirty (30) days after notice of the assessments in cash with no interest or in equal annual installments over a term of ten (10) years bearing annual interest at a rate not to exceed eight percent (8%) payable annually.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA on this, the ____ day of _____, 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

PAMELA J. MEGILL, City Clerk

EXHIBIT “A”

Area 14 ARRAN HILLS/WINTER PARK

| Street Names | From Intersection | To Intersection |
|-------------------|-------------------------------|--------------------|
| BAILEY LAKE ROAD | RIVERCROFT ROAD EASTWARDLY | BAILEY LAKE ROAD |
| BELLE TERRE COURT | BERRIEDALE DRIVE EASTWARDLY | TO STREET END |
| BERRIEDALE DRIVE | WORTHINGTON DRIVE NORTHWARDLY | PAST PAWLING COURT |
| BRUSSELS COURT | BERRIEDALE DRIVE EASTWARDLY | TO STREET END |
| LAWHORNE DRIVE | WINTERPARK DRIVE NORTHWARDLY | ROCKFORD DRIVE |
| LORELL COURT | LAWHORNE DRIVE WESTWARDLY | TO STREET END |
| PADDINGTON COURT | BERRIEDALE DRIVE EASTWARDLY | TO STREET END |
| PAWLING COURT | BERRIEDALE DRIVE EASTWARDLY | TO STREET END |
| ROCKFORD DRIVE | BAILEY LAKE ROAD EASTWARDLY | TO STREET END |
| TYSOR DRIVE | WORTHINGTON DRIVE NORTHWARDLY | TO ROCKFORD DRIVE |
| WAVERLY COURT | BERRIEDALE DRIVE WESTWARDLY | TO STREET END |
| WINTER PARK DRIVE | LAWHORNE DRIVE WESTWARDLY | TO STREET END |
| WORTHINGTON DRIVE | MERRY OAKS DRIVE WESTWARDLY | TO STREET END |

Area 15 SHADOWLAWN/ARRANHILLS SUBDIVISIONS

| Street Names | From Intersection | To Intersection |
|-------------------|-------------------------------|---------------------|
| BAILEY LAKE ROAD | BAILEY LAKE ROAD EASTWARDLY | FRANKIE AVENUE |
| BERRIEDALE DRIVE | SHADY LANE SOUTH EASTWARDLY | TO STREET END |
| CAROLYN COURT | BERRIEDALE DRIVE SOUTHWARDLY | TO STREET END |
| CRESTWOOD AVENUE | BINGHAM DRIVE WESTWARDLY | TO STREET END |
| DELMAR STREET | VALDESE COURT NORTHWARDLY | TO STREET END |
| DENVER DRIVE | BINGHAM DRIVE WESTWARDLY | TO STREET END |
| FRANKIE AVENUE | BAILEY LAKE ROAD NORTHERNLY | TO STREET END |
| MELODY LANE | MERRY OAKS DRIVE WESTWARDLY | TO STREET END |
| MERRY OAKS DRIVE | WORTHINGTON DRIVE NORTHWARDLY | TO STREET END |
| MICHELLE COURT | MILTON DRIVE NORTHWARDLY | TO STREET END |
| MILTON DRIVE | BERRIEDALE DRIVE EASTWARDLY | TO FRANKIE AVENUE |
| OAK TREE COURT | BERRIEDALE DRIVE SOUTHWARDLY | TO STREET END |
| ROBERTA COURT | MILTON DRIVE NORTHWARDLY | TO STREET END |
| SHADOW LANE | BAILEY LAKE ROAD NORTHWARDLY | TO BERRIEDALE DRIVE |
| SHADY LANE | BERRIEDALE DRIVE WESTWARDLY | TO STREET END |
| SHIRLEY COURT | MILTON DRIVE NORTHWARDLY | TO STREET END |
| VALDESE COURT | DELMAR DRIVE SOUTH WESTWARDLY | TO STREET END |
| WORTHINGTON DRIVE | BINGHAM DRIVE WESTWARDLY | TO MERRY OAKS DRIVE |

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager, Planning and Zoning Division, Development Services
DATE: February 11, 2013
RE: **Amendment to City Code Chapter 30 Development Standards to make various minor adjustments and corrections including consolidating duplicate sign sections; providing for canopy signs in the downtown district; revising the street yard definition; revising glazing, canopies and yard areas, and nonconforming sites and lots; and distinguishing between base district standards versus official design review (e.g. historic) standards.**

THE QUESTION:

Do the proposed amendments support the public objectives and purposes expressed in the City Strategic Plan and City Code Chapter 30 and not conflict with other regulations (see also the attached report with standards for amendments)?

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy
Growing City, Livable Neighborhoods - A Great Place to Live

BACKGROUND:

The staff has identified additional corrections and minor changes or cleanup through regular use of the new Development Code and comments received from the private sector users.

ISSUES:

Section 30-2.C.2.e provides seven standards of review for proposed text amendments. The attached Ordinance is consistent with those standards, as provided in the attached staff report.

BUDGET IMPACT:

None

OPTIONS:

1. Pass the ordinance to correct and adjust various sections of Article 30, as presented by staff (Recommended).
2. Modify and pass the ordinance.
3. Defer or table the ordinance and provide guidance for further research.
4. Deny the proposed ordinance.

RECOMMENDED ACTION:

The Planning Commission and staff recommend that the City Council moves to PASS the amendment as presented by staff based on the finding that all seven review standards provided in Article 30-2 for text amendments have been met.

ATTACHMENTS:

Staff Report - Evaluation
Draft Ordinance - Chapter 30 amendments set 7
Chapter 30 set 7 amendments PowerPoint

ITEM 3

**Staff Report
January 15, 2013
Proposed Text Amendment**

Proposed amendment: Staff-initiated text amendment collectively referred to as Set 7 to adjust and correct numerous sections of City Code Chapter 30:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO MAKE CORRECTIONS AND MINOR ADJUSTMENTS INCLUDING ADJUSTING NONCONFORMING STANDARDS, MAXIMUM FENCE HEIGHT FOR INDUSTRIAL USES, RELATIONSHIP BETWEEN MANDATORY DESIGN REVIEW AND OTHER BASE DISTRICT STANDARDS, AND STANDARDS FOR DOWNTOWN CANOPY OR MARQUEE SIGNS; CLARIFYING SIGNS IN THE DOWNTOWN DISTRICT AND THE GLAZING AREA FOR COMMERCIAL DEVELOPMENT; AND ELIMINATING DUPLICATE LANGUAGE FOR SIGNS [collectively referred to as Set 7].

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.

Analysis. Article 30-2 provides seven standards of review for proposed text amendments. Each standard is listed in the following table, although with so many corrections and minor adjustments, the analysis is only relevant in a few situations or very generally.

| Standard | Analysis |
|--|--|
| 1) Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable; | Supports Strategic Plan goals for strong local economy and more attractive city. |
| 2) Whether the proposed amendment is in conflict with any provision of this Ordinance, and related City regulations; | No direct conflict is apparent. |
| 3) Whether and the extent to which there are changed conditions that require an amendment; | Observation and daily application have helped in identifying minor adjusts such as canopies in the yard area, relationship between design review conditions such as in historic districts and conflicts with base district or other development standards, and so forth. |
| 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 current development needs such as with the nonconforming sites or the canopy or marquee signs in the downtown area. |
| 5) Whether and the extent to which the proposed amendment is consistent with the | These corrections and adjustments should remove some conflicts or areas of confusion and more accurately reflect |

| | |
|---|--|
| purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City; | current development needs such as with the nonconforming sites or the canopy or marquee signs in the downtown area. |
| 6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and | These corrections and adjustments should remove some conflicts or areas of confusion and more accurately reflect current development needs such as with the nonconforming sites or the canopy or marquee signs in the downtown area. |
| 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. |

Recommendation. Based on staff experience with the current code, staff recommends approval of the draft text amendments collectively referred to as Set 7.

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.

Attachments: Draft Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO MAKE CORRECTIONS AND MINOR ADJUSTMENTS INCLUDING ADJUSTING NONCONFORMING STANDARDS, MAXIMUM FENCE HEIGHT FOR INDUSTRIAL USES, RELATIONSHIP BETWEEN MANDATORY DESIGN REVIEW AND OTHER BASE DISTRICT STANDARDS, AND STANDARDS FOR DOWNTOWN CANOPY OR MARQUEE SIGNS; CLARIFYING SIGNS IN THE DOWNTOWN DISTRICT AND THE GLAZING AREA FOR COMMERCIAL DEVELOPMENT; AND ELIMINATING DUPLICATE LANGUAGE FOR SIGNS [collectively referred to as Set 7].

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

Section 1. In Section 30-7.F Nonconforming Sites, modify as follows to establish consistent terminology and provide guidance in achieving the partial reduction of nonconforming parking, landscaping, perimeter buffers, tree save area, open space/parkland, or screening:

Section 1a: In the opening paragraph of Sec. 30-7.F, remove references to signage, which is addressed in another section of the code, so that the opening section reads as follows:

30-7.F. Nonconforming Sites

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, and open space / parkland ~~and signage~~ requirements of this Ordinance shall comply with the following standards:

Section 1b: In Section 30-7.F.1, remove references to signage, adjust language for consistency, and add clarification as to priorities in remediation, as shown below:

30-7.F.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, open space/parkland, and ~~signage~~ standards in accordance with this section.

(a) Off-Street Parking, Landscaping, Perimeter Buffers, Tree Save Area, Open Space / Parkland, ~~Signage~~ and Screening

(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 ~~and signage~~ standards of this Ordinance.

- (b) **Physically Constrained Properties- Comply to Maximum Extent Practicable**
- (1) Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum extent practicable, as determined by the City Manager. In determining the priorities for remediation, the entire site, its context and its operational characteristics will be considered, with the first objective being public safety and buffering issues, followed by achieving a balance regarding parking, landscaping or other site nonconformities.

Section 1c: In Section 30-7.F.2 (a) and (a)(2) remove references to signage and in (b) change the sentence to refer to the preceding section that clarifies priorities and limits.

30-7.F.2. Additions and Expansions

- (a) **Off-Street Parking, Landscaping, Perimeter Buffers, Tree Save Area, Open Space / Parkland, ~~Signage~~ and Screening**

- (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, ~~and signage~~ standards of this Ordinance.

- (b) **Physically Constrained Properties- Comply to Maximum Extent Practicable**
- Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply ~~to the maximum extent practicable, as determined by the City Manager~~ consistent with Section 30-7.F.1(b)(1) above.

Section 1d. In Section 30-7.F.3 Changes in Use, revise to delete “signage”, as shown below:

30-7.F.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, ~~and signage~~ standards of this Ordinance.

Explanation: These changes provide guidance that is missing in how best to achieve the partial remediation of nonconforming elements such as buffers, landscaping, parking or screening. The objective is to balance public benefit with reasonable improvements.

Section 2. In Sections 30-2.C.5 Site Plan and 30-7.D.2 Development of Unimproved Lots in Residential Districts, make adjustments to the provisions for development of nonconforming lots, as follows, for consistency with Section 1 above to allow similar options for development of non-residential and residential lots and to provide for reduction in building setbacks in side and rear yards):

Section 2a. In Section 30-2.C.5 Site Plan, Item (b)(2) Minor Site Plans, delete Item “d” and replace with the following language to correspond to the reduction in setbacks allowed in the following Section of this amendment. Further, modify Item (b)(3) Exemptions Item “a” to be consistent with other changes in this amendment:

30-2.C.5. Site Plan

(b) Applicability

(2) Minor Site Plans

Unless exempted in accordance with Section 30-2.C.5.b.3, Exemptions, the following developments shall be required to have a Minor Site Plan approved in accordance with this section before issuance of a Building Permit:

- d.** New development on a lot existing on July 1, 2011 and that is nonconforming with respect to the base zoning district requirements and that seeks reduction(s) in side or rear lot lines in proportion to the percent nonconformity of the lot, up to a maximum of 20 percent (see Section 30-7.D.2 Development of Unimproved Nonconforming Lots). Such approved side or rear setback reductions must be recorded in a manner consistent with the recordation of approved variances (See Section 30-2.C.14.e.5 Expiration).

(3) Exemptions

The following development shall be exempted from the requirements of this section:

- a.** New single-family development, including single-family development on a lot that is nonconforming with respect to the base zoning district standards by less than 17 percent but otherwise meeting the dimensional standards for development in that zoning district;

Section 2b. Delete Section 30-7.D.2 in its entirety and replace with the following language, to combine treatment of nonconforming residential and non-residential lots, and to approve setback reductions in proportion to lot conformity through minor site plan review

30-7.D.2. Development of Unimproved Nonconforming Lots

(a) All other dimensional standards met

Notwithstanding limitations imposed by other provisions of this Ordinance, where the lot of record fails to comply with the district's dimensional standards for area or width, a single primary use and customary accessory structures allowed by right in the base zoning district may be developed on any single lot of record existing prior to July 1, 2011, provided that development on the lot of record shall comply with the other district dimensional standards.

(b) Reduction in another dimension standard

When the site conditions and lot non-conformity combine to require a reduction in other dimensional standards, side or rear setback standards may be reduced in

proportion to the percent of nonconformity of the lot, up to 20 percent, if approved during a Minor Site Plan Review (see Section 30-2.C.5.b.2). Other or greater dimensional reductions must be requested through the variance process (Section 30-2.C.14).

(c) Combination with another lot

In the event that a vacant nonconforming lot is located adjacent to a lot under common ownership, and the adjacent lot has sufficient size to allow for a lot line adjustment (see Section 30-2.C.6.f, Subdivision Exemption) as a means of bringing the vacant lot closer into conformity with the requirements of the zoning district where it is located, then such lot line adjustment shall be required as a condition of approval for development on the vacant nonconforming lot.

Explanation: The changes to these two sections delete the reference to the 17 percent or more nonconformity in lot size, delete the limitation to residential lots, and add the flexibility to adjust the building setbacks in proportion to the degree of nonconformity in lot size. A development meeting all setback standards on a nonconforming lot could be approved through the same process as any other development in that district. A development needing a variance in side or rear setback to utilize the nonconforming site could secure administrative approval of a reduction of the side or rear yard setback in proportion to the nonconformity of the lot and up to a maximum reduction of twenty percent. Any greater adjustment in setback would require a variance from the Board of Adjustment.

Section 3. Amend note [3] in Table 30-5.D.4 Maximum Fence and Wall Height to add industrial uses to those allowed 8' height to screen service or operational areas on side or rear.

| TABLE 30-5.D.4: MAXIMUM FENCE AND WALL HEIGHT | | | |
|--|--|--|-----------------------|
| FENCE OR WALL TYPE [1] | MAXIMUM HEIGHT BY LOCATION | | |
| | IN FRONT AND CORNER SIDE YARDS (FEET) [3] | IN INTERIOR SIDE AND REAR YARDS (FEET) | IN SIGHT TRIANGLES |
| --- | | | |
| --- | | | |
| NOTES: [1] All heights are measured from the finished grade adjacent to the fence or wall. [2] Only allowed as part of an approved tennis court, athletic field, or similar recreational amenity. [3] Fences or walls used to screen service or operational areas on the side or rear of commercial, office, industrial or mixed-use developments may have a maximum height of eight feet. | | | |

Explanation: With regard to screening of service and operational areas, industrial developments are comparable to and should be included with other commercial, office or mixed uses in the ability to use 8' fences to screen these activities.

Section 4. Add the following section to Section 30-3.H.I Overlay Zoning Districts – General, to clarify that dimensional standards in the base zoning district may be modified when necessary to comply with project-specific requirements generated by a mandatory design review to achieve the objectives of a special district such as historic districts.

(d) Relationship to Other Zoning Districts

(1) [new number and heading] Overlay District Controls

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district, conditional zoning district, or planned development district. If the standards governing an overlay zoning district expressly conflict with those governing a base zoning district, conditional zoning district, or planned development district, the standards governing the overlay district shall control. Where land is classified into multiple overlay zoning districts and the standards governing one overlay zoning district expressly conflict with those governing another overlay district, the more restrictive standard shall apply.

(2) [new item] Structures undergoing design review

Structures subject to design review pursuant to this Article by any official design review board established in this Article which are found to comply with the applicable design guidelines by the applicable design review board shall be exempt from the dimensional standards of the underlying zoning district, the general development standards, and the signage requirements established in this Article to the extent that those requirements conflict with the applicable design guidelines. Such exemptions shall be explicitly noted in the action by the design review board.

Explanation: This change affects only those overlay district(s) established with special design review authority vested in the Board/Commission as a tool to achieve the objectives of the district. There may be occasions when a specific aspect of the base zoning district standards would conflict with the ability to comply with the required design conditions. This change provides the ability for the design review body to consider and approve exemptions of those conflicting standards (dimensional standards in the base district, one or more of the general development standards in Article 5, and the signage requirements), when such direct conflict occurs. Currently there are only two districts with such design review authority – the Downtown and the Haymount Historic Landmark Overlay Districts.

Section 5. In Section 30-5.I.3.c(1)e, clarify that the glazing area is 30% of the wall area, not the frontage, for the frontage of the building facing the primary public street and, if different, the principal entrance, as follows:

30-5.I.3. (c) Building Façades

(1) Design Features

Front building facades shall provide a minimum of three of the following six design features (a-f):

- e.** Glazing, of at least 30 percent of the width of street level frontage with visibly permeable windows or doorways, of at least 30 percent of the first floor wall area of the building frontage along

the primary public street and, if different, the façade containing the primary entrance.

Explanation: This change clarifies the intent, which is to create a façade that adds interest, a sense of activity and a measure of safety for pedestrians; the change would prohibit a row of very small transom windows placed high on the wall as satisfying the standard. This standard is one of six options, at least three of which must be used on front building facades.

Section 6. Modify the heading and add the following language to Section 30-5.L.9.a.18 Signs Permitted in Downtown – Canopy or Marquee Signs to allow signs attached to canopies (freestanding or attached to buildings):

30-5.L.9. (a) (18) Canopy or Marquee Signs ~~on Face of Canopy or Marquee~~

Canopy or marquee signs identifying a business may be installed on the face of a canopy or marquee, or may be installed on top of a canopy using individual letters (e.g., cut-out or channel letters) with a height of no more than 24 inches and not exceeding the height of the roof line of the primary structure, provided that total copy area shall not exceed the area permitted for a wall sign based on linear feet of building frontage. On places of public entertainment, such as theaters, arenas and meeting halls, maximum permitted copy area for changeable copy shall be three square feet per linear foot of canopy or marquee, in addition to the area permitted for permanent signs identifying the business, subject to a maximum height of five feet for the changeable copy area.

Explanation: This is a slight modification of existing standards for canopy or marquee signs, **limited to the Downtown District**, to add the ability to place the lettering on the top of the canopy or marquee, under certain circumstances.

Section 7. Delete duplicated language regarding exempt signs and adjust the references elsewhere, as follows:

Section 7a. Delete all of Section 30-2.C.11(c) Exemptions and renumber the remaining sections accordingly: Section 30-2.C.11.d becomes 30-2.C.11.c, Section 30-2.C.11.e becomes 30-2.C.11.d, and Section 30-2.C.11.f becomes 30-2.C.11.e. Further, the references in Items 1 and 2 within 30-2.C.11.d as renumbered, should change as follows: In item (1) change from 30-2.C.11.e.2-5 to read 30-2.C.11.d.2-5; In item (2) change from 30-2.C.11.f to read 30-2.C.11.e.

Section 7b. Modify the reference in Section 30-2.C.11.b Applicability as shown below:

(b) Applicability

No sign, except those exempted in accordance with Section 30-~~2.C.11.e~~ 5.L.5 Exempt Signs, shall be erected, placed, constructed, or structurally altered without a Sign Permit approved by the City Manager in accordance with the section and the standards in Section 30-5.L Signage.

Section 7c. Correct the reference and section title in Section 30-7.E.3.d from 30-2.C.11.c.2 to 30-5.L.6 Signs Authorized Without a Permit as follows:

30-7.E.3.

- (d) Except for externally-illuminated on-premises pole signs allowed in accordance with Section ~~30-2.C.11.c.2~~30-5.L.6, Signs ~~Permitted~~ Authorized without Sign Permit, or a sign expressly prohibited by Section 30-5.L.4, Prohibited Signs, other than existing roof signs, shall be exempted from the amortization provisions of this section provided:

Explanation: These changes are corrective actions to eliminate duplicate language in different sections of Chapter 30.

Section 8. Add a new footnote to Table 30-5.L.8.A Permitted Signs in Non-residential Zoning Districts Modify to resolve potential conflicts between the Table and Section 30-5.L.9 Signs Permitted in Downtown.

| TABLE 30-5.L.8.A: PERMITTED SIGNS IN NON RESIDENTIAL ZONING DISTRICTS | | |
|---|---------------------------------|---------------------------------------|
| TYPE OF SIGN | NON-RESIDENTIAL ZONING DISTRICT | |
| | OI, NC | LC, CC, MU, DT, LI, HI ^[8] |
| --- | | |
| --- | | --- |

[new] Note #[8]. When standards for signs in the DT downtown district in Table 30-5.L.8.a and Section 30-5.L.9.a conflict, the more restrictive shall apply.

Explanation: Conflicting standards became more likely when the base Downtown District was included with other non-residential zoning districts in the sign tables, and the bulk of the previous sign standards specifically for Downtown was also carried forward from the old ordinance as a distinct section in the new code. This change clarifies which set of standards controls when a conflict occurs.

Section 9. Correct Figure 30-5.B.1.e Vehicular Area Landscaping to reflect adopted text

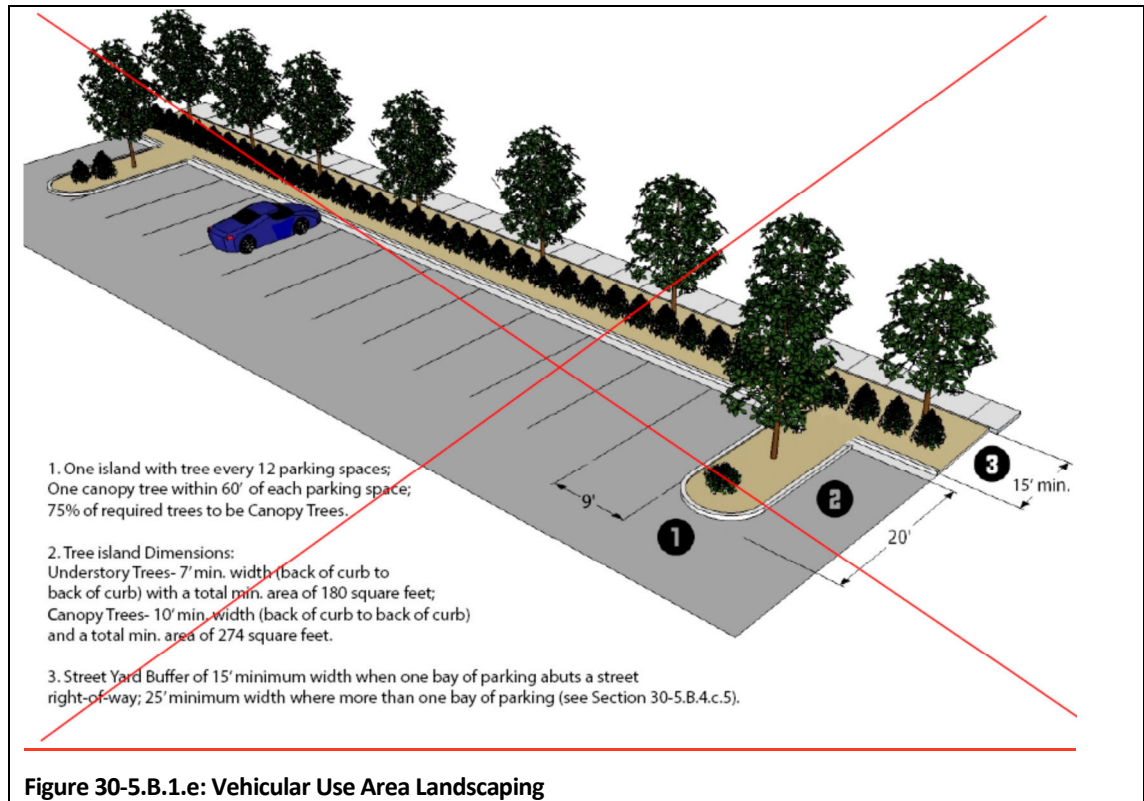


Figure 30-5.B.1.e: Vehicular Use Area Landscaping

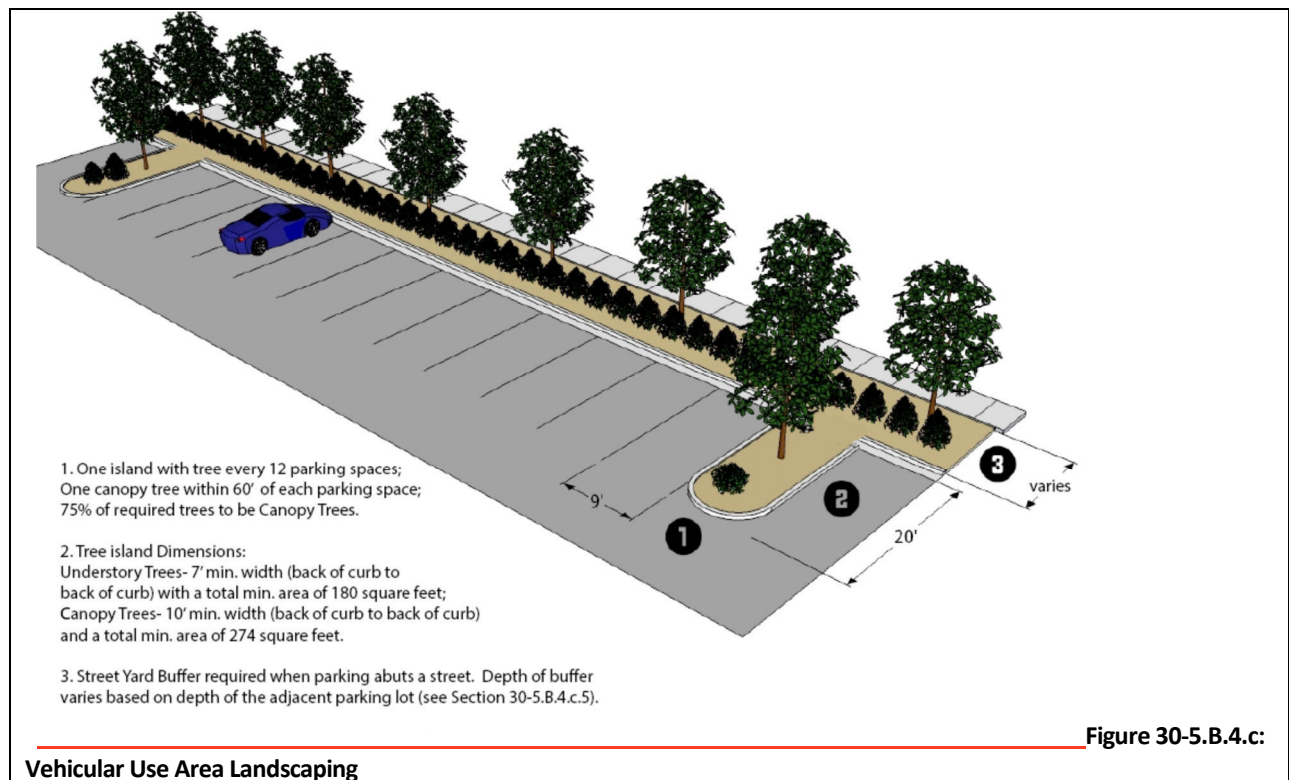


Figure 30-5.B.4.c:

Vehicular Use Area Landscaping

Explanation: This change is a simple correction to reflect recently adopted standards regarding landscaping and parking standards.

Section 10. Change the definition of Street Yard in Section 30-9, Definitions, as follows to eliminate conflicts with other language:

30-9 STREET YARD

An area required to be landscaped with (new or existing) trees and shrubs ~~from the front or side lot line of a corner lot to a depth not to exceed the designated zoning setback,~~ when off street parking or vehicular circulation is located adjacent to the street. The depth of the street yard varies based on the ~~number of bays within~~ perpendicular depth of the adjacent (size of the) parking lot. When buildings are moved up to the street, the street yard requirement is eliminated in that area.

Explanation: This change is a corrective action to clarify and remove conflicting language in Chapter 30.

Section 11. Modify Section 30-4.D.3.c.1 and c.7 Accessory Use Standards – Canopies, to allow extension of a canopy into any minimum required yard area, and allow detached canopies for certain uses, as follows:

30-4.D.3. (c) Canopies

- (1) Canopies shall be attached to a principal structure and shall not be freestanding or attached to an accessory structure except that canopies provided as part of a transit facility (a bus or train station, for instance) or a gas station may be detached.
- (7) Except when subject to the Transitional Standards (see Section 30-5.K), canopies, eaves, and marquees may extend into a ~~minimum side required~~ yard area in a commercial or industrial district, provided no more than ten percent of the required yard is covered by the canopy, eave, or marquee.

Explanation: The change in Item (1) recognizes changes in gas station design and features typically associated with transit stations such as the Amtrack facility. The change in Item (7) restores a standard in the previous code, allowing the extension of a canopy into front or rear yard areas as well as side yard areas, providing greater flexibility in such aspects as providing protected handicapped drop-off and reducing the number of existing nonconforming structures.

Section 12. Amend the miscellaneous typographic or editing errors as follows:

In Section:

Change from:

to:

Table 30-4.A: Delete the reference to ‘overlay’ in each of the three entries under “Additional Requirements” for the newly created BP district. [S2012-024]

| | | |
|----------------|--|---|
| 30-5.B.4(d)(3) | “Existing healthy, well-formed existing trees located “ | |
| 30-5.B.4(c) | “Section 30-5.A.13” | “Figure 30-5.A.11.f” |
| 30-5.B.4(c) | “Section 30-5.3.e.3” | “Section 30-5.B.3.e.3” |
| 30-5.B.7 | “Section 30-5.A.8.h” | “Section 30-5.A.8.i” |
| 30-9.D | “Section 30-5.B.6.h, Tree Protection Zone Established” to: “Section 30-5.B.8, Tree Protection During Construction” | |
| 30-5.A.2(c)3 | “Table 30-5.A.10.a” | “Table 30-5.A.10” |
| 30-5.A.3(c) | “Section 30-5.A.5, Parking Standards for Single Family Development” to | “Section 30-5.A.5, Parking Standards for Residential Development” |
| Table 30-4.A | Additional Requirements for the new BP district: delete “overlay” in all three locations | |
| 30-5.B.6(b) | “Section 30-5.B.3.b.2” | “Section 30-5.B.6.b.2 Exemptions (below),” |

Section 13. 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 14. 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 11th day of February, 2013.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

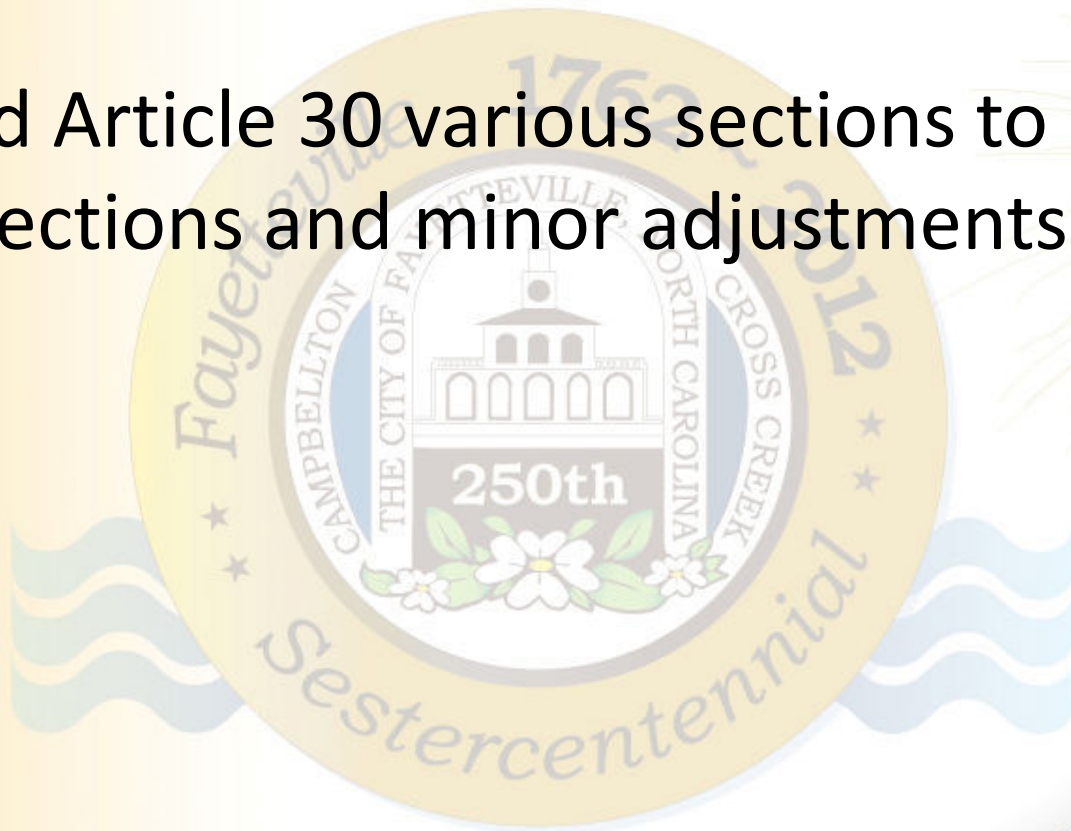
ATTEST:

PAMELA MEGILL, City Clerk

City Council Public Hearing 2/11/2013



Amend Article 30 various sections to make
corrections and minor adjustments



City of
Fayetteville
North Carolina

Amendment Section 1

Nonconforming sites:



Currently: for expansion or renovation between 25 and 75% of structure value, nonconforming site features must become compliant in proportion to investment, at City Manager's judgment.

Problem: literal application of standard can be wasteful and ineffective.

Solution:

- » Sets clear priorities, beginning with safety and buffering.
- » Keeps flexibility to work with site & applicant
- » Deletes reference to signage (it is in a separate section)



Amendment Section 2 Nonconforming Lots:



Currently: *flexibilities are limited to SF residential-- minor site plan review required if more than 17% reduction in a site standard.*

Problem: *limited administrative options for non-residential nonconforming lots*

Solution:

- » *Covers all lots platted before January 1, 2011.*
- » *Allows same percent reduction in side or rear set backs, if needed, through a minor site plan review.*
- » *Limits administrative review to 20% reduction.*
- » *Supports compatible infill within the fully-serviced portions of the City.*



Amendment Sections 3, 4 Fence/Wall Height; Design Review



3. Fence/wall height — already allows office & commercial uses 8' to screen service/ operational areas; adds industrial uses.

4. Design review : base district standards

***Currently:** conflicts require a second process- BOA*

***Problem:** different objectives with no clear priority*

***Solution:** set priority with the official design review*

- » *Helps improve predictability of the Code.*
- » *Making priorities clear encourages desired outcomes with minimum time / cost.*



Amendment Section 5 Building façade standards (commercial, office, mixed use)



Currently: written as glazing of 30% of length.

Problem: does not achieve desired outcome.

Solution: 30% of the area of the facade, not length.





← 30% of Street Frontage Level



← 30% of First Floor Wall Area

Sestercentennial

City of
Fayetteville
North Carolina

Amendment Section 6

Lettering on Canopy or Marquee Signs in the Downtown District



Currently: *not allowed on the top of the sign*

Problem: *prevents a distinctive sign form relatively common in downtown areas*

Solution: allows letters $\leq 2'$ in height if below roof line



City of
Fayetteville
North Carolina

Amendment Sections 7, 8, 9, 10, 12 Corrections



7. Correction to eliminate duplicated sections related to exempt signs and adjust references
8. Correction to eliminate conflict between table of sign standards and standards specifically for Downtown signs.

Sections 9, 10 and 12 of the draft Ordinance correct various references and labels on figures.



Amendment Section 11

Canopy extensions into a required yard area in commercial or industrial districts



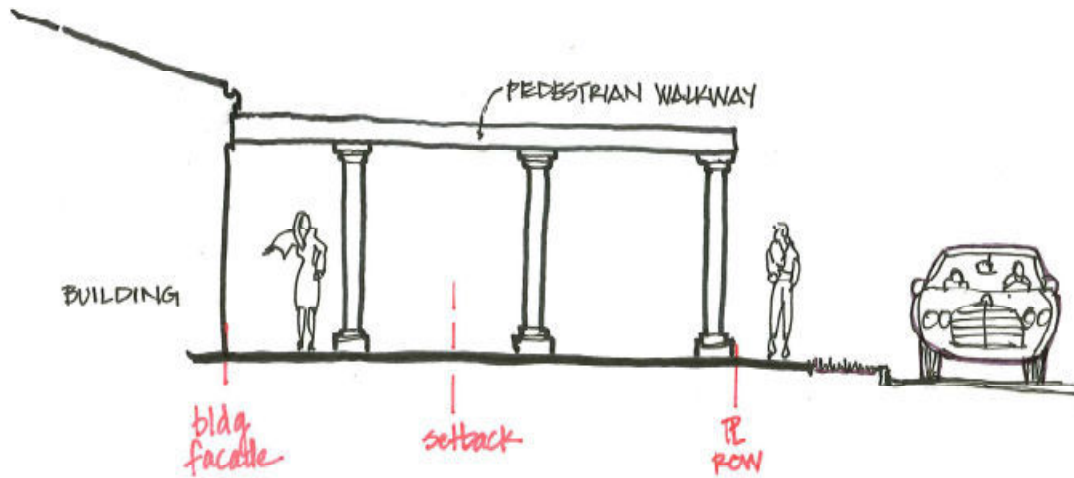
Currently: *not permitted.*

Problem: *creates nonconformities in side or rear setback areas; prohibits option in front area.*

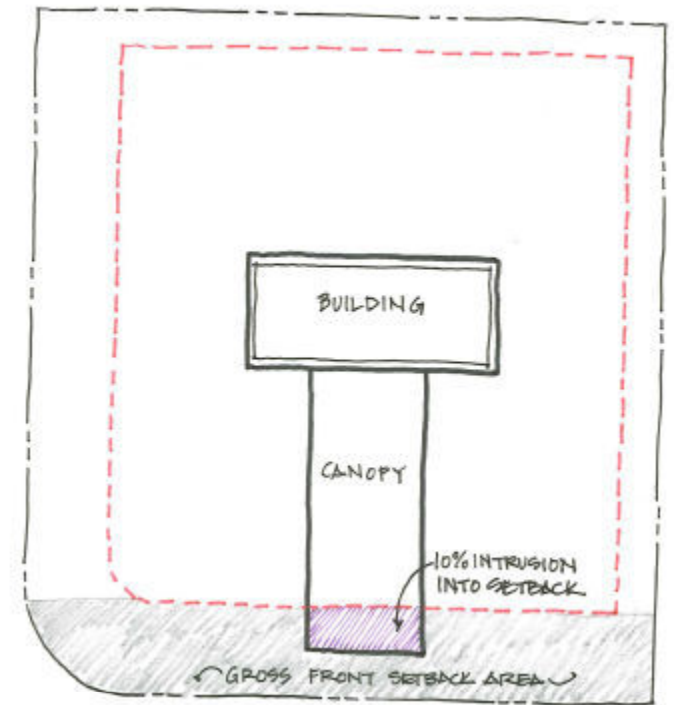
Solution: *restore 10% encroachment and include front and rear setback areas*

- » *Keeps limit to commercial or industrial districts.*
- » *Reduces number of nonconformities.*
- » *Enables cover of drop-off and walkway areas in front or rear as well as side setback area.*

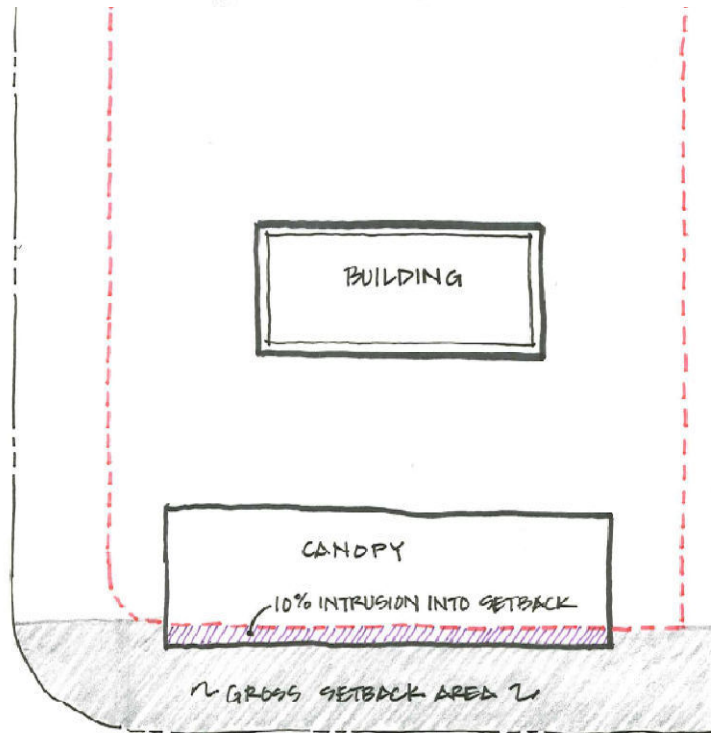




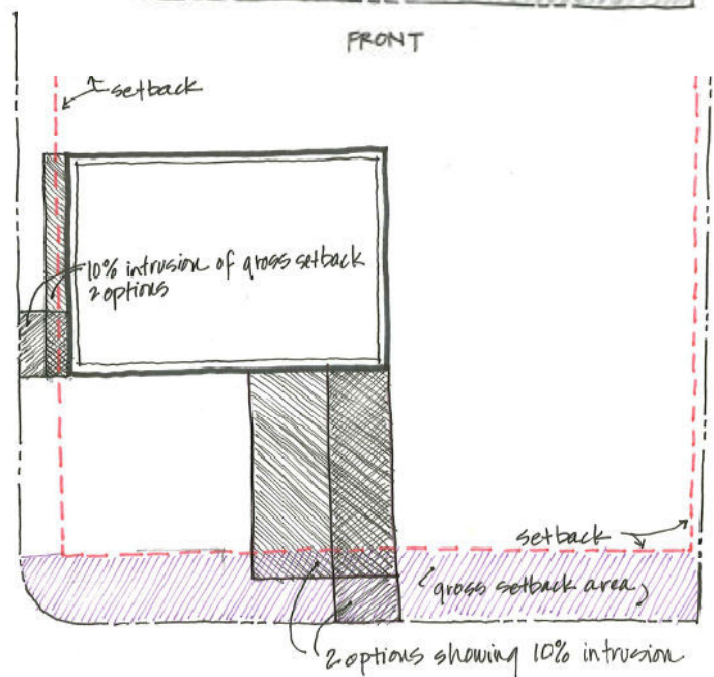
COVERED WALKWAY EXTENDS INTO SETBACK LESS THAN 10% OF GROSS SETBACK AREA. FOR FRONT, SIDE, OR REAR YARD.



FRONT



FRONT



Seven Evaluation Standards



1. Consistent with City-adopted plans
2. Any conflict with other regulations
3. Changed conditions requiring amendment
4. Community need demonstrated
5. Consistent with purpose of districts, improves compatibility of uses...
6. Contributes to logical, orderly development
7. Impacts on natural environment



Recommendation



Planning Commission and Staff recommend
that City Council:

Move to **APPROVE** the set of corrections
and minor text amendments (Set 7) to
Chapter 30 as presented.



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Randall Hume, Transit Director
DATE: February 11, 2013
RE: **Approval of the transit fare structure and amendment to the City's Fee Schedule.**

THE QUESTION:

Transit Fare Rates

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient City Government - Cost Effective Service Delivery
FAST Improvements

BACKGROUND:

At the November 5, 2012 City Council work session, staff presented a Transit Fare Policy and reviewed a Fayetteville Advisory Committee on Transit (FACT) recommendation to increase passenger fare rates, along with other adjustments to passes and transfers in order to ensure the City can continue to make transit service improvements. During January, Transit staff conducted five public outreach meetings in addition to the Public Hearing held by City Council on January 28. Notices for these meetings were published in local newspapers on December 26, January 1, and January 15. Notices were also posted at the Wilmington Road Transfer Center as well as with electronic message signs on all our buses. In addition meetings were held with groups that had special interest in transit, our services and our fares.

Transit received nine (9) comments from the scheduled workshops (7), email (1) and the public hearing (1). The majority of the comments were in regard to the need for more services, operational/customer service improvements, improved communications regarding route adjustments and detours. Feedback from other meetings focused on the impact of the increase on the low-income population, particularly in light of other subsistence cuts and increased costs this population may be facing. A summary of these meetings is provided as Exhibit A.

Considering the comments received, staff recommends the fares be implemented on or about April 8, 2013 in accordance with Exhibit B.

ISSUES:

Impact of increased fares on the low-income population.

BUDGET IMPACT:

An estimated increase in annual passenger fare revenues of \$194,000.

OPTIONS:

Defer or modify the proposed increase.

RECOMMENDED ACTION:

Staff recommends that Council move to adopt the attached resolution amending the City's FY 2013 Fee Schedule.

ATTACHMENTS:

Exhibit A- Title VI Tracking
Exhibit B- Proposed Fare Schedule
Resolution - Transit Fares

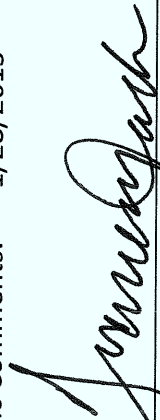
TITLE VI OUTREACH TRACKING FORM

FAST Outreach Tracking Report

| FAST OUTREACH TRACKING REPORT FFY 2013 | | | | | | | | | | | |
|---|------|-----------------------------|-----------------------|------------------------------|------------------------|------|----------------|---------------------|-------------|-------------------|------------------|
| Date | Type | Event | Event Location | Lead Agency/ Organization | Purpose of Event | Cost | # of Attendees | Staff Participation | Staff Hours | Community Profile | Outreach Used |
| 1/17 | | Meeting | Cliffdale Recreation | FAST | Proposed Fare Increase | | 0 | 2 | 2 | | Flyers/ Radio |
| 1/17 | | Meeting | Bordeaux Library | FAST | Proposed Fare Increase | | 3 | 3 | 2 | | Flyers/ Radio |
| 1/17 | | Executive Meeting | NAACP | FAST | Fare Increase | | 11 | 2 | 1 | | Invitation |
| 1/21 | | Meeting | Email | FAST | Fare Increase | | 1 | | | | Flyers/ Radio |
| 1/22 | | Meeting | Kiwanis Center | FAST | Fare Increase | | 1 | | | | Flyers/ Radio |
| 1/23 | | Meeting | Bishop Larry Wright | FAST | Fare Increase | | 1 | 2 | 1 | | Flyers/ Radio |
| 1/23 | | Meeting | Fire Station 14 | FAST | Fare Increase | | 1 | 3 | 2 | | Flyers/ Radio |
| 1/24 | | Meeting | Main Library | FAST | Fare Increase | | 2 | 3 | 2 | | Flyers /Radio |
| 1/28 | | City Council Public Hearing | City Council Chambers | City Council | Fare Increase | | 1 | 2 | | | Flyers/ Radio |
| | | | | | | | | | | | |
| | | | | | | | | | | | |

| | | |
|------------------|-----------|---|
| Public Comments: | 1/17/2013 | Concerns related to maintaining the same bus operator on the same route The need for more shelters/benches |
| Public Comments: | 1/17/13 | The NAACP voiced concerns about providing countywide service The impact of the fare increase on unemployment |
| | 1/21/13 | An email received regarding improving the quality of bus service and customer relations |
| | 1/22/13 | No Comments |
| | 1/23/13 | Requested service in the Savoy Heights community and Provide service to satellite office for VA Medical Facility on Village Drive |
| | 1/24/13 | Suggestions made regarding detour stops announced in advance Suggestions about using the talking bus to announce the stops Suggestions to print detours in guide material |

Public Comments: 1/28/2013 Mr. Jose Cardona, 233 Addison Street, Fayetteville, NC appeared before City Council


 TVIC Coordinator Signature

2-4-13
 Date

Exhibit B

| TRANSIT FARE SCHEDULE (effective April 8, 2013) | | | |
|---|--------------|-----------|-------------|
| Fare Category | Current Rate | New Rate | Last Change |
| Adult Bus Fare | \$ 1.00 | \$ 1.25 | 2007 |
| Adult 1-Ride Pass | \$ 1.00 | \$ 1.25 | 2007 |
| Adult 10-Ride Pass | \$ 10.00 | Eliminate | 2007 |
| Discount Bus Fare (Elderly and Disabled) | \$ 0.35 | \$ 0.50 | 1994 |
| Discount 10-ride Pass (Elderly and Disabled) | \$ 3.40 | Eliminate | 1994 |
| One Day Pass | \$ 3.00 | \$ 3.00 | 2007 |
| One Day Pass(Discounted Elderly, Disabled) | \$ 1.50 | \$ 1.50 | 2003 |
| Rolling 30 Day Pass | \$ 30.00 | \$ 40.00 | 2007 |
| Discount Rolling 30 Day Pass (Elderly and Disabled) | \$ 11.70 | \$ 17.00 | 1994/2003 |
| Student Rolling 30 Day Pass | \$ 25.00 | \$ 30.00 | 2007 |
| ADA Demand Response Fare | \$ 1.50 | \$ 2.00 | 1994 |
| ADA 20 Ride Pass | \$ 27.00 | \$ 35.00 | 2003 |
| ADA 10 Ride pass | \$ 13.50 | \$ 17.50 | 2003 |
| 8-Day Rolling Pass- Adult | N/A | \$ 17.00 | N/A |
| 8-Day Rolling Pass- Discount | N/A | \$ 8.00 | N/A |
| Transfers | Free | Eliminate | 2007 |

**RESOLUTION TO APPROVE TRANSIT FARE RATES AND TO AMEND THE
FY 2013 FEE SCHEDULE**

WHEREAS, the City of Fayetteville provides public transportation services to citizens and visitors; and

WHEREAS, the City has implemented significant improvements to the transit services provided as Fayetteville Area System of Transit (FAST); and

WHEREAS, the City has determined adjustments to transit passenger fare rates are needed to support the continued operations and improvements public transit services; and

WHEREAS, the City provided notice and opportunity for public comment in accordance with its policy and Federal Transit Administration guidelines.

NOW THEREFORE BE IT RESOLVED by the City Council of City of Fayetteville that transit fare rates will be adjusted as set forth in the attached Transit Fare Schedule.

BE IT FURTHER RESOLVED that the City Fee Schedule shall be amended to reflect the new rates effective April 8, 2013.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, NORTH CAROLINA** on this, the 11th day of February 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

| TRANSIT FARE SCHEDULE (effective April 8, 2013) | | | |
|---|--------------|-----------|-------------|
| Fare Category | Current Rate | New Rate | Last Change |
| Adult Bus Fare | \$ 1.00 | \$ 1.25 | 2007 |
| Adult 1-Ride Pass | \$ 1.00 | \$ 1.25 | 2007 |
| Adult 10-Ride Pass | \$ 10.00 | Eliminate | 2007 |
| Discount Bus Fare (Elderly and Disabled) | \$ 0.35 | \$ 0.50 | 1994 |
| Discount 10-ride Pass (Elderly and Disabled) | \$ 3.40 | Eliminate | 1994 |
| One Day Pass | \$ 3.00 | \$ 3.00 | 2007 |
| One Day Pass(Discounted Elderly, Disabled) | \$ 1.50 | \$ 1.50 | 2003 |
| Rolling 30 Day Pass | \$ 30.00 | \$ 40.00 | 2007 |
| Discount Rolling 30 Day Pass (Elderly and Disabled) | \$ 11.70 | \$ 17.00 | 1994/2003 |
| Student Rolling 30 Day Pass | \$ 25.00 | \$ 30.00 | 2007 |
| ADA Demand Response Fare | \$ 1.50 | \$ 2.00 | 1994 |
| ADA 20 Ride Pass | \$ 27.00 | \$ 35.00 | 2003 |
| ADA 10 Ride pass | \$ 13.50 | \$ 17.50 | 2003 |
| 8-Day Rolling Pass- Adult | N/A | \$ 17.00 | N/A |
| 8-Day Rolling Pass- Discount | N/A | \$ 8.00 | N/A |
| Transfers | Free | Eliminate | 2007 |

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: February 11, 2013
RE: **Uninhabitable Structures Demolition Recommendations**
303 Brookwood Avenue
1522 Lacy Street
324 Lincoln Drive
618 Mechanic Street

THE QUESTION:

Ordinances to demolish blighted structures.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

303 Brookwood Avenue

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on August 3, 2012. A hearing on the condition of the structure was conducted on September 19, 2012, in which the owner did not appear. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on September 20, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since December 2006. In the past 24 months there have been 2 calls for 911 service to the property. There have been 5 code violation cases with a pending assessment of \$341.18 for lot cleaning. The low bid for demolition is \$2,200.00.

1522 Lacy Street

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on August 22, 2012. A hearing on the condition of the structure was conducted on September 19, 2012, in which the heirs of the owner attended. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owners on September 20, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since July 2012. In the past 24 months there have been 10 calls for 911 service to the property. There have been 10 code violation cases with no pending assessments. The low bid for demolition is \$1,600.00.

324 Lincoln Drive

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on September 4, 2012. The structure was also the subject of a fire on March 3, 2010. A hearing on the condition of the structure was conducted on September 26, 2012, in which the owner attended. A subsequent Hearing Order to repair or demolish the structure was issued and mailed to the owner on September 27, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since March 2010. In the past 24 months there have been 36 calls for 911 service to the property. There have been 8 code violation cases with no pending assessments. The low bid for demolition is \$1,590.00.

618 Mechanic Street

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

and condemned as a blighted structure on August 14, 2012. A hearing on the condition of the structure was conducted on September 5, 2012, in which the owners did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owners on September 6, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since December 2009. In the past 24 months there have been 59 calls for 911 service to the property. There have been 4 code violation cases with a pending assessment of \$958.03 for lot cleaning. The low bid for demolition is \$1,575.00.

ISSUES:

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

BUDGET IMPACT:

The demolition of these structures will be \$6,965.00; there will be additional costs for asbestos testing and abatement if needed.

OPTIONS:

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

RECOMMENDED ACTION:

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

ATTACHMENTS:

Aerial Map-- 303 Brookwood Avenue

Docket-- 303 Brookwood Avenue

Ordinance-- 303 Brookwood Avenue

Photo 1-- 303 Brookwood Avenue

Photo 2-- 303 Brookwood Avenue

Photo 3-- 303 Brookwood Avenue

Photo 4-- 303 Brookwood Avenue

Photo 5-- 303 Brookwood Avenue

Aerial Map-- 1522 Lacy Street

Docket-- 1522 Lacy Street

Ordinance-- 1522 Lacy Street

Photo 1-- 1522 Lacy Street

Photo 2-- 1522 Lacy Street

Photo 3-- 1522 Lacy Street

Photo 4-- 1522 Lacy Street

Photo 5-- 1522 Lacy Street

Aerial Map-- 324 Lincoln Drive

Docket-- 324 Lincoln Drive

Ordinance-- 324 Lincoln Drive

Photo 1-- 324 Lincoln Drive

Photo 2-- 324 Lincoln Drive

Photo 3-- 324 Lincoln Drive

Photo 4-- 324 Lincoln drive

Photo 5-- 324 Lincoln Drive

Aerial Map-- 618 Mechanic Street
Docket -- 618 Mechanic Street
Ordinance-- 618 Mechanic Street
Photo 1-- 618 Mechanic Street
Photo 2-- 618 Mechanic Street
Photo 3-- 618 Mechanic Street
Photo 4-- 618 Mechanic Street
Demolition Presentation



Location: 303 Brookwood Avenue
PIN: 0438-64-6047

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 | 303 Brookwood Avenue |
| Property Owner(s) | George and Ayhanna Mixon, Fort Bragg, NC |
| Date of Inspection | August 3, 2012 |
| Date of Hearing | September 19, 2012 |
| Finding/Facts of Scheduled Hearing | Notice to repair/demolish the structure within 60 days mailed September 20, 2012 |
| Owner's Response | None |
| Appeal Taken (Board of Appeals) | No |
| Other | Utilities disconnected since December 2006. |
| | Hearing was advertised in the Fayetteville Observer September 2012. |
| | |
| Police Calls for Service (past 2 yrs) | 2 |

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

This is the 11th day of February, 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:

1522 Lacy Street
PIN 0427-81-8263

Being all of Lots 69 and 70 of Lakeview Heights, Revised, as shown on plat recorded in Book 12, Page 48, Cumberland County Registry.

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

| | |
|-------------------------------|------------------|
| Heirs of Dexter Hubert Melvin | Robert N. Melvin |
| c/o Robert N. Melvin | 427 N. King |
| 427 N. King Street | |
| Fayetteville, NC 28301- 5425 | |

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before November 20, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$2,200.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this __11th____ day of __February____, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



7-2-4-1



7-2-5-1

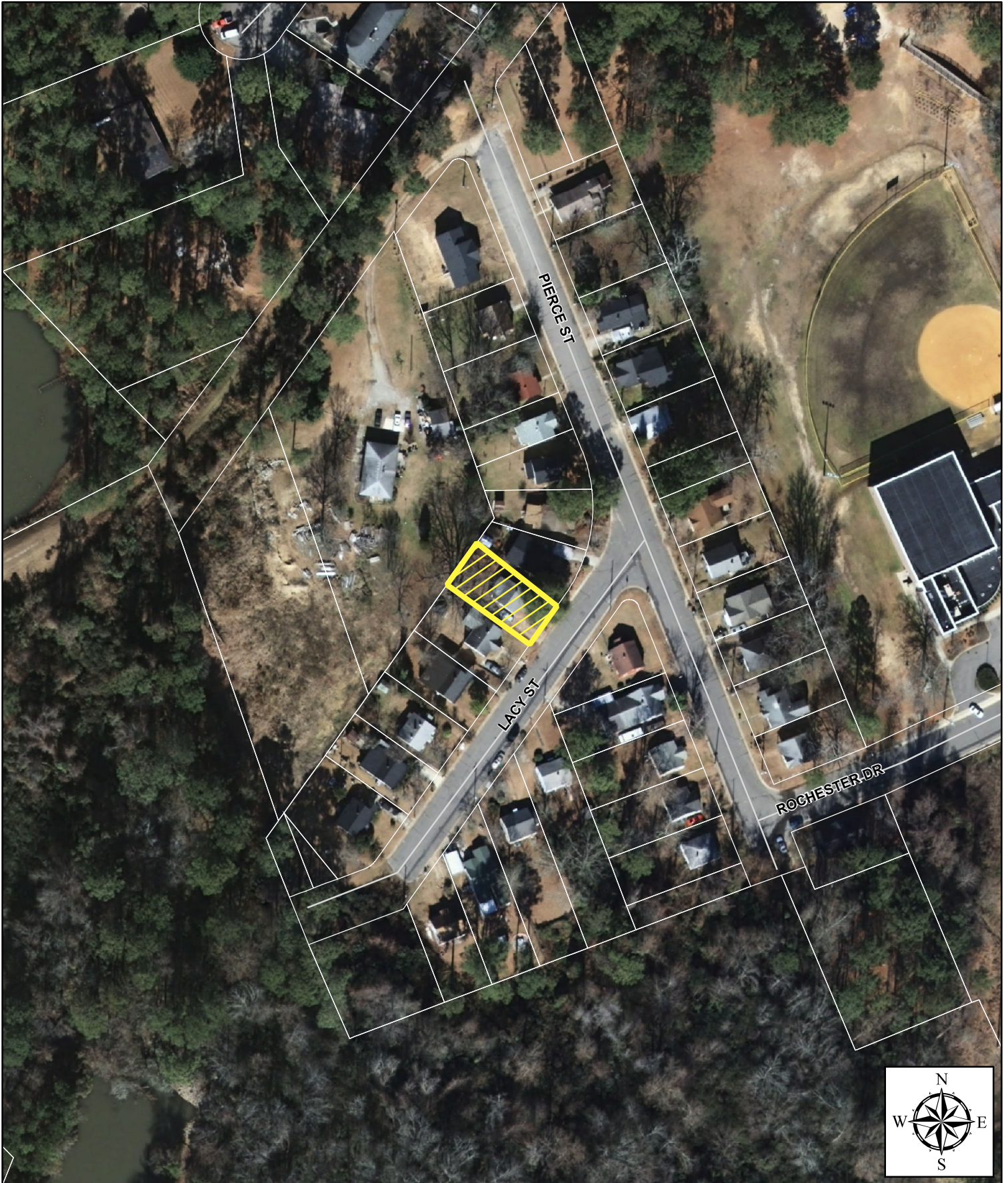


7-2-6-1



7-2-7-1





Location: 1522 Lacy Street
PIN: 0427-81-8263

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 | 1522 Lacy Street |
| Property Owner(s) | Heirs of Dexter Hubert Melvin c/o Robert N. Melvin, Fayetteville, NC |
| Date of Inspection | August 26, 2012 |
| Date of Hearing | September 19, 2012 |
| Finding/Facts of Scheduled Hearing | Notice to repair/demolish the structure within 90 days mailed September 20, 2012 |
| Owner's Response | None |
| Appeal Taken (Board of Appeals) | No |
| Other | Utilities disconnected since July 2012. |
| | Hearing was advertised in the Fayetteville Observer September 2012. |
| | |
| Police Calls for Service (past 2 yrs) | 10 |

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

This is the 11th day of February, 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:

1522 Lacy Street
PIN 0427-81-8263

Being all of Lots 69 and 70 of Lakeview Heights, Revised, as shown on plat recorded in Book 12, Page 48, Cumberland County Registry.

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

| | |
|-------------------------------|-----------------------------|
| Heirs of Dexter Hubert Melvin | Robert N. Melvin |
| c/o Robert N. Melvin | 427 N. King Street |
| 427 N. King Street | Fayetteville, NC 28301-5425 |
| Fayetteville, NC 28301- 5425 | |

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before November 20, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,600.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this __11th____ day of __February____, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



DANGER





7-2-14-1



7-2-15-1



7-2-16-1



Location: 324 Lincoln Drive
PIN: 0437-71-8396

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 | 324 Lincoln Drive |
| Property Owner(s) | Mattie O. Sessoms, Fayetteville, NC |
| Date of Inspection | September 4, 2012 |
| Date of Hearing | September 26, 2012 |
| Finding/Facts of Scheduled Hearing | Notice to repair/demolish the structure within 90 days mailed September 27, 2012 |
| Owner's Response | None |
| Appeal Taken (Board of Appeals) | No |
| Other | Utilities disconnected since March 2012. |
| | |
| | |
| Police Calls for Service (past 2 yrs) | 36 |

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 11th day of February, 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:

324 Lincoln Drive
PIN 0437-71-8396

Being all of Lot 30 of Cape Fear Development, as shown on a map duly recorded in Book of Plats 12, Page 21 of the Cumberland County Registry... Also being the property conveyed to Raymond Lee Sessoms in Deed Book 2221, Page 183, aforesaid registry.

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

Mattie O. Sessoms
305 S. Cool Spring Street
Fayetteville, NC 28301

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before November 27, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,590.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this __11th____ day of __February____, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



324

DANGER
DO NOT ENTER
UNAUTHORIZED
PERSONS
PROHIBITED







7 - 2 - 23 - 1





Location: 618 Mechanic Street
PIN: 0437-67-0826

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 | 618 Mechanic Street |
| Property Owner(s) | Richard H.L. Jones, Life Estate, Fayetteville NC, and Odette Ray, Duncan, SC |
| Date of Inspection | August 14, 2012 |
| Date of Hearing | September 5, 2012 |
| Finding/Facts of Scheduled Hearing | Notice to repair/demolish the structure within 60 days mailed September 6, 2012 |
| Owner's Response | None |
| Appeal Taken (Board of Appeals) | No |
| Other | Utilities disconnected since December 2009. |
| | Hearing was advertised in Fayetteville Observer newspaper August 2012. |
| | |
| Police Calls for Service (past 2 yrs) | 59 |

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 11th day of February, 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:

618 Mechanic Street
PIN 0437-67-0826

BEING all of Lot 1 as shown on a plat entitled RECOMBINATION OF PROPERTY OF WILLIE MAE JONES AND HUSBAND RICHARD H. JONES, duly recorded in Book of Plats 103, Page 93, Cumberland County Registry.

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

| | |
|----------------------------------|-----------------------|
| Richard H. L. Jones, Life Estate | Odette R. Ray |
| 2407 Elmhurst Drive | 222 Penick Drive |
| Fayetteville, NC 28304 | Duncan, SC 29334-8714 |

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before November 6, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,575.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this ___11th___ day of ___February___, 2013.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk

6

8

DANGER
Do not enter this area
without proper training
and equipment.
违者必究
违者必究

NOTICE
This notice is to inform you that the following information is being provided to you for your information only. It is not intended to be used as a basis for any action or decision. The information is provided for your information only and is not intended to be used as a basis for any action or decision. The information is provided for your information only and is not intended to be used as a basis for any action or decision.





7 - 2 - 30 - 1



Uninhabitable Structure Demolition Recommendations

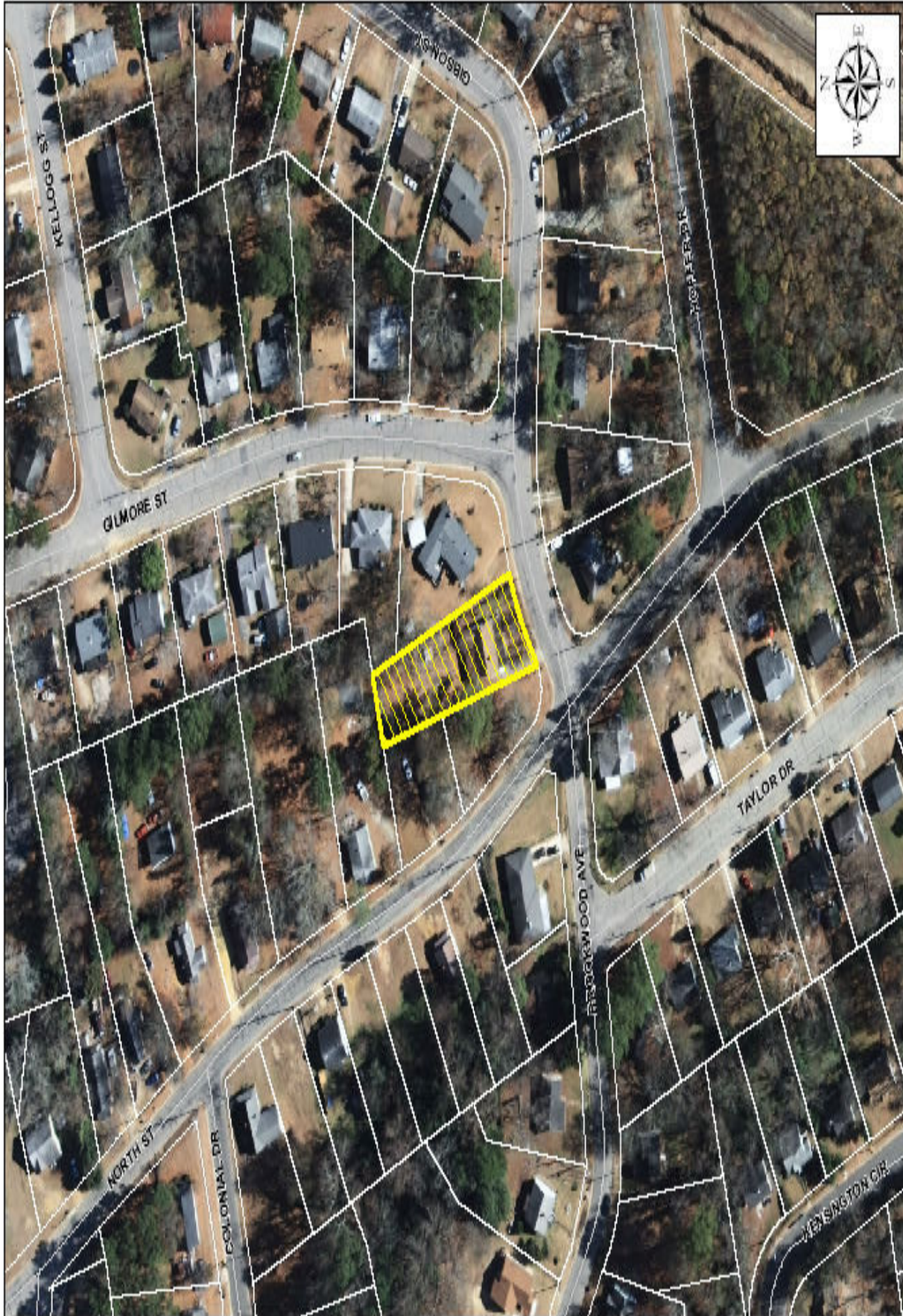
**Four un-occupied residential dwellings
determined to constitute blight**

None of these properties are historic

303 Brookwood Avenue

- **Blighted Building**
- **Utilities disconnected as of December 2006**
- **2 calls for 911 Service – last 24 months**
- **5 code violations – last 24 months**
- **\$341.18 outstanding City assessments for lot cleaning**
- **No outstanding taxes**
- **Not eligible for Acquisition & Demolition Program**
- **Demolition cost - \$2,200.00**





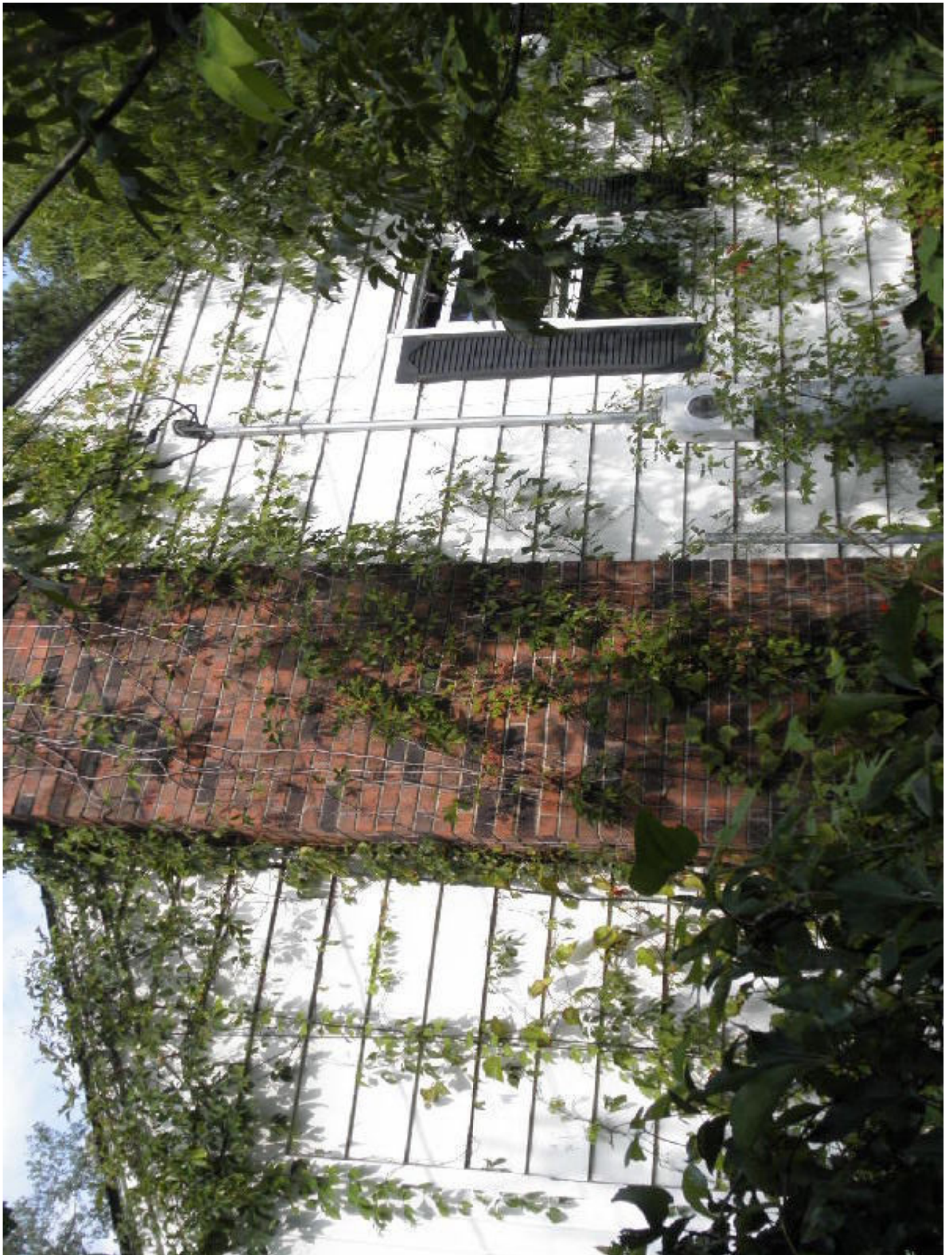
Location: 303 Brookwood Avenue
PIN: 0438-64-6047







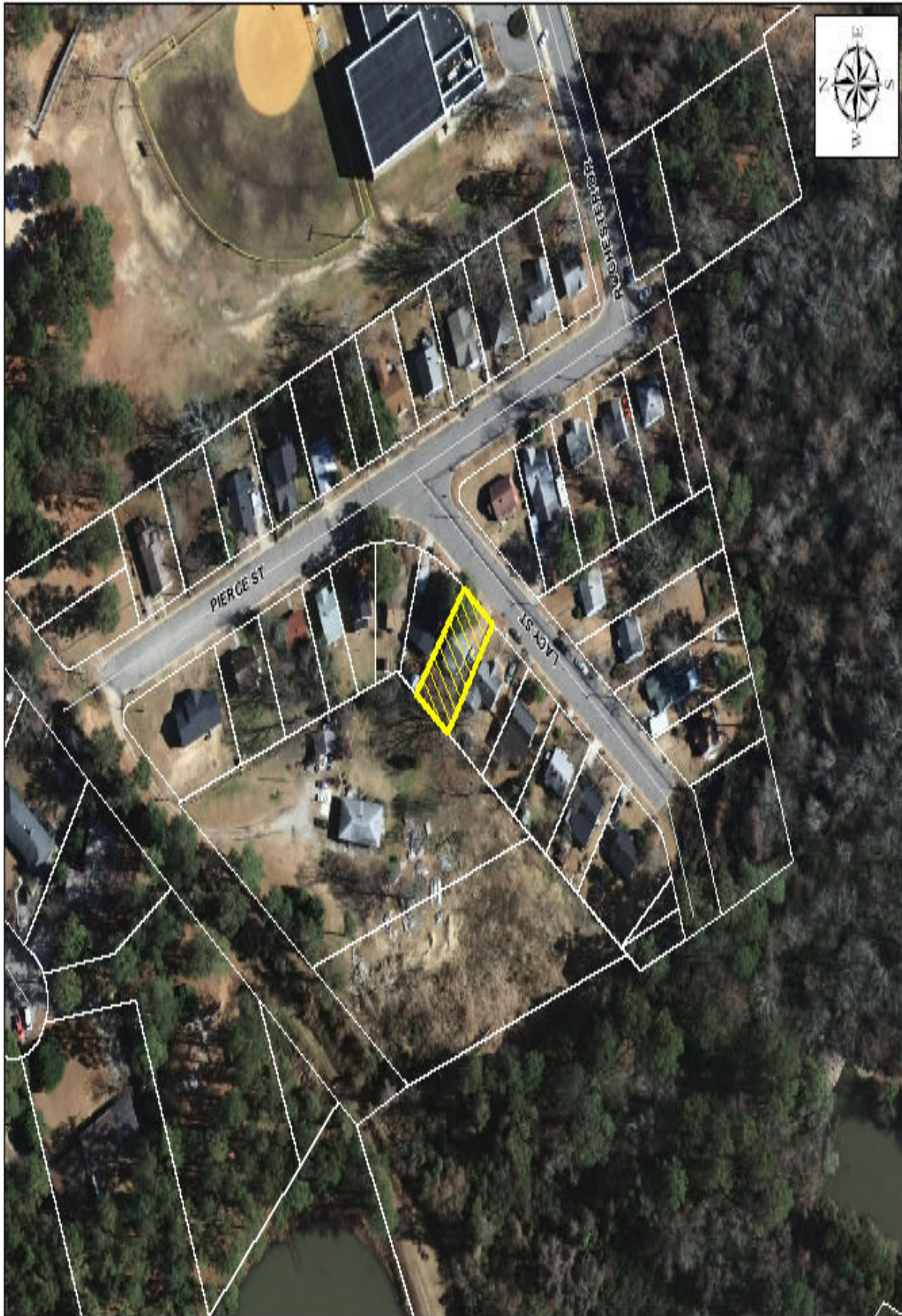




1522 Lacy Street

- **Blighted Building**
- **Utilities disconnected as of July 2012**
- **10 calls for 911 Service – last 24 months**
- **10 code violations – last 24 months**
- **No outstanding City assessments**
- **No outstanding taxes**
- **No response to the Acquisition & Demolition Program**
- **Demolition cost - \$1,600.00**





Location: 1522 Lacy Street
PIN: 0427-81-8263







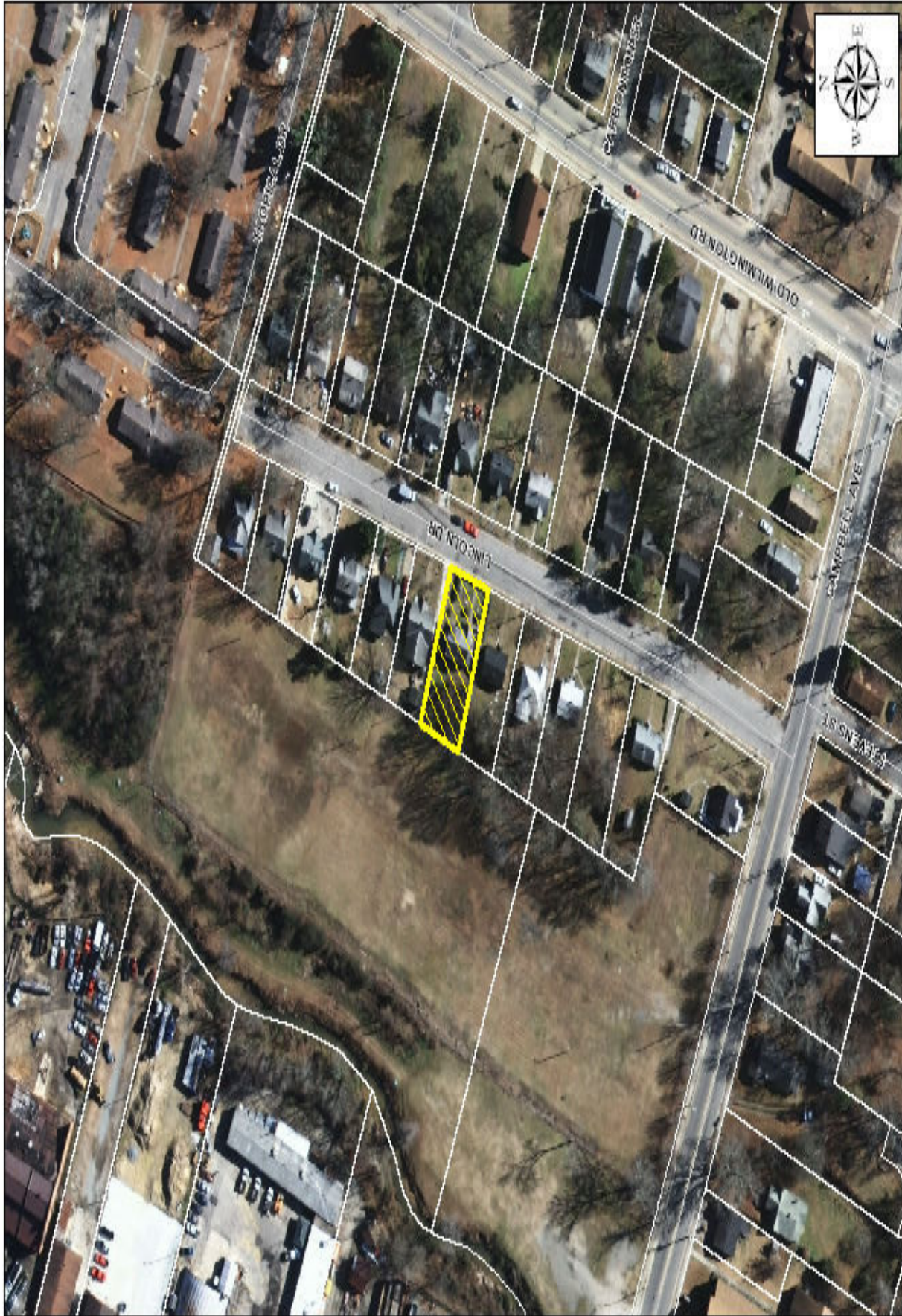




324 Lincoln Drive

- **Blighted Building**
- **Fire damaged March 2010**
- **Utilities disconnected as of March 2010**
- **36 calls for 911 Service – last 24 months**
- **8 code violations – last 24 months**
- **No outstanding City assessments**
- **\$277.61 outstanding taxes**
- **Not eligible for the Acquisition & Demolition Program**
- **Demolition cost - \$1,590.00**





Location: 324 Lincoln Drive
PIN: 0437-71-8396







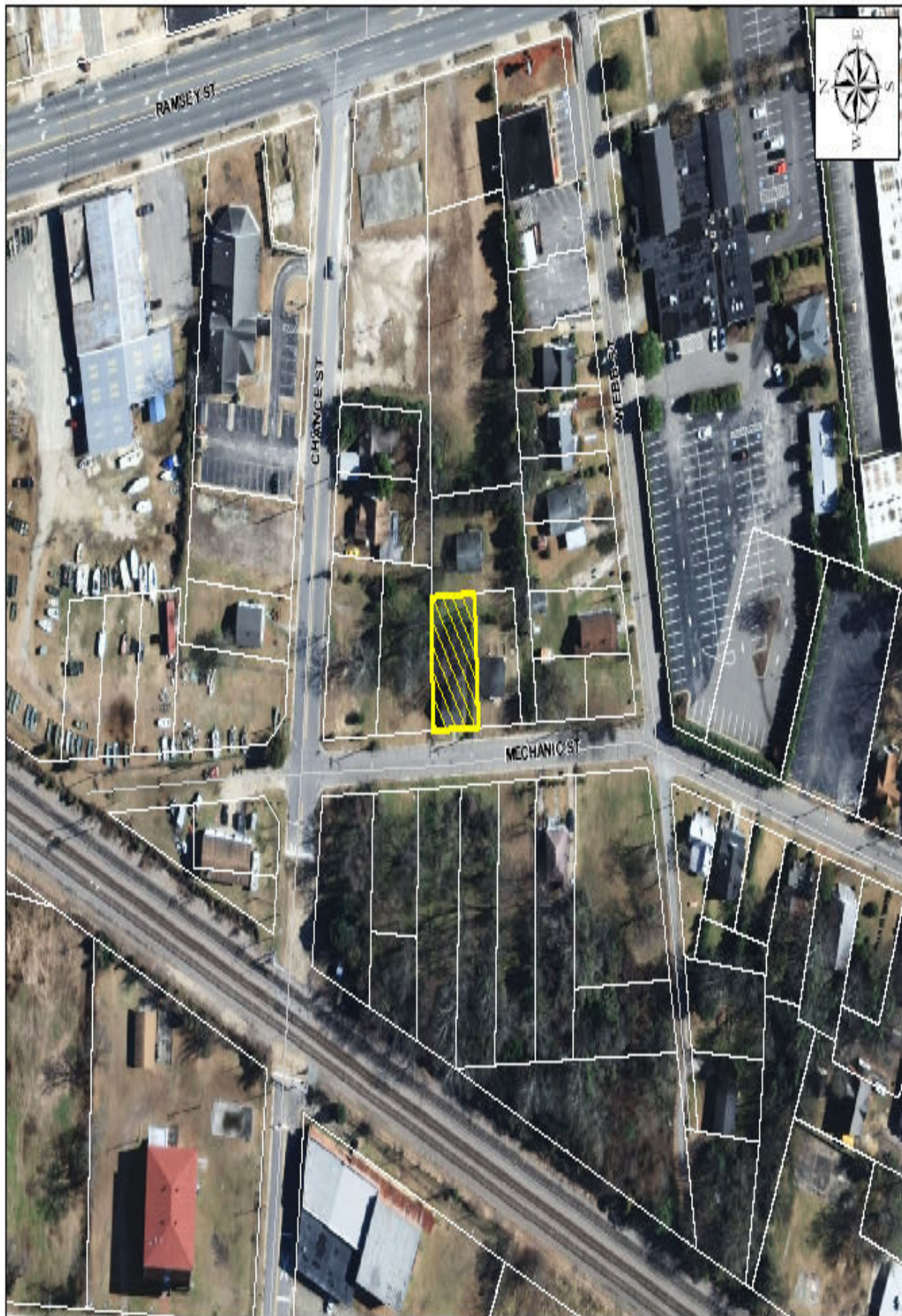




618 Mechanic Street

- **Blighted Building**
- **Utilities disconnected as of December 2009**
- **59 calls for 911 Service – last 24 months**
- **4 code violations – last 24 months**
- **\$958.03 outstanding City assessments for lot cleaning**
- **No outstanding taxes**
- **Not eligible for the Acquisition & Demolition Program**
- **Demolition cost - \$1,575.00**





Location: 618 Mechanic Street
PIN: 0437-67-0826









CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: February 11, 2013
RE: **Revenue and Expenditure Report for Annual Funds for the Six-Month Period Ended December 31, 2012**

THE QUESTION:

Staff will present the revenue and expenditure report for the annual funds for the six-month period ended December 31, 2012.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle: Financially Sound

Core Value: Stewardship

Goal 2: More Efficient City Government - Cost-Effective Service Delivery. Objective 1: Greater accountability for performance, results and transparency.

BACKGROUND:

- The attached report consists of two main sections: revenues by major category, and fund, and expenditures by department and fund.
- The report provides revenue and expenditure data for the current fiscal year (column "Actuals thru December 2012") with comparison data for the same period of the prior fiscal year (column "Actuals thru December 2011"). The current year annual budget is also provided in the column labeled "Annual Budget as of December 2012."
- Positive or negative changes between the "Actuals thru December 2012" column and the "Actuals thru December 2011" column are also provided as percentages in the "% Change Actuals."
- Sales tax distributions are received approximately 75 days after the period in which they apply. The attached report includes sales tax revenues for the four-month period ended October 31, 2012 for the current fiscal year, and for comparative purposes the four-month period ended October 31, 2011 for the prior fiscal year.
- The quarterly utility taxes are received from the State approximately 75 days after the period to which they apply; therefore, utility tax revenues for the three-month period ended September 30, 2012 are included for the current fiscal year, and for comparative purposes the three-month period ended September 30, 2011 for the prior fiscal year.

ISSUES:

None.

BUDGET IMPACT:

See attached report.

OPTIONS:

Not applicable.

RECOMMENDED ACTION:

No action required. Information only.

ATTACHMENTS:

General Fund Revenues as of December 31, 2012
General Fund Expenditures as of December 31, 2012
Other Annual Funds Revenues as of December 31, 2012
Other Annual Funds Expenditures as of December 31, 2012
FY 13 QE Powr Point Presentation

General Fund Revenue Report
For the Period Ended
December 31, 2012

| Description | Actuals thru December 2011 | Annual Budget As Of December 2012 | Actuals thru December 2012 | % Change Actuals |
|-----------------------------------|---|--|---|-----------------------------|
| Ad Valorem Taxes | | | | |
| Current Year Taxes | 43,079,867 | 59,857,399 | 44,975,434 | 4.40% |
| Prior Year Taxes | 766,275 | 1,115,000 | 777,253 | 1.43% |
| Penalties & Interest | 80,851 | 303,000 | 80,557 | -0.36% |
| Other Taxes | | | | |
| Vehicle License Tax | 307,717 | 632,475 | 307,644 | -0.02% |
| Privilege License Tax | 2,087,865 | 1,108,420 | 2,406,741 | 15.27% |
| Franchise Fees | 99,996 | 67,000 | 71,223 | -28.77% |
| Vehicle Gross Receipts | 238,274 | 544,000 | 245,837 | 3.17% |
| Intergovernmental Revenues | | | | |
| Federal | 388,016 | 444,973 | 227,009 | -41.49% |
| State | | | | |
| Sales Taxes* | 10,319,133 | 34,325,625 | 11,029,628 | 6.89% |
| Utility Taxes** | 2,588,589 | 11,191,154 | 2,946,212 | 13.82% |
| Other | 5,468,705 | 6,585,452 | 5,498,586 | 0.55% |
| Local | 2,173,126 | 4,278,823 | 2,414,462 | 11.11% |
| Functional Revenues | | | | |
| Permits and Fees | 1,262,577 | 2,966,175 | 1,740,465 | 37.85% |
| Property Leases | 335,327 | 861,878 | 377,040 | 12.44% |
| Engineering/Planning Services | 217,836 | 456,400 | 223,426 | 2.57% |
| Public Safety Services | 474,339 | 1,123,471 | 521,391 | 9.92% |
| Environmental Services | 76,408 | 145,800 | 69,549 | -8.98% |
| Parks & Recreation Fees | 582,789 | 1,352,150 | 627,225 | 7.62% |
| Other Fees and Services | 53,512 | 216,429 | 52,748 | -1.43% |
| Other Revenues | | | | |
| Refunds and Sundry | 308,018 | 120,150 | 61,592 | -80.00% |
| Indirect Cost Allocation | 580,265 | 1,196,170 | 556,418 | -4.11% |
| Special Use Assessment | 44,220 | 220,937 | 99,423 | 124.84% |
| Sale of Assets & Materials | 125,461 | 250,000 | 80,125 | -36.14% |
| Investment Income | 7,863 | 316,000 | 12,714 | 61.69% |
| Other Financing Sources | | | | |
| Proceeds from Bonds | - | - | - | 0.00% |
| Proceeds from Refunding Bonds | - | - | - | 0.00% |
| Proceeds from Loans | - | - | - | 0.00% |
| Interfund Transfers | 5,149,934 | 11,433,931 | 5,694,322 | 10.57% |
| Capital Leases | - | - | - | 0.00% |
| Fund Balance Appropriation | - | 7,356,309 | - | 0.00% |
| TOTAL | <u>76,816,963</u> | <u>148,469,121</u> | <u>81,097,024</u> | <u>5.57%</u> |

* Sales tax revenue for "Actuals" reflect revenue through October 2011 and 2012, respectively. November sales tax data (monthly) will be released in mid February 2013.

** Utility tax revenue for "Actuals" reflect revenue through September 2011 and 2012, respectively. Utility tax data for quarter ending December 2012 will be released in mid March 2013.

**General Fund Expenditure Report
For the Period Ended
December 31, 2012**

| Description | Actuals thru December 2011 | Annual Budget As Of December 2012 | Actuals thru December 2012 | % Change Actuals |
|--|---|--|---|-----------------------------|
| City Attorney | 491,528 | 1,008,373 | 521,420 | 6.08% |
| City Manager | 428,422 | 912,672 | 363,474 | -15.16% |
| Community Development | 616,984 | 1,926,486 | 711,753 | 15.36% |
| Development Services | 1,555,706 | 4,484,981 | 2,010,779 | 29.25% |
| Engineering & Infrastructure | 8,150,952 | 11,458,408 | 7,631,611 | -6.37% |
| Environmental Services | 4,476,094 | 8,385,893 | 4,434,351 | -0.93% |
| Finance | 1,090,728 | 2,624,083 | 1,228,627 | 12.64% |
| Fire & Emergency Management | 11,526,163 | 24,659,365 | 12,154,199 | 5.45% |
| Human Relations | 110,971 | 249,842 | 117,673 | 6.04% |
| Human Resource Development | 609,494 | 1,156,880 | 552,725 | -9.31% |
| Information Technology | 1,717,012 | 4,375,254 | 2,581,264 | 50.33% |
| Management Services | 260,758 | 876,658 | 397,137 | 52.30% |
| Mayor & Council | 462,205 | 585,415 | 277,373 | -39.99% |
| Other Appropriations * | 7,943,485 | 24,848,764 | 8,770,154 | 10.41% |
| Parks, Recreation & Maintenance | 8,485,191 | 17,288,739 | 8,740,799 | 3.01% |
| Police | 19,570,878 | 43,627,308 | 20,464,059 | 4.56% |
| Total General Fund | 67,496,571 | 148,469,121 | 70,957,398 | 5.13% |

* Sales tax and utility tax reimbursements for quarter ending December 31, 2012 will be recorded in mid March 2013.

Operating Funds Revenue Report
For the Period Ended
December 31, 2012

| Description | Actuals thru December 2011 | Annual Budget As Of December 2012 | Actuals thru December 2012 | % Change Actuals |
|---|---|--|---|-----------------------------|
| Parking Fund | | | | |
| Functional Revenues | 150,083 | 357,870 | 127,078 | -15.33% |
| Other Revenues | - | - | - | 0.00% |
| Investment Income | - | 1,100 | - | 0.00% |
| Fund Balance Appropriation | - | 56,159 | - | 0.00% |
| Total | 150,083 | 415,129 | 127,078 | -15.33% |
| Lake Valley Drive MSD Fund | | | | |
| Functional Revenues | 4,529 | 65,292 | 57,012 | 1158.82% |
| Investment Income | - | - | - | 0.00% |
| Interfund Transfers | - | - | - | 0.00% |
| Total | 4,529 | 65,292 | 57,012 | 1158.82% |
| Central Business Tax District Fund | | | | |
| Ad Valorem Taxes | 72,743 | 130,657 | 88,816 | 22.10% |
| Investment Income | - | 100 | - | 0.00% |
| Fund Balance | - | 48,330 | - | 0.00% |
| Total | 72,743 | 179,087 | 88,816 | 22.10% |
| Stormwater Fund | | | | |
| Stormwater Fees | 3,458,594 | 5,200,611 | 3,841,269 | 11.06% |
| Intergovernmental | - | - | - | 0.00% |
| Other Functional Revenues | - | - | - | 0.00% |
| Other Revenues | 36,470 | - | 60,000 | 64.52% |
| Investment Income | - | 32,700 | - | 0.00% |
| Interfund Transfers | - | - | - | 0.00% |
| Fund Balance | - | 3,892,143 | - | 0.00% |
| Total | 3,495,064 | 9,125,454 | 3,901,269 | 11.62% |
| Emergency Telephone System Fund | | | | |
| Intergovernmental | 265,509 | 775,752 | 323,230 | 21.74% |
| Investment Income | - | 1,000 | - | 0.00% |
| Interfund Transfers | - | - | - | 0.00% |
| Fund Balance | - | 155,340 | - | 0.00% |
| Total | 265,509 | 932,092 | 323,230 | 21.74% |
| Risk Management Funds | | | | |
| Interfund Charges | 6,455,761 | 13,139,898 | 6,434,745 | -0.33% |
| Other Revenues | | | | |
| Employee Contributions | 1,407,758 | 2,804,527 | 1,386,095 | -1.54% |
| Refunds and Sundry | 60,206 | 122,500 | 100,789 | 67.41% |
| Investment Income | - | 86,100 | - | 0.00% |
| Interfund Transfers | 467,982 | 487,303 | 461,542 | -1.38% |
| Fund Balance | - | 163,175 | - | 0.00% |
| Total | 8,391,707 | 16,803,503 | 8,383,171 | -0.10% |

Operating Funds Revenue Report
For the Period Ended
December 31, 2012

| Description | Actuals thru December 2011 | Annual Budget As Of December 2012 | Actuals thru December 2012 | % Change Actuals |
|---|---|--|---|-----------------------------|
| Transit Fund | | | | |
| Other Taxes | 311,212 | 638,475 | 312,434 | 0.39% |
| Federal Operating Grant | 389,673 | 1,479,686 | - | -100.00% |
| State Operating Grant | - | 696,713 | - | 0.00% |
| Bus Fares | 459,921 | 968,064 | 476,199 | 3.54% |
| Contract Transportation | 46,230 | 92,160 | 45,957 | -0.59% |
| Other Revenue | 22,449 | 35,345 | 4,787 | -78.68% |
| Interfund Transfers | 1,473,962 | 2,531,839 | 1,256,646 | -14.74% |
| Total | 2,703,447 | 6,442,282 | 2,096,023 | -22.47% |
| Airport Fund | | | | |
| Intergovernmental Revenues | 71,471 | 133,687 | 56,778 | -20.56% |
| Property Leases | 1,086,922 | 2,341,099 | 1,140,138 | 4.90% |
| Franchise Fees | 595,906 | 1,301,933 | 551,471 | -7.46% |
| Landing Fees | 197,147 | 354,611 | 197,717 | 0.29% |
| Training Facility Fees | 13,150 | 22,000 | 10,625 | -19.20% |
| Other Revenues | 108,651 | 218,628 | 102,739 | -5.44% |
| Public Safety Reimbursements | 41,620 | 84,297 | 78,927 | 89.64% |
| Investment Income | - | 19,500 | - | 0.00% |
| Interfund Transfers | - | - | - | 0.00% |
| Fund Balance | - | 524,419 | - | 0.00% |
| Total | 2,114,867 | 5,000,174 | 2,138,395 | 1.11% |
| Recycling Fund | | | | |
| Recycling Fees | 1,885,393 | 2,299,100 | 1,916,198 | 1.63% |
| Intergovernmental | 149,763 | 301,500 | 150,625 | 0.58% |
| Other Revenues | 53,425 | 95,600 | 1,945 | -96.36% |
| Investment Income | - | 4,600 | - | 0.00% |
| Interfund Transfers | - | - | - | 0.00% |
| Total | 2,088,581 | 2,700,800 | 2,068,768 | -0.95% |
| LEOSSA Fund | | | | |
| Interfund Charges | 349,262 | 706,000 | 360,123 | 3.11% |
| Investment Income | - | 20,100 | - | 0.00% |
| Fund Balance | - | - | - | 0.00% |
| Total | 349,262 | 726,100 | 360,123 | 3.11% |
| City of Fayetteville Finance Corporation | | | | |
| Investment Income | - | - | - | 0.00% |
| Property Leases | 135,122 | 816,750 | 106,608 | -21.10% |
| Total | 135,122 | 816,750 | 106,608 | -21.10% |

**Operating Funds Expenditure Report
For the Period Ended
December 31, 2012**

| Description | Actuals thru December 2011 | Annual Budget As Of December 2012 | Actuals thru December 2012 | % Change Actuals |
|---|---|--|---|-----------------------------|
| Parking Fund | 205,647 | 415,129 | 205,361 | -0.14% |
| Lake Valley Drive MSD Fund | 600 | 65,292 | - | -100.00% |
| Central Business Tax District Fund | 110,628 | 179,087 | 103,079 | -6.82% |
| Stormwater Fund | 2,321,801 | 9,125,454 | 1,940,082 | -16.44% |
| Emergency Telephone System Fund | 291,002 | 932,092 | 309,846 | 6.48% |
| Risk Management Funds | 7,667,450 | 16,803,503 | 7,309,616 | -4.67% |
| Transit Fund | 2,848,079 | 6,442,282 | 3,092,010 | 8.56% |
| Airport Fund | 2,984,383 | 5,000,174 | 2,032,333 | -31.90% |
| Recycling Fund | 1,305,208 | 2,700,800 | 1,298,774 | -0.49% |
| LEOSSA Fund | 253,371 | 726,100 | 300,818 | 18.73% |
| City of Fayetteville Finance Corporation | 135,125 | 816,750 | 106,625 | -21.09% |

Revenue and Expenditure Report

Annual Funds

Period Ended December 31, 2012



City of
Fayetteville
North Carolina



Overview

- General Fund Revenues
- General Fund Expenditures
- Storm Water System Revenues and Expenditures
- Transit Revenues and Expenditures
- Airport Revenues and Expenditures



General Fund Revenues

| | Actual 12/31/11 | Budget 12/31/12 | Actual 12/31/12 | % Change Actuals |
|-------------------------|--------------------|--------------------|--------------------|---------------------|
| Property Taxes | \$ 43.93 | \$ 61.28 | \$ 45.83 | 4.3 |
| Other Taxes | 2.73 | 2.35 | 3.03 | 10.9 |
| Intergovern. Revenues | 20.94 | 56.83 | 22.12 | 5.6 |
| Fees and Services | 3.00 | 7.12 | 3.61 | 20.3 |
| Other Revenues | 1.07 | 2.10 | 0.81 | (24.0) |
| Other Financing Sources | 5.15 | 11.43 | 5.70 | 10.6 |
| Fund Bal. Appropriation | 0.00 | 7.36 | 0.00 | 0.0 |
| Total | 76.82 | 148.47 | 81.10 | 5.6 |

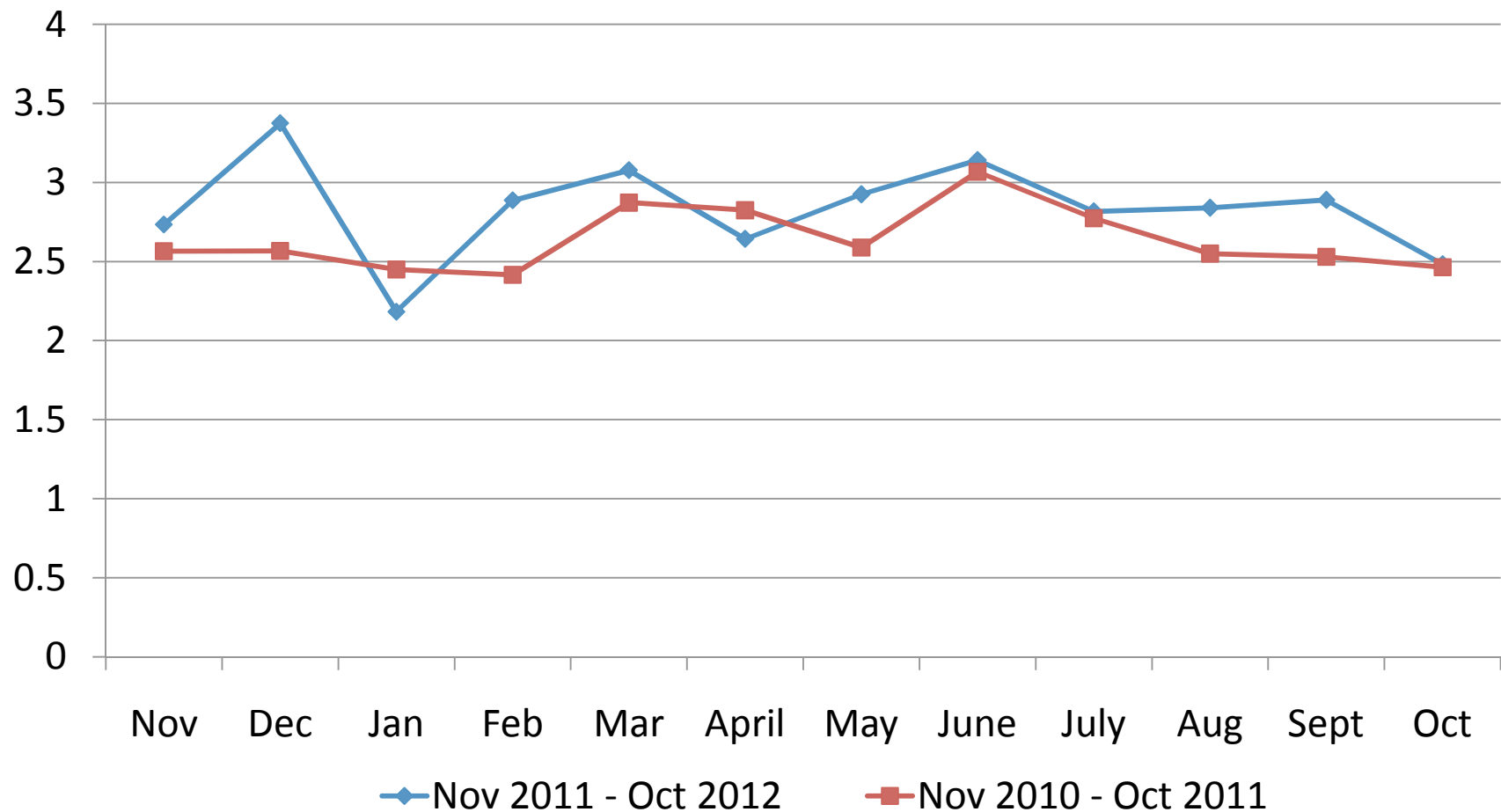


Intergovernmental Revenues

| | Actual 12/31/11 | Budget 12/31/12 | Actual 12/31/12 | % Change Actuals |
|-----------------------|--------------------|--------------------|--------------------|---------------------|
| Intergovern. Revenues | | | | |
| Sales Taxes | \$ 10.32 | \$ 34.33 | \$ 11.03 | 6.9 |
| Utility Taxes | 2.59 | 11.19 | 2.95 | 13.8 |
| Powell Bill | 5.31 | 5.35 | 5.43 | 2.2 |
| Federal & Other State | 0.55 | 1.68 | 0.30 | (45.2) |
| Local | 2.17 | 4.28 | 2.41 | 11.1 |
| Total | 20.94 | 56.83 | 22.12 | 5.6 |



Monthly Sales Tax Revenues





General Fund Expenditures

| | Actual 12/31/11 | Budget 12/31/12 | Actual 12/31/12 | % Change Actuals |
|----------------------------|--------------------|--------------------|--------------------|---------------------|
| General Administration | \$ 5.06 | \$ 11.54 | \$ 5.92 | 17.0 |
| Police | 19.57 | 43.63 | 20.47 | 4.6 |
| Fire & Emergency Mgmt. | 11.53 | 24.66 | 12.15 | 5.4 |
| Engineering/Infrastructure | 8.15 | 11.46 | 7.63 | (6.4) |
| Environmental Srvs. | 4.48 | 8.38 | 4.44 | (0.9) |
| Parks, Rec. & Maint. | 8.49 | 17.29 | 8.74 | 3.0 |
| Other Functions | 2.28 | 6.66 | 2.84 | 24.4 |
| Other Appropriations | 7.94 | 24.85 | 8.77 | 10.4 |
| Total | 67.50 | 148.47 | 70.96 | 5.1 |



Storm Water Fund

| | Actual 12/31/11 | Budget 12/31/12 | Actual 12/31/12 | % Change Actuals |
|-------------------------|--------------------|--------------------|--------------------|---------------------|
| Revenues: | | | | |
| Storm Water Fees | \$ 3.46 | \$ 5.20 | \$ 3.84 | 11.1 |
| Other | 0.04 | 0.03 | 0.06 | 64.5 |
| Fund Bal. Appropriation | 0.00 | 3.90 | 0.00 | 0.0 |
| Total Revenues | 3.50 | 9.13 | 3.90 | 11.6 |
| | | | | |
| Expenditures | 2.32 | 9.13 | 1.94 | (16.4) |

Transit Fund



| | Actual 12/31/11 | Budget 12/31/12 | Actual 12/31/12 | % Change Actuals |
|------------------------|--------------------|--------------------|--------------------|---------------------|
| Revenues: | | | | |
| Federal & State Grants | \$ 0.39 | \$ 2.17 | \$ 0.00 | (100.0) |
| Bus Fares | 0.46 | 0.97 | 0.48 | 3.5 |
| Vehicle License Tax | 0.31 | 0.64 | 0.31 | 0.0 |
| Other Revenue | 0.07 | 0.13 | 0.05 | (26.1) |
| General Fund Transfer | 1.47 | 2.53 | 1.26 | (14.7) |
| Total Revenues | 2.70 | 6.44 | 2.10 | (22.5) |
| | | | | |
| Expenditures | 2.85 | 6.44 | 3.09 | 8.6 |

Airport Fund



| | Actual 12/31/11 | Budget 12/31/12 | Actual 12/31/12 | % Change Actuals |
|-------------------------|--------------------|--------------------|--------------------|---------------------|
| Revenues: | | | | |
| Property Leases | 1.09 | 2.34 | 1.14 | 4.9 |
| Franchise Fees | 0.59 | 1.30 | 0.55 | (7.5) |
| Other | 0.43 | 0.84 | 0.45 | (3.4) |
| Fund Bal. Appropriation | 0.00 | 0.52 | 0.00 | 0.0 |
| Total Revenues | 2.11 | 5.00 | 2.14 | 1.1 |
| | | | | |
| Expenditures | 2.98 | 5.00 | 2.03 | (31.9) |



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



CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Kristoff Bauer, Asst. City Manager
DATE: February 11, 2013
RE: **Hire Fayetteville First - Disparity Study Request For Proposals (Council Member Haire - request)**

THE QUESTION:

Whether Council is interested in issuing a Request For Proposals (RFP) for the completion of a purchasing disparity study?

RELATIONSHIP TO STRATEGIC PLAN:

This issue was not included in the FY13 Strategic Plan. Council did, however, adopt Council Policy 135.2 (Attached)

BACKGROUND:

- On July 9, 2012, the Council adopted Policy 135.2, Hire Fayetteville First.
- On Sept. 4, 2012, staff presented a timeline for policy implementation (attached).
- On Oct. 1, 2012, Council discussed the definition of "Locally Owned Business."
- On Nov. 5, 2012, Council again discussed the definition of "Locally Owned Business" and there was consensus supporting the proposed definition. Council has not taken any formal action regarding this definition. Staff's presentation on this item also included two alternatives Scope Of Works (SOW) for the proposed study RFP and a budget estimate. Council did not discuss the alternate SOW's and instead considered the budget amendment to support the study. There was no consensus to adopt the budget amendment and instead staff was directed to bring back alternatives.
- On Dec. 3, 2012, staff presented steps that could be taken to implement Policy 135.2 without additional budget appropriation. Staff also presented potential revisions to Policy 135.2, but these were not discussed. Council discussed the option of funding a less expensive study referred to as a "program review," and asked staff to prepare options for consideration as quickly as possible.
- On Dec. 10, 2012, staff presented Council with an agenda item during the dinner meeting that would have provided funding for a "program review" and directed staff to complete a process to move forward with that study. There was insufficient support among Council to place that item on the Dec. 10th agenda for consideration.
- On Jan. 7, 2013, Policy 135.2 was again placed on the Work Session agenda for discussion. Council did not reach consensus on any follow-up action.

Council has not taken any formal action related to this policy since its adoption on July 9, 2012.

ISSUES:

CM Haire has requested that a motion directing staff to issue a RFP for the completion of a "disparity study" be placed on the Council's agenda for consideration. His request was for two separate proposals as identified in the "Recommended Action" section below.

CM Haire specified that the SOW for the disparity study should include all categories identified in Policy 135.2. Since Council has not taken formal action on the definition of "Local Business," staff will utilize the definition discussed during the Nov. 5th Work Session. CM Haire indicated that the funding of the study could be addressed after responses to the RFP are received providing more certainty regarding the required budget appropriation.

If approved, staff will issue the RFP(s) consistent with the time frames identified in the attached schedule.

BUDGET IMPACT:

No funds have been appropriated to award a contract for the completion of a disparity study. Staff has recommended Council action on the appropriation prior to issuance of the RFP in order to allow the service contract to be executed without further Council action. The act of issuing the RFP alone does not require an appropriation or additional resources.

OPTIONS:

CM Haire has requested that Council consider the two separate actions listed below:

RECOMMENDED ACTION:

Action A: CM Haire recommends Council move to direct staff to issue an RFP for contractual services to complete a disparity study regarding City purchasing activities analyzing all classes identified in Policy 135.2 and bring responses, upon receipt, to Council for review.

Action B: CM Haire recommends Council move to direct staff to issue an RFP for contractual services to complete a disparity study regarding City of Fayetteville, Cumberland County, Cumberland County Schools, and City of Spring Lake purchasing activities analyzing all classes identified in Policy 135.2 and bring responses, upon receipt, to Council for review.

ATTACHMENTS:

Policy 135.02 Hire Fayetteville First
RFP Schedule

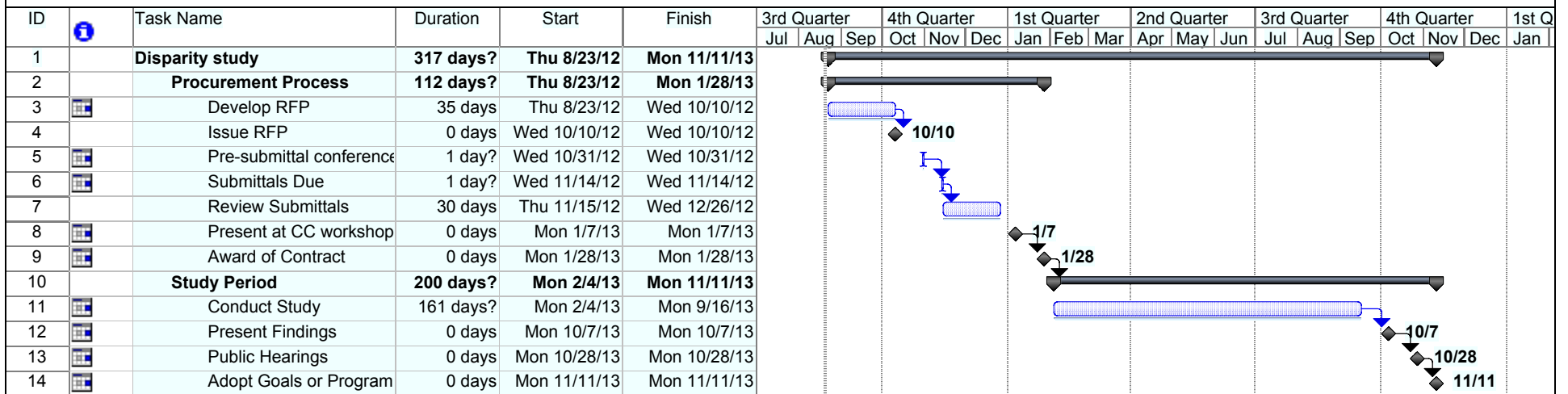
| | | | | |
|--|-------------------------------|----------------|---|--------------------|
| SUBJECT – CITY COUNCIL Hire Fayetteville First Jobs Creation Policy | Number 135.2 | Revised | Effective Date 7-09-12 | Page 1 of 1 |
|--|-------------------------------|----------------|---|--------------------|

In an effort to promote economic opportunity for Fayetteville/Cumberland County businesses and to support job creation in the City of Fayetteville, it is the policy of the City of Fayetteville and the City’s Public Works Commission (collectively, the “City”) to use the City’s spending powers in a manner that promotes fiscal responsibility and maximizes the effectiveness of local tax dollars by ensuring that City spending for goods and services provides business opportunity to businesses having a principal place of business within Fayetteville/Cumberland County, and Historically Underutilized Businesses (HUBs) as defined in N.C. General Statutes 143-48.4, and 143-128.4 (a), and (b), as measures to support the local economy.

To implement the policy, the City does hereby do the following:

- City seeks to establish goals in the future contingent upon a disparity study for all City departments for local and HUB business participation relating to procurement of all goods and services in the following categories:
 - locally owned businesses
 - women owned businesses
 - minority owned businesses
 - disabled and disadvantaged owned businesses
 - veteran owned businesses

Disparity Study
City of Fayetteville
FY2013



Project: Disparity Study V1-August 20
Date: Mon 8/20/12
Project Manager: CMO

Task

Split

Progress

Milestone

Summary

Project Summary

External Tasks

External MileTask

Split

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

TO:

FROM:

DATE: February 11, 2013

RE: **NCGS 143-318.11 Closed Session**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION: