



FAYETTEVILLE CITY COUNCIL
AGENDA
APRIL 23, 2012
7:00 P.M.
City Hall Council Chambers

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 CONSENT

5.1 Community Development - Approval of the Community Development 2012-2013 Annual Action Plan.

5.2 Approve "Sole Source" Purchase of Transit Bus Shelters, Benches, Solar Lighting and Associated Spare Shelter Parts

5.3 Budget Ordinance Amendment 2012-9 (General Fund - Various Items)

5.4 P12-11F Rezoning from HI Heavy Industrial District to CC Community Commercial District, or a more restrictive district, on property located at 2133 Owen Drive. Containing 0.59 acres more or less and being the property of Dal H. Ahn and Myoung S Ahn.

5.5 Substantive and housekeeping amendments to the Development Services Fee Schedule.

5.6 Fort Bragg Road Rehabilitation Contract - Re Advertise the Award of the Contract

5.7 Revisions to Article VII, Wrecker & Tow Service

5.8 PWC - Bid Recommendation for Tubular Steel Structures

5.9 Special Revenue Fund Project Ordinance 2012-15 (2012 Badges for Baseball Program)

5.10 Special Revenue Fund Project Ordinance 2012-16 consistent with FBRA and City Agreement for Bragg Boulevard Corridor Plan

5.11 PWC - Phase 5 Annexation Areas 8 and 9

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 P12-16F Initial zoning from C3 Commercial District (County) to HI Heavy Industrial District, or a more restrictive district, on property located at 4433 Claude Lee Road. Containing 1.62 acres more or less and being the property of Alfred Young and Linda Young.
Presenter(s): Craig Harmon, AICP, CZO - Planner II

6.2 P12-17F Initial zoning from R10 Residential District (County) to SF-10 Single Family District, or a more restrictive district, on property located south of Snow Hill Road west of Claude Lee Road. Containing 28 acres more or less and being the property of Lakeside at Snow Hill LLC.
Presenter(s): Craig Harmon, AICP, CZO - Planner II

6.3 P12-18F Initial zoning from R15 Residential District (County) to SF-10 Single Family Residential District, or a more restrictive district, on property located at 6342 & 6346 Caveson Court. Containing 0.45 acres more or less and being the property of Broadwell-Weber Investments.
Presenter(s): Craig Harmon, AICP, CZO - Planner II

6.4 Public Hearing to Consider a Petition Requesting Annexation for a Contiguous Area Known as "Greystone Farms-Rear of Lots 37 & 38"

Presenter(s): David Nash, Planner II

6.5 Public Hearing to Consider a Petition Requesting Annexation for a Non-Contiguous Area Known as "Lakeside at Snow Hill, Phase 2"

Presenter(s): David Nash, Planner II

6.6 Public Hearing to Consider a Petition Requesting Annexation for a Non-Contiguous Area Known as the "Young Property"

Presenter(s): David Nash, Planner II

6.7 Amendment to City Code Chapter 30 Section 30-5.A.3 Parking Lot Cross-Access and Section 30-6.A.4(c) Lots and Lot Frontage to modify certain access standards affecting both residential and non-residential development.

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

6.8 Amendment to City Code Chapter 30, Articles 30-3.E; 30-5.A, B, C, F and I; and 30-6.E, to amend standards for density, setbacks for certain uses, percent of door / window openings, parking, landscaping, open space and parkland for the DT Downtown zoning district.

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

6.9 Amend City Code Chapter 30, Articles 4 and 9, to create, classify and set special standards for transitional housing, and establish conditions to allow modification of the separation standards for certain group living facilities in business zoning districts through the special use permit process.

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

6.10 Amendment to City Code Chapter 30, various sections, to make minor corrections for clarity and consistency, including an adjustment in parking location standards (Table 30-5.1.3)

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

6.11 P12-13F Request for a Special Use Permit for Halfway House in a Community Commercial District, on property located at 3611-B Ramsey Street. Containing 5.63 acres more or less and being the property of Cedar Creek Crossing West LLC.

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

7.0 OTHER ITEMS OF BUSINESS

7.1 a) Fayetteville Cumberland County Chamber of Commerce Economic Development Report - 3rd Quarter Report

b) FY 2012 Strategic Plan's Policy and Management Action Agenda 3rd Quarter Report

Presenter(s): Rebecca Rogers-Carter, Management Services Manager, Douglas S. Peters, President/CEO Cumberland-Fayetteville Chamber of Commerce

7.2 Uninhabitable Structures Demolition Recommendations

- 7131 Ashwood Circle
- 7526 Bethesda Court
- 1018 Ellis Street
- 908 Marsh Street
- 525 Mechanic Street
- 2325 Rosehill Road

Presenter(s): Scott Shuford, Development Services Director

7.3 Approval of Updated Transit Programs for Compliance with Title VI of the 1964 Civil Rights Act and the Disadvantaged Business Enterprise (DBE) Requirements of the Federal Transit Administration

Presenter(s): Randall Hume, Transit Director

8.0 ADMINISTRATIVE REPORTS

8.1 Monthly Statement of Taxes for March 2012

8.2 Tax Refunds of Less Than \$100

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

**April 23, 2012 - 7:00 PM
COMMUNITY CHANNEL 7**

COUNCIL MEETING WILL BE RE-AIRED

**April 25, 2012 - 10:00 PM
COMMUNITY CHANNEL 7**

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

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Victor Sharpe, Community Development Director
DATE: April 23, 2012
RE: **Community Development - Approval of the Community Development 2012-2013 Annual Action Plan.**

THE QUESTION:

Is the 2012-2013 Annual Action Plan consistent with the priorities, goals and objectives of the 2010-2015 Consolidated Plan?

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

- The City of Fayetteville updated its Consolidated Plan in 2010. This plan is a comprehensive plan addressing the City's housing, homeless, community development, and economic development needs for the five-year period of 2010-2015.
- The plan contains goals, objectives, and implementing strategies for each of the plan's elements. The Annual Action Plan describes the activities to be funded or implemented.
- The 2012-2013 Annual Action plan is in the third year of the 2010-2015 Consolidated Plan.
- In an effort to provide citizens an opportunity to participate in the process of developing the Annual Action Plan, the Community Development Staff held five citizen participation meetings. These meetings were held in various locations throughout the City.
- A staff public hearing was held on March 1, 2012 and the Fayetteville Redevelopment Commission held the official public hearing on April 12, 2012.
- A draft copy of the plan was made available in various locations for review and comments for 30 days from March 30, 2012 through April 28, 2012. No comments have been received to date.
- The Fayetteville Redevelopment Commission voted to forward to City Council a recommendation of approval of the Annual Action Plan.

ISSUES:

- The funding amount for the Community Development Block Grant (CDBG) and HOME Investment Partnership programs were again reduced this year.
- The CDBG allocation this year is **\$1,341,047** compared to \$1,398,046 received last year for a reduction of \$56,999 (4%). The HOME allocation this year is **\$645,471** compared to \$815,994 received last year for a reduction of \$170,523 (26%).

BUDGET IMPACT:

- A cost allocation from CDBG funds paid to the general fund is a source of revenue for the City. This amount is projected at **\$120,150**.
- Because the City received a Presidential federal disaster declaration due the tornado that hit Fayetteville last year we applied for and received a 100 % reduction of the required HOME match. As a result, the City will not have to match the HOME grant this year because of the excess match provided in previous years. This is a savings of **\$129,094** to the general fund.

OPTIONS:

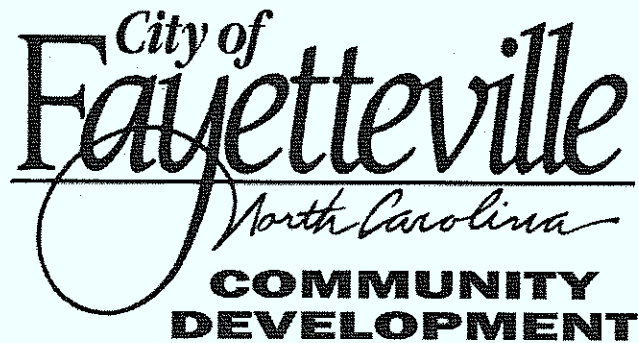
- Approve proposed plan.
- Modify proposed plan.
- Provide additional direction to staff.

RECOMMENDED ACTION:

Approval of the 2012-2013 Community Development Annual Action Plan.

ATTACHMENTS:

2012-2013 Community Development Annual Action Plan



2012-2013 One-Year Action Plan

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

CITY OF FAYETTEVILLE, NORTH CAROLINA

2012-2013 ACTION PLAN

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

Mayor & City Council

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

Fayetteville Redevelopment Commission

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

Interim City Manager
Kristoff Bauer

Community Development Director
Victor D. Sharpe

**COMMUNITY DEVELOPMENT DEPARTMENT
433 HAY STREET
FAYETTEVILLE, NC 28301
www.cityoffayetteville.org
910-433-1590**

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Executive Summary

The City of Fayetteville's 2012-2013 One-Year Action Plan is based on the housing and community development goals set forth in the 2010-2015 Consolidated Plan. City Council approved Fayetteville's fourth Consolidated Plan on April 26, 2010. The plan is designed to comprehensively address the City's housing, economic development, community development and homeless needs for the five-year period 2010-2015. The plan contains goals, measurable objectives and strategies for each of the plan's elements. In order to implement the strategies identified in the Consolidated Plan, the City prepares an annual One-Year Action Plan. The projects contained in the 2012-2013 One-Year Action Plan are designed to address the community needs identified in the five year Consolidated Plan. The core goals of the action plan are presented below.

Housing

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

Economic Development

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

Community Development

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

Homeless

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

2012-2013 One year Action Plan

The 2012-2013 One-Year Action Plan describes the activities to be funded or implemented during the program year. The plan contains goals, objectives, and description of projects and activities that implement the strategies established in the Consolidated Plan. Also included are the appropriate forms required by the U. S. Department of Housing and Urban Development. This One-Year Action Plan constitutes the third annual plan of the 2010-2015 five-year Consolidated Plan. It sets forth a description of activities for the use of funds that are expected to become available during the upcoming fiscal year and establishes goals and objectives for those activities. The City expects the following resources to be available to implement its community development strategies during the 2012-2013 program year.

2012-2013 Funding Sources	Amount
Community Development Block Grant (CDBG)	\$ 1,341,047
CDBG Program Income	\$ 220,305
HOME Investment Partnership (HOME)	\$ 645,471
HOME Program Income	\$ 337,612
CDBG & HOME Prior Year	\$ 1,074,946
<u>City (HOME match) – from prior year</u>	<u>\$ 163,199</u>
Total	\$ 3,782,580

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

The City's One-Year Action Plan describes 29 projects to be undertaken during the program year; the projects and activities proposed for 2012-2013 are summarized below:

Summary of 2012-2013 Proposed Action Plan Projects

<u>Housing Activities</u>	<u>Budget</u>	<u>Benchmark</u>	<u>Activity Type</u>	<u>Funding</u>
Down payment Assistance Program	15,000	5	Homes purchased	HOME
Mortgage Assistance Program	75,000	5	Homes purchased	HOME
Housing Rehabilitation Program	901,212	165	Homes repaired	HOME/CDBG
Acquisition & Demolition Program	140,000	30	Houses	CDBG
CHDO Activities	446,290	13	Homes built	HOME
Homebuyers Education	8,550	200	Persons assisted	CDBG
HOPE VI Affordable Housing Project	350,000	72	Apartments built	HOME
HOPE VI Day Care Center	188,500	1	Facility built	CDBG
Hellenic Agape Senior Affordable Housing	25,000	30	Apartments built	HOME
Kingdom CDC IDA Program	<u>5,000</u>	<u>5</u>	Persons assisted	HOME
	2,154,552	526		
<u>Economic Development</u>				
Business Assistance Program	225,000	6	Jobs created	CDBG
Commercial Redevelopment Loan Program	470,000	6	Jobs created	CDBG
CEED - Women's Business Center	43,200	35	Clients Assisted	CDBG
Facade Grant Program	25,000	5	Jobs created	CDBG
Fayetteville Business & Professional League	10,000	50	Clients Assisted	CDBG
Fayetteville Technical Community College	11,828	40		
Small Business Retention Grant Program	25,000	5	Jobs created	CDBG
Section 108 Payment	<u>78,000</u>	<u>2</u>	Payments	CDBG
	888,028	149		
<u>Community Development</u>				
Neighborhood Resource Centers	167,000	6,000	Client Visits	CDBG
Beautification	6,000	3	Projects completed	CDBG
Street Paving Assessment Fee Assistance	2,000	2	Persons assisted	CDBG
Water and Sewer Assessment Fee Assistance	<u>50,000</u>	<u>40</u>	Persons assisted	CDBG
	225,000	6,045		
<u>Homeless Services</u>				
Homeless Shelter Assistance Program	5,000	15	Utility assistance provided	CDBG
Utility Deposit Assistance Program	3,000	10	Clients assisted	CDBG
Homeless Client Assistance Program	2,000	25	Clients assisted	CDBG
Hope Center Homeless Shelter	10,000	1,000	Clients served	CDBG
Fayetteville Area Operation Inasmuch Day Center	20,000	3,882	Clients served	CDBG
Salvation Army Homeless Shelter	20,000	1,642	Clients served	CDBG
Gospel Services Benevolent Society - Homeless Shelter	<u>10,000</u>	<u>1,000</u>	Clients served	CDBG
	70,000	7,574		
<u>Program Administration</u>				
	335,000			CDBG
	<u>110,000</u>			HOME
	445,000			

Total All Projects and Activities 3,782,580 14,294 Benchmark

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

PLANNING PROCESS

Citizen Participation

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

December 6, 2011	Fire Station 14
December 14, 2011	Massey Hill Recreation Center
January 10, 2012	Heal The Land Ministries
January 12, 2012	Good Hope Missionary Baptist Church
January 20, 2011	Mount Olive Missionary Baptist Church

During these meetings City staff made presentations on the Consolidated Planning process, reviewed HUD national objectives, discussed community development activities, programmatic information and reviewed the action plan schedule of events. This format ensured that citizens would be better informed on how community development funds had been used and the impact on the community and as well as provide them with necessary information about the City's Consolidated Plan and One Year Action Plan. A summary of the citizen comments is included on page 73.

Public Hearings

Two official public hearings are held on the One Year Action Plan. City staff held the first hearing on March 1, 2012 at 7:00 p.m. in the Council Chambers at City Hall. This meeting was held after all of the citizen participation meetings had been held. The meeting was advertised in the Fayetteville Observer, on February 20, 2012. This meeting is designed to allow City staff to publicly summarize and review citizen input gathered from throughout the community.

The Fayetteville Redevelopment Commission (FRC) held a second public hearing on April 12, 2012 at 7:00 p.m. in the Council Chambers at City Hall. The proposed One Year Action Plan was presented to the Fayetteville Redevelopment Commission. The FRC voted to recommend approval of the plan to City Council.

Public Comment on the 2012-2013 Action Plan

The City publicly advertised that draft copies of the proposed 2012-2013 One Year Action Plan would be available for public comment. The period of public comment on

the City's One Year Action Plan is for 30 days. The comment period started on March 30, 2012 through April 28, 2012. The One Year Action Plan was made available for public inspection at the City's neighborhood resource centers, all local branches of the public library, all of the City's recreation centers, the offices of the Community Development Department and the Human Relations Department.

Adoption

City Council considered the 2012-2013 Annual Action Plan at its work session on April 2, 2012. The Plan will be considered by City Council on April 23, 2012.

Lead Agency

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

COMMUNITY DEVELOPMENT PROGRAMS

Community Development Block Grant

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

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

The CDBG projects and activities presented in the City's 2012-2013 One Year Action Plan must meet one of the three broad national objectives found in the CDBG regulations. The CDBG national objectives are listed below.

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

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

HOME Investment Partnership

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

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

The HOME projects and activities presented in the City's 2012-2013 One Year Action Plan must meet one of the two national objectives found in the HOME regulations. The HOME program national objectives are listed below.

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

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

Reports on Progress

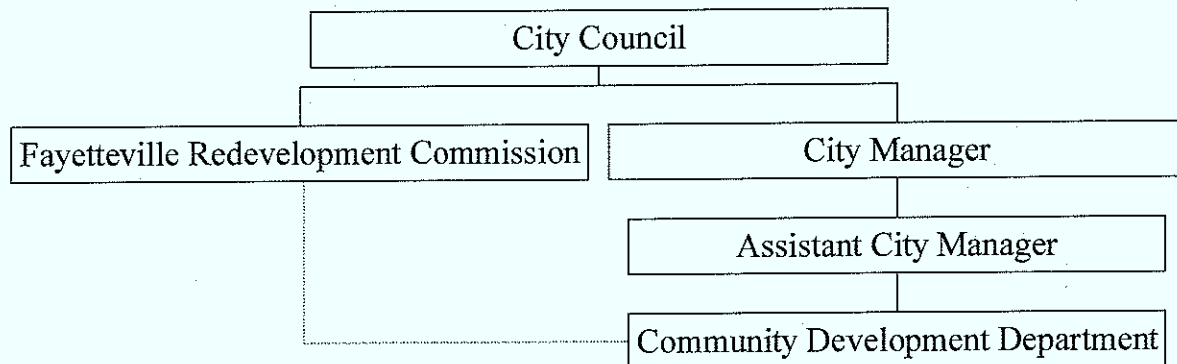
The City prepares a Consolidated Annual Performance and Evaluation Report (CAPER) that informs citizens on the use of the City's Community Development Entitlement funds and their impact in the community. Additionally, HUD makes regular visits to the City to assess and evaluate local programs and practices.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

COMMUNITY DEVELOPMENT DEPARTMENT

Mission Statement

The Community Development Department is committed to providing quality service and opportunities to citizens in need of decent, safe and affordable housing; creating positive economic development situations resulting in job opportunities for low to moderate-income persons and expansion of the tax base.

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



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

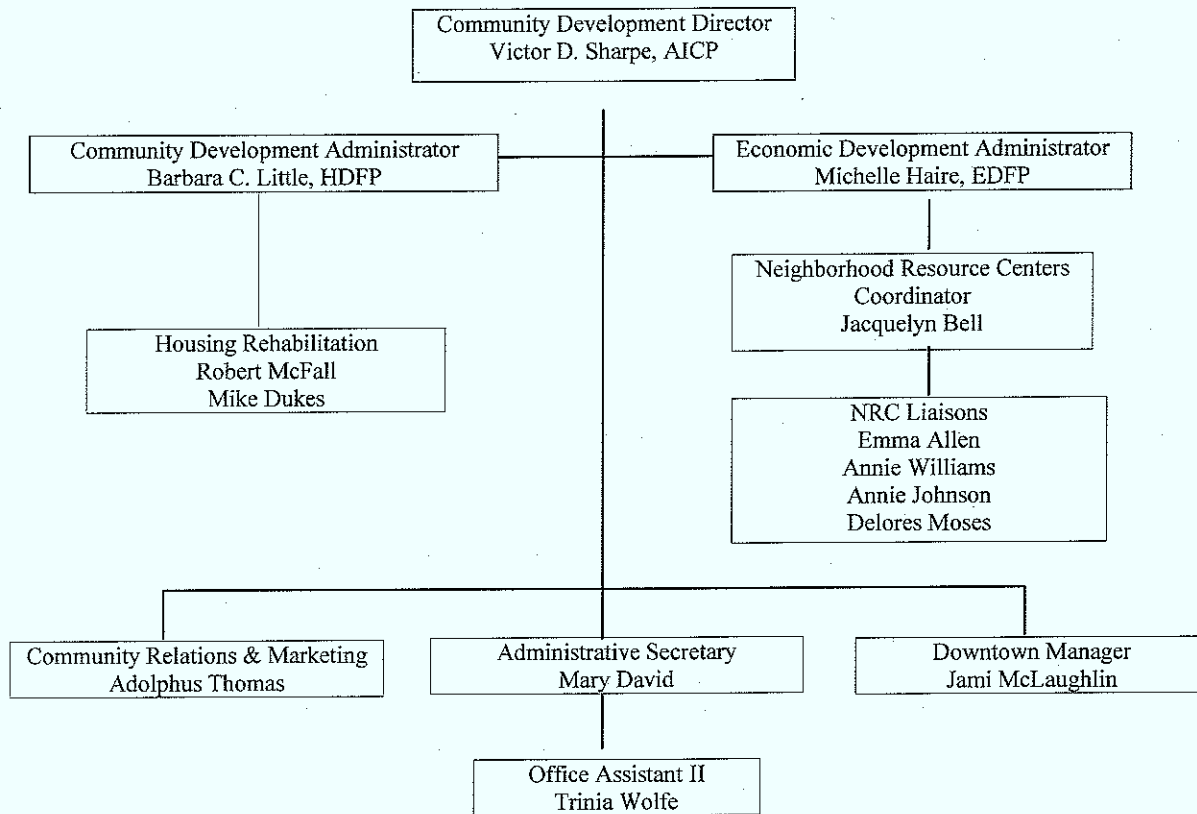
Fayetteville Redevelopment Commission

Steven Barnard
Brook Browning
Charnell Green
Cassandra Haire

Dineen Morton
Carlos Swinger
Lynn Vick

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

Community Development Department Organizational Chart



Primary Functions

The primary functions of the department are as follows:

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

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

HOUSING

According to the last conducted housing study, thousands of households in our area still remain poor or nearly poor and continue to experience housing problems, with nearly 40% of all households in both Cumberland County and the City of Fayetteville having household incomes at \$35,000 or less or at a median income of around \$26,735. Therefore, the wages of these very low to extremely low income households continue to be a major barrier to affordable housing. In addition, the current unemployment rate is at 10.3%, being the highest amongst the protected classes (females and minorities) and more than double white civilians, which also affects the protective classes' ability to be adequately housed.

The City of Fayetteville's current population is 208,291, with over one third of all households in our area experiencing some type of housing problem. Households considered to have a housing problem are those without a complete kitchen or bathroom, contain more than one person per room, and/or pay more than 30% of their income to cover housing expenses. Housing problems are greatest amongst larger families and lowest amongst the elderly (23% for elderly compared to 58% for all other households). Most affordable housing units developed are one or two bedroom rental units that do not accommodate larger families, causing them to be the largest group that is cost burden as they rent or purchase larger more expensive dwellings. Rent that over stretches a household's budget also leads to credit problems that make it difficult to contemplate buying a home, even if income increases to a level that would make that possible. Other contributing factors are down payment and closing cost requirements; and little new construction at the affordable end of the price scale in the city. Considering these factors, community input and the findings of the housing study, the City has identified the following priority housing needs:

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

Activities in the City's housing activities are designed to meet the needs identified in the 2010-2015 Consolidated Plan. Housing benchmarks for the 2012-2013 One-Year Action Plan are presented below followed by descriptions of each activity.

2012-2013 Housing Benchmarks

Description	Estimated Cost	Estimated Units	Percent Budget	Percent Unit	Type
Down payment Assistance	\$15,000	5	.69%	1%	Homes purchased
Mortgage Assistance Program	\$75,000	5	3%	1%	Homes purchased
Housing Rehabilitation	\$901,212	165	41.8%	31%	Homes repaired
Acquisition and Demolition Program	\$140,000	30	6.4%	6%	Houses acquired and demolished
CHDO activities	\$446,290	13	20.7%	2%	Homes built
Homebuyer's Education	\$8,550	200	.39%	38%	Persons assisted
HOPE VI Affordable Housing Project	\$350,000	72	16.2%	13%	Apartments built
HOPE VI Child Development Center	\$188,500	1	8.7%	1%	Facility constructed
Hellenic Agape Senior Affordable Housing	\$25,000	30	1.6%	6%	Units constructed
Kingdom CDC – IDA Program	\$5,000	5	.23%	1%	Persons assisted
Total	\$2,154,552	526	100%	100%	

Performance Measurements

Program	Objective	Outcome	Outcome Statement	Indicators
Down payment Assistance Program	Provide decent affordable housing	Affordability	Affordability for the purpose of providing decent affordable housing	Housing units purchased 5
Mortgage Assistance Program	Provide decent affordable housing	Affordability	Affordability for the purpose of providing decent affordable housing	Housing units purchased 5
Housing Rehabilitation Program	Create suitable living environments	Sustainability	Sustainability for the purpose of creating suitable living environments	Owner occupied and investor owner units rehabilitated 165
Acquisition and Demolition Program	Create suitable living environments	Sustainability	Sustainability for the purpose of creating suitable living environments	Houses demolished 30
CHDO Activities	Provide decent affordable housing	Affordability	Affordability for the purpose of providing	Housing units constructed and sold

			decent affordable housing	13
Homebuyer Education	Provide decent affordable housing	Accessibility	Accessibility for the purpose of providing decent affordable housing	Participants receiving counseling 200
HOPE VI Affordable Housing Project	Provide decent affordable housing	Affordability	Affordability for the purpose of providing decent affordable housing	Housing units constructed 72
HOPE VI –Day Care Center	Accessibility for the purpose of creating suitable environments	Accessibility	Accessibility for the purpose of creating suitable environments	Facility constructed 1
Hellenic Agape Senior Affordable Housing	Provide decent affordable housing	Affordability	Affordability for the purpose of providing decent affordable housing	Apartments constructed 30
Kingdom CDC IDA Program	Provide decent affordable housing	Affordability	Affordability for the purpose of providing decent affordable housing	Individuals assisted 5

Down-payment Homeownership Assistance

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

This program provides a low-interest loan at 3% to low to moderate-income homebuyers. The repayment of the loan begins after a five-year period of deferment, and interest is not accrued during the deferment period. The home must be located within the City limits with an approved mortgage from a City participating lender. The maximum amount of assistance the homebuyer can obtain is \$3,000 per housing unit. The loan is to be used to contribute to either the down payment or closing costs required when purchasing a home. The loan is secured by the borrower's execution of a promissory note and deed of trust that outlines recapture provisions in accordance with 24 CFR Part 92.254. Liens coinciding with loan terms are placed on all properties. The City has partnered with Consumer Credit Counseling Services to provide homebuyer workshops and credit counseling to prospective low to moderate-income homebuyers. The workshops are offered monthly, and applicants must receive workshop certification to participate in the program. The City encourages Kingdom CDC and the Fayetteville Area Habitat for Humanity to make presentations to potential homebuyers during these workshops. The City allocated \$15,000 for this activity, and anticipates 5 low to moderate home buyers will receive assistance during the 2012-2013 program year. This activity meets priority 2 housing need number 3 (HOME).

Mortgage Assistance Program

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

This program provides a low interest second mortgage at 2% to reduce the overall cost of financing needed to purchase a single-family home. By reducing the cost of financing,

purchasing power is increased and homes are made more affordable to low to moderate-income homebuyers. The maximum amount of assistance that the homebuyer can obtain is \$20,000 or 19% of the purchasing price whichever is less. The purchasing price of the home cannot exceed the Federal Housing Administration's (FHA's) current mortgage limit. The home must be located within the City limits with an approved first mortgage from a City participating lender. The repayment term of the loan shall begin and be equal to the repayment term of the first mortgage, generally 30 years. The loan is secured by the borrower's execution of a promissory note and deed of trust that outlines recapture provisions in accordance with 24 CFR Part 92.254. Liens coinciding with loan terms are placed on all properties. As with the Down Payment Assistance Program, the applicant must receive the certification from the homebuyer education workshop in order to participate in the program. The City allocated \$75,000 for this activity and anticipates 5 low to moderate home buyers will receive assistance this program year. This activity meets priority housing need number 3 (HOME).

Housing Rehabilitation

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

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

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

In addition to the actual repairs, construction management services provided include lead based paint hazard assessments, work write-ups, bid letting and site inspections. The City allocated \$901,212 for this activity, and anticipates repairing 165 homes during the 2012-2013 program year. This activity meets priority housing needs number 2 (HOME/CDBG).

Community Housing Development Organization (CHDO) Activities

Eligibility Citation - 24 CFR Part 92.300

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

Throughout the years, the City has partnered with CCAP to build and sell affordable single-family dwellings to low to moderate-income homebuyers in Habitat Village located in the Old Wilmington Road area. Since July 6, 1992, the City has conveyed 50 lots to CCAP/FAHFH for the construction of affordable housing in this area, and Habitat Village has been completely built out. The City continues to contract with FAHFH independently to develop affordable single-family homes annually. The City provided assistance to Habitat for Humanity for the construction and infrastructure of five homes during the 2011-2012 program year and shall contract with them to develop 10 additional homes during the 2012-2013 program year to avail and make affordable to low to moderate income families. All homes built by FAHFH since the 2009-2010 program year have been built in the designated Hope VI project area also located in the Old Wilmington Road area.

The City contracted with Kingdom in 1996 to construct 12 single-family units in the development known as Fairley Estates located on Vanstory Street in the Old Wilmington road area. This CHDO has completed nine homes in Fairley Estates since project inception, with the remaining three lots having later been identified as not being conducive for development. Kingdom since has completed the construction of phase two of the Fairley Estates development located parallel to Vanstory Street of the Old Wilmington Road area, which upon completion added 20 additional units of mixed income affordable single family housing to the area upon project completion. The City also assisted Kingdom with predevelopment and infrastructure costs for phase two of Fairley Estates. To date, Kingdom has newly constructed all 20 single-family affordable housing units in Fairley Estates II; and is also currently assisting with the construction of affordable single family homes for the Hope VI project area with the latest development underway located on Cool Springs Street which has been extended from the 2010-2011 program year. The City shall contract with Kingdom during the 2012-2013 program year in providing CHDO services to build 3 affordable single family homes.

The City will continue to work with local CHDOs to build their capacity to produce affordable housing and leverage other resources. CHDO activities are expected to provide 13 additional single-family dwellings during the 2012-2013 program year to include 10 to be developed by FAHFH, and 3 developed by Kingdom Community Development Corporation. The City has allocated \$446,290 for this activity. This activity meets priority housing need number 1 (HOME).

Acquisition and Demolition Program

Eligibility Citation - 24 CFR Part 570.208 (a)(2) and (3), 24 CFR Part 570.201 (d)

In effort to eliminate blight within the City limits of Fayetteville and with the use of CDBG funding, the Acquisition and Demolition (A&D) Program is designed to acquire, demolish, and remove property that is abandoned, unsafe, seriously damaged, or deteriorated beyond reasonable financial costs to effectively rehabilitate so that the vacant parcels may be used for the future affordable housing development. This program may also be used for the demolition of structures in which acquisition is not required. Eligible properties for the most part have to be those that are significantly deteriorated and in uninhabitable and unsafe condition or extensively damaged by fire or natural disaster and/or creating a serious risk to public health and safety. Eligible applicants and participants of the program are investors, developers, subrecipients, CHDOs, non-profits and respective members of various departments relevant to the situation to include the City's Community Development, Inspections, Health, Police and Fire Departments. A grant or an award of up to \$7,500 for residential homes and \$30,000 for commercial properties and churches which includes costs for required asbestos-related services, shall be provided to the lowest responsible bidder to demolish any eligible property. This year, the City has allocated \$66,000 to demolish dilapidated structures acquired by the City in the Murchison Road Corridor Redevelopment Plan area. In addition, a grant or an award of up to \$5,000 may be provided for the acquisition of a vacant parcel resulting from the demolition of a dilapidated structure that was in need of demolition, with a minimum offer of \$1000. The A&D Program has been very successful in eliminating blight within the City, having funded the demolition of approximately 80 properties since inception. The City allocated \$140,000 for this activity, and anticipates assisting 30 housing units during 2012-2013 program year. This activity shall make vacant parcels available to later meet priority housing need number 1 (CDBG).

Hellenic Agape

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

This project is for the construction of a 30 unit apartment development for the elderly located on Sapona Road. The city shall utilize its home funds to leverage other private and public dollars to construct these units by providing a grant in the amount of \$100,000 to the Evrytarian Association of America "Velouchi" and the North Carolina Housing Foundation, Inc. This project is a collaborative between the two organizations. A HUD Section 202 application will be submitted by the non-profit organizations for the construction of apartments for the elderly aged 62 and over with incomes at or below 50% of the area median. The City will distribute the funds for this project over two program years; in amounts of \$25,000 in year 2012-2013 and \$75,000 in year 2013-2014. This project meets priority housing need number 2(HOME).

HOPE VI Affordable Housing Project

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

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

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

The City allocated \$350,000 for this activity to leverage the additional funds to construct affordable housing units during 2008-2009 program year and an additional \$350,000 during the 2009-2010 program year that was rolled over in total equating to \$700,000 that was expended during the 2010-2011 program year, an additional \$350,000 during the 2011-2012 program year, and a final \$350,000 shall be allocated during the 2012-2013 program year, totaling \$1,750,000 of City contributed funding towards HOPE VI over a five-year program period. This project meets priority housing need number 1(HOME).

HOPE VI – Day Care Center

Eligibility Citation - 24 CFR Part 570.201(c)

This project is for the construction of a day care center in the HOPE VI Revitalization area. The City initially committed to utilize its funds for the acquisition of property to be used for the construction of the affordable housing in association with the HOPE VI Revitalization Grant received by the Fayetteville Metropolitan Housing Authority (FMHA). However, FMHA has requested that the remaining funds be used for the construction of the day care center. The City proposes to fund this project as part of its remaining commitment of CDBG funds to the HOPE VI Revitalization Grant Project.

The Fayetteville Metropolitan Housing Authority was awarded a HOPE VI Revitalization Grant in the amount of \$20 million dollars in March 2008. The grant, part of approximately \$113 million in public and private funds, will be used to help in the

revitalization of the Old Wilmington Road area in downtown Fayetteville. The grant will support the redevelopment of two public housing developments, Campbell Terrace and Delona Gardens, with modern housing that reflects the architecture of Fayetteville and seamlessly blends the residential and natural environments with the urban center. The 249 units of distressed public housing at Delona Gardens and Campbell Terrace will be replaced with 747 mixed-income rental and homeownership dwellings. It includes 223 units to be built on the current public housing site and an additional 399 units built on other vacant sites in the Old Wilmington Road community. Another 125 units will be built in greater Fayetteville. Working families and elderly citizens will have a variety of new accommodation choices including single-family homes, townhouses, senior cottages, walk-up apartments and a senior complex.

This funding is the final amount of the City's commitment of CDBG funding for this project. The City allocated \$188,500 for this activity. This project meets priority community development need number 5 (CDBG).

Homebuyer Education

Eligibility Citation - 24 CFR Part 92.300

The City will contract with CCAP, which is also a certified CHDO, to offer homebuyer education classes free of charge to low to moderate-income families interested in purchasing a home. The City and Cumberland County jointly fund and sponsor the homebuyer education classes offered by CCAP. Subjects covered include the benefits of homeownership, shopping for a home and obtaining financing; training is provided by certified housing counselors. Homebuyers with credit issues can receive additional credit counseling to develop a repair plan to fit individual needs. In order to maximize accessibility, homebuyer education classes are held monthly; class sites are rotated between the neighborhood resource centers and CCAP's home office in downtown Fayetteville. The City allocated \$6,000 for this activity, and anticipates providing homebuyer education to approximately 125 participants during the 2012-2013 program year. The City also allocated an additional \$2,550 for credit counseling fees to benefit 75 low-to-moderate income applicants, totaling \$8,550. This activity meets priority housing need number 3 (CDBG).

Individual Development Accounts (IDA) Program

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

The City will contract with Kingdom, which is also a certified CHDO, to offer assistance with its Family Financial Success program to provide Individual Development Accounts. The Cumberland County Individual Development Account (CCIDA) is a savings tool that helps low to moderate income families and individual build assets and attain financial stability in effort to obtain homeownership. Guidance and requirements for personal savings are outlined for the participant, as well as funding assistance from the City and other Cumberland County Coalition members to match those funds saved by the homebuyer to purchase a home. The CCIDA program will teach the participant the importance of setting financial goals, saving money, managing credit and debit card, maintaining acceptable credit and reading the credit; and provide an introduction to all

banking services. Funding for the participant shall be offered as a \$1,000 grant. The City allocated \$5,000 for this activity to assist 5 homebuyers during the 2012-2013 program year. This activity meets priority housing need number 3 (HOME).

Community Development Activities

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

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

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

The City's community development activities are designed to meet the needs identified in the 2010-2015 Consolidated Plan. Community development benchmarks and performance measurements for the 2012-2013 One-Year Action Plan are presented below followed by descriptions of each activity.

2012-2013 Community Development Benchmarks

Description	Estimated Cost	Estimated Units	Percent Budget	Percent Unit	Type
Neighborhood Resource Centers	167,000	6,000	74.2%	99.25%	Client Visits
Beautification	6,000	3	2.6%	.04%	Projects completed
Street Paving Assessment Fee Assistance	2,000	2	.88%	.03%	Persons assisted
Water and Sewer Assessment Fee Assistance	50,000	40	22.2%	.66%	Persons assisted
Total	225,000	6,045	100%	100%	

Performance Measurements

Program	Objective	Outcome	Outcome Statement	Indicators
Neighborhood Resource Centers	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Participants benefiting from the use of the public facility 6,000
Beautification Program	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable environments	Improvement projects completed in low income neighborhoods 3
Street Paving Assessment Fee Assistance Program	Sustainability for the purpose of creating suitable environments	Affordability	Affordability for the purpose of creating suitable living environments	Housing units assisted 2
Water and Sewer Assessment Fee Assistance Program	Sustainability for the purpose of creating suitable environments	Affordability	Affordability for the purpose of creating suitable living environments	Housing units assisted 40

Neighborhood Resource Centers

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

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

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

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

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

These centers are listed below:

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

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

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

The NRC network operates with one full-time and four part-time city staff persons, one senior aide provided by Workforce Development, and volunteers. The donation of time and services by volunteers performs a very important role in maintaining the NRC

network. The Retired Senior Volunteers Program (RSVP) provides volunteers in addition to local citizens volunteering on their own. Tasks conducted by volunteers include, but are not limited to, performing clerical duties, performing light housekeeping tasks, distributing flyers, working with staff members, assisting staff at special events and operating the NRC's in the scheduled absence of assigned staff. The City allocated \$167,000 for this activity and expects approximately 6,000 citizens to utilize the NRCs during the program year. This activity meets prior Community Development needs, numbers 1, 2 and 5 (CDBG).

Beautification Grant Program

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

This activity is designed to help foster neighborhood pride by helping to improve the appearance of low-moderate income neighborhoods. In order to participate, the neighborhood must have an active community organization that meets regularly. Qualified projects may include the installation of neighborhood signs and other approved community projects; landscaping for investor-owners with multi-family units that have been rehabilitated by Community Development. Program includes purchasing of shrubs and flowers and code enforced clearance activities. Participation and maintenance of the beautification project must be done by residents. Non-profit organizations within such areas may also participate. The City has created a standard design for community signs. This will reduce beautification cost and enable the City to work with more communities.

The City allocated \$6,000 for this activity for the 2012-2013 program year. This activity meets priority community development need number 6. (CDBG)

Street Paving Assessment Fee Assistance

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

The City has implemented a bond-financed street-paving program to upgrade its infrastructure. In order to decrease the financial burden of the street paving assessment fees, the City uses CDBG funds to pay up to \$1,000 towards the fee for low to moderate-income property owners that occupy their homes. However, since there is very little number of streets remaining unpaved within the City limits, the need for this program is becoming less with the passing of each program year. Therefore, assessment fee assistance is expected to benefit only 2 low-moderate income property owners during the 2012-2013 program year, and the City allocated \$2,000 for this activity for the program year. This activity meets priority community development need number 4 (CDBG).

Water and Sewer Assessment Fee Assistance

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

The City continues an aggressive annexation campaign to eliminate potential health hazards through the extension of water and sanitary sewer lines. In order to decrease the financial burden from the installation of the water and sanitary sewer lines to all low to moderate income persons, the City previously increased its income eligibility criteria from 60% or below the area income median to 80% or below the area income median, and has expanded its program to include providing assistance with plumber hook-ups costs. Currently, the City uses CDBG funds to provide grants in the amount of \$2,000 each for water and/or sewer assessments in the only remaining eligible annexation area of

V-A to receive the assistance, \$500 for plumber hook-up fees to homeowners with incomes at or below 80% of the median family income for Fayetteville in annexation areas III-A to IV-B, and \$900 for plumber hook-up fees for income eligible homeowners in annexation area V-A during the 2011-2012 program year. Additionally, there is no time limit to apply for plumber hook-up fee assistance and it still remains available to income eligible families living in the previously annexed areas of 3A (Bonnie Doone, Cottonade, Summer Hill, Fillyaw Rd, Four Seasons, Horseshoe Rd and Ponderosa), 3B (Lafayette Village, South Hills, and Gallup Acres), 4A (Tiffany Pines, Warrenwood, Rollingwood and Pleasant Acres), 4B (Sherwood Park, Quail Ridge, Ashton Forest, Queensdale, Beaver Creek, Beaver Creek South, Arran Lakes West, and Williamsburg Plantation), and 5A (Arran Lakes-east of Bingham Drive, Arran Hills, Arran Lakes West, Arran Park, Blue Springs Woods, Carver Falls Road, Cliffdale Estates, Cliffdale West, Fairfield, Farrington, Green Briar Lake, Kingswood, Lagrange, Lake Point, Lake Rim Estates, McArthur Road/Ramsey Street, Montibello, North Plymouth Street-east of Cape Fear River, Northwood Estates, Porter Place, Ramsey Street, Rayconda, Raynor Drive, Roundtree, Shadowland, Shenandoah, Shenandoah North, Southgate, Summerhill, Turnbridge, Village Hills, Wells Place, Wendover, and Woodmark). This program does not provide compensation of reimbursement of costs already expended by the homeowner for water and sewer assessments or plumber fee services; and homeowners are eligible to apply for assistance up until two years from the assessment roll approval date which serves as the official notice, which makes only area 5A currently still eligible to receive assessment assistance. The City allocated \$50,000 for this activity during the program year. This activity meets priority community development need number 4 (CDBG).

Economic Development Activities

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

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

The City's economic development activities are designed to meet the needs identified in the 2010-2015 Consolidated Plan. Economic development benchmarks for the 2012-2013 One-Year Action Plan presented below followed by descriptions of each activity.

2012-2013 Economic Development Benchmarks

Description	Estimated Cost	Estimated Units	Percent Budget	Percent Unit	Type
Business Assistance Program	\$225,000	6	25%	4%	Jobs
Commercial Redevelopment Loan Program	\$470,000	6	52%	4%	Jobs
CEED's Women's Business Center	\$43,200	35	5%	23%	Clients
Façade Improvement Grant Program	\$25,000	5	3%	3%	Jobs
Fayetteville Business and Professional League	\$10,000	50	1%	32%	Clients
Fayetteville Technical Community College	\$11,828	40	1%	26%	Clients
Section 108 Loan Payment	\$78,000	2	8%	1%	Loan Payments
Small Business Retention Grant Program	\$25,000	5	5%	7%	Jobs
Total	\$ 888,028	149	100%	100%	

Performance Measurements

Program	Objective	Outcome	Outcome Statement	Indicators
Business Assistance Loan Program	Create economic opportunities	Affordability	Affordability for the purpose of creating economic opportunities	Jobs Created 6
Commercial Redevelopment Loan Program	Create economic opportunities	Affordability	Affordability for the purpose of creating economic opportunities	Jobs created 6
CEED's Women's Business Center	Create economic opportunities	Accessibility	Accessibility for the purpose of creating economic opportunities	Clients Assisted 35
Façade Improvement Grant Program	Create economic opportunities	Affordability	Affordability for the purpose of creating economic opportunities	Jobs Created/LMI Areas Assisted 5
Fayetteville Business and Professional League	Create economic opportunities	Accessibility	Accessibility for the purpose of creating economic opportunities	Clients assisted 50
Fayetteville Technical Community College	Create economic opportunities	Affordability	Affordability for the purpose of creating economic opportunities	Clients Assisted 40
Section 108 Loan Payment Capitol Project	Create economic opportunities	Accessibility	Accessibility for the purpose of creating economic opportunities	Loan Payments 2
Small Business Retention Grant Program	Create economic opportunities	Affordability	Affordability for the purpose of creating economic opportunities	Jobs Created/LMI Areas Assisted 5

Business Assistance Program

Eligibility Citation - 24 CFR Part 570.203 (b)

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

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

The interest rate on approved City loans will be 5% fixed for the term of the loan. As an incentive to encourage business activity in the City's redevelopment plan areas, the City will offer a 3% fixed interest rate. In addition, due to the increased costs associated with renovating a downtown property located within the historic district, the City has will also offer the 3% fixed interest rate as well as offer a loan up to a maximum of \$200,000 for businesses located in the Fayetteville Renaissance Plan area.

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

Commercial Redevelopment Loan Program

Eligibility Citation - 24 CFR Part 570.203 (b)

The Commercial Redevelopment Loan Program is an expansion and renaming of the Downtown Loan Program and is now available to small businesses in any of the City of Fayetteville's redevelopment plan areas. These plan areas include the Fayetteville Renaissance, Murchison Rd., Hope VI, Bonnie Doone, Massey Hill, 71st Township, and Deep Creek Rd. plan areas.

This program offers a low interest loan to existing small businesses with a three year financial history to assist with the acquisition, construction or renovation of commercial buildings located within any of the redevelopment plan areas. Each business that participates with this program is required to retain or create jobs and make them available to low to moderate-income persons. For each \$50,000 loaned, one full-time equivalent job must be created or retained by the business. This program will continue to be funded in partnership between the City of Fayetteville and local banks. The City commits 40% of its CDBG funds for each approved loan with a 4% fixed interest rate and the participating lenders fund the remaining 60% of each loan at a variable prime rate.

Loan funds range from \$50,000 up to \$300,000, with larger loans considered on a case by case basis. The City allocated \$470,000 for this program and anticipates a minimum of two loans will be provided this program year with a minimum of 6 jobs created or retained by those businesses. The Community Development Department facilitates this program. This activity meets priority economic development objective numbers 2, 3, 4, and 5 (CDBG).

CEED Women's Business Center

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

The Center for Economic Empowerment and Development (CEED), formerly the Women's Center of Fayetteville, is a non-profit organization established to improve the economic environment and create opportunities for individuals and to provide a resource center for women in crisis. Its Women's Business Center, a program of CEED, has served the community for over twelve years by assisting persons in all phases of small business development. The goal of the business center is to create employment and business opportunities for low to moderate-income individuals through self-employment and increased job opportunities in the area. The business center provides counseling, business plan assistance, access to funding, and training to entrepreneurs for starting and expanding a business. The City allocated \$43,200 for this activity and anticipates at least 35 small business entrepreneurs will start or expand their business during the program year. This activity meets priority economic development objective numbers 1 and 4 (CDBG).

Façade Improvement Grant Program

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

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

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

Fayetteville Business and Professional League

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

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

technical assistance, entrepreneurial workshops and meet other needs of small businesses that wish to start or expand their business.

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

The FBPL will also host a HUB Contractor Business Academy of eight classes that will include subject matter that is greatly needed by new and existing contractors to include Blueprint Reading, OSHA Bidding, Site Construction, Concrete Estimating, Insurance Issues/Risk Management, Project Management, Financial Management & Cash Flow for Contractors and Construction Estimating Practices. These classes will be made available to low to moderate income persons and it is expected that a minimum of 40 people will participate. The academy teaches essential skills for managing a competitive construction business in today's market. The City allocated \$10,000 to fund these activities. These activities meet priority economic development objective numbers 1 and 4 (CDBG).

Fayetteville Technical Community College

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

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

In addition FTCC will host a Youth Entrepreneurship Camp that offers early-management strategies for middle school students to learn important entrepreneurial skills and financial literacy before entering high school. During the week-long camp, students will enhance skills in creative thinking, teambuilding, financial literacy, communication and have a chance to speak directly with local bankers about financing a business. At the end of the week the students will orally present their own unique business plan to an audience of parents and have a better understanding of how jobs are created and how entrepreneurship plays a significant role in the growth of the economy. It is expected that a minimum of 20 students will participate with this activity. The City has allocated \$11,828 to fund this activity during the program year. This activity meets priority economic development objective numbers 1 and 4 (CDBG).

Small Business Retention Grant Program

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

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

The City of Fayetteville will provide a 50% matching grant up to \$5,000 for eligible expenses. The business applicant will have to provide an equal match to the grant award being requested. Grants for inventory, furniture, fixtures, equipment, and interior and exterior renovations will be considered for this program. Some requests may not be eligible considering the business type and will be considered on a case by case basis. Salaries, rent, and building related expenses (phone bills, electricity, etc.) are not eligible expenses for this program.

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

Homeless Activities

The City supports Cumberland County Continuum of Care on Homelessness, the lead entity for the planning and coordination Homeless activities in the Cumberland County. The City does not receive Emergency Solutions Grant funds (ESG) and therefore the funding of homeless services is very limited. We remain focused on providing technical support for service providers. The City also funds a limited amount of homeless activities.

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

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

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

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

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

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

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

Once a year the Cumberland Continuum of Care on Homelessness conducts the Point In Time survey, which is a tool used by HUD nationally to count the number of homeless in a local area. The number of homeless counted for Cumberland County in January 2012 was 1600 people.

Ten-Year Plan to End Homelessness

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

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

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

Homeless activity benchmarks for the 2012-2013 One-Year Action Plan are presented below followed by activity descriptions.

2012-2013 Homeless Activity Benchmarks

Description	Estimated Cost	Estimated Units	Percent Budget	Percent Unit	Type
Homeless Shelter Assistance	\$5,000	15	7%	.6%	Shelters
Utility Deposit Assistance	\$3,000	10	4%	.4%	Clients
Homeless Client Assistance	\$2,000	25	3%	1%	Clients
Hope Center Homeless Shelter	\$10,000	1,000	14.5%	13.5%	Shelter
Operation Inasmuch Day Center	\$20,000	3,882	28.5%	50%	Clients
Gospel Services Benevolent	\$10,000	1,642	14.5%	21%	Client
Salvation Army	\$20,000	1,000	28.5%	13.5%	Client
Total	\$70,000	7,723	100%	100%	

Performance Measurements

Program	Objective	Outcome	Outcome Statement	Indicators
Homeless Shelter Assistance Program	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Homeless shelters served 15
Utility Deposit for Homeless Clients Program	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Homeless clients served 10
Homeless Assistance Program	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Homeless clients served 25
Hope Center Homeless Shelter	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Homeless clients served 1,000
Operation Inasmuch Day Center	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Meals served 3,882
Salvation Army	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Meals served 1,642
Gospel Services Benevolent Society	Create suitable living environments	Accessibility	Accessibility for the purpose of creating suitable living environments	Meals served 1,000

Homeless Shelter Assistance Program

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

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

The Homeless Shelter Reimbursement Program is designed to assist homeless shelter providers with supplies and equipment expenses needed to assist the homeless. Local non-profits operating homeless shelters may submit current receipts and be reimbursed up to \$500.00 in the program year to assist with operating costs. Shelters must be a member of the Fayetteville/Continuum of Care and meet the requirements set by the Community Development Department. The City has allocated \$5,000 for this program. This activity meets priority homeless need 2 and 4 (CDBG)

Utility Deposit for Homeless Clients

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

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

Homeless Assistance Program

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

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

Hope Center Homeless Shelter

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

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

Operation Inasmuch Homeless Day Center

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

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

Salvation Army Homeless Shelter

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

The Salvation Army provides emergency shelter for individuals and families. The City will be providing operating funds to assist in the Salvation Army Homeless Shelter program. Funds will support food and supplies. The City has allocated \$20,000 for this program. This activity meets priority homeless need 2 and 4 (CDBG).

Gospel Services Benevolent Society, Inc.

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

The Gospel Services Benevolent Society, Inc. operates the Hope Center Homeless Shelter. This shelter targets chronically homeless males. The facility has 21 beds. The center provides two meals a day to the clients and one meal offered to the unsheltered homeless at the evening meal. The City will assist by providing funds for food and supplies. The City has allocated \$10,000 for this program. This activity meets priority homeless need 2 and 4 (CDBG).

PROGRAM ADMINISTRATION

HUD regulations allow the City to expend not more than 20 percent of the sum of the grant, including program income for CDBG program activities and 10 percent of the percentage of the sum of the grant including program income for the HOME program for payment of reasonable administrative and planning costs. The City has allotted \$335,000 for CDBG administrative costs and \$110,000 for HOME administrative costs.

Eligible costs

Administrative and planning costs include but are not limited to:

- (a) General management, oversight and coordination;

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

Planning Activities

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

Indirect Cost Allocation

The City utilizes a cost allocation plan prepared in accordance with OMB Circular A-87 to distribute indirect costs to the CDBG and HOME programs. The City anticipates indirect cost allocation charges of \$120,150 during the 2012-2013 program year.

HOME Matching Requirements

Jurisdictions participating in the HOME program are required to make contributions to housing that qualifies as affordable housing. During a fiscal year, the contributions or match must total not less than 25 percent of the HOME funds drawn from the jurisdiction's HOME Investment Trust Fund Treasury account in that fiscal year for project costs, unless the participating jurisdiction has received a reduction in the match requirement. HUD allows for a reduction in the match requirement if the jurisdiction meets certain fiscal distress criteria. The City has appropriated the required funds to match HOME project costs. When the City reimburses itself eligible HOME expenditures, the City draws the sum of total expenditure minus the required match. Consequently the City's required HOME match is realized when the funds are drawn from the treasury. The City of Fayetteville received a 100% reduction of its HOME match requirement from October 2010 through September 2012. The City will utilize funds budgeted during this time frame to cover the match requirement for the 2012-2013 program year.

OTHER ACTIONS

- The Strategic Alliance of Business Resources for Entrepreneurs (SABRE) is a coalition of government supported, not-for-profit organizations whose mission is to help individuals create and grow successful businesses in the Fayetteville area. The alliance continues to expand, but current members of this group include staff from the City's Community Development Department, Fayetteville-Cumberland County Chamber of Commerce, Center for Economic Empowerment and Development, Fayetteville Business Center, Cumberland Regional Improvement Corporation, FSU's Small Business and

Technology Development Center, SCORE, North Carolina Military Business Center, Procurement Technical Assistance Center, Veterans Business Outreach Center at FSU, Cumberland County Public Library, FTCC Small Business Center, SBA, Hope Mills and Spring Lake Chambers of Commerce. The goal of SABRE is to make it easier for individuals and small businesses to access the resources most suited to their particular needs.

- The City's Downtown Development Manager is responsible for assisting downtown revitalization and business development efforts as well as providing ongoing communication with business and property owners in the downtown area. This position has been incorporated into the Community Development Department.
- The City of Fayetteville continues to offer a property tax grant back program to provide incentives to qualifying development projects in a designated Economic Development Incentive Zone. The primary objective of the program is to induce private investment thereby improving the economic health and diversity of the City and increasing the City's property tax base. Given the difficulty in determining the precise economic impact of a particular development project, the City has chosen to base the amount of the incentive on the increase in the taxable value of the property involved in the project, not including land value. The taxable value of the property after improvements have taken place will be compared to the taxable value of the property before the improvements were made to determine the increase in the taxable value of the property. In order to be eligible for incentives under this program, a project must have improved the taxable value of the associated property by at least \$500,000.
- The HUB Zone Empowerment Contracting Program provides federal contracting opportunities for qualified small businesses located in distressed areas. This program was enacted into law as part of the Small Business Reauthorization Act of 1997. The program falls under the auspices of the U. S. Small Business Administration. A HUB Zone is a historically underutilized business zone that is located in a qualified census tract (as defined in section 42(d)(5)(C)(i)(1) of the Internal Revenue Code of 1986). Cumberland County has eight census tracts identified as HUB Zones. These census tracts are 1, 2, 4, 10, 12, 13, 24 and 35. The HUB Zone Empowerment Contracting Program stimulates economic development and creates jobs in urban and rural communities by providing federal contracting preferences to small businesses located in distressed areas or HUB Zones. These contracting preferences go to small businesses that obtain HUB Zone certification through the SBA. To qualify a business must be small by SBA size standards, have its principal office located in a HUB Zone, be operated and controlled by a U. S. citizen and at least 35% of its employees must reside in a HUB Zone.

- An Urban Progress Zone is defined as an area comprised of one or more contiguous census tracts, census block groups, or both, or parts thereof; all of the area is located in whole within the primary corporate limits of a municipality with a population of more than 10,000 and meet other conditions as defined in the most recent federal decennial census. The City of Fayetteville has two approved zones. The first zone includes Census Tracts 10, 22, 23 and 24 (block groups 1, 2 and 5). Congress amended the program guidelines for establishing a zone in August 2007 and this allowed the City to apply and receive an approval for a second urban progress zone. This second zone includes Census Tracts 12 and 13.
- Article 3J Credits offer enhanced state tax credits to eligible businesses located in an urban progress zone. This tax credit program narrows its focus on job creation and business investment. Municipalities can apply for one or more zones as long as they meet the guidelines for establishing a zone. The zone is intended to provide economic incentives to simulate new investment and job creation in economically distressed urban areas.
- The City is an active participant and contributor to the five-year HOPE VI project in which our City's Public Housing Authority was awarded \$20 million in HOPE VI funding to revitalize the Old Wilmington Road community by developing additional units in the area to benefit seniors, single family homeowners and renters and by replacing 249 public housing complex units located at Campbell Terrace and Delonia Gardens in the Old Wilmington Road area of Fayetteville with approximately 600 newly constructed onsite and offsite mixed income affordable housing units. Tremendous progress was made during the 2010-2011 program year with the completion of Dogwood Manor located on Alfred Street that provides 36 affordable newly constructed rental units for seniors, Curtis Lane Family Rental located on Curtis Lane that provides 184 affordable newly constructed rental units to benefit low to moderate income families, Oak Run (Phase I) located on Old Wilmington Road which is the first phase replacement of Campbell Terrace that provides 112 affordable newly constructed rental units, six (6) of 105 affordable single family homes to be built for low to moderate income homeowners located on Old Wilmington Road, and Bunce East Apartments located on Bunce Road that provides 72 affordable newly constructed rental units to benefit low to moderate income families.
- Subsequently, progress continued to be made during the 2011-2012 program year with an additional eight affordable single family homes already completed to date and an additional two homes expected to be completed by program year, totaling 16 single family homes to be completed in the Hope VI project area; lease-up completion for the Bunce East Apartments project that was later renamed Hickory Ridge Apartments, the Curtis Lane Apartments project that was later renamed Sycamore Apartments and the Oak Run (Phase

I) Apartments. Additional homes have also begun to be constructed on the site of the former Delona Gardens as well as the second phase of Oak Run Apartments.

- The City's Acquisition and Demolition Program which is a grant program that provides up to \$7,500 for the demolition of residential homes, \$30,000 for the demolition of commercial properties and churches to include the required asbestos risk assessment related services costs, and an additional up to \$5,000 for acquired vacant parcels continues to be a thriving and greatly in demand program with 112 applications received, 89 applications approved, 80 properties demolished and eight vacant parcels acquired to date. This program has been a tremendous asset in eliminating slum and blight by demolishing dilapidated structures within the city limits of Fayetteville.
- Due to decreases in both CDBG and HOME Partnership allocated funds to entitlements and other funded municipalities and consortiums, the City of Fayetteville decreased its program offerings to include those in the housing division in which there was little or no demand or in which funding was no longer available that resulted in the elimination of the Replacement Housing Program that benefited denied Owner Occupied Rehab Program applicants with too much repair work in comparison to the home's current value or the program's maximum cap up to \$50,000 in assistance per application; the Residential Façade Grant Program in which the original funding source of CDBG-R funds ran out that provided a \$5,000 grant to assist eligible homeowners with exterior repairs; and any additional affordable housing projects other than those scheduled and committed to assist the City's Hope VI project.
- The City also reduced the Street Paving Assessment Assistance Program from its annual budget of \$10,000 to benefit 10 families to \$2,000 to benefit 2 families. This program is also expected to be eliminated in the near future due to its lack of demand and/or not being necessary to benefit families within the City.
- The City may also want to reduce, or may have to consider for future elimination, the homebuyer assistance programs DAP and MAP if down payment and gap financing assistance is no longer needed due to both 100% financing being provided with the use of FHA loans as the mortgage product and the additional down payment and closing costs assistance programs being provided by the North Carolina Housing Finance Agency (NCHFA).
- The City continues to increase its marketing efforts for both formerly existing and new programs within the Housing Division to include radio broadcastings, the posting of public service announcements (PSAs) on the local television informational channel, its participation in local agencies'

housing expos, fairs and meetings regarding available housing programs and the updating of the department's web pages.

- The elimination of Residential Façade Grant Program has very much returned the demand for the City's Owner Occupied Housing Rehabilitation Program.

Lead-Based Paint Hazards

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

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

Since the 1970s, restrictions on the use of lead have limited the amount of lead being released into the environment. As a result, national blood lead levels for children under the age of six declined by 75% over the 1980s and dropped another 29% through the early 1990s. Despite the decline in blood-lead levels over the past decade, as many as 900,000 children in the United States still have blood lead levels above 10µg/dL (micrograms of lead per deciliter of whole blood). These levels are unacceptable according to the Centers for Disease Control and Prevention (CDC) which lowered blood lead intervention levels for young children from 25µg/dL to 10µg/dL in 1991. Many of these lead-poisoned children live in low-income families and in old homes with heavy concentrations of lead-based paint. The CDC identified the two most important remaining sources of lead hazards to be deteriorated lead-based paint in housing built before 1978 and urban soil and dust contaminated by past emissions of leaded gasoline.

The national goal for blood lead levels among children ages six months to five years is to limit elevations above 15µg/dL to no more than 300,000 per year and to entirely eliminate elevations above 25µg/dL.

Housing with Lead-Based Paint Hazards

According to HUD, lead paint is typically found in homes that were constructed prior to 1978. Since 27% of the housing inventory in the County outside of the City was built prior to 1980, the probability of finding lead paint in existing residential units is very high.

The following table provides estimates of the number of occupied housing units (renter and owner) that are suspected of containing lead based paint.

More than one in three renter units (38%) located in the County outside of the City are suspected of containing lead based paint. The incidence among owner units is closer to one in four units (27%).

The findings listed below are reflective of the data analysis conducted as part of the Housing and Homeless Needs Assessment for Cumberland County outside of Fayetteville. These findings will serve as the basis for developing priorities and implementation strategies for the County's federal entitlement program activities.

Large families were the smallest household type (by number) among extremely low income renters but experienced the highest rates of housing problems and cost burden. However, all household types in this income group have significant housing problems with high rates of cost burden and extreme cost burden. Typically, rental assistance is the greatest need among these households, as well as housing rehabilitation of substandard units.

Housing problems ranged from 34% for elderly owners up to 70% for large families. The degree of cost burden ranged from 33% for elderly owners up to 61% for small families. The degree of extreme cost burden ranged from a low of 8% among large families to a high of 26% among all other household types. Similar to other lower income homeowners, housing rehabilitation for these households would be beneficial.

Hispanic households accounted for 5.9% of total households and 4% of all homeowner households in Cumberland County outside of Fayetteville in 2000. They also represented 4% of all lower income homeowners. However, the rate of housing problems experienced by this ethnic group (71% to 100%) were higher than among black non-Hispanics and white non-Hispanics of similar income levels.

Black non-Hispanic households accounted for 37.5% of total households and 28% of all homeowner households in the County outside of the City in 2000. They represented 35% of all lower income homeowners. Rates of housing problems ranged from 66% to 78% for these households.

Twenty-four percent (24%) of the 5,068 elderly with a disability reported that they had a self-care disability that limited their ability to dress, bath, or get around inside their home without assistance. Forty-six percent (46%) of the elderly with a disability reported that their disability limited their ability to go outside their home alone to shop or visit a doctor's office. Thirteen percent (13%) of all elderly persons were living below the poverty level; 866 (17%) of all elderly persons with a disability had income levels below poverty.

Of the 534 elderly and extra-elderly renter households with incomes below 80% of the MFI, 244 (46%) experienced housing problems in 2000. Of the 1,277 elderly and extra-elderly owner households with incomes below 80% of the MFI, 586 (46%) experienced housing problems.

The 2000 Census reported that there were 139,497 non-institutionalized persons age 5 and over in Cumberland County outside of Fayetteville. Of these, 29,320 (21%) reported a disability. There were 10,127 working age persons between the ages of 16 to 64 with a disability who were unemployed. 4,742 (16%) of the 29,320 disabled persons were living below poverty.

More than one in three renter units (38%) located in the County outside of the City are suspected of containing lead based paint. The incidence among owner units is closer to one in four units (27%). HUD's final rule on lead-based paint, effective September 15, 2000, has not significantly impacted the County's housing programs. There has not been a trend of increasing rehabilitation costs required per unit for rehabilitation activities due to lead-based pain. The County will continue to comply with HUD regulations concerning lead-based paint testing, abatement, and education.

Local Estimates

While the prevalence of lead-based paint hazards varies by region, housing unit age and household income among other factors, the national percentages of lead-based paint in occupied housing were applied to the number of housing units in Cumberland County to estimate the percentage of housing units that could contain hazards.

Estimated Incidence of Lead-Based Paint in Housing Stock, 2009 (Cumberland County Outside of Fayetteville)						
	Owner Units Estimated			Renter Units Estimated		
			Units with			Units with
Year Built	Total Units	% with LBP	LBP	Total Units	% with LBP	LBP
1980- Present	34,820	x 0 =	0	25,590	x 0 =	0
1960-1979	26,150	x 0.62 =	16,213	16,265	x 0.62 =	10,084
1940-1959	6,295	x 0.80 =	5,036	5,245	x 0.80 =	4,196
Before 1940	1,330	x 0.90 =	1,197	1,820	x 0.90 =	1,638
Total	68,595		22,446	48,920		15,918

Based on these estimates, as many as 38,364 occupied housing units in Cumberland County could contain lead-based paint. Of these units with lead-based paint, 22,446 are owner-occupied and 15,918 are occupied by renters. Up to 5,276 houses may have deteriorated lead-based paint.

Lead-Based Paint Hazard Reduction

The federal Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992) amends the Lead-Based Paint Poisoning Prevention Act of 1971, which is the law covering lead-based paint in federally funded housing. These laws and subsequent regulations issued by the U.S. Department of

Housing and Urban Development protect young children from lead-based paint hazards in housing that is financially assisted or being sold by the federal government.

In Fayetteville, evaluations of the prevalence of lead-based paint in housing units are conducted by project and lead abatement is prescribed for all dwellings targeted for rehabilitation. In addition, all assisted housing tenants are informed of the hazards of lead-based paint. The Cumberland County Health Department provides ongoing consultation to local housing staff.

Local monitoring and compliance

The City of Fayetteville allocates CDBG and HOME funds annually to implement actions designed to accomplish goals and objectives that meet community needs identified in its Consolidated Plan. Consequently the City is responsible for ensuring that funding recipients (i.e., subrecipients and CHDOs) comply with applicable regulations and requirements governing their administrative, financial and programmatic operations. In accordance with 24 CFR 91.230, the City utilizes a local monitoring and compliance plan that describes the standards and procedures that will be used to monitor activities carried out in furtherance of the 2012-2013 One-Year Action Plan and will be used to ensure long-term compliance with requirements of the programs involved; the plan also includes a schedule of projected monitoring visits for the program year.

The City's monitoring and compliance plan is designed to accomplish the following objectives:

- To determine if project activities are consistent with the service agreement and conducted in a timely manner.
- To determine eligibility of costs charged to the project under applicable laws and CDBG/HOME regulations and reasonable in light of the services or products delivered.
- To determine if activities are conducted with adequate control over program and financial performance and in a way that minimizes opportunities for waste, mismanagement, fraud and abuse.
- To assess if the subrecipient/CHDO has continuing capacity to carry out the approved project.
- To identify potential problem areas and to assist the subrecipient/CHDO in complying with applicable laws and regulations.
- To assist subrecipient/CHDO in resolving compliance problems through discussion, negotiation, and the provision of technical assistance and training.
- To provide adequate follow-up measures to ensure that performance and compliance deficiencies are corrected by subrecipient/CHDO, and not repeated.
- To ensure that the maintenance of required records is accomplished.

The monitoring visit is followed with written a report detailing concerns, comments and/or recommendations for improvement.

In addition to on-site visits, the City also monitors subrecipient activities through the review of reports and draw requests. Each subrecipient is required to submit monthly or quarterly written reports on the progress of their CDBG-or HOME-funded activities. These reports indicate how well the subrecipient is performing against the targets set in the grant agreement. They submit requests for reimbursement of project expenses as needed (usually monthly) with sufficient back-up detail to support the request (e.g. copies of payrolls or paid invoices). Reimbursements are made after the expense has been incurred and reviewed for eligibility by the City. Particular attention is paid to compliance with eligibility and National Objective requirements. Other areas of emphasis during monitoring visits are project performance, contract compliance, financial management, record management, procurement practices and compliance with civil rights requirements.

Subrecipient/CHDO On-Site Monitoring Review Policy

The City's monitoring activities are designed to determine whether a subrecipient/CHDO is providing services or conducting activities in compliance with local, state and federal regulations and the requirements of the service agreement. The first step is to schedule the on-site review with the respective subrecipient/CHDO. At least one monitoring visit will be conducted with the subrecipient/CHDO during a fiscal year. Additional monitoring visits may be scheduled if the activity is determined to be high risk or at the City's discretion. After the monitoring visit is scheduled, a confirmation letter that identifies the information and items needed in preparation for the visit will be mailed to the subrecipient/CHDO.

An entrance conference is held on-site with executive director and/or appropriate financial/program staff immediately before the monitoring begins. The conference is used to make sure the staff has a clear understanding of the purpose and scope of the monitoring visit from the very beginning. The City will use the following monitoring instruments during the on-site review to assess the subrecipient's compliance with applicable laws and regulations for CDBG/HOME assistance.

Annual subrecipient/CHDO On-Site Monitoring Review

The City will utilize the following checklist during onsite monitoring of subrecipient/CHDO activities. Items checked for CHDO only are so indicated.

- Productivity: number of household's assisted/units completed during the fiscal year
- Meeting of national objective
- Meeting of contract statement of work/scope of success.
- Meeting of eligible/ineligible activities compliance
- Verification of income assistance given to low to moderate income persons
- Application/approval process
- General income characteristic of beneficiary
- Racial/ethnic groups served during fiscal year
- Number of female - headed households served during fiscal year

- Financial status
 - Financial management system
 - Payroll records
 - Cost allowability
 - Review of records maintenance
 - Overall accomplishments
- CHDO qualification/recertification
 - Review legal status
 - Confirm organization under state/local law
 - Purpose of organization
 - Confirm no individual benefit
 - Geographical service area
 - Non-profit status
 - Review organizational structure
 - Composition of the Board of Directors
 - Low-income community representation
 - Low-income input
 - Public –sector limits
 - Eligible use of HOME funds

The following items are also indicated on this form: subrecipient's name, telephone number, responsible party/title, and type of activity/description and activity location.

Monitoring Review Sampling Result Sheet

This form is used to document specific findings of records reviewed (whether sampled or comprehensive) to document national objective requirements, fulfillment of contract objectives, consistency and compliance with the contracted scope of services, test for activity eligibility and low to moderate income verifications for persons assisted. For each record reviewed, the applicant/beneficiary's name, address or location of service, and telephone number are indicated.

Contract Objectives Check-Off List

This document is used to assess whether the scope of services and key contract objectives have been met by respective subrecipient/CHDO. This form enlists the subrecipient contract provisions.

Exit Conference

At the end of the visit, key subrecipient/CHDO staff members are met with again to present the tentative conclusions from the monitoring visit. The conference has four objectives:

- to present preliminary results of the monitoring visit;
- to provide an opportunity for the subrecipient to correct any misconceptions or misunderstandings on the City's part;
- to secure additional information from subrecipient staff to clarify or support their position; and

- To provide an opportunity for the subrecipient/CHDO to report steps they being taken to correct deficiencies identified in the monitoring visit.

Follow-Up Letters

Two follow up letters shall be mailed to subrecipient regarding the results of the review. The first letter will serve to document requests for additional information not readily available at time of review; concerns; and/or findings (whether subsequently resolved or outstanding.) After receipt of the first follow-up letter, the subrecipient shall be allowed ten working days to satisfy requests and/or to respond to concerns and findings. The subrecipient should then be mailed a final follow up letter that will state whether or not issues stated in the first follow-up letter have been resolved or satisfied. This letter both documents and provides for additional requests by the City for any issues that remain outstanding.

Affirmatively Furthering Fair Housing

Basis for the Analysis of Impediments to Fair Housing Choice

Each year, the U.S. Department of Housing and Urban Development [HUD] requires Community Development Block Grant [CDBG] entitlement grantees [such as Cumberland County the City of Fayetteville] to submit a certification that they will affirmatively further fair housing and that their grants will be administered in compliance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act of 1968. Title VIII of the Civil Rights Act of 1968, as amended, commonly known as the Fair Housing Act, prohibits discrimination in the sale or rental of housing on the basis of race, color, religion, sex, and national origin. The Act was amended in 1988 to provide stiffer penalties, establish an administrative enforcement mechanism and to expand its coverage to prohibit discrimination on the basis of familial status and disability. The Act also requires the Secretary of HUD to administer the Department's Housing and Community Development Programs in a manner that affirmatively furthers fair housing.

Provisions to affirmatively further fair housing (AFFH) are principal and long-standing components of HUD's housing and community development programs. These provisions flow from the mandate of Section 808(e)(5) of the Fair Housing Act which requires the Secretary of HUD to administer the Department's housing and urban development programs in a manner to affirmatively further fair housing¹.

Local entitlement communities meet this obligation by performing an "*Analysis of Impediments to Fair Housing Choice* [AI] within their communities and developing (and implementing) strategies and actions to overcome these barriers based on their history, circumstances, and experiences. In other words, Cumberland County and the City of

¹ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 1: Fair Housing Planning Historical Overview, Page 13)*. March 1996.

Fayetteville will define the problems, develop solutions, and be held accountable for meeting the standards they set for themselves. This analysis identifies the impediments to Fair Housing Choice in the jurisdiction, assesses current fair housing initiatives, and describes actions the jurisdiction will take to overcome the identified impediments. If Cumberland County and the City of Fayetteville identify local impediments to fair housing choice, these grantees will take actions that address the impediments, at which time HUD will presume that the grantee is meeting its obligation and certifying to affirmatively further fair housing by:

- Analyzing and eliminating housing discrimination within the jurisdiction;
- Promoting fair housing choice for all persons;
- Providing opportunities for racially and ethnically inclusive patterns of housing occupancy;
- Promoting housing that is physically accessible to all persons to include those persons with disabilities;
- And, fostering compliance with the nondiscrimination provisions of the Fair Housing Act.

By following this process, Cumberland County and the City of Fayetteville promote fair housing choice for all persons, to include Protected Classes, as well as providing opportunities for racially and ethnically inclusive patterns of housing occupancy, identifies structural and systemic barriers to fair housing choice, and promoting housing that is physically accessible and usable by persons with disabilities.

Through its Community Planning and Development [CPD] programs, HUD's goal is to expand mobility and widen a person's freedom of choice within an area they choose to live. The Department also requires Community Development Block Grant [CDBG] Program grantees (those Entitlement jurisdictions such as Cumberland County and the City of Fayetteville that administer the above identified CPD Programs) to document AFFH actions in the CDBG and Comprehensive Housing Affordability Strategy [CHAS] annual performance reports that are submitted to HUD.

Definitions

As defined in *The Fair Housing Planning Guide*, the definition of Affirmatively Further Fair Housing [AFFH] requires a grantee to:

- Conduct an analysis to identify impediments to fair housing choice within the jurisdiction;
- Take appropriate actions to overcome the effects of any impediments identified through the analysis;

- And, maintain records reflecting the analysis and actions taken in this regard².

As described in *The Fair Housing Planning Guide*, the CHAS statute at Section 104(21) defines the term “certification” within the context of the Certification to Affirmatively Further Fair Housing [AFFH] to be:

- A written assertion
- Based on supporting evidence
- Available for inspection by the Secretary, the Inspector General and the public
- Deemed accurate for purposes of this Act unless the Secretary determines otherwise after:

1. Inspecting the evidence
2. Providing due notice and opportunity for comment³.

In carrying out its local Analysis of Impediments to Fair Housing Choice, Cumberland County and the City of Fayetteville utilized the following definition of Fair Housing Choice as outlined by HUD:

- The ability of persons of similar income levels to have available to them the same housing choices regardless of race, color, religion, sex, national origin, familial status, or handicap.

As defined in *The Fair Housing Planning Guide*, the definitions of impediments to fair housing choice include:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin⁴.

Limitations of This Analysis

The following information, herein defined as Cumberland County and the City of Fayetteville’s *Analysis of Impediments to Fair Housing Choice*, was prepared for the purposes as previously described. Therefore, this report seeks to identify impediments

² U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 1: Fair Housing Planning Historical Overview, Page 14)*. March 1996.

³ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 1: Fair Housing Planning Historical Overview, Page 16)*. March 1996.

⁴ U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. *Fair Housing Planning Guide: Volume 1 (Chapter 2: Preparing For Fair Housing Planning, Page 26)*. March 1996.

and develop a proposed Fair Housing Action Plan as proposed solutions. Many of the impediments identified in this report will require additional research and on-going analysis by the City and County's Community Development Staff. This report does not constitute a comprehensive planning guide but simply provides analysis as to the current situation and prepares a plan of action to address existing impediments.

Findings

The following are findings of the Analysis of Impediments conducted in March of 2010 by WFN, Inc. along with their suggested recommendations:

Impediments and Proposed Fair Housing Action Plan

Impediment #1 – Accessibility to Effective Public Transportation

Public transportation plays a role in expanding the supply of affordable housing to groups in need and others protected under fair housing laws. At issue is the ease with which a citizen can travel from home to work if he/she lives in a lower income area or an area of minority concentration. If public transportation from a lower cost neighborhood is inefficient in providing access to employment centers, that neighborhood becomes inaccessible to those without dependable means of transportation, particularly very low-income residents, the elderly, and persons with disabilities.

While the City of Fayetteville does provide public transportation options through its Fayetteville Area System of Transit (FAST), it does not have adequate service routes to all areas of the City or into areas outside of Fayetteville to the rest of Cumberland County; has limited hours of operation which does not provide assistance for those working 2nd and 3rd shift jobs or on weekends (especially Sunday), and the length of time it takes a citizen to utilize the current bus routes can be quite lengthy according to rider feedback.

Recommendation

The City of Fayetteville conducted a Transit Development Plan (TDP) in March 2009. In order to address the issues raised in the TDP and this *Analysis*, the City should proceed to implement the recommendations and begin to expand FAST services, routes and operating hours, to include Sunday and late evening operations.

Cumberland County lacks any form of Public Transportation system aside from the few routes operated through FAST to Fort Bragg and Hope Mills. In order to achieve true Fair Housing Choice, the County should conduct a TDP of its own and look into either assisting the City of Fayetteville expand FAST's services into the County or develop its own transit system.

Impediment #2 - Expanding Affordable Housing Choices

Although Cumberland County has relatively low-cost housing, not all groups benefit. Much of the housing for sale, even at the lower end, is priced beyond the means of lower-

income families. While rental housing is less expensive, the majority of multi-family housing consists of smaller one- and two- bedroom units.

Historically, the region has had a sufficient stock of single-family home rentals, but where larger households have difficulties is locating housing with three or more bedrooms. The cost to rent these larger single family homes can be expected to increase beyond the reach of many low-income minority households. In fact, according to the 2008 Census Estimates, 48% of all renters pay 30% or more of their incomes on rent alone.

Moreover, demographic data show that minority families on average have lower per capita income and larger household sizes in nearly all communities. These families find themselves in a highly competitive market for the few larger rental units available. Poverty rates for single females with children are high across the county.

There is insufficient financing to develop the amount of affordable housing required to address the needs of lower income households as evidenced by the waiting lists for assisted housing, public housing and Section 8 Rental Assistance Program.

Recommendation

While both the City and County have taken recent actions to increase the supply of affordable housing, further steps are needed to develop a viable affordable housing strategy together with effective implementing policies to include more subsidized housing. Continuing to utilize HUD grants to further fund new and existing housing development and rehabilitation projects, especially affordable rental units, is highly recommended for both the City and County.

Another method to remove this impediment would be the study and potential use of inclusionary zoning and density bonuses. Researching successful efforts made in other jurisdictions across would be recommended.

Impediment #3 – Lack of Public Education/NIMBYism

The current amount of Fair Housing education classes, workshops, informational materials and programs is limited within both the County and City. Public opposition to affordable rental and for-sale housing suggests that citizens misunderstand the potential benefits.

In fact, in the Fair Housing Survey, 58% of all respondents said they were not familiar with the Fair Housing laws. When asked if they knew how to file a Fair Housing report in Cumberland County and the City of Fayetteville, 77% did not know how. This shows a lack of education in place and needs to be addressed before true Fair Housing Choice can exist in the City and County.

Recommendation

While the Fayetteville-Cumberland Human Relations Department already has promotional and information materials readily available, to remove this impediment, they

should continue to conduct an education and outreach campaign targeting housing providers and consumers using multiple media vehicles in English, Spanish, and other major languages common to Cumberland County and the City of Fayetteville residents. The Fayetteville-Cumberland Human Relations Department should employ enforcement testing and follow-up investigation of fair housing complaints in a timely manner. If litigated successfully, results should be published in local media to strengthen public knowledge of Fair Housing Law.

Impediment #4 - Mortgage Lending

Equal opportunity to credit, or fair lending, is one of the cornerstones of fair housing. It is a step in purchasing a home where discrimination can prevent a qualified buyer from successfully obtaining a home. Lenders continue to more frequently deny minority applicants than White applicants, even when controlling for income. Upper income Black applicants, those earning over 120% of median income, were more likely to be denied home loans than White applicants earning between 50% and 79% of median income.

Unfortunately, origination and denial rates in home lending only tell half the story. Predatory lending, defined by HUD and the U.S. Department of the Treasury as lending involving deception or fraud, manipulation of borrowers through aggressive sales tactics, or taking unfair advantage of a borrower's lack of understanding about loan terms, threatens low-income and minority loan applicants. These practices are often combined with loan terms that, alone or in combination, are abusive or make the borrower more vulnerable to abusive practices.

With an origination rate of less than 50%, the HMDA data suggests discriminatory mortgage lending practices. The data indicates targeting of sub-prime loans towards minorities and other predatory lending practices.

Recommendation

The HMDA data indicates targeting of sub-prime loans towards minorities and other predatory lending practices. The Fayetteville-Cumberland Human Relations Department, in conjunction with the North Carolina Human Relations Commission, should distribute educational materials on predatory lending to vulnerable groups, including minorities and seniors.

Further research and testing into the mortgage lending and underwriting practices is required to determine if any "predatory" practices limiting Fair Housing Choice exist. The County and City should initiate a variety of monitoring activities that provide information on the results of policies, practices, and procedures used within the housing industry.

Activities can range from reviewing and analyzing data available to the general public, such as HMDA data, to conducting Fair Housing Audits to determine the extent of discriminatory practices (if any) in a particular segment of the housing market, to sending in testers from different racial, ethnic and income-level backgrounds.

Possible penalties for those found “guilty” of predatory lending practices could be enforcement of fines against the person(s) and/or organization involved, getting HUD, the FDIC and FTA involvement in enforcement actions, and seeking to legal actions through class-action/civil lawsuits.

Impediment #5 - Land Use and Zoning

Zoning regulations were examined to determine if the entitlement jurisdiction encourages development and maintenance of affordable housing or imposes barriers to the detriment of affordable housing. Planning tools of interest include inclusionary zoning ordinances and density bonuses.

Land use and zoning regulations are sometimes used to discriminate against people under the guise of preserving “neighborhood character”. Zoning and land use policies relating to occupancy restrictions, family definition, and constraints on group homes for persons with disabilities were reviewed for their effect on fair housing choice. No jurisdiction limits the number of occupants in a dwelling beyond the number allowed by the Uniform Housing Code.

The County and City’s definition of family excludes unrelated groups of more than five persons. State statutes that interpret federal disability law give groups of up to six persons the right to live in residential neighborhoods without conditional or special use permits. Furthermore, Fair Housing Law prohibits discrimination on the basis of familial status.

Recommendation

Both the City and County need to consider adopting zoning ordinances specifically focusing on reasonable accommodations for persons with disabilities, especially as it relates to housing.

The City already has incorporated a Fair Housing Code into its Code of Ordinances. The County should also adopt a similar code to enforce both private and non-profit housing developers to be held accountable for adhering to Fair Housing laws and regulations.

The County and City should monitor the effectiveness of the policies adopted in the 2030 Growth Vision Plan over the next five years. If they do not appear to be effective in furthering Fair Housing Choice for its residents, then another potential code both the County and City should consider is inclusionary zoning. Inclusionary zoning promotes fair housing choice by directly allocating a percentage of new housing to low and very low-income residents. Its effect is to distribute lower income residents throughout a city, increasing neighborhood diversity. Larger numbers of affordable units can be realized, funded in part by private investment.

Conclusion

While the City of Fayetteville and Cumberland County are working towards achieving and furthering Fair Housing Choice for its citizens, there are still potential impediments in place that need to be resolved and further researched. The decision that lies before each jurisdiction is simple:

- 1) Continue towards achieving Fair Housing Choice by being proactive in its approach in systemically reviewing all facets of Fair Housing Choice; or
- 2) Decide that the current efforts and programs in place are sufficient

The recommendations proposed in this analysis to address the issues with Public Transportation, the limited supply of affordable housing, zoning laws, public education and potential predatory lending practices can help both the City of Fayetteville and Cumberland County achieve the reality of a community that truly has Fair Housing Choice.

It's a choice between complacency or proactively affirmatively furthering Fair Housing Choice that will make both the City of Fayetteville and Cumberland County a "better place for all of its citizens."

The City will also pursue the following:

- Expand the City's partnership with Habitat for Humanity and Kingdom Community Development Corporation utilizing their proven capacity as a low price housing producer to effectively lower the price levels;
- Aggressively pursue multi-family affordable housing projects;
- Making loans designed to create jobs via the Commercial Redevelopment Loan Program and the Business Assistance Program;
- Continue to make housing programs available to members of the protected classes;
- Continue relationship with Independent Living Program to cooperatively fund accessibility improvements. Ensure funds are available to renters;
- Include set-a-side of accessible units as a priority for funding development proposals with HOME funds (compatible with North Carolina Housing Finance Agency). Direct developers to Independent Living Program for guidance with design, referral of clients;
- Continue to support the long-term creation of a County-wide transit authority that can provide public transit County-wide; and
- Work with the Planning Department to consider revisions to Zoning Ordinance to ensure low cost housing options be sited widely in community.

HOME Program Recapture Provision

In accordance with the applicable homebuyer recapture/resale provision outlined in 24 CFR Part 92, the City of Fayetteville has adopted the recapture provision for its HOME-assisted homeownership housing. The City requires the recapture of its HOME-assisted homeownership housing assistance from net sales proceeds when the original homebuyer sells the property during the affordability period. Net proceeds are the funds remaining from the sale of the property by the original homebuyer less the repayment of the outstanding balance on any superior mortgage, sales commission, the original homebuyer's downpayment and the cost of any property improvements made by the

original homebuyer. To the extent that net proceeds are available at closing, all or a portion of the HOME funds are due and payable. In the event of foreclosure, the Lender may not require the Borrower to repay an amount greater than the net proceeds available after the foreclosure sale.

Recaptured HOME funds by Community Housing Development Organizations (CHDO), on behalf of City of Fayetteville, are not considered to be CHDO proceeds but shall be used by the CHDO's to provide affordable housing for the City of Fayetteville. Not more than 10 percent of recaptured funds may be used for CHDO administration.

Recaptured HOME funds provided by an agency other than a CHDO, will be recaptured by the City of Fayetteville to be used for eligible HOME activities in accordance with the requirements of the HOME statute and regulations, in the same manner as program income. Not more than 10 percent of the recaptured funds may be used by the City for administrative or planning costs.

All homeowner assistance funds shall be provided as deferred or amortized loan as evidenced by a note secured by a deed of trust on the property. The entire amount of the loan shall be due and payable, if the homebuyer does not continue to occupy the property as their principal residence for the duration of the period of affordability ("recapture provision"). During the period of affordability, the homebuyer shall not be permitted to refinance the property without the approval of the City.

The recapture provision shall be revoked, if an ownership interest is terminated during the period of affordability by foreclosure, transfer in lieu of foreclosure, or assignment of a FHA-insured mortgage to HUD. If the owner thereafter obtained a redemptive interest in the property, the original affordability period resumes and continues until its term expires. The amount due to the City may also be forgiven to the extent allowed in the HOME regulations.

The recapture provision will ensure that each housing unit will remain affordable for a period of time determined by the recapture schedule below, established in accordance with 24 CFR 92.254 (a) (4):

HOME Funds	Period of Affordability
Less than \$15,000	5 years
\$15,000 - \$40,000	10 years
More than \$40,000	15 years
New Construction	20 years

Refinance: During the period of affordability, a homebuyer will not be permitted to refinance the property without the approval of the City of Fayetteville, nor will the department agree to a subordination of its lien interest at any time.

AVAILABLE RESOURCES, INSTITUTIONAL STRUCTURE, AND GOVERNMENTAL COORDINATION

Housing

Federal programs provide the bulk of resources utilized to provide safe sanitary and affordable housing in Fayetteville. Housing resources are also available from state programs, and community development housing organizations (CHDO's). Other non-profits, churches and foundations are existing, potential resources of affordable housing.

Federal Programs

Community Development Block Grant (CDBG.)

The City receives an annual allocation of CDBG program funds from HUD. These funds are allocated based on such factors as city population, poverty levels, and the percentage of low-income persons. As previously noted, these funds are intended to develop viable urban communities for low to moderate-income persons. The City's housing activities are primarily funded with HOME funds but significant CDBG resources are utilized to provide housing rehabilitation services (including emergency home repair).

HOME Investment Partnership

The City qualifies as a participating jurisdiction to receive an annual allocation of HOME Investment Partnership program (HOME) funds from HUD to conduct housing activities. HOME funds require a local match of non-federal funds. The City has to match 25 % of its HOME allocation.

HUD Section 8 Rental voucher and Certificate Program

HUD assists low- and very low-income families in obtaining decent, safe, and sanitary housing in private accommodations by making up the difference between what they can afford and the approved rent for an adequate housing unit. The Fayetteville Metropolitan Housing Authority operates this program.

Section 202

The Section 202 Supportive Housing for the Elderly Program helps expand the supply of affordable housing with supportive services for the elderly. The funds are available from HUD as competitive grants. It provides low-income elderly with options that allow them to live independently in the community. The Section 202 program provides capital advances to finance the construction and rehabilitation of structures that will serve as supportive housing for very low-income elderly persons, and the program also provides rent subsidies for the projects to help make them affordable. For the first time this year, a portion of the Section 202 funding has been set-aside to provide grants for converting existing Section 202 independent living residences into assisted living facilities. Eligible applicants for this program are private nonprofit organizations and nonprofit consumer cooperatives

Public Housing Comprehensive Grant

The comprehensive grant program is the primary source of modernization funds for physical improvements to public housing units and for improvements to the management and operational practices for existing public housing projects for large public housing authorities (PHAs). HUD makes these funds available to help public housing agencies correct physical and management deficiencies and keep units in the housing stock safe and desirable places to live. The Fayetteville Metropolitan Housing Authority receives funding from this program.

Federal Low-Income Housing Tax Credits

These tax credits are used to encourage developers to produce rental housing for low-income households by allowing a 10-year federal tax credit, which is calculated on the project's qualified basis. The program is overseen by the N.C. Federal Tax Reform Allocation Committee and is administered by the North Carolina Housing Finance Agency. Multi-family affordable housing developments utilizing this program in Fayetteville include Longview Green, Blanton Green, Rosehill West, Haymont Manor, Bunce Green, and Bunce Manor, and Maple Ridge.

State Programs

The North Carolina General Assembly created the North Carolina Housing Finance Agency in 1973. Its mission is to lead in creating affordable housing opportunities through the effective investment of public and private capital, professionalism, and responsiveness to the needs of its partners and the people it serves. The Agency operates federal and state housing programs including the Mortgage Revenue Bond Program, Low-Income Housing Tax Credit Program and N.C. Housing Trust Fund. Using these and other sources of funds, including earnings, the Agency provides a variety of services ranging from low-cost mortgages for first-time homebuyers to helping local governments, nonprofit organizations and private owners develop affordable homes and apartments.

Local Programs

Private Financial Institutions

Most of the local banks offer affordable mortgage products and first time homebuyer financing programs that offer higher allowable debt ratio's, lower fees and higher loan to value ratios. These programs can be coupled with down-payment and gap financing assistance available from the City, County and the State to low to moderate-income homebuyers.

INSTITUTIONAL STRUCTURE

The housing provider community in Fayetteville is comprised of local government departments, non-profit housing organizations and for profit affordable housing developers.

Government Agencies

City of Fayetteville Community Development Department

The City's Community Development department develops and administers housing programs designed to finance housing rehabilitation loans, leverage other funds to attract the development of multi-family affordable housing, assist CHDO's to develop single family affordable housing and provides grants for emergency home repairs. The department utilizes HUD entitlement dollars and program income earned from loan proceeds and payoffs to fund its housing activities.

Fayetteville Metropolitan Housing Authority

The Fayetteville Metropolitan Housing Authority is a public housing organization that administers low-income housing programs. Though the Mayor appoints the board members, it receives funding directly from HUD. The Fayetteville Metropolitan Housing Authority has 1,045 housing units. One hundred twenty-four of these are scattered-site units located inside and outside the city. The remaining 921 are located in 12 project sites. The City is currently partnering with FMHA on its 2008 HOPE VI Revitalization Grant by committing funding, vacant land and waiving of filing fee and permit fee. FMHA received a 20 million dollar grant to revitalize the Old Wilmington Road area by replacing 249 existing distressed public housing units and obsolete infrastructure with 747 new mixed-income rental units (550) and homeownership dwellings (105), and providing 72 new housing units for disadvantaged persons at seven scattered sites.

Cumberland County Community Development Department

Cumberland County qualifies as an urban county and also receives HUD entitlement funds. The County is the lead agency for a consortium representing the remaining units of local government out side of Fayetteville and offers a slate of programs similar to the City's. Though the County's Community Development programs are designed to benefit non-city residents, the City and County have partnered to jointly fund multi-family housing developments in the city. The City is also currently partnering with the County to develop and share the expense of housing studies and assessments, and with the offering of various workshops and events.

Other Government Agencies

Several other City of Fayetteville departments also have an impact on housing in Fayetteville. The Inspections department enforces the zoning, building, housing and property maintenance ordinances. The Planning department reviews development plans, reviews and updates zoning and subdivision ordinances and makes recommendations to the Planning Commission on rezoning petitions. The Human Relations Department administers the City's Fair Housing Ordinance and investigates and resolves fair housing complaints.

Nonprofits

Cumberland Community Action Program

Cumberland Community Action Program (CCAP) develops and operates a diverse group of programs to meet needs of the low-income community. Programs include Consumer

Credit Counseling Services, Community Food Bank, Head Start, SHARE and a Weatherization program. CCAP also has been certified as a CHDO (Community Housing Development Organization).

Fayetteville Urban Ministry

Fayetteville Urban Ministry has conducted an emergency repair program for local low to moderate-income homeowners since 1993. The program focus is on repairing substandard housing conditions that require immediate attention. All services are provided without charge to service recipients. The extensive use of volunteers and donated materials maximizes the City's funds. Donated new, surplus and recycled materials and partnerships with other providers leverages resources and helps to lower costs thereby maximizing the number of clients served.

Habitat for Humanity

The Fayetteville Area Habitat for Humanity has been active in the Old Wilmington Road and Massey Hill areas of downtown Fayetteville. Their primary activities include the construction affordable housing to be purchased by low-income homebuyers. Habitat has been certified as a CHDO (Community Housing Development Organization).

Kingdom Community Development Corporation

Kingdom Community Development Corporation (Kingdom) partners with the City to construct affordable single- family housing. For the past several years, the City has been working with Kingdom to complete Phase II of Fairley Estates, a twenty-lot subdivision. The City will continue to partner with Kingdom in the development of an affordable housing.

CEED (formerly known as the The Women's Center of Fayetteville)

The Women's Center of Fayetteville is the newest certified CHDO for the City that has played an active role in acquiring and rehabilitating single family detached units for either rent or for lease to own, acquiring and rehabilitating multifamily housing units for rent, and very recently in new construction of single family detached units. The City hope to partner with CEED in various CHDO eligible activities in the future.

GOVERNMENTAL COORDINATION

The City, Cumberland County, non-profits and private developers have partnered on several significant affordable housing developments. These collaborations have enhanced the leveraging of funds to implement projects that would have been difficult to implement individually.

Private Housing Developers

The City has partnered with United Developers on several affordable housing developments for low-income renters. United Developers is a locally owned company that specializes in low income tax credit projects. During the 2012-2013 program year, the City proposes to partner with the Evrytanian Association of America "Velouchi" and the North Carolina Housing Foundation, Inc. to provide additional affordable housing

units. The City has developed a Request for Proposal (RFP)/Application process to provide for full and open competition in the request for funding for affordable housing development projects constructed by private housing developers.

Relationships Among Housing Organizations

The Mayor appoints the Fayetteville Metropolitan Housing Authority's board members and reviews the organization's budget prior to submission of their comprehensive grant application. The City also participates in the Cumberland County Continuum of Care planning committee.

STRATEGY TO OVERCOME GAPS

Housing Development Capacity

The City has worked closely with CHDO's and non-profits to facilitate and sponsor the provision of technical assistance. The City currently has four certified CHDO's – Kingdom Community Development Corporation, Cumberland Community Action Program, Fayetteville Area Habitat for Humanity and CEED. The City works with these organizations to provide affordable housing in the City. The City will continue to work with existing housing development organizations and encourage development of other organizations.

Public-Private Partnerships

The City will continue to offer low-interest housing rehabilitation loans to encourage owner investors to provide affordable housing for low-income renters. This method provides program income needed to fund housing development activities. The City continues to expand its partnerships with The Fayetteville Area Habitat for Humanity, Kingdom Community Development Corporation, Cumberland Community Action Program, Fayetteville Urban Ministry and the Women's Center of Fayetteville.

AVAILABLE RESOURCES, INSTITUTIONAL STRUCTURE, AND GOVERNMENTAL COORDINATION

Community Development

The City funds its Community Development activities through the use of the City's CDBG entitlement funds. The City also utilizes partnerships with local Human Service agencies and volunteers to leverage financial and human resources.

INSTITUTIONAL STRUCTURE

Community Development Department

The City of Fayetteville Community Development Department develops and coordinates programs that enhance the accessibility of services to at-risk adults. These services are distributed through the Neighborhood Resource Center Network. Ongoing activities in

the resource centers include GED classes, job skills training, computer training, medical terminology classes, internet access to the Employment Security Commission, home-buyer education workshops and community meetings. Community Development staff coordinate special activities with the local human service providers in response to community demand.

Parks and Recreation Department

The City of Fayetteville/Cumberland Parks and Recreation Department is the primary entity responsible for the provision of recreational programs and facilitates, improving the City's appearance and maintaining streets and storm drainage. They expanded the outreach and accessibility of recreation programs through joint use agreements with the school system. In this manner, the City makes capital improvements on school property that can be utilized by the school and the surrounding community.

Department of Social Services

The Department of Social Services provides specific social services, financial and medical assistance to all persons within Cumberland County who demonstrate need and meet eligibility criteria prescribed by state and federal law. Services are available to: all age groups, adult services, Income maintenance services, and family and children's services

Employment Security Commission

Employment Security Commission offers services in employer insurance accounts, employment counseling, industrial services, job placement, labor market information, unemployment insurance and veteran's programs.

Social Security Administration

The Social Security Administration assist individual in filing for benefits: Medicare, survivors, retirement, disability and supplemental security income; also social security cards.

Fayetteville Technical Community College

Fayetteville Technical Community College provides specialized and general education in the following areas: business, engineering technology, general education, health education, public service and vocational education. The City has partnered with Fayetteville Technical Community College to provide GED and ABE classes at all resource centers.

Fayetteville State University

Fayetteville State University is a constituent of the University of North Carolina offering baccalaureate programs in 24 disciplines such as accounting, business administration, economics, education, mathematics, computer science, public administration, psychology, sociology, etc. It also offers graduate programs in business administration, education, mathematics, history, psychology and teaching.

Methodist University

Methodist University offers bachelor's degrees in over 70 fields of studying communications, justice studies, business administration, education, and social work. New majors and concentrations recently added include interdisciplinary studies of clandestine labs, church leadership, and radio communications. The University also offers three master's degree programs.

Junior League of Fayetteville

The Junior League of Fayetteville focuses on Child Welfare under their Community Assistance Program Fund. All applicants must be a non-profit organization. They are also committed to supporting and promoting services in the areas of aging, downtown revitalization volunteerism, environmental awareness, substance abuse, education and adolescent pregnancy.

Florence Rogers Charitable Trust

The Florence Rogers Charitable Trust was established under the will of Florence L. Rogers and is a private foundation making grants to qualified recipients. The grant seed money is used to try new ideas concerning education, recreation, welfare of children, and the improvement of the quality of life within our geographical area.

Cumberland Community Foundation, Inc

Cumberland Community Foundation, Inc. seeks to meet the needs of the community, rather than those of individual organizations. The foundation makes discretionary grants for a wide range of philanthropic purposes in arts and cultural affairs, civic affairs and community development, conservation and the environment, education, health and medical care, social welfare, youth welfare, and other fields for the benefit of Cumberland County.

Partnership for Children

The Partnership for Children of Cumberland County is the nonprofit organization charged with implementing North Carolina's Smart Start and *More-at-Four* school-readiness programs for children from birth through age five. This organization has a successful record of improving the quality of child care, parenting resources, access to health care, and other support systems for Cumberland County's children.

United Way of Cumberland County

United Way of Cumberland County strives to advance the common good by focusing on the building blocks for a good life: education, income, and health. At United Way, we recognize that lasting changes are achieved by addressing the underlying causes of problems. United Way partners with other nonprofit agencies to improve lives right here in Cumberland County.

These agencies teach organizations about the available funding sources; grant writing and how to find grant writing resources on the Web, fundraising, assessing and marketing your business, kinds of loans and choosing the right bank. The coordination of these services will continue to be of utmost importance to this department as we provide citizens and organizations with survival skills.

The City will continue to seek opportunities to develop partnerships with local organizations to meet community development needs of Fayetteville residents. Capacity building workshops have been provided to assist local non-profit organizations, small businesses and the general population in developing skills in grant writing, board development, business skills, budgeting, etc.

AVAILABLE RESOURCES, INSTITUTIONAL STRUCTURE, AND GOVERNMENT COORDINATION

Economic Development

AVAILABLE RESOURCES

The City of Fayetteville provides economic development programs designed to create jobs. The City also offers a property tax grant back program to provide incentives to qualifying development projects in a designated Economic Development Incentive Zone.

GOVERNMENT AGENCIES

The City of Fayetteville Community Development Department

The Community Development department plays a major role in coordinating the City's economic development activities. The Community Development department facilitates the Downtown Loan Program, Business Assistance Loan Program, Façade Improvement Grant Program, and the Small Business Retention Grant Program. The department utilizes CDBG HUD entitlement dollars and earned program income from loan program proceeds to fund its economic development programs. The department continues to develop incentive programs to promote economic development citywide, assists businesses locating in the City, promotes the reuse of vacant buildings, and the creation of jobs for low to moderate-income persons. The department collaborates with other agencies to provide the needed technical assistance or loan information to assist small business entrepreneurs with their start-up or expansion needs.

Cumberland County Community Development Department

Cumberland County also receives entitlement funds from HUD since it qualifies as an urban county. The County administers a micro-loan program that provides assistance to small business entrepreneurs. Loans are available to assist with the purchase of property, facility or site improvements, capital equipment purchases, inventory, machinery, and working capital for businesses located in Cumberland County.

Public Works Commission (PWC)

The Public Works Commission was created on March 4, 1905, through an act of the State Legislature, to manage, operate, and supervise the three utilities electric, water, and sanitary sewer, as well as, to be responsible for operating the city market stalls, and to test weights and measures. The vision of PWC is to improve the quality of life in the

Fayetteville/Cumberland County areas providing a range of competitive utility services to the region. Its mission is to be a competitive provider of reliable utility-related services to its customers while providing a reasonable return to the citizens of Fayetteville. PWC's Business Development Department and Special Projects Department serve as major assets on the Senior Management Team. PWC has developed an incentive plan that we hope will help to encourage in-fill development within the City of Fayetteville. The incentives in the form of facility investment fee waivers or credits are available for new construction within the 3,000 acres of the Fayetteville Renaissance Plan area and also identified corridors which have experienced limited new development in recent years. FIF credits are awarded for new construction where the developer is installing water and sanitary sewer mains within the balance of the incorporated area of the City of Fayetteville.

Other Government Agencies

Other City and County Departments play a vital role in economic development within the municipal boundaries of Fayetteville and Cumberland County. As development projects evolve, staff from Development Services, Transit, Airport and Engineering Departments participates in the economic development process as it relates to their areas of concern and expertise.

NON-PROFIT AGENCIES

Fayetteville-Cumberland County Chamber of Commerce

The Fayetteville-Cumberland County Chamber of Commerce plays a vital role in the economic development in the community. Their responsibilities include taking a leadership role in defining a view of the future for the business community, reflecting and supporting all elements of the business community, and are governed by a board of directors that is designed to provide strong leadership and effective oversight. The Chamber is also a member of the Strategic Alliance for Business Resources of Entrepreneurs (SABRE).

Fayetteville Area Convention and Visitors Bureau (CVB)

The Fayetteville Area Convention and Visitors Bureau is a private, not-for-profit organization that aggressively promotes and sells Fayetteville and Cumberland County as an attractive destination site for meetings and visitors. The Fayetteville area has experienced an exciting evolution to emerge as a leader in commerce, industry, and agriculture for southeastern North Carolina. Proximity to one of the country's largest military installations impacts the area with a wonderful cultural diversity reflected in every aspect of the community from festivals and museums, dining and shopping, to recreation and golf, theater and nightlife.

Downtown Alliance

The Downtown Alliance of Fayetteville is a non-profit organization made up of downtown merchants. Their mission is to encourage business, residential, and retail growth in downtown Fayetteville, to promote the downtown to the public, and to represent the common interests of downtown merchants, professionals, property owners, and residents. The members that make up this organization can be any corporation, firm or individual subscribing to the purposes of the organization if the person owns property or a business, has offices located in, resides in, or is employed in, the downtown municipal services district area.

Small Business Centers

(Members of the Strategic Alliance for Business Resources for Entrepreneurs) (SABRE)

Fayetteville Business Center

The Fayetteville Business Center is a business incubator that promotes, assists and encourages small business entrepreneurs and fosters economic growth in the City of Fayetteville. The Business Center serves entrepreneurs who reside as tenants with office space and furniture at below market rate rent along with other support services from the faculty at Fayetteville State University's (FSU) School of Business and Economics. The economic development Master Plan of Fayetteville State University originally stated the need to offer various seminars/workshops for individuals seeking information and training to start and grow their business. The seminars offered at the center are marketed to businesses located in the low-income areas of the City. The Business Center also utilizes the Community Developments network of neighborhood resource centers as a way of marketing the seminars and as a location to conduct a number of the seminars. The Business Center is also certified to process loan applications for an express loan program called the Small Office Home Office Community Express Loans to assist small business entrepreneurs with start-up or expansion needs.

Center for Economic Empowerment and Development's Women's Business Center

The Women's Business Center is a non-profit organization established to improve the economic environment and create opportunities for individuals and to provide a resource center for women in crisis. The Women's Business Center, a program of CEED, has served the community for over twelve years by assisting persons in all phases of small business development. The purpose of the center is to create employment and business opportunities for low to moderate-income individuals through self-employment and increased job opportunities in the area. The center provides counseling and seminars to entrepreneurs in starting and expanding a business. The center has a certified credit counselor on staff that processes loan applications for the Small Office Home Office (SOHO) Community Express Loan Program, the Business Loan Express (BLX) Program and Micro-loan Program to assist small business entrepreneurs with start-up and expansion needs.

Cumberland Regional Improvement Corporation (CRIC)

Cumberland Regional Improvement Corporation is a non-profit business and community development organization. CRIC assists small business owners in the process of start-up or expansion. They provide counseling services and assists in finding financial aid to

meet small business needs. CRIC operates in partnership with the North Carolina Institute of Minority Economic Development, Inc. and the North Carolina Rural Center. CRIC's mission is to create an environment in which North Carolina's diverse population and low-wealth sectors of the population can achieve widely shared prosperity through business and economic development expansion programs, in addition to increasing the affordable housing stock for residents of Cumberland County. CRIC has a staff with over 40 years combined experience in the field of business development assistance, and federal and state procurement assistance. In addition to its staff CRIC participates in a network of other business professional that enables its clients to access information and services across the state.

Fayetteville Technical Community College Small Business Center

The Center for Business and Industry is designed to serve the employee or prospective employee of our business and industry community. This modern facility is located on Fayetteville Technical Community College's main campus and is primarily used for local business and industry training. Services are generally concerned with educational programs required to upgrade skills in businesses and industries throughout the county. The Small Business Center is located in this facility and offers a variety of services designed to assist small business owners to include specialized seminars, a resource center, business counselor, and a statewide network. The latest in literature and audiovisual materials on operating a small business are available in the Small Business Center's resource room. A small business counselor is available at the Small Business Center to provide advice on starting a new business or operating an existing business. Through the Center for Business and Industry, the Continuing Education Division is offering another dimension of customized courses with flexible schedules and quality instruction.

Fayetteville State University (FSU) Small Business and Technology Development Center (SBTDC)

The North Carolina Small Business and Technology Development Center (SBTDC) helps small business owners (and those interested in starting a business) meet the challenges of today's business environment, manage that ever-changing world, and plan for the future of their business. They do this by providing management counseling and educational services to small and mid-sized businesses across the state affiliated with a college or university such as Fayetteville State University on Murchison Road in the City of Fayetteville. Their mission is to help North Carolina businesses grow and create new jobs within the state. Most of the services are free of charge, and all SBTDC services are confidential.

State Programs

Urban Progress Zones

Article 3J Tax Credits offer enhanced tax credits to eligible businesses located in an urban progress zone. This tax credit program narrows its focus on job creation and business investment. Municipalities can apply for one or more zones as long as they meet the guidelines for establishing a zone. The zone is intended to provide economic

incentives to simulate new investment and job creation in economically distressed urban areas.

An Urban Progress Zone is defined as an area comprised of one or more contiguous census tracts, census block groups, or both, or parts thereof; all of the area is located in whole within the primary corporate limits of a municipality with a population of more than 10,000 and meet other conditions as defined in the most recent federal decennial census. The City of Fayetteville has two approved zones. The first zone includes Census Tracts 10, 22, 23 and 24 (block groups 1, 2 and 5). Congress amended the program guidelines for establishing a zone in August 2007 and this allowed the City to apply and receive an approval for a second urban progress zone. This second zone includes Census Tracts 12 and 13.

North Carolina Historic Preservation State Tax Credits

A 20% state tax credit is available for rehabilitations of income-producing historic properties that also qualify for the 20% federal investment tax credit. In effect, the combined federal-state credits reduce the cost of a certified rehabilitation of an income-producing historic structure by 40%. A new state tax credit of 30% for qualifying rehabilitations of non-income producing historic structures, including owner-occupied personal residences is available. There is no equivalent federal credit for such rehabilitations.

Federal Programs

Federal Historic Preservation Tax Credits

This tax credit program is one of the nation's most successful and cost-effective community revitalization programs. The program fosters private sector rehabilitation of historic buildings and promotes economic revitalization. This tax incentive is available for buildings that are National Historic Landmarks, that are listed in the National Register, and that contribute to National Register Historic Districts and certain local historic districts. Properties must be income producing and must be rehabilitated according to standards set by the Secretary of Interior. Eligible projects may receive a 20% rehabilitation tax credit equal to 20% of the amount spent to rehabilitate the building. There is also a 10% tax credit for the rehabilitation of non-historic, non-residential buildings built before 1936.

Hub Zone Empowerment Program

The HUB Zone Empowerment Contracting Program provides federal contracting opportunities for qualified small businesses located in distressed areas. This program was enacted into law as part of the Small Business Reauthorization Act of 1997. The program falls under the auspices of the U. S. Small Business Administration. A HUB Zone is a historically underutilized business zone that is located in a qualified census tract (as defined in section 42(d)(5)(C)(i)(1) of the Internal Revenue Code of 1986). Cumberland County has eight census tracts identified as HUB Zones. These census tracts are 1, 2, 4, 10, 12, 13, 24 and 35. The HUB Zone Empowerment Contracting Program stimulates economic development and creates jobs in urban and rural communities by

providing federal contracting preferences to small businesses located in distressed areas or HUB Zones. These contracting preferences go to small businesses that obtain HUB Zone certification through the SBA. To qualify a business must be small by SBA size standards, have its principal office located in a HUB Zone, be operated and controlled by a U. S. citizen and at least 35% of its employees must reside in a HUB Zone.

U.S. Small Business Administration (SBA)

The SBA, established in 1953, provides financial, technical and management assistance to help Americans start, run, and grow their businesses. With a portfolio of business loans, loan guarantees, and disaster loans worth more than \$45 billion, in addition to a venture capital portfolio of \$13 billion, SBA is the nation's largest single financial backer of small businesses. Last year, the SBA offered management and technical assistance to more than one million small businesses. The SBA also plays a major role in the government's disaster relief by making low-interest recovery loans to both homeowners and businesses. North Carolina's district office is located in Charlotte and is responsible for the delivery of many of these programs and services to all 100 counties in North Carolina.

Local Programs

Commercial Redevelopment Loan Program

The Commercial Redevelopment Loan Program is an expansion and renaming of the Downtown Loan Program and is now available to small businesses in any of the City of Fayetteville's redevelopment plan areas. These plan areas include the Fayetteville Renaissance, Murchison Rd., HOPE VI, Bonnie Doone, Massey Hill, 71st Township, and Deep Creek Rd. plan areas.

This program offers a low interest loan to existing small businesses with a three year financial history to assist with the acquisition, construction or renovation of commercial buildings located within any of the redevelopment plan areas. Each business that participates with this program is required to retain or create jobs and make them available to low to moderate-income persons. For each \$50,000 loaned, one full-time equivalent job must be created or retained by the business. This program will continue to be funded in partnership between the City of Fayetteville and local banks. The City commits 40% of its CDBG funds for each approved loan with a 4% fixed interest rate and the participating lenders fund the remaining 60% of each loan at a variable prime rate.

Loan funds range from \$50,000 up to \$300,000, with larger loans considered on a case by case basis. The City allocated \$470,000 for this program and anticipates a minimum of two loans will be provided this program year with a minimum of 6 jobs created or retained by those businesses. The Community Development Department facilitates this program.

Business Assistance Loan Program

This program was created to stimulate small business start-ups or expansions within the municipal boundaries of the City of Fayetteville, including the City's redevelopment plan

areas. Small businesses needing additional equity to qualify for primary financing from a Bank and who meet the City's program guidelines may apply. The City will offer a loan up to 25% or a maximum of \$125,000 of the total loan funds. The City's loan is held at a 5% fixed interest rate unless the business is investing in one of the City's redevelopment plan areas in which case a 3% fixed interest rate is available. The business is required to create or retain at least one full-time equivalent job for each \$50,000 loaned by the City's program.

City of Fayetteville Façade Improvement Grant Program

This program is designed to promote the revitalization of facades of active, ongoing for-profit businesses through the rehabilitation of commercial building exteriors and landscapes. This effort will benefit the City by removing blight, expanding the tax base, and increasing the economic vitality of the downtown Fayetteville Renaissance Plan area and the City's redevelopment plan areas. These redevelopment plan areas include Massey Hill, Bonnie Doone, Deep Creek Rd., 71st Township and the Old Wilmington Rd. plan areas. An eligible business must be located within the boundaries of any of the plan areas and meet all of the program requirements. The City of Fayetteville will provide a 50% matching reimbursement grant up to \$5,000 for each façade renovated. Each business that participates with this program must meet a job creation requirement and create at least one full time equivalent job and make it available to a low to moderate-income person.

Small Business Retention Grant Program

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

The City of Fayetteville will provide a 50% matching reimbursement grant up to \$5,000 for eligible expenses. The business applicant will have to provide an equal match to the grant award being requested. Grants for furniture, fixtures, equipment, and interior and exterior renovations are eligible for this program. Salaries, rent, and building related expenses (phone bills, electricity, etc.) are not eligible expenses for this program.

This program frees up operating cash flow to fund the day to day working capital expenditures of the business or to take advantage of other opportunities, such as purchasing additional inventory, etc. Each business must be able to create at least one full time equivalent job and make it available to a low to moderate-income person.

City of Fayetteville Economic Development Incentive Zone

The City's property tax incentive program is meant to provide incentives to qualifying development projects in the City's Economic Development Incentive Zone. The primary objective of the program is to induce private investment thereby improving the economic health and diversity of the City and increasing the City's property tax base. Given the difficulty in determining the precise economic impact of a particular development

project, the City has chosen to base the amount of the incentive on the increase in the taxable value of the property involved in the project, not including land value.

The economic impact of a proposed project within the defined area could also be evaluated using methods that include employment data such as job creation, wages and benefits, and related factors. For this particular incentive program, however, the incentive amount will be based solely on the increase in the taxable value of the property involved in the project. The taxable value of the property after improvements have taken place will be compared to the taxable value of the property before the improvements were made to determine the increase in the taxable value of the property. In order to be eligible for incentives under this program, a project must have improved the taxable value of the associated property by at least \$500,000. For the purposes of this program, increases in the value of land will not be considered in the calculation to determine the incentive payment.

AVAILABLE RESOURCES, INSTITUTIONAL STRUCTURE, AND GOVERNMENTAL COORDINATION

Homelessness

Special Need Facilities and Services

The following provides a review of the agencies and services that assist persons who are not homeless in Cumberland County, but who require supportive housing, and programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing. The support services described above with the Homeless Facilities are generally available to assist non-homeless persons with special needs in Cumberland County. As with facilities and services for the homeless, most of the facilities and services to assist persons who are not homeless are located in the City of Fayetteville. Most serve residents of the County and the City.

Alms House Inc. - provides community outreach ministry including counseling and emergency food, clothing, and financial assistance for Hope Mills and the southern Cumberland County area.

The ARC of Cumberland County - promotes the welfare of persons with mental and other disabilities and their families with training, advocacy and awareness about disabilities. ARC provides information, resources and referral.

Autism Society of Cumberland County – Offers support and direct services for families of individuals with autism. Provides parent education workshops, support groups, resource and referral, conference scholarships, summer day camp, teacher grants, and family outings for children with autism.

Beginnings for Parents of Children who are deaf – Provides support and information to parents and professionals dealing with deaf and hard of hearing issues in children.

Behavioral Health Care of Cape Fear Valley Health System - offers in-patient and outpatient programs for adults and youth involving treatment of severe psychiatric conditions, medical detoxification, and a continuum of services for emotional difficulties.

Better Health of Cumberland County - provides assistance to low income individuals with health related emergencies. Services include a direct aid program that provides financial assistance for life-sustaining prescription drugs, medical appliances, vision exams and eyeglasses, supplies and transportation to medical centers, and other medical services.

Boys & Girls Club of Fayetteville/Cumberland County, Inc. - provides educational and guidance programs along with recreation for boys and girls 6 to 18 years old. Youth Build provides job training and education for unemployed youth ages 16 to 24.

Cape Fear Regional Bureau for Community Action, Inc. - has limited financial assistance to persons with HIV/AIDS and education and support for family members. Individuals with substance abuse problems are also assisted.

Care Clinic - provides free basic primary health care for the uninsured that have limited incomes. Services include primary medical care, routine dental care, limited pharmacy services, routine laboratory tests, social services, education, and referral to other resources.

Care Family Violence Program - provides services to persons experiencing physical or mental abuse including crisis intervention, counseling, referral services, re-education of family members, and temporary housing for victims.

Children's Developmental Services Agency - Provides Early Intervention Service Coordination to children birth to age 3 and their families who qualify for the Infant Toddler Program (ITP). Developmental assessments (inter-disciplinary) provided for the children birth to 5 years.

Children's Special Health Service - assists low-income families to provide health care for persons under 21 years old with chronic, organic diseases or defects and conditions that hinder normal growth and development.

Consumer Credit Counseling Service of Fayetteville - offers programs to help clients budget money and reduce debt, explain money management and proper use of credit, assists with problems with landlords and delinquency of mortgage payments and housing relocation, mortgage and rental default counseling, reverse mortgage counseling, utility payment assistance, and provides professional counseling to assist low income individuals to identify employment goals along with skills and training assessment.

Cumberland County Community Action Program (CCAP) - develops and administers programs for low income persons and facilitates the development of skills that help persons help themselves. Programs include employment counseling, purchase and rehabilitation of housing, head start, housing information and counseling, food package, and weatherization of owner and renter housing.

Cumberland County Association for Indian People - assists Native Americans in Cumberland County with their social service, economic, educational, employment, and cultural needs.

Cumberland County Coordinating Council on Older Adults - coordinates support services that help older adults maintain their independence and self-reliance. Services include in-home aide services, home, home repair, telephone reassurance, information and referral, motor meals, fan program, health insurance information, and assistance to purchase nutrition supplements.

Cumberland County Health Department – The Cumberland County Public Health Department provides an array of services to the citizens of the County. Its mission is to prevent illness and injury through clinical services; promote good health practices by educating the public; and keeping the environment clean and healthy.

Cumberland County Department of Social Services - provides assistance including work first cash program that provides monetary assistance to parents and caretakers of a child in order to pay for the needs of the child in the event of the death, absence, mental or physical incapacity or temporary unemployment of the parent or caretaker; food stamps; Medicaid; independent living services for the blind; eye referrals; health support services; in-home services for the elderly and disabled to allow them to remain in their home; personnel and family counseling; transportation to Medicaid recipients for medical appointments; protective services for adults and children; payee services; adult and child foster care; work first employment; youth group homes; group care placement; independent living services for foster care children between the ages of 16 and 18; day care services, and adolescent parenting training.

Legal Aid - The staff of Legal Aid of North Carolina - Fayetteville Office provides legal assistance in civil matters (non-criminal matters) to eligible, low-income clients who have problems with their basic needs and live in the two-county area surrounding Fayetteville, NC Cumberland County or Hoke County.

Cumberland County Mental Health Center - provides comprehensive treatment and case management for persons who require mental health services. Services are available to adults, the elderly and children, persons with substance abuse problems, and developmental disabilities. Different programs are available on an in-patient or an outpatient basis. There are also residential programs.

Cumberland County Workforce Development Center - provides services to youth, unskilled adults and dislocated workers for entry and re-entry into the labor force by offering occupational skills/training and job search/placement activities.

Cumberland Residential & Employment Services & Training (CREST) - offers housing, training and job placement for adults with development disabilities.

Family Support Network of the Greater Cape Fear Region – Provides listing of services, agencies, support groups and programs for families of premature infants and children with developmental or behavioral disorders. Promotes and assists with the community formation of parent groups.

Mid-Carolina Area Agency on Aging – Serves family and friend caregivers who provide care for 60+ year old loved ones in a community setting and support 60 year old and older grandparents raising their grandchildren. Oversees funding and programs for informational services, counseling services, respite services, and some supplemental services in an effort to support informal caregiver.

NC Independent Living Program - Assists severely disabled people in developing skills and making environmental changes that will enable them to live independently. Assists with the location of accessible dwellings and makes recommendations for modifications to existing homes. Provides transportation and taxi service to the disabled.

Operation Blessing - coordinated through area churches it provides emergency funds for food, clothing, fuel bills, rent, and other immediate crisis needs.

Operation Inasmuch – moderate to low income neighborhood is chosen to be the recipient of home repairs for owner occupied houses with a focus on the elderly and disabled. The repairs include new roofs, floors, windows, bathrooms rehabs, wheelchair ramps, painting and many other general repairs. Other services include a homeless day center which offers a breakfast meal to homeless persons. The day center also provides opportunities for showers, clothes washing, GED classes, computer classes and JOBS for Life program.

Community Health Intervention and Sickle Cell Agency, Inc. – is an "Umbrella" organization with a focus on the care, prevention and education of individuals and families affected by Sickle cell disease, HIV and other Sexually transmitted diseases.

Salvation Army - provides emergency services including food, clothing, medical needs, transportation, utility and financial assistance.

Senior Aids Program - assists low-income older adults with subsidized part-time employment.

VET Center - offers readjustment-counseling program for special needs of veterans and support groups for job-hunting, stress management and recovering drug and alcohol abusers.

Women's Center of Fayetteville - provides women with information on community services, vocational guidance, and education. The Women's Center offers a Small Business Association funded program. The Women's Center qualifies as a Community Housing Development Organization (CHDO) and is developing a housing program. The Women's Center buys vacant housing units that have been foreclosed by the VA. The units are rented to women at rents similar to the cost as if the person were paying the mortgage on the property. After three years at the home, the household will be given the opportunity to purchase the unit. Funds will be available to renovate the unit and to provide a match to the household's down payment.

Veterans Population

Veterans Administration Medical Center provides general medical, surgical, and short-term psychiatric care for veterans. The Veteran's Administration also operates a program to assist homeless veterans. There is no facility in Cumberland County designated to house homeless veterans who are dealing with post-traumatic stress syndrome and substance abuse problems resulting from their experiences in combat. The local VET Center provides interview services to help veterans access their benefits and makes referrals to other agencies.

Veteran Services The Cumberland County Veterans Service Office assists veterans and their dependents obtain benefits to which they are entitled by: submitting claims for benefits to the Department of Veterans Affairs; reviewing and following up on decisions of the Department of Veterans Affairs for fairness and accuracy; and writing and submitting appeals to the Board of Veterans Appeals for disputed decisions. These services are always "Free" to the veterans and their dependents.

Mental Illness/Substance Abuse Population

Cumberland County Mental Health Center provides comprehensive treatment and case management for mental illness, developmental disabilities, and substance abuse problems. Through case management and counseling services available to the homeless mentally ill and substance abuse population homeless persons can receive needed services on demand with the resources at the Cumberland County Mental Health Department.

Myrover Reese Fellowship Home, Inc. is a non-profit organization that operates three half-way houses in Fayetteville. The residential homes provide living facilities for homeless individuals who have alcohol or substance abuse problems.

HIV/AIDS Population

The Cumberland County Health Department offers education and tests for HIV, pre- and post-test counseling, and information and referrals.

Cape Fear Regional Bureau for Community Action, Inc. - has limited financial assistance to persons with HIV/AIDS and education and support for family members. Individuals with substance abuse problems are also assisted.

Centers for Disease Control provide information and education regarding the transmission and prevention of STD's and HIV, the virus that causes AIDS, and risk assessment at no cost to the caller. Makes nationwide referrals for education, testing, and medical treatment, counseling, and support groups. Services are available in English, Spanish and TTY.

According to the Housing and Homeless needs assessment, "the housing needs and problems of people living with HIV and AIDS are similar to those of people of similar health or socio-economic status. Many people living with HIV and AIDS have other psychosocial, health, and emotional problems such as chemical dependency and mental health problems. Key housing problems include affordability, security, transportation, and child care issues. Financial constraints are central to most housing issues faced by people living with HIV and AIDS in the community. Financial problems often appear to be accentuated by the inability to work and expenses for medical care and medicines beyond the scope of insurance.

The housing needs of people living with HIV and AIDS are diverse. Housing programs targeting the population need to be flexible enough to address a wide range of needs and problems. Programs should focus on helping people with HIV and AIDS to stay in their own homes. Housing programs may need to find ways to address underlying causes and related problems such as alcohol and drug services, mental health services, benefits counseling, and public transportation."

Needs identified by the Cumberland County Continuum of Care for the HIV/AIDS population include:

- Community based client assessment for early identification of patients infected with HIV/AIDS;
- Short term rental payments to prevent homelessness;
- Permanent housing options for homeless persons;
- Intensive supportive services with individual assessment and case management focusing on preventing homelessness and maintaining permanent housing, access to primary health care, substance abuse treatment, mental health services, social services, and crisis intervention; and
- Transportation to receive medical treatment as most of the treatment is outside of Cumberland County.

Victims of Domestic Violence Population

The Cumberland County Department of Social Services (DSS) offers counseling for domestic violence. The DSS Crisis Intervention Services provides services to avoid destitution of the children, including heat during the winter, food, medical care, clothing, counseling, and reunification services.

New Beginning Transitional Housing program are offered a wide range of supportive services to assist with their goal of finding permanent housing within 12 months. Residents are allowed to extend their stay for an additional 12 months. New Beginning Transitional Housing reports that its apartments stay full.

The Care Family Violence Program provides a range of services to those experiencing physical or mental abuse including: crisis intervention, counseling, referral services, re-education of family members and temporary housing for victims. The program operates a 24-hour crisis line for victims of domestic violence.

Emergency Solutions Grant Program

The City of Fayetteville does not receive any Emergency Solutions Grant funds. The City of Fayetteville actively participates in the Cumberland County Continuum of Care. The City has consulted with the CoC in the preparation of this plan.

Recently the North Carolina Emergency Grant Solutions (ESG) Office created a new process for distributing the Emergency Solutions Grant (ESG), formerly the Emergency Shelter Grant, to reflect the program rules of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), which was enacted into law on May 20, 2009. The HEARTH Act consolidates three of the previous homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program. In addition, the HEARTH Act codifies into law the Continuum of Care (CoC) planning process, which will assist homeless persons by providing greater coordination in responding to their needs. The ESG will focus primarily on assisting people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. Previously the Emergency Shelter Grant focused on the needs of homeless people in emergency or transitional shelters. Under the HEARTH Act, the local CoC must now be involved in determining how ESG funds will be distributed within its jurisdiction. On March 29, 2012, the Cumberland County CoC on Homelessness selected the Cumberland County Community Development Department (CCCD) to serve as the lead agency and fiscal sponsor. As lead agency and fiscal sponsor, CCCD will submit the ESG application to the State on behalf of the CoC jurisdiction as well as contract with the State in carrying out ESG funded activities.

Cumberland County's ESG allocation is estimated to be \$177,424. This amount includes both FY2011-B (\$40,782) and FY2012 (\$136,642) funds. For FY2011, HUD divided ESG funding into two allotments. The first allotment, FY2011-A (\$50,491) was dispersed under the Emergency Shelter Grant rules. HUD held the second allotment back

until after the new Emergency Solutions Grants program regulations were published. The second allotment will be dispersed around the same time as the FY2012 funds.

Summary of Citizen Comments CITIZEN PARTICIPATION MEETINGS

Meeting at Deep Creek Road

- Forewarn residents of changes for leaf pick-up prior to collection.
- Are there City plans to re-zone Deep Creek Road?
- Can City do anything about pollutant smells from Dog Food Factory?
- Troy Drive trees over hanging
- Entrance of Deep Creek Road-Eye sore
- Leaf pick-up schedule
- Privacy fence needed at the pulp mill at entrance of Deep Creek Road (Piedmont & Wood Yards)
- Traffic sign-end of Deep Creek and Person Street
- Natural Gas available to this area? (will a survey help?)
- Trash being dumped on Rhone Street and graveyard
- People lingering in the road
- Sneakers hanging over the wires
- Drainage concerns on Cade Hill-standing water; Deep Creek Road

Meeting at Fire Station 14

- Loitering
- Police Substation
- Parks
- Sidewalk
- Time of Meeting

Meeting at Massey Hill Recreation Center

- Economic Development Programs
- Demolition of Commercial Buildings
- Can the City do more for the homeless
- Loitering

Meeting at Heal The Land Ministries

- Charter School
- 601 Link Street (Boarded)
- KFC on Eastern Blvd. – remove and replace a park
- 320 Lincoln Drive (burned)
- Clean-up land behind Pauline Jones School
- Would like something done with two-story building on Hillsboro Street
- Over-marketing of Tobacco Shops in the Old Wilmington Road area and throughout the City (TOO MANY)

- **Would like a CD Meeting at First Baptist Church on Moore Street**

Meeting at Mount Olive Missionary Baptist Church

- **Available Day Centers (well-policed) for homeless services**
- **Additional training for police in assisting the mentally ill (homeless)**
- **Disappointed by city response to tornado victims (clean-up debris)**
- **Develop more affordable housing units**
- **Services for homeless mental health persons**
- **Rental assistance, food, utility deposits for low-income (faith-based access to funds)**
- **Pre-development plans for Bonnie Doone**
- **Lack of contact from staff re: follow-up to applicants on the waiting list for affordable housing – HOPE VI**
- **Community residents involvement with increasing development**
- **Increased police presence**
- **Follow-up meeting in the Bonnie Doone re: development inviting City Council**

ATTACHMENT A

2012 INCOME GUIDELINES

Family Size	Very Low Income 30% of Median	Low Income 50% of Median	60% of Median	Moderate Income 80% of Median
1	11,100	18,450	22,200	29,550
2	12,650	21,100	25,300	33,750
3	14,250	23,750	28,500	37,950
4	15,800	26,350	31,600	42,150
5	17,100	28,500	34,200	45,550
6	18,350	30,600	36,700	48,900
7	19,600	32,700	39,200	52,300
8	20,900	34,800	41,800	55,650

Effective December, 2011. The City of Fayetteville Community Development Department makes all income determinations.

ATTACHMENT B

Certifications

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing - The jurisdiction will affirmatively further fair housing which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan - It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME Programs.

Drug Free Workplace - it will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -

- (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation a criminal drug statute occurring in the workplace no later that five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking on of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted.
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-lobbying - To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form - LLL "Disclosure Form to Report Lobbying", in accordance with its instructions; and
3. It will require that the language of paragraph (n) of this certification be included in the

award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction - The Consolidated Plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency With Plan - The housing activities to be undertaken with CDBG, HOME, ESG and HOPWA funds are consistent with the strategic plan.

Section 3 - It will comply with Section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official
Title: Mayor

Date

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation - It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan - Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan - It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds - It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities that benefit low and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available;
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2012-2013, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the portion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of the fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force - It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination Laws - The grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint - Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with the requirements of 24 CFR §570.608;

Compliance with Laws - It will comply with all applicable laws.

Signature/Authorized Official
Title: Mayor

Date

Specific HOME Certifications

The HOME Participating Jurisdiction certifies that:

Tenant Based Rental Assistance - If the participating jurisdiction intends to provide tenant based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs - it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance - before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official
Title: Mayor

Date

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government may take action authorized under the Drug-free Workplace Act.
3. For grantees other than individuals, Alternate I applies. (This is the information to which jurisdictions certify).
4. For grantees who are individuals, Alternate II applies. (Not applicable jurisdictions.)
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or state highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if previously identified the

workplaces in question (see paragraph five).

8. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code):

City of Fayetteville

433 Hay Street

Fayetteville NC, 28301

Check if there are workplaces on file that are not identified here; The certification with regard to the drug-free workplace required by 24 CFR part 24, subpart F.

9. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules.

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C.812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

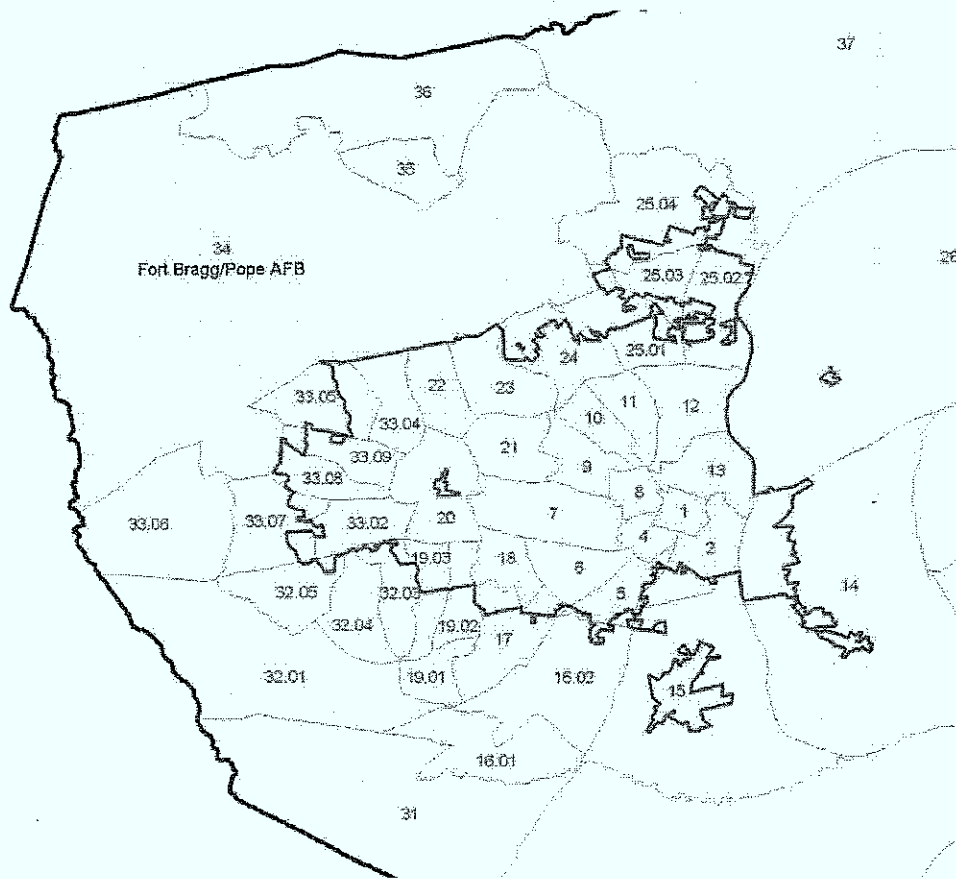
"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

ATTACHMENT C

Low Income Census Tracts

As shown on map below, in the City, 12 census tracts have 51 percent or more low income households. The census tracts are CT 15 – 100 percent (six of six households residing in the census tract, all have a disability, all are age 75 and over), CT 13 – 79.6 percent, CT 2 – 79 percent, CT 10 – 75.6 percent, CT 4 – 66.3 percent, CT 12 – 60.4 percent, CT 1 – 60.3 percent, CT 32.03 – 59.5 percent, CT 5 – 57.4 percent, CT 24 – 54.6 percent, CT 22 – 51.5 percent, and CT 33.02 – 51 percent.



- Fayetteville City Boundary
- Census Tracts
- Low Income Concentrations*

* City of Fayetteville census tracts where 51% or more of households with income at or below 80% of MFI.

Cumberland County outside of Fayetteville census tracts where 51% or more of households have income at or below 80% of MFI.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Gloria Wrench, Purchasing Manager
DATE: April 23, 2012
RE: **Approve "Sole Source" Purchase of Transit Bus Shelters, Benches, Solar Lighting and Associated Spare Shelter Parts**

THE QUESTION:

Will Council approve the "sole source" purchase of transit bus shelters, benches, solar lighting and associated shelter spare parts?

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4 - More Efficient City Government - Cost-Effective Service Delivery

BACKGROUND:

The City's Transit Department is currently looking to purchase ten (10) bus shelters with benches, solar lighting and related spare shelter parts. Since 2006, the City has purchased "Sierra" style bus shelters, benches, and solar lighting manufactured by Tolar Manufacturing to replace the older glass type shelters. The shelters have proven to be reliable and of good structural integrity. The powder coating withstands the weather well and the design of the structure meets the City's appearance ordinance. Currently, the City has 53 of the "Sierra" type shelters installed throughout the City. In an effort to maintain uniformity and standardization of repair parts, Transit would like to continue purchasing this type of shelter. Tolar Manufacturing is the sole source provider of the "Sierra" type shelter.

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

The cost of the shelters, benches, solar lighting and associated spare parts is as follows:

Ten (10) Sierra Series 7377-00 Shelters	\$63,900.00
Ten (10) Steel Strap Benches with no backs	\$10,950.00
Ten (10) Solar Security Light Sets	\$14,900.00
Spare Shelter Roof End Panels	\$1,980.00
Freight	\$3,675.00
	Total
Cost	\$95,405.00

ISSUES:

None

BUDGET IMPACT:

This purchase is to be funded through Transit's Improvements & Enhancements -Equipment fund (City funds - available balance of \$49,763.23), and FTA FY11 Capital Fund (Federal Formula Grant - available balance of \$50,000).

OPTIONS:

- (1) Approve "sole source" purchase according to staff recommendation.
- (2) Not approve "sole source" purchase.

RECOMMENDED ACTION:

Approve "sole source" purchase of bus shelters, benches, solar lighting kits and shelter spare parts in the amount of \$95,405.00 from Tolar Manufacturing Company, Inc., Williamsville, NY.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: April 23, 2012
RE: **Budget Ordinance Amendment 2012-9 (General Fund - Various Items)**

THE QUESTION:

Council is asked to approve this budget ordinance amendment which will appropriate \$284,438 in the General Fund and will primarily be used to fund services to be provided in the Gates Four area beginning on April 25, 2012. Other appropriation changes relate to the transfer of funding set aside for the City's 250th Anniversary celebration from the Mayor and Council budget to the Parks, Recreation and Maintenance department budget, and additional funding needed for the City Manager's Office related to the management transition. The source of funding for the budget ordinance amendment is a \$284,438 appropriation from General Fund fund balance.

RELATIONSHIP TO STRATEGIC PLAN:

Mission Principle 1: Financially Sound City Government

BACKGROUND:

- In order to begin providing services in Gates Four beginning on April 25, 2012, approximately \$251,000 in funding is needed in the current fiscal year. Uses primarily include fire service contracts, solid waste collection contracts, the purchase of garbage carts and the order of an additional truck to be used to provide leaf season collection.
- For the celebration of the 250th Anniversary of the City's founding, \$75,000 was funded in the Mayor and Council budget. It has been determined that the Parks, Recreation and Maintenance department will be facilitating this event so the funding will be transferred to that department budget.
- It is anticipated that approximately \$33,000 in additional funding will be required for the City Manager's Office in the current fiscal year. The additional expenditures primarily relate to the City Manager transition, including temporary staffing and other related costs.
- Of the \$284,438 being appropriated from General Fund fund balance for this amendment, \$167,700 had been previously set aside, or designated, for Gates Four annexation implementation costs.

ISSUES:

None

BUDGET IMPACT:

As noted above.

OPTIONS:

- Adopt the budget ordinance amendment as presented.
- Amend and adopt the budget ordinance amendment.
- Do not adopt the budget ordinance amendment.

RECOMMENDED ACTION:

Adopt the budget ordinance amendment as presented.

ATTACHMENTS:

Budget Ordinance Amendment 2012-9

2011-2012 BUDGET ORDINANCE AMENDMENT
CHANGE 2012-9

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

That the City of Fayetteville Budget Ordinance adopted June 13, 2011 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2011, and ending June 30, 2012, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Fund Balance Appropriation	\$ 8,194,919	\$ 284,438	\$ 8,479,357
All Other General Fund Revenues and OFS	134,996,920	-	134,996,920
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 143,191,839</u>	<u>\$ 284,438</u>	<u>\$ 143,476,277</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2011, and ending June 30, 2012, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
City Manager's Office	\$ 1,100,679	\$ 33,521	\$ 1,134,200
Environmental Services	9,325,371	62,016	9,387,387
Fire & Emergency Management	23,908,819	38,901	23,947,720
Mayor & Council	835,345	(75,000)	760,345
Parks, Recreation & Maintenance	17,352,248	225,000	17,577,248
All Other General Fund Departments	90,669,377	-	90,669,377
Total Estimated General Fund Expenditures	<u>\$ 143,191,839</u>	<u>\$ 284,438</u>	<u>\$ 143,476,277</u>

Adopted this 23rd day of April, 2012.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: April 23, 2012
RE: **P12-11F Rezoning from HI Heavy Industrial District to CC Community Commercial District, or a more restrictive district, on property located at 2133 Owen Drive. Containing 0.59 acres more or less and being the property of Dal H. Ahn and Myoung S Ahn.**

THE QUESTION:

Does the proposed zoning to Community Commercial fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development.

BACKGROUND:

Owner: Dal H. Ahn and Myoung S Ahn
Applicant: Dal H. Ahn and Myoung S Ahn
Requested Action: HI to CC
Property Address: 2133 Owen Drive.
Council District: 5
Status of Property: Developed Commercial
Size: 0.59 acres +/-
Existing Land Use: Store
Adjoining Land Use & Zoning:
North - HI Heavy Industrial
South - CC Community Commercial
East - HI Heavy Industrial
West - CC Community Commercial
Letters Mailed: 38
Land Use Plan: Heavy Industrial

ISSUES:

The owner of this property has requested a rezoning to Community Commercial in order to reopen a commercial business on this property. This property has always been a commercial use in the past. The UDO remapping translation to HI, however, only allows this property to have strictly industrial uses.

Zoning Commission and staff recommend approval of the CC district based on:

1. Property has always been used commercially.
2. Property adjoins CC on two sides.
3. Previous M2 zone allowed both commercial and industrial uses.

BUDGET IMPACT:

The City should see no budget impact since this property is already developed and inside the City limits.

OPTIONS:

- 1) Approval of rezoning as presented by staff (Recommended);

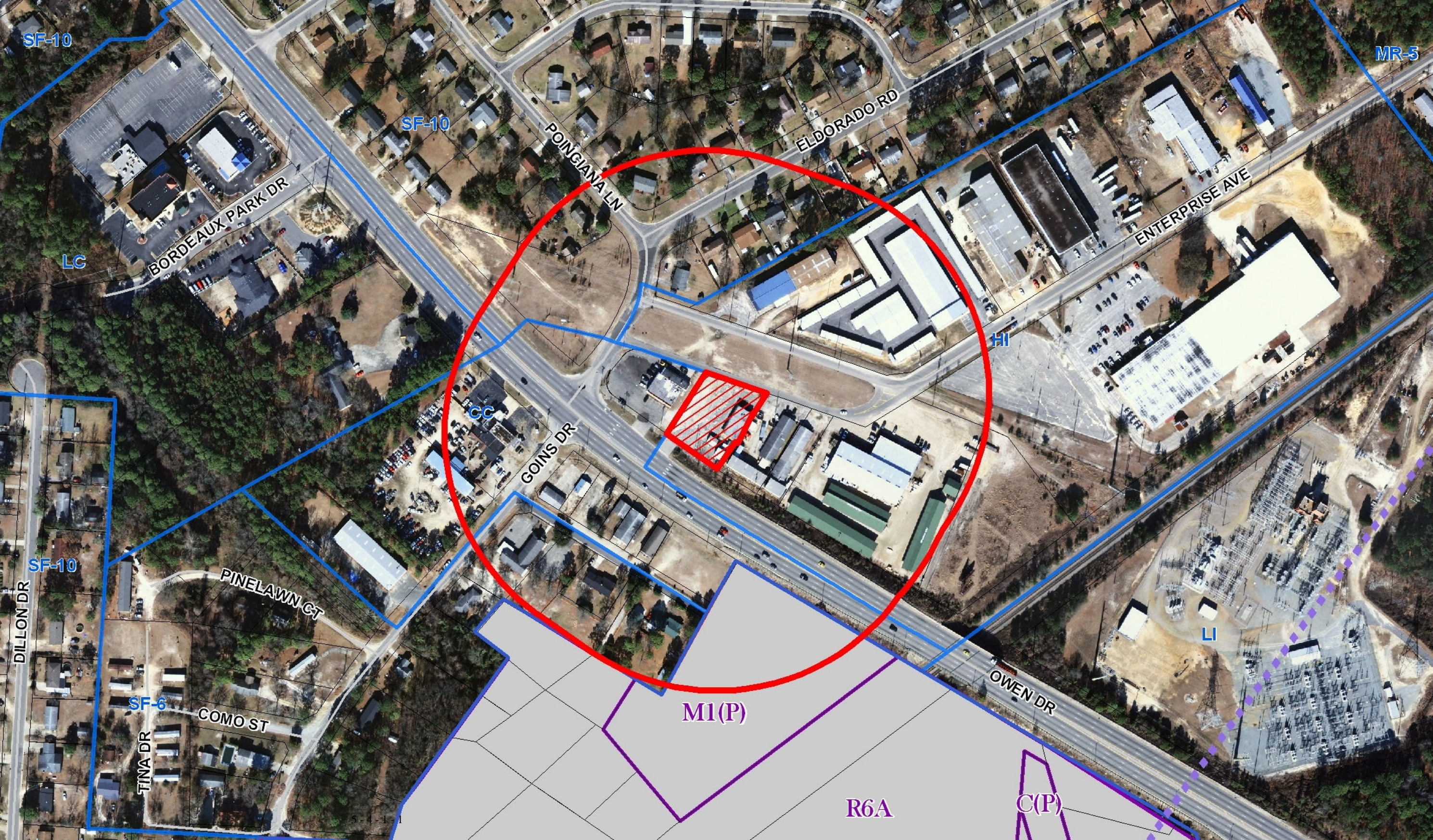
- 2) Approval of rezoning to a more restrictive district;
- 3) Denial of the rezoning request.

RECOMMENDED ACTION:

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

ATTACHMENTS:

Zoning Map
Current Landuse
Land Use Plan



SF-10

MR-5

SF-10

POINCIANA LN

ELDORADO RD

ENTERPRISE AVE

LC

BORDEAUX PARK DR

HI

CC

GOINS DR

SF-10

PINELAWN CT

SF-6

COMO ST

TINA DR

DILLON DR

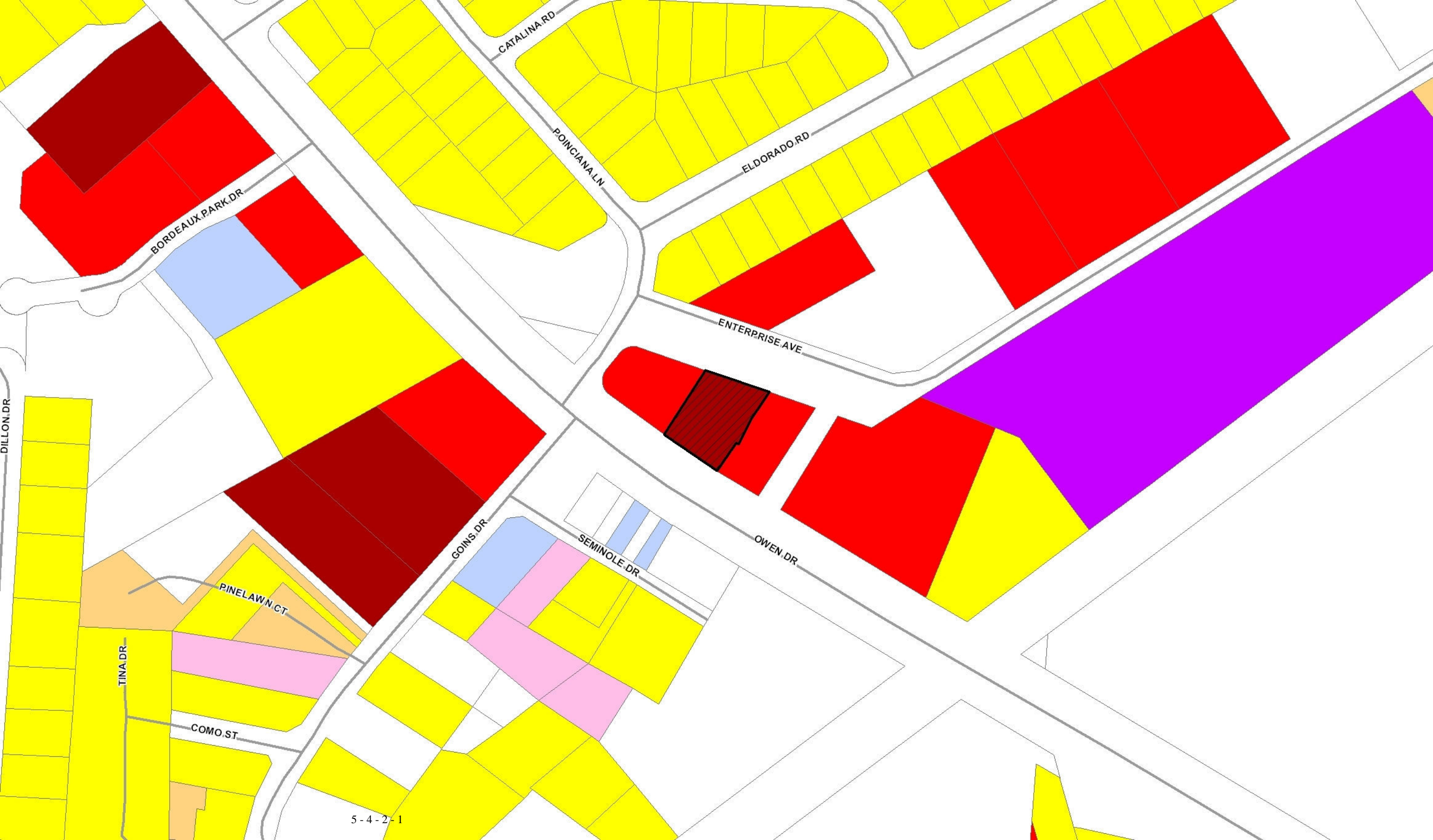
M1(P)

R6A

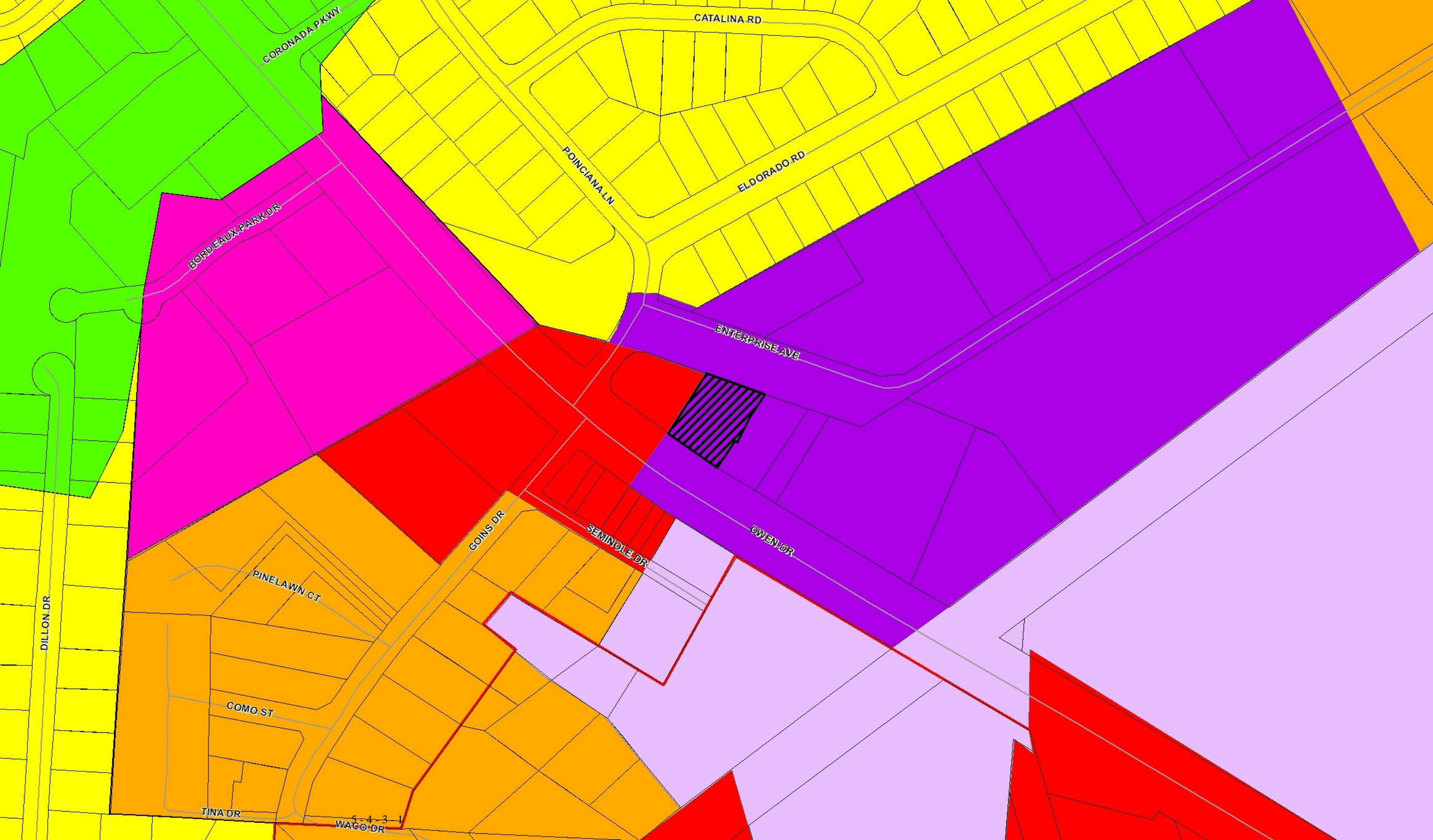
C(P)

OWEN DR

L



5-4-2-1



CORONADA PKWY

CATALINA RD

POINCIANA LN

ELDORADO RD

BORDEAUX PARK DR

ENTERPRISE AVE

GOINS DR

SEMINOLE DR

OWEN DR

DILLON DR

PINELAWN CT

COMO ST

TINA DR

5-4-3-1
WAGO DR

CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Scott Shuford, Development Services Director
DATE: April 23, 2012
RE: **Substantive and housekeeping amendments to the Development Services Fee Schedule.**

THE QUESTION:

Should the Development Services Fee Schedule be amended to reflect the substantive and housekeeping amendments recommended by staff?

RELATIONSHIP TO STRATEGIC PLAN:

More Efficient Government - Cost Effective Service Delivery

BACKGROUND:

Internal review of the Development Services Fee Schedule has identified several areas which could be clarified to enhance user-friendliness. These are what we have referred to as housekeeping amendments and include adding better descriptions of what constitute 40% and 60% additions and converting references from prior zoning districts to current ones.

There are also substantive changes included:

- Creating new fees for contractor changes, sign plans, specimen tree inspections, temporary use permits, and zoning text amendments. The contractor change fee is an administrative fee of \$25 to modify the contractor(s) listed on a permit (this is a substantial reduction from past practice which required a full permit reissue, with all associated fees). The sign plan amendment creates a fee for a new review procedure that allows site-specific review of signs on larger properties. The specimen tree inspection fee covers the cost of a new service (this service was requested by the local surveyors' group). The temporary use permit and text amendment fees are established to provide new fees for new services created in the UDO.
- A modified extra inspections fee is proposed to change the first re-inspection fee to the cost of the original permit or \$100, whichever is less, rather than a flat \$100 fee; it seemed excessive to charge more than the original permit cost. This was suggested at a focus group of homebuilders.
- Mandated modification to payment-in-lieu fee to reflect current property values.
- Extension of construction cost fees to cover higher-value additions.

We are also adding a note to allow the refund of variance fees when a related code amendment is approved. This refund would sunset on August 1, 2012.

ISSUES:

These fees are either: (a) in response to user input for greater clarity, for new services or for fairer application; or (b) reflective of new services established in the UDO.

BUDGET IMPACT:

Some additional revenue will be created from new fees. Some reduction in revenue will occur from modifying the reinspection fee, from discontinuing the practice of requiring whole new permits when contractors are changed, and from variance refunds.

OPTIONS:

1. Approve the revised fee schedule as recommended by staff.
2. Approve the revised fee schedule with modifications.
3. Deny the revised fee schedule.

RECOMMENDED ACTION:

Approve the revised fee schedule as recommended by staff.

ATTACHMENTS:

Proposed Revised Fee Schedule

City of Fayetteville
Fiscal Year 2012/2013 Fee Schedule

Description	Current Fee	Established or Last Changed	Proposed FY12 Changes in April 2012	Department Comments
Development Services				
<u>Privilege License, Plan Review, Permit and Inspections Fees:</u>				
<u>Privilege Licenses</u>				
Brick/Cement Block Manufacturer	\$35.00	2002 or prior		
Demolition Contractor	\$37.50	2002 or prior		
Electrical Contractor	\$50.00	Set by State		
Fire Sprinkler Contractor	\$50.00	2002 or prior		
General Contractor	\$10.00	Set by State		
Insulation Contractor	\$50.00	2002 or prior		
Maintenance of Heat/AC	\$35.00	2011		
Mechanical Contractor	\$50.00	Set by State		
Moving Contractor	\$35.00	2011		
Plumbing Contractor	\$50.00	Set by State		
Refrigeration Contractor	\$35.00	2011		
Roofing Contractor	\$35.00	2011		
Sand and Gravel Dealer	\$35.00	2011		
Sanding/Refinishing of Floors	\$35.00	2011		
Sheet Metal Contractor	\$35.00	2011		
Sign Contractor	\$35.00	2002 or prior		
Taxicab	\$35.00	2011		
Tile Setter/Dealer	\$35.00	2011		
<u>Building Plan Review</u>				
Up to 5,000 sq ft	\$140.00	2010		
5,001 to 10,000 sq ft	\$280.00	2010		
10,001 to 15,000 sq ft	\$420.00	2010		
15,001 to 25,000 sq ft	\$560.00	2010		
25,001 to 40,000 sq ft	\$840.00	2010		
Greater than 40,000 sq ft	\$980.00	2010		
Re-Review Fee (applies after first re-review)	1/2 of original fee	2010		
For Projects up to 5,000 sq ft only				
Electrical Plan Review Only	\$70.00	2011		
Mechanical Plan Review Only	\$70.00	2011		
Plumbing Plan Review Only	\$70.00	2011		
Other Project Plan Reviews:				
Cell Tower	\$70.00	2011		
Small & Minor Project	\$70.00	2011		
Pole Sign	\$25.00	2011		
Retaining wall (engineered)	\$70.00	2011		
<u>Building Permits</u>				
All New Construction, Upfits and Renovations	\$0.29 per sq. ft.	2011		Revise description to clarify the intent of the fee
Residential or Commercial New Construction or Additions				
Major Renovations or Upfits of Existing Structures				Revise description by adding underlined text to clarify the intent of the fee
Extensive reconstruction involving 50% or more of <u>existing square footage</u> on one or more floors	60% of building permit fee	2011		
Minor Renovations or Upfits of Existing Structures				Revise description by adding underlined text to clarify the intent of the fee
Small and medium reconstruction involving less than 50% of <u>existing square footage</u> on one or more floors	40% of building permit fee	2011		
<u>Building permit value table below is for projects without square footage, i.e. reroofs, doors, fences, pools, etc. *</u>				
Interior or Exterior Construction or Renovation Projects without Square Footage Basis (e.g. roofing, doors, fences, pools, cell towers, billboards, etc.)*		2011		Revise description to clarify the intent of the fee
Construction Cost Building Value: \$0.00-1,000.00	\$21.00	2008		
Construction Cost Building Value: \$1,001-2,500	\$42.00	2008		
Construction Cost Building Value: \$2,501-5,000	\$52.50	2008		
Construction Cost Building Value: \$5,001-10,000	\$63.00	2008		
Construction Cost Building Value: \$10,001-15,000	\$78.75	2008		
Construction Cost Building Value: \$15,001-20,000	\$94.50	2008		
Construction Cost Building Value: \$20,001-25,000	\$110.25	2008		
Construction Cost Building Value: \$25,001-30,000	\$126.00	2008		
Construction Cost Building Value: \$30,001-35,000	\$141.75	2008		
Construction Cost Building Value: \$35,001-40,000	\$157.50	2008		Revise description to clarify the intent of the fee
Construction Cost Building Value: \$40,001-45,000	\$173.25	2008		
Construction Cost Building Value: \$45,001-50,000	\$189.00	2008		
Construction Cost Building Value: \$50,001-60,000	\$203.00	2011		
Construction Cost Building Value: \$60,001-70,000	\$217.00	2011		
Construction Cost Building Value: \$70,001-80,000	\$231.00	2011		
Construction Cost Building Value: \$80,001-90,000	\$245.00	2011		
Construction Cost Building Value: 90,001 - 100,000	\$259.00	2011		

City of Fayetteville
Fiscal Year 2012/2013 Fee Schedule

Description	Current Fee	Established or Last Changed	Proposed FY12 Changes in April 2012	Department Comments
Building Value: \$100,001 and above				
Single-Family Residential	\$2.60 per \$1,000	2011		Replace with sliding scale below to provide adequate fee for larger projects.
Commercial	\$2.85 per \$1,000	2011		
Construction Cost: 100,001 - 400,000			\$330 for the first 100,000 sf plus \$2.70 for each additional 1,000 sf or fraction thereof	
Construction Cost: 400,001 - 900,000			\$1,240 for the first 400,000 sf plus \$2.70 for each additional 1,000 sf or fraction thereof	
Construction Cost: 900,001 and above			\$2,675 for the first 900,000 sf plus \$2.70 for each additional 1,000 sf or fraction thereof	

*Building valuation tables to be updated each July based upon the Building Valuation Data (BVD) published by the International Code Council in February each year.

Electrical Permits

Permit for Residential and Commercial Construction — Residential or Commercial New Construction or Additions	\$0.08 per sq. ft.	2011		Revise description and add language for renovation permits to clarify the intent of the fee.
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Major Renovations or Upfits of Existing Structures				
Extensive reconstruction involving 50% or more of existing square footage on one or more floors	\$0.08 per sq. ft.		60% of fee for new construction of additions	

Minor Renovations or Upfits of Existing Structures				
Small and medium reconstruction involving less than 50% of existing square footage on one or more floors	\$0.08 per sq. ft.		40% of fee for new construction of additions	

Permit associated with Alteration, Replacement, Modification, etc.

Residential thru 200A	\$21.00	2008
Residential over 200A	\$26.25	2008
Commercial thru 800A	\$52.50	2008
Commercial over 800A	\$78.75	2008
Separately Derived Systems	\$31.50	2008
Mobile Home Services or Feeders	\$26.25	2008
New or Replacement Pedestal	\$26.25	2008
Outlet Installation	\$0.42 per outlet	2008
Temporary Pole	\$26.25	2008
Furnace, Condensing Units, Air Handlers, Baseboard, Unit Heater, etc.	\$12.60	2008
Appliances	\$8.40	2008
Motor (1HP-5HP)	\$8.40	2008
Motor (5HP-25HP)	\$10.50	2008
Motor (25HP-50HP)	\$12.60	2008
Motor (50 or more HP)	\$21.00	2008
Commercial Motor Control Units thru 800A	\$42.00	2008
Commercial Motor Control Units over 800A	\$63.00	2008
Electric Sign Connection	\$26.25	2008
Electric Sign (circuit only)	\$6.30	2008
Fire Alarm System (low voltage)	\$31.50	2008
Other Low Voltage Systems	\$31.50	2008
Gasoline/LP Dispenser	\$12.60	2008
Inspection for Power Reconnection (When disconnected in excess of 6 months)	\$21.00	2008
Outside Commercial Pole Lights	\$4.20 each	2008
Swimming Pool Bonding and Grounding	\$21.00	2008
Swimming Pool Equipment (motors, heaters, covers)	\$8.40	2008
Minimum Fee	\$21.00	2008

Mechanical Permits

Permit for Residential and Commercial Construction — Residential or Commercial New Construction or Additions	\$0.08 per sq. ft.	2011		Revise description and add language for renovation permits to clarify the intent of the fee.
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Major Renovations or Upfits of Existing Structures				
Extensive reconstruction involving 50% or more of existing square footage on one or more floors	\$0.08 per sq. ft.		60% of fee for new construction of additions	

City of Fayetteville
Fiscal Year 2012/2013 Fee Schedule

Description	Current Fee	Established or Last Changed	Proposed FY12 Changes in April 2012	Department Comments
Minor Renovations or Upfits of Existing Structures Small and medium reconstruction involving less than 50% of <u>existing square footage</u> on one or more floors	\$0.08 per sq. ft.		40% of fee for new construction of additions	
Permit associated with Alterations, Replacements, Modifications, etc. Residential Heat or AC	\$47.25 for the first unit, \$26.25 for each additional unit plus total BTU listing multiplied by .0001	2011 2008		
Commercial Heat or AC	\$52.50 for the first unit, \$36.75 for each additional unit plus total BTU listing multiplied by .0002	2008		
Commercial Hood/Canopy over Cooking Equipment	\$52.50	2008		
Floor Furnaces, Unit Heaters, etc.	\$26.25	2008		
Commercial Refrigeration	\$52.50 for the first unit, \$36.75 for each additional unit plus total BTU listing multiplied by .0002	2008		
Gas Piping	\$21.00	2008		
Each Additional Unit	\$5.25	2008		
Each LP Tank and Piping	\$21.00	2008		
Duct Extensions and Alterations	\$21.00	2008		
Commercial Exhaust and Duct System	\$5.25	2008		
Minimum Fee	\$21.00	2008		
Plumbing Permits				
Permit for Residential and Commercial Construction — <u>Residential or Commercial New Construction or Additions</u>	\$0.06 per sq. ft.	2011		Revise description and add language for renovation permits to clarify the intent of the fee.
Major Renovations or Upfits of Existing Structures Extensive reconstruction involving 50% or more of <u>existing square footage</u> on one or more floors	\$0.06 per sq. ft.		60% of fee for new construction of additions	
Minor Renovations or Upfits of Existing Structures Small and medium reconstruction involving less than 50% of <u>existing square footage</u> on one or more floors	\$0.06 per sq. ft.		40% of fee for new construction of additions	
Permit associated with Alterations, Replacement, Modification, etc. Trapped Fixtures, Water Heaters, etc. Sewer Connection	\$6.30 \$21.00 each building sewer or sewer tap	2011 2008 2008		
Water Piping	\$21.00 each water service line, irrigation, and fire sprinkler main	2008		
Minimum Fee	\$21.00	2008		
Miscellaneous Inspections and Fees				
Demolition Permit	Same fee structure as Building Permits	2008		
Asbestos Removal	Same fee structure as Building Permits	2008		
Sign Placement	\$50.00 plus same fee structure as Building Permits	2010		
Insulation Permit Residential & Commercial	\$0.03 per sq ft	2011		
Flood Plain and Zoning Inspections	\$26.25	2008		
Mobile Home Placements	\$52.50	2008		
Processing Fee for Permit Fee Refunds	\$21.00	2008		
Extra Inspections for Each Applicable Permit	\$100 for the first extra inspection, \$200 for subsequent extra inspections	2011	<u>\$100 or original permit fee, whichever is lower, for the first extra inspection. \$200 for subsequent extra inspections</u>	Reduce extra inspection fee for small projects
Contractor Change on Permitted Project	Required new permit application and fee payment		\$25	Establish fee to what it costs to provide service
Certificate of Compliance / Occupancy Inspection for Existing Building	\$100.00	2011		

City of Fayetteville
Fiscal Year 2012/2013 Fee Schedule

Description	Current Fee	Established or Last Changed	Proposed FY12 Changes in April 2012	Department Comments
Work Without a Required Permit	4 times all applicable permit fees	2011		
Homeowner Recovery Fee	\$10.00	2003		
Watershed Protection Inspection Fee and Permit				
Inspection Fee for Required Improvement	\$20.00 per inspection	1996		
Low Density Development Permit	\$20.00 per project	1996		
High Density Development Permits				
R15, R10, R6, R5A, R5, PND, MH0 <u>CD, AR, SF15, SF10, SF6, MR5, MH</u>	\$130 (less than 5 acres), \$260 (5 to 50 acres), \$300 (50 to 100 acres), \$400 (more than 100 acres)	1996		Adjust description for new Chapter 30 zoning designations
P1, P2, C1A, C1, C1P, C2, C2S, C2P, C3, M1, M2, HD <u>O&I, NC, LC, CC, MU, DT, LI, HI, PD</u>	\$260 (less than 5 acres), \$260 (5 to 50 acres), \$300 (50 to 100 acres), \$400 (more than 100 acres)	1996		Adjust description for new Chapter 30 zoning designations
Code Enforcement Fees:				
Administrative Fee (Abatement Actions)	\$100.00	2008		
Citations				
Abandoned Vehicle Violation	\$250.00 per day	2002 or prior		
Advertising Violation	\$500.00 per day	2002 or prior		
Animal and Fowl Violation	\$100, \$200, or \$300 per day	2002 or prior		
Landscape Standard Violation	\$50.00 per day	2002 or prior		
Salvage & Junkyard pursuant to Section 30-4-C5e(6)	\$500.00 per day	2011		
Solid Waste Violation (Trash or overgrown lot)	\$100.00 per day	1995		
Substandard Housing Violation	\$50.00 per day	2002 or prior		
Taxicab Violation	\$250.00 per day	2002 or prior		
Trailer/Mobile Home Violation	\$50.00 per day	2002 or prior		
Water Supply Violation	\$500.00 per day	2002 or prior		
Zoning Violation	\$100.00 per day	2002 or prior		
Daycare Inspections	\$105.00	2008		
Lot Cleaning	Based on contract	2002		
Taxicab Permits				
Taxi Driver Permit Application Fee	\$10.00			
Taxi Driver Permit (new, renewal or expired)	\$15.00	2002		
Lost Drivers Permit	\$15.00	2002		
Change of Company	\$15.00	2002		
Change of Address	\$5.00	2002		
Change of Vehicle	\$5.00	2002		
Franchise Application	\$25.00	2002		
Annual Franchise Fee	\$15.00 per vehicle	2002		
Quarterly Inspection	\$50.00 per vehicle	2002		
Sign Fee (advertising other than taxicab business)	\$10.00 per sign	2002		
Yard Sale Permits	\$10.00	2006		
Planning & Zoning Permits and Fees:				
Administrative Adjustment Fee	\$26.25	2011		
Appeal Fee	\$500.00	2011		
Board of Adjustment Hearing Fee	\$500.00	2007		
NOTE: Until August 1, 2012, any variance request that results in a related zoning code text amendment will be refunded to the applicant			Refunds variance fee that justify a code change	
Clear Cutting Permit				
Without Site or Subdivision Plan Review	\$26.25 for first three acres plus \$10 for each additional acre or part thereof	2011		
With Site or Subdivision Plan Review	No additional fee	2011		
Development Agreement (UDO)	\$2,500.00	2011		
Payment in Lieu of Park Land				
Formerly Open Space Fee. Land value factor calculated and applied per UDO section 30-6.E.6.	\$12,605 per acre	2011	<u>\$13,849 per acre</u>	Average Land Value per Total Acreage
Payment in lieu of Sidewalk Construction	\$28.87 per linear foot for 4' wide sidewalk*	2012		
Price per foot to be adjusted each Jan 1st based on Construction Cost Index. (2012 adjustment 2.60%)	\$33.49 per linear foot for 5' wide sidewalk	2012		

City of Fayetteville
Fiscal Year 2012/2013 Fee Schedule

Description	Current Fee	Established or Last Changed	Proposed FY12 Changes in April 2012	Department Comments
	\$38.10 per linear foot for 6' wide sidewalk*	2012		
Rezoning Fees	\$700.00	2008		
Conditional Zoning	\$700.00 plus site plan review fee	2010		
Planned Development	\$700.00 plus site plan review fee	2010		
<u>Signage Plan Review</u>	\$500.00			<u>Fee for new service</u>
Site Plan Review				
Non-Residential	\$500.00 plus \$20.00 per 1,000 sq ft of building	2010		
Residential	\$500.00 plus \$20.00 per unit or lot	2010		
Revisions or rereviews beyond first review	1/2 of original fee	2010		
Special Event Signs Compliance Deposit	\$10 per approved sign	2011		
Returned if all signs are property placed and removed within two days of close of event				
Special Use Permit				
Residential, Professional, Commercial and Industrial	\$700.00 plus site plan review fee	2010		
Cell Tower	\$2,500.00	2011		
<u>Specimen Tree Inspection</u>			\$50 per acre	<u>Fee for new service</u>
Subdivision Fee				
Subdivision Reviews	\$400.00 plus \$20.00 per lot	2010		
Revisions or rereviews beyond first review	1/2 of original fee	2010		
Final Plats	\$50.00	2007		
Expedited Review of subdivision or site plans	\$1,500 per hour	2011		
Subdivision Waiver	\$700.00	2011		
Tax Grantback Application Fee	\$250.00	2010		
<u>Temporary Use Permit</u>			\$25	<u>New fee for new permit</u>
Vested Rights Certificate	\$100.00	2011		
No additional fee if requested with site plan or subdivision approval				
<u>Zoning Code Text Amendment</u>			\$500	<u>Fee for this process</u>
Zoning Permits				
Pushcarts (Downtown Core Only)	\$26.25 per year	2011		
Outdoor Dining and Merchandising (Downtown Core Only)	\$26.25 per year	2011		
Sidewalk Entertainment (Downtown Core Only)	\$26.25 per year	2011		
Delivery Services (Downtown Core Only)	\$26.25 per year	2011		
Zoning and Subdivision Ordinance Book Fee	Cost of reproduction	2010		
Zoning Verification Letter	\$26.25	2011		

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Rusty Thompson, PE, Engineering and Infrastructure Director
DATE: April 23, 2012
RE: **Fort Bragg Road Rehabilitation Contract - Re Advertise the Award of the Contract**

THE QUESTION:

Staff requests approval to award a contract for Fort Bragg road resurfacing Phase I.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 3- Growing city, Livable Neighborhoods - A great place to live.

BACKGROUND:

Staff previously submitted this for approval but failed to mention all bidders as required by statute. Council has previously approved this item.

Formal bids were received February 17, 2012 as follows:

Highland Paving Company, Fayetteville, NC \$ 557,026.36

Barnhill Contracting Company, Fayetteville, NC \$ 675,049.30

ISSUES:

Statute requires all bidders to be listed for approval.

Bids were originally scheduled to be opened on February 9, 2012; However, only two bids were received. North Carolina General Statutes require that at least three bids be received on the first advertisement; therefore the project was re-advertised and the bids were opened on February 17th, 2012. The lowest bidder is recommended. Highland Paving will utilize minority owned businesses for approximately 10.1% of the work on this project.

BUDGET IMPACT:

The budgeted amount for this project is \$ 664, 876.25

OPTIONS:

Award the contract according to staff recommendation.

RECOMMENDED ACTION:

Award the contract according to staff recommendation to the low bidder, Highland Paving Company, LLC, Fayetteville, NC in the amount of \$ 557,026.36.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Patricia Bradley, Police Attorney
DATE: April 23, 2012
RE: **Revisions to Article VII, Wrecker & Tow Service**

THE QUESTION:

Whether to approve the proposed revisions to Article VII, Wrecker & Tow Service of the Fayetteville City Code.

RELATIONSHIP TO STRATEGIC PLAN:

This action is requested on Principle I of the Council's Strategic Plan; specifically, working together with citizens to solve problems. Additionally, this is also an initiative under the guiding principle of Operational Efficiency within the Police Department's Community Wellness Plan.

BACKGROUND:

At the November 9, 2009 City Council meeting, Sergeant Matthew Eric Dow, Police Department, presented information regarding a new management system that would aid citizens in the recovery of towed vehicles and the management of the City's wrecker rotation list. Proposed ordinance revisions necessary for the successful implementation of the new management system were presented to City Council and approved on March 8, 2010. The City Wrecker Inspection Team along with the Wrecker Review Board, has identified changes that are necessary for the practical application of the ordinance. These revisions were discussed at the City Council Work Session on April 2, 2012.

ISSUES:

Ensuring the ordinance is consistent with the City Council's interest.

BUDGET IMPACT:

None.

OPTIONS:

- 1) Approve the revisions to Article VII
- 2) Deny the revisions to Article VII

RECOMMENDED ACTION:

Approve the ordinance amendments and authorize Staff to revise the policies consistent with the approved ordinance amendments.

ATTACHMENTS:

Wrecker and Tow Ordinance

Proposed changes to Article VII. Wrecker and Tow Service

Item 1, page 2, In **24-221 Definitions,**

- Define "wrecker business" in some way, or reference a city code that defines the physical business location and building so we can more clearly decide if wrecker companies are "sharing office space" as mentioned in 24-223 (j)(4).

"Wrecker Business means a permanent structure, located on an approved storage lot, within the City limits of Fayetteville, with a separate physical address, as defined by the United States Postal Service, for each inspected business, and each business must comply with the applicable city code for this type of business."

Items 2, page 3, In **24-223 Duties and requirements of licensees under this article,**

- (h) Change "Drivers with felony offenses..." to "Drivers with any felony convictions..."

Item 3, page 4, In **24-223 Duties and requirements of licensees under this article,**

- (j) (3) Add "wrecker business and"

Item 4, page 4, In **24-223 Duties and requirements of licensees under this article,**

- (j) (3) Add "and shall be located at the same address."

Item 5, page 4, In **24-223 Duties and requirements of licensees under this article,**

- (j) (4) Add "Licensees shall maintain a separate physical address, as defined by the United States Postal Service, for each business and each business must comply with the applicable city code for this type of business."

Item 6, page 4, In **24-224 Additional equipment authorized,**

- (a) Make a clerical change from "large" to "primary".

Item 7, page 5, In **24-225 Application for license,**

- (2) Add "business and".

Item 8, page 5, In **24-225 Application for license,**

- (2) Add "at the same address".

Item 9, page 6, In **24-227 Mandatory refusal of application,**

- Strike "within the last five years". In 24-223 (h) it says that "drivers with felony offenses or misdemeanors..... will not be authorized to respond to city rotation calls." There is no mention of the five year limitation here. Also, in 24-240 Suspension or

revocation of license, it says in (a) (2) the following shall be grounds for suspension or revocation..."The licensee, or any employee, representative or agent of the licensee, is charged with any felony...", it does not have the five year limitation here either. We should make each of these consistent throughout the ordinance.

Item 10, page 7, In **24-232 Duties generally,**

- (2) Add "and the wrecker business".

Item 11, page 9, In **24-235 Storage of vehicles,**

- (a) Clerical change from "16-223 (j)" to "24-223 (j)".

Item 12, page 9, In **24-235 Storage of vehicles,**

- (b) Clerical change from "with" to "for".

Item 13, page 11, In **24-240 Suspension or revocation of license,**

- (a) (2) Change "charged with" to "convicted of".

Item 14, page 11, In **24-240 Suspension or revocation of license,**

- (a) (4) Create a new number 4 "The intentional, willful or wanton failure to comply with any of the provisions of this chapter, ordinance, or state law relating to the inspection of a wrecker company."

Item 15, page 11, In **24-240 Suspension or revocation of license,**

- (a) (5) Create a new number 5 "The Wrecker Inspector may immediately suspend a licensee from the rotation list if the Wrecker Inspector deems the wrecker company to be unsafe or unfit to provide safe and adequate towing services. The wrecker company may appeal this decision to the Wrecker Review Board but will not remain on the rotation list pending the appeal hearing if there are safety violations.

Item 16, pages 11 & 12, In **24-240 Suspension or revocation of license,**

- Adjust the numbers to match the additions.

Item 17, page 12, In **24-240 Suspension or revocation of license,**

- Adjust the numbers in (b) to match (a).

Item 18, page 13, In **24-244 Action pending appeal; lapse of time; waiver,**

- Add an exception to meet the addition in 24-240 (a) (5). "except as noted in Sec 24-240 (a) (5)". This would be for immediate safety issues that pose a hazard to the safety and well being of the public.

Item 19, page 15, In **24-250 Enforcement,**

- Clerical change, "24-238" should be "24-239" in (a) and (b).

Item 20, page 15, In **24-250 Enforcement**,

- Change "by a licensee" to "any towing operator" in both (a) and (b). This seems to conflict with 24-239 Solicitation of business, where it says in (a), "It shall be unlawful for any towing operator...." We have already had an issue where a recently suspended towing operator was cruising wreck locations, possibly to solicit business, and another non-licensee towing operator was doing the same.

ARTICLE VII. WRECKER AND TOW SERVICE

Sec. 24-221. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means a person, firm, or corporation engaged in the business of, or offering the services of, a vehicle wrecker or towing service whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle manufactured and designed for the primary purpose of removing and towing disabled motor vehicles that desires to participate in the rotation list by making application to the same.

Chief of police means the executive head of the police department of the city or anyone designated by him.

Consensual tow means a tow where the vehicle owner, operator or his agent or designee is present at the scene and the individual owner, operator or his agent or designee expressly requests that a specific towing or wrecker company to remove his vehicle and enters into a private contract with the towing or wrecker company for towing services.

Driver means any person driving a wrecker upon the streets, roads and public thoroughfares of the City of Fayetteville.

Licensee means a person, firm or corporation, or employee, agent or contract agent of any person, firm or corporation issued a license under the terms of this article.

Non-consent tow means a tow occurs without prior consent or authorization of the owner or operator of the motor vehicle that is to be towed. For purposes of this provision, a "non-consent tow" includes:

- i. a repossession;
- ii. a city (county) initiated tow from public or private property;
- iii. a law enforcement initiated tow from public property; or
- iv. a tow of a vehicle initiated by a private party.

Rollback means a truck chassis having a minimum gross vehicle weight rating of 14,000 pounds, a minimum deck length of 16 feet, and being constructed of steel or aluminum. The deck must have a minimum load capacity of 7,000 pounds, a deck winch with a minimum capacity of 6,000 pounds, and a winch cable with a minimum diameter of three-eighths of an inch and a minimum length of 25 feet.

Rotation calls means calls for towing services made by the City using licensees from the City's rotation list.

Rotation list means a list maintained by the police department containing the names of those wreckers licensed by the city to respond to requests made by the police department for the towing of vehicles.

Rotation wrecker services means the towing, lifting, righting, winching, removal or storage of a city-owned vehicle, illegally parked vehicle, wrecked vehicle, damaged vehicle,

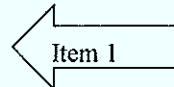
inoperable vehicle, seized vehicle, abandoned vehicle, disabled vehicle or other designated vehicle in accordance with the city rotation list.

Tow or towing means the act of moving damaged or disabled vehicles, illegally parked vehicles, and vehicles that must be moved for safekeeping and evidentiary purposes, and abandoned, wrecked, dismantled or inoperative vehicles constituting a nuisance.

Towing Operator means any person, firm corporation or other entity, whether licensed or not, who owns or operates a business which engages, in whole or in part, in the business of towing, removal or storage of motor vehicles in the City of Fayetteville.

Wrecker means a truck chassis having a minimum gross vehicle weight rating of 14,000 pounds a boom assembly having a minimum lifting power of 16,000, a wheel lift having a minimum lifting power of 3,000 pounds retracted, as rated by the manufacturer. A wrecker must also have any additional safety equipment as specified by the chief of police and incorporated herein by reference as set forth in this article.

"Wrecker Business means a permanent structure, located on an approved storage lot, within the City limits of Fayetteville, with a separate physical address, as defined by the United States Postal Service, for each inspected business, and each business must comply with the applicable city code for this type of business."



Wrecker inspector means the person designated within the City's police department to fulfill his duties as outlined in this article.

(Code 1961, § 20-164; Ord. No. S2001-004, §§ 1, 2, 2-5-2001)

Cross references: Definitions generally, § 1-2.

Sec. 24-222. Policy.

In order to protect persons who operate motor vehicles inside the city, it is desirable and necessary to adopt this article to ensure licensing, storage, availability, and other controls over persons and firms providing towing and vehicle storage services.

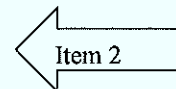
(Code 1961, § 20-165)

Sec. 24-223. Duties and requirements of licensees under this article.

- a) The licensee shall provide a wrecker vehicle of sufficient size and weight as defined in section 24-221. The operator of such wrecker shall follow the manufacturer's operation manual in the operation of such wrecker. The wrecker operator shall not attempt to tow any vehicle that would reduce the weight of the front axles of the wrecker by 50 percent or more.
- b) All wreckers shall be equipped with warning lights required under state law. Wreckers and rollbacks shall operate all warning devices while stopped in or near a street, highway, public vehicular area, or any other area where vehicles may travel. Wreckers and rollbacks are not required to operate warning lights while in tow unless the vehicle is oversized or a condition exists that requires towing the vehicle substantially below the speed limit. A wrecker or rollback with a vehicle in tow must have auxiliary tow lights attached to the towed vehicle in a manner that allows following traffic to observe whether the towing unit is turning or braking. If a rollback is transporting a vehicle on the bed and the turn and

brake lights are visible to the rear, no auxiliary tow lights are necessary. Wreckers and rollbacks shall be marked in accordance with N.C. Gen. Stat. § 20-101, as it may be modified from time to time.

- c) The licensee shall provide continuous 24-hour-a-day service each day of the year, and there shall be an attendant on duty at the storage lot, during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday except for emergencies and State and Federal holidays. This attendant shall be clothed with the authority to release any vehicle upon the legal conditions of release being fulfilled. The attendant should also be authorized to provide assistance to the driver and any relevant information regarding the towing of their vehicle, including, but not limited to, billing inquiries and property damage. The licensee shall also post instructions in an area that is visible to the public regarding how to retrieve the driver's vehicle when attendants aren't present.
- d) The licensee shall not release any vehicle directly impounded by the city without authorization by the police department.
- e) Licensees shall perform towing service for the city on a rotation basis.
- f) No licensee or agent of the licensee shall intercept police calls by any means for the purpose of soliciting business.
- g) No licensee or agent of the licensee shall engage in unfair and deceptive trade practices in the course and operation of its business in violation of N.C. Gen. Stat. § 75-1, et. seq.
- h) Only drivers holding valid North Carolina driver's licenses may respond to City rotation calls. The licensee shall provide North Carolina licensed wrecker drivers for the purpose of responding to city rotation calls. Except as excluded by G.S. 20-8(3). Drivers must adhere to the North Carolina Driver's License Act, N.C. Gen. Stat. § 20-5, et seq., Drivers with any felony convictions offenses or misdemeanors related to North Carolina's Controlled Substances and Vapors Act, as it may be modified from time to time, or the offense of driving under the influence of an intoxicating liquor or drug, or who are habitual offenders of traffic laws, will not be authorized to respond to city rotation calls.
- i) Drivers employed by licensees are required to attend and successfully complete eight hours of hands-on training and pass a written test pertaining to the towing and recovery of vehicles. This training shall be conducted by a recognized training facility or by a trained and certified licensee.
- j) The licensee shall provide:
 - (1) An outdoor space measuring 8,600 square feet for properly accommodating and protecting motor vehicles to be towed or otherwise removed from the place where they are disabled. Such storage space for vehicles shall be enclosed by a minimum six-foot chain link fence or a fence of similar strength and shall have all entrances and exits secure from public access and be compliant with all applicable articles of the Fayetteville City Code;
 - (2) A storage vault or storage room on the storage lot or premises which is adequate to secure and protect personal property which may be left in vehicles towed to a private wrecker. An office space with proper signage identifying the business and telephone number



- (3) The wrecker business and storage lot shall be located within the corporate limits of the City Fayetteville, and shall be located at the same address.
- (4) Licensees are prohibited from sharing any office space, employees or equipment that is subject to inspection with other licensees. Licensees shall maintain a separate physical address, as defined by the United States Postal Service, for each business and each business must comply with the applicable City Code for this type of business. However, licensees may request assistance from another licensee to assist in a particular tow or vehicle recovery, provided that the assisting licensee supervises and operates its own equipment at the scene of that tow or vehicle recovery.
- k) Licensees shall be held responsible for the actions of their employees. Failure to correct or prevent conduct that is in violation of this article that the Licensee had knowledge of, or should have had knowledge of by the exercise of due diligence, will result in action being taken against the Licensee, up to, and including, removal from the city rotation list.
- l) Upon request or demand, and proof of ownership or right of possession, a licensee shall return personal property stored in a vehicle, provided that all authorized charges for towing of the vehicle have been paid. A licensee may not require payment of any storage fees as a prerequisite to release personal property. Any items attached to the vehicle such that a tool of any type is required for removal is not considered personal property under this provision.
- m) Licensees must release vehicles from storage after regular business hours upon request of the Fayetteville Police Department or the owner of the vehicle. Licensees may charge a release fee in accordance with the fee schedule approved by City Council referred to in Section 24-237 for such service as it may be modified from time to time. The Licensee may also require payment of the release fee at the time of the release.
- n) Licensees must tow vehicles to their designated storage facility or to another location designated by the vehicle owner or the Fayetteville Police Department. Charges for tows to a police facility, where the vehicle is not relocated to the licensee's storage facility within fourteen 14 days, shall be paid by the City.

(Code 1961, § 20-166)

Sec. 24-224. Additional equipment authorized.

- a) After having met the requirement of subsection 24-223(a), a Licensee may have an additional wrecker meeting the requirements of subsection 24-223(a). All auxiliary equipment must be duplicated on this additional wrecker as required by the wrecker inspector for primary large wreckers.
- b) After having met the requirement of subsection 24-223(a), a Licensee may have a rollback for the purpose of initial response to rotation calls. This rollback must have a minimum gross vehicle weight of 14,000 pounds, a minimum deck length of 16 feet and be constructed of steel or aluminum. The deck winch must have a minimum capacity of 6,000 pounds and a winch cable with a minimum diameter of three-eighths of an inch and a minimum length of 25 feet. All auxiliary

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equipment must be duplicated on the rollback as required by the wrecker inspector for the primary rotation wrecker, except dollies.

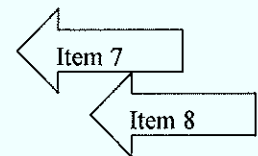
- c) It is not the intent of this section to allow the wrecker defined in subsection (a) of this section to be used as a substitute for that required in subsection 24-223(a), in order to be eligible to be on the rotation list.

(Code 1961, § 20-167; Ord. No. S2001-004, § 3, 2-5-2001)

Sec. 24-225. Application for license.

All applicants shall submit an "application for wrecker service license" in duplicate to the wrecker inspector. Applications shall be obtained from the office of the wrecker inspector. This application shall include:

- 1) The name, home and business address and telephone number of the applicant/owner, and name of the business if different from name of owner;
- 2) That the business and storage lot on which towed vehicles will be stored is located within the city limits, at the same address, and additional information concerning the size and security features of the lot;
- 3) The towing equipment available, its size and capacity;
- 4) A complete listing of the insurance policies, complying with section 24-229 and the carriers and agents the wrecker applicant would place into effect upon license approval;
- 5) A copy of a current city privilege license;
- 6) Copies of all valid North Carolina drivers' licenses for its drivers. Copies of drivers' licenses for drivers excluded by G.S. 20-8(3).
- 7) Such other information as the wrecker inspector may find reasonably necessary to determine whether or not the requirements of this article will be complied with and that it is in the best interest of the public health, safety and welfare to issue a license to the applicant;



(Code 1961, § 20-168)

Sec. 24-226. Licensing.

- a) Within a reasonable period, but no later than ninety (90) days after receiving an "application for wrecker service license," the wrecker inspector shall conduct an investigation to determine if the applicant has complied with the necessary standards and criteria of this article, and that it is in the best interest of the public health, safety and welfare that a license shall be issued to the applicant after having complied with the provisions of section 24-223. If approved, the applicant's name shall be placed at the end of rotation list; provided, that if an applicant is refused a license by the wrecker inspector, the applicant shall have the right to appeal the denial to the wrecker review board for a determination concerning the issuance of license to such applicant. The appeal shall be in accordance with section 24-243.

- b) After the initial approval of the licensing, the wrecker inspector shall conduct an annual inspection to ensure that the licensee maintains the necessary equipment and is otherwise in compliance with the requirements of this article.

(Code 1961, § 20-169)

Sec. 24-227. Mandatory refusal of application.

If an applicant has been convicted, entered a plea of nolo contendere, or received a prayer continued for judgment ~~within the last five years~~ for any felony offenses or misdemeanors related to North Carolina's Controlled Substances and Vapors Act as it may be modified from time to time or the offense of driving under the influence of an intoxicating liquor or drug, or is an habitual offender of traffic laws, it is the finding of the city council that it is not in the best interest of the public health, safety or welfare to issue a license under this article to such applicant and therefore any such application shall be denied.

(Code 1961, § 20-170)

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Sec. 24-228. Conditions precedent to issuance of license.

When an application is approved, a license will be issued when:

- 1) Insurance policies required by this article have been procured and a copy of each policy has been given to the wrecker inspector. Each policy shall be written by a company licensed to do business in North Carolina, and issued in the name of the licensee.
- 2) Each licensee must have its own insurance policy to insure its business, including, but not limited to, equipment, employees, real property and other personal property. Licensees are prohibited from including multiple licensees on one policy, or having licensees as additional insureds on their respective policies.
- (3) The requirements of this article and all other governing laws and ordinances have been met, including that each licensee maintains a business with a business telephone listing within the city limits. This business will be at the same location as the storage lot.

(Code 1961, § 20-171)

Sec. 24-229. Insurance.

The following are the minimum insurance requirements to be kept and maintained by any licensee under this article at all times such license is in effect:

- (1) Garage/auto liability policy. A garage liability policy covering the operation of the licensee's business equipment, or other vehicles for any bodily injury or property damage. This policy shall be in the minimum amount of \$1,000,000.00..
- (2) Garage keeper's/On-Hook Coverage policy. A garage keeper's liability policy for each storage premises covering fire, theft, windstorm, vandalism and explosion in the amount of \$100,000.00 (\$20,000.00 per claim per vehicle). This shall not be a requirement for open storage areas. Similarly, each licensee must have its own "on hook" insurance policy in the minimum amount of \$100,000.00.

- (3) Notice of change. Each policy required under this section must contain an endorsement by carriers providing ten days' notice to both the city and the insured in the event of any change in coverage under the policy.
- (4) Each licensee must have a separate liability insurance policy issued in the name of the licensee. Licensees are prohibited from including multiple licensees on one policy, or having licensees as additional insured on their respective policies.

(Code 1961, § 20-172)

Sec. 24-230. Hold harmless provision.

Any licensee shall indemnify, save and hold harmless the city, its officers, agents, and employees, from any and all claims, actions, defenses, suits, and proceedings arising out of any negligent, grossly negligent or intentional, willful or wanton misconduct on the part of a licensee, employee, or part-time employee of the licensee, which such misconduct is the proximate cause of damage to any vehicle towed or stored in a lot authorized under the terms of this article, including, but not limited to, liability for damages sustained by vehicles while being towed or stored and for all personal injuries occurring to any of the firm's employees or other persons.

(Code 1961, § 20-173)

Sec. 24-231. Wrecker inspector; office created.

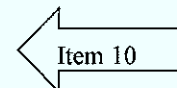
There is hereby created the office of wrecker inspector, who shall be appointed by the city manager.

(Code 1961, § 20-174)

Sec. 24-232. Duties generally.

The wrecker inspector shall be responsible for:

- (1) The practical administration of the wrecker ordinances and regulations and the safety and welfare of the public in connection with the operation and use of rotation wreckers;
- (2) The inspection of wreckers and the wrecker business ;
- (3) Advising the chief of police, the city manager, and the wrecker review board with respect to matters governed or incidentally involved in the operation or administration of the wreckers and the rotation wrecker ordinance, after having conferred with members of the wrecker industry.
- (4) Making recommendations for submission to the city manager, wrecker review board, and to the city council, after having conferred with members of the wrecker industry, with respect to the adequacy of wrecker service in the city to serve the public convenience and necessity;
- (5) Making such studies and recommendations as he may deem advisable looking towards more efficient operation of wreckers and rotation wreckers to the end that



the public safety and welfare will be served and proper as adequate wrecker service to the general public will be promoted;

- (6) May collect data and statistics related to non-consent tow and release of vehicles.
- (7) The wrecker inspector may prescribe procedures for the reporting of information relating to the impound and recovery of non-consent tows and, consistent with law, operate a centralized data system for the tracking of this information.
- (8) All other duties as required by this article.

(Code 1961, § 20-175)

Sec. 24-233. Cost and inspections.

- a) Except as provided in section 24-234, all costs incident to towing and storage shall be paid by the owner, or person in charge or possession of the towed and stored vehicle, to the towing operator, and a receipt for payment shall be issued to such person. With regard to rotation calls, the city shall assume no liability or responsibility for any vehicle removed from any place without the authority of the police department. Each licensee shall maintain approved records and claim check system to assure release of vehicles to the rightful owner or authorized person. Such records shall be open to the police department and/or the wrecker inspector for investigation of specific complaints, in writing, and for compiling surveys under this article. Any licensee shall permit any person appointed by the wrecker inspector to inspect his records, vault, security room, or storage area at such reasonable times as the wrecker inspector shall deem appropriate.
- b) Any administrative costs due to the city and imposed by this article, to include any service fee due for the operation and maintenance of a centralized electronic data reporting system, shall be collected by the towing operator at the same time the cost incident to towing and storage are collected in subsection (a) of this section, and immediately paid to the City's Finance Department or designee.

(Code 1961, § 20-176)

Sec. 24-234. Wreckers called by the police.

The police department shall ensure that wreckers are called to the scene of an accident or to impound vehicles on a rotation basis, distributing the calls from the rotation list. The chief of police shall not call or cause to be called any wrecker not on the rotation list unless all such wreckers are unavailable, or unless the owner of the vehicle to be towed requests that a specific wrecker be called; any wrecker called by the police department not on the rotation list shall comply with statutory insurance requirements. In accordance with North Carolina's Incident Management policy, as may be periodically modified, it is specifically permitted for the police department to call a wrecker out of sequence where, due to the public's health, safety and welfare, or in an emergency or life-threatening situation, proximity to the wreck and estimated response time make it more necessary to do so. Out of sequence calls shall count as rotation calls.

(Code 1961, § 20-177)

Sec. 24-235. Storage of vehicles.

- a. It shall be the responsibility of any licensee to secure in a safe manner any vehicle or personal property contained in such vehicle that is placed in the custody of the licensee as a result of being called by the city police department to perform a tow. The area within which such vehicle and/or personal property shall be stored shall meet the minimum requirements of subsection 2446-223(i). If at the time the vehicle was towed the storage area provided by the licensee is full, then the licensee shall secure the vehicle and/or personal property elsewhere as permitted by the police department. In the event that the vehicle or personal property placed in his custody is the subject of a police investigation for evidentiary purposes, and the storage area is full, then the licensee shall immediately contact the wrecker inspector or the desk sergeant on duty and make arrangements to secure the vehicle and/or personal property in a safe manner.
- b. Whenever a vehicle is impounded and held for evidentiary purposes as the result of a criminal arrest, the owner of the vehicle shall be reimbursed by the city for any towing and storage fees incurred during the period of time that the car is held for evidentiary purposes only upon one of the following conditions being met:
- 1) The owner is not arrested forwith any crime arising out of the alleged criminal activity resulting in the impoundment; or
 - 2) The vehicle is returned pursuant to the provisions of G.S. 90-112.1; or
 - 3) If the owner is arrested, the charge is dismissed or there is a finding of no probable cause in district court.

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In the case where none of the above conditions have been satisfied, the city shall reimburse the towing operator for any towing and storage fees and/or assist the towing operator in obtaining restitution as allowed by law.

(Code 1961, § 20-178)

Sec. 24-236 _Electronic Reporting of Tow Information

- a. The City shall, consistent with state and local law, prescribe a form or other method for the electronic reporting of all towing services provided within the City of Fayetteville in order to facilitate and expedite the recovery of a vehicle from a vehicle storage facility, as defined in this ordinance.
- b. The towing operators, as defined by this ordinance, shall report by electronic means to the police department all necessary information required to assist the City in notifying the registered owner regarding the towing and/or release of their vehicle. The reporting shall be completed within sixty (60) minutes from the time the vehicle is delivered to the storage lot, provided that the tow occurred during normal business hours, or by 9:00 a.m. the following business day if the vehicle was towed during non-business hours. The necessary information related to the towing of the vehicle includes, but is not limited to, the following:
- 1) the name and address of the registered owner of the vehicle.
 - 2) the location of the stored vehicle;
 - 3) a description of the stored vehicle, including the color, make, and model;
 - 4) vehicle license plate number and state; and
 - 5) vehicle identification number (VIN).
 - 6) (6)the date and time that the vehicle was towed; and
 - 7) the location from where the vehicle was towed.

If applicable, the wrecker operator shall also provide the following information within sixty (60) minutes of releasing the vehicle:

- 1) the owner's driver's license/identification number;
- 2) the date and time the vehicle was released from custody; and
- 3) the identity of the individual to whom the vehicle was released, to include the name, address and driver's license/identification number if different from that of the registered owner.

Sec. 24-237. Fees.

The city council, from time to time, upon the recommendation of the wrecker inspector, after having consulted with the licensees, shall establish a table of maximum fees and costs that may be charged by licensees under the provisions of this article, and establish any administrative fees to be charged per tow for the costs incurred in administering the provisions of this article, including the assessment of an administrative fee for all non-consent tows initiated under this ordinance.

(Code 1961, § 20-179)

Sec. 24-238. Other regulations.

The wrecker inspector, subject to approval by the city manager, shall establish and cause the enforcement of reasonable rules and regulations for licensees as from time to time he deems appropriate for the safety, well-being, and protection of citizens within his jurisdiction and their property. These rules and regulations, as approved by the city manager from time to time, shall be incorporated in this section by reference. A copy of these rules and regulations shall be available for inspection in the office of the wrecker inspector at all times.

(Code 1961, § 20-180; Ord. No. S2001-004, § 4, 2-5-2001)

Sec. 24-239. Solicitation of business.

- a. It shall be unlawful for any towing operator or person acting on behalf of any towing operator, to stop or approach within 1,500 feet of a scene of an accident or disabled vehicle either for the purpose of soliciting an engagement for towing service, either directly or indirectly, or to contact the owner/operator or legal possessor of a disabled or wrecked vehicle, either directly or indirectly, or to solicit by phone, for the purpose of soliciting business or to furnish any towing service, unless the towing operator has been summoned to such scene by the owner/operator or legal possessor of a disabled or wrecked vehicle or has been requested to perform such service at the request of a law enforcement officer or agency pursuant to that agency's procedures. For purposes of this section, unlawful solicitation shall include, but is not limited to, the distributing of business cards, tokens or items of any kind bearing the name of a towing operator within

1,500 feet of a scene of an accident or disabled vehicle by a licensee not summoned to such scene as provided in this section.

- b. It shall be unlawful for a city, county or state employee to solicit for any towing operator. For purposes of this section, unlawful solicitation shall include the distributing of business cards, tokens or items of any kind bearing the name of a towing operator at anytime.

(Code 1961, § 20-181; Ord. No. S2001-004, § 5, 2-5-2001)

Sec. 24-240. Suspension or revocation of license.

- a. The following shall be grounds for suspension or revocation of a license issued under this article:

- 1) The license was secured by fraud or by the concealment of a material fact by the licensee and such fact, if known, would have caused a refusal to issue a license;
- 2) The licensee, or any employee, representative or agent of the licensee, is convicted of charged with any felony or any violations of North Carolina's Controlled Substances and Vapors Act, as it may be modified from time to time, or the offense of driving under the influence of an intoxicating liquor or drug.
- 3) The licensee failed to procure insurance as provided in Sections 24-228 and 24-229.
- 4) The intentional, willful or wanton failure to comply with any of the provisions of this chapter, ordinance or state laws relating to the inspection of a wrecker company.
- 5) The Wrecker Inspector may immediately suspend a licensee from the rotation list if the Wrecker Inspector deems the wrecker company to be unsafe or unfit to provide safe and adequate towing services. The wrecker company may appeal this decision to the wrecker review board but will not remain on the rotation list pending appeal if there are safety violations.
- 6) The licensee has violated any of the requirements of the regulations established by the wrecker inspector under this article;
- 7) Past services rendered by any licensee are shown to be detrimental to the public health, safety, and welfare, including overcharging of wrecker fees or false charging of items done by the wrecker business;
- 8) The licensee paid in the form of a gratuity any third person for information as to the location of the accident;
- 9) The licensee has violated the fee schedule by overcharge or false charges;
- 10) Failure to operate the wreckers specified in such a manner as to serve the public adequately and efficiently;
- 11) Failure to maintain recovery equipment, to include all vehicles used in towing, in good condition;

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Item 15

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- 12) Failure to pay the city privilege license fee imposed upon licensees;
- 13) Failure to report accidents while towing city rotation call vehicles or to furnish such other records and reports as may be required by this chapter and/or the wrecker inspector;
- 14) Failure to pay civil penalties issued pursuant to this ordinance;
- 15) The intentional, willful or wanton failure to comply with any of the provisions of this chapter, ordinance or state laws relating to the operation of wreckers; and
- 16) The intentional, willful or wanton failure to comply with the reporting requirements of this ordinance, as may be periodically modified.

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cont.

b. If the wrecker inspector determines that any of the above violations have occurred, he shall have the authority to revoke or suspend a license as follows:

- 1) For violation of subsection (a)(1) through (5) of this section, revocation;
- 2) For a first time violation of subsections (a)(6) through (16) of this section, suspension up to 30 days;
- 3) For a second violation of subsections (a)(6) through (16) of this section, within a period of two years from the date of the first suspension, suspension up to 60 days; and
- 4) For a third violation of subsections (a)(6) through (16) of this section, within a period of two years from the date of the first violation, revocation.

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c. Any licensee who has his license revoked shall be eligible to apply for a new license one year from the date of the revocation. For purposes of this section, the date of suspension or date of revocation shall be the date of the notification by the wrecker inspector pursuant to section 24-240, or if an appeal is made, the date of the final action by the wrecker review board.

(Code 1961, § 20-182)

Sec. 24-241. Notification of suspension or revocation by wrecker inspector.

Such revocation or suspension shall be in writing and notify the licensee of the following:

- 1) The nature of the violation;
- 2) The wrecker inspector's recommendation as to whether the licensee should remain on the rotation wrecker list, should be suspended, or its license revoked;
- 3) That the licensee has a right to appeal such action to the wrecker review board.

(Code 1961, § 20-183)

Sec. 24-242. Wrecker review board.

There is hereby established a wrecker review board whose function is to hear appeals from any decision of the wrecker inspector pursuant to this article. The board shall be composed of a chairman, two individuals selected by the licensees, and two individuals appointed by the chief of police. The chairman shall be selected by the city council, and shall be a disinterested person who is not a licensee, wrecker owner or operator, or a city employee. Two members of the wrecker review board shall be selected by the licensees by means of a vote of the licensees. The chief of police shall appoint two members of the police department who hold the rank of sergeant or higher to the wrecker review board. All members shall serve for a term of two years, and no member shall serve more than two consecutive terms. The wrecker inspector shall serve as a nonvoting advisor and to bring complaints to the wrecker review board.

The wrecker review board will meet on a quarterly basis irrespective of whether they receive any notices of appeals. All meetings, to include appeal hearings, will be governed by North Carolina's open meeting laws.

(Code 1961, § 20-184)

Cross references: Administration, ch. 2.

Sec. 24-243. Appeal to the wrecker review board.

Whenever any provision of this article shall provide for an appeal of a decision of the wrecker inspector to the wrecker review board, the following procedure shall be followed:

1. The appellant shall give written notice of appeal to the city clerk within ten days of receiving the notice of the action he is appealing;
2. The wrecker review board shall hold a hearing on the appeal within 30 days of receipt of the written notice of appeal;
3. The written notice of appeal shall state whether or not the appellant wants an open or closed hearing before the wrecker review board. In the event of the failure to make such a request, such hearing shall be open.

(Code 1961, § 20-185)

Sec. 24-244. Action pending appeal; lapse of time; waiver.

- a. Whenever a provision of this article states a specific time within which an appeal must be taken, and regardless of the level of authority from which the appeal may be taken, if the appeal is not taken within the time prescribed, then the action of the wrecker inspector from which the appeal may have been taken is deemed to be final.
- b. The action of the wrecker inspector suspending or revoking the rights granted under the authority of this article shall be effective upon receipt of notice by the licensee; provided, that if the licensee files a timely appeal, then any right under this article heretofore existing shall continue in effect during the pendency of any appeal or 30 days, whichever is sooner, except as noted in Sec 24-240 (a) (5).
- c. Any hearing may be continued upon 48 hours' written notice prior to the date of the hearing; provided, that if the new date for the hearing is more than 30 days from the date

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of the original notice of appeal, then the rights of the appellant pursuant to subsection (b) of this section may only be extended upon a showing of good cause.

(Code 1961, § 20-186)

Sec. 24-245. Hearing; action of wrecker review board.

- a. The purpose of the hearing before the wrecker review board shall be to determine whether or not the action of the wrecker inspector in suspending or revoking the rights and privileges of the appellant was in the best interests of the public health, safety, and welfare of the city. The appellant shall be permitted to present any evidence relevant to the subject matter of the appeal. The hearing shall be administrative in nature, and the action of the wrecker review board shall be final.
- b. If the action of the wrecker review board is to affirm the action of the wrecker inspector, then the effective date of the action shall be the date of the hearing. Any period of actual suspension as the result of a continuance prior to the hearing shall be counted toward any period of suspension approved by the wrecker review board.

(Code 1961, § 20-187)

Sec. 24-246. Hearing procedures.

Any hearing before the wrecker review board shall use the following procedures:

1. The hearing shall be open, unless specifically requested by the appellant prior to the hearing;
2. The appellant shall be entitled to make any statements either by an attorney or someone of his own choosing;
3. The appellant shall be entitled to make any statements or present any witnesses on his behalf that he desires;
4. The hearing shall be administrative in nature, there shall be a right of cross examination;
5. The appellant shall be entitled to transcribe the proceedings at his own cost.

(Code 1961, § 20-188)

Sec. 24-247. Applicability to previous licensees; noncompliance.

Whenever this article is amended from time to time by the city council and such amendments shall render any current approved licensee in noncompliance with this article as amended, such noncompliant licensee shall have a period of one year from the effective date of the amendment of the article within which to comply.

(Code 1961, § 20-189)

Sec. 24-248. Persons prohibited from holding a license.

No employee directly involved with the administration of this article shall be permitted to hold a license under the terms of this article.

(Code 1961, § 20-190)

Sec. 24-249. Improper towing

- a) It is a misdemeanor offense to tow a motor vehicle from a lot that is subject to the provisions of N.C.G.S. 20-219.2, as it may be modified from time to time, unless the lot and individual parking spaces are properly designated as mandated by that statute.
- b) Any towing operator shall not charge the owner or operator of the towed vehicle in excess of one hundred dollars (\$100.00) for the non-consensual tow of the motor vehicle or in excess of twenty-five dollars (\$25.00) per day for storage fees; however, no storage fees shall be charged for the first twenty-four (24) hour time period from the time the vehicle is towed from the property. The fee of one hundred dollars (\$100.00) shall be all inclusive. The fees referred to in this section shall be payable by cash, debit card or major national credit card at no extra cost. Failure to accept credit or debit cards for payment or to charge an additional fee for payment with a credit or debit card is a violation of this section and is punishable as a misdemeanor. No additional fees may be charged for using dollies, trailers, lifts, Slim jims or any other equipment or service. However, the maximum fees in this section shall not apply to the non-consensual towing of vehicles weighing in excess of two (2) tons. Non-consensual towing fees and storage rates shall be established by the City Council in accordance with their fee schedule, as it may be modified from time to time.
- c) Any towing operator removing a private vehicle at the request of any person, other than a police officer on duty, shall report to the Fayetteville Police Department the fact that the vehicle was towed and its present storage space in accordance with Sec. 24-236 of this article.
- d) Any towing operator summoned to tow any vehicle in a non-consensual towing shall not tow the vehicle and shall release the vehicle for a charge not to exceed fifty (50) percent of the non-consensual towing rate set out in paragraph (b) herein if the operator of the vehicle returns prior to the tow truck having left the location to which he was summoned and moves the vehicle immediately and prior to the tow truck having left the location to which it was summoned. The towing operator shall permit the owner of a vehicle towed non-consensually to remove personal property from a vehicle in the custody of the towing operator without any charge or fees. If the towing operator has removed personal property from the vehicle, it shall be returned to the owner of the property at no charge upon request made to the towing operator.

Sec. 24-250. Enforcement.

- a) A violation of section 24-~~239~~, solicitation of business, by any towing operator, shall submit the violator to a civil penalty in the nature of a debt in the sum of \$3,000.00 for each large rotation size tow and \$500.00 for each automobile rotation size tow. The civil penalty shall be imposed by a citation served personally or by registered mail to the violator by the wrecker inspector.
- b) Any violation of this article, other than sections 24-~~238~~239 or 24-249, by a licenseeany towing operator, shall submit the violator to a civil penalty in an amount in accordance with the fee schedule as adopted by the city council, as may be periodically modified. In

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addition, if a licensee is in violation under this article more than three times in one year, the licensee shall also be subject to removal from the rotation list for a period of one year. For purposes of removal and/or revocation, the violations can arise from the same incident, occur simultaneously and during the same incident.

- c) If a civil penalty issued under this section is not paid as set forth in the citation within thirty (30) days of receipt thereof, failure to pay shall result in the City instituting collection procedures to collect the debt. The licensee will be suspended from all City rotation lists until the civil penalty is satisfied.

(Code 1961, § 20-191; Ord. No. S2001-004, § 6, 2-5-2001)

Secs. 24-249--24-270. Reserve

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: April 23, 2012
RE: **PWC - Bid Recommendation for Tubular Steel Structures**

THE QUESTION:

The Public Works Commission of the City of Fayetteville requests Council approve bid recommendation for purchase of Tubular Steel Structures for the 69kV Transmission Pole Replacement Project (Year 2).

RELATIONSHIP TO STRATEGIC PLAN:

Quality Utility Services

BACKGROUND:

The Public Works Commission, during their meeting of April 11, 2012 approved bid recommendation to award bid for purchase of Tubular Steel Structures for the 69kV Transmission Pole Replacement Project (Year 2) to TransAmerican Power Products, Inc., Houston, Texas, lower bidder in the total amount of \$558,959.00 and forward to City Council for approval. This item is budgeted in FY2013 CIP EL22 (Sub-Transmission Pole Replacement) - \$500,000; the difference in the budgeted amount and the actual cost of the poles will be taken from FY2013 CIP EL8 (Overhead Distribution System Circuit Improvements) which has a budgeted amount of \$150,000 for equipment. Bids were received March 8, 2012 as follows:

<u>Bidders</u>	<u>Total Cost</u>
TransAmerican Power Products, Inc., Houston, TX	\$558,959.00
Dis-Tran, LLC, Pineville, LA	\$629,079.00
Bridgewell Resources, Tigard, OR	\$635,673.00
Thomas & Betts Corporation, Memphis, TN	\$645,444.00
M.D. Henry Co., Inc., Pelham, AL	\$649,714.00
Valmont/Newmark Industries, El Dorado, KS	\$782,528.00
Valmont/Newmark Industries, Tulsa, OK	\$845,125.00
HD Supply Utilities, Wake Forest, NC	\$904,659.00

ISSUES:

TransAmerican Power Products is not a minority or woman owned company.

BUDGET IMPACT:

PWC Budgeted Item

OPTIONS:

N/A

RECOMMENDED ACTION:

Award bid to TransAmerican Power Products, Inc., Houston, TX

ATTACHMENTS:

Bid Recommendation

Bid History

BID HISTORY
TUBULAR STEEL STRUCTURES
FOR THE 69kV TRANSMISSION POLE REPLACEMENT PROJECT (YEAR 2)
BID DATE: MARCH 8, 2012

Advertisement

1. Public Works Commission Website 02/08/12 through 02/29/12

List of Organizations Notified of Bid

1. NAACP Fayetteville Branch, Fayetteville, NC
2. NAWIC, Fayetteville, NC
3. N.C. Institute of Minority Economic Development, Durham, NC
4. CRIC, Fayetteville, NC
5. Fayetteville Business & Professional League, Fayetteville, NC
6. SBTDC, Fayetteville, NC
7. FTCC Small Business Center, Fayetteville, NC
8. Fayetteville Area Chamber of Commerce, Fayetteville, NC

List of Prospective Bidders

1. Lekson Associates, Raleigh, NC
2. Utility Service Agency, Wake Forest, NC
3. Utility Lines, Davidson, NC
4. WR Daniel & Associates, Mooresville, NC
5. Thomas & Betts, Memphis, TN
6. Dis-Tran LLC, Pineville, LA
7. Valmont Industries, Valley, NE
8. Sabre Tubular Structures, Alvarado, TX
9. Utility Resource Associates, LLC, Dalzell, SC
10. TransAmerican Power Products, Houston, TX
11. UtiliCor/UAI, Mansfield, TX
12. Bridgewell Resources, Tigard, OR
13. HD Supply Utilities, Wake Forest, NC

SDBE/DBE/MWBE Participation

TransAmerican Power Products is not a minority or woman owned company.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: April 23, 2012
RE: **Special Revenue Fund Project Ordinance 2012-15 (2012 Badges for Baseball Program)**

THE QUESTION:

The ordinance appropriates \$23,309 for the 2012 Badges for Baseball Program.

RELATIONSHIP TO STRATEGIC PLAN:

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

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

BACKGROUND:

- This program is a multi-faceted crime prevention and mentoring program that conveys the tenets of "The Ripken Way" to young people through a variety of programs including Healthy Choices, Healthy Children, and baseball/softball themed activities.
- The current funding sources consist of a \$20,000 cash award and \$3,309 of in-kind donations from the Federal Office of Juvenile Justice and Delinquency Prevention, and the State of North Carolina Department of Justice passing through the Cal Ripken, Sr. Foundation.
- The attached ordinance will formally establish the budget for this program.

ISSUES:

None

BUDGET IMPACT:

No local match required.

OPTIONS:

1. Adopt Special Revenue Fund Project Ordinance 2012-15.
2. Do not adopt Special Revenue Fund Project Ordinance 2012-15.

RECOMMENDED ACTION:

Adopt Special Revenue Fund Project Ordinance 2012-15,

ATTACHMENTS:

SRO 2012-15 Badges for Baseball

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2012-15

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

Section 1. The project authorized is for the funding of the 2012 Badges for Baseball Program awarded by the Cal Ripken, Sr. Foundation.

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

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

Federal Office of Juvenile Justice and Delinquency Prevention and State of North Carolina Department of Justice	
pass through Cal Ripken, Sr. Foundation in-kind award	\$ 3,309
pass through Cal Ripken, Sr. Foundation cash award	<u>20,000</u>
	<u><u>\$ 23,309</u></u>

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

Project Expenditures	<u><u>\$ 23,309</u></u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 23rd day of April, 2012

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer, Finance Dept. Scott Shufford, Director, Development Services Dept.
DATE: April 23, 2012
RE: **Special Revenue Fund Project Ordinance 2012-16 consistent with FBRA and City Agreement for Bragg Boulevard Corridor Plan**

THE QUESTION:

Should the City appropriate \$200,000 (the \$50,000 City match and \$150,000 federal grant) for the Bragg Boulevard corridor project described in the interagency agreement.

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy - Attract more military-based industries
A Great Place to Live

BACKGROUND:

The City of Fayetteville and the Fort Bragg Regional Alliance (FBRA) have formalized regional planning efforts to meet some of the challenges associated with the Base Realignment and Closure (BRAC) process. In response, the Office of Economic Adjustment (OEA) has granted \$150,000 in funding to the FBRA for the Study of the Bragg Boulevard Corridor (see Attachment), with a \$50,000 match from the City of Fayetteville. The study, a high priority in the Strategic Action Plan, will include five areas of emphasis:

- Land Use and Urban Design
- Transit and Transportation
- Community Engagement
- Visioning/Alternatives/Recommendations
- Consensus-Building Facilitation

ISSUES:

A Special Revenue Fund Project Ordinance is required, since the City will be managing the entire \$200,000 project budget (\$150,000 in federal funds passed through the FBRA and plus the \$50,000 match from City funds already in the 2012 General Fund budget). An Inter-Agency Agreement is being executed and a consultant has been selected. The attached ordinance must be approved prior to executing the consultant contract.

BUDGET IMPACT:

The City's \$50,000 cash match is already included in the General Fund budget. The completed Corridor Study will serve as a basis for requesting future funding by entities such as the Federal Transit Administration.

OPTIONS:

1. Adopt Special Revenue Fund Project Ordinance 2012-16
2. Do not adopt Special Revenue Fund Project Ordinance 2012-16

RECOMMENDED ACTION:

Motion to adopt Special Revenue Fund Project Ordinance 2012-16 and authorize the City Manager to execute the necessary agreements.

ATTACHMENTS:

Bragg Blvd funding award and scope of work

FAIN: HQ00051110038

OEA Locator:

RA0629-11-03

Fort Bragg/Pope AFB

Mr. Greg Taylor
Executive Director
Fort Bragg Regional Alliance
P.O. Box 87129
Fayetteville, NC 28304-7129

Dear Mr. Taylor:

I am pleased to inform you that I have approved an amendment to the above identified Grant to the Fort Bragg Regional Alliance, in the amount of \$150,000. This amendment provides Community Planning Assistance Funds for economic adjustment activities as described in the request dated March 26, 2012. If the provisions of the attached Amendment are acceptable, please sign the document online.

You may direct questions regarding this award to your OEA Project Manager, Mr. Michael Wilson, at (703) 697-2146 or michael.wilson@wso.whs.mil.

Sincerely,

Patrick O'Brien 4/4/2012 12:58:03 PM
Patrick J. O'Brien
Director
Office of Economic Adjustment

Attachment:
As Stated

Request for Supplemental Funding

Scope of Work

Development of Bragg Boulevard Corridor Plan (CP-2)

The completed **Corridor Plan Tasks** shall include:

- A description of areas of concern that represent nodes of congestion along the Bragg Boulevard corridor from Randolph Road Gate to downtown Fayetteville including current modes of transportation available to the public (bicycle, walkways, etc.), per capita transportation uses, average distance traveled per day, and points of origin and destination.
- Soliciting input from regional leaders, subject matter experts, and members of the community for current gaps, suggestions for improvements and to identify a potential model for centralized transportation service along with a land use pattern that complements that model.
- Discussion of interactions between highway, traffic, transit, pedestrians, and accessibility to and from residential and commercial districts as well as accessibility to and from Fort Bragg to areas south along Bragg Boulevard to downtown Fayetteville.
- Ways to improve a particular transportation mode (walking, cycling, public transit, etc.) or area (a campus, downtown, industrial park, etc.) and illustrate the most appropriate locations for these improvements.
- A model showing areas that could accommodate the construction or expansion of different modes of transportation including possible routes. Identify whether some form of rail could be a viable option.
- Ways to integrate individual nodal residential/commercial centers with transportation accessibility to Fort Bragg's on-base public transportation (possible rail, bus rapid transit access from main gate, etc.) including the best locations for terminals for military-related residents and personnel to transfer from public transportation to on-base transportation and allow easy accessibility for on-base personnel, consultants, etc.
- A general concept map showing nodes of congestion and areas most advantageous to applying an intermodal component such as transfer from automobiles or walkways to rail or other mass transit options.

The **Bragg Boulevard Corridor Plan** will provide recommended transportation improvements and mobility options to effectively address the Bragg Boulevard corridor mobility and transportation accessibility needs.

The recommendations will be multi-modal and will include a variety of project types including improved safety projects, roadway widening and connections, bicycle/pedestrian improvements, transportation system management projects (e.g., traffic signal and intersection improvements) as well as potential strategies for integrating major shopping centers with an effective transportation component. The completed **Corridor Plan** should provide sufficient graphics and technical detail to serve as a basis for a FTA Small Starts or Very Small Starts funding proposal.



Inter-Agency Agreement

For Funding Allocated by the Office of Economic Adjustment
For Regional BRAC Growth Planning

Federal Identifier Number
(36-4613590)

Fort Bragg/FORSCOM Realignment
(Fort Bragg/Pope AFB RA0629-11-03)

This Interagency Agreement, dated this 12th day of April, 2012 is by and between the Fort Bragg Regional Alliance, a 501(c6) non-profit organization registered by the State of North Carolina, and the City of Fayetteville, a body corporate and politic of the State of North Carolina.

WHEREAS, The Fort Bragg Regional Alliance has entered into a grant agreement with the Office of Economic Adjustment (OEA) on behalf of the U.S. Department of Defense (DoD);

WHEREAS, The Fort Bragg Regional Alliance and the City of Fayetteville have formalized regional planning efforts to assess the opportunities and develop strategies for meeting the challenges the Base Realignment and Closure (BRAC) process will have on communities surrounding Fort Bragg;

WHEREAS, the City of Fayetteville is subject to the same requirements applicable to The Fort Bragg Regional Alliance under the OEA agreement; and

WHEREAS, The Fort Bragg Regional Alliance is required, prior to distributing any OEA program funds to the City of Fayetteville for any eligible activity funded by the Alliance, to execute a written Inter-Agency Agreement with the City of Fayetteville; and

WHEREAS, the Inter-Agency Agreement must be in effect during any period in which the City of Fayetteville control over OEA program funds, including any program income; and,

WHEREAS, the City of Fayetteville is legally obligated to undertake all necessary actions, as determined by the Fort Bragg Regional Alliance, and as authorized by Federal, State and Local laws, to carry out the requirements of the OEA grant and other applicable laws as set forth below.

NOW, THEREFORE, inconsideration of the foregoing, and subject to any conditions contained herein, the Fort Bragg Regional Alliance and the City of Fayetteville agree as follows:

I. Incorporation of OEA Grant Agreement

1. Incorporation of OEA Grant Agreement

Officials with the City of Fayetteville ~~has~~ reviewed and understands the provisions of the OEA Grant Agreement and all exhibits thereto, a copy of which attached as Appendix 1, are incorporated into and made a part of this Agreement. The City of Fayetteville agrees to abide by all terms and conditions set forth in the OEA Grant Agreement and to fully comply with and fulfill the terms and conditions of the OEA Agreement.

2. Statement of Work/Scope of Service

The Bragg Alliance and the City of Fayetteville jointly prepared and issued a Request for Proposals (RFP) which was released on January 4, 2012. A total of nine (9) proposals were received, and these were reviewed jointly by the Bragg Alliance and City of Fayetteville staff, and a qualified consultant was jointly selected. Attached to this Inter-Agency Agreement as Appendix 1 is the original OEA Grant Approval letter, assurances and compliance procedures; the OEA Grant Amendment Letter pertaining to this Inter-Agency Agreement; and a description of the work to be performed (Scope of Work). The City of Fayetteville agrees to achieve the objectives listed in Appendix 1 during the contract period. As set forth in Appendix 1, the Fort Bragg Regional Alliance will appropriate: one hundred fifty thousand dollars (\$150,000) to the City of Fayetteville for the period of January 1, 2012 through July 31, 2012, for the development of **Bragg Boulevard Corridor Plan**. In turn, the City of Fayetteville will provide \$50,000 in cash match towards the task. Overall task shall not exceed \$200,000. Funds will be expended according to the payment schedule and subject to the monitoring and reporting requirements set forth herein. All required records and reports must be in sufficient detail to provide a sound basis for the Fort Bragg Regional Alliance and the City of Fayetteville to effectively monitor performance under the Agreement.

II. Compliance by the City of Fayetteville

1. Overall Compliance.

The City of Fayetteville shall comply with all applicable Federal, State and local laws and shall cooperate with the Fort Bragg Regional Alliance in insuring such compliance. Under the terms of this agreement, the City of Fayetteville shall comply with the following: 32 CFR Part 33, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," OMB Circulars A-87, "Cost Principals for State and Local Governments," and the revised A-133, "Audits of States, Local Governments and Non-Profit Organizations;" and 32 CFR Part 28, "New Restrictions on Lobbying (Grants)."

2. Debarment and Suspension:

The City of Fayetteville agrees to comply with the requirements regarding debarment and suspension in Subpart C of 32 CFR Part 25, which implements E.O. 12549 [3 CFR. 1986 Comp., p.189]; E.O. 12689 [3 CFR, 1989 Comp., p. 235]; and Sec 2455 of federal Acquisition and Streamlining Act of 1994 (Pub. L. 103-355). The City of Fayetteville also agrees to communicate the requirements to comply with Subpart C to persons at the next lower tier with whom it enters into transactions that are "covered transactions" under Subpart B of 32 CFR Part 25.

3. Drug-Free Workplace:

The City of Fayetteville agrees to comply with the requirements regarding drug-free workplace in Subpart B of 32 CFR Part 26, which implements sec. 5151-5160 of the Drug-Free Workplace -Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. § 701, et seq.)

4. Hatch Act:

The City of Fayetteville is advised that its employees may be subject to the Hatch Act (5 U.S.C. § 1501-1508). If doubt exists in particular cases, the City of Fayetteville should seek legal counsel.

5. Terms and Conditions:

The City of Fayetteville agrees to incorporate the terms of this agreement, including any attachments thereto, in any agreement with any consultant/contractor(s). The decision of OEA in interpreting the Terms and Conditions of this Agreement shall be final.

III. Terms and Conditions

1. Sub-Award Period:

The sub-award period is from January 1, 2012 through September 15, 2012. Eligible costs incurred between January 1, 2012 and September 15, 2012, are allowable and reimbursable.

2. Payment of Funds:

Funding will be provided on a reimbursement only and only after completion of work identified in the Appendix 1. The Fort Bragg Regional Alliance shall not unreasonably withhold such funding.

3. Right to Terminate:

The Fort Bragg Regional Alliance or the City of Fayetteville may suspend or terminate the grant in whole, or in part, at any time before the date of completion or whenever it is determined that the City has failed to comply with the conditions of the grant with 30 days notice. Suspension or termination may occur if the City of Fayetteville materially fails to comply with any term of the award. The City of Fayetteville shall not incur new obligations for the terminated portions after the effective date, and shall cancel as many outstanding obligations as possible. An OEA assisted project that is terminated before completion, either voluntarily or otherwise, constitutes an ineligible activity and any OEA funds invested in the project must be repaid to the Fort Bragg Regional Alliance. In the event that either party elects to leave this Inter-Agency Agreement, they will negotiate any outstanding reimbursements or obligations in good faith and the terms and conditions herein shall survive the termination of this Inter-Agency Agreement.

4. Responsible Authority:

The City of Fayetteville is the responsible authority, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into between the City of Fayetteville and the selected contractual consultant in support of this task. The City of Fayetteville is not responsible for any negligence on the part of the Fort Bragg Regional Alliance in the administration or reimbursement of grant funds.

5. Prohibited Activities:

(a) Duplication of Work: The purpose of and scope for work which this grant is being made shall not duplicate programs for which monies have been received, are committed, or are applied for from other sources, public or private. Upon request of the Fort Bragg Regional Alliance, the City of Fayetteville shall submit full information about related program that will be initiated within the

Agreement period.

(b) Other Funding Sources: The Fort Bragg Regional Alliance funds budgeted or awarded for this program shall not be used to replace any financial support previously provided or assured from any other source.

(c) Funds for Attorney/Consultant Fees: the City of Fayetteville agrees that no funds made available from this Agreement shall be used, directly or indirectly, for paying attorneys' or consultants' fees in connection with securing grants or other services provided by the Fort Bragg Regional Alliance, for example, preparing the application for this assistance.

(d) The City of Fayetteville is prohibited from using funds provided herein or personnel employed in the administration of this program for political activities; sectarian or religious activities; lobbying; political patronage; and, nepotism activities.

6. Personnel Approvals:

Approvals or denials of hires shall be provided on a pre-approval basis and shall be strictly based upon OEA grant guidance. Approvals and denials of the City of Fayetteville hires are limited solely to the hiring of contractors with grant funds.

7. Use of Consultants/Contractors:

(a) Procurement of consultant or contractor services shall be in accordance with all standards and procedures set forth in 32 CFR Part 33. The following terms, which are drawn from the Common Rule, are intended merely to highlight some of these standards and are, therefore, not inclusive.

(b) All procurement transactions, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner that provides maximum open and free competition.

(c) Formal advertising, with adequate purchase description, sealed bids, and public openings, shall not be required for small purchase requirements under \$100,000 in the aggregate unless required by State or local law or regulations. If small purchase procedures are used, price or rate quotations shall be obtained.

(d) The City of Fayetteville shall maintain a code or standards of conduct which shall govern the performance of its offices, employees, or agents in contracting with and expending Federal grant funds. The City of Fayetteville's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from a contractor or potential contractors. To the extent permissible by law, rules or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by the City of Fayetteville officers, employees, or agents, or by contractors or their guests.

8. Separate Bank/Fund Accounts:

(a) The City of Fayetteville is not required to establish a separate bank account but may do so. The City of Fayetteville, however, must maintain accounting records to adequately identify the source and application of grant funds. Other considerations, such as FDIC coverage, shall be in accordance with the provisions of 32 CFR Part 33.

9. Grant Payments:

(a) Disbursement of Funds to the City of Fayetteville shall be in the amounts and at the times set forth in Section III(14.) and incorporated herein by reference and shall be made only for the costs which have been determined by the Fort Bragg Regional Alliance to have been properly incurred by the City of Fayetteville.

(b) Request for disbursements shall be made to the Fort Bragg Regional Alliance; an invoice for

incremental or completed work for the grant project should accompany request.

(c) Grant funds for contractual services will be disbursed on a reimbursement basis only.

(d) Terms of Agreement, unless terminated earlier, pursuant to the Suspension and Termination Section of the Agreement or upon mutual agreement of the parties with the consent of OEA, this Agreement shall remain in full force and affect until the **Bragg Boulevard Corridor Plan** project has been completed to the satisfaction of the City of Fayetteville and the Fort Bragg Regional Alliance, and all reports required by this Agreement or by OEA have been submitted and approved, and all outstanding issues between the Fort Bragg Regional Alliance and the City of Fayetteville have been resolved in a manner satisfactory to the City of Fayetteville; or until July 31, 2012, whichever occurs sooner.

10. Reimbursement for Travel:

The reimbursement of travel expenses is not authorized in this Agreement.

11. Office Equipment:

The purchase of equipment (including software) is not authorized in this Agreement.

12. Expenses and Purchases Excluded:

(a) Funds Budgeted under this Agreement may not be used for marketing or entertainment expenses.

(b) Funds budgeted under this Agreement may not be used for capital assets, such as the purchase of vehicles, improvements and renovation of space, and repair and maintenance of privately-owned vehicles.

13. Non-Federal Funds:

Contributions to this project by non Federal sources are expected to be paid out at the same general rate as Federal funds. The City of Fayetteville has a 25% non-federal match requirement for the term of this Agreement.

14. Reporting and Payment Schedule:

(a) The total budget for this project is \$200,000. Payment can be made monthly on a reimbursable basis, per work performed. Payments will be made following submittal of satisfactory monthly progress reports. Final payment will be made upon successful completion of all project deliverables. A suggested payment schedule follows:

Payment #1	April 30, 2012
Payment #2	May 31, 2012
Payment #3	June 30, 2012
Payment #4	July 31, 2012

15. Contractor Deliverables:

(a) A disclaimer statement will appear on the title page of any study prepared under this grant. It will read:

"This study was prepared under contract with The Fort Bragg Regional Alliance with financial

support from the Office of Economic Adjustment, Department of Defense. The content reflects the views of the City of Fayetteville and does not necessarily reflect the views of the Office of Economic Adjustment or the Fort Bragg Regional Alliance. "

(b) The contractor identification will appear on the title page of the analysis funded by this award.

(c) Any final study shall be submitted electronically to the Fort Bragg Regional Alliance, who will then forward to the Office of Economic Adjustment. The document will be dated the month and year that it is submitted to the Fort Bragg Regional Alliance.

16. Audits

(a) The City of Fayetteville is required by OMB Circular A-133 and the Single Audit Act, 31 U.S.C. §7502 (h) to furnish a sufficient number of copies of audit reports to a Government-wide clearinghouse established by OMB. The City of Fayetteville will advise the Fort Bragg Regional Alliance in writing when the audit report is furnished to the Clearinghouse.

(b) The Fort Bragg Regional Alliance reserves the right to conduct an independent follow-up audit.

17. Amendments:

The parties may amend this Agreement at any time provided such amendments make specific reference to this Agreement, and are executed in writing, signed by a dually authorized representative of both organizations. The Fort Bragg Regional Alliance may, in its discretion, amend this Agreement to conform with federal, state or local government guidelines, policies, and available funding amounts. If such amendments result in a change in the funding (subject to the proviso that the funding level set forth in this Agreement is contingent upon the availability of funding from the Department of Defense (DoD), pursuant to the OEA Grant Agreement, the scope of services, or the schedule of activities to be undertaken as a part of this Agreement, such modifications will be incorporated only by written amendment signed by both the Fort Bragg Regional Alliance and the City of Fayetteville.

IV. Special Conditions

The purpose and scope of this award is to undertake community economic adjustment activities related to the alignment of Fort Bragg, U.S. Army Forces Command, and U.S. Army Reserve Command. Change in the specific activities described in the application and the terms and conditions of this award are allowable only if approved by the Fort Bragg Regional Alliance.

Clauses:

LIABILITY

Neither party assumes liability for the acts or omissions of the other party, or their agents. Nothing in this Inter-Agency Agreement shall be construed to limit or extend the immunities of one party and its agents with respect to any other party or its agents. Both the Fort Bragg Regional Alliance and the City of Fayetteville shall remain liable for acts or omissions of their own agents or employees within the limits of applicable law. Nothing in this Inter-Agency Agreement shall be construed to waive any immunities or privileges afforded by law. Any liability assumed by either party is not intended to create any rights in third parties.

HEADINGS

All headings in this Inter-Agency Agreement are intended for conventions of reference only and are not to be deemed or taken as a summary of the provisions to which they pertain or as a construction thereof.

COUNTERPART EXECUTION

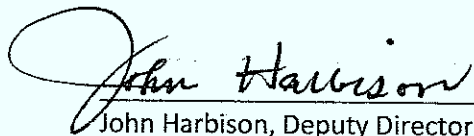
A facsimile transmittal of a signed acceptance, addendum, amendment or notice relating to this Inter-Agency Agreement received by facsimile transmission shall be deemed the equivalent of the original. This Inter-Agency Agreement may be executed in counterparts, each of which considered together shall constitute the original Inter Agency Agreement.

CAPTIONS; GENDER

It is understood that the use of the singular herein shall include the plural and vice versa, and that the use of the masculine personal pronoun shall include all genders.

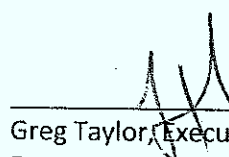
FORT BRAGG REGIONAL ALLIANCE

Approved as to financial sufficiency
this 12 day of April, 2012



John Harbison, Deputy Director/Treasurer
Fort Bragg Regional Alliance

Approved as to form and legal sufficiency
12 day of April, 2012



Greg Taylor, Executive Director
Fort Bragg Regional Alliance

CITY OF FAYETTEVILLE

Reviewed and Recommended for Approval

Approved

Lisa Smith, Chief Financial Officer

Kristoff T. Bauer, Interim City Manager

APPENDIX 1

Inter-Agency Agreement

For Funding Allocated by the Office of Economic Adjustment

For Regional BRAC Growth Funding

Enclosures:

1. Office of Economic Adjustment (OEA) Grant Award Letter with assurances and compliance procedures dated July 1, 2011
2. Office of Economic Adjustment (OEA) Grant Amendment Award Letter dated April 4, 2012
3. Scope of Work for Supplemental Funding for Development of Bragg Boulevard Corridor Plan (CP-2)

FAIN: HQ00051110038
OEA Locator: RA0629-11-03
Fort Bragg/Pope AFB

Mr. Greg Taylor
Executive Director
Fort Bragg Regional Task Force
P.O. Box 87129
Fayetteville, NC 28304-7129

Dear Mr. Taylor:

I am pleased to inform you that I have approved the request for \$526,672 of Department of Defense Community Planning Assistance Funds to carry out a community economic adjustment program at Fort Bragg/Pope Air Force Base. If the provisions of the attached Agreement are acceptable, please sign the document online.

Standard Form (SF) 270, "Request for Advance or Reimbursement" is used to request Grant funds. The first request for payment may be submitted electronically once you have signed the Agreement. Subsequent payment requests will be approved for disbursement contingent upon acceptance of the interim performance reports. The SF 425, "Federal Financial Report" is used to report final outlays and obligations for the entire Grant period and must be submitted to close out the Grant.

This Grant has been assigned the Federal Award Identifier Number (FAIN) HQ00051110038. Please use this number for reporting subaward and executive compensation information into the Federal Funding Accountability and Transparency Act (FFATA) Subaward Reporting System (FSRS) as required. Further information on this requirement may be found in Attachment C of the Agreement. Please use the OEA locator on all OEA correspondence.

You may direct questions regarding this award to your OEA Project Manager, Mr. Michael Wilson, at (703) 604-5146 or michael.wilson@wso.whs.mil. We look forward to working with you.

Sincerely,

Patrick O'Brien 7/1/2011 2:18:52 PM
Patrick J. O'Brien
Director
Office of Economic Adjustment

Attachments:
As stated

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL Greg Taylor - 6/22/2011 12:37:47 PM		TITLE Executive Director	
APPLICANT ORGANIZATION		DATE SUBMITTED June 22, 2011	

FAIN: HQ00051110038

OEA Locator:

RA0629-11-03

Fort Bragg/Pope AFB

Mr. Greg Taylor
Executive Director
Fort Bragg Regional Alliance
P.O. Box 87129
Fayetteville, NC 28304-7129

Dear Mr. Taylor:

I am pleased to inform you that I have approved an amendment to the above identified Grant to the Fort Bragg Regional Alliance, in the amount of \$150,000. This amendment provides Community Planning Assistance Funds for economic adjustment activities as described in the request dated March 26, 2012. If the provisions of the attached Amendment are acceptable, please sign the document online.

You may direct questions regarding this award to your OEA Project Manager, Mr. Michael Wilson, at (703) 697-2146 or michael.wilson@wso.whs.mil.

Sincerely,

Patrick O'Brien 4/4/2012 12:58:03 PM
Patrick J. O'Brien
Director
Office of Economic Adjustment

Attachment:
As Stated

Request for Supplemental Funding

Scope of Work

Development of Bragg Boulevard Corridor Plan (CP-2)

The completed **Corridor Plan Tasks** shall include:

- A description of areas of concern that represent nodes of congestion along the Bragg Boulevard corridor from Randolph Road Gate to downtown Fayetteville including current modes of transportation available to the public (bicycle, walkways, etc.), per capita transportation uses, average distance traveled per day, and points of origin and destination.
- Soliciting input from regional leaders, subject matter experts, and members of the community for current gaps, suggestions for improvements and to identify a potential model for centralized transportation service along with a land use pattern that complements that model.
- Discussion of interactions between highway, traffic, transit, pedestrians, and accessibility to and from residential and commercial districts as well as accessibility to and from Fort Bragg to areas south along Bragg Boulevard to downtown Fayetteville.
- Ways to improve a particular transportation mode (walking, cycling, public transit, etc.) or area (a campus, downtown, industrial park, etc.) and illustrate the most appropriate locations for these improvements.
- A model showing areas that could accommodate the construction or expansion of different modes of transportation including possible routes. Identify whether some form of rail could be a viable option.
- Ways to integrate individual nodal residential/commercial centers with transportation accessibility to Fort Bragg's on-base public transportation (possible rail, bus rapid transit access from main gate, etc.) including the best locations for terminals for military-related residents and personnel to transfer from public transportation to on-base transportation and allow easy accessibility for on-base personnel, consultants, etc.
- A general concept map showing nodes of congestion and areas most advantageous to applying an intermodal component such as transfer from automobiles or walkways to rail or other mass transit options.

The **Bragg Boulevard Corridor Plan** will provide recommended transportation improvements and mobility options to effectively address the Bragg Boulevard corridor mobility and transportation accessibility needs.

The recommendations will be multi-modal and will include a variety of project types including improved safety projects, roadway widening and connections, bicycle/pedestrian improvements, transportation system management projects (e.g., traffic signal and intersection improvements) as well as potential strategies for integrating major shopping centers with an effective transportation component. The completed **Corridor Plan** should provide sufficient graphics and technical detail to serve as a basis for a FTA Small Starts or Very Small Starts funding proposal.

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2012-16

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

- Section 1. The project authorized is for the funding of the Bragg Boulevard Corridor Plan awarded by the Fort Bragg Regional Alliance from funding received by the Office of Economic Adjustment on behalf of the U.S. Department of Defense.
- Section 2. The project director is hereby directed to proceed with the project within the terms of the various contract agreements executed with the Federal and State governments and within the funds appropriated herein.
- Section 3. The following revenues are anticipated to be available to the City to complete the project:

Office of Economic Adjustment on behalf of the U.S.	
Department of Defense, sub-granted by the Fort Bragg	
Regional Alliance	\$ 150,000
Local Match - City of Fayetteville General Fund Transfer	50,000
	<u>\$ 200,000</u>

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

Project Expenditures	<u>\$ 200,000</u>
----------------------	-------------------

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

Adopted this 23rd day of April, 2012

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Steven K. Blanchard, PWC CEO/General Manager
DATE: April 23, 2012
RE: **PWC - Phase 5 Annexation Areas 8 and 9**

THE QUESTION:

Providing sanitary sewer service to Areas 8 and 9 of the Phase 5 Annexation.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: More Efficient City Government – Cost-Effective Service Delivery.

BACKGROUND:

I am enclosing the Resolution Confirming Assessment Roll and Levying Assessments for inclusion on the April 23, 2012 City Council agenda. The Preliminary Assessment Roll was made available at the City Clerk's office for review by property owners and the public hearing was held April 10, 2012.

As outlined in the public hearing and set forth in information previously provided property owners in the affected area, the sanitary sewer assessment rate for single family residential lots is recommended at \$5,000 which includes both the main and lateral charges. For non-single family residential properties, a per front foot rate of \$55.56 with a 90 foot minimum plus the area average lateral charge of \$1,036 is recommended.

As per the funding agreement between the PWC and the City, if the City Council wishes to approve an interest rate less than 8% for every 1% of the interest rate reduction, an upfront payment of \$72,726.44 will be due to the PWC within 30 days of the roll confirmation.

ISSUES:

n/a

BUDGET IMPACT:

n/a

OPTIONS:

n/a

RECOMMENDED ACTION:

Adopt Resolution Confirming Assessment Roll and Levying Assessments.

ATTACHMENTS:

PWC Assessment Resolution

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS

WHEREAS, the City Council of the City of Fayetteville has on April 10, 2012 held a public hearing, after due notice as required by law, on the Preliminary Assessment Roll for the extension of a sanitary sewer collection system to serve all or a portion of the LaGrange and Summerhill areas; and

WHEREAS, the City Council has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fayetteville, that:

1. The Assessment Roll for the extension of a sanitary sewer collection system to serve all or a portion of Amberly Way Drive, Ascot Avenue, Ashwood Circle, Barnwell Place, Bashlot Place, Bedford Road, Bridgeman Drive, Carrollburg Drive, Channing Drive, Crown Avenue, Dandridge Drive, Decatur Drive, Decatur Place, Deerwood Drive, Enfield Drive, Faraday Place, Fillyaw Road, Garfield Drive, Hallstead Circle, Kisco Drive, Lansing Court, Lemont Drive, Marquis Place, Overbrook Drive, Paxton Drive, Pridemore Court, Reilly Road North, Romain Court, Roundtree Drive, Ruton Court, Seaton Place, Stockport Circle, Telfair Drive, and Wakefield Drive within Areas 8 and 9 is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228 of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216 of the General Statutes of North Carolina and following sections, does hereby levy assessments as contained in the said Assessment Roll. The basis for the utility assessment being as shown on the attached schedule labeled Exhibit "A". A copy of the said Assessment Roll is on file with PWC's Deputy Tax Collector.
3. The City Attorney is hereby directed to deliver to the PWC Deputy Tax Collector the said Assessment Roll.

4. The PWC Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina.
5. The PWC Deputy Tax Collector is hereby further directed to publish on the 14th day of May, 2012 the notice required by Chapter 160A, Section 229 of the General Statutes of North Carolina.

Adopted this _____ day of _____, 2012.

Anthony G. Chavonne, Mayor

Pamela J. Megill, CMC, City Clerk

The following City Council members voted for passage of the above Resolution:

The following City Council members voted against passage of the above Resolution:

Exhibit “A”

Assessment Rate: 8%

Typical single family residential lots computed on per lot basis of \$5,000.

For all other properties, a per front foot rate of \$55.56 with a 90' minimum plus the area average cost for service lateral of \$1,036 shall apply.

Term: To be repaid over a period not to exceed 10 years at an interest rate of ____%.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: April 23, 2012
RE: **P12-16F Initial zoning from C3 Commercial District (County) to HI Heavy Industrial District, or a more restrictive district, on property located at 4433 Claude Lee Road. Containing 1.62 acres more or less and being the property of Alfred Young and Linda Young.**

THE QUESTION:

Does the initial zoning to Heavy Industrial fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Alfred Young and Linda Young
Applicant: Alfred Young and Linda Young
Requested Action: C3 (cnty) to HI
Property Address: 4433 Claude Lee Road
Council District:
Status of Property: Commercial
Size: 1.62 acres +/-
Existing Land Use: Auto Salvage Yard
Adjoining Land Use & Zoning:
North - C3 County
South - RR
East - C3 County
West - C3 County
Letters Mailed: 10

Land Use Plan: Heavy Commercial

ISSUES:

This property has petitioned for annexation into the City and must be considered for City zoning if that takes place. This property is located outside of the City's MIA (Municipal Influence Area). The reason for the requested annexation and zoning is so that the owner may remain on the City's rotation for wrecker services. The owner currently has a towing business located at Southern Avenue and W. Mountain Drive. Southern Avenue is about to be widened in this location and the owner must relocate. The petitioned property currently has a body shop and salvage yard on it. The salvage yard starts on the property in question and extends to the property behind it.

Zoning Commission and staff recommended that this property not be zoned into the City.

1. Zoning Commission and staff are not in favor of this property being annexed. (Final action on this item will occur as part of the motion to approve or deny the petition for annexation)

*Staff recommends that if this property is annexed it should become a HI district based on:

1. The UDO requirement that all salvage yards be located in the HI district.

BUDGET IMPACT:

The City would be required to provide an increase in public services that should be offset by the increase this development would bring to the City's tax base.

OPTIONS:

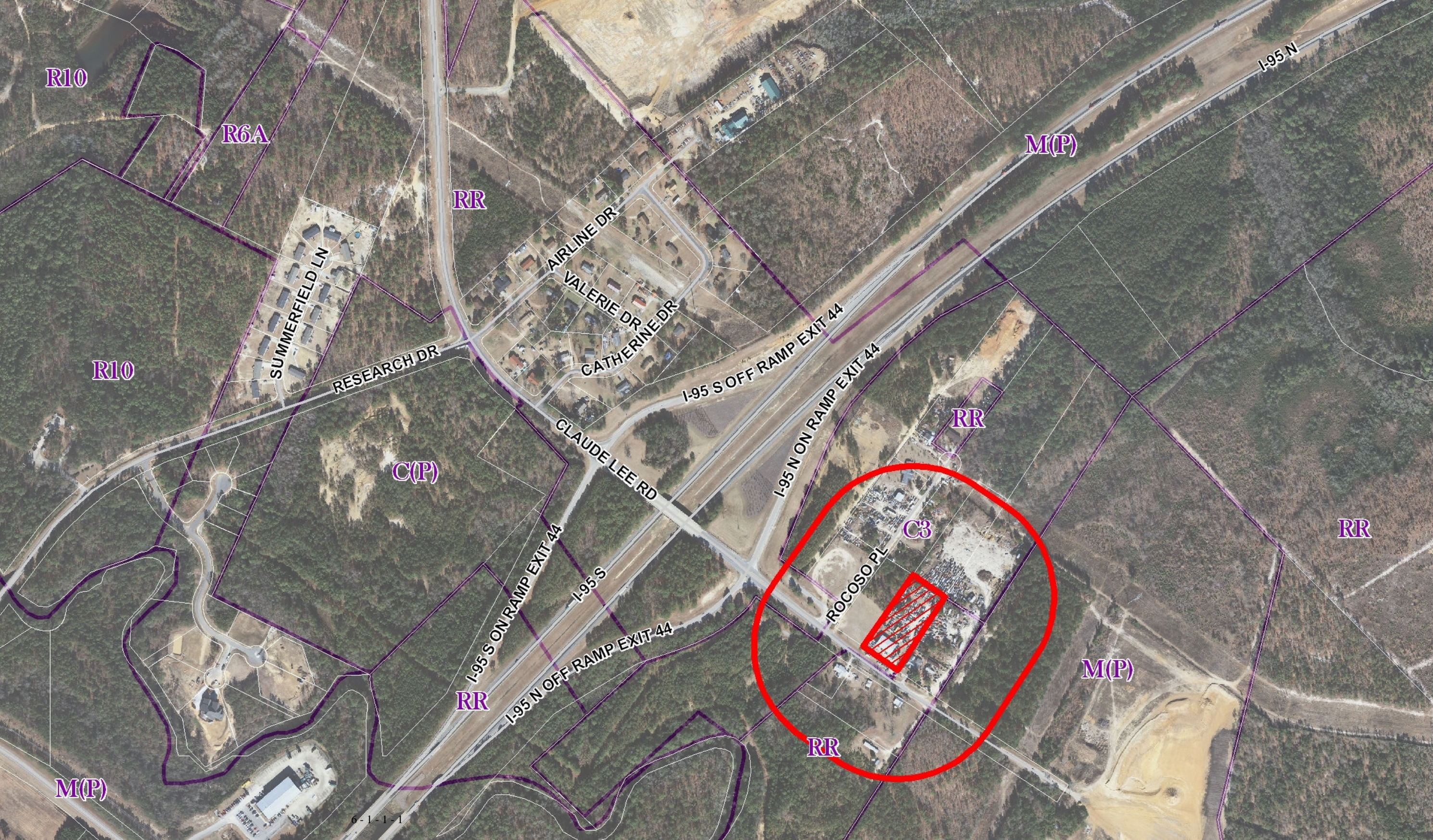
- 1) Approval of rezoning to HI as presented by staff (if annexed, HI is appropriate)
- 2) Approval of rezoning to a more restrictive district;
- 3) Denial of the rezoning request. (Zoning Commission & staff recommendation)

RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: That the City Council move to DENY the initial zoning of this property to HI as presented by staff. (final action on this item will occur as part of the motion to approve or deny the petition for annexation)

ATTACHMENTS:

Zoning Map
Current Landuse
Land Use Plan



R10

R6A

RR

M(P)

I-95 N

R10

SUMMERFIELD LN

RESEARCH DR

AIRLINE DR

VALERIE DR

CATHERINE DR

I-95 S OFF RAMP EXIT 44

CLAUDE LEE RD

I-95 N ON RAMP EXIT 44

C(P)

RR

RR

C3

ROCOSO PL

I-95 S ON RAMP EXIT 44

I-95 S

I-95 N OFF RAMP EXIT 44

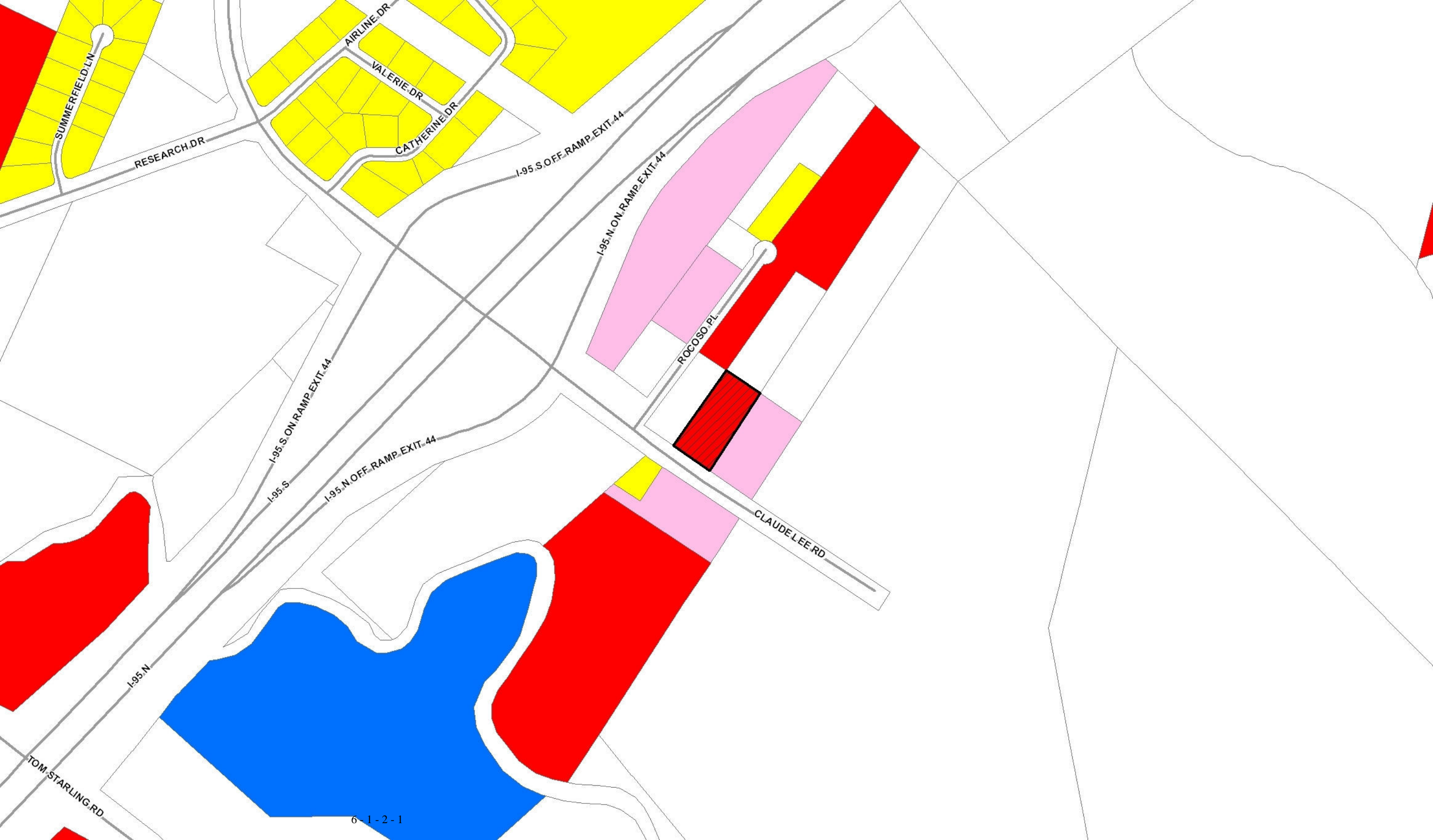
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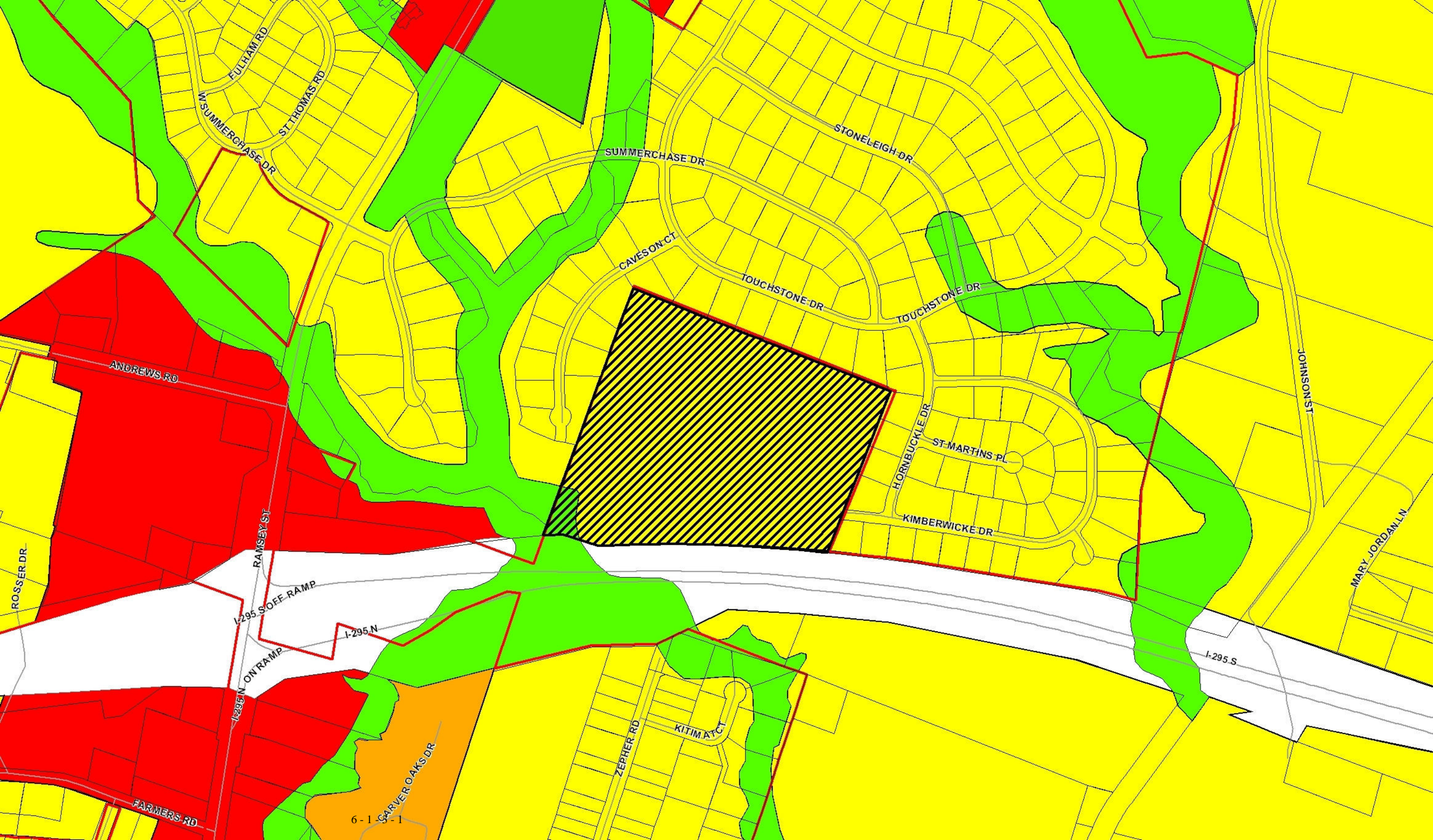
RR

M(P)

M(P)

6-1-1-1





CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: April 23, 2012
RE: **P12-17F Initial zoning from R10 Residential District (County) to SF-10 Single Family District, or a more restrictive district, on property located south of Snow Hill Road west of Claude Lee Road. Containing 28 acres more or less and being the property of Lakeside at Snow Hill LLC.**

THE QUESTION:

Does the initial zoning to Single Family 10 fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Lakeside at Snow Hill LLC
Applicant: Lakeside at Snow Hill LLC
Requested Action: R10 (cnty) to SF-10
Property Address: south of Snow Hill Road west of Claude Lee Road
Council District:
Status of Property: Vacant
Size: 28 acres +/-
Existing Land Use: Residential
Adjoining Land Use & Zoning:
North - RR County
South - R10 & M(P) County
East - RR & R10 County
West - R15 County
Letters Mailed: 44

Land Use Plan: Heavy Commercial

ISSUES:

This property has petitioned for annexation into the City and must be considered for City zoning if that takes place. This property is located inside of the City's MIA (Municipal Influence Area). The owner wishes to develop these 28 acres into a single family subdivision. The owner would also like to extend public utilities into this new development. This is the reason for this petitioned annexation. This property is in the airport flight zone. Even though this is Phase II of an existing development, the Airport does not wish to see any further residential development in its flight path. This property is within the Airport Overlay District which regulates height of structures around the airport. A lower density of residential development may be more appropriate.

Zoning Commission and Staff recommends that if this property is annexed it should become a SF-10 district based on:

1. SF-10 is the closest equivalent zone to what this property is currently zoned in the County.

(Final action on this item will occur as part of the motion to approve or deny the petition for annexation)

BUDGET IMPACT:

The City would be required to provide an increase in public services that should be offset by the increase this development would bring to the City's tax base.

OPTIONS:

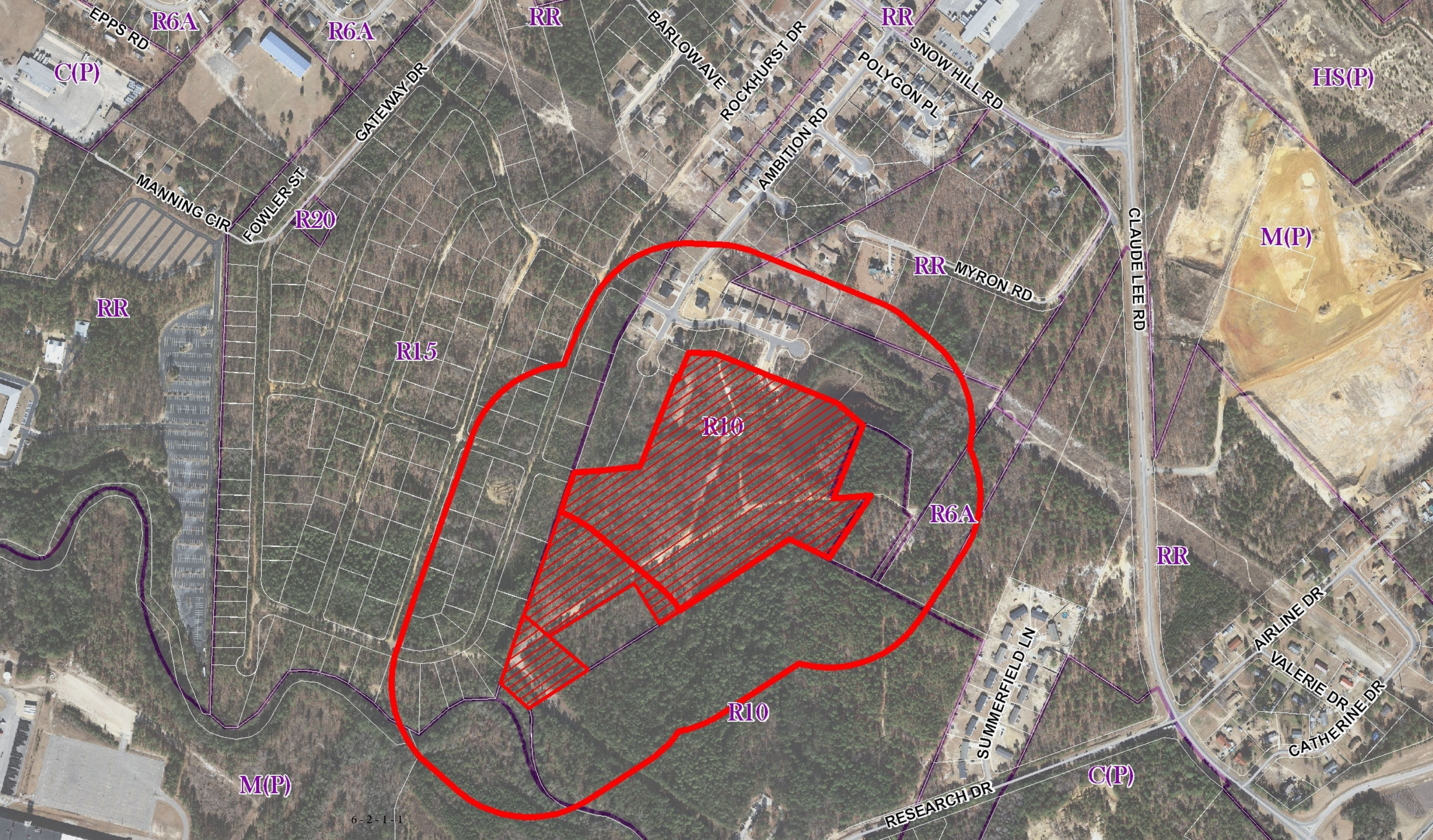
- 1) Approval of rezoning to SF-10 as presented by staff (recommended if annexed)
- 2) Approval of rezoning to a more restrictive district;
- 3) Denial of the rezoning request. (property becomes unzoned)

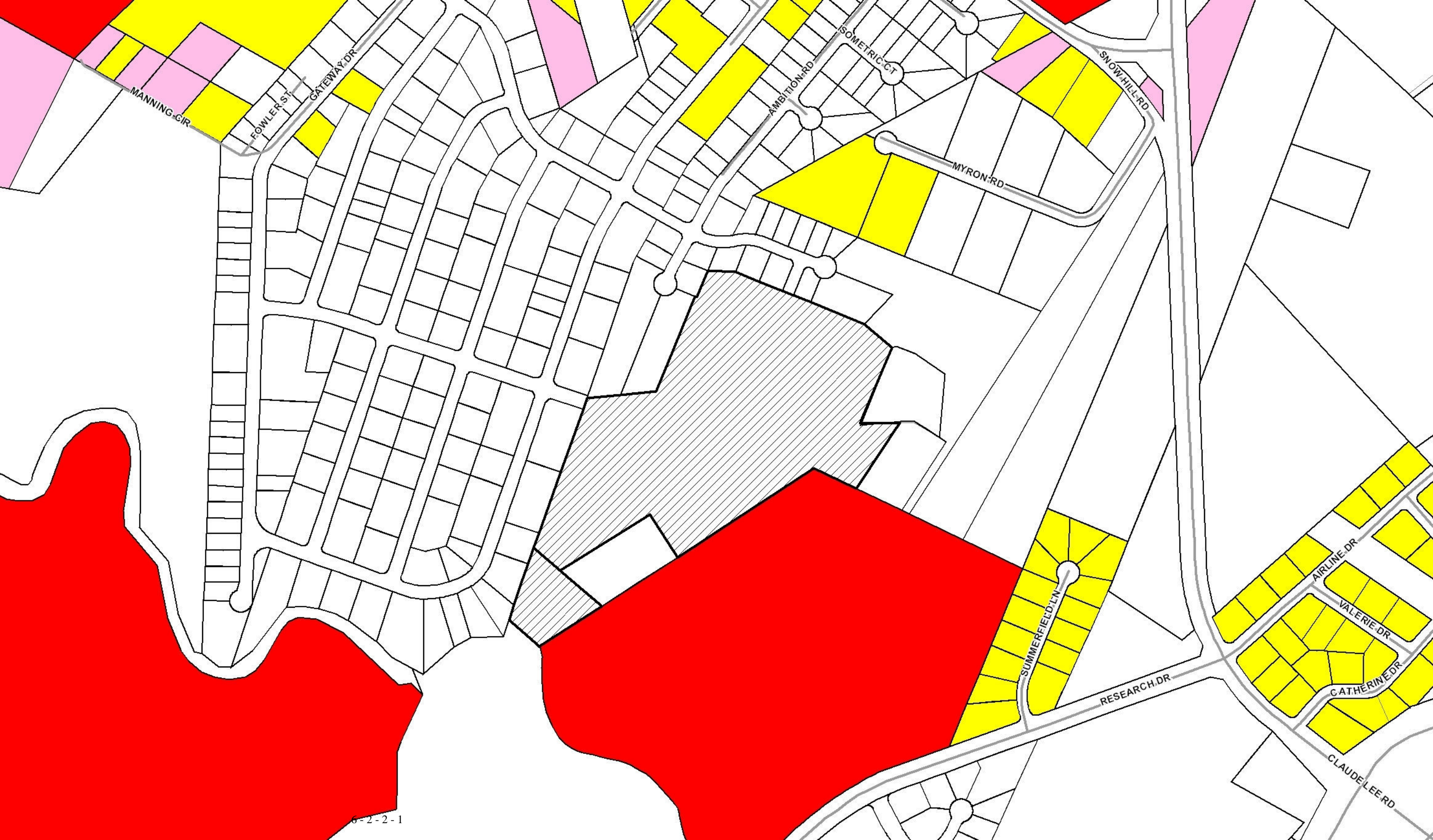
RECOMMENDED ACTION:

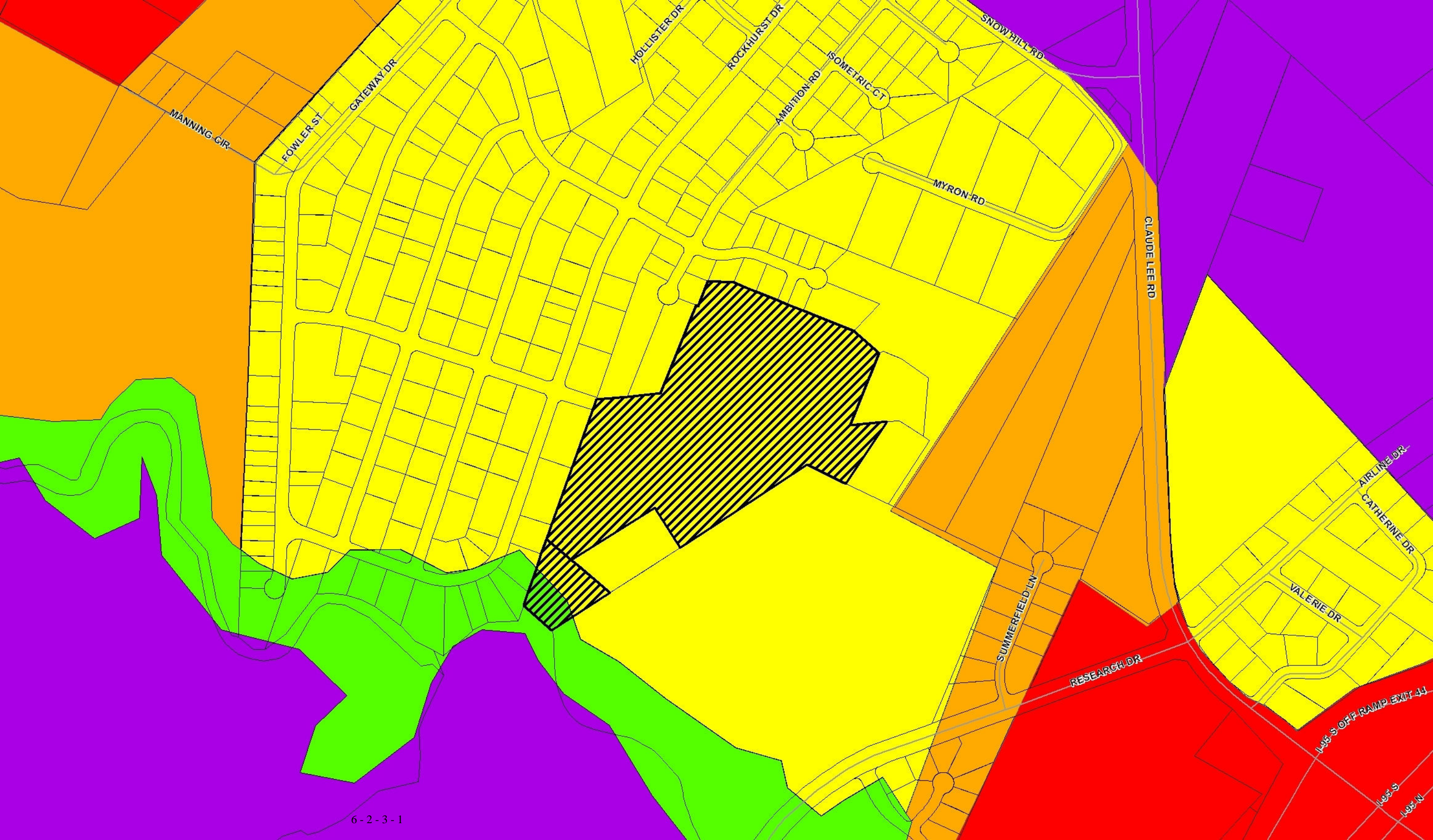
Zoning Commission and Staff Recommend: That the City Council move to APPROVE the initial zoning of this property to SF-10 as presented by staff if the property is annexed. (Final action on this item will occur as part of the motion to approve or deny the petition for annexation)

ATTACHMENTS:

Zoning Map
Current Landuse
Land Use Plan







MANNING CIR

FOWLER ST

GATEWAY DR

HOLLISTER DR

ROCKHURST DR

AMBITION RD

ISOMETRIC CT

MYRON RD

SNOW HILL RD

CLAUDE LEE RD

AIRLINE DR
CATHERINE DR

VALERIE DR

SUMMERFIELD LN

RESEARCH DR

I-95 S OFF RAMP EXIT 44

I-95 S
I-95 N

6-2-3-1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: April 23, 2012
RE: **P12-18F Initial zoning from R15 Residential District (County) to SF-10 Single Family Residential District, or a more restrictive district, on property located at 6342 & 6346 Caveson Court. Containing 0.45 acres more or less and being the property of Broadwell-Weber Investments.**

THE QUESTION:

Does the initial zoning to Single Family 10 fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development

BACKGROUND:

Owner: Broadwell-Weber Investments
Applicant: Broadwell-Weber Investments
Requested Action: R15 (cnty) to SF-10
Property Address: 6342 & 6346 Caveson Court
Council District: 1
Status of Property: Vacant
Size: 0.45 acres +/-
Existing Land Use: Residential
Adjoining Land Use & Zoning:
North - SF-10
South - R15 County
East - R15 County & SF-10
West - SF-10
Letters Mailed: 74

Land Use Plan: Low Density Residential

ISSUES:

This property has petitioned for annexation into the City and must be considered for City zoning if that takes place. This property is located inside of the City's MIA (Municipal Influence Area). The owner wishes to annex a triangle piece of property that will be split among two properties on Caveson Court, in order to square each property off. This property is currently zoned R15 in the county, but it will be added to property in a subdivision zoned SF-10. For this reason staff is recommending that this property be zoned SF-10 in the City to match the rest of the subdivision.

Zoning Commission and Staff recommends that if this property is annexed it should become a SF-10 district based on:

1. SF-10 is the zoning for the rest of the subdivision that this property will be added to.

(Final action on this item will occur as part of the motion to approve or deny the petition for annexation)

BUDGET IMPACT:

The City would be required to provide an increase in public services that should be offset by the

increase this development would bring to the City's tax base.

OPTIONS:

- 1) Approval of rezoning to SF-10 as presented by staff (recommended if annexed)
- 2) Approval of rezoning to a more restrictive district;
- 3) Denial of the rezoning request. (property becomes unzoned)

RECOMMENDED ACTION:

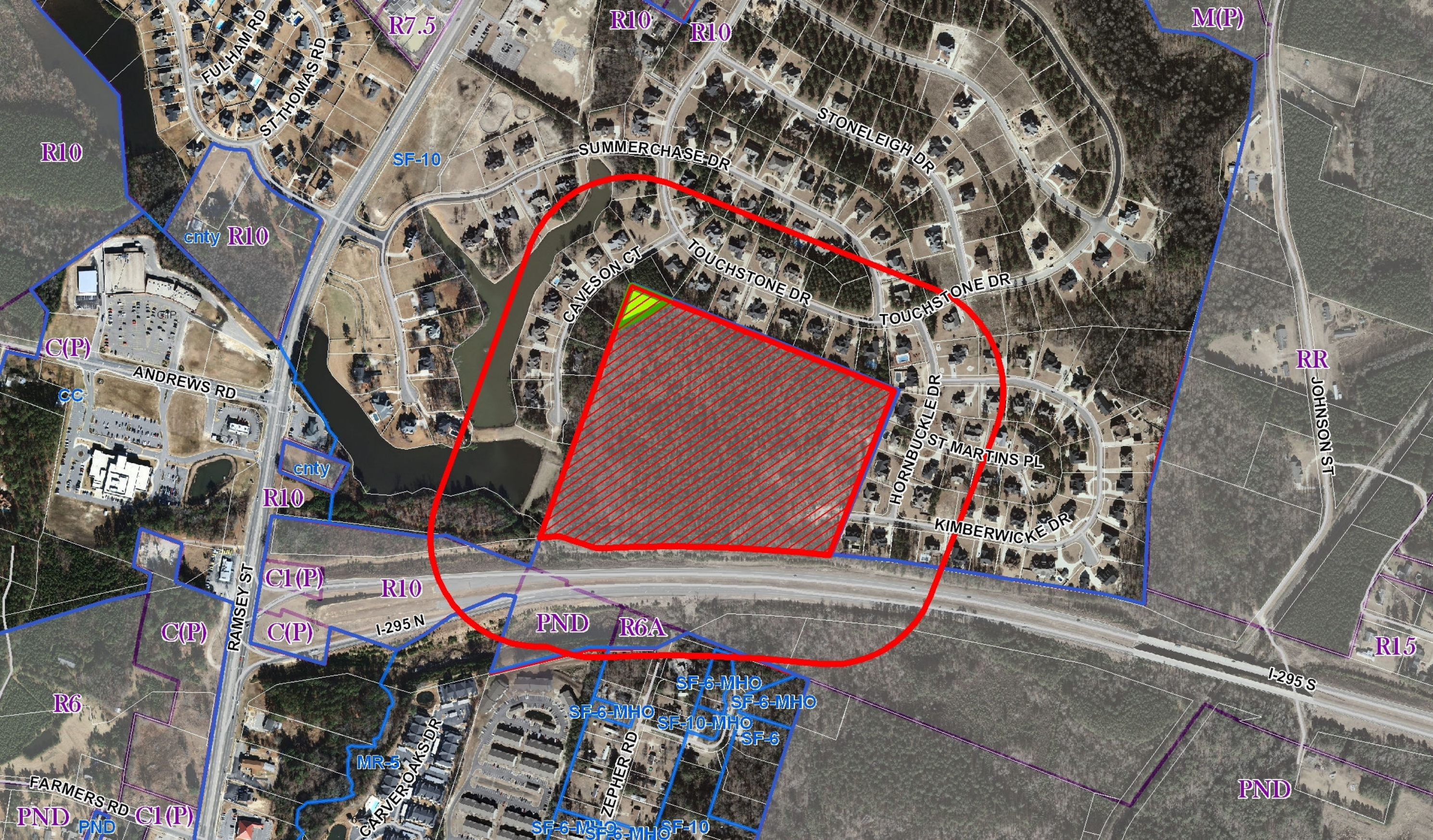
Zoning Commission and Staff Recommend: That the City Council move to APPROVE the initial zoning of this property to SF-10 as presented by staff if the property is annexed. (Final action on this item will occur as part of the motion to approve or deny the petition for annexation)

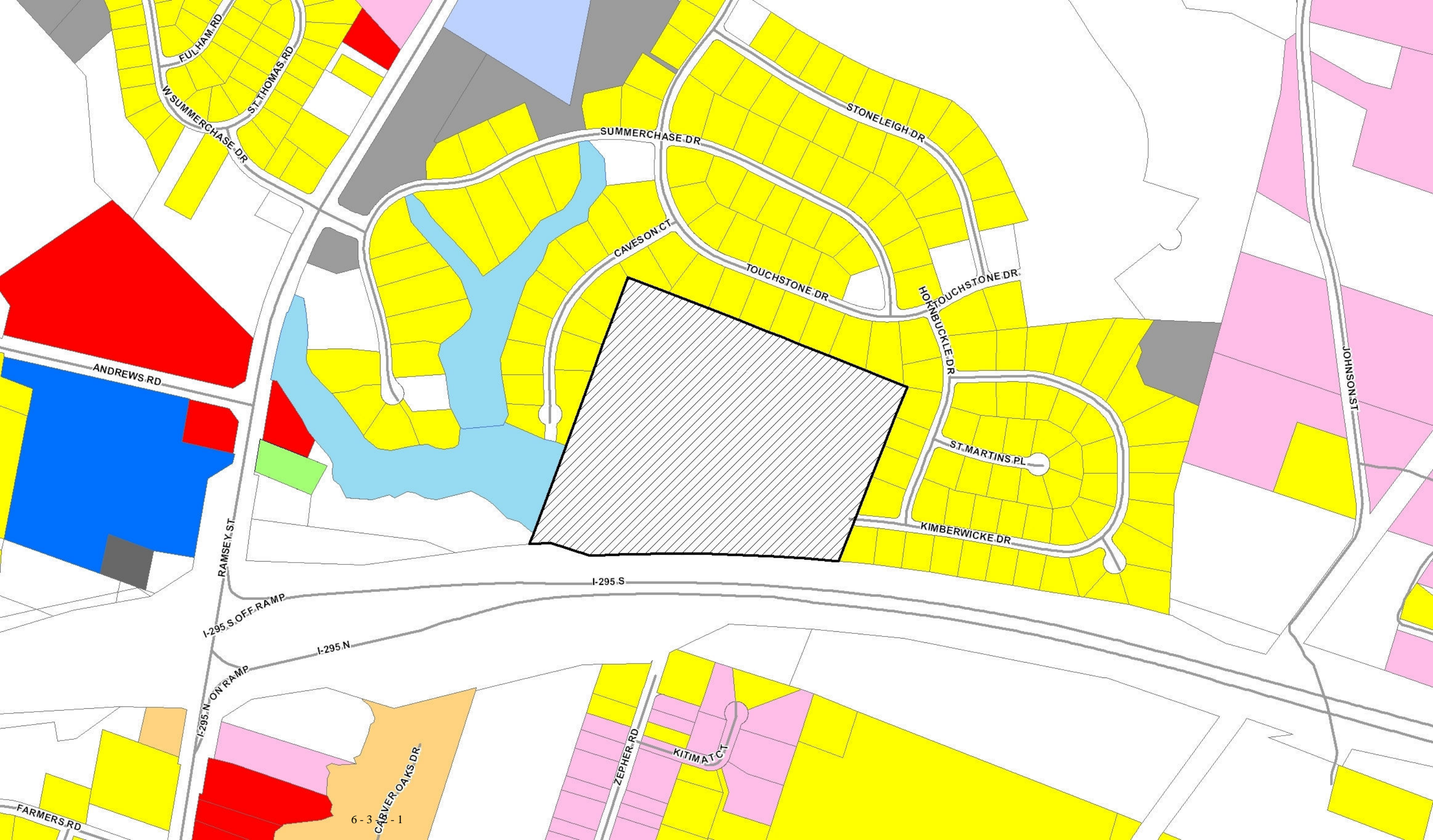
ATTACHMENTS:

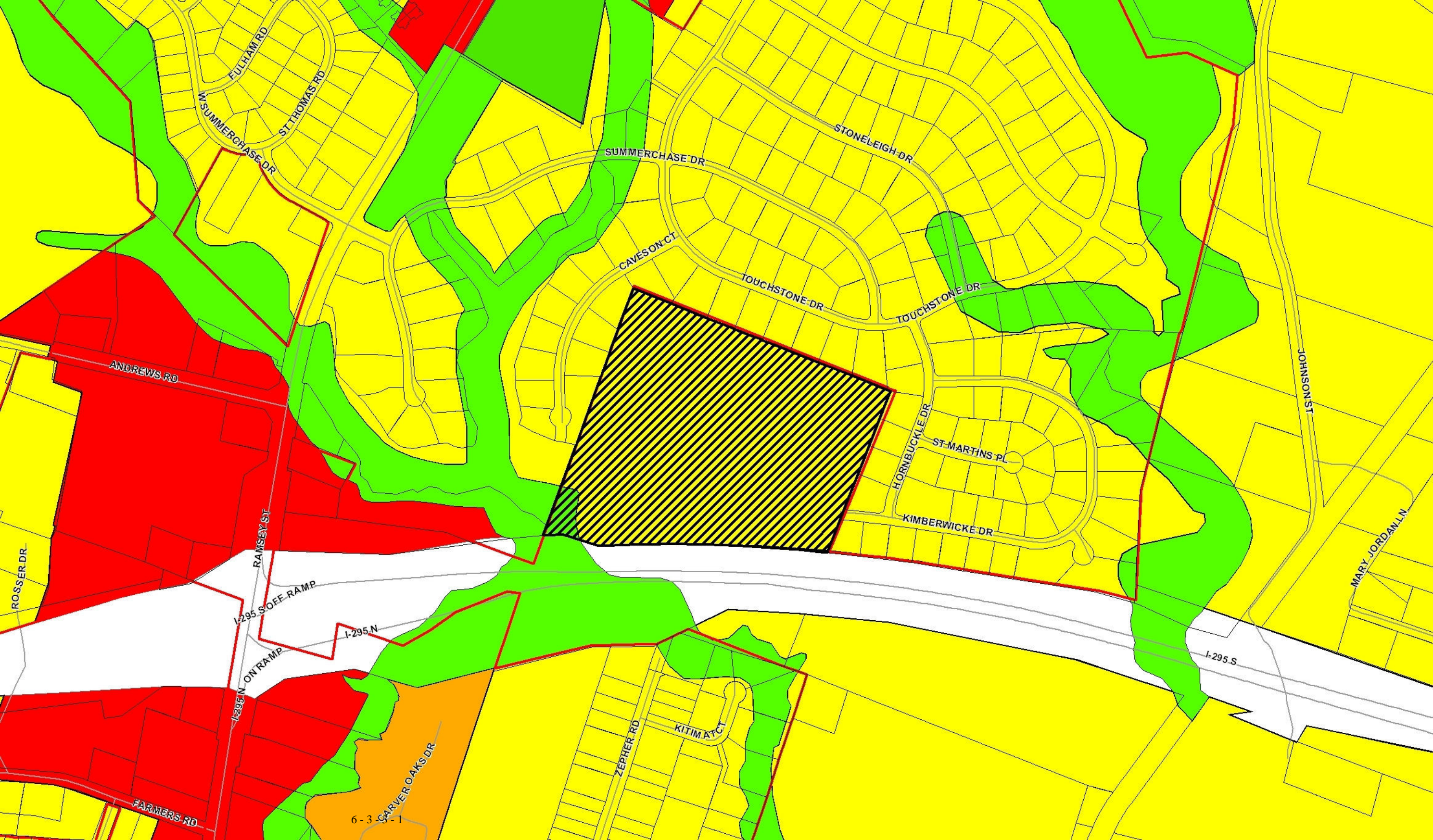
Zoning Map

Current Landuse

Land Use Plan







CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Nash, Planner II
DATE: April 23, 2012
RE: **Public Hearing to Consider a Petition Requesting Annexation for a Contiguous Area Known as "Greystone Farms-Rear of Lots 37 & 38"**

THE QUESTION:

Should a contiguous property be annexed into the City?

RELATIONSHIP TO STRATEGIC PLAN:

Strong local economy

BACKGROUND:

Greystone Farms is a residential area on the northern side of the City. It is situated along the eastern side of Ramsey Street, north of the I-295 interchange. It has been under development since 1990. Lots 37 and 38, located along the eastern side of Caveson Court, have not yet been developed. The developer is asking that a small part (.45 acre) of an adjoining parcel (0541-12-0180) be annexed. If this land is annexed, it will be added to the rear of Lots 37 and 38.

Since Lots 37 and 38 will be served by PWC water and sewer, and since the area to be added to the rear of Lots 37 and 38 is in the Fayetteville MIA, the owners were required to submit an annexation petition.

On February 16, 2012, the petition was submitted by Broadwell-Weber Investments (a partnership). The petition was signed by Dohn B. Broadwell, President of Broadwell Land Co., as partner; and by Charles F. Weber, President of Weber Building Co., as partner.

On February 13, 2012, the City Council revised the policy on annexation petitions and initial zoning. This is the first petition submitted after these policies were changed. The City staff has scheduled the petition based on the new policies. This means that the Zoning Commission held its initial zoning public hearing for this property on March 13. Also, the City Council will hold its initial zoning public hearing for this property on April 23, immediately before the annexation public hearing.

ISSUES:

Sufficiency: The City's Real Estate staff has verified that Broadwell-Weber Investments (a partnership) is the current owner of the property requested for annexation.

Services: City operating departments and PWC divisions have reviewed the property. Because of the small size of this area (.45 acre), none of the departments or divisions will have any problems in delivering services to this area.

Zoning Issues: This property is currently zoned R15 in the County. If it is annexed, the staff and the Zoning Commission recommend SF-10. On March 13, after holding its initial zoning public hearing, the Zoning Commission approved SF-10 for the property. On April 23, the City Council will need to decide how the property should be initially zoned. The initial zoning public hearing will precede the annexation public hearing.

Issue of Whether the Property Will Be Developed According to City Development Standards, as Required by the New Annexation Petition Policy: The petition was submitted on February 16, which was after the policy was changed on February 13. It is expected that the developer will develop according to City development standards. Plans for developing Greystone Farms have already been approved by the City, since Greystone Farms is already inside the City.

Effective Date: Staff is recommending an effective date of April 23, 2012. Recent changes in state law regarding contiguous petition annexations require that a contiguous area be annexed either immediately or on the following June 30. Annexing this area effective April 23, 2012 should not present any problems from the standpoint of compliance with the Voting rights Act, because no people or registered voters live on these two lots.

BUDGET IMPACT:

There are no budget impacts associated with this proposed annexation. No departments reported any costs associated with this annexation, because of its small size. There will be no revenue associated with this annexation, because Lots 37 and 38 are already taxed as being inside the City of Fayetteville.

OPTIONS:

1. Adopt the Annexation Ordinance with an effective date of April 23, 2012. (Recommended)
2. Adopt the Annexation Ordinance with an effective date of June 30, 2012.
3. Do not adopt the Annexation Ordinance. This would mean that the property would remain outside the City and the initial zoning of the property would not occur.

RECOMMENDED ACTION:

Staff recommends that the City Council adopt the proposed ordinance annexing the property, effective April 23, 2012.

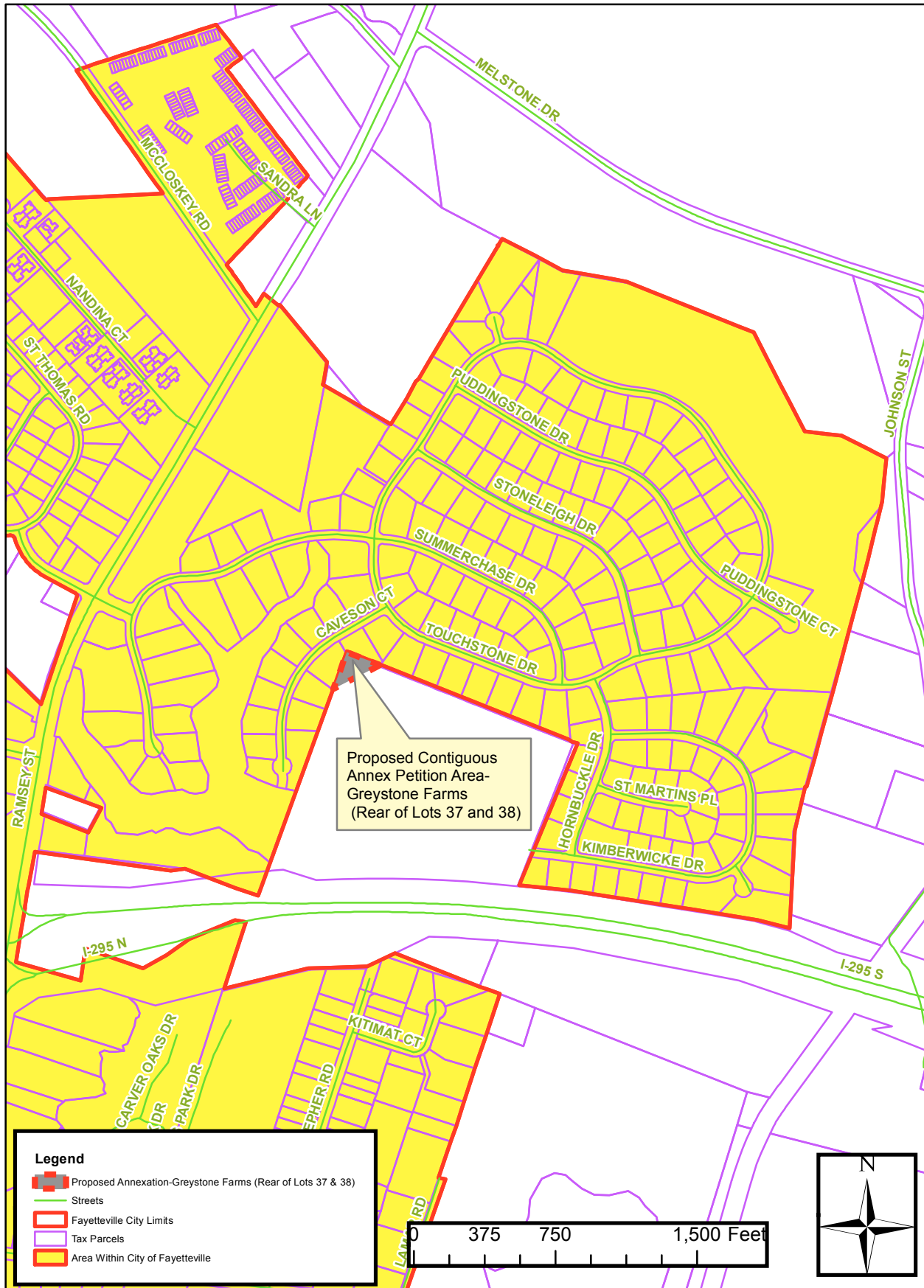
ATTACHMENTS:

Vicinity Map
Legal Description Map
Basic Information About the Area
Sufficiency Memo
Proposed Ordinance

Vicinity Map

Greystone Farms (Rear of Lots 37 and 38)

Proposed Contiguous Annexation Petition Area

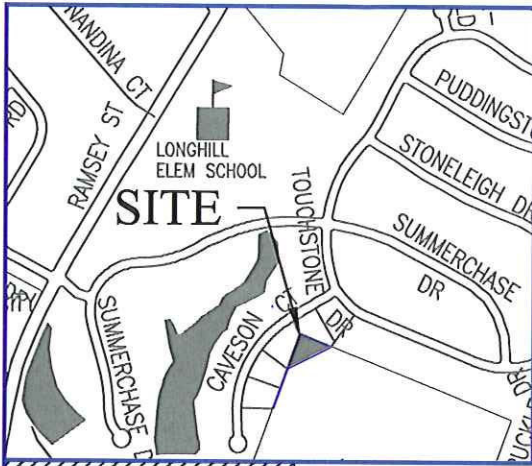


Prepared 3/26/12 by Planning & Zoning Division, Development Services Dept, City of Fayetteville

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



ANNEXATION AREA



VICINTY MAP (N.T.S.)

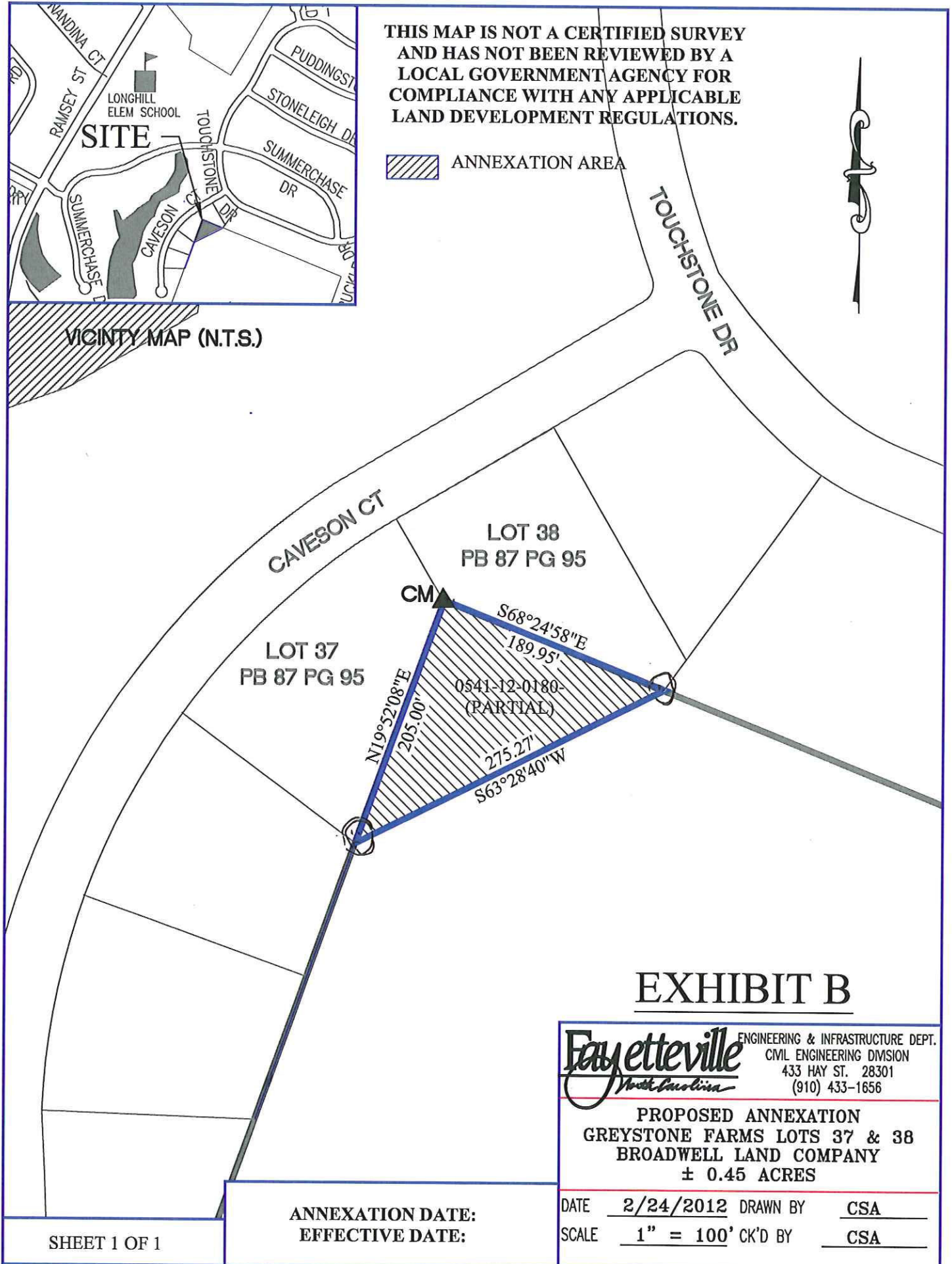


EXHIBIT B

Fayetteville
North Carolina

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

PROPOSED ANNEXATION
GREYSTONE FARMS LOTS 37 & 38
BROADWELL LAND COMPANY
± 0.45 ACRES

ANNEXATION DATE:
EFFECTIVE DATE:

DATE 2/24/2012 DRAWN BY CSA
SCALE 1" = 100' CK'D BY CSA

SHEET 1 OF 1

BASIC INFORMATION ABOUT THE AREA
Information Updated as of: March 26, 2012
Date Petition Received: February 16, 2012
Annexation Date: Effective Date:
Annexation Number:

1. Name of Area:	Greystone Farms (Rear of Lots 37 and 38)
2. Names of Petitioners:	Broadwell-Weber Investments (a partnership) (Dohn B. Broadwell, President of Broadwell Land Co., as partner; and Charles F. Weber, President of Weber Building Co., as partner)
3. Location/Address/Directions to Property:	General location is along the southern edge of the Greystone Farms development. Lots 37 and 38 of Greystone Farms are located on the eastern side of Caveson Court. These lots have not yet been developed. The area requested for annexation is land that will become the rear of these two lots.
4. Tax Identification Number (PIN):	0541-12-0180- (This is the parent parcel from which the area requested for annexation will be annexed.)
5. Fire Department Affected by Annexation:	Fayetteville (formerly Westarea)
6. Is the Area Contiguous?	Yes
7. Is the Area in the Fayetteville MIA (Municipal Influence Area)?	Yes
8. Type of Annexation:	Petition-initiated contiguous area
9. Background:	Greystone Farms has been under development since 1990. Lots 37 and 38, located along the eastern side of Caveson Court, have not yet been developed. The developer is requesting that a small part of an adjoining parcel (0541-12-0180) be annexed. If this land is annexed, this land will be added to the rear of Lots 37 and 38.
10. Reason the Annexation was Proposed:	Since Lots 37 and 38 will be served by PWC water and sewer, and since the area to be added to the rear of Lots 37 and 38 is in the Fayetteville MIA, the owners were required to submit an annexation petition.
11. Number of Acres in Area:	.45 acre
12. Type of Development in Area:	Land requested for annexation is currently undeveloped, but new residential development is proposed for Lots 37 and 38.
13. Present Conditions:	a. <u>Present Land Use:</u> Vacant b. <u>Present Number of Housing Units:</u> 0 c. <u>Present Demographics:</u> Total Pop=0 d. <u>Present Streets:</u> None e. <u>Water and Sewer Service:</u> Available from PWC f. <u>Electrical:</u> ?
14. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> To build a single-family house on the front part of Lots 37 & 38; the front is already inside the City. b. <u>Development Controls</u> <ol style="list-style-type: none"> <u>Land Use Plan (Updated w/ North Fayetteville Plan)</u> <ol style="list-style-type: none"> <u>2010 Plan:</u> Low Density Residential <u>Zoning</u> <ol style="list-style-type: none"> <u>Current Zoning in County:</u> R15 <u>Likely Zoning After Annexation:</u> SF-10 <u>In Airport Impact Zone?</u>-No <u>In Airport Overlay District?</u>-No <u>Plans Already Approved by County?</u>
15. Expected Future Conditions:	a. <u>Future Land Use</u> -Rear yard of residential lots b. <u>Future Number of Housing Units:</u> Total=0 (0 HU x 90% occupancy rate*=0 occupied HU) * Based on 2010 Census for Fayetteville c. <u>Future Demographics:</u> Total Pop=0 (0 occupied HU x 2.45 avg household size*=0) *Based on 2010 Census for Fayetteville d. <u>Future Streets:</u> None to be built in annex area e. <u>Water and Sewer Service:</u> Will be provided by PWC f. <u>Electric Service</u> -?
16. Tax Value of Land and Buildings:	Total= \$0 (Reason: Lots 37 and 38 are already being taxed as inside the City. Each has a land value of \$80,000, the standard land value for lots along the eastern side of Caveson Ct. Annexation will not change the value of Lots 37 and 38.)

BASIC INFORMATION ABOUT THE AREA
Information Updated as of: March 26, 2012
Date Petition Received: February 16, 2012
Annexation Date: Effective Date:
Annexation Number:

MEMO

To: David Nash, Planning Department

From: Brandy R. Bishop, Senior Paralegal

CC: To the file

Date: April 13, 2012

Re: Sufficiency of Annexation Petition

SIGNERS OF THE PETITION: Dohn B. Broadwell, President of Broadwell
Land Company, Partner &
Charles F. Weber, President of Weber
Building Company, Partner
Broadwell-Weber Investments

Broadwell-Weber Investments per recorded Deeds 5286, Page 702, is the record owner for the 0.45 acre tract.

1: 0541-12-0180- 30.33 Acres Buie, McKay & Coats Land

My search ended April 11, 2012 at 8:00 a.m.

Petition is now sufficient!

**Annexation Ordinance No: _____ Greystone Farms-Rear of Lots 37 & 38
(PIN 0541-12-0180-small part of)**

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

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

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

WHEREAS, the City of Fayetteville has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on April 23, 2012, after due notice by publication on April 13, 2012; and

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

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous property owned by Broadwell-Weber Investments (a partnership) (Dohn B. Broadwell, President of Broadwell Land Co., as partner; and Charles F. Weber, President of Weber Building Co., as partner), is hereby annexed and made part of the City of Fayetteville, North Carolina as of April 23, 2012:

**Broadwell-Weber Investments
0.45 Acres +/-**

BEGINNING at the Southwest corner of Lot 38, GREYSTONE FARMS, PHASE TWO, PART 1, per a plat of the same duly recorded in Plat Book 87, Page 95, Cumberland County, North Carolina Registry and running with the rear lot line of aforesaid Lot 38, South 68 degrees 24 minutes 58 seconds East 189.95 feet to the

Southeast corner of Lot 38; thence South 63 degrees 28 minutes 40 seconds West 275.27 feet to Southernmost corner of Lot 37 of GREYSTONE FARMS, PHASE TWO, PART 1, per a plat of the same duly recorded in Plat Book 87, Page 95, Cumberland County, North Carolina Registry, thence with the rear lot line of aforesaid Lot 37, North 19 degrees 52 minutes 08 seconds East 205.00 feet to **POINT OF BEGINNING**. Containing 0.45 acres, more or less.

Section 2. Upon and after April 23, 2012, the effective date of this ordinance, the above-described area and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Adopted this ____ day of _____, 20__.

ATTEST:

Anthony G. Chavonne, Mayor

Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Nash, Planner II
DATE: April 23, 2012
RE: **Public Hearing to Consider a Petition Requesting Annexation for a Non-Contiguous Area Known as "Lakeside at Snow Hill, Phase 2"**

THE QUESTION:

Should a non-contiguous property be annexed into the City?

RELATIONSHIP TO STRATEGIC PLAN:

Strong local economy

BACKGROUND:

This petition requests annexation of Phase 2 of a residential area known as Lakeside at Show Hill. The petition was submitted on February 10, 2012, by Lakeside at Snow Hill, Inc.. (Mr. Rajan Shandasani, President, signed the form.)

Lakeside at Snow Hill is a residential area located along the southern side of Snow Hill Road, south of the Fayetteville Regional Airport. This residential area is being developed in phases. When the overall area was first being proposed, in 2005, the owner submitted an annexation petition for the overall area, pursuant to the previous policy which required that annexation petition be submitted when PWC utilities were requested. However, this annexation petition was apparently never taken to City Council. Phase 1, with 68 lots, has already been developed.

The owner is now preparing to build Phase 2 (with 39 lots). The owner plans to use PWC water and sewer, and the area is in the Fayetteville MIA. Therefore, the owner was required to submit a new annexation petition for the Phase 2 area. The new petition was received on February 10, 2012.

On February 13, 2012, the City Council revised the policy on annexation petitions and initial zoning. Although the owner submitted the new petition before these policies were changed, the City staff has scheduled the petition based on the new policies. This means that the Zoning Commission held its initial zoning public hearing for this property on March 13. Also, the City Council will hold its initial zoning public hearing for this property on April 23, immediately before the annexation public hearing.

ISSUES:

Sufficiency: The City's Real Estate staff has verified that Lakeside at Snow Hill, Inc., is the current owner of the property requested for annexation.

Services: City operating departments and PWC divisions have reviewed the property.

The **Police Department** reports that it would be strained by the annexation of this area. The department believes that when the subdivision is built-out, it would require the addition of another zone officer and the reconfiguration of zone #5. The department notes that continued "spot annexation" in this area has already stretched the zone officer's response. To give the fully-developed subdivision acceptable police services would require an additional officer to be added to each shift, and it would require that the existing zone #5 and #6 be reconfigured and an additional zone be added. Once in place, these changes would allow for future annexation in this area without the need for additional resources. The **Fire Department** reports that the proposed site is 6 miles from the current City fire station and 2.2 miles from the Pearce's Mill station. The department expects to contract with Pearce's Mill if the area is annexed. The department notes that response times to serve this area would exceed baseline standards adopted by City Council and jeopardize

department accreditation. The **Environmental Services Department** reports that it will serve the area either by contract or service by city forces. Services will include garbage/yard waste and recycling. The **Engineering and Infrastructure Department** assumes that since the streets in the area will be public and built to NCDOT standards, the department will be responsible for maintaining them. However, the department expressed concern over the distance its vehicles will need to travel in order to get to the area.

Zoning Issues: This property is currently zoned R10 in the County. If it is annexed, the staff and the Zoning Commission recommend SF-10. On March 13, after holding its initial zoning public hearing, the Zoning Commission approved the proposal to initially zone the property to SF-10. On April 23, the City Council will need to decide how the property should be initially zoned. The initial zoning public hearing will precede the annexation public hearing.

Issue of Whether the Property Will Be Developed According to City Development Standards, as Required by the New Annexation Petition Policy: The petition was submitted on February 10, which was three days before the annexation policy was changed on February 13. Based on that fact, the developer will be able to develop this property according to the plans already approved by the County.

Airport Compatibility Issue: This area is located underneath the approach zone leading to the Fayetteville Regional Airport. (See attached map.) The residents of the houses in the area will be subject to noise and safety hazards. The Airport management opposed the County rezoning case several years ago which allowed residential development in this location. The Airport sometimes purchases property when it is located in a vulnerable location near the Airport. However, the Airport management believes this area is located too far away to justify the purchase of this property to keep it from being developed.

Effective Date: Recent changes in the state annexation law regarding effective dates did not apply to satellite areas. The law remains the same: a satellite annexation may be made effective immediately, or on any specified date within six months from the date of passage.

Compliance With Satellite Annexation Standards: There are five standards that a satellite annexation must meet in order to be annexed. This area meets the five standards.

BUDGET IMPACT:

Fiscal impact analysis involves a comparison of projected revenues with projected costs.

Projected Revenues: Since this is a residential area, it will generate revenues from both ad valorem property taxes and from population-based revenues, such as sales tax, beer and wine tax, and the population component of the Powell Bill. Assuming that construction starts on the 39 housing units in May of 2012, and assuming that houses are built at a rate of 3 per month, construction will be completed in 13 months, ie, by May 2013. It has been projected that total revenues for FY 11-12 through FY 16-17 would be \$177,810. This includes building permit revenue during the first 13 months. Revenues are projected to reach \$49,201 in FY 14-15, and they should stay at that level for the following fiscal years.

Projected Costs: The **Police Department** reports that additional resources needed to accommodate this area would cost around \$450,000. This would involve five officers, trained and equipped to include vehicles. The **Fire Department** projects that the cost to contract with Pearce's Mill would be \$97 per year; this is based on the current tax value of the area, 97,721. (The tax value of the area will increase in the future as the area develops.) The **Environmental Services Department** projects one-time costs for putting out roll-out carts at \$2,067 (39 carts at \$53 each). The department projects one-time costs for recycling carts at \$1,287 (39 carts at \$33 each). The department also projects annual costs of around \$6,300 per year. (This is based on \$11.50 per household per month for garbage/yard waste and \$3 per household per month for recycling, and 36 occupied housing units at any one time.) The **Engineering and Infrastructure Department** costs for street maintenance have been projected as \$2,799 per year. (This is based on .57 miles of streets times a cost per mile of \$4,910. The annual revenue from Powell Bill, \$2,567, will cover most of this cost.)

Fiscal Impact: Due to several reasons, it is not possible to completely assess the fiscal impact of annexing this area. The Police Department submitted a very large (\$450,000) cost projection. The one-time (vehicle) expenses need to be split out from this total, in order to see the annual recurring costs. Also, the Police Department believes that its current patrol zones are at capacity, and this one annexation area would tip the scales so much that a whole reconfiguration of zones would be needed. It would be desirable to see some evidence from the Police Department that its current zones are at capacity.

OPTIONS:

1. Adopt the Annexation Ordinance with an effective date of April 23, 2012. (The motion to adopt the ordinance should include the final initial zoning action that the City Council wishes to apply to the property.) If this option were followed, it is assumed that the developer, who is ready to start construction, would be able to apply for building permits from the City.
2. Adopt the Annexation Ordinance with an effective date within six months of the date of passage of the ordinance. (The motion to adopt the ordinance should include the final zoning action that the City Council wishes to apply to the property.) If this option were followed, it is assumed that the developer, who is ready to start construction, might decide to apply for building permits from the County during the period before the annexation becomes effective. If the developer begins construction with the County, it is assumed that the County would continue to issue building permits and inspect the construction until all development is completed.
3. Do not adopt the Annexation Ordinance. This option means the property would remain outside the City, the initial zoning of the property would not occur, and the developer would be able to build the project with County building permits.

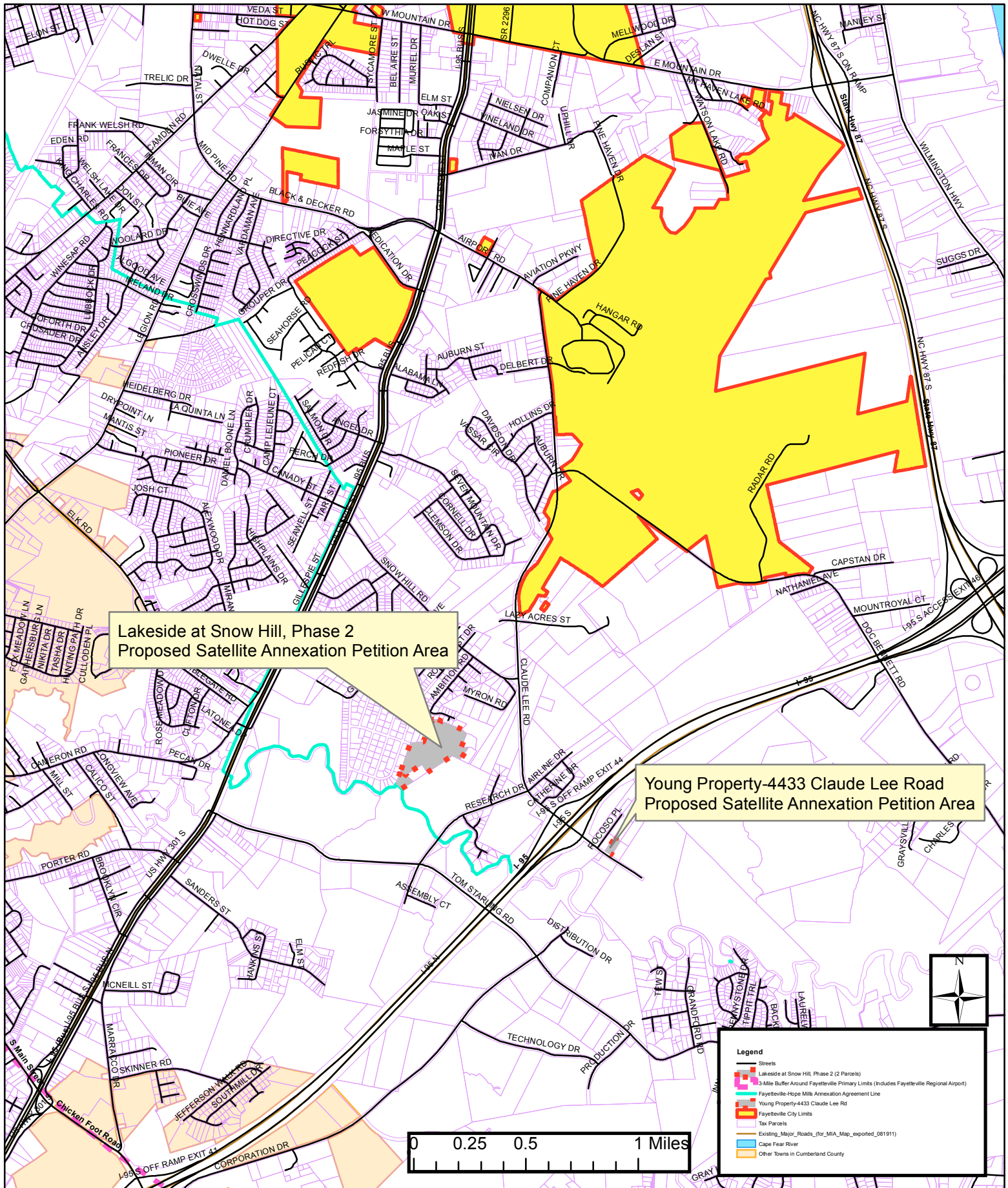
RECOMMENDED ACTION:

Staff recommends that the City Council adopt the proposed ordinance annexing the property and establish the initial zoning as SF-10 Single Family Residential, effective April 23, 2012.

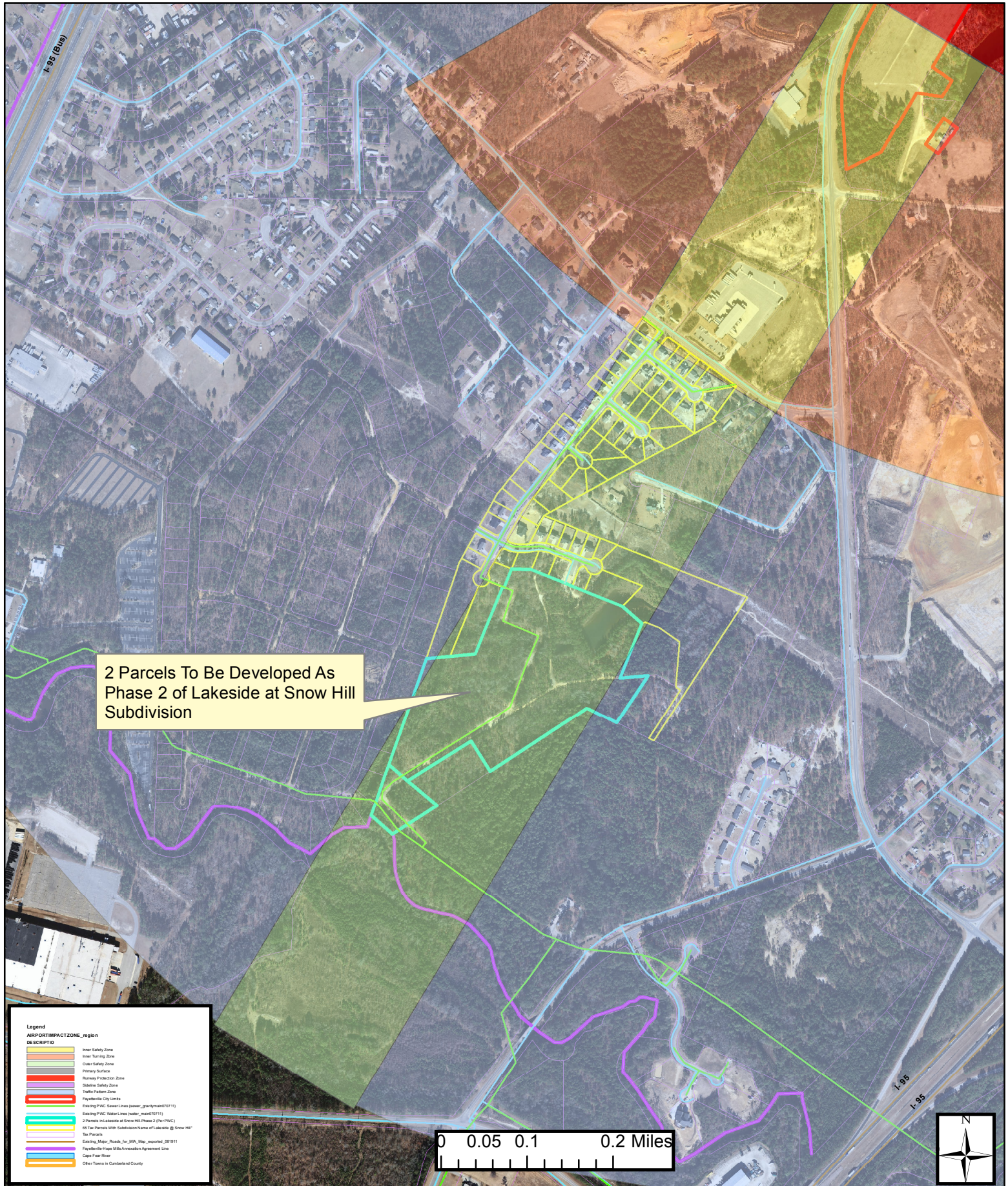
ATTACHMENTS:

Vicinity Map
Map Showing Airport Impact Zones
Legal Description Map
Basic Information About the Area
Sufficiency Memo
Proposed Ordinance

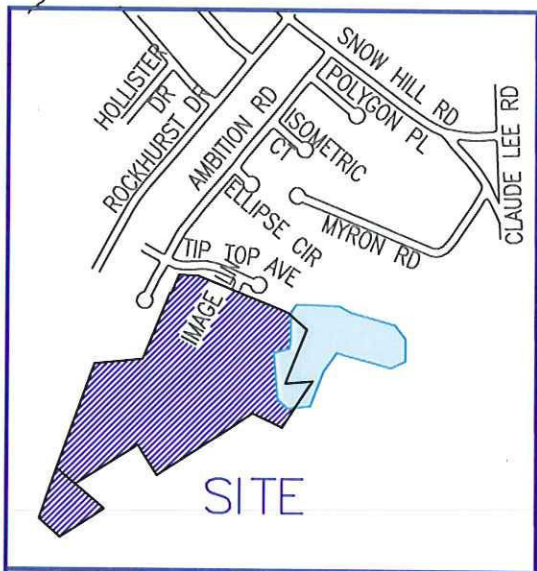
Vicinity Map
Lakeside at Snow Hill, Phase 2
Proposed Satellite Annexation Petition Area
 (Also Shown for Reference is the Young Property,
 Another Possible Satellite Annex Area Nearby)



**Airport Impact Zones Around the Fayetteville Regional Airport
(As Designated in County Zoning Ordinance) and
65 Tax Parcels With the Subdivision Name of "Lakeside @ Snow Hill"
(According to County Tax Records) and
2 Parcels To Be Developed as Phase 2 of Lakeside at Snow Hill Subdivision (Per PWC)**



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



VICINTY MAP (N.T.S.)

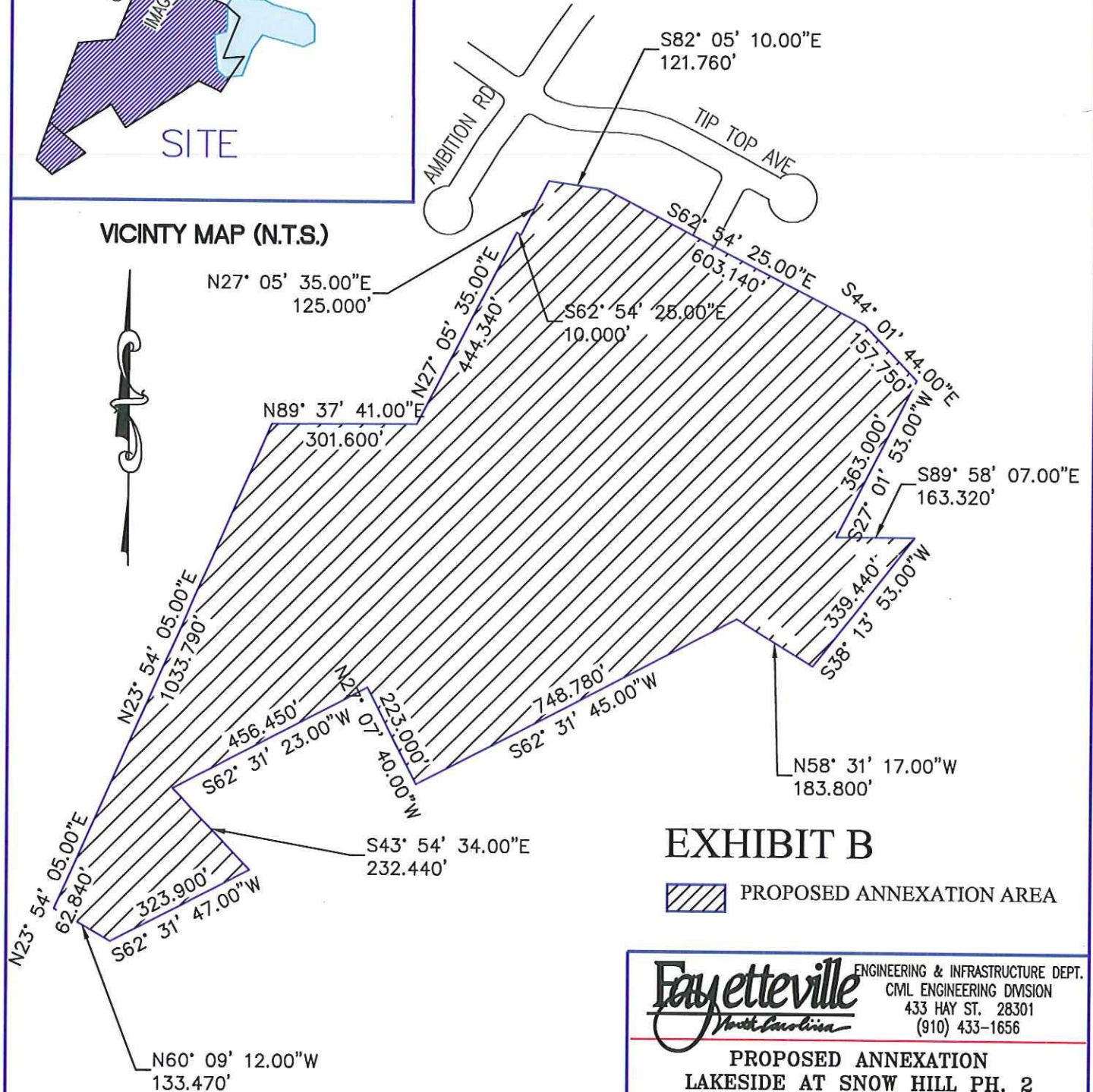



EXHIBIT B

 PROPOSED ANNEXATION AREA

Fayetteville
North Carolina

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

**PROPOSED ANNEXATION
LAKESIDE AT SNOW HILL PH. 2**

± 27.66 ACRES

DATE	<u>2/20/2012</u>	DRAWN BY	<u>TCF</u>
SCALE	<u>1" = 300'</u>	CK'D BY	<u>CSA</u>

BASIC INFORMATION ABOUT THE AREA
Information Updated as of: March 20, 2012
Date Petition Received: February 10, 2012
Annexation Date: Effective Date:
Annexation Number:

1. Name of Area:	Lakeside at Snow Hill, Phase 2
2. Names of Petitioners:	Lakeside at Snow Hill, Inc.-Rajan Shamdasani, President
3. Location/Address/Directions to Property:	General location is south of Fayetteville Regional Airport. Directions: From US 301 South, turn east on Snow Hill Rd. Go about .8 miles. Turn south on Ambition Rd. Go about .3 miles through existing Phase 1 part of Lakeside at Snow Hill. Turn east on Tip Top Ave. Phase 2 of Lakeside at Snow Hill will be built south of Tip Top Ave. Image Lane will provide access into the Phase 2 part.
4. Tax Identification Number (PIN):	0434-03-5205- & 0424-92-2143-
5. Fire Department Affected by Annexation:	Pearces Mill
6. Is the Area Contiguous?	No
7. Is the Area in the Fayetteville MIA (Municipal Influence Area)?	Yes
8. Type of Annexation:	Petition-initiated satellite area
9. Background:	When the Lakeside at Snow Hill development was first proposed, the owner submitted an annexation petition (3/7/05). However, the petition was never taken to City Council. Phase 1 has already been developed (with 68 lots). Now, the owner is preparing to build Phase 2 (with 39 lots). Owner plans to use PWC water and sewer, and the area is in the Fayetteville MIA.
10. Reason the Annexation was Proposed:	Since the new Phase 2 will be developed with PWC water and sewer, and since the area is in the Fayetteville MIA, the owner was required to submit a new annexation petition for the Phase 2 area.
11. Number of Acres in Area:	27.66 acres
12. Type of Development in Area:	Area is currently undeveloped, but new residential development is proposed.
13. Present Conditions:	a. <u>Present Land Use:</u> Vacant b. <u>Present Number of Housing Units:</u> 0 c. <u>Present Demographics:</u> Total Pop=0 d. <u>Present Streets:</u> None e. <u>Water and Sewer Service:</u> Available from PWC f. <u>Electrical:</u> ?
14. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> To develop a new residential area. b. <u>Development Controls</u> 1. <u>Land Use Plan</u> a. <u>2010 Plan</u> :Low Density Residential 2. <u>Zoning</u> a. <u>Current Zoning in County:</u> R10 b. <u>Likely Zoning After Annexation:</u> SF-10 3. <u>In Airport Impact Zone?</u> -Yes- Outer Safety Zn 4. <u>In Airport Overlay District?</u> -Yes 5. <u>Plans Already Approved by County?</u> Yes (1/27/06)
15. Expected Future Conditions:	a. <u>Future Land Use</u> -Single-family residential b. <u>Future Number of Housing Units:</u> Total=39 (39 HU x 90% occupancy rate*=35 occupied HU) * Based on 2010 Census for Fayetteville c. <u>Future Demographics:</u> Total Pop=86 (35 occupied HU x 2.45 avg household size*=86) *Based on 2010 Census for Fayetteville d. <u>Future Streets:</u> Will be public (Built to DOT standards)-(Total length=3,010 LF approx.) e. <u>Water and Sewer Service:</u> Will be provided by PWC f. <u>Electric Service?</u>
16. Tax Value of Land and Buildings:	Total= \$97,721 (All land value. Total for 2 parcels)

MEMO

To: David Nash, Planning Department

From: Brandy R. Bishop, Senior Paralegal

CC: To the file

Date: February 22, 2012

Re: Sufficiency of Annexation Petition

SIGNERS OF THE PETITION: Lakeside at Snow Hill, Inc.

Lakeside at Snow Hill, Inc. per recorded Deed 6799, Page 138, is the record owner for the 27.66 acre tract.

0434-03-5205- & 0424-92-2143- 27.66 acre tract M&B

My search ended February 17, 2012 at 8:00 a.m.

Petition is now sufficient!

Annexation Ordinance No: _____

**Lakeside at Snow Hill, Phase 2
South Side of Snow Hill Road,
West of Claude Lee Road
(PIN 0434-03-5205 & 0424-92-2143)**

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

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

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

WHEREAS, the City of Fayetteville has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on April 23, 2012, after due notice by publication on April 13, 2012; and

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous property owned by Lakeside at Snow Hill, Inc. (Rajan Shamdasani, President) is hereby annexed and made part of the City of Fayetteville, North Carolina as of April 23, 2012:

Lakeside at Snow Hill, Inc.
27.66 Acres +/-

BEGINNING at an existing iron stake located at the southwest corner of Lot 109 as shown on plat entitled "Lakeside At Snow Hill, Phase One, Section Two" as recorded in Plat Book 117 Page 137 of the Cumberland County Registry; said iron stake also being located in the eastern line of Riverview Estates, Section Two as recorded in Plat Book 31, Page 25; *And Runs Thence* with the eastern line of said Riverview Estates; North 23 degrees 54 minutes 05 seconds West 1033.79 feet to an existing concrete monument; thence with said line North 89 degrees 37 minutes 41 seconds East 301.60 feet to a point; thence North 27 degrees 05 minutes 35 seconds East 444.34 feet to a point; thence South 62 degrees 54 minutes 25 seconds East 10.00 feet to a point; thence North 27 degrees 05 minutes 35 seconds East 125.00 feet to a point; thence South 82 degrees 05 minutes 10 seconds East 121.76 feet to a point; thence South 62 degrees 54 minutes 25 seconds East 603.14 feet to a point; South 44 degrees 01 minutes 44 seconds East 157.75 feet to a point; thence South 27 degrees 01 minutes 53 seconds West 363.00 feet to a point; thence South 89 degrees 58 minutes 07 seconds East 163.32 feet to a point; thence South 38 degrees 13 minutes 53 seconds West 339.44 feet to a point; thence North 58 degrees 31 minutes 17 seconds West 183.80 feet to a point; thence South 62 degrees 31 minutes 45 seconds West 748.78 feet to a point; thence North 27 degrees 07 minutes 40 seconds West 223.00 feet to a point; thence South 62 degrees 31 minutes 23 seconds West 456.45 feet to a point; South 43 degrees 54 minutes 34 seconds East 232.44 feet to a point; thence South 62 degrees 31 minutes 47 seconds West 323.90 feet to a point; thence North 60 degrees 09 minutes 12 seconds West 133.47 feet to a point; thence North 23 degrees 05 minutes 05 seconds East 62.84 to the **POINT AND PLACE OF BEGINNING**, and containing 27.66 Acres more or less. Said tract being a portion of the Lakeside at Snow Hill, Inc., property as described in Deed Book 6799, Page 138, Cumberland County, North Carolina Registry.

Section 2. Upon and after April 23, 2012, the above-described area and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville of North Carolina and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville of North Carolina. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Adopted this ____ day of _____, 2012.

Anthony G. Chavonne, Mayor

ATTEST: _____
Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: David Nash, Planner II
DATE: April 23, 2012
RE: **Public Hearing to Consider a Petition Requesting Annexation for a Non-Contiguous Area Known as the "Young Property"**

THE QUESTION:

Should a non-contiguous property be annexed into the City?

RELATIONSHIP TO STRATEGIC PLAN:

Strong local economy

BACKGROUND:

On January 31, 2012, the City received a non-contiguous annexation petition from Mr. Alfred Leroy Young and wife, Linda Hill Young. Mr. and Mrs. Young requested annexation of their property, which is located at 4433 Claude Lee Road. This property is south of the Fayetteville Regional Airport, at the end of Claude Lee Road, about 950 feet beyond I-95. This property is not in the Fayetteville MIA, but it is close. (I-95 is the boundary of the MIA.) The property is located approximately 4.3 miles from the main part of the City, as measured from the intersection of US 301 and East Mountain Drive.

Mr. Young has a wrecker service. Until recently, he has operated from a site on Southern Avenue, which is inside the City. Because this site was inside the City, Mr. Young was able to be on the City's wrecker service rotation list. However, a road widening project on Southern Avenue has meant that the site on Southern Avenue will no longer work. Mr. Young says that he has not been able to find another site inside the City. Therefore, Mr. Young has moved his wrecker service to the property he owns on Claude Lee Road, which is not inside the City.

Mr. Young would like for his property on Claude Lee Road to be annexed into the City as a satellite, so that he can stay on the City's wrecker service rotation list. Mr. Young has said that he is not requesting annexation because he wants to receive PWC water and/or sewer. He expects to continue using a well and septic tank.

On February 13, 2012, the City Council revised the policy on annexation petitions and initial zoning. Although Mr. Young submitted his petition before these policies were changed, the City staff has scheduled Mr. Young's petition, based on the new policies. This means that the Zoning Commission held its initial zoning public hearing for this property on March 13. Also, the City Council will hold its initial zoning public hearing for this property on April 23, immediately before the annexation public hearing.

ISSUES:

Sufficiency: The City's Real Estate staff has verified that Mr. and Mrs. Young are the owners of the property requested for annexation.

Services: City operating departments and PWC divisions have reviewed the Young property. The Police Department reports that it would be very difficult to provide effective services to this property, due to its distance away from the nearest patrol zone (Zone 5). It would not be possible for police officers assigned to the Airport to respond to calls for service at this property. The Police Department believes that the wrecked vehicles parked in the rear of the property would be a likely target for thieves, so the department believes that this property would generate a high volume of calls. The Police Department believes that if this wrecker service remains on the City wrecker service list, its remote location on the southeastern side of the City would make it difficult to respond to wrecks on the far side of the City in a timely manner. The Fire Department

reports that it cannot effectively serve this property with current resources. The property is 6.9 miles from the closest City fire station. The Fire Department proposes to contract with the Pearce's Mill department for primary coverage. The Pearce's Mill station is 3.6 miles from the property. The Environmental Services Department considers this to be a commercial property, so it would be served by a commercial hauler for trash collection. This property would not receive yard waste collection or recycling services at this time. PWC would not need to provide any services to this property, because no PWC services are being requested.

Zoning Issues: This property has both a wrecker service and a salvage yard. In order to accomodate both uses, the staff recommended at the Zoning Commission meeting that the property be intially zoned as HI. However, there was opposition to the HI during the public hearing. The Zoning Commission denied the proposal to intially zone the property as HI. The City Council will need to deal with the question of how this property should be intially zoned. The initial zoning public hearing will precede the annexation public hearing.

Effective Date: Recent changes in the state annexation law regarding effective dates did not apply to satellite areas. The law remains the same: a satellite ordinance may be made effective immediately, or on any specified date within six months from the date of passage.

Compliance With Satellite Annexation Standards: There are five standards that a satellite annexation area must meet in order to be annexed. This area meets the five standards.

BUDGET IMPACT:

Fiscal impact analysis involves a comparison of projected revenues with projected costs.

Projected Revenues: Because this property has no housing units or people, the only revenue that can be projected is ad valorem tax. Based on a total real property value of \$208,798, it can be projected that ad valorem tax revenue from this property would be \$946 per year, if it were annexed into the City. This is based on the current city tax rate of .456 per \$100 value, and a collection rate of .9936.

Projected Costs: The Fire Department has projected that its cost for contracting with the Pearce's Mill Fire Department would be at least \$209 per year. If debt assumption is required, then the cost for the Fire Department would be higher. Although the Police Department anticipates that it would be very costly to annex this area, no cost projections were submitted. According to the Environmental Services Department, there would be no costs.

Fiscal Impact: Projected revenues are \$946. Projected costs are \$209 per year. The difference is \$737. Since revenues exceed costs, the fiscal impact of annexing this property appears to be positive for the City. However, the costs do not include any costs police protection. As long as the actual cost for police protection does not exceed \$737, the fiscal impact would be positive for the City. But, given the distance that a police vehicle would have to travel from the edge of the main part of the City, it seems likely that the costs for police protection would exceed \$737 per year.

OPTIONS:

1. Adopt the Annexation Ordinance with an effective date of April 23, 2012. (The motion to adopt the ordinance should include the final initial zoning action that the City Council wishes to apply to the property.)
2. Adopt the Annexation Ordinance with an effective date within six months of the date of passage of the ordinance. (The motion to adopt the ordinance should include the final initial zoning action that the City Council wishes to apply to the property.)
3. Do not adopt the Annexation Ordinance. This means the property will remain outside the City, and the initial zoning of the property will not occur. (Recommended)

RECOMMENDED ACTION:

Staff recommends that the City Council deny the petition for annexation.

ATTACHMENTS:

Vicinity Map

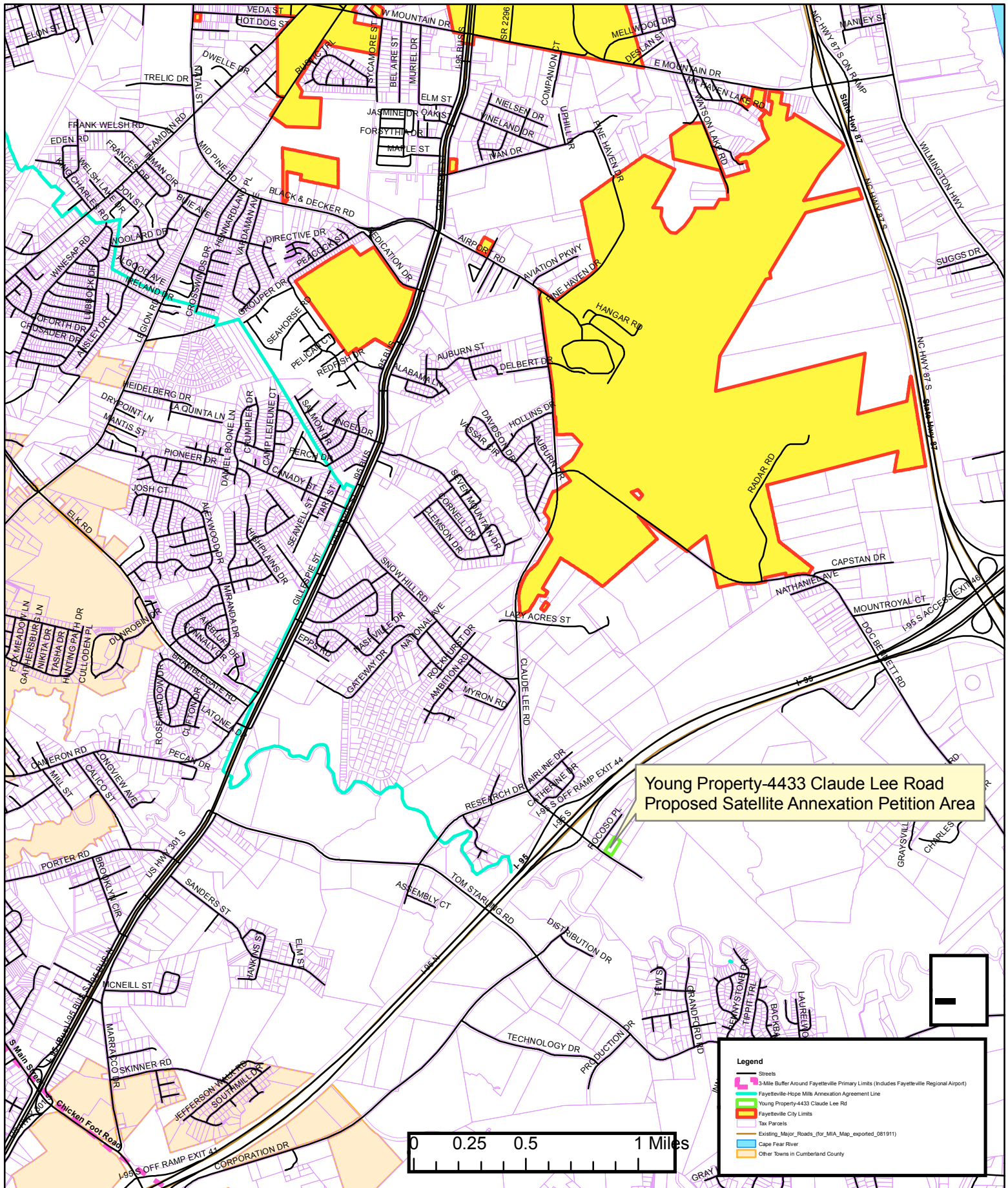
Legal Description Map

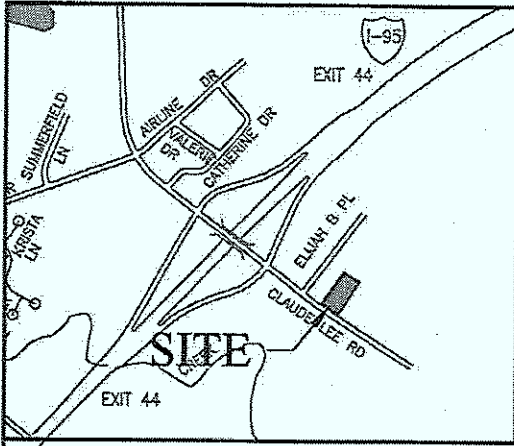
Basic Information About the Area

Sufficiency Memo

Proposed Ordinance

Vicinity Map
 Young Property-4433 Claude Lee Road
 Proposed Satellite Annexation Petition Area





VICINTY MAP (N.T.S.)

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

 ANNEXATION AREA

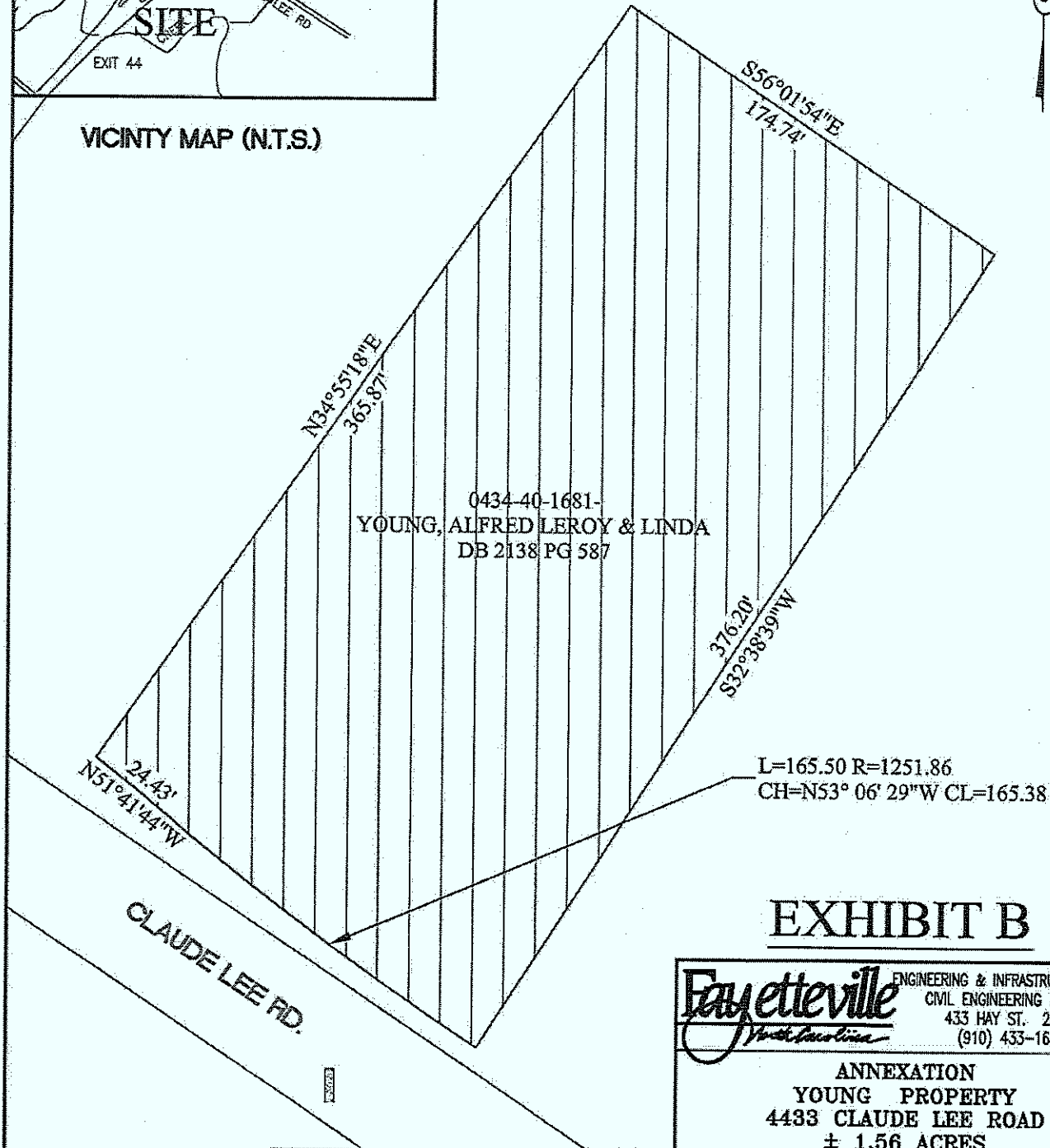


EXHIBIT B

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

ANNEXATION
YOUNG PROPERTY
4433 CLAUDE LEE ROAD
± 1.56 ACRES

ANNEXATION DATE:
EFFECTIVE DATE:

DATE 2/3/2012 DRAWN BY CSA
SCALE 1" = 60' CK'D BY CSA

SHEET 1 OF 1

BASIC INFORMATION ABOUT THE AREA**Information Updated as of: April 13, 2012****Date Petition Received: January 31, 2012****Annexation Date: Effective Date:****Annexation Number:**

1. Name of Area:	Young Property-4433 Claude Lee Road
2. Names of Petitioners:	Alfred Leroy Young and wife Linda Hill Young
3. Location/Address/Directions to Property:	General location is south of Fayetteville Regional Airport. /Address is 4433 Claude Lee Road. /Directions: From US 301 South, take Airport Rd. toward airport. Turn south on Doc Bennett Rd. Go about .8 miles on Doc Bennett Rd. Name changes to Claude Lee Rd. Go about 1.75 miles to bridge over I-95. Property is about 950 feet beyond I-95, on north side of Claude Lee Rd.
4. Tax Identification Number (PIN):	0434-40-1681-
5. Fire Department Affected by Annexation:	Pearces Mill
6. Is the Area Contiguous?	No
7. Is the Area in the Fayetteville MIA (Municipal Influence Area)?	No. The boundary of the MIA is I-95. This property is about 950 feet beyond the MIA boundary.
8. Type of Annexation:	Petition-initiated satellite area
9. Background:	The owner has a wrecker service. His current business is located in the City, so he is on the City's wrecker service rotation list. However, a road widening project means that his current business location will no longer work. He has moved his wrecker service to the property on Claude Lee Road, which he owns.
10. Reason the Annexation was Proposed:	The owner wants his new business site on Claude Lee Road to be annexed into the City, so that he can stay on the City's wrecker service rotation list.
11. Number of Acres in Area:	1.56 acres
12. Type of Development in Area:	The parcel is developed with one building.
13. Present Conditions:	a. <u>Present Land Use:</u> Wrecker Service & salvage yard b. <u>Present Number of Housing Units:</u> 0 c. <u>Present Demographics:</u> Total Pop=0 d. <u>Present Streets:</u> None e. <u>Water and Sewer Service:</u> Owner currently gets water from a well. (PWC water is about 1,600 feet away.) Owner currently uses a septic tank. (PWC sewer is about 650 feet away.) f. <u>Electrical:</u> Progress Energy
14. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> To operate wrecker service & salvage yard. b. <u>Development Controls</u> 1. <u>Land Use Plan</u> a. <u>2010 Plan</u> : Heavy Commercial 2. <u>Zoning</u> a. <u>Current Zoning in County:</u> C3 b. <u>Likely Zoning After Annexation:</u> CC or HI 3. <u>In Airport Impact Zone?</u> -Yes Traffic Pattern Zn 4. <u>In Airport Overlay District?</u> -Yes
15. Expected Future Conditions:	a. <u>Future Land Use</u> – Wrecker service & salvage yard. b. <u>Future Number of Housing Units:</u> 0 c. <u>Future Demographics:</u> Total Pop=0 d. <u>Future Streets:</u> None e. <u>Water and Sewer Service:</u> It is assumed owner will continue to use a well and septic tank. f. <u>Electric Service-Progress Energy</u>
16. Tax Value of Land and Buildings:	Total=\$208,798 (The parcel has a land value of \$80,024, a building value of \$117,144, and an extra feature value of \$11,630.) Parcel is not in farm program.

BASIC INFORMATION ABOUT THE AREA

Information Updated as of: April 13, 2012

Date Petition Received: January 31, 2012

Annexation Date: Effective Date:

Annexation Number:

MEMO

To: David Nash, Planning Department

From: Brandy R. Bishop, Senior Paralegal

CC: To the file

Date: February 7, 2012

Re: Sufficiency of Annexation Petition

SIGNERS OF THE PETITION: Alfred Leroy Young and wife, Linda Hill Young

Alfred Leroy Young and wife, Linda Hill Young per recorded Deed 2138, Page 587, is the record owner for the 1.56 acre tract.

0434-40-1681- 1.56 acre tract M&B

My search ended February 7, 2012 at 8:00 a.m.

Petition is now sufficient!

Annexation Ordinance No: _____

**Young Property-
4433 Claude Lee Road
(PIN 0434-40-1681)**

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

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

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

WHEREAS, the City of Fayetteville has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on April 23, 2012, after due notice by publication on April 13, 2012; and

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous property owned by Alfred Leroy Young and wife Linda Hill Young is hereby annexed and made part of the City of Fayetteville, North Carolina as of April 23, 2012:

**Alfred Leroy Young and wife, Linda Hill Young
1.56 Acres +- Claude Lee Road**

BEGINNING at a point in the northern right-of-way margin of Claude Lee Road, said point of beginning also being the southeast corner of the tract of land described in Book 2138, Page 587, Cumberland County Registry and running thence with an arc of a curve to the right having a radius of 1251.86 feet a distance of 165.50 feet to a point having a chord bearing and distance of North 53 degrees 6 minutes 29 seconds West 165.38 feet to a point; thence North 51 degrees 41 minutes 44 seconds West 24.43 feet to a point; thence North 34 degrees 55 minutes 18 seconds East 365.87 feet to a point; thence South 56 degrees 01 minutes 54 seconds East 174.74 feet to a point; thence South 32 degrees 38 minutes 39 seconds West 376.20 feet to a point; to the **POINT AND PLACE OF BEGINNING**, and containing 1.56 Acres more or less.

Section 2. Upon and after April 23, 2012, the above-described area and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville of North Carolina and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville of North Carolina. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Adopted this ____ day of _____, 2012.

Anthony G. Chavonne, Mayor

ATTEST: _____
Pamela Megill, City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager Planning and Zoning Division
DATE: April 23, 2012
RE: **Amendment to City Code Chapter 30 Section 30-5.A.3 Parking Lot Cross-Access and Section 30-6.A.4(c) Lots and Lot Frontage to modify certain access standards affecting both residential and non-residential development.**

THE QUESTION:

Does the proposed amendment to the development standards meet a public purpose?

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy Livable Neighborhoods

BACKGROUND:

The staff has identified the need to clarify and provide for access standards for both residential and non-residential properties. For residential properties, the need has been triggered by several inquiries and two waiver requests over the past several weeks, to acquire access to landlocked properties. For commercial properties, an approach for 'group development' that established standards for internal access in the previous development code is no longer in the code and no alternative is available to the requirement that all development have direct access to a public street. Also impacting commercial properties is the requirement to provide cross-access to an adjacent property, to minimize the need for curb cuts on major streets and arterials. The specific changes being proposed are: 1. For residential properties, clarify lot standards on a cul-de-sac; establish Flag Lot standards. 2. For commercial properties, access for up to five lots may be via a recorded permanent easement with maintenance agreement acceptable to the City and the access built to City standards. 3. Clarify the ability of the City Manager to waive the cross-access requirement when topography or the development pattern makes such access unnecessary or unreasonable (such as when there are only two parcels on a block front and each has access to a comparable side street).

ISSUES:

One primary consideration is to avoid encouraging or creating what amounts to new 'soil streets' that eventually become City responsibility to pave and maintain. Establishing reasonable access with clear limits responds to a large number of landlocked residential parcels, to established commercial development practices, and to City concerns regard safety and deliver of services. The Development Code provides seven standards of review for proposed text amendments. Attached is the staff report in which each standard is listed along with staff analysis of how each standard applies to the proposed changes.

BUDGET IMPACT:

None noted.

OPTIONS:

Adopt amendment as proposed. Adopt amendment with changes. Deny amendment.

RECOMMENDED ACTION:

The Planning Commission will consider this item on April 17; staff will relay the Commission's recommendation to Council at the meeting or in separate correspondence. Staff recommends the adoption of the amendment as proposed.

ATTACHMENTS:

Draft Ordinance - Access
PC staff report

ITEM 4B.2

Ordinance No. S2012-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND PORTIONS OF ARTICLE 5 DEVELOPMENT STANDARDS AND ARTICLE 6 SUBDIVISION OF CITY CODE CHAPTER 30, TO CLARIFY AND PROVIDE FOR ACCESS UNDER SPECIFIC CONDITIONS TO PARCELS THAT DO NOT ABUT A PUBLIC OR PRIVATE STREET.

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that the Unified Development Ordinance adopted December 13, 2010 as Chapter 30 of the Code of Ordinances of the City of Fayetteville and last amended January 23, 2012, be amended as follows:

Section 1. Amend Section 30-5.A.3(f) Parking Lot Cross-Access to clarify circumstances in which the requirement may be waived by the City Manager, as follows:

30-5.A.3

(f) Parking Lot Cross-Access

(1) General

(2) Waiver

- a. The cross-access standard may be waived by the City Manager if the TRC recommends such waiver based on consideration of topography or natural features, vehicular safety factors, adequate access from comparable side streets, or similar factors.
- b. When cross-access is waived in accordance with this section, bicycle and pedestrian connections shall be provided between adjacent developments or uses, unless the provision is deemed unreasonable or impracticable.

(3) Recording Required

Where provided, a cross-access easement shall be recorded by the owner/developer prior to issuance of a Certificate of Occupancy (see Section 30-2.C.13).

Section 2. Amend Section 30-6.A.4(c) as follows:

30-6.A.4. SUBDIVISION DESIGN STANDARDS

Subdivisions shall be developed in accordance with the City's *Standard Specification Manual* and the following standards

(a) Public Streets and Alleys

(b) Blocks

Blocks shall be configured in accordance with Section 30-5.F.5, Block Design.

(c) Lots and Lot Frontage

(1) General

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot shall front on a public or private street or highway. Double frontage of lots from right-of-way to right-of-way shall be permitted only under unusual circumstances. Rear access on double frontage lots shall be for non-routine purposes only. In cases where the subdivision consists of parcels larger than ordinary building lots, such parcels shall be so arranged as to allow the opening of future streets and logical further subdivision.

(2) Access Requirements for Residential Streets

a. General

Except as set forth in subsection 30-6.A.4(c)(2)c below, all residential lots must abut a public street or a private street built to public street standards. Residential lots shall meet the minimum lot width requirements of the applicable zoning district where they abut a public or private street, except for lots on a cul-de-sac or flag lots or within and meeting all standards of a zero lot line development.

b. Lots on a cul-de-sac

A lot on a cul-de-sac shall be a minimum of twenty-five (25) feet at the front property line, and shall be 80 percent of the required lot width at the front setback line.

c. Flag lots

A lot that abuts a public or private street with a narrow street frontage (flag lot), may be approved by the city manager if it meets the following requirements:

- i. A flag lot shall serve only one single-family dwelling and its accessory buildings.

- ii. Minimum width of the flagpole portion of the lot shall be 20 feet.
- iii. The flagpole portion of the lot shall not be used to calculate compliance with minimum lot area, width, and/or depth or to provide off-street parking.
- iv. Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged.
- v. The maximum length for the flagpole portion of the lot shall be 250 feet or the distance that allows the flag portion of the lot to be within 500 feet of a fire hydrant, whichever is less.
- vi. No more than one lot in a subdivision of less than eight lots shall be a flag lot. No more than two lots or five percent of the total lots in the subdivision, whichever is greater, shall be flag lots in a subdivision of eight or more lots, up to a maximum of 10 lots.

(3) Access Requirements for Non-Residential Lots

Except as set forth below, lots used for non-residential purposes must abut a public street or a private street built to public street standards. Lots or parcels used for non-residential purposes are not required to abut a public street or a private street built to public street standards if all of the following requirements are met:

- a. The access road shall be located within a recorded easement or right-of-way.
- b. The access road and other circulation elements including sidewalks and loading access shall be constructed to the standards established by the City of Fayetteville through the site plan review process taking into account projected vehicular and pedestrian traffic characteristics and volumes for the nonresidential development being served by the access road.
- c. A road maintenance agreement acceptable to the City of Fayetteville which identifies the responsibilities for the maintenance of the access road and clearly states that the City of Fayetteville is not responsible for maintenance of the road shall be prepared and recorded in the Office of the Register of Deeds of Cumberland County. In addition, a notation must appear on the recording instrument stating that the easement or right-of-way is

to provide permanent egress, ingress and utility access for all lots served by the right-of-way.

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

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

ADOPTED this the 23th day of April, 2012.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

City Clerk

Staff Report
Proposed Text Amendment Set #6
Item 4B – Access Standards

Background. The staff has identified the need to clarify and provide for access standards for both residential and non-residential properties. For residential properties, the need has been triggered by several inquiries and two waiver requests over the past several weeks, to acquire access to landlocked properties. For commercial properties, an approach for ‘group development’ that established standards for internal access in the previous development code is no longer in the code and no alternative is available to the requirement that all development have direct access to a public street. Also impacting commercial properties is the requirement to provide cross-access to an adjacent property, to minimize the need for curb cuts on major streets and arterials.

The specific changes being proposed are summarized below and in the draft ordinance:

1. For residential properties, clarify lot standards on a cul-de-sac; establish Flag Lot standards.
2. For commercial properties, access for up to five lots may be via a recorded permanent easement with maintenance agreement acceptable to the City and the access built to City standards.
3. Clarify the ability of the City Manager (in this case, the Engineering Department) to waive the cross-access requirement when topography or the development pattern (such as only two parcels fronting the main street in a block and each has access onto comparable side streets) makes such access unnecessary or unreasonable.

Analysis. The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the following table, along with staff analysis of how each standard applies to the proposed changes in the access standards.

Standard	Analysis
1) Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable;	The City Strategic Plan speaks only tangentially to this amendment, where livable neighborhoods, economic development, and efficient and safe public services are the most relevant goals. One primary consideration is to avoid encouraging or creating what amount to new ‘soil streets’ that eventually become City responsibility to pave and maintain. Establishing reasonable access with clear limits responds to the City plans.
2) Whether the proposed amendment is in conflict with any provision of this Ordinance, and related City regulations;	The proposed changes do not appear to conflict with other portions of the development code or with adopted plans.
3) Whether and the extent to which there are changed conditions that require an amendment;	None
4) Whether and the extent to which the proposed amendment addresses a	As other properties are developed, many land-locked lots created in the County up to the mid 1980’s have become

demonstrated community need;	more appealing. Renewed commercial activity in the last few months revealed an inadvertent gap in the new standards.
5) Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City;	The proposed changes meet a need and re-establish some access standards previously available through a different review process, yet, especially for residential landlocked parcels, reasonably limit use of an easement for access.
6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and	The proposed changes meet a need and re-establish some access standards previously available through a different review process, yet, especially for residential landlocked parcels, reasonably limit use of an easement for access.
7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment	Impacts would be limited to minor clearing and grading and the surfacing required for reasonable provision of public services including police and fire.

Recommendation. Based on staff research and evaluation of the various options for providing access in these types of development situations, staff supports the proposed code amendments.

Options.

- Approve the text amendments for the access standards as presented by staff (Recommended).
- Modify and approve the proposed text amendments (must be more restrictive than advertised).
- Deny the proposed text amendments.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Karen S. Hilton, AICP, Manager, Planning and Zoning Division
DATE: April 23, 2012
RE: **Amendment to City Code Chapter 30, Articles 30-3.E; 30-5.A, B, C, F and I; and 30-6.E, to amend standards for density, setbacks for certain uses, percent of door / window openings, parking, landscaping, open space and parkland for the DT Downtown zoning district.**

THE QUESTION:

Does the proposed amendment to the development standards meet a public purpose?

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy
A Great Place to Live

BACKGROUND:

In December 2010 the City Council adopted the Unified Development Ordinance (UDO), followed by the citywide official zoning map and the first set of UDO amendments in July 2011. A series of amendments have been approved, most recently in January of this year, as staff and members of the development community work with the new code.

In December 2011 several adjustments to the Downtown standards were identified and considered by the Planning Commission in conjunction with possible changes to the separation standards associated with bars, nightclubs, child care, churches and schools. All proposed changes for the downtown district were deferred to allow fuller discussion. The separation standards are not part of the amendments now being proposed. The changes have been discussed with various downtown groups and the UDO Advisory Committee as well as with the Planning Commission.

ISSUES:

The issues being addressed by the proposed changes in the Downtown District (DT) standards are those of practicality (the exemption from landscaping, open space and parkland requirements as well as the slight reduction in the required amount of window and door area (from 60 to 50%) and clarity (the change specifies the standard is applicable to sides with street frontage). Changes to delete required parking in the DT and allow unlimited density help strengthen the economics for downtown development as well as reinforce the urban form of the downtown area.

BUDGET IMPACT:

None noted, although the long term impact should be positive as the changes make (re) development in the downtown more viable and competitive with outlying commercial areas.

OPTIONS:

1. Adopt amendment as proposed.
2. Adopt amendment with changes.
3. Deny amendment.

RECOMMENDED ACTION:

The Planning Commission will consider this item on April 17; staff will relay the Commission's recommendation to Council at the meeting or in separate correspondence. Staff recommends the adoption of the amendment as proposed.

ATTACHMENTS:

Staff Report - Downtown Amendments

Draft Ordinance - Downtown amendments

Staff Report
Proposed Text Amendment Set #6
Item 4C - Downtown Development Standards

Background. The staff has identified adjustments to the following standards for the Downtown District (DT) to recognize physical design constraints and to encourage the dense urban core development that is the goal of downtown plans and the City's Strategic Plan. The specific changes and reasons for recommending the change in standards follow:

PROPOSED CHANGE	COMMENTS
Eliminate minimum parking & loading requirements	Portions of the downtown are exempt from parking requirements, but many new buildings and changes of use currently must meet 75% of suburban parking standards or pay an indeterminate fee-in-lieu to avoid meeting parking requirements. The proposed change would eliminate minimum parking requirements in the DT district. Also apply the same approach to loading spaces.
Eliminate density requirements	Current code requirements limit Downtown density at 40 units per acre. This is an unusually low density limit for an urban downtown. The proposed change would eliminate density requirements, with height standards and setback requirements determining the scale of residential buildings.
Modify "glazing" requirements	Currently, 60% percent of the first floor façade of all new Downtown buildings must consist of windows ("glazing") or doors. This is a difficult standard to meet and the proposal would reduce the percentage to 50%.
Eliminate certain landscaping requirements	New Downtown buildings would have to meet building foundation planting and tree planting requirements. These requirements are impractical in a highly urban environment. The proposed change would exempt the DT district from these requirements.
Modify setback requirements	Churches and certain civic institutions (such as government buildings and museums) are typically set back farther from the street and sidewalk than other urban buildings. The current code does not distinguish between these uses and other uses in applying setback requirements. Consequently, unless the code is changed, virtually every church in the Downtown is nonconforming with regard to setback, as is City Hall, the Transportation Museum and the Special Forces Museum, among other uses. The proposed change would allow these specific uses to be set back greater than 5 feet from the public right-of-way (streets and sidewalks) provided the area is landscaped or hardscaped and accommodates pedestrian congregation.
Modify open space requirements	Providing on-site open space for new development in highly-urban settings is difficult. Staff recommends exempting the DT district from on-site open space.
Modify parkland dedication requirements	Providing on-site parkland for new development in highly-urban settings is difficult. Staff recommends exempting the DT district from the parkland requirements.

Analysis. The UDO provides seven standards of review for proposed text amendments. Each standard is listed in the following table, along with staff analysis of how each standard applies to the proposed changes in the residential density, glazing/doors on the first floor, setbacks, parking and loading, landscaping, open space and parkland.

Standard	Analysis
1) Whether and the extent to which the proposed amendment is consistent with all City-adopted plans that are applicable;	The City Strategic Plan envisions a vibrant downtown that includes the following initiatives: “attracting diverse businesses to Downtown” and providing “more reasons to think about going to Downtown”. All facets of the proposed amendment appear to support these initiatives.
2) Whether the proposed amendment is in conflict with any provision of this Ordinance, and related City regulations;	The DT district purpose includes the promotion of uses that result in a “more diverse and vibrant mixed urban center” and specifically states “including more high-density residential development”. The changes encourage more complete, efficient use of available land and buildings for the desired development rather than requiring a significant amount to be dedicated to surface parking. The proposed amendment appears to support the City Strategic Plan and Downtown District purposes.
3) Whether and the extent to which there are changed conditions that require an amendment;	Downtowns are logical locations for high density development and increased efficiencies of shared parking structures versus individual surface parking lots. Since the UDO was initially outlined and drafted, the new downtown parking garage has been funded and completed, relieving some pressures for surface parking and helping foster the desired densities and mixes of uses in the core of the city.
4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;	The community needs that this amendment addresses appear to be outlined in the Strategic Plan and in the DT district purpose statement. Additionally, the doors/glazing standard responds to a pragmatic design issue.
5) Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City;	Downtowns are logical locations for increased reliance on shared and structured parking, and for the most dense and intense development in the city. These changes help encourage the efficient development of the desired urban mixed-use core.
6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and	Downtowns are logical locations for increased reliance on shared and structured parking, and for the most dense and intense development in the city. These changes help encourage the efficient development of the desired urban mixed-use core. Where the physical pattern is modified – to allow greater front setbacks for public and institutional buildings – the change respects both existing development patterns and the symbolic and functional roles as places for community gathering.

7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment	No negative environmental impacts are anticipated. The street trees are public space, and specimen trees that existing will continue to be protected. Sustainability incentives continue to apply for increased height.
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Staff discussed nearly all of these issues with the UDO Advisory Committee in December. The consensus of the Committee was to eliminate the parking and density standards in the DT district and to approve the slight reduction in the percent of door/glazing required on the first floor and clarification that the standard related to the frontage along streets. Other issues were more generally or conceptually discussed.

The changes proposed encourage the development of this entire core area as a more urban activity center. For any properties within the Downtown Historic District, HRC design standards and approvals would continue to apply to protect historic features and encourage appropriate scale and design character of new development near historic locations.

Recommendation. Based on staff research, review of the above standards and discussion with the UDO Advisory Committee, staff supports the proposed code amendments.

Options.

- Approve the text amendments for the Downtown District as presented by staff (Recommended).
- Modify and approve the proposed text amendments (must be more restrictive than advertised).
- Deny the proposed text amendments.

ITEM 4C.2

Ordinance No. S2012-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 TO PROVIDE CHANGES IN ARTICLE 30-3, 30-5 AND 30-6, ALL RELATING TO THE DT DOWNTOWN ZONING DISTRICT, TO MODIFY DENSITY, DOOR / WINDOW GLAZING (OPENINGS), SETBACK, PARKING, LANDSCAPING, OPEN SPACE AND PARKLAND.

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that the Unified Development Ordinance adopted December 13, 2010 as Chapter 30 of the Code of Ordinances of the City of Fayetteville and last amended January 23, 2012, be amended as follows:

Section 1. Amend Section 30-3.E Business Base Zoning Districts, to remove density limitations in the DT Downtown District; reduce the standard for Percentage of first-floor wall occupied by glazing/doors (min. %) to 50%; and exempt civic and religious institutional uses from maximum front setback standards under certain conditions; and to adjust related sections (30-5.N), all as shown below:

30-3.E. BUSINESS BASE ZONING DISTRICTS

7. DOWNTOWN (DT) DISTRICT

DT DOWNTOWN DISTRICT	PURPOSE	
	The Downtown (DT) District is established and intended to encourage the urban form and architectural character found in the traditional downtown area as well as promote redevelopment that will make the downtown area a more diverse and vibrant mixed-use urban center. The district encompasses the same area as the Downtown Municipal Service District and the downtown historic districts. The district is intended to accommodate a well-balanced mix of uses (including more high-density residential development), promote a stronger pedestrian-oriented environment (with a reduced need for parking), and preserve and protect the downtown’s historical and architectural scale and character. Uses that will add activity in the downtown after 5:00 pm are encouraged. The district is subject to flexible and incentive-based standards intended to foster such urban development and redevelopment.	
DIMENSIONAL STANDARDS		
DIMENSIONAL STANDARD	PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area, min. (sq ft)	None	n/a

Lot width, min. (ft)	None	n/a
Gross residential density, max. (dwelling units/acre)	None	n/a
Lot coverage, max. (% of lot area)	100	[1]
Height, (min.) ft	24	n/a
Height, max. (ft) [2]	90; may be increased up to 150 for buildings with street-level restaurants or retail	40; 15 where abutting a single-family zoning district
Front setback, min. (ft)	None for first 4 stories; 10 for stories 5-8; 20 for stories 9+	Not allowed in front, side, or corner side yard areas
Front setback, max. (ft) [3]	5 for the first 4 stories unless buildings on either side have deeper front setbacks, then the average setback of both	
Side setback, min. (ft)	None; 10 where abutting a single-family zoning district	
Corner side setback, min. (ft)	Min. required for vehicular visibility	
Rear setback, min. (ft)	None; 20 where abutting an alley or single-family zoning district or use	3 abutting an alley, otherwise none
Spacing between buildings, min. (ft)	None	None
Percentage of primary frontage occupied by building wall (min. %)	100 for interior lots; 80 for corner lots [3]	n/a
Percentage of first-floor wall occupied by glazing/doors (min. %)	50 for interior lots, 50 for corner lots	50 when abutting a street

NOTES:

[1] Accessory structures/use areas shall not exceed the lesser of: 1,500 square feet in size or 30 percent of the allowable lot coverage.

[2] Maximum height may be increased through provision of sustainable development features in accordance with Section 30-5.N, Incentives for Sustainable Development Practices.

[3] Entrances to parking garages, surface parking behind buildings, pedestrian pass-throughs, plazas, and gathering spaces are exempt.

Government offices, Community services such as museums, passenger terminals, and religious institutions are exempt from the maximum setback requirements provided that the setback area is landscaped or hardscaped and accommodates pedestrian congregation.

Section 2 Modify 30-5.A. Off-Street Parking, Loading, and Circulation, as shown below for Sections 30-5.A.2, A.4, A.8, to exempt development in the Downtown District from minimum loading requirements and minimum or maximum parking numbers, to require that more than the maximum number of spaces be placed in a parking garage, and to adjust related sections (30-5.I.3) as follows:

30-5.A. OFF-STREET PARKING, LOADING, AND CIRCULATION

2. APPLICABILITY

(c) Parking and Loading in the Downtown (DT) District

(1)

Exemption from Minimum Parking Requirements

Development within the DT district is exempted from the minimum number of off-street parking spaces required in Table 30-5.A.4.b Minimum Off-Street Parking Standards.

(2) Maximum Off-Street Parking Requirements

Development within the DT district is exempted from the maximum number of off-street parking spaces in Section 30-5.A.4.f Maximum Number of Spaces Permitted provided that any spaces in excess of the maximum are located within parking structures.

(3) Exemption from Off-Street Loading Requirements

Development within the DT district is exempted from the minimum number of off-street loading spaces required in Table 30-5.A.10.a Required Off-Street Loading Spaces.

* * * * *

[p.5-11]

4. OFF-STREET PARKING STANDARDS

(f) Maximum Number of Spaces Permitted

(2) Development with Parking Structures Exempt

Development within a DT or MU district that includes structured parking facilities is exempted from the limitations on the maximum number of spaces provisions in this subsection.

* * * * *

[p.5-18]

8. ALTERNATIVE PARKING PLAN

(h) In-Lieu Fee

(1) Limited to MU Districts

Within the Mixed-Use (MU) district, off-street parking requirements for nonresidential uses may be satisfied, at the option of the City, by developer payment of a proportionate share in-lieu

parking fee established by the City Manager that is consistent with, but does not exceed, costs the City will incur to provide for comparable off-street parking spaces for the development.

* * * * *

[p.5-83]

30-5.I. COMMERCIAL, OFFICE, AND MIXED-USE DESIGN STANDARDS

3. DESIGN STANDARDS

(e) Off-Street Parking Location

(1) Downtown and PD-TN Zoning Districts

Commercial, office, and mixed-use development in the DT and PD-TN districts shall be configured to locate all surface off-street parking to the side or rear of the building.

* * * * *

Section 3. Amend Section 30-5.B.1 Landscaping and Tree Protection Standards, to exempt development in the DT Downtown District from landscaping requirements as shown below:

[p.5-29]

30-5.B. LANDSCAPING AND TREE PROTECTION STANDARDS

1. LANDSCAPING STANDARDS

(d) Site Landscaping

(3) Site Landscaping Standards

Except for single-family detached dwellings and properties in the Downtown (DT) district, site landscaping shall be required for all development, and shall be supplied in the amounts identified in Table 30-5.B.1.D, Required Site Landscaping Plantings and Figure 30-5.B.1.d, Site Landscaping Placement. Site landscaping shall meet the minimum size standards for new planting specified in Section 30-5.B.1.c.3, Planting Standards.

Section 4. Amend Section 30-5.C.3 Open Space Set-Aside Standards, Subsections C.3(a) and (b), to exempt development in the Downtown District from the requirements of Table 30-5.C.3, as follows:

[p.5-51]

30-5.C. OPEN SPACE SET-ASIDES

3. OPEN SPACE SET-ASIDE STANDARDS

(a) Amount of Open Space Set Aside Required

Development shall provide at least the minimum amounts of open space set-aside identified in Table 30-5.C.3, Required Open Space Set-Aside, below:

TABLE 30-5.C.3: REQUIRED OPEN SPACE SET-ASIDE		
USE CLASSIFICATION [1]	MINIMUM OPEN SPACE SET-ASIDE AREA (AS PERCENTAGE OF DEVELOPMENT SITE AREA)	
	DOWNTOWN (DT) &HLO ZONING DISTRICTS [2]	ALL OTHER ZONING DISTRICTS
Residential	5%	10%
Public and Institutional Use	5%	10%
Commercial and Mixed-Use	5%	10%
Industrial	5%	5%
All allowed uses in the CD district	50%	
NOTES:		
[1] See Table 30-4.A, Use Table.		
[2] Downtown (DT) district including any HLO district within it is exempt from the Open Space Set-Aside area requirement.		

* * * * *

(b) Calculation of Open Space Set-Aside

(5) Urban Features

Plazas, fountains, roof gardens, atriums, and pedestrian seating/gathering areas shall be counted towards the requirements for open space set-asides in the NC, MU, OI, LC, CC, and MR-5 districts.

* * * * *

Section 5. Amend Section 30-5.F Community Form Standards, to clarify the responsibility of development in the Downtown District to provide sidewalks of at least eight feet width or greater, as follows:

[p.5-72]

30-5.F. COMMUNITY FORM STANDARDS

9. SIDEWALKS

(b) Configuration

(1) Except within the DT district, sidewalks shall be at least five feet wide, and may be required to match the width of a connecting sidewalk that exceeds five feet in width;

(2) Sidewalks in the DT district shall be at least eight feet wide, or wider depending upon sidewalk widths on adjacent properties or as established in an adopted plan or streetscape design for that area;

* * * * *

Section 6. Amend Section 30-6.E Parkland, to exempt development in the Downtown District from the requirements to provide dedicated parkland, as follows:

[p.6-18]

30-6.E. PARKLAND

New residential development of four or more dwelling units subject to the standards in Article 30-6: Subdivisions, shall be required to dedicate a portion of land, or pay a fee-in-lieu thereof, for public park development, in accordance with the standards of this section.

1. PARKLAND DEDICATION

Except in the Downtown (DT) district, new residential development of four or more units shall dedicate land to the City for use in the development of parkland to serve the recreational needs of the residents of the subdivision or development. Table 30-6.E1 Parkland Dedication Requirements, sets out the minimum parkland dedication requirements per new dwelling unit.

* * * * *

Section 7. The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future text amendments as long as doing so does not alter the material terms of the Unified Development Ordinance.

Section 8. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the 23th day of April, 2012.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Karen S. Hilton, AICP, Manager Planning and Zoning Division
DATE: April 23, 2012
RE: **Amend City Code Chapter 30, Articles 4 and 9, to create, classify and set special standards for transitional housing, and establish conditions to allow modification of the separation standards for certain group living facilities in business zoning districts through the special use permit process.**

THE QUESTION:

Does the proposed amendment to the development standards meet a public purpose?

RELATIONSHIP TO STRATEGIC PLAN:

Desirable neighborhoods.

BACKGROUND:

This amendment was prompted by a request to establish a halfway house on Ramsey Street in a commercial location. This location appeared appropriate for the use, but a separation standard was not met. Group homes, some therapeutic homes, and halfway houses are required to be located at least 2,640 feet (approximately one-half mile) from any other group home, therapeutic home, or halfway house.

This separation requirement was adopted in the past due to a large number of group and therapeutic homes being established to serve persons with mental illness or disability. Once the State started its policy of mainstreaming these individuals, the "market" for these facilities was greatly reduced.

Staff proposes maintaining the separation requirements in residential districts, but allowing the separation standards to be reduced or waived in business districts through the special use permit process. The special use permit process permits individualized consideration of a particular group living or institutional facility's relationship to and/or concentration of similar facilities based on a variety of factors unique to the property, such as topographical or transportation facility barriers (such as rivers, railways, and major highways), degree or extent of separation from other such uses, and surrounding neighborhood characteristics (including proximity to social services and public transportation).

Additionally, a Transitional Housing use is needed because Group Homes, Halfway Houses, Therapeutic Homes, and Assisted Living Facilities all address the housing needs of persons transitioning from confinement circumstances or suffering from various disabilities. Transitional Housing would meet the housing needs of homeless persons not transitioning from confinement circumstances or suffering from various disabilities.

ISSUES:

Greater flexibility in the location of group living facilities in commercial districts would be provided. A new group living use, Transitional Housing, would be created to address a gap in service. City Council and the Planning Commission would have to evaluate reducing or waiving separation requirements when considering special use permits for these types of uses.

BUDGET IMPACT:

None noted.

OPTIONS:

Adopt amendment as proposed.

Adopt amendment with changes.
Deny amendment.

RECOMMENDED ACTION:

The Planning Commission will consider this item on April 17; staff will relay the Commission's recommendation to Council at the meeting or in separate correspondence. Staff recommends the adoption of the amendment as proposed.

ATTACHMENTS:

Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE TO PROVIDE CHANGES TO STANDARDS AFFECTING GROUP LIVING FACILITIES, INCLUDING ESTABLISHING A NEW TRANSITIONAL HOUSING USE AND ASSOCIATED DEFINITION, PLACING TRANSITIONAL HOUSING IN THE TABLE OF USES, AND ADDRESSING SEPARATION STANDARDS FOR VARIOUS GROUP LIVING FACILITIES.

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

Section 1. Amend Section 30-4.A.2. Use Table by adding the Transitional Housing use in the Group Living Use Category, designating it as a Special Use (“S”) in the OI, NC, LC, CC, MU and DT Zoning Districts, and listing Section 30-4.C.2.(b)(6) as a citation for Additional Requirements.

Explanation: A Transitional Housing use is needed because Group Homes, Halfway Houses, Therapeutic Homes, and Assisted Living Facilities all address the housing needs of persons transitioning from confinement circumstances or suffering from various disabilities. Transitional Housing would meet the housing needs of homeless persons not transitioning from confinement circumstances or suffering from various disabilities.

Section 2. Amend Section 30-5.C.3.(b)(2)b as follows:

- b. A large group shall be located at least 2,640 feet (approximately one-half mile) from any other group home, ~~or~~ therapeutic home, halfway house, or transitional housing if located in a residential zoning district. If located in a business zoning district, the 2,640-foot standard may be reduced or waived through the special use permit process based on mitigating circumstances which may include, but are not limited to, topographical or transportation facility barriers (such as rivers, railways, and major highways), degree or extent of separation from other such uses, and surrounding neighborhood characteristics (including proximity to social services and public transportation).

Explanation: The special use permit process permits individualized consideration of a particular group living or institutional facility's relationship to and/or

concentration of similar facilities based on a variety of factors unique to the property.

Section 3. Add a new Section 30-4.C.2.(b)(6) as follows:

(6) Transitional Housing

A transitional housing facility shall be located at least 2,640 feet (approximately one-half mile) from any other group home, therapeutic home, halfway house, or transitional housing if located in a residential zoning district. If located in a business zoning district, the 2,640-foot separation standard may be reduced or waived through the special use permit process based on mitigating circumstances which may include, but are not limited to, topographical or transportation facility barriers (such as rivers, railways, and major highways), degree or extent of separation from other such uses, and surrounding neighborhood characteristics (including proximity to social services and public transportation).

Explanation: The special use permit process permits individualized consideration of a particular group living or institutional facility's relationship to and/or concentration of similar facilities based on a variety of factors unique to the property.

Section 4. Amend Section 30-4.C.3.(d)(2) to read as follows:

A halfway house shall be located at least 2,640 feet (approximately one-half mile) from any other group home, therapeutic home, halfway house, or transitional housing if located in a residential zoning district. If located in a business zoning district, the 2,640-foot separation standard may be reduced or waived through the special use permit process based on mitigating circumstances which may include, but are not limited to, topographical or transportation facility barriers (such as rivers, railways, and major highways), degree or extent of separation from other such uses, and surrounding neighborhood characteristics (including proximity to social services and public transportation).

Explanation: The special use permit process permits individualized consideration of a particular group living or institutional facility's relationship to and/or concentration of similar facilities based on a variety of factors unique to the property.

Section 5. Establish a new definition in Section 30-9.D. as follows:

TRANSITIONAL HOUSING

A principal or accessory use that provides shelter to homeless persons for an extended period of time and generally integrated with social services and counseling programs to assist in the transition of those persons to self-sufficiency through the acquisition of stable incomes and permanent housing.

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

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

ADOPTED this the 23th day of April, 2012.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Karen S. Hilton, AICP, Manager Planning and Zoning Division
DATE: April 23, 2012
RE: **Amendment to City Code Chapter 30, various sections, to make minor corrections for clarity and consistency, including an adjustment in parking location standards (Table30-5.I.3)**

THE QUESTION:

Does the proposed amendment to the development standards meet a public purpose?

RELATIONSHIP TO STRATEGIC PLAN:

Strong Local Economy

BACKGROUND:

In December 2010 the City Council adopted the Unified Development Ordinance (UDO), followed by the citywide official zoning map and the first set of UDO amendments in July 2011. The most recent amendments were adopted in January 2012. Staff continues to compile identified errors and simple clarifications or corrections and, as now, brings them forward with other proposed amendments.

ISSUES:

The one item of some substance in the attached ordinance is the proposed deletion of a footnote to a Parking Location table. The footnote limits the placement of any parking in front of the building to between the building edges. Development that either accesses the use from the side or locates some parking to the side will have drive aisles beyond the front façade or length of the building, and therefore would normally place some parking along those portions of the drive aisle. The limitation may also have the unintended impact of encouraging design of low, very wide buildings so that more parking can be placed between the ends of the building.

BUDGET IMPACT:

None noted.

OPTIONS:

1. Adopt amendment as proposed.
2. Adopt amendment with changes.
3. Deny amendment.

RECOMMENDED ACTION:

The Planning Commission will consider this item on April 17; staff will relay the Commission's recommendation to Council at the meeting or in separate correspondence. Staff recommends the adoption of the amendment as proposed.

ATTACHMENTS:

Ordinance PC item 4E.2

ITEM 4E.2

Ordinance No. S2012-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO CORRECT VARIOUS TYPOGRAPHIC AND MINOR ERRORS AND INCLUDING THE DELETION OF ONE FOOTNOTE TO OFF-STREET PARKING PARKING LOCATION STANDARDS, RELOCATION OF SPECIFIC PROCEDURES FOR APPEAL OF CONNECTION TO EXISTING STUB STREET, AND RE-ESTABLISHMENT OF REAR SETBACK REDUCTIONS IN CERTAIN INSTANCES FOR SINGLE FAMILY.

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that the Unified Development Ordinance adopted December 13, 2010 as Chapter 30 of the Code of Ordinances of the City of Fayetteville and last amended January 23, 2012, be amended as follows:

Section 1. Amend Table 30-5.I.3: Off-Street Parking Location to delete footnote 1 and renumber the remaining footnote, as shown below:

30-5.I.3(e)

(3) All Other Zoning Districts

A portion of off-street surface parking for commercial, office, and mixed-use development in all other zoning districts may be located between the building and the street it fronts in accordance with Table 30-5.I.3, Off-Street Parking Location:

TABLE 30-5.I.3: OFF-STREET PARKING LOCATION	
BUILDING FOOTPRINT SIZE (SQUARE FEET)	MAXIMUM NUMBER OF PARKING BAYS LOCATED BETWEEN BUILDING AND THE STREET [1] [2]
30,000 or less	1
30,001 – 60,000	2
60,001 – 100,000	4
100,001 or more	6

NOTES:

[1] ~~Parking bays between a building and the street shall not exceed the length of the building.~~

[2] The maximum number of allowable bays located between a building and the street may be doubled for buildings of two or more stories.

All other off-street surface parking shall be located to the side or the rear of the building.

Explanation: Development that either accesses the use from the side or locates some parking to the side will have drive aisles beyond the front façade or length of the building, and

therefore would normally place some parking along those portions of the drive aisle. The limitation may also have the unintended impact of encouraging design of low, very wide buildings so that more parking can be placed between the ends of the building. Staff is continuing to work on other adjustments to parking layout and landscaping that achieve the desired results and remain reasonable and efficient for development.

Section 2. Amend Section 30-2.C.18 as follows:

18. APPEAL

(a) Right of Appeal

- ~~(1)~~ Any aggrieved party affected by (1) an interpretation of the City Manager, or (2) a decision of the Technical Review Committee in administering or enforcing this Ordinance may, in accordance with this section, appeal such interpretation ~~or decision to the Board of Adjustment~~ as designated by this Ordinance.
- ~~(2)~~ ~~In cases where a Notice of Appeal of a Technical Review Committee decision on an application of the external street connectivity standards (Section 30-5.F.4.G) is filed, only the applicant for the Site Plan or Subdivision Plan, or a person receiving mailed notice of the new street connection in accordance with Section 30-2.B.12.c, Mailed Notice, shall have standing to appeal the Technical Review Committee decision as an aggrieved party. The Notice of Appeal shall include demonstrated evidence of negative impact.~~

(b) Types of Appeals

The following appeals of decisions made in administering this Ordinance shall be heard and decided in accordance with the procedures and standards in this subsection.

(1) Appeal of City Manager Decision or Interpretation to the Board of Adjustment

Except where provided in subsections (2), (3), or (4) below, any person subject to a decision or interpretation by City Manager in administering this Ordinance may appeal such decision or interpretation to the Board of Adjustment.

(2) Appeal of City Manager Decision to the Planning Commission

Any person subject to a decision by City Manager on a Final Plat or Subdivision Exemption may appeal such decision to the Planning Commission.

(3) Appeal of Technical Review Committee Decision to the Planning Commission

Any person subject to a decision by Technical Review Committee on a Subdivision Plan may appeal such decision to the Planning Commission.

(4) Appeal of Technical Review Committee Application of External Street Connection Requirements to City Council

Any person or aggrieved party subject to the application of the external street connectivity requirements in Section 30-5.F.4.G may appeal such decision to the City Council. Specific procedural standards apply:

- a. The Technical Review Committee's decision on a new street connection to an existing street or street stub in an existing single-family residential neighborhood may be appealed to the City Council if 25 percent or more of those persons required to receive notice in accordance with Section 30-2.B.12.c.1.b initiate an appeal within 30 days of the date the notice is mailed by the City Manager.
- b. In cases where a Notice of Appeal of a Technical Review Committee decision on an application of the external street connectivity standards (Section 30-5.F.4.G) is filed, only the applicant for the Site Plan or Subdivision Plan, or a person receiving mailed notice of the new street connection in accordance with Section 30-2.B.12.c, Mailed Notice, shall have standing to appeal the Technical Review Committee decision as an aggrieved party. The Notice of Appeal shall include demonstrated evidence of negative impact.

Explanation: Two sections regarding specific procedures for the appeal of a TRC decision regarding connection to an existing street stub are currently located in widely separated areas of the chapter. This change in conjunction with the next change consolidates these two procedural requirements.

Section 3. In Sec. 30-2.C.5(d) Major Site Plan Procedures [p 2-47], delete the portion regarding specific procedure for appeal of street connection to an existing stub street as shown below:

30-2.C.5(d) Major Site Plan Procedures

(4) Appeal

- a. Except for decisions related to new street connections to streets or street stubs in an existing single-family residential neighborhood (see Section 30-5.F.4.G, External Street Connectivity), an appeal from the Technical Review Committee's decision on a Major Site Plan application shall be reviewed and decided by the Board of Adjustment in accordance with Section 30-2.C.18, Appeal.
- b. The Technical Review Committee's decision on a new street connection to an existing street or street stub in an existing single-family residential neighborhood may be appealed to the City Council ~~(see in accordance with Section 30-2.C.18, Appeal.) if 25 percent or more of those persons required to receive notice in accordance with Section 30-2.B.12.c.1.b initiate an appeal within 30 days of the date the notice is mailed by the City Manager.~~

Section 4. Amend the rear lot line standard for the district tables for SF-15 and SF-10 Single Family Residential in 30-3.D.2 and D.4 to add the phrase "15 when corner side setback is 25 or more". [p 3-12 and 3-14]

Explanation: The previous code provided for this reduction in rear yard requirements when the corner side was more than 25 feet. This change recognizes a widely established residential development pattern.

Section 5. Delete the word “Subdivision” in the heading for Table 30-5.F.6, to read “Required Subdivision Access”. [p 5-71]

Explanation: This table is part of general development standards in a section titled Development Access Points, rather than being exclusively applied to a subdivision.

Section 6. Change “overhand” to “overhang” in 30-5.I.3(c)(1)f.ii Building Top [p 5-83].

Section 7. In Article 30-5.B.3 Protection of Specimen Trees, change the reference in Table 30-5.B.3.D to 30-5.B.3.E and change the Note as follows:

NOTES:

Minimum caliper is the ~~circumference-diameter~~ of ~~the~~ a tree trunk. See Article 9 Definitions, ‘caliper’, for how that diameter is measured. 12 inches above the ground for trees between four and ten inches in diameter, and 54 inches above the ground (4½ feet) for trees larger than ten inches in diameter.

Section 8. Correct Section 30-3.B.2(c)(2) Required Setbacks, and Figure 30-3.B.2 Zero Lot Line Development, as follows, for consistency with the intent that in Zero Lot Line Development, only the required setbacks along the perimeter must be met [p 3-4]:

(2) Required Setbacks

- a. Lots shall meet the setback standards of the base district along the perimeter~~comprising the outer perimeter of the zero lot line development shall meet the front, side, corner side, or rear setback standards of the base district~~, but base district setback standards shall not apply to lots internal to the development. However, a front or corner side yard of at least eight feet must be provided for all lots within the zero lot line development.
- b. Setbacks associated with an overlay district or any applicable setbacks from natural resources shall apply to all lots within a zero lot line development.

[The figure may be edited to better illustrate the standards which must be met.]



Figure 30-3.B.2 Zero Lot Line Development

~~Lots and yard setbacks internal to a zero lot line development may deviate from minimum yard and lot area requirements, but Zero Lot Line development must meet overall density and height standards of the base district, but only~~ perimeter yard setbacks shall comply with minimum yard standards of the district.

Section 9. The City Clerk is hereby authorized to revise formatting, correct typographical errors, verify and correct cross references, indexes, and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future text amendments as long as doing so does not alter the material terms of the Unified Development Ordinance.

Section 10. 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 23th day of April, 2012.

CITY OF FAYETTEVILLE

ANTHONY G. CHAVONNE, Mayor

ATTEST:

City Clerk

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, AICP, CZO - Planner II
DATE: April 23, 2012
RE: **P12-13F Request for a Special Use Permit for Halfway House in a Community Commercial District, on property located at 3611-B Ramsey Street. Containing 5.63 acres more or less and being the property of Cedar Creek Crossing West LLC.**

THE QUESTION:

Does the proposed Special Use Permit request for a halfway house fit with the character of the neighborhood and the long range plans of the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Livable Neighborhoods
Growth and development.

BACKGROUND:

Owner: Cedar Creek Crossing West LLC.
Applicant: Cedar Creek Crossing West LLC.
Requested Action: SUP with CC zoning
Property Address: 3611-B Ramsey Street.
Council District: 3
Status of Property: Partly Occupied
Size: 5.63 acres +/-
Existing Land Use: Commercial and Office
Adjoining Land Use & Zoning:
North - CC
South - LC
East - LC
West - SF-15
Letters Mailed: 97
Land Use Plan: Heavy Commercial

ISSUES:

The owners of this property have requested the approval a Special Use Permit (SUP) to open a halfway house in a commercially zoned property on Ramsey Street. Concurrent to this SUP application is a text amendment change request that would allow the consideration of a halfway house on this property. Currently this location does not meet the separation requirements between halfway houses and large or small group homes. The City's measurement standard for calculating the required distance is to measure from outside wall to outside wall. If any portion a building looking house a group home or halfway house falls within the prescribed distance away from the closest outside wall of an existing group home then the new group home cannot locate there. The text amendment would allow a reduction in the 2640 foot separation required if separated by conditions of those specific requirements. The proposed halfway house on this property would house around 30 persons.

Zoning Commission and Staff recommend approval of the Special Use Permit based on:

1. Proposal can meet all special requirements of a halfway house, if the proposed text amendment is approved by the City Council and the small reduction in separation standards is approved.
2. Property is located in a heavy commercial part of the City.
3. Adequate separation can be had between this use and the residential use to the west.

A Special Use Permit shall be approved only upon a finding that all of the following standards are met:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards; **Yes...the project will comply when developed.**
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; **Yes....the proposal is located on more than 5 acres in the commercial district and is separated from other residential uses by an eight (8) foot high block wall and grass strip.**
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; **The proposed use will be located far enough away and buffered as described above from residents as to minimize all adverse effects.**
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; **The proposed use will be located far enough away from residents as to minimize all adverse effects.**
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; **The proposal avoids significant deterioration of natural resources. Site is already developed.**
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; Yes. **Site will be accessed by Ramsey Street.**
- (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 **The proposal should have little effect on property values and will protect the ability of surrounding properties to develop as permitted. Staff has no specific evidence to support a drop in property values.**
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations. **Yes...the project must comply with all regulations**

BUDGET IMPACT:

The City would be required to provide an increase in public services that should be offset by the increase this development would bring to the City's tax base.

OPTIONS:

- 1) Approval of SUP as presented by staff and based on findings (Recommended);
- 2) Approval of SUP with additional conditions;
- 3) Denial of the rezoning request.

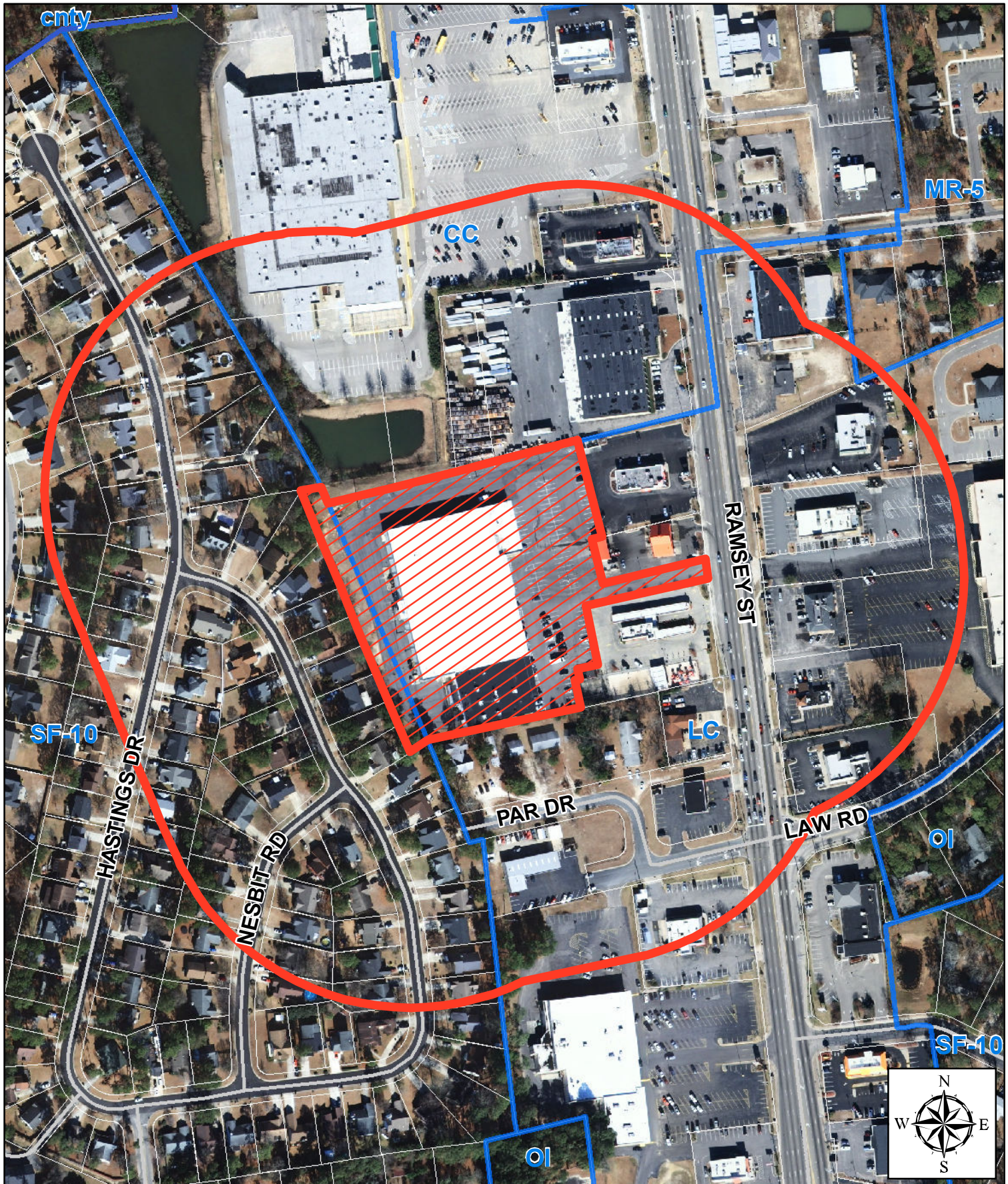
RECOMMENDED ACTION:

Zoning Commission and Staff Recommend: Based on information to date, the City Council move to APPROVE the request for a Special Use Permit for a halfway house as presented by staff and based on the finding of fact listed under the issues section.

ATTACHMENTS:

Zoning Map
Current Landuse
Land Use Plan

**ZONING COMMISSION
CASE NO. P12-13F**

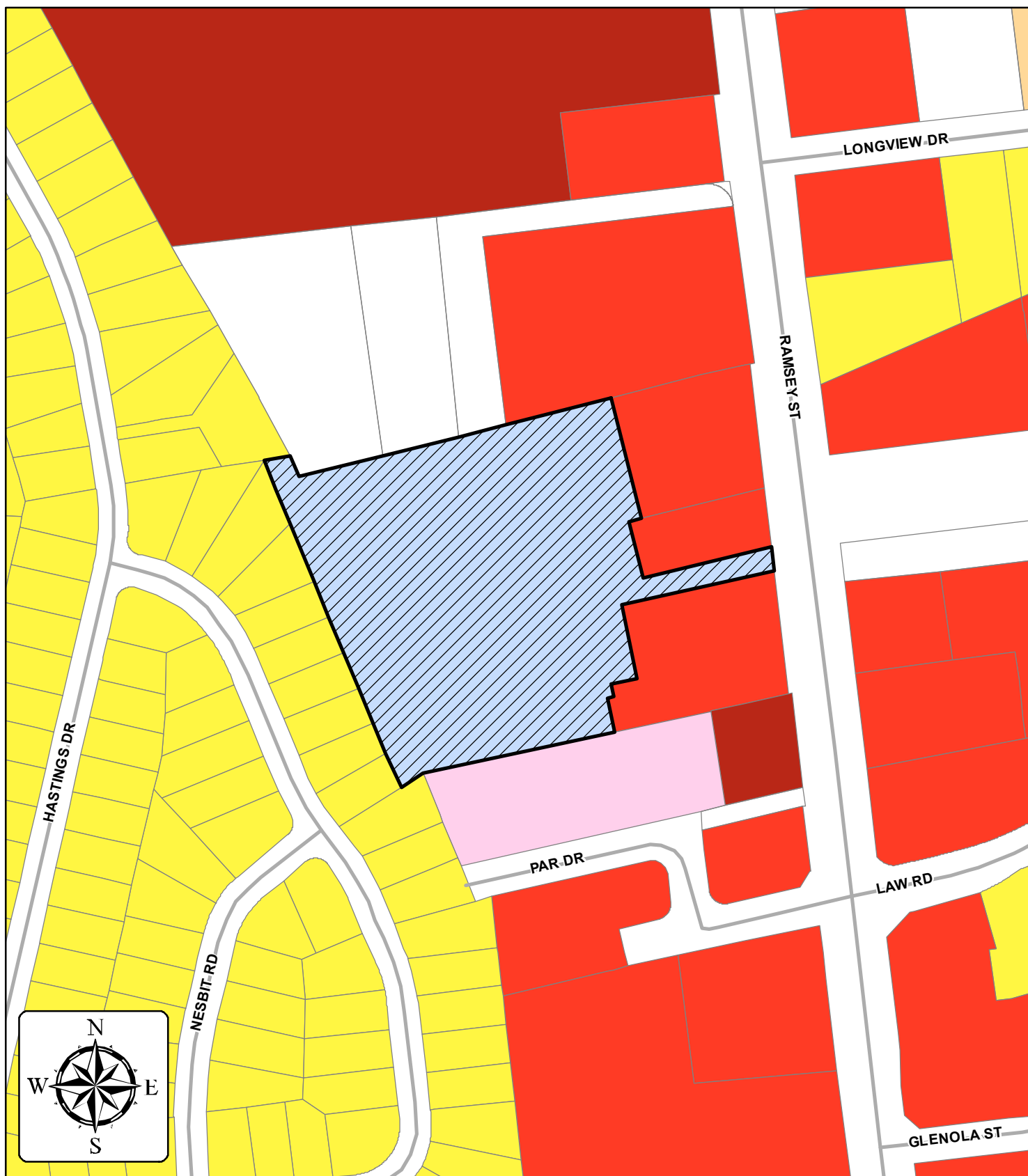


Request: SUP
Location: 3611-B Ramsey St
Acreage: +/- 5.63 acres

Zoning Commission: 04/10/2012 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0439-54-6695

Current Land Use

P12-13F

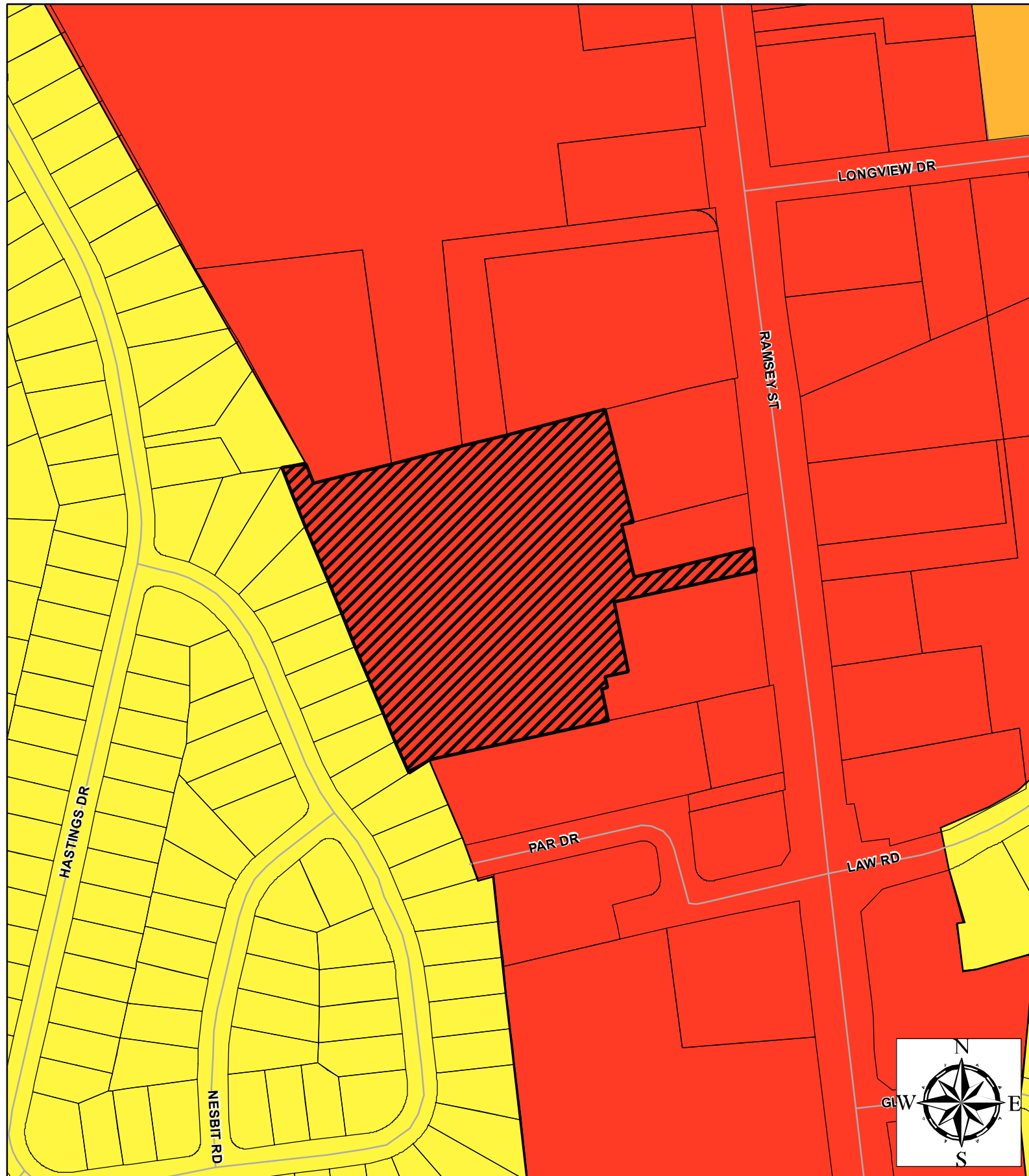


Legend

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

2010 Land Use Plan

Case No. P12-13F



CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Rebecca Rogers-Carter, Management Services Manager
DATE: April 23, 2012
RE: a) Fayetteville Cumberland County Chamber of Commerce Economic Development Report - 3rd Quarter Report
b) FY 2012 Strategic Plan's Policy and Management Action Agenda 3rd Quarter Report

THE QUESTION:

To support the goals of the City's Strategic Plan, the City has partnered with the Chamber of Commerce for economic development activities. The Chamber provides quarterly updates to Council. City staff also prepares quarterly reports that detail the progress made through advancing the policy and management agenda articulated in the City's Strategic Plan. Has the City Council's interest been met in the work efforts reflected in the economic development report and Strategic Plan report for the 3rd quarter?

RELATIONSHIP TO STRATEGIC PLAN:

This report, like ones previous, reinforces and clarifies Council's vision for our community, which is the foundation of the City's Strategic Plan.

BACKGROUND:

The City's Strategic Plan has five main areas:

1. A vision statement that describes the type of community the Council would like to facilitate through policy direction and staff's work efforts
2. A mission statement that describes our organizational purpose, "making Fayetteville a better place for all"
3. A list of core values that describes our standards of performance which is expressed with the acronym statement to "Serve with RESPECT"
4. Multi-year goals that provide an intermediate focus for the work of City Council and staff, and further outlines the activities Council believes are necessary to realize the vision
5. A one-year action plan that identifies issues that Council wishes to address by providing policy direction and the necessary actions that the City management should complete during the upcoming fiscal year.

ISSUES:

Do the 3rd quarter work efforts reflect the overall direction articulated by the City Council in the FY 2012 Strategic Plan? Does the progress highlighted in this report move the community closer to the desired vision previously identified by the City Council?

BUDGET IMPACT:

OPTIONS:

1. Accept the report as provided with guidance to the City Manager on areas of interest
2. Request additional information on items listed in the report
3. Clarify interests in the report and the action agenda

RECOMMENDED ACTION:

Accept the report as provided with guidance to the City Manager on areas of interest.

ATTACHMENTS:

Third Quarter Strategic Plan



Live. Thrive. Prosper.

The American Dream Lives Here

Strategic Plan Progress Report FY 2012: 3rd Quarter

www.cityoffayetteville.org



FY 12 Strategic Plan

VISION 2025

The City of Fayetteville is a great place to live with a choice of desirable neighborhoods, leisure opportunities for all and beauty by design.

Our City has a vibrant downtown, vibrant major corridors and the Cape Fear River to enjoy, and a strong local economy.

Our City is a partnership of citizens with a diverse culture and rich heritage. This creates a sustainable community.

GOALS 2016



Greater Tax Base Diversity -
Strong Local Economy



More Efficient City Government -
Cost-Effective Service Delivery



Growing City, Livable Neighborhoods -
A Great Place to Live



More Attractive City -
Clean and Beautiful



Greater Community Unity -
Pride in Fayetteville



Revitalized Downtown -
A Community Focal Point

OUR MISSION

The City Government provides service that makes Fayetteville a better place for all.

The City Government is financially sound, and provides a full range of quality municipal services, that are valued by our customers, and delivered by a dedicated workforce in a cost-effective manner.

The City has well designed and well maintained infrastructure and facilities.

The City engages our citizens, and is recognized as a state and regional leader.

CORE VALUES

We, the Mayor, City Council,
Managers, Supervisors and Employees

SERVE with

Responsibility

Ethics

Stewardship

Professionalism

Entrepreneurial Spirit

Commitment

Teamwork

to safeguard and enhance the
public trust in City Government.

Targets For Action FY 12

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The annual work plan for Council and staff identifies “Targets for Action” that are designed to achieve the objectives for the City’s Goals 2016.

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Parks & Recreation Master Plan Bond Referendum Planning

Policy Agenda: Growing City, Livable Neighborhoods

Background

Fayetteville-Cumberland Parks & Recreation has been tasked to increase recreational resources throughout the City and County by developing capital projects that would increase economic activity and quality of life. Using the adopted Parks and Recreation 2006 master plan and its executive summary, staff developed 15 projects that will create an environment of healthy living. Staff will work to develop elements of a potential bond referendum that will sustain previous park investments, fund tomorrow's park facilities and ensure enhanced quality of life for current citizens and future generations.

Resources

A vote of the people will be required to authorize the issuance of general obligation (GO) bonds to finance the proposed capital projects. Changes in property tax rates do not require voter approval, but the resources that will be dedicated to repay the proposed GO bonds will need to be identified as part of the voter approval process. Project estimates are being refined. The roles and responsibilities of both parties will need to be clarified and documents through the adoption of an interlocal agreement. That agreement will set out the financial plan. The Council or Commission or both, depending upon the financial plan, will need to vote to place an initiative before the voters to approve the issuance of GO debt. Currently, \$39 K in FY11 General Fund budget is dedicated for a consulting service to develop the structural plan.

Staff Liaison: Michael Gibson, Director of Parks and Recreation

Email Address: mgibson@ci.fay.nc.us

Phone Number: 910-433-1557

Team Members: Parks & Recreation staff, Finance staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Finalize structural plan	2 nd Qtr FY 12
Develop proposed financial plan (City and County financial staff)	2 nd Qtr FY 12
Present recommendations to City Council and County Commissioners	3 rd Qtr FY 12
Request ordinance approval for ballot initiative to support GO Bonds	3 rd Qtr FY 12
Continue to implement approved actions	4 th Qtr FY 12

First Quarter

- Worked to finalize the structural plan
- Presented Parks and Recreation Proposed Bond Referendum project status and timeline at the joint City/ County meeting September 29, 2011.

Second Quarter

- Preparing for Capital Project Bond Proposal information to be presented for approval to Joint Recreation Advisory Commission in the third quarter
- Finalized financial plan and tax rate with City and County Managers and City/County Finance Directors
- Preparing to present the Capital Project Bond information to newly elected Mayors of Spring Lake & Hope Mills in January
- Preparing to present final recommendations to City Council and County Commissioners.

Third Quarter

- Presented financial plan and tax rate to City Council and County Commissioners
- Updated Joint Parks & Recreation Advisory Commission with Financial plan and tax rate
- Presented the Parks & Recreation Bond Proposal to the Spring Lake Recreation Advisory Commission for information and inclusion. The commission voted to support the Referendum
- Presented the Parks & Recreation Bond Proposal to the Spring Lake Mayor and Alderman's
- Developed recommendation for educational campaign and included the resources needed in FY12 midyear and FY13 budget request.

Police Substations

Policy Agenda: Growing City, Livable Neighborhoods

Background

Staff will work with a consultant to analyze the feasibility of adding police substations in strategic locations throughout the city.

Resources

\$50,000 was funded in FY 11 for the study. Additional funding will be needed for Council approved actions.

Staff Liaison: Tom Bergamine, Chief of Police

Email Address: tbergamine@ci.fay.nc.us

Phone Number: 910-433-1819

Team Members: Assistant Chief Brad Chandler and police staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Executed agreement with consultant	4 th Qtr FY 11
Consultant to brief City Council	3 rd Qtr FY 12
Consultant will complete study. Police staff monitors progress toward benchmarks	3 rd Qtr FY 12
Present recommendations to City Council	3 rd Qtr FY 12
Implement Council approved options	TBD

First Quarter

- Executed agreement with consultant
- Staff supported and monitored study
- Consultant on track to brief City Council in December-January time period.

Second Quarter

- Study completed
- Preparing for Council update Jan 3rd from the consultant.

Third Quarter

- City Council was briefed in third quarter
- Recommendations for creation of two police substations- Cross Creek and Campbellton
- Three options were presented:
 - 1) Build new; 2) Renovate; or 3) Lease
- Consultant also provided three recommendations for possible geographic locations
- Further deliberation with FY 13 budget development.

FAST Improvements- Evening Service

Policy Agenda: More Efficient Government

Background

Over the last few years, Council has renewed the pledge for continuous improvement to the City's transit system. The Fayetteville Area System of Transit (FAST) has a mission to provide safe, efficient, reliable, courteous and innovative public transportation to the citizens of Fayetteville. FAST staff worked with the Fayetteville Advisory Committee on Transit (FACT) to develop recommendations for service improvements. FAST will implement an operational plan, consistent with FACT recommendations and the adopted Transit Development Plan to extend evening service on two routes (8 and 15) with paratransit service and to extend Route 9 to Cape Fear Valley North Pavilion on Ramsey and Andrews Road.

Resources

Operational plan estimated to cost \$260,000 to cover operators, mechanics wages, fuel, parts and insurance was included in the FY 12 budget.

Staff Liaison: Randy Hume, Transit Director

Email Address: rhume@ci.fay.nc.us

Phone Number: 910-433-1011

Team Members: Transit staff, Fayetteville Advisory Committee on Transit

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Allocate budget	1 st Qtr FY 12
Public Hearing for service changes	1 st Qtr FY 12
Target to implement evening route and route expansion	1 st Qtr FY 12
Complete Title VI assessment and attain FTA approval; Implement Route 9 extension; Develop service alternatives for proposed FY 2013-15 improvements	3 rd Qtr FY 12
Continue to evaluate TDP. Recommend added service improvements, including timeline for west Fayetteville service options. Brief Council	3 rd Qtr FY 12
Identify budget and resources needed for any operational improvements for FY 13 budget development	3 rd Qtr FY 12

First Quarter

- Allocated budget
- Held public hearings
- Implemented evening service improvements on Routes 5, 8 and 15 on September 26
- Initiated Title VI and Environmental Justice Assessment to comply with FTA guidelines for Route 9 extension.

Second Quarter

- Completed Title VI/Environmental Justice Assessment for Route 9 extension and submitted the paperwork to the FTA for approval
- Working with the Fayetteville Advisory Committee on Transit (FACT) on route improvement evaluations, including public outreach for feedback on options (Community forums or workshops)
- Preparing to update Council and seek approval for Route 9 extension, including budget allocation followed by another round of outreach, a public hearing then approval for implementation.

Third Quarter

- Received FTA concurrence and initiated bus service in January to Ramsey and Andrews Road (Route 9)
- Fayetteville Advisory Committee on Transit (FACT) recommended service improvements for consideration to be included in the FY13 budget
- Presented FY 2013 FACT recommendations along with potential future improvements for west Fayetteville
- Submitted grant proposals for FTA Jobs Access/Reverse Commute and New Freedom programs to FAMPO for potential funding to support transit operations and proposed service improvements. Transit applied for federal funding of \$439,000 for two years operational support and expect to know something in the next few months
- Submitted grant application and was allocated \$217,000 in federal funding that will entitle FAST a reimbursement for a portion of fuel costs in FY13.

City Funding of Nonprofit Organizations

Policy Agenda: More Efficient Government

Background

Nonprofit organizations provide key services to the citizens of Fayetteville. This target for action seeks to follow efforts to review City funding policy and reporting mechanisms for these organizations. The City of Fayetteville has historically funded several non-profit agencies through general fund appropriations. City Council Policy 135.1 was established to guide the process of appropriating funds for non-profit agencies. The policy identifies eligibility and reporting requirements, funding mechanisms and the application process.

During the strategic planning retreat in February 2011, Council requested that staff present more detailed information on the 2001 Occupancy Tax and the relationship to City non-profit funding and the current selection process. City Council received an update from the City Managers office, Community Development and the Arts Council in January and February 2011.

The approved FY 12 General Fund Budget included funding for non-profit agencies. Funding for non-profits has decreased from \$406,500 in FY 11 to \$329,875 in FY 12 which is a 19% decrease. This action is consistent with the expressed desire to encourage the non-profit agencies to look for alternative means of balancing their annual budgets.

Resources

City staff

Staff Liaison: Dale Iman, City Manager

Email Address: diman@ci.fay.nc.us

Phone Number: 910-433-1990

Team Members: Finance and Community Development departments

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
City Council receive update from City Manager's Office, Community Development and the Arts Council	FY 11: January and February work sessions
FY 12 adopted budget includes reduced non profit funding; communication with non-profits	FY 11 (June)

First Quarter

- City Council received an update from the City Manager's Office, Community Development and the Arts Council in January and February 2011
- FY 12 adopted budget included reduced nonprofit funding; communication with non-profits
- Administer to non-profits per City Council Policy 135.1
- This item is complete.

Sewer Hook Up Acceleration

Policy Agenda: Growing City, Livable Neighborhoods

Background

In 2008, the City Council and Public Works Commission (PWC) jointly adopted a \$244 million plan to install sewer to about 500 homes a year. The agreement called for completing sewer to 7,000 homes by the year 2023. This target for action follows a request from Council in February of 2011 to study the financial impact for the acceleration of the sewer extension schedule for the Phase V annexation area.

City and PWC staff reviewed the current model to identify the impact of shortening the extension schedule. At a work session in May 2011, Council received an update. PWC's General Manager Steve Blanchard presented the item along with Engineering and Infrastructure Director Jeffery Brown. Mr. Blanchard indicated that increasing the rate of installation would be a resource issue. PWC would need to add additional personnel to maintain an increased schedule. The City would also need to allocate additional manpower and funds to support the storm drainage improvements being done simultaneously with the sanitary sewer installation as we could not accelerate one without the other. The report also indicated that assessments would have to be levied at a faster pace than originally scheduled with the people in the Phase V area. Given the limited resources available, the consensus of Council was to not accelerate the sewer installation.

Resources

Staff

Staff Liaison: Dale Iman, City Manager

Email Address: diman@ci.fay.nc.us

Phone Number: 910-433-1990

Team Members: Finance department, Public Works Commission

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
City and PWC staff reviewed the current model to identify the impact of shortening the extension schedule	4 th Qtr FY 11
Council received an update and provided direction	4 th Qtr FY 11

First Quarter

- City and PWC staff reviewed the current model to identify the impact of shortening the extension schedule
- Council received report and provided direction: Given the limited resources available, the consensus of Council was to not accelerate the sewer installation
- This item is complete.

Building Demolition Program

Policy Agenda: More Attractive City

Background

There are a number of challenges associated with any municipal code enforcement and building demolition program. The two most prominent are the lengthy procedural requirements of state law and the limited funds and staff resources available for demolition as compared to the number of buildings that fit the profile as candidates for removal.

At the same time, there are several factors that contribute to the need for public involvement in building demolition. These factors are mainly economic and market changes but also include the investment or disinvestment patterns of property owners – especially those of rental properties. Because resources are limited relative to the need in the community, we must prioritize the use of these funds to achieve the greatest impact.

Resources

\$ 400,150 is included in FY12 General Fund Budget for building demolition and City abatement for lot cut and cleaning.

Staff Liaison: Bart Swanson, Housing and Code Enforcement Manager

Email Address: bartswanson@ci.fay.nc.us

Phone Number: 910-433-1433

Team Members: Housing and Code Enforcement Staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Complete city-wide survey identifying dangerous and blighted buildings	1 st Qtr FY 12
Review current bidding process for demolition contracts and make any necessary changes to meet legal requirements and expedite the process	2 nd Qtr FY 12
Establish a priority list within available funding	2 nd Qtr FY 12
Continued operational focus	Continuous

First Quarter

- 169 buildings identified as either dangerous or blighted
- Prioritized structures for the initiation of enforcement action.

Second Quarter

- Staff reviewed the current bidding process for demolition contracts and made necessary changes to meet legal requirements and expedite the process
- Demolition of buildings under 5,000 square feet will be subject to an informal bidding process
- Demolition of buildings 5,000 square feet and over to be demolished will require a formal bidding process through PWC.

Third Quarter

- Title search program developed in coordination with the Real Estate Division: 109 properties identified for program with June 30, 2012 estimated date of completion
- Expediting demolition process was discussed with City Council and procedural adjustments will result from that discussion
- Demolition priorities by neighborhoods were approved by City Council by consensus.

Economic Development Contract with the Chamber

Policy Agenda: Greater Tax Base Diversity

Background

The City partners with the Fayetteville Cumberland County Chamber of Commerce for economic development activities.

Resources

Funding to continue the contract with the Chamber was included in the General Fund budget in the amount of \$100,000. PWC funds an additional amount of \$315,000.

Staff Liaison: Kristoff Bauer, Assistant City Manager

Email Address: kbauer@ci.fay.nc.us

Phone Number: 910-433-1993

Team Members: Fayetteville Cumberland County Chamber of Commerce

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Re-evaluate contract	4 th Qtr 11
Identify the scope of work and establish performance measures	4 th Qtr 11
Execute contract	4 th Qtr 11
Assess performance quarterly	FY 12

First Quarter

- Re-evaluated contract with the Chamber, identified scope of work and executed contract in June 2011
- Chamber updated Council on performance measures and will report progress to Council quarterly
- This item is complete.

Sign Ordinance

Policy Agenda: More Attractive City

Background

This target for action focuses on developing a modernized sign ordinance that is consistent with the new UDO. The goal is to make modifications to the sign ordinance and develop a comprehensive approach for the sign code to be presented and considered by the City Council.

Resources

Current Planning staff

Staff Liaison: Scott Shuford, Development Services Director

Email Address: sshuford@ci.fay.nc.us

Phone Number: 910-433-1311

Team Members: Development Services staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Assess the scope of the project and devise strategy	1 st Qtr FY 12
Reinitiate and engage Planning Commission	2 nd Qtr FY 12
Formulate recommendations with stakeholder input	4 th Qtr FY 12
Present recommendations and draft ordinance to Council	4 th Qtr FY 12

First Quarter

- Assessed the scope of the project and devised strategy
- Reinitiated and engaged the planning commission
- Planning Commission has been provided a visual reference survey for sign types and characteristics, which will serve as the basis for engaging the community.

Second Quarter

- Information on vehicle signs has been provided to and discussed with the Chamber of Commerce and Board of Realtors
- A schedule of advisory focus groups that include the Chamber of Commerce, Board of Realtors, sign contractors, and design professionals will be considered by the Planning Commission for action in the third quarter.

Third Quarter

- Staff worked to fill an urban designer position. Once the urban designer is on board, focus group activity will commence.

Street Lighting Ordinance

Policy Agenda: Growing City, Livable Neighborhoods

Background

The target for action seeks to follow the development and implementation of a street lighting ordinance that would enhance public safety and the quality of development in the City. Council adopted a Uniform Street and Thoroughfare Ordinance in February 2010 with an effective date of March 2010. The purpose of the ordinance was to establish uniformity in residential street light placement, specifications and billing. Progress Energy is regulated by the Utilities Commission. In order for Progress Energy to comply with the City's ordinance, they filed an amendment to its existing tariff with the Commission. In February 2011, the Commission raised questions about the wording of the City's ordinance as it pertains to directing Progress Energy to bill customers for street lighting services. In April 2011, Council adopted the minor ordinance revision which allows Progress Energy to proceed.

Resources

City staff

Staff Liaison: Rusty Thompson, Engineering and Infrastructure Interim Director

Email Address: rthompson@ci.fay.nc.us

Phone Number: 910-433-1691

Team Members: Engineering and Infrastructure, Management Services and City Manager staff members.

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Identify stakeholders and research options	FY 11
Council adoption of Uniform Street and Thoroughfare Lighting Ordinance	FY 11
Implement Council approved ordinance	2 nd Qtr FY 12

First Quarter

- Council adopted the Uniform Street and Thoroughfare Lighting Ordinance
- Collaboration of City staff and Progress Energy
- On December 22nd Progress Energy will include street light billing on the electrical bills for residential customers
- The fee on the monthly bill will vary from \$1.19 to \$5.46, depending on the number of customers served by each streetlight and whether the electricity to the light poles is provided above or below ground
- Communication plan was developed between City and Progress Energy: Message for customers, webpage explaining the process and support through the call centers for both entities.

Second Quarter

- Engineering and Infrastructure staff generated and distributed to all lighting providers a survey letter with instructions to provide a 90 day implementation plan for areas that do not meet lighting standards
- At the end of the 2nd quarter, no official response has been received by the City from the lighting providers
- Next quarter summary report of findings will be compiled by City staff.

Third Quarter

- The City has received responses from the following electric providers: PWC, Progress Energy and Lumbee River Electric
- At quarter end, we still have not received a written response from South River Electric
- Electric providers responded that they will review individual locations based on written requests from the City, after the City has investigated and determined a need
- Progress Energy and the City have developed a flowchart process
- Other providers are reviewing the flow chart to determine if they are able to follow the same process.

Comprehensive Classification and Compensation Plan

Policy Agenda: More Efficient Government

Background

Hiring and retaining quality staff is a critical aspect of providing excellent service to citizens. Currently, it is only the Police Department that has a compensation plan. Once their compensation plan was in place, they were able to maintain a 96% or higher staffing level. Council has requested that staff analyze a comprehensive compensation plan for all departments. This effort could reduce the turnover rate and increase retention. This project would enable a more performance based performance system, which leads to recruiting and retaining top quality workforce and more effective levels of service.

Resources

Current staff; \$100,000 for comprehensive classification and compensation plan is included in the FY12 Recommended Budget. Any budget requirements to implement the plan will need to be provided by Council.

Staff Liaison: John Kuhls, Human Resource Development Director

Email Address: jkuhls@ci.fay.nc.us

Phone Number: 910-433-1643

Team Members: HRD Staff and key staff from various departments

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Issue RFP to solicit proposals from qualified consultants to assist the City in conducting research (Study fair and equitable pay: Research current market rate for each position; Compare market rate to City's salary by position)	3 rd Qtr FY 11
Evaluate proposals and choose	1 st Qtr FY 12
Participate and support the study. Receive study results	2 nd Qtr FY 12
Formalize compensation and classification recommendations for implementation	3 rd Qtr FY 12
Brief Council on recommended compensation plan	3 rd Qtr FY 12
Implement Comprehensive Classification Compensation Plan	TBD

First Quarter

- Issued RFP to solicit proposals from qualified consultants
- Evaluated proposals and executed contract with consultant
- HRD staff provided data to consultant
- Consultant completed initial meetings, interviews and presentations
- Job analysis questionnaire process largely complete
- In the second quarter, the consultant will review job analysis questionnaires, finalize classification structure, provide updated job descriptions to the City and begin the market analysis.

Second Quarter

- Segal analyzed all City job analysis questionnaires submitted and made suggestions regarding FLSA status of various jobs
- Staff reviewed those changes with SMT/Department Heads
- Ten public sector benchmark organizations were identified and approved by Council (at the October 3, 2011 Work Session) as appropriate market survey recipients
- Our total compensation market survey was distributed, and results were obtained from all ten benchmarks. Data was also compiled using published private sector survey data
- A preliminary draft survey report was reviewed during teleconference calls with Segal and staff to review all data and key findings for the 52 benchmark jobs used in the survey
- Updated job descriptions are now being reviewed by staff, and will continue in third quarter
- Additionally, in the third quarter, the February 6th Council work session will include a review of data and key recommendations required for a successful implementation phase
- All critical project milestones continue to be completed on time per our project timeline.

Third Quarter

- City Council reviewed the total compensation (pay and benefits) study outcomes and recommendations from the market-based survey conducted by our consultants at their March 5th work session
- Staff recommended that Council direct the City Manager and staff to move forward with implementing recommendations from the study at their work session
- City Council unanimously approved the Compensation Study Implementation (Item 6.1) on March 12th with the approval to "Move forward with implementing recommendations from the study."
- Staff briefed Senior Management Team members on next steps and are working on implementation activities and planning.

Solid Waste Contracting for Services

Policy Agenda: More Efficient City Government

Background

This target for action seeks to research and explore opportunities for outsourcing City services. Currently, staff is researching options to outsource garbage collection for a portion equal to one fourth of the city to determine the potential financial advantages.

Resources

Environmental Services, Legal, Purchasing and Finance staff.

Staff Liaison: Jerry Dietzen, Director of Environmental Services

Email Address: gdietzen@ci.fay.nc.us

Phone Number: 910-433-1984

Team Members: Environmental Services, Purchasing, Finance, and Legal

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Research outsourcing efforts in peer cities	4 th Qtr FY 11
Develop RFP	1 st Qtr FY 12
Advertise for proposals	1 st Qtr FY 12
Finalize cost of service analysis and benchmarking data	2 nd Qtr FY 12
Brief Council, receive feedback	3 rd Qtr FY 12
Implement Council approved options	1 st Qtr FY 13

First Quarter

- Developed RFP to contract approximately 15,000 or the equivalent of one fourth of the City's households for garbage collection. (Garbage collection only and not yard waste or bulky item collections)
- The pre-proposal meeting was scheduled for October 6, 2011 and the proposals were due October 20, 2011
- Depending upon the outcome of the proposals, City Council may decide to contract out this portion of the city to a private contractor
- The Environmental Services Department finalized the current cost of services for the area described above and the analysis is waiting on final review from Finance Department.

Second Quarter

- Proposals for contracting garbage collection for 15,000 households were received October 25
- The financial analysis was evaluated by Finance Department
- The information will be presented to City Council for review and consideration on January 3.

Third Quarter

- In Jan. Assistant City Manager Doug Hewett presented information to Council concerning the RFPs and City costs
- Council requested staff to prepare additional information and provide answers to specific questions concerning the RFP process
- Additional information was prepared by the resource team
- Environmental Services Director, Jerry Dietzen presented information to Council March 5 which addressed earlier questions from Council
- The pilot study analysis indicated that it is more financially viable and effective for the City to continue to provide all garbage collection than to utilize a service provider
- Additionally, other ancillary and emergency services currently provided by the department would become more costly to City taxpayers if a portion of the garbage collection services were contracted
- City Council's direction to staff was not to proceed with contracting and to reject all proposals
- On March 8, 2012, RFP rejection letters were sent out to the five contractors who submitted proposals
- This item is complete.

Fayetteville Beautiful Support Policy Agenda: A More Attractive City

Background

Fayetteville Beautiful is a committee of concerned citizens dedicated to encourage others to take greater responsibility for improving their environment. The key to a long-term sustainable solution for a more beautiful Fayetteville is its success at changing individual behavior and attitudes about litter.

Staff Liaison: Michael Gibson, Director of Parks and Recreation

Email Address: mgibson@ci.fay.nc.us

Phone Number: 910-433-1557

Team Members: Parks & Recreation staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
City Wide Clean-Up (November)	2 nd Qtr FY 12
City Wide Clean-Up (April)	4 th Qtr FY 12

First Quarter

- No update.

Second Quarter

- Planning upcoming city wide spring clean-up
- Develop clearinghouse for citizen groups looking for clean-up and beautification projects.

Third Quarter

- Planning upcoming city wide spring clean-up Saturday, April 21 at 9 a.m. The cleanup will start at the intersection of MLK and Ramsey Street
- During the Fayetteville Beautiful cleanup, citizens pick up litter on roadways in the city
- In total, 7,389 Fayetteville Beautiful volunteers have picked up 87 tons of litter along 296 miles of roadside in seven cleanup efforts
- Fayetteville Beautiful is a part of Keep America Beautiful, which designed a litter assessment tool for communities, called the Litter Index
- The litter index ranks towns and cities on a scale of 1 to 4, with 1 being the best and 4 being the worst. Fayetteville's current litter index is 1.86

Bragg Boulevard Corridor Development Management Agenda: Greater Tax Base Diversity

Background

This project focuses on the redevelopment of Bragg Boulevard from Hay Street to Ft. Bragg, which is essential to Fayetteville's transportation infrastructure, especially as we construct I-295. Given Bragg Boulevard's proximity to Ft. Bragg and downtown, it is vital for our community's economic development to invest in this area. Staff will engage the community in a dialogue regarding appropriate and desirable development along this key corridor through the use of consultant services. Area specific overlay(s) and zoning ordinance will be presented for Council consideration. There was \$125,000 allocated in Planning Department budget to do both the Bragg Blvd Corridor Plan and the Ramsey Street Plan implementation projects (a market study and a zoning code update). This budgeted amount was insufficient funding for a basic Bragg Blvd Plan or the Ramsey Street Plan. The Fort Bragg Regional Alliance took an interest the Bragg Blvd project and applied for funding through the Office of Economic Adjustment. OEA agreed to provide partial (75%) funding for a \$200,000 Bragg Blvd plan; our match would be \$50,000 (25%). We then sought quotes from 16 consultants on Ramsey Street and the best-qualified came in at under \$75,000, meaning the City had enough funding to do both street corridor projects.

Resources

Current Planning staff. The FY 2012 budget includes some funding for consulting. Possible grant funding from Office of Economic Adjustment is being pursued by the Ft. Bragg Regional Alliance.

Staff Liaison: Scott Shuford, Development Services Director

Email Address: sshuford@ci.fay.nc.us

Phone Number: 910-433-1311

Team Members: Development Services staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Assemble staff team and evaluate base data and infrastructure plans, with objective of outlining proposed scope of work and needed resources	2 nd Qtr FY 12
Brief City Council (and community as appropriate), with objective of identifying areas of greatest opportunity and impact as focal points for detailed small area land use and design/development plans	3 rd Qtr FY 12
Select and manage a planning consultant hired to develop detailed plan and implementation tools (including overlays) for selected small areas, in concert with the community	4 th Qtr FY 12
Complete the recommended implementation steps (e.g., adoption of the ordinance).	2013

First Quarter

- Assembled staff team and evaluated base data and infrastructure plans,
- Outlined proposed scope of work and needed resources
- Staff is in the process of developing a multipart RFP for retaining consultant services for various aspects of the plan. This approach will enable us to more effectively identify funding needs and which parts of the plan can be accomplished in house as staff capacity allows.

Second Quarter

- The Office of Economic Adjustment (OEA) funding opportunity was identified and pursued by the Fort Bragg Regional Alliance for the Bragg Blvd. Corridor Plan
- Funding was approved for \$200,000 with the City providing a 25% match (\$50,000)
- Staff has developed a RFP in cooperation with the Fort Bragg Regional Alliance to solicit firms to complete the Bragg Blvd. Corridor Plan
- Under the draft interlocal agreement between the City and Fort Bragg Regional Alliance, the Alliance will issue the RFP and the City will manage the project once a consultant is selected.

Third Quarter

- RFP issued with robust response from the private sector
- A consultant selection meeting was held with internal stakeholders; contract negotiation is underway by the Fort Bragg Regional Alliance.

Non-Stop Air Service to Washington, D.C.

Management Agenda: Greater Tax Base Diversity

Background

A survey to investigate and secure direct air service from Fayetteville/Ft. Bragg to the D.C. area was completed in FY10. This study provided guidance and recommendations that support direct air service as well as aided in the development of negotiations for potential service providers. The study reviewed general aviation alternatives. The pursuit of a non-stop air service to our Nation's capital is also listed in the joint City, County and Chamber federal legislative agenda as an additional priority in support of strong efforts to secure the service.

Resources

A contract with InterVISTAS, Air service consultants is needed to continue to coordinate with airlines. Budget is in place for contract negotiations. Airport staff time will be needed to support these actions.

Staff Liaison: Brad Whited, Airport Director

Email Address: bwhited@ci.fay.nc.us

Phone Number: 910-433-1623

Team Members: Airport staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Execute contract with InterVISTAS	1 st Qrt FY 12
Coordinate with InterVISTAS to follow up service opportunities	Continuous

First Quarter

- Executed contract with InterVISTAS.

Second Quarter

- InterVISTAS followed up with major airlines reference DC service. No response to Fayetteville opportunities to service DC
- InterVISTAS obtained government data, in late December, to calculate potential demand for NYC service
- US Airways Headquarters announced that Fayetteville is among eight communities that will receive NEW direct service to Washington's Regan National Airport
- It is anticipated that daily service to Washington's Regan National Airport will begin March 25th, 2012 with one round trip daily.

Third Quarter

- InterVISTAS communicating with Fort Bragg, BRAC, and Airlines regarding new service to DC, which began March 25, 2012
- This item is complete.

Reclaiming Neighborhoods Next Project

Management Agenda: Growing City, Livable Neighborhoods

Background

As a component of the Police Department's Community Wellness Program, the Reclaiming Neighborhoods Project takes a holistic approach to the problems in specific neighborhoods. Working through the community and in the community, this initiative helps ensure neighborhoods are safe, clean and nuisance free. Through this concentrated effort, City departments identify how they may contribute and work to solve issues. Quarterly meetings are conducted to provide updated information from each department's accomplishments and challenges. The pilot community for this project was B-Street. Currently this project is focused on the Bonnie Doone area.

Resources

Current City employees, community stakeholders

Staff Liaison: Tom Bergamine, Chief of Police

Email Address: tbergamine@ci.fay.nc.us

Phone Number: 910-433-1819

Team Members: City departmental resources

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Hold quarterly meetings with key departments and stakeholders to evaluate progress	Continuous
Community Engagement: Community Watch support and special events	Continuous
Conduct special operations in the area and evaluate	Continuous
Neighborhood selection process	Upon completion of work plan

First Quarter

- Held meetings with key departments
- Executed concentrated operations in the Bonnie Doone area
- Coordinated Community Day, which is set for October 8th.

Second Quarter

- Executed Community Day October 8, community partners, city departments and faith based organizations all participated. Estimated 400 in attendance
- The police department shared with Council the pre-existing critical factors that are essential for the eventual success of a community reclamation project
- Special operations, concentrated efforts and quarterly assessment meetings continue
- Preparing for a final report on the Bonnie Doone Area effort to be distributed next quarter
- The selection process for the next neighborhood will begin in the third quarter.

Third Quarter

- Final report on the Bonnie Doone focus area was completed and provided to the Police Chief and City Manager for review in the third quarter
- The police staff will continue to build relationships with the local community leaders and consider the efforts of this project a success
- Community policing projects such as the Bonnie Doone initiative is ultimately dependent upon the citizens within the community
- The Police Department also made a determination on the next focus area. They will conduct a Reclamation Project in their 2 districts simultaneously. The locations identified are the Bunce Road area in the Cross Creek District and Murchison Road/Jasper Street area in the Campbellton District.

HOPE VI Business Park Development Management Agenda: Greater Tax Base Diversity

Background

This project is a continuation of the FY11 target for action. As part of the City's commitment to the Old Wilmington Road HOPE VI Revitalization Project, the City allocated \$1 million to acquire land for the development of the Business Park. The redevelopment of the Old Wilmington Road neighborhoods would revitalize the community by:

- 1) Replacing existing distressed public housing
- 2) Providing new housing opportunities
- 3) Providing community support services opportunities
- 4) Locating owner occupied housing and rental units throughout the area
- 5) Creating a market demand for further development

This development of a business park is a viable and important part of the overall project as it could reverse the trend of poverty by creating jobs in the area. Site selection was approved December 13, 2010. The vision is to develop the site top continue the redevelopment of the area by providing job opportunities, business opportunities, and general convenience services. A market study is expected to inform what the most attractive opportunities are. There was a market analysis completed by TCG, International (who wrote the HOPE VI application) in 2006. That analysis will need to be updated to reflect current market conditions.

Resources

Funding previously allocated from the general fund for the HOPE VI Revitalization project includes: \$1 million for the business park and \$1 million for acquisition for market rate housing.

Staff Liaison: Victor Sharpe, Community Development Director

Email Address: vsharpe@ci.fay.nc.us

Phone Number: 910-433-1933

Team Members: Chamber of Commerce, Real Estate and Development Services staff.

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
City: Land assembly and site prep for 9.2 acres	Continuous
Chamber: RFP for consultant develop market study	TBD
Chamber: RFP for developers	TBD
Chamber: Select developer from RFP process and negotiate development agreement	TBD
Chamber: Present to Council and approve recommendations with funding mechanism	TBD

First Quarter

- Continued acquisition of parcels at the development site. Of the 40 parcels at the site, the City acquired 16 parcels, offers on 3 parcels have been accepted and 5 offers have been mailed. We are awaiting title searches on the remaining parcels
- Acquisition includes the former home of Dr. E.E. Smith
- Completed agreement with the Chamber of Commerce to assist with the redevelopment of the Business Park. Met with the Chamber's economic development staff
- Upcoming activities include continuation of property acquisition and development of the market study.

Second Quarter

- Acquired additional sites. To date 21 of the 40 parcels have been acquired. One additional offer has been made and we are awaiting a response.
- All of the title searches have been completed.
- Upcoming activities include an update of the 2006 market analysis used for the HOPE VI Grant application.
- The City's contract with the Chamber directs them to create and implement a plan to move the development of the business park project forward.
- The Chamber will provide a quarterly report to Council on the progress made.

Third Quarter

- Continued to acquire additional sites. To date 23 of the 40 parcels have been acquired
- Offers have been made on the remaining parcels with the exception of the 5 that are occupied
- Met with Chamber to discuss update of market analysis and the further development of the site
- We plan to meet with City Council to get direction on relocation benefits for the occupants of the 5 occupied structures.

City Communications Strategy

Management Agenda: Greater Community Unity

Background

A City-wide comprehensive Communications Strategy outlines specific actions for engaging internal and external stakeholders. It is a powerful tool and a cornerstone of effective leadership. It takes an entire organization to implement and sustain an effective Communications Strategy. In this way, the Communications Strategy is intended to guide all employees and enhance the services the City delivers by working collaboratively across departmental lines.

This target for action seeks to follow the development of a City Communications Strategy that will support improvements in policy and protocol. We will seek to secure a consultant and begin development of a written plan that will focus on effective crisis communication and internal communication, which ultimately will improve our ability to effectively market and brand the city, proactively engage citizens and build media relations.

- Crisis Communication Plan (with an internal focus): Protecting and securing our interests
- Marketing and Branding: City staff will focus on the All America City marketing campaign and will also collaborate on a downtown marketing initiative through a partnership with the Fayetteville Area Conventions and Visitors Bureau, the Airborne and Special Operations Museum and the Cumberland County Tourism Development Authority
- Public Information: Building media relationships, proactively fostering community engagement and responding to public information requests.

Resources

City Communications Strategy: \$25,000

Marketing and Branding: All America City marketing \$83,000; Collaboration with Fayetteville Area Conventions and Visitors Bureau, on community marketing campaign.

Staff Liaison: Jennifer Lowe, Public Information Officer

Email Address: jlowe@ci.fay.nc.us

Phone Number: 910-433-1549

Team Members: Corporate Communications staff, community partners.

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Develop All America City marketing plan	1 st Qtr FY 12
Implement approved All America City marketing plan	Continuous
Collaborate with FCVB in downtown marketing initiative (TDA)	Continuous
Improvements to citizen engagement and public information dissemination	Continuous
Research and secure appropriate consultant to begin development of written Communications Plan and Strategy	3 rd Qtr FY 12
Present communications recommendation to City manager and Council	4 th Qtr FY 12

First Quarter

- Acclimated new PIO and engaged media, community communication partners and City communication staff
- Crisis Communication: Protecting and securing our interests:
 - Collaborated with Emergency Management Coordinator for improvements in the communication aspects of the Emergency Operations Plan
 - Upcoming activities: Research consultant
- Marketing and Branding:
 - Developed All America City marketing plan
 - Briefed City Managers and Council
 - Moving targeted items forward: Follow updates in Manager's weekly report
 - Working with FCVB in advertising/marketing for campaign for downtown
- Public Information: Building media relationships, proactively fostering community engagement and responding to public information requests
 - Improved protocols for managing public information requests and public information releases
 - Launched City Facebook and Twitter.

Second Quarter

- Internal and Crisis Communication:
 - Collaborated with Emergency Management Coordinator for improvements in the communication aspects of the Emergency Operations Plan and revised the COOP
 - Reviewing other municipal communication administrative policies. Will work to develop administrative policy for Fayetteville, coordinate and review with departments, and execute and implement by fiscal year end.
- Marketing and Branding:
 - Continued implementation of AAC marketing plan
 - Highlights include billboard and sign placements completed in time for holiday travel and traffic; "Thank you for your service to our All America City" banner installed at Green Ramp; All America City Up & Coming edition complete
 - Working with FCVB in advertising/marketing for campaign for downtown: Provided CVB's marketing firm with content and philosophy for best marketing practices for NCVP for creation of brochures, rack car and website enhancements.
- Public Information:
 - Building media relationships, proactively fostering community engagement and responding to public information requests
 - Created calendar year 2011 annual report
 - Facilitated increased public attendance for positive city events such as 1st annual Veterans Day ceremony at NCVP, and City Council Inauguration.

Third Quarter

- Received four awards for Excellence in Communications by the North Carolina City & County Communicators' (NC3C) which showcase the best of the best in communications in North Carolina
 - Annual Report: First place (2011 Annual Report to the Community)
 - Marketing Campaign: First place (All-America City strategic marketing plan)
 - Print Publication – Magazine: First place (Parks and Recreation Activities Guide)
 - Citizen Participation: Second place (Citizens Academy)

- Marketing of AAC
 - Preparing to wrap up plan and transition the AAC shield out , while brand remains in tact
 - Made arrangements for final media placements
 - Planning finale event
- Citizen Engagement
 - Planning for Spring Citizens academy
 - Working toward web streaming Council meetings and camera upgrade
 - Ad placement on social media and continued focus on updating sites has resulted in strengthened Facebook presence and more than 400 Twitter followers
- Communications Tools and Practices
 - Reasserting the need for ADA compliance statement on all printed materials
 - Researched “one call” vendors for contacting council
 - Updated and verified active Corporate Communications media distribution list
 - Recommended procedure for public records requests and information requests
 - Working with Emergency Management (EM) staff on crisis communications plan and drills
 - In facilitation with EM, established departmental call down rosters for emergencies.

Limited English Proficiency Management Agenda: More Efficient Government

Background

Fayetteville is a diverse community with citizens from all types of backgrounds, nationalities and cultures. City departments have established internal procedures and policies based on their customers' needs. As stipulated by law and to meet federal granting agency requirements, the City is clarifying its procedures and revising its policy to provide services to individuals with limited English proficiency. This target for action seeks to develop an overarching citywide policy and establish an internal network for City departments to share best practices and leverage tools.

Resources

Current staff will develop the citywide policy and establish internal network. This network will evaluate ongoing needs. If additional resources are needed, those will be identified.

Staff Liaison: Ron McElrath, Human Relations Director

Email Address: rmcelrath@ci.fay.nc.us

Phone Number: 910-433-1605

Team Members: Human Relations, Legal and Management Services staff

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Research regulations and best practices	FY 11
Develop citywide policy and implementation plan and brief Council	FY 11
Execute citywide policy	1 st Qtr FY 12
Establish network and implement policy	2 nd Qtr FY12
Monitor established policy and procedures and continue training	Continuous

First Quarter

- Completed research and developed citywide policy and implementation plan
- Staff briefed Council
- Executed citywide policy
- Established network; worked to implement policy
- Added LEP policy training to the supervisors' training blocks (coming soon)
- Supervisor training on use of the language line in process
- Continue to monitor established policy.

Second Quarter

- Incorporated the LEP policy and procedures into the City's Supervisory Operational Skills Class offered by the City's HRD training staff
- Began process of identifying bilingual City Employees and developing a list to be used for language assistance. This listing will offer first response assistance in public interactions with LEP citizens
- In the third quarter, we will work to develop and formalize training for all employees.

Third Quarter

- Working to consolidate a list of bilingual City Employees to be used for language assistance. This listing will offer first response assistance in public interactions with LEP citizens
- Language cards have been distributed to employees that interact regularly with customers
- Staff developed LEP curriculum and will work to implement this training for all employees.

Old Days Inn Site Development Management Agenda: More Attractive City

Background

This target for action follows the North Carolina Veterans Park master plan that was developed for the area surrounding the park, the Airborne and Special Operations Museum and Rowan Park. The City seeks to develop land use plan for residential housing in the area. The land was purchased as part of the development of the North Carolina Veterans Park.

Resources

City staff

Staff Liaison: Craig Hampton, Special Projects Director

Email Address: champton@ci.fay.nc.us

Phone Number: 910-433-1786

Team Members: Community Development, City Manager's Office, Planning and City Attorney

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Develop RFP for site development and issue RFP	1 st Qtr FY 12
Reissue RFP	3 rd Qtr FY 12
Award of development contract	3 rd Qtr FY 12
Complete development contract	1 st Qtr FY 13

First Quarter

- Developed RFP for residential development for 5 acre lot on Bragg Blvd. across from the North Carolina Veterans Park
- Posted RFP to COF, PWC and several other websites
- Pre-proposal was held September 6; no potential developers attended
- Submittal date was October 11, 2011, no response received.

Second Quarter

- Team meeting with CMO regarding potential changes to development proposal to entice participation. Discussions and investigation is on-going
- ETA of next issuance of RFP would be late 3rd quarter FY 12.

Third Quarter

- Revised RFP to include rental properties and minor commercial
- Review of RFP by city staff
- Will reissue upon direction from CMO and receive proposals.

Multi-Modal Center: Land Assembly and Design Management Agenda: Revitalized Downtown

Background

The Multi-Modal Center will house a new FAST bus transfer facility and will accommodate at least 16 bays, contain a two-story building of about 20,000-square feet and sufficient land area for complimentary commercial and/or retail private development. The first phase included site selection and preliminary engineering and design. This process began in the summer of 2006. Staff will work to resolve any outstanding issues related to property acquisition and move forward with development of the facility.

Resources

Current staff and established capital project budget. This project is being funded through the FTA, the NCDOT and local funding matches. To date, there is approximately \$1.8 million available for this project to cover preliminary design, engineering and land acquisition. The total project cost is estimated at \$15 million. Additional grant funds will be pursued for final design and construction.

Staff Liaison: Randy Hume, Transit Director

Email Address: rhume@ci.fay.nc.us

Phone Number: 910-433-1011

Team Members: Transit, Special Projects Director, Engineering and Infrastructure, City Manager Office, Parks and Recreation, Cape Fear Valley Hospital System, FAMPO, NC DOT Raleigh, NC DOT-Division 6

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Begin programming and design process	2 nd Qtr FY 12
Demolition of the structures on the acquired properties	3 rd Qtr FY 12
Pursue competitive grant funding for construction of multimodal center	Continuous
Completion of construction documents	FY 13

First Quarter

- First design meetings to begin in October
- Completion of construction documents in one year or less thereafter
- Submitted competitive grant proposal in July under FTA's State of Good Repair initiative. The project was not selected for funding from federal FY 2011 funding. After FTA's debriefing, staff will resubmit the project for federal FY 2012 funding
- Presented final offer letters, with FTA concurrence, for the last two properties needed to complete property acquisition. One owner responded with indicating their intent to make a counter offer. One owner did not respond by the established deadline
- Revised schedule shows completion of project in late-2013 depending on availability of funding.

Second Quarter

- Demolition specifications being compiled and will be ready by end of January 2012
- Continuation of planning and budgeting meetings through 2nd Qrt FY 13
- Continuation of land assembly.

Third Quarter

- Continued land assembly effort
- Completed schematic design for the MMTC
- Continued coordination of design with utilities, zoning and adjacent street projects
- Completed demolition specifications and issued Invitation for bids
- Issued Request for Qualifications (RFQ) for geotechnical engineering services
- Continued preparation of owners requirements for LEED certification
- Submitted competitive grant application for construction funding under FTA's Bus Livability Initiative.

Prince Charles Hotel: City Options and Direction

Management Agenda: Revitalized Downtown

Background

The Prince Charles Hotel is a historic landmark located in the downtown area, across from City Hall. The building was declared dangerous and ordered vacated on October 19, 2010 for unsafe interior conditions relating to building defects creating a fire hazard. On September 8, 2011, an additional dangerous building order to repair exterior building defects to prevent unstable portions of the building from falling off of the building was issued. To date there has only been partial compliance in submitting plans to obtain necessary building permits to initiate the required corrective action. The property owner has not paid related civil penalties for non-compliance or assessment or for lot cut and cleaning assessments. Staff will continue enforcement action to persuade property owner to achieve code compliance.

Resources

City staff

Staff Liaison: Bart Swanson, Housing and Code Enforcement Manager

Email Address: bartswanson@ci.fay.nc.us

Phone Number: 910-433-1433

Team Members: Housing and Code Enforcement, Fire Department and City Manager's Office

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
City departments coordinate efforts to achieve code compliance and successful development of the property and to develop potential City initiatives and/or actions	Continuous
Update Council	3 rd Qtr FY 12
Implement Council approved actions	4 th Qtr FY 12

First Quarter

- City departments met to coordinate efforts to achieve code compliance and successful development of the property
- Developing potential City initiatives and/or actions and preparing to update Council.

Second Quarter

- New violation noted and Hearing Order served.

Third Quarter

- Foreclosure of code enforcement violation liens initiated.

Consolidated 911 Operations Management In Progress: More Efficient City Government

Background

Currently our community has two primary Public Safety Answering Points (PSAP). One is managed by Cumberland County and the other by the City of Fayetteville. Last year both the city and county communication centers went live with Computer Aided Dispatch (CAD) systems purchased from OSSI. In addition to purchasing the CAD system, the city and county standardized operating procedures with the purchase of PROQA Call-taking software. Previously the City and County had different CAD systems and operating procedures.

In March of 2010, the city went live with the OSSI CAD system. In July of 2010, the City went live with the call taking software from PROQA. PROQA has three disciplines: Emergency Fire Dispatch, Emergency Police Dispatch and Emergency Medical Dispatch. The City did not go live in July of 2010 with Emergency Medical Dispatch, awaiting approval from the State and local medical directors. The City continued to transfer all medical calls by telephone to the County, who would perform the Emergency Medical Dispatch function.

In December of 2010, the CAD to CAD Module went operational connecting the CADs (City and County) together. CAD to CAD allows both communication centers to receive and share call information simultaneously and eliminates transferring calls by telephone. In July of 2011, the City received authorization to utilize Emergency Medical Dispatch. Both centers now, regardless of the type of call received, PROQA the call, enter the call into CAD and then push the call using the CAD to CAD module to each other if necessary.

The consolidation is broken down into three phrases:

1. Both centers utilize CAD to CAD
2. Both centers operate the same CAD
3. The actual merger of both centers into one building and one organization.

Resources

Substantial funding will be required for Phase 3 (actual merger of both centers into one building and one organization). Neither center is currently large enough to accommodate the required service needs of a primary PSAP. A new facility would have to be built (or an existing building found and remodeled) which will require a substantial amount of money. The North Carolina 911 board has created a PSAP grant program to help with the consolidation of PSAPs. The grant can be used to pay for brick and mortar but cannot be used for land acquisition. Another financial impact will be the salary disparities of the City and County communication center employees. Starting pay for the county's entry level communication employee is \$30,805 and the City's entry level communication employee salary is \$25,442. Financial impact for completion of Phase 2 (both centers operating one CAD) is minimal and E-911 money will be used.

Staff Liaison: Brad Chandler, Assistance Chief of Police

Email Address: bchandler@ci.fay.nc.us

Phone Number: 910-433-1914

Team Members: Team Leader: Captain Brad Chandler- Communications, Fayetteville Police and Fire Departments, Cumberland County Sheriffs' Office, the Ferguson Group

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Phase One: CAD to CAD operations and formulating one set of operating procedures for both centers	FY 11
Emergency Medical Dispatch: Both centers enter the call into CAD and then push the call using the CAD to CAD module to each other, if necessary.	1 st Qtr FY 12
Phase Two: One CAD for both agencies	3 rd Qtr FY 12
Phase Three: Actual merger into one Consolidated 911 Communications Center. Continue to hold planning meetings with stakeholders <ol style="list-style-type: none"> 1. Complete the assessment of our current operations (Technology, Staffing and Facility) 2. Evaluate the assessment (Do we continue or not) 3. Develop a plan 4. Develop project management 5. Identify needs for operations, technology, facility and budget/funding 6. City/County leaders enter into Memorandum of Understanding or Intergovernmental agreement, a Joint Services Agreement and establish project status updates. 	TBD (3-5 years out)
Pursue grant (funding) opportunities for Phase Three	Continuous

First Quarter

- Both centers utilize CAD to CAD: Monitoring and evaluating protocols and procedures for optimal effectiveness
- Preparing to implement Phase II: Both centers operating the same CAD projected to be operational in December 2011
- Completed certifications and training: Went live with improvements to Emergency Medical Dispatch. Both centers enter the call into CAD and then push the call using the CAD to CAD module to each other, if necessary
- Continuing to research, plan and identify source for funding for Phase III
- Biggest achievement is the cooperation and collaboration of City and County.

Second Quarter

- Continued Phase II which is merging both CADs into one
- Projected time line for completion if March 1st 2012.

Third Quarter

- Phase II went live the week of February 20th 2012
- The city and county are now working on the same CAD system which decreases response times as this allows both communication centers to receive and share call information simultaneously and eliminates transferring calls
- Phase III is still in the initial planning phase.

Probationary Rental Occupancy Permit (PROP)

Management In Progress: Growing City, Livable Neighborhoods

Background

This target for action relates to City Council and staff's desire to identify and better manage any negative impacts of residential rental property citywide. The City of Fayetteville's strategic plan describes the type of community the City Council is working to create, maintain and enhance. One component of the City's efforts to achieve the goal of livable neighborhoods centers around the creation of programs focused on residential rental properties throughout Fayetteville.

Starting in 2007 the City Council directed staff to research the feasibility of creating a program to **inspect rental housing units** to ensure that these units met the standards of the City's minimum housing code. Since that time, the City Council has considered several programs, with the most recent being a Probationary Rental Occupancy Permit (PROP) based on similar programs used in other North Carolina cities.

In 2008 Council directed staff to suspend implementation of the proposed rental housing inspections program and bring back information as to how to strengthen inspections staff and bring back additional ideas to better manage negative impacts of residential property. The rental inspection process that was discussed included hiring of staff, identification of rental property and notification and registration of rental property. Staff provided an overview of the estimated resources needed to implement the program, fee structure and estimated resources needed after fees were collected.

In 2009, Council directed staff to develop the Rental Registration Program and Probationary Rental Occupancy Permit (PROP) program. After development, discussion and debate, the Rental Inspection Program vote failed, but Council identified an interest in developing the PROP program.

On April 26, 2011, the City Council adopted a Probationary Rental Occupancy Permit (PROP) program. This program is designed to allow the City to more closely monitor and regulate rental properties that are the site of repeated or severe code violations or that are the site of certain criminal acts. The program would require those rental property owners whose property is the site of such violations or crimes to be placed into PROP, and as a condition for renting, the offending property again, the owner would be required to obtain a permit from the City. This would allow the City greater oversight of problem rental properties. The program was to be implemented July 1, 2011.

On June 18, 2011, Senate Bill 683 was ratified by the Legislature. The purpose of this Bill was to limit the level of local regulation of rental properties as well as limit the use of periodic inspections. Specifically, it prohibits cities from enforcing an ordinance that requires permitting of rental properties unless the property is the site of more than three violations in a 12-month period or is identified as being in the top 10 percent of properties with crime or disorder problems as set forth in a local ordinance. The language regarding the top 10 % of properties with crime or disorder problems is based on a program currently utilized in Charlotte. This Bill has a direct impact on the functionality and substance of the PROP program.

Upon adoption of Senate Bill 684, the PROP ordinance is no longer enforceable as adopted. Only one of the ten PROP eligible conditions could possibly be enforced as intended and it would still have to be revised. Furthermore, the ability of the City to charge a permit fee for PROP eligible properties under the current ordinance is doubtful.

On August 8, 2011 staff briefed the City Council on the impacts of SB 683 on PROP. Given the need for the program, City Council directed staff to **revise PROP**, consistent with state law, and bring back **program alternatives** as soon as possible.

Resources

Resources were included in the FY 2012 Adopted Budget for operations of the PROP program. The budget will be reserved for use in an approved PROP II program.

Staff Liaison: Kristoff Bauer, Interim City Manager

Email Address: kbauer@ci.fay.nc.us

Phone Number: 910-433-1993

Team Members: Development Services, Management Services, Information Technology, Police and City Attorney

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Community meetings	2 nd Qtr FY 12
Develop new program and update Council	3 rd Qtr FY 12
Implement Council approved options	4 th Qtr FY 12

First Quarter

- Researched effect of Senate Bill 683 on newly adopted PROP program
- Updated City department program liaisons and held team meetings
- Updated Council and received feedback
- Planned and facilitated community outreach and meetings.

Second Quarter

- Staff delayed expensing PROP funds and hiring budgeted positions
- Staff met several times with counterparts in Charlotte to review their program
- Staff revised PROP to Rental Action Management Program (RAMP) that falls within set parameters set by NC State Ordinance
- Staff revised cost analysis to reflect additional personnel and equipment needed for RAMP
- Staff conducted 5 stakeholder meetings to explain RAMP and solicit feedback
- Staff provided another update to City Council on Nov 7 with a recommendation that a public hearing be held December 12 to allow interested stakeholders an opportunity to address Council directly.
- Held public hearing December 12, 2011.

Third Quarter

- Staff provided another update to City Council on February 6, 2012 work session to solicit feedback from Council for any desired changes to the proposed plan
- Staff presented RAMP to City Council for their consideration during the February 27, 2012
- Council accepted proposed program as staff presented with an effective date of July 1, 2012
- Staff has submitted budget for RAMP in their proposed FY13 budgets
- Recruitment for staff will begin the fourth quarter.

North Carolina Veterans Park

Management In Progress: More Attractive City

Background

Construction of the first phase of the North Carolina Veterans Park will be substantially complete in the first quarter of FY 2011. This target for action seeks to follow that success and the success of the marketing, planning and execution of the grand opening July 4, 2011. With that completed, planning for phase II of the North Carolina Veterans Park will begin. Phase II design elements include extension of Freedom Trail into Rowan Street Park; expansion of the park area by several acres in more of a wooded rural setting, walking trails that connect to other inter-city trail systems, historic buildings from Fort Bragg, and 50+ additional parking spaces. The majority of the expansion cannot take place until DOT builds the new Rowan Street Bridge project.

The North Carolina Veterans Park is a living park; a bold, beautiful, and unique space designed to honor the lives and service of North Carolina veterans. The park is designed to honor veterans of all military branches, past, present, and future and provides a place for meaningful reflection and inspiration in an urban setting. NC Veterans Park tells the story of a veteran's journey before, during and after service. Elements of the park's design depict North Carolina from the mountains to the sea. Symbolic features pay homage to the veterans from all 100 counties and represent the citizens who have supported them. The park features hand castings of veterans from all 100 North Carolina counties, along with the castings of the hands of four supporting members of each community, as well as community columns, a visitor center, numerous water features and the Pride and Purpose Tower.

Resources

Approximately \$1.8 million of current project budget appropriation will be available for expansion of phase II.

Staff Liaison: Craig Hampton, Special Projects Director

Email Address: Champton@ci.fay.nc.us

Phone Number: 910-433-1786

Team Members: City Manager's Office, Parks and Recreation, Engineering and Infrastructure

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Complete construction phase I	1 st Qtr FY 12
Dedication ceremony	1 st Qtr FY 12
Conceptual design completed and creation of construction documents	TBD
Coordination of Murchison corridor and the Rowan Street Bridge	Ongoing: Not complete at FY end

First Quarter

- Construction of Phase I substantially complete
 - Grass lawn installation completed in public art and amphitheater area
 - Work continues for final storm drainage feature and stream relocation. Finish in 2nd Qtr.
 - Work continues on signage and smart phone features to provide information for design elements within the park
 - Globe delivery and installation in 2nd Qtr.
 - Glass quote element has been etched with quote and due in 2nd Qtr.
- Execute preparations for dedication ceremony July 4 2011
- Ceremony was huge success and tribute to those honored
- Daily attendance continues steady with 100+ per day and evening attendance very popular.

Second Quarter

- Staff support and preparation for Veterans Day events (1st annual)
- Completed stream relocation and water garden features
- Completed installation of remaining exhibit elements
- Obtained NC Dog tag display from ASOM for relocation into NCVP Visitor Center
- Finalized completion plan for remaining park elements and terrazzo flooring in Visitor Center
- Work to be completed in the beginning of 3rd quarter of FY 12.

Third Quarter

- All punch list items completed
- NC Dog Tag display installed
- Inspection of landscape materials and close out of all contracts
- Rotating historical exhibits are placed in the Visitor Center by the City Museum staff:
 - February 2012: An exhibit on the contributions of North Carolina African-Americans during World War II The exhibit was supported by a documentary film in the Visitor Center
 - March 2012: An exhibit on the contributions of North Carolina women during World War II. The exhibit was supported by a documentary film in the Visitor Center
 - An exhibit is currently being developed for Memorial Day.

Youth Council

Management In Progress: Greater Community Unity

Background

The Human Relations Commission will spearhead the effort to develop and implement a Youth Council. A Youth Council seeks to enable the youth of this community to develop the essential knowledge and skills necessary to comprehend and recognize the meaning of local, state and federal government. The program will teach young people how government works and engage them in civic leadership. The intent will be to structure a program that is sustainable and meaningful.

Resources

Human Relations Commission

Staff Liaison: Ron McElrath Human Relations Director

Email Address: rmcelrath@ci.fay.nc.us

Phone Number: 910-433-1605

Team Members: Human Relations Staff and Human Relations Commission

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Update to Council; receive feedback	1 st Qtr FY 12
Finalize a formal learning plan that includes long and short-term goals and action steps	3 rd Qtr FY 12
Update Council; receive feedback	3 rd Qtr FY 12
Identification of young people interested in government countywide	3 rd Qtr FY 12
Establish Youth Council	4 th Qtr FY 12

First Quarter

- The Human Relations Commission updated Council on the work done thus far to develop a Youth Council
- Feedback was received and plans are being made to meet with Council liaisons and community stakeholders.

Second Quarter

- The Human Resource Commission met with City Council liaison after which they decided they were not interested in or resourced to create and/or lead a youth council
- The Human Relations staff will coordinate with Parks and Recreation staff to develop City Youth Council.

Third Quarter

- No update provided.

Festival Park Plaza Building

Management In Progress: Revitalized Downtown

Background

Festival Park Plaza opened in 2007 at 225 Ray Avenue. In 2005, the City Council approved an incentives package for Festival Park Plaza, which guaranteed rent subsidies. Subsidies began in 2009 due to a low occupancy rate. Through legal negotiations, the City acquired Festival Park Plaza in 2011. A real estate/ rental property management firm was hired to improve occupancy. The City Manager's Office will continue to monitor and assess climate for future use of the building or possible sale of property.

Resources

City legal and real estate staff.

Staff Liaison: Dale Iman, City Manager

Email Address: diman@ci.fay.nc.us

Phone Number: 910-433-1990

Team Members: City Manager's Office, City Attorney

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
Negotiate City ownership of building	FY 11
Monitor climate and assess the options for property	Continuous

First Quarter

- The City gained ownership of the building
- A real estate rental management firm was hired to improve occupancy
- Occupancy has improved from 33 percent to 66 percent
- City Manager's Office will continue to monitor and assess climate for future use of the building or possible sale of property
- This item is complete.

Murchison Road Corridor Development Management In Progress: Greater Tax Base Diversity

Background

An Implementation Feasibility Analysis Report for the Land Use and Economic Development Plan for the Murchison Road Corridor was approved in 2009. Nine catalyst sites were identified to jump-start the redevelopment process.

The plan calls for partnerships with developers in an effort to promote economic development along the Murchison Road corridor. The City will continue its work with catalyst site #2 in partnership with Fayetteville State University. In addition, the City's contract with the Chamber directs the Chamber to propose a plan to implement the Murchison Road Redevelopment Plan.

Resources

Funding will be needed for Council approved actions.

Staff Liaison: Victor Sharpe, Community Development Director

Email Address: vsharpe@ci.fay.nc.us

Phone Number: 910-433-1933

Team Members: Community Development, Special Projects staff and community partners

Action Plan (JULY 1, 2011- JUNE 30, 2012)	Estimated Completion
City: Negotiate and complete agreement with Chamber	1 st Qtr FY 12
City: Manage the demolition of the Washington Drive School property (Catalyst site #2) and Develop gateway to MLK Park in conjunction with FSU (Catalyst site #2)	3 rd Qtr FY 12
Chamber: Revise Murchison Road corridor redevelopment plan and funding strategy and present it to the City Council	3 rd Qtr FY 12

First Quarter

- Completed agreement with the Chamber of Commerce
- Amended the Memorandum of Understanding with Fayetteville State University for the demolition of the Washington Drive Jr. High School
- Phase I environmental review was completed (Washington Drive Jr. High School site)
- Upcoming activities include the completion of the Phase II Environmental Review for the Washington Drive Jr. High School site, the bidding of contract for the demolition of the Washington Drive Jr. High School and the completion of funding strategy to acquire land for the development of Catalyst sites 1 & 3.

Second Quarter

- The City:
 - Completed the Phase II Environmental Review for the Washington Drive Jr. High School site
 - Proposed funding in the upcoming CIP for acquisition and demolition of property in the catalyst sites
 - Upcoming activities include working with the Chamber of Commerce regarding properties to be acquired.
- The Chamber will provide a quarterly report to Council on the progress made.

Third Quarter

- The City:
 - Completed and advertised bid documents for the demolition of the Washington Drive Jr. High School site.
- The Chamber:
 - Working a plan for acquiring properties in the Murchison Road Corridor
 - Will provide a quarterly report to Council on the progress made.



City of
Fayetteville
North Carolina



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CITY COUNCIL ACTION MEMO

TO: Mayor and City Council
FROM: Bart Swanson, Housing and Code Enforcement Division Manager
DATE: April 23, 2012
RE: **Uninhabitable Structures Demolition Recommendations**

- **7131 Ashwood Circle**
- **7526 Bethesda Court**
- **1018 Ellis Street**
- **908 Marsh Street**
- **525 Mechanic Street**
- **2325 Rosehill Road**

THE QUESTION:

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

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

7131 Ashwood Circle

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a dangerous structure on December 15, 2011. The structure received severe structural damage from a tornado in April, 2011. A hearing on the condition of the structure was conducted on January 5, 2012, in which the owner did not attend. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on January 6, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since April, 2011. In the past 24 months there have been 29 calls for 911 service to the property. There have been no code violations and there are no pending assessments. The low bid for demolition is \$1,779.00.

7526 Bethesda Court

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a dangerous structure on December 15, 2011. The structure received severe structural damage from a tornado in April, 2011. A hearing on the condition of the structure was conducted on January 5, 2012, in which the owner did not attend. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on January 6, 2012. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since April, 2011. In the past 24 months there have been 5 calls for 911 service to the property. There has been one code violation with a pending assessment of \$199.50. The low bid for demolition is \$1,779.00.

1018 Ellis Street

The structure was a legal non-conforming store with an attached house in a C-1 commercial zone. As a result of the fire, on August 11, 2010, the structure was inspected and condemned as a dangerous/abandoned structure due to extensive structural damage. The building was found to be structurally unsound. The fire damage exceeded 50 per-cent of the assessed value of the structure which left the remaining structure a non-conforming building. A hearing on the condition of the structure was conducted, via telephone conference with the property owner's attorney, on September 28, 2010. A subsequent Hearing Order to repair or demolish within 60 days was issued and mailed to the property owner on October 13, 2010. The property owner demolished the store portion of the building. In order to repair the remaining house to its original condition, the property

owner was required to obtain a re-zone of the property to R-5 residential and obtain a subsequent variance. The property owner obtained the re-zone of the property from C-1 to R-5 on February 28, 2011. The owner obtained the required variance on June 20, 2011. The owner obtained a building permit on January 3, 2012. To date, the exterior siding and the interior finish has been removed. The low bid for demolition of the structure is \$500.00.

908 Marsh 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 October 31, 2011. A hearing on the condition of the structure was conducted on November 23, 2011, in which the owner did not attend. A notice of the hearing was also published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on November 28, 2011. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since November, 2005. In the past 24 months there have been 3 calls for 911 service to the property. There have been 3 code violation cases with no pending assessments. The low bid for demolition is \$1,400.00.

525 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 October 31, 2011. A hearing on the condition of the structure was conducted on December 14, 2011, in which the owner did not attend. A notice of the hearing was also 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 December 15, 2011. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since April, 2007. In the past 24 months there have been 8 calls for 911 service to the property. There have been 5 code violation cases with no pending assessments. The low bid for demolition is \$1,400.00.

2325 Rosehill Road

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure was a residential home that was the subject of a fire in January, 2011. As a result of the fire, the structure was inspected and condemned as a dangerous structure on May 17, 2011. A hearing on the condition of the structure was conducted on August 14, 2011, in which the owner did not attend. A notice of the hearing was also published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on August 11, 2011. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since January, 2011. In the past 24 months there have been 41 calls for 911 service to the property. There have been no code violation cases with no pending assessments. The low bid for demolition is \$1,900.00.

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 \$8,758.00; there will be additional costs for asbestos testing and abatement if needed.

OPTIONS:

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

RECOMMENDED ACTION:

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

ATTACHMENTS:

Aerial Map-- 7131 Ashwood Circle

Docket-- 7131 Ashwood Circle

Ordinance-- 7131 Ashwood Circle

Photo 1-- 7131 Ashwood Circle

Photo 2-- 7131 Ashwood Circle

Photo 3-- 7131 Ashwood Circle

Photo 4-- 7131 Ashwood Circle

Photo 5-- 7131 Ashwood Circle

Aerial Map-- 7526 Bethesda Court

Docket-- 7526 Bethesda Court

Ordinance-- 7526 Bethesda Court

Photo 1-- 7526 Bethesda Court

Photo 2-- 7526 Bethesda Court

Photo 3-- 7526 Bethesda Court

Photo 4-- 7526 Bethesda Court

Photo 5-- 7526 Bethesda Court

Aerial Map-- 1018 Ellis Street

Docket-- 1018 Ellis Street

Ordinance-- 1018 Ellis Street

Photo 1-- 1018 Ellis Street

Photo 2-- 1018 Ellis Street

Photo 3-- 1018 Ellis Street

Photo 4-- 1018 Ellis Street

Aerial Map-- 908 Marsh Street

Docket-- 908 Marsh Street

Ordinance-- 908 Marsh Street

Photo 1-- 908 Marsh Street

Photo 2-- 908 Marsh Street

Photo 3-- 908 Marsh Street

Photo 4-- 908 Marsh Street

Photo 5-- 908 Marsh Street

Aerial Map-- 525 Mechanic Street

Docket-- 525 Mechanic Street

Ordinance-- 525 Mechanic Street

Photo 1-- 525 Mechanic Street

Photo 2-- 525 Mechanic Street

Photo 3-- 525 Mechanic Street

Photo 4-- 525 Mechanic Street

Photo 5-- 525 Mechanic Street

Aerial Map-- 2325 Rosehill Road

Docket-- 2325 Rosehill Road

Ordinance-- 2325 Rosehill Road

Photo 1-- 2325 Rosehill Road

Photo 2-- 2325 Rosehill Road

Photo 3-- 2325 Rosehill Road

Address: 7131 Ashwood Cir Fayetteville, NC (9499-80-6838-)

Address: 7131 Ashwood Cir Fayetteville, NC (9499-80-6838-)



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	7131 Ashwood Circle
Property Owner(s)	Rose Campoamor Fayetteville, NC
Date of Inspection	December 15, 2011
Date of Hearing	January 5, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed January 6, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since April 2011.
Police Calls for Service (past 2 yrs)	29

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 23rd day of April, 2012.

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:

7131 Ashwood Circle
PIN 9499-80-6838

Being all of Lot No. 101, Summer Hill Subdivision, Section 5, Part Two, as per plat of the same duly recorded in Plat Book 38, Page 58, in the Office of the Register of Deeds for Cumberland County, North Carolina.

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

Rose Campoamor
720 Windy Hill Circle Apt A
Fayetteville, NC 28303

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before March 16, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:

None.

- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,779.00 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 __23rd__ day of __April__, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



7-2-4-1





7-2-6-1



7-2-7-1



7-2-8-1

Address: 7526 Bethesda Ct Fayetteville, NC (9498-56-3808-)

Address: 7526 Bethesda Ct Fayetteville, NC (9498-56-3808-)



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	7526 Bethesda Court
Property Owner(s)	Garland W Lance Fayetteville, NC
Date of Inspection	December 15, 2011
Date of Hearing	January 5, 2012
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed January 6, 2012
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since April 2011.
Police Calls for Service (past 2 yrs)	5

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 23rd day of April, 2012.

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:

7526 Bethesda Court
PIN 9498-56-3808

BEING all of Lot 32, LaGrange, Section Eleven, per plat of the same duly recorded in Book of Plats 38, Page 69, Cumberland County Registry, North Carolina, and being the same property described in Deed duly recorded in Book 2443, Page 93, aforesaid registry.

The above described property is conveyed subject to restrictions and easements appearing of record, Cumberland County Registry.

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

Garland W Lance
3530 Birchfield Court Apt 202
Fayetteville, NC 28306-9783

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Director duly issued and served an order requiring the owners of said property to: repair or demolish the structure on or before March 16, 2012.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.

- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:
- None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,779.00 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 _23rd_____ day of ___April_____, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk





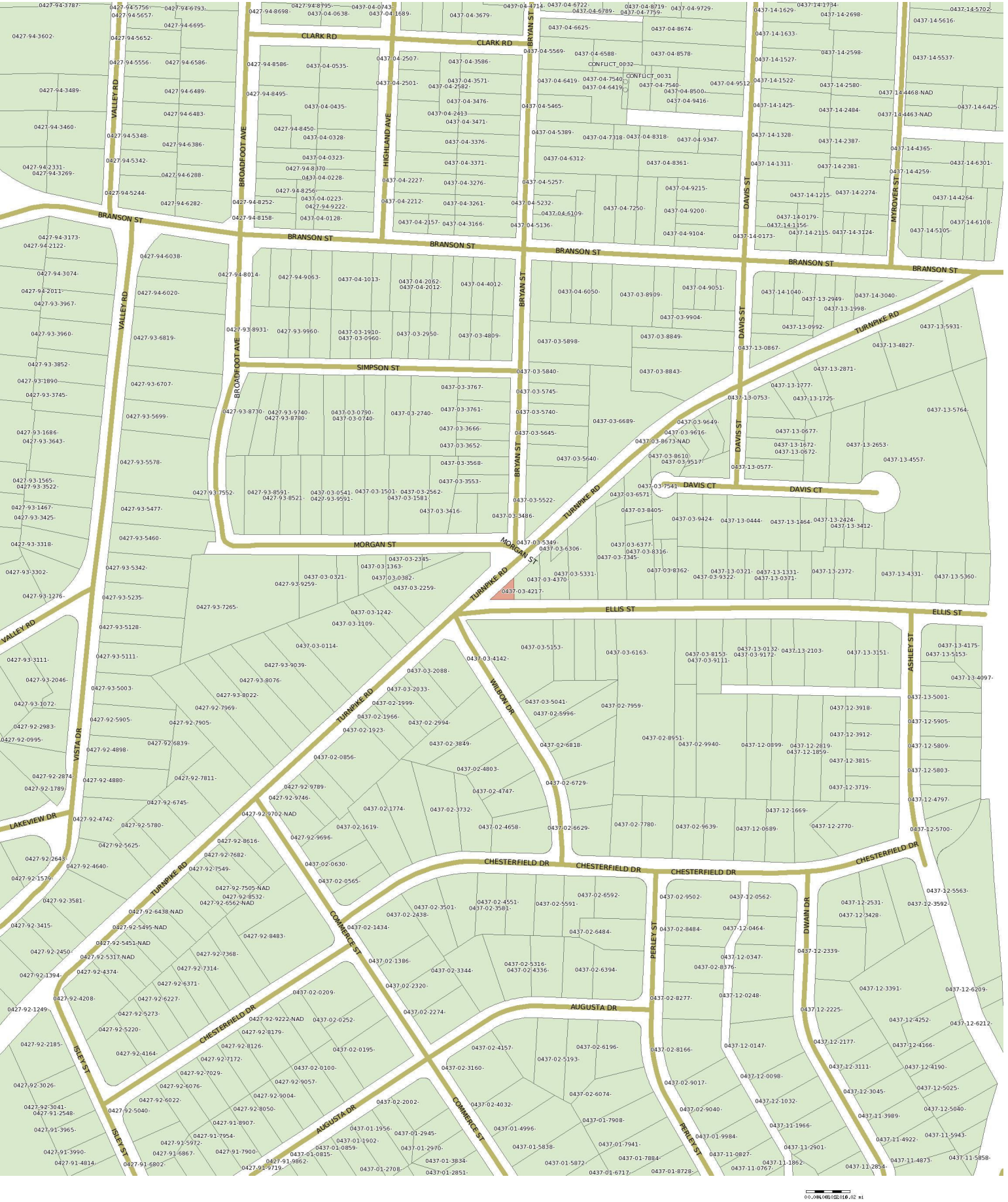






7-2-16-1

Current Parcel: 0437-03-4217-
Address: 1018 Ellis St Fayetteville, NC (0437-03-4217-)



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	1018 Ellis Street
Property Owner(s)	Grace Baldwin, Personal Representative Fayetteville, NC
Date of Inspection	August 11, 2010
Date of Hearing	September 28, 2010
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed October 13, 2010
Owner's Response	Owner demolished part of structure, obtained permit to repair remainder.
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since August 2010.
	Hearing was advertised in the Fayetteville Observer September 2010.
Police Calls for Service (past 2 yrs)	6

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 23rd day of April, 2012.

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:

1018 Ellis Street
PIN 0437-03-4217

BEGINNING at the intersection of the northern margin of Ellis Street with the eastern margin of the Old Plank Road, and running thence with the northern margin of said Ellis Street South 88 East 182 feet to a stake, the corner of a Lot conveyed to Grace Driggers by J.Q. Bunch and wife, thence with the Driggers line North 0 degs. 30 mins. East 150.7 feet to a stake in the eastern margin of the Old Plank Road; thence with said eastern margin of said road South 51 degs. 45 mins. West 233.1 feet to the beginning, being a part of the first tract described in deed from D.M. Stringfield, Commissioner, to Cumberland County and City of Fayetteville, registered in Book 424, Page 111, Cumberland County records; and being also the same land described as the first tract in a deed from Cumberland County and City of Fayetteville to B. Cade Bramble, registered in Book 445, page 40, Office of the Register of Deeds for Cumberland County.

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

Grace Baldwin, Personal Representative
819 Ashley Street
Fayetteville, NC 28305- 5417

- (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 December 13, 2010.
- (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 \$2,000.00 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 ___23rd___ day of ___April___, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



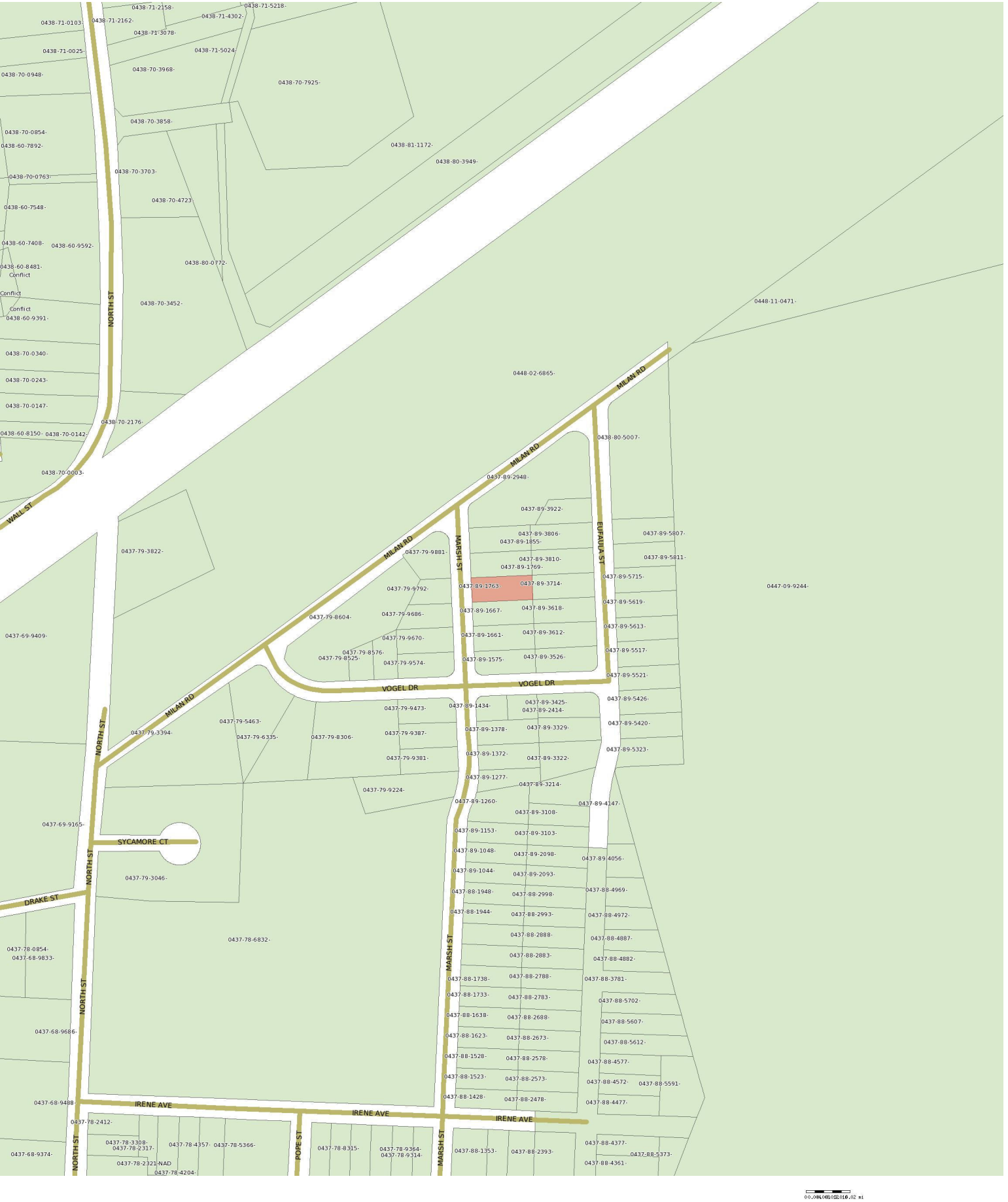
7 - 2 - 20 - 1





7-2-22-1





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	908 Marsh Street
Property Owner(s)	Bobby E Owens Stratford, CT
Date of Inspection	October 31, 2011
Date of Hearing	November 23, 2011
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 90 days mailed November 28, 2011
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since November 2005.
	Hearing was advertised in the Fayetteville Observer 2009.
Police Calls for Service (past 2 yrs)	3

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

This is the 23rd day of April, 2012.

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:

908 Marsh Street
PIN 0437-89-1763

Being all of Lot Number 7 in Block C in the subdivision known as East Acres as shown on plat of same made by J. Watts Copley, Registered Surveyor, in April, 1953, and recorded in Book of Plats Number 15, page 54 in the office of the Register of Deeds for Cumberland County, North Carolina, to which plat reference is made for a more full and complete description of said land.

Being a part of the land described in deed dated January 27, 1972 from Rosalie K. Zahran, widow, to Tom Kannon, Sr. of record in Book 2300, page 612 in the office of the Register of Deeds for Cumberland County, North Carolina.

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

Bobby E Owens
15 Nemergut Drive
Stratford, CT 06615

- (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 February 28, 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 \$1,400.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this _23rd_____ day of ____April_____, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



DANGER









7-2-31-1

Address: 525 Mechanic St Fayetteville, NC (0437-57-8422-)



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	525 Mechanic Street
Property Owner(s)	Debra F Johnson
Date of Inspection	October 31, 2011
Date of Hearing	December 14, 2011
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 60 days mailed December 15, 2011
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since April 2007.
	Hearing was advertised in the Fayetteville Observer December, 2011.
Police Calls for Service (past 2 yrs)	8

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 23rd day of April, 2012.

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:

525 Mechanic Street
PIN 0437-57-8422

Beginning at a stake in the Western margin of Mechanic Street in the City of Fayetteville, the Northeast corner of a lot conveyed to John T. Brown and wife, Pauline Newton Brown, and running thence with the western margin of Mechanic Street, North 19 degrees 27 minutes East 47 feet to a stake; thence North 69 degrees 12 minutes West 80 feet to a stake; a corner of a lot conveyed by David T. Oates and wife to Louise Oates; thence with her line, North 76 degrees West 38.5 feet to a stake; thence South 16 degrees 3 minutes West 48 feet to a stake in Brown's line; thence with his line, South 72 degrees East 115.5 feet to the beginning; and being the same property conveyed to Charles E. Johnson and wife Lillie D. Johnson. Lillie D. Johnson died on _____ and the property passed to Charles E. Johnson as the surviving tenant by the entirety. Charles died testate on April 7, 1989 and bequeathed the subject property to his three children who are Jean Marie Johnson and Elliot Johnson and Debra F. Johnson. See Estate File No. 95E-79. It is the intention of this deed to convey full ownership of the subject property to Debra F. Johnson.

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

Debra F. Johnson
162 Snow Hill Church Road
Fayetteville, NC 283064

- (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 February 14, 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 \$1,400.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this __23__ day of __April__, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



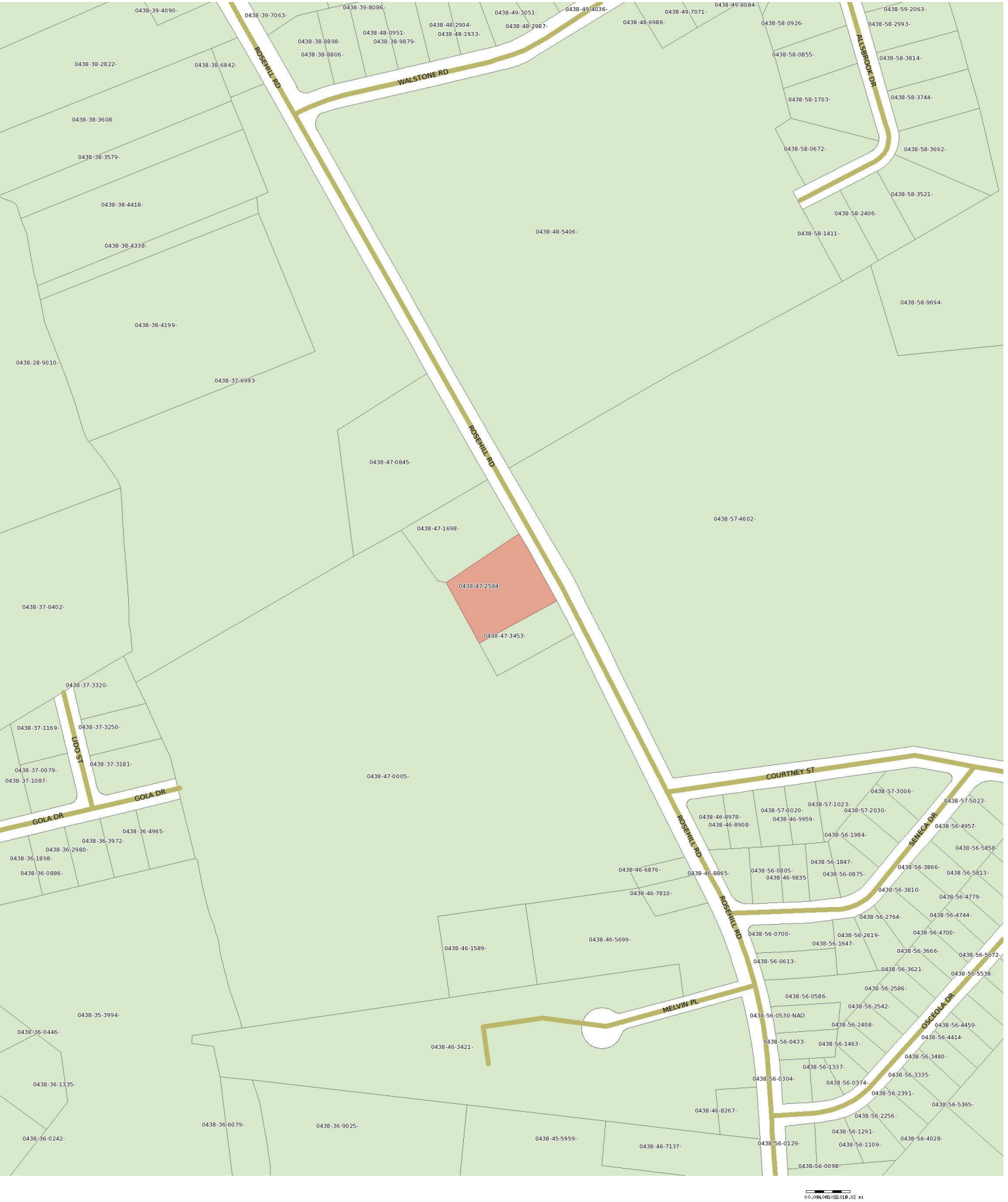








Current Parcel: 0438-47-2584-
Address: 2325 Rosehill Rd Fayetteville, NC (0438-47-2584-)



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	2325 Rosehill Road
Property Owner(s)	Mark Stephens Thompson and wife Demetrice Michelle Thompson Fayetteville, NC
Date of Inspection	May 17, 2011
Date of Hearing	August 10, 2011
Finding/Facts of Scheduled Hearing	Notice to repair/demolish the structure within 90 days mailed August 11, 2011
Owner's Response	None
Appeal Taken (Board of Appeals)	No
Other	Utilities disconnected since January 2011.
	Hearing was advertised in the Fayetteville Observer July 2011.
Police Calls for Service (past 2 yrs)	41

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 23rd day of April, 2012.

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:

2325 Rosehill Road
PIN 0438-47-2584

BEGINNING at a stake in the southwestern margin of Rosehill Road, John H. Mason's southeast corner and Wayne F. Hittell's northeast corner; thence for a first call with the southwestern margin of Rosehill Road North 29 degrees 00 minutes West 189.80 feet to a stake in said margin, Bigford's southeast corner; thence with Bigford's line South 56 degrees West 214 feet to a stake, being a common corner between Bigford and Courtney, and the tract of which this is a part; thence with Courtney's line South 29 degrees East 170.97 feet to a stake, Hittell's northwest corner; thence with Hittell's line North 61 degrees East 213.18 feet to a stake in the southwestern margin of Rosehill Road, the point and place of BEGINNING.

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

Mark Stephens Thompson and wife Demetrice Michelle Thompson
600o Bartlett Court
Fayetteville, NC 28314-1678

- (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 11, 2011.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, and NC General Statute 160A-443(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.

- (4) The City Council has fully reviewed the entire record of said Inspections Director thereon, and finds, that all findings of fact and all orders therein of said Inspections Director are true and authorized except:
- None.
- (5) That pursuant to NC General Statute 160A-443(6), the cost of \$1,900.00 shall be a lien against the real property upon which the cost was incurred.

Whereupon, it is ordained that:

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

Adopted this ___23rd___ day of ___April___, 2012.

CITY OF FAYETTEVILLE

BY: _____
Anthony Chavonne, Mayor

ATTEST:

Pamela Megill, City Clerk



DANGER



7-2-43-1





CITY COUNCIL ACTION MEMO

TO: Mayor and City Council Members
FROM: Randall Hume, Transit Director
DATE: April 23, 2012
RE: **Approval of Updated Transit Programs for Compliance with Title VI of the 1964 Civil Rights Act and the Disadvantaged Business Enterprise (DBE) Requirements of the Federal Transit Administration**

THE QUESTION:

Will City Council approve updated civil rights programs required by the Federal Transit Administration to pursuant to federal transit grant requirements?

RELATIONSHIP TO STRATEGIC PLAN:

Greater Community Unity
More Efficient City Government

BACKGROUND:

The City is the designated recipient for federal transit funds for the Fayetteville area. As a condition to continue receiving these grants, the City must update its civil rights programs every three years. Pursuant to a competitive procurement process, Colette Holt & Associates was contracted to assist the Transit Department staff with the review and update our Title VI and DBE programs.

For Title VI, this update adds provisions related to environmental justice and the FTA requirement to analyze the impacts of fare and service changes for disparate impacts on protected groups. The proposed update also expands and clarifies the processes FAST will use for ensuring public outreach and participation.

For DBE, this update addresses a new requirement regarding Small Business Enterprises. These are non-minority small businesses. Transit must now track contract awards to these small businesses, including whether participation by non-DBEs differ from participation by DBEs. In addition, this update provides that Transit and PWC Purchasing must maintain a vendors listing of all vendors that bid or quote on USDOT assisted contracts. The review examined the methodology used to set the goals for submission to FTA. This goal setting is now submitted as a triennial goal as opposed to the former annual goal. There are other recommendations on ways to improve outreach to DBEs, to better encourage DBE participation in race-neutral procurements, to evaluate good faith efforts when no DBE is proposed by a vendor and to monitor DBE activity during the performance of contracts

Colette Holt will be available at the council meeting to provide a more detailed overview and to answer any questions.

ISSUES:

These are programs required for the City to continue to receive Federal Transit grant funding. Due to the size of our transit organization and contracting limits, staffing to support this program is an issue at times.

BUDGET IMPACT:

No budget impact unless programs are not updated, submitted and approved by Federal Transit Administration.

OPTIONS:

Approve or disapprove the program.

RECOMMENDED ACTION:

Approve the updated Title VI and Disadvantaged Business Enterprise programs for submission to Federal Transit Administration.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of the City Council
FROM: Pamela Megill, City Clerk
DATE: April 23, 2012
RE: **Monthly Statement of Taxes for March 2012**

THE QUESTION:

RELATIONSHIP TO STRATEGIC PLAN:

BACKGROUND:

ISSUES:

BUDGET IMPACT:

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS:

Tax Statement March 2012

FAYETTEVILLE MACC LEDGER
2001-2011

2001-2011

MARCH 2012

DATE	REPORT #	REMITTED TO FINANCE	2011 CC	2011 VEHICLE	2011 CC REVIT	2011 VEHICLE REVIT	2011 FVT	2011 TRANSIT	2011 STORM WATER	2011 FAY STORM WATER
03/01/12	2011-175	75,729.01	38,144.59	17,818.60	34.99	0.00	2,180.24	2,180.25	1,275.82	2,551.64
03/02/12	2011-176	86,965.78	50,620.57	14,400.63	(216.63)	0.00	1,971.72	1,971.71	2,130.61	4,261.23
03/05/12	2011-177	97,540.08	48,132.11	26,202.45	9.96	7.28	3,079.56	3,079.59	1,994.81	3,989.67
03/06/12	2011-178	80,373.33	33,735.44	26,787.84	239.95	9.92	3,655.00	3,655.00	1,433.45	2,866.87
03/07/12	2011-179	66,878.42	25,409.12	25,132.45	0.00	0.00	3,203.14	3,203.12	908.70	1,817.39
03/08/12	2011-180	63,891.59	33,619.84	15,399.23	0.00	0.00	1,945.00	1,945.00	439.30	878.61
03/09/12	2011-181	56,436.51	19,766.30	22,329.25	0.00	0.60	2,625.20	2,625.20	935.26	1,870.54
03/12/12	2011-182	91,639.91	38,074.30	33,929.73	0.00	49.27	3,483.80	3,483.79	1,156.59	2,313.15
03/13/12	2011-183	42,266.37	26,993.49	6,395.19	0.00	19.31	892.84	892.84	799.21	1,598.44
03/14/12	2011-184	55,555.75	25,947.59	14,901.53	0.00	40.77	1,926.42	1,926.42	960.14	1,920.28
03/15/12	2011-185	56,589.39	23,708.47	17,124.50	0.00	31.78	1,880.00	1,880.00	1,026.98	2,053.95
03/16/12	2011-186	36,892.86	14,324.66	11,368.26	0.34	17.14	1,618.59	1,618.60	523.26	1,046.52
03/19/12	2011-187	70,221.79	29,727.88	24,890.17	0.98	31.62	2,908.55	2,908.51	1,084.36	2,168.73
03/20/12	2011-188	26,981.00	14,833.53	4,808.18	0.00	0.00	665.00	665.00	684.51	1,369.02
03/21/12	2011-189	35,624.80	16,692.69	12,357.80	41.94	0.00	1,235.00	1,235.00	662.74	1,325.48
03/22/12	2011-190	32,771.66	15,884.63	6,708.69	0.00	0.00	806.87	806.89	887.04	1,774.08
03/23/12	2011-191	43,281.75	21,757.41	12,226.40	0.00	57.46	1,403.50	1,403.48	480.41	960.82
03/26/12	2011-192	73,513.88	34,894.18	24,261.23	21.23	0.00	2,678.41	2,678.41	894.30	1,788.61
03/27/12	2011-193	31,738.69	16,975.36	6,574.40	15.22	5.15	750.15	750.15	944.86	1,889.72
03/28/12	2011-194	55,249.56	29,120.42	11,605.35	546.01	0.30	1,426.42	1,426.41	1,425.91	2,851.81
03/29/12	2011-195	42,032.39	18,795.19	14,133.95	0.00	17.74	1,671.66	1,671.66	697.82	1,395.65
03/30/12	2011-196	139,072.68	97,012.96	21,874.01	0.68	0.00	2,695.00	2,695.00	1,495.55	2,991.08
TOTALS		1,361,247.20	674,170.73	371,229.84	694.67	288.34	44,702.07	44,702.03	22,841.63	45,683.29

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FAYETTEVILLE MACC LEDGER

2001-2011

MARCH 2012

2011 FAY RECYCLE FEE	2011 ANNEX	2010 CC	2010 VEHICLE	2010 CC REVIT	2010 VEH REVIT	2010 FVT	2010 TRANSIT	2010 STORM WATER	2010 FAY STORM WATER	2010 FAY RECYCLE FEE	2010 ANNEX
3,119.63	0.00	747.44	2,390.74	0.00	0.00	427.59	427.59	26.29	52.57	83.24	0.00
4,124.30	0.00	242.30	2,409.35	0.00	0.00	425.00	425.00	12.00	24.00	38.00	0.00
2,832.22	0.00	281.30	2,911.43	0.00	0.00	525.00	525.00	4.64	9.27	14.68	0.00
2,336.21	0.00	1,434.40	1,306.08	0.00	0.00	238.92	238.91	7.52	15.04	23.82	0.00
2,365.14	0.00	465.67	1,563.18	0.00	0.00	320.00	320.00	0.00	0.00	0.00	0.00
1,354.84	0.00	1,831.40	1,364.10	0.00	0.00	270.00	270.00	36.00	72.00	114.00	0.00
1,991.44	0.00	118.73	1,559.06	0.00	0.00	250.00	250.00	2.66	5.32	8.42	0.00
2,232.24	0.00	601.66	1,824.52	0.00	0.00	300.48	300.47	24.00	48.00	76.00	0.00
635.53	0.00	15.96	1,502.92	0.00	0.00	305.00	305.00	(12.00)	(24.00)	(38.00)	0.00
1,027.29	0.00	246.12	2,210.81	0.00	0.00	325.00	325.00	0.53	1.06	1.69	0.00
1,675.94	0.00	1,122.33	2,689.50	0.00	9.59	430.00	430.00	28.74	57.47	90.99	0.00
1,124.98	0.00	616.22	1,941.96	0.00	22.26	300.00	300.00	24.00	48.00	76.00	0.00
1,732.05	0.00	389.37	936.23	0.00	0.00	170.00	170.00	0.00	0.00	0.00	0.00
609.64	0.00	499.79	734.26	0.00	0.00	130.00	130.00	12.00	24.00	38.00	0.00
470.70	0.00	71.20	388.87	0.00	0.00	85.00	85.00	0.00	0.00	0.00	0.00
1,061.62	0.00	1,339.27	1,337.99	0.00	0.00	180.00	180.00	24.00	48.00	76.00	0.00
1,027.29	0.00	1,035.10	683.74	0.00	0.00	165.80	165.80	0.00	0.00	0.00	0.00
2,184.23	0.00	506.52	723.80	0.77	0.00	170.00	170.00	10.27	20.54	32.52	0.00
1,320.07	0.00	606.38	335.82	0.00	0.00	75.00	75.00	4.66	9.32	14.75	0.00
442.74	0.00	1,054.93	1,315.06	190.18	0.00	195.21	195.21	0.00	0.00	0.00	0.00
1,221.77	0.00	211.05	535.55	0.00	0.00	125.00	125.00	0.00	0.00	0.00	0.00
2,383.73	0.00	1,716.96	1,414.58	0.74	0.00	230.00	230.00	12.00	24.00	38.00	0.00
37,273.60	0.00	15,154.10	32,079.55	191.69	31.85	5,643.00	5,642.98	217.31	434.59	688.11	0.00

4/2/2012

FAYETTEVILLE MACC LEDGER

2001-2011

MARCH 2012

2009 CC	2009 VEHICLE	2009 CC REVIT	2009 VEHICLE REVIT	2009 FVT	2009 TRANSIT	2009 STORM WATER	2009 FAY STORM WATER	2009 FAY RECYCLE FEE	2009 ANNEX	2008 CC	2008 VEHICLE	2008 CC REVIT
807.29	206.57	0.00	0.00	55.00	55.00	12.00	24.00	38.00	0.00	0.00	122.22	0.00
17.34	66.32	0.00	0.00	35.00	35.00	0.00	0.00	0.00	0.00	8.37	27.78	0.00
17.60	363.07	0.00	0.00	55.00	55.00	0.00	0.00	0.00	0.00	0.00	61.55	0.00
0.00	92.41	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	5.73	5.03	0.00
119.20	(60.24)	0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	104.27	(26.63)	0.00
1,217.37	58.92	0.00	0.00	30.00	30.00	36.00	72.00	114.00	0.00	0.00	95.05	0.00
45.75	92.09	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	61.19	34.66	0.00
0.00	28.89	0.00	0.00	17.97	17.98	0.00	0.00	0.00	0.00	0.00	40.18	0.00
0.00	94.07	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	0.00	50.51	0.00
28.98	381.25	0.00	0.00	65.50	65.51	0.00	0.00	0.00	0.00	11.32	234.52	0.00
223.03	(48.25)	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	38.81	21.78	0.00
0.00	139.94	0.00	0.00	25.00	25.00	0.00	0.00	0.00	0.00	0.00	13.23	0.00
83.95	75.01	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	67.29	0.00
461.69	0.00	0.00	0.00	0.00	0.00	12.00	24.00	38.00	0.00	0.00	11.33	0.00
0.00	31.32	0.00	0.00	15.00	15.00	0.00	0.00	0.00	0.00	54.92	(45.26)	0.00
183.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13.93	5.72	0.00
205.37	75.10	0.00	0.00	20.00	20.00	2.27	4.53	7.18	0.00	0.00	93.90	0.00
126.30	53.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	63.79	64.59	0.00
0.00	68.90	0.00	0.00	20.00	20.00	0.00	0.00	0.00	0.00	0.00	9.28	0.00
58.25	247.18	0.00	0.00	34.40	34.40	0.00	0.00	0.00	0.00	61.21	167.01	0.00
44.73	90.65	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	7.62	0.00
25.92	100.63	0.00	0.00	43.07	43.07	0.00	0.00	0.00	0.00	0.00	65.61	0.00
3,665.82	2,157.37	0.00	0.00	535.94	535.96	62.27	124.53	197.18	0.00	423.54	1,126.97	0.00

FAYETTEVILLE MACC LEDGER

2001-2011

MARCH 2012

2008 VEH REVIT	2008 FVT	2008 TRANSIT	2008 STORM WATER	2008 FAY STORM WATER	2008 FAY RECYCLE	2008 ANNEX	2007 & PRIOR CC	2007 & PRIOR VEH	2007 & PRIOR CC REVIT	2007 & PRIOR VEH REVIT	2007 & PRIOR FVT	2007 & PRIOR STORM WATER
0.00	30.00	20.00	0.00	0.00	0.00	0.00	0.00	95.92	0.00	0.00	15.00	0.00
0.00	15.00	10.00	0.00	0.00	0.00	0.00	0.00	353.69	0.00	0.00	75.00	0.00
0.00	15.00	5.00	0.00	0.00	0.00	0.00	0.00	142.71	0.00	0.00	35.00	6.78
0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	15.87	0.00	0.00	15.00	0.00
0.00	(5.00)	0.00	0.00	0.00	0.00	0.00	0.00	86.20	0.00	0.00	14.57	0.00
0.00	20.00	5.00	0.00	0.00	0.00	0.00	2.34	65.08	0.00	0.00	25.00	0.00
0.00	10.00	5.00	0.00	0.00	0.00	0.00	0.00	39.74	0.00	0.00	10.00	0.00
0.00	10.00	5.00	0.00	0.00	0.00	0.00	0.00	441.69	0.00	0.00	60.00	0.00
0.00	10.00	10.00	12.00	0.00	0.00	0.00	0.00	153.22	0.00	0.00	25.00	0.00
0.00	40.00	25.00	0.00	0.00	0.00	0.00	90.75	287.21	0.00	0.00	58.55	0.00
0.00	10.00	5.00	0.00	0.00	0.00	0.00	0.00	88.38	0.00	0.00	30.00	0.00
0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	177.96	0.00	0.00	20.00	0.00
0.00	15.00	10.00	0.00	0.00	0.00	0.00	21.47	393.15	0.00	0.00	72.98	0.00
0.00	10.00	5.00	0.00	0.00	0.00	0.00	0.00	9.24	0.00	0.00	5.00	0.00
0.00	5.00	10.00	0.00	0.00	0.00	0.00	0.00	9.13	0.00	0.00	5.00	0.00
0.00	5.00	0.00	0.00	0.00	0.00	0.00	9.46	120.88	0.00	0.00	20.00	0.00
0.00	15.00	15.00	0.00	0.00	0.00	0.00	11.48	9.28	0.00	0.00	5.00	0.00
0.00	20.00	15.00	0.00	0.00	0.00	0.00	22.11	35.01	0.00	0.00	5.00	0.00
0.00	10.00	5.00	0.00	0.00	0.00	0.00	0.00	66.52	0.00	0.00	25.00	0.00
0.00	45.00	30.00	0.00	0.00	0.00	0.00	28.52	393.77	0.00	0.00	57.23	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	70.24	0.00	0.00	15.00	0.00
0.00	21.71	21.70	0.00	0.00	0.00	0.00	0.00	71.30	0.00	0.00	15.00	0.00
0.00												
0.00												
0.00	316.71	216.70	12.00	0.00	0.00	0.00	231.62	3,126.19	0.00	0.00	608.33	6.78

FAYETTEVILLE MACC LEDGER

2001-2011

MARCH 2012

2007 & PRIOR FAY STORM WATER	2007 & PRIOR ANNEX	INTEREST	REVIT INTEREST	STORM WATER INTEREST	FAY STORM WATER INTEREST	ANNEX INTEREST	FAY RECYCLE INTEREST	FAY TRANSIT INTEREST	TOTAL TAX & INTEREST
0.00	0.00	2,420.72	1.22	45.05	90.08	0.00	123.65	106.07	75,729.01
0.00	0.00	3,026.00	(1.37)	74.07	148.13	0.00	141.61	94.05	86,965.78
0.00	0.00	2,782.82	0.46	66.10	122.45	0.00	96.71	115.86	97,540.08
0.00	0.00	1,867.92	8.40	49.62	99.22	0.00	85.35	64.41	80,373.33
0.00	0.00	1,667.76	0.00	31.32	62.64	0.00	79.71	86.71	66,878.42
0.00	0.00	2,338.61	0.00	28.49	57.02	0.00	87.47	69.92	63,891.59
0.00	0.00	1,509.60	0.00	33.77	67.52	0.00	72.48	66.73	56,436.51
0.00	0.00	2,786.11	0.00	40.19	78.35	0.00	87.17	82.89	91,639.91
0.00	0.00	1,413.45	0.00	27.86	48.19	0.00	22.39	57.95	42,266.37
0.00	0.00	2,258.04	0.00	36.42	72.86	0.00	47.13	92.06	55,555.75
0.00	0.00	1,722.31	0.77	31.54	63.07	0.00	55.96	86.75	56,589.39
0.00	0.00	1,324.46	2.46	20.97	41.93	0.00	47.78	73.34	36,892.86
0.00	0.00	2,109.57	0.03	38.08	76.15	0.00	59.40	61.26	70,221.79
0.00	0.00	1,047.47	0.00	28.48	56.98	0.00	35.69	33.19	26,981.00
0.00	0.00	758.05	1.09	21.46	42.92	0.00	16.08	33.67	35,624.80
0.00	0.00	1,108.31	0.00	35.15	70.27	0.00	46.08	38.73	32,771.66
0.00	0.00	1,289.54	0.00	16.77	33.55	0.00	35.82	54.75	43,281.75
0.00	32.49	1,810.22	0.85	32.17	64.33	2.99	78.18	52.29	73,513.88
0.00	0.00	978.21	6.21	33.63	67.27	0.00	47.99	34.67	31,738.69
0.00	0.00	2,052.83	14.37	49.98	99.96	0.00	15.96	63.53	55,249.56
0.00	0.00	1,023.04	0.00	24.78	49.57	0.00	43.91	40.81	42,032.39
0.00	0.00	3,472.01	0.11	65.04	130.10	0.00	88.96	94.16	139,072.68
0.00	32.49	40,767.05	34.60	830.94	1,642.56	2.99	1,415.48	1,503.80	1,361,247.20

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Lisa Smith, Chief Financial Officer
DATE: April 23, 2012
RE: **Tax Refunds of Less Than \$100**

THE QUESTION:

The tax refunds identified on the attached document are provided for City Council's information.

RELATIONSHIP TO STRATEGIC PLAN:

Core Value: Stewardship

BACKGROUND:

Tax refunds of less than \$100 approved by the Cumberland County Special Board of Equalization for the month of March, 2012.

ISSUES:

None.

BUDGET IMPACT:

The budget impact is \$13.88.

OPTIONS:

No action required. Information only.

RECOMMENDED ACTION:

No action required.

ATTACHMENTS:

Tax Refund Less Than \$100



City of
Fayetteville
North Carolina
**FINANCE
DEPARTMENT**

April 23, 2012

TO: Lisa Smith, Chief Financial Officer

FROM: Nancy Peters, Accounts Payable

RE: Tax Refunds of Less Than \$100

The tax refunds listed below for less than \$100 were approved by the Cumberland County Special Board of Equalization for the month of March, 2012.

NAME	BILL NO.	YEAR	BASIS	CITY REFUND
Scriven, Deborah McDonald	0878175	2010	Duplicate Billing	13.88
TOTAL				\$13.88

P.O. Drawer D
433 Hay Street
Fayetteville, NC 28302-1746
FAX (910) 433-1680