

City of Fayetteville

433 Hay Street
Fayetteville, NC
28301-5537
(910) 433-1FAY (1329)

Meeting Agenda - Final City Council Regular Meeting

Monday, September 23, 2019

7:00 PM

Council Chamber

REVISED

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 ANNOUNCEMENTS AND RECOGNITIONS

5.0 APPROVAL OF AGENDA

6.0 CONSENT AGENDA

6.01 [19-1020](#) Approval of Meeting Minutes:
August 26, 2019 - Regular Meeting
September 3, 2019 - Work Session
September 9, 2019 - Discussion of Agenda Items

Attachments: [082619 Regular](#)
[090319 WKS](#)
[090919 Discussion of Agenda Items](#)

- 6.02** [19-1011](#) P19-33F. Rezoning of seven properties from Mixed Residential (MR-5) to Office and Institutional District (OI), located at 1423 Slater Ave, (Tax Map# 0438-02-6887); 1424 Murchison Road, (Tax Map# 0438-02-5880); 1502 Murchison Road, (Tax Map# 0438-02-5904); 0 Murchison Road, (Tax Map# 0438-02-4978); 1510 Murchison Road (Tax Map# 0438-03-4034); 1506 Murchison Road, (Tax Map# 0438-03-5084); and 1502 Murchison Road, (Tax Map# 0438-03-6000), totaling 1.18 acres ± and being the properties of Alvin & Sophia Pierce, represented by Angela Lee.

Attachments:

- [1. Plan Review Application](#)
- [2. P19-33F Aerial Notification Map](#)
- [3. P19-33F Zoning Map](#)
- [4. P19-33F Land Use Map](#)
- [5. Site Pictures](#)
- [6. Sample Building](#)
- [7. Use Table from UDO](#)

- 6.03** [19-981](#) P19-34F. A request to rezone a parcel from Single-Family 10 (SF-10) to Limited Commercial (LC), at 7502 Telfair Dr, located at the intersection of Reilly and Telfair Roads, (Tax Map # 9499-60-5053), containing 0.56± acre and being the property of Wallis & Rose Waller.

Attachments:

- [1. Plan Review Application- REVISED](#)
- [2. P19-34F Aerial Notification Map](#)
- [3. P19-34F Zoning Map](#)
- [4. P19-34F Land Use Map](#)
- [5. Survey](#)
- [6. Site Photo](#)
- [7. Use Table from UDO](#)

- 6.04** [19-1014](#) P19-35F. Rezoning of property from Single-Family Residential - 6 (SF-6) to Mixed Residential - 5 (MR-5), located at 6069 Lunar Drive (Tax Map #0407-60-0663), containing 1.94 ± acres, at the intersection of Lunar Drive and Wildwood Drive; being the property of Jason Miller and Natasha Vogt, Trustees, represented by Chris Young.

Attachments:

- [1. Plan Review Application](#)
- [2. P19-35F Aerial Notification Map](#)
- [3. P19-35F Zoning Map](#)
- [4. P19-35F Land Use Map](#)
- [5. Site Photos](#)
- [6. Survey](#)
- [7. Use Table](#)

- 6.05** [19-1013](#) P19-37F. Conditional Rezoning of property from Single Family Residential 6 (SF-6) to Conditional Community Commercial (CC/CZ) located at 489 & 493 McBain Dr. (Tax Map # 0427-42-2084 & 0427-42-3066), at the intersection of McBain and McPhee Drives containing approximately 0.47± acres, and being the property of Highland Dairies, Inc. & W Lyndo Tippet & Wife Lou P. (Owner has agreed to a less intense SF-6/CZ district)

Attachments:

- [1. Plan Review Application](#)
- [2. P19-37F Aerial Notification Map](#)
- [3. P19-37F Land Use Map](#)
- [4. P19-37F Zoning Map](#)
- [5. Concept Plans](#)
- [5. Concept Plans](#)
- [5. Concept Plans](#)
- [5. Concept Plans](#)
- [6. Subject properties](#)
- [7. Surrounding Properties](#)

- 6.06** [19-1015](#) Adoption of Capital Project Ordinance 2020-20 (FY18 Byrne Justice Assistance Grant)

Attachments:

- [CPO 2020-20 \(GCC 2018 Byrne Justice Assistance Grant\).pdf](#)
- [State of NC Department of Public Safety - Governor's Crime Commission Grant](#)
- [State of NC Department of Public Safety GCC Grant Special Conditions](#)

7.0 REPORTS FROM BOARDS AND COMMISSIONS

7.01 [19-973](#) Cool Spring Downtown District Annual Report

Attachments: [CSDD PPT City Council 9.23.19](#)
[FY2019 Final Report](#)

8.0 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.

8.01 [19-923](#) Public Hearing and Resolution to Approve Submission of a Grant Application to North Carolina Department of Transportation (NCDOT) for an Urban Advanced Technology Grant

Attachments: [FY 2021 Public Hearing Notice - Urban Advanced Technology Grant](#)
[City Council Resolution Advanced Technology Grant FY 2021](#)

8.02 [19-1016](#) Public Hearing on Text amendments to Article 30; five (5) proposed amendments to the Unified Development Code.

Attachments: [TA19-040, Tree Preservation Staff Report](#)
[TA19-040, Tree Preservation Ordinance](#)
[TA19-043 Cul-de-sac Staff Report](#)
[TA19-043 Cul-de-sac Ordinance](#)
[TA19-047, Design Stds - abut - Staff Report](#)
[TA19-047, Design Stds - abut - Ordinance](#)
[TA19-049 Design Stds - parking- Staff Report](#)
[TA19-049 Design Stds - parking - Ordinance](#)
[TA19-051 Display Windows Staff Report](#)
[TA19-051 Display Windows Ordinance](#)

9.0 OTHER ITEMS OF BUSINESS

9.01 [19-974](#) Stormwater Ordinance Amendment for Drainage Assistance Program

Attachments: [23-3.2 DAP, red-lined](#)
[Ordinance for Section 23-3.2, final](#)

10.0 ADMINISTRATIVE REPORTS

10.01 [19-1034](#) Opioid Response Team Report for City of Fayetteville Council,
September 2019

Attachments: [City Council Fayetteville](#)
[Action Plan C-FORT Sept 2019](#)

10.02 [19-1006](#) Proposed 2020 City Council Meeting Dates Calendar

Attachments: [Resolution - 2020 Meeting Dates Calendar](#)
[2020 City Council Meeting Dates Calendar](#)

10.03 [19-1027](#) Monthly Statement of Taxes for August 2019

Attachments: [Monthly Statement of Taxes - August 2019](#)

11.0 ADJOURNMENT

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 on the third 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 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.

CLOSING REMARKS

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

Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing thirteen (13) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

COUNCIL MEETING WILL BE AIRED

September 23, 2019 @ 7:00 p.m.

Spectrum Cable 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 Human Relations at ynazar@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 of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1020

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.01

TO: Mayor and Members of City Council

THRU: Telly C. Whitfield, Ph.D., Assistant City Manager

FROM: Pamela J. Megill, MMC, City Clerk

DATE: September 23, 2019

RE:

Approval of Meeting Minutes:

August 26, 2019 - Regular Meeting

September 3, 2019 - Work Session

September 9, 2019 - Discussion of Agenda Items

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Develop and maintain strong community connections.

Executive Summary:

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

Background:

The draft minutes are from the meeting held on the above mentioned date.

Issues/Analysis:

N/A

Budget Impact:

N/A

Options:

1. Approve draft minutes
2. Amend draft minutes and approve draft minutes as amended
3. Do not approve the draft minutes and provide direction to staff.

Recommended Action:

Approve the draft minutes.

Attachments:

Draft minutes

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
AUGUST 26, 2019
7:00 P.M.

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Telly Whitfield, Assistant City Manager
Angel Wright-Lanier, Assistant City Manager
Gerald Newton, Development Services Director
Kevin Arata, Corporate Communications Director
Jay Toland, Chief Financial Officer
Sheila Thomas-Ambat, Public Services Director
Gina Hawkins, Police Chief
Tracey Broyles, Budget and Evaluation Director
Mark Brown, PWC Customer Relations Director
Pamela Megill, City Clerk
Jennifer Ayre, Deputy City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Rabbi Dov Goldberg with Beth Israel Synagogue.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

Mayor Colvin presented a Proclamation to members of the Connections of Cumberland County, in celebration of their five years serving the community, proclaiming the month of July 2019 in honor of Connections of Cumberland County.

Council Member Jensen introduced Mr. Justin Robinson, representing the Fayetteville-Cumberland Youth Council.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

6.0 CONSENT AGENDA

MOTION: Council Member Culliton moved to approve the consent agenda with an amendment to Item 6.010, Uninhabitable Structures Demolition Recommendations; removing the property located at 101 N. Eastern Boulevard.

SECOND: Council Member Jensen

VOTE: UNANIMOUS (10-0)

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**6.01 Approval of Meeting Minutes:
August 5, 2019 - Work Session**

6.02 P19-25F. A request to rezone a parcel from Single-Family 10 (SF-10) to Limited Commercial (LC), located at the intersection of Bunce and Raeford Roads (Tax Map # 0407-20-2487), containing 10.04± acres and being the property of Daniel C. Price, Trustee.

6.03 Adoption of Capital Project Ordinance Amendments 2020-23 and 2020-24 for Parks and Recreation Bond Projects

Capital Project Ordinance Amendment 2020-23 will appropriate \$590,000.00 for the Senior Center East project and Capital Project Ordinance Amendment 2020-24 will appropriate \$3,250,000.00 for the Jordan Soccer Complex project. The appropriations are to be funded from Parks and Recreation Bond proceeds, premium on the bonds, and investment income.

6.04 Adoption of Capital Project Ordinance Amendment 2020-25 (Freedom Memorial Park Project) to Appropriate \$25,956.00 of Donations Received

Capital Project Ordinance Amendment 2020-25 will appropriate \$25,956.00 in donations received through the Cumberland Community Foundation for Freedom Memorial Park design and construction.

6.05 Adoption of Capital Project Ordinance Closeouts 2020-1 and 2020-2 for Phase I of the North Carolina Veterans Park and Capital Project Ordinance 2020-15 for Phase II of the North Carolina Veterans Park

Adoption of Capital Project Fund Ordinance Closeouts 2020-1 and 2020-2 to close two capital project fund ordinances for the North Carolina Veterans Park Phase I projects. All revenues and expenditures for the projects have been recorded in previous fiscal years and the financial records have been audited. Additionally, Council is asked to adopt Capital Project Ordinance 2020-15 to appropriate the remaining funds from the two closed projects (\$1,142,470.00) to begin the Phase II portion of the project.

6.06 Adoption of Special Revenue Fund Project Ordinance 2020-4 (FY 20 Juvenile Restitution Program)

The City has been awarded grant funding for fiscal year 2019-2020 for the Fayetteville-Cumberland County Juvenile Restitution Program. The Juvenile Restitution Program is a sentencing alternative for Fayetteville and Cumberland County youth. Special Revenue Fund Project Ordinance 2020-4 will appropriate \$77,714.00 needed for personnel and operating costs for fiscal year 2019-2020. The funding sources for this program are \$53,411.00 in grant funds awarded by the North Carolina Department of Public Safety, a local match of \$12,152.00 from Cumberland County, and the City's local match of \$12,151.00.

6.07 Adoption of Special Revenue Fund Project Ordinance Amendment 2020-1 for Federal Forfeiture Funds and NC Substance Tax Received to Date as of June 30, 2019

Special Revenue Fund Project Ordinance Amendment 2020-1 will appropriate \$438,938.00 in Federal Forfeiture and NC Substance Tax funds received as of June 30, 2019, to increase resources for law enforcement purposes.

6.08 Resolution of support for a NCDOT project along Cedar Creek Road (NC 53) from Plymouth Street to Troy Drive

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO SUPPORT A NORTH CAROLINA DEPARTMENT OF TRANSPORTATION SPOT SAFETY PROJECT ALONG CEDAR CREEK ROAD (NC 53). RESOLUTION NO. R2109-031

6.09 City Ordinance Chapter 14, Unsafe Buildings - Ordinance Language Revision

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 14-61(e), UNSAFE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS, UNDER ARTICLE III, ENFORCEMENT, OF CHAPTER 14, HOUSINGS, DWELLINGS AND BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-039

6.010 Uninhabitable Structures Demolition Recommendations

227 S. Windsor Drive - District 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY 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. 227 S. Windsor Drive, PIN# 0438-31-9178. ORDINANCE NO. NS2019-016

903 Ellis Street - District 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY 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. 903 Ellis Street, PIN # 0437-13-5153. ORDINANCE NO. NS2019-017

308 Currie Street - District 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY 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. 308 Currie Street, PIN # 0437-23-4562. ORDINANCE NO. NS2019-018

6946 Melbourne Drive - District 4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY 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. 6946 Melbourne Drive, PIN # 9498-61-0064. ORDINANCE NO. NS2019-019

2315 Dundle Road - District 6

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY 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. 2315 Dundle Road, PIN # 9495-48-1380. ORDINANCE NO. NS2019-020

6.011 Tax Refunds Greater Than \$100.00

<u>Name</u>	<u>Year</u>	<u>Basis</u>	<u>City Refund</u>
CRESCOM Bank	2018	Parcel Value Adjustment	<u>\$1,427.65</u>
Total			<u>\$1,427.65</u>

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7.0 STAFF REPORTS

7.01 Fayetteville Police Department 2019 - 2nd Quarter Review

Ms. Gina Hawkins, Police Chief, stated several times a year the Fayetteville Police Department provides an overview of crime trends and issues both locally and nationally. The overview gives City Council an opportunity to discuss issues and strategies to maintain and improve the public safety of our community. Chief Hawkins presented the Fayetteville Police Department 2019 2nd Quarter Review that included crime and safety updates as well as statistical crime data for the months of January through June 2019.

Discussion ensued.

MOTION: Council Member Crisp moved to accept the Fayetteville Police Department 2nd Quarter Review.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

8.0 PUBLIC HEARINGS

8.01 TA19-058: Proposed Text Amendments to Section 30-3.H.11, the Coliseum Tourism Overlay District

Ms. Jennifer Baptiste, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated this request is being submitted by Ned Garber on behalf of The Rubicon Group. The applicant is requesting to amend Section 30-3.H.11, Coliseum Tourism Overlay (CTO) District, of the Unified Development Ordinance (UDO) by adding a sub-paragraph 5 to allow the expansion of nonconforming uses under paragraph h., Nonconformities. Amendments to the UDO are typically suggested for approval by the professional planners of the Development Services Department. However, the UDO allows text amendments to be requested by citizens, as in this case. A public hearing before the Planning Commission, in accordance with the standards of the UDO, shall be held for the Planning Commission's review and recommendation. A public hearing before the City Council, in accordance with the standards of the UDO, shall be held for Council to review the Planning Commission's recommendation and other relevant factors prior to rendering a final determination. The CTO District was adopted by the Fayetteville City Council in August 2014. "The primary purpose of this overlay district is to ensure that development within the district boundary is compatible with the objective of promoting the Crown Coliseum Complex and establishing the image as a contemporary, vibrant retail area that is harmonious with the complex events. By ensuring that new construction and re-development is orientated to serving the users of the coliseum complex area, particularly the traveling public, the economic well-being of the entire county will be maximized." On July 29, 2019, the Planning Commission recommended approval of the staff prepared Text Amendment for the aforementioned request.

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

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-040

MOTION: Council Member Dawkins moved to adopt the proposed ordinance amendment.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

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8.02 P19-32F. The request is to issue a Special Use Permit to allow an existing nonconforming use in the Coliseum Tourism Overlay District the ability to expand, zoned as Community Commercial Zoning District (CC) and the Coliseum Tourism Overlay (CTO), located at 2460 Gillespie Street (Tax Map # 0436-00-5425) north of the intersection of Gillespie Street and W. Mountain Drive, 4.43 acres ± and being the property of BBC of Edenton, LLC, represented by Ned Garber of the Rubicon Group.

Ms. Jennifer Baptiste, Senior Planner, presented this item with the aid of a PowerPoint presentation, and stated this property is the current site of Colony Tires whose primary business is tire sales and repairs. The owners of this property are seeking to expand the current building footprint and use in order to grow the operation. On August 13, 2019, the Zoning Commission voted unanimously to recommend approval of the Special Use Permit. The underlying zoning for the subject property is Community Commercial (CC). Under the Unified Development Ordinance, tire/muffler sales and mounting is an allowed by right use with minor stipulations. Colony Tires has been operating at the site since approximately 2012 and was in compliance with the ordinance for use, setbacks, height, etc. Prior to Colony Tires, the site has been used by various automotive businesses since 1986. In 2014, the Coliseum Tourism Overlay (CTO) was adopted into the Unified Development Ordinance (UDO). The primary uses allowed in the CTO district relate to community services, offices, eating establishments, recreational uses, etc. Vehicle maintenance uses are not allowed in the CTO district. Hence, once the CTO was adopted, the use became an existing nonconforming use. As the UDO reads currently, an existing nonconforming use is not allowed to expand. In addition to this Special Use Permit application, the applicant has also filed a Text Amendment that was heard by the Planning Commission on July 29, 2019, and is set to be heard by City Council on August 26, 2019. The Text Amendment requests that existing nonconforming uses in the CTO be allowed to expand by following the Special Use Permit process. The Planning staff and the Planning Commission are recommending that City Council approve the Text Amendment. If, however, the Text Amendment is not approved, this Special Use Permit application will become null and void. The SUP must meet the following findings of facts:

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district;
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

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

Mr. Ned Garber, 1427 Raeford Road, Fayetteville, NC, stated he is the applicant and asked Council to approve the Special Use Permit request.

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

MOTION: Council Member Culliton moved to approve the Special Use Permit (SUP) to allow an existing nonconforming use within the Coliseum Tourism Overlay District to expand on the portion of the subject property that is depicted on the site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because (1) the development is located in a Community Commercial district, (2) this use complies with the findings listed below, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is September 5, 2019. The SUP shall expire one year from its effective date if a building permit is not issued within that time. The SUP meets all eight (8) findings of fact.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

8.03 Public Hearing on Text amendments to Article 30; 9 (nine) proposed amendments to the Unified Development Code.

Mr. Taurus Freeman, Planning and Zoning Division Manager, presented this item with the aid of a PowerPoint presentation and stated the following text amendments to the Unified Development Ordinance (UDO) are recommendations as provided by the UDO Task Force, an ad-hoc Mayoral appointed citizen committee. The advisory group was established to review and recommend process decision adjustments, City-initiated zoning map amendments, and related board compositions connected to the City of Fayetteville's Code of Ordinances, Chapter 30, Unified Development Ordinance. In addition, amendments to the UDO are typically suggested for approval by the professional planners of the Development Services Department. A public hearing before the Planning Commission, in accordance with the standards of the UDO, was held for the Planning Commission's review and recommendation on July 29, 2019. A summary of proposed text amendments follows. If approved, these amendments impact all of the City. The professional staff, UDO Task Force, and Planning Commission all support the changes.

- TA19-044 - 30-5.F.8.a and 1 - Maximum Driveway: Reduce the required length of maximum width of a driveway from 18 feet from the pavement edge down to 12 feet from the pavement edge; allow the maximum width of a driveway for a two-car garage be increased from 20 feet to 24 feet; and the number of garage bays be modified from simply two-car garages to two or more car garages.
- TA19-045 - 30-5.F.9.a.4 - Sidewalks: Deleted in its entirety. The general effect of the change is to require sidewalks all the way around cul-de-sacs, rather than the current requirements for providing sidewalks on one-half of the cul-de-sac.
- TA19-048 - 30-5.I.3.b.4 and 5 - Design Standards of Additional Landscaping between Road Frontage Businesses: Deleted in its entirety (by a vote of 4 in favor to 2 in opposition). The proposed amendment would allow landscaping for outparcels to

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meet the development standards required for all other areas of the same development. Additional landscaping of a 25 percent increase would no longer be required between buildings on outparcels.

- TA19-050 - 30-5.I.3.g - Auto-Oriented Uses: Changed to allow the City Manager to waive certain requirements. The amendment addresses an existing gap in how businesses are administratively handled when fronting on two roads. The adjustment brings this section into similar adjustment controls used throughout Chapter 30.

Mr. Taurus stated the next three items are all related to treating single-family, zero lot line developments the same as conventional lot setback developments when transitioning to other projects around them.

- TA19-052 - 30-5.K.2.a.1 - Transitional Standards General: Remove "single-family detached zero lot line". Zero lot line allows buildings to be built closer to the property line on interior lots of a subdivision. Perimeter lots of a subdivision would still meet the underlying setbacks where they abut parcels outside the zero lot line subdivision; therefore, any special requirement for a zero lot line subdivision would not be needed due on any building still needing to meet full setbacks for properties not part of the zero lot line subdivision. The transitional standards are in place to provide a proper transition and compatibility between a single-family detached development and other more intense development.
- TA19-053 - 30-5.K.2.b.1 - Transitional Standards Exemptions: Remove "single-family detached zero lot line". Similar to TA19-052.
- TA19-054 - 30-5.K.3 - Transitional Standards: Remove "single-family detached zero lot line". Similar to TA19-052.
- TA19-055 - 30-5.K.3.a.1.d - Use Specific Buffering, Separation, or Special Use Permit Requirements: Allow small commercial vehicles the ability to operate without a Special Use Permit. This text amendment is a direct result of staying aligned with the delivery of product in conventional automobiles and not just larger trucks.
- TA19-056 - 30-5.K.3.b.2 and 4 - Building Facades: Add the wording, "unless a buffer is otherwise required adjacent to the residential development" to ensure that buildings in close proximity to residential areas are scaled and designed in a compatible fashion with buffering to add to the blending in of the business.

Discussion ensued.

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

Mr. John McCauley, 254 Middle Road, Fayetteville, NC, appeared in favor of the text amendments to Article 30 and stated he had served on the UDO Committee.

Ms. Lori Epler, 1333 Morganton Road, Fayetteville, NC, appeared in favor of the text amendments to Article 30 and stated she had served on the UDO Committee. Ms. Epler further stated there are more than 25 residents in attendance at this public hearing that are in favor of the amendments. All in support stood to make their presence known.

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Mr. Bozz Lloyd, 493 Windwood on Skye Drive, Fayetteville, NC, appeared in favor and stated he had served on the UDO Committee.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-041 (TA44 Driveway width)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-042 (TA45 Sidewalks around Cul-de-Sacs)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-043 (TA48 Landscaping between road frontage)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-044 (TA50 Drive-Thrus)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-045 (TA52 Removes an extra standard being placed on some single-family houses)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-046 (TA53 Removes an extra standard being placed on some single-family houses)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-047 (TA54 Removes an extra standard being placed on some single-family houses)

MOTION: Council Member Haire moved to approve the seven proposed amendments based upon the congruency of the proposed amendments with the following standards for text amendments as required by the Code § 30-2.C.2(e):

1. The proposed amendments are consistent with all applicable City-adopted plans.
2. The proposed amendments are not in conflict with any provision of this Ordinance, or any related City regulations.
3. The proposed amendments address a community need to provide the best Codes as possible for interpretation, enforcement and compliance.
4. The proposed amendments are consistent with the purpose and intent of the zoning districts in this

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Ordinance and do ensure efficient development within the City.

- 5. The proposed amendments would result in a logical and orderly development pattern.
- 6. The proposed amendments will not result in significantly adverse impacts on the natural environment and the natural functioning of the environment.

Text Amendments 55 and 56 to be voted on separately.

SECOND: Council Member Arp
VOTE: UNANIMOUS (10-0)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNITED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-048 (TA55 Small delivery vehicles)

MOTION: Council Member Dawkins moved to adopt Text Amendment 55.
SECOND: Council Member Haire
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Waddell)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNITED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-049 (TA56 Building facades)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNITED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2019-042 (TA56 Building facades, transitional standards, awnings)

MOTION: Council Member Dawkins moved to adopt Text Amendment 56.
SECOND: Council Member Haire
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Waddell)

9.0 ADMINISTRATIVE REPORTS

9.01 Monthly Statement of Taxes for July 2019

2019 Taxes	56,750.32
2019 Vehicle,	0.00
2019 Taxes Revit	0.00
2019 Vehicle Revit	0.00
2019 FVT	0.00
2019 FTT	0.00
2019 Storm Water	18,509.25
2019 Fay Solid Waste Fee	38,057.83
2019 Annex	0.00
2018 Taxes	38,076.54
2018 Vehicle	889.24
2018 Taxes Revit	70.71
2018 Vehicle Revit	0.00
2018 FVT	95.00
2018 FTT	95.00
2018 Storm Water	5,943.49
2018 Fay Solid Waste Fee	11,604.02
2018 Annex	0.00
2017 Taxes	6,535.67

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2017 Vehicle	815.77
2017 Taxes Revit	0.00
2017 Vehicle Revit	0.00
2017 FVT	15.00
2017 FTT	15.00
2017 Storm Water	297.66
2017 Fay Storm Water	0.00
2017 Fay S Waste Fee	630.32
2017 Annex	0.00
2016 Taxes	2,037.86
2016 Vehicle	12.65
2016 Taxes Revit	0.00
2016 Vehicle Revit	0.00
2016 FVT	0.00
2016 FTT	0.00
2016 Storm Water	0.00
2016 Fay Storm Water	0.00
2016 Fay S Waste Fee	0.00
2016 Annex	0.00
2015 and Prior Taxes	3,171.71
2015 and Prior Vehicle	506.46
2015 and Prior Taxes Revit	0.00
2015 and Prior Vehicle Revit	0.00
2015 and Prior FVT	89.59
2015 and Prior FTT	89.59
2015 and Prior Storm Water	579.10
2015 and Prior Fay Storm Water	1,047.21
2015 and Prior Fay S Waste Fee	73.50
2015 and Prior Annex	0.00
Interest	5,439.40
Revit Interest	0.58
Storm Water Interest prior	238.35
Fay Storm Water Interest 2015 and prior	430.27
Storm Water Interest 2016 and Forward	423.07
Annex Interest	0.00
Solid Waste Interest	840.26
FTT Interest	67.87
Total Tax and Interest	\$193,448.29

9.02 Fiscal Year 2019 Tax Settlement Report

This item was for information only, and was not presented.

9.03 Shopping Cart Policy and Programs - Administrative Report

This item was for information only, and was not presented.

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:01 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
082619

MITCH COLVIN
Mayor

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FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE CONFERENCE ROOM
SEPTEMBER 3, 2019
5:00 P.M.

Present: Mayor Mitch Colvin (departed at 8:03 p.m.)

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2) (arrived at 5:40 p.m.); Tisha S. Waddell (District 3); Johnny Dawkins (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp (District 9)

Absent: Council Member D. J. Haire (District 4)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Telly Whitfield, Assistant City Manager
Angel Wright-Lanier, Assistant City Manager
Gina Hawkins, Police Chief
Cynthia Blot, Economic and Community Development Director
Kevin Arata, Corporate Communications Director
Sheila Thomas-Ambat, Public Services Director
Tracey Broyles, Budget and Evaluation Director
Jay Toland, Chief Financial Officer
Gerald Newton, Development Services Director
Barbara Hill, Human Resources Development Director
Brad Whited, Airport Director
Elizabeth Somerindyke, Internal Audit Director
Lee Jernigan, Traffic Engineer
Robert Van Geons, FCEDC CEO/President
Brook Redding, ICMA Fellow
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Crisp.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda with adding an additional item, Hurricane Dorian Update, and moving the order of items on the agenda.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (8-0)

4.0 OTHER ITEMS OF BUSINESS

4.01A Hurricane Dorian Update

Mr. Michael Hill, Fire Chief, provided an update on Hurricane Dorian and the potential threat of heavy rains, strong winds, and possible loss of power that may affect Fayetteville beginning Wednesday afternoon and lasting until Friday morning. Wind gusts may reach 50 miles per hour and rainfall.

4.01B Event Day Parking Downtown

MOTION: Council Member Crisp moved to suspend the rules.

SECOND: Council Member Wright

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VOTE: UNANIMOUS (8-0)

MOTION: Council Member Crisp moved to waive event parking fees for the double header baseball game taking place at Segra Stadium on September 4, 2019.

SECOND: Council Member Wright

VOTE: UNANIMOUS (8-0)

4.01 Airport Update on Air Service Initiatives

Mr. Douglas Banez, Hubpoint Strategic Advisors, briefed the City Council on the issues related to the air service activities with the aid of a PowerPoint presentation. Mr. Banez provided an overview of the current situation at the Fayetteville airport, air service development activities, and the next steps and action plan.

Discussion ensued.

Mr. Tony Coleman, Deputy Airport Director, briefed the City Council on the airport renovations, passenger demographics, economic development partnerships and growth, airport website, market considerations, TSA baggage operations, passenger assistance, fare comparisons, and local business use.

Discussion ensued.

Mayor Colvin thanked Mr. Banez and Mr. Coleman for their respective presentations.

4.02 Pathways for Prosperity: Affordable Housing

Ms. Cynthia Wilson, Pathways for Prosperity, and Mr. Adam Svolta, NC Justice Center, presented this item with the aid of a PowerPoint presentation. Ms. Wilson stated the work of Pathways for Prosperity (P4P) is to bring together community-based organizations and individuals, local government, and private business in a coordinated effort to improve economic prospects for residents confronting extreme economic hardship. Viewed as a critical supportive factor for economic mobility, affordable housing was one of five key focus areas identified by residents during a 2017 community summit. Following the summit, and, later, completion of the Comprehensive Action Plan, a task force comprised of the Economic and Community Development Departments of the City and the County, Kingdom Community Development Corporation, Fayetteville Area Habitat for Humanity, Fayetteville Metropolitan Housing Authority, and P4P coalition members convened to coordinate next steps and near term goals for increasing the stock of safe, affordable housing. The task force developed a non-binding Multi-Party Letter of Agreement designed to organize local efforts through December 31, 2020. In May 2015, Harvard University released a study ranking Fayetteville last among the country's 100 largest economic centers in earnings potential for children growing up in poverty. Convened by the City of Fayetteville, Pathways for Prosperity endeavors to improve economic prospects for all residents and to reduce barriers that limit the ability of individuals and neighborhoods to thrive by bringing together local government leaders, community-based organizations and community members in a coordinated effort. The Fayetteville City Council resolved to become a "community of practice" in fighting poverty and named improving economic mobility as a target for action in early 2017. Serving as convener for the P4P initiative, the City has provided meeting space, staff support and representation during meetings, and funding for events and grant writing. Among the City's 2019 priorities is "Elevating the conversation about how to combat poverty across the City". For more than 9,000 households in the Fayetteville Metropolitan Statistical Area, housing expense presents a severe cost burden, a barrier to economic mobility, a barrier to climbing the economic ladder. The HUD guideline for the maximum amount of monthly income that should go to housing (rent or mortgage) is 30 percent. For many households in the P4P focus communities, more than 50 percent goes to housing costs,

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leaving families with very difficult decisions, such as, "Do we give up medicine—to pay for a place to live?" Closer coordination and joint planning with partners as contemplated in the Multi-Party Letter of Agreement represents an opportunity to learn from innovations in other jurisdictions, take full advantage of available funding streams and, ultimately improve residents' quality of life.

Mr. Svolto provided an overview of the P4P Affordable Housing Multi-Party Letter of Agreement.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward to a regular meeting for an official vote.

4.03 City-Wide Comprehensive Bicycle Plan Update

Mr. Scott Lane, Stantec Consultants, presented this item with the aid of a PowerPoint presentation and stated Stantec Consultants was selected to develop the City-Wide Comprehensive Bicycle Plan, Bike Fayetteville. This presentation is to provide an update to City Council on the purpose of the plan, existing conditions, and draft recommendations for improvements. After this presentation, another public outreach opportunity and comment period will commence with a final draft plan scheduled to be presented to Council in December 2019.

City Council's adopted FY 2017 Strategic Plan included a Target for Action to seek an alternative funding source for a bicycle master plan. To meet this direction, staff researched opportunities and learned that the NCDOT was accepting grant applications for pedestrian and bicycle planning studies. On October 24, 2016, Council approved Resolution No. R2016-067 authorizing an application for funding through the NCDOT Bicycle and Pedestrian Planning Grant Initiative. On March 1, 2017, staff received notification that the grant submission was not selected for funding. Staff reapplied for funding following Council approval of Resolution No. R2017-067 at their October 23, 2017, regular meeting. On March 14, 2018, staff received notification that the grant submission had been selected for funding by the NCDOT Division of Bicycle and Pedestrian Transportation. At Council's regular meeting on May 14, 2018, Council adopted and appropriated 50 percent (\$95,000.00) of the total \$190,000.00 estimated funds for the plan. The remaining 50 percent of the estimated funds for the plan will be provided by NCDOT. City staff worked with NCDOT to develop a scope for the project and once complete, NCDOT drafted all the necessary contract documentation to issue a Notice to Proceed to Stantec Consultants on November 8, 2018. Council was updated on the progress of the plan at their April 1, 2019, work session. The draft plan is scheduled to be completed by the end of 2019.

The Comprehensive Bicycle Plan will be an integral part of developing and executing a more complete bicycle transportation system and will guide local and state efforts to improve conditions for bicyclists and other users of our transportation network. The results will assist the City to develop construction project priorities, recommend positive changes to local policies and guidelines, develop awareness initiatives, and identify opportunities for the implementation of education, enforcement, and safety programs. This plan will also complement the recently completed Comprehensive Pedestrian Plan to provide enhanced opportunities for both modes of transportation.

Discussion ensued.

No consensus was given. This item will return to Council at a later date, to be determined.

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4.05 Stormwater Drainage Assistance Program

Mr. John Larch, Assistant City Engineer/Stormwater Manager, presented this item with the aid of a PowerPoint presentation and stated on August 5, 2019, staff provided a plan for the new drainage assistance program. Staff is now seeking Council approval of an administrative fee for the program and establishment of a cost share guideline. Staff identified two purposes for a fee and/or cost share. The first purpose, to reduce administrative costs to the City can be accomplished by imposing an application fee on off right-of-way service requests as they are submitted to the City. The second purpose, to allow funding to provide for the completion of more projects, could be accomplished by requiring property owners to pay a cost share for projects. Staff estimates an average time of two hours is needed to determine eligibility for the drainage assistance program. An application fee of \$75.00 would be appropriate to cover the associated costs. The City would start collecting the fee in July 1, 2020. City staff believes a cost share has limited impact on the number of projects but creates significant staff costs, administrative burdens, need for financial assistance program, and potentially the need for additional personnel. A cost share would not provide a significant amount of funding unless it were relatively large (25 percent of project cost or greater) but would then likely be prohibitively expensive for many property owners. For these reasons, the staff recommends that Council not require a cost share at this time. Council should note that the current policy still provides the ability to limit annual expenditure on off right-of-way drainage maintenance even in the absence of a cost share. For FY 20, City Council budgeted \$1.8 million for the drainage assistance program. The Council can revisit the amount of funding on an annual basis to ensure the City does not overcommit resources to off right-of-way projects. Once the administrative fee and cost share components are agreed upon by Council, an engineering consulting firm will be retained to review the existing backlog of off right-of-way requests. Eligible requests will either be packaged as a contract or ranked for review by the Stormwater Advisory Board (SWAB). Staff anticipates having an initial contract prepared by November 2019 to address smaller requests and a prioritized list provided to the SWAB by January 2020. Going forward, City staff will assume responsibility for the program.

Consensus of Council was to direct staff to move this item with the proposed ordinance forward to the September 23, 2019, regular City Council meeting.

4.04 Downtown Parking Operations and Management Vendor Recommendation

Mr. Lee Jernigan, Traffic Engineer, presented this item with the aid of a PowerPoint presentation and stated the Request for Proposals (RFP) for the Operation and Management of the Downtown Parking Program was issued and five (5) responses were received on June 7, 2019, from LAZ Parking, McLaurin Parking, Republic/Lanier Parking, SP+ Municipal Services and UPP Global, LLC. The evaluation team that reviewed these RFPs consisted of representatives from the City Manager's Office, Public Services, Police, Finance, Budget and Evaluation, Greater Fayetteville Chamber of Commerce and the Cool Springs Downtown District. After review of the RFPs, the team recommended face to face interviews with three firms--Republic/Lanier Parking, McLaurin Parking, and SP+ Municipal Services. Interviews were conducted with Republic/Lanier and McLaurin on August 8, 2019, and with SP+ Municipal Services on August 9, 2019.

After review of the RFPs, the evaluation team recommended interviews with three (3) firms--McLaurin Parking, Republic/Lanier Parking, and SP+ Municipal Services. Also recommended by the team was a request to the vendors to supply additional information to the original RFP submittal. This was based in part to the revised parking enforcement hours enacted by Council that began on July 15, 2019. The original RFP scoped enforcement hours from 9:00 a.m. to 5:00 p.m.

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Monday through Friday. The revised enforcement hours that began on July 15, 2019, are 9:00 a.m. to 9:00 p.m. Monday through Friday. Additional operating criteria defined by the team included the requirement to use License Plate Recognition (LPR) technology for enforcement, implementation of ParkMobile as the software for a parking app, installation of a maximum of 11 off-street and 23 on-street pay kiosks with a financing model to amortize these costs, reporting methods, validation/reporting options, innovative technology, public outreach strategies and customer service procedures. A detailed description of the requested supplemental information is included in the agenda packet.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward to the September 23, 2019, regular City Council meeting for a formal vote.

4.06 Performance Report on City Council Strategic Plan Targets for Action

Ms. Rebecca Jackson, Strategic Performance Analytics Director, presented this item and provided a handout. Ms. Carter stated over the last 12 months, the Fayetteville City Council has worked very diligently to commit this organization to high performance and to use data and stakeholder input to create a strategic plan for the City that is forward thinking, progressive, relevant and outcome based. The Mayor, City Council, and staff share a duty to ensure that the actions of public officials, employees, contractors, and volunteers of the City are carried out in the most responsible manner possible and that City policy, budgets, goals, and objectives are fully implemented. The City Council's Strategic Plan Vision 2030 was adopted in June 2019, in coordination with the annual budget ordinance. The City's Strategic Plan Vision 2030 included nine FY 20 Targets for Action (TFA). TFA are projects or initiatives identified by Council to move the needle toward defined outcomes laid out in the Council's strategic plan. TFA are defined by a one-year action plan with milestones to focus the work of Council and staff.

FY 2020 Targets For Action:

1. Redevelopment and business growth of the Murchison Road corridor
2. Job creation and retention for the local workforce through an internship program
3. Developing Smart City capacity, specifically through pursuing the installation of broadband across the City
4. Collaboration and empowerment by developing a Young Adult Engagement Program
5. Working to develop a quality stormwater program
6. Managing the City's future growth through a comprehensive land use plan
7. Improving connectivity by assessing the feasibility of railroad crossing safety at at-grade crossings
8. Elevating the conversation about how to combat poverty across the City
9. Advancing community revitalization efforts, to include residential and commercial properties.

The City Manager's Office has directed the Office of Strategy and Performance Analytics to meet regularly with teams to advance the

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Council's TFA and to report progress to City Council on a quarterly basis during a City Council meeting. Commitment to performance management and strategic planning strengthens the operations of the City of Fayetteville, ensuring excellent services and a high quality of life for residents. It allows for long-range planning at the organizational level with alignment to departmental operations and performance expectations. With this system in place, the City is able to allocate resources appropriately and build strategies for continuous improvement.

Discussion ensued.

Consensus of Council was to accept the report.

4.07 New Economic and Community Development Programs

Ms. Cynthia Blot, Economic and Community Development Director, presented this item with the aid of a PowerPoint presentation and stated at the February 2019 retreat City Council discussed expanding Economic and Community Development efforts outside of CDBG program restrictions. Council has allocated \$500,000.00 for the development and implementation of an Economic Vitality Program and a Housing Program. A follow-up presentation was made to Council on April 1, 2019. At that time City Council prioritized several potential programs, requesting a more detailed analysis of development strategies and focus areas for implementation in the City's corridors. Staff met with the Corridor Committee in early August to discuss the Committee's ongoing efforts in corridor revitalization. Staff has prepared a presentation of the two programs as well as selected corridors for implementation. Staff is seeking consensus from Council to proceed with assigned TFA: Advancing Community Revitalization Efforts, to include residential and commercial properties.

Ms. Blot and Police Chief Hawkins provided an overview of the Residential Program--Good Neighbor Next Door. Ms. Blot provided an overview of the Commercial Program, the Commercial Corridor improvement program will support revitalization efforts in the City's targeted commercial corridors by stimulating private investment in high-quality improvements.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward with \$400,000.00 allocated to the Housing program and \$100,000.00 allocated to the business corridor program.

4.08 Shopping Cart Policy and Program Options

Mr. Brook Redding, ICMA Fellow, presented this item with the aid of a PowerPoint presentation and stated the City of Fayetteville has received a steady increase in the number of shopping carts reported at bus stops, residential areas, and empty public lots. The shopping carts pose a hazard to pedestrians and motorists. Additionally, they increase blighting issues and are an ugly menace in the City's neighborhoods. The City of Fayetteville has previously discussed shopping cart blight in December 2018. In June 2019, *The Fayetteville Observer* investigated and attempted to answer a residents question in the article, "Why are shopping carts left all over the place?" The uptick in reports show that this is a re-occurring issue within the City. The City of Fayetteville does not have a program to recover shopping carts from public property around the City. The lack of policy surrounding the issue forces several City departments to remove the carts. These ad hoc cleanups are often conducted by FAST and/or the Parks and Recreation Department. The department directors have established communication with stores regarding their displaced carts, but some stores are reluctant or unable to retrieve them. In many cases carts that are damaged are left as blight and not recovered. This problem is not exclusive to Fayetteville. There are 28 states containing legislation guiding the actions of municipalities regarding

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shopping carts. North Carolina has established legislation classifying the removal of a shopping cart as a Class 3 misdemeanor. North Carolina does not regulate impoundment of shopping carts. It does not define or limit a length of time a shopping cart can be in place before it is considered abandoned and can be retrieved by the City. The lack of state regulation provides opportunity for cities to regulate shopping cart issues.

There are several cities across America that have implemented city-organized and funded programs to prevent issues with shopping cart blight.

Discussion ensued.

Consensus of Council was to direct staff to conduct further research on this item and report back to Council at a later meeting date, to be determined.

4.09 City Council Member Agenda Item Request - Request for Discussion on Resurfacing/Overlay of Wendover Street Council Members Mohn and Crisp

Council Members Crisp and Mohn presented this item. Council Member Crisp stated although the streets in Wendover were not accepted by the City, we feel strongly that if water and sewer lines are extended into a neighborhood, the streets should be returned to the original condition as we are doing with other streets in the City. We believe this can and should be examined on a case-by-case basis. We are requesting Council consider a proposal to pay all or a portion of the cost of overlaying following sewer installation. We could accept the streets like we have other paved streets that are not built to City standards and enter into an agreement that would specify we would not bring them up to City standards; but we will maintain them.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward and pursue options and report back to City Council.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:17 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

MITCH COLVIN
Mayor

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FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD ROOM
SEPTEMBER 9, 2019
6:00 P.M.

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2) (arrived at 6:09 p.m.); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Telly Whitfield, Assistant City Manager
Angel Wright-Lanier, Assistant City Manager
Kevin Arata, Corporate Communications Director
Gerald Newton, Development Services Director
Tracey Broyles, Budget and Evaluation Director
Alicia Young, Assistant City Attorney
Todd Joyce, Assistant Police Chief
Taurus Freeman, Planning and Zoning Manager
Pamela Megill, City Clerk
Members of the Press

Mayor Colvin called the meeting to order at 6:00 p.m.

Mayor Colvin read the titles of the announcements for the regular meeting. Mayor Colvin asked Council to review the agenda and invited comments and questions.

Council Member Haire stated he wishes to pull Item 6.04, resolution to approve submission of a grant application to North Carolina Department of Transportation (NCDOT) for Urban Capital Funds.

Council Member Crisp asked for an overview of Item 6.08. Mr. Douglas Hewett, City Manager, responded this is an item from the Public Works Commission.

Discussion ensued pertaining to the list of citizens signed up to speak at the public forum this evening; several of the speakers will be voicing their concerns regarding a Police Citizen Review Board. Mayor Colvin stated he believes the Police Department are working well together with the community.

Council Member Arp stated he is proposing the length of Council meetings are not to exceed three hours. Discussion ensued.

There being no further business, the meeting adjourned at 6:32 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

MITCH COLVIN
Mayor

090919

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1011

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.02

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, ICMA-CM - Deputy City Manager
Dr. Gerald Newton, AICP - Development Services Director
Taurus Freeman - Planning & Zoning Divisional Manager

FROM: Jennifer C Baptiste, CFM - Senior Planner

DATE: September 23, 2019

RE:

P19-33F. Rezoning of seven properties from Mixed Residential (MR-5) to Office and Institutional District (OI), located at 1423 Slater Ave, (Tax Map# 0438-02-6887); 1424 Murchison Road, (Tax Map# 0438-02-5880); 1502 Murchison Road, (Tax Map# 0438-02-5904); 0 Murchison Road, (Tax Map# 0438-02-4978); 1510 Murchison Road (Tax Map# 0438-03-4034); 1506 Murchison Road, (Tax Map# 0438-03-5084); and 1502 Murchison Road, (Tax Map# 0438-03-6000), totaling 1.18 acres ± and being the properties of Alvin & Sophia Pierce, represented by Angela Lee.

COUNCIL DISTRICT(S):

4 - D. J. Haire

Relationship To Strategic Plan:

2025 Goals, Goal II: Diverse and Viable Economy is achieved through the expansion of an existing local business and the redevelopment of a vacant commercial property.

Executive Summary:

The applicant, Angela Lee, has submitted a request to rezone seven properties from Mixed Residential (MR-5) to Office and Institutional (OI).

On August 13, 2019, the Zoning Commission recommend approval of the request to the City Council with a vote 4 to 1.

Background:

These properties are located between Murchison Road and Slater Road just north of Langdon Street. The subject properties total 1.18 acres ± with structures built on 1422 Murchison Road and 1423 Slater Road. The remaining parcels are vacant sites.

Applicant: Angela Lee

Owners: Alvin and Sophia Pierce

Requested Action: Rezoning from MR-5 to OI

Property Addresses: 1423 Slater Ave, 1424 Murchison Road, 1502 Murchison Road, 0 Murchison Road, 1510 Murchison Road, 1506 Murchison Road, and 1502 Murchison Road

Council District: 4

Status of Properties: Vacant/commercial/residential

Size: Total acreage of 1.18 acres

Adjoining Land Use & Zoning:

- North: MR-5 - Residential
- South: MR-5 - Residential
- West: MR-5 - Residential
- East: OI & MR-5 - Commercial & Residential

Traffic Count: 13,000 on Murchison Road per day (2016).

Letters Mailed: 51

Murchison Road Corridor Plan of 2008 and current work:

The Murchison Road Corridor Plan was prepared in 2008. The plan roughly covered the area bounded by Martin Luther King Jr. Freeway and Downtown Fayetteville to the south and Fort Bragg and I-295 Outer Loop to the north.

According to the plan, this area should be encouraged to develop as single-family residential with some neighborhood commercial.

The City of Fayetteville is in the process of finalizing the Murchison Road/Bragg Boulevard Area Study, which would include these parcels. The properties are also located within the Opportunity Zone that was established by the State of North Carolina for development and redevelopment purposes. Both projects encourage economic development along this corridor.

Issues/Analysis:

The subject properties are located at the northeastern intersections of Murchison Road and Langdon Road. Currently, the parcels ending in #4034, #4878, #5904, #5084, and #6000 are vacant properties. Both parcels ending in #5880 and #6887 are single-family residentially developed properties.

The applicant is proposing to erect a corrugated metal building on the five (5) vacant parcels listed above for the purpose of a day care. On the remaining two (2) parcels, the applicant is planning to expand the existing neighborhood support office that is being operated at 1420 Murchison Road. However, if approved and not developed for a day care, the applicant will be allowed all uses in the Use Table for OI. The applicant did not consider applying as Conditional Zoning in order to match similarly zoned property at

1422 Murchison Road, also owned by the applicant.

There is a mixture of zoning districts in the area. The adjacent parcels to the north and the west are zoned Mixed-Residential (MR-5), to the south and east are Mixed- Residential and Office and Institutional (OI).

Land uses located to the north of the property include residential homes. The properties to the south are a mixture of residential or commercial offices. To the west of the properties across Murchison Road are some residential and various commercial uses. The Arthur Smith Recreational Center and the Chalmers Swimming Pool are located to the east of these parcels.

These parcels are located in an area of the city that has a mixture of single-family residential, multi-family, and neighborhood supported commercial uses. The commercial uses in the area include offices and support service uses that are incidental to the area and do not detract from the area.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

Straight Zoning:

The request is for a straight zoning from Mixed Residential (MR-5) to Office and Institutional (OI).

The purpose of the OI zoning district is to “accommodate a mix of small-scale, low-intensity professional and business offices and institutions, together with limited personal service and supporting retail uses, single-family detached, single-family attached, and multi-family residential uses in close proximity to one another, subject to design and compatibility standards. The districts are generally near residential neighborhoods and often serve as a buffer or transition between neighborhoods and more intense business districts. Uses in the district are subject to design standards. In many cases, OI districts are evolving from land that was once primarily residential in character, and as such, office and institutional uses should be configured for consistency with surrounding residential uses in physical design, scale, and character.”

Budget Impact:

There is not an immediate budgetary impact but there may be an economic impact associated with this rezoning that will occur over the next decade.

Options:

1. Approval of the map amendment/rezoning to OI (Recommended)
2. Any action differing from that recommended by the Planning Commission and agreed to by the Applicant would require a public hearing before that action is taken. If Council would like to consider:
 - a. Approval of a conditional zone acceptable to the applicant;

- b. Approval of a more restrictive map amendment/rezoning; or
- c. Denial of the rezone request;

Then the appropriate action would be to remove this item from the consent agenda and set it for a Public Hearing on October 14, 2019.

Recommended Action:

The Zoning Commission and Planning Staff recommends APPROVAL of the requested rezoning to OI (Office/Institutional). The amendment is consistent with the overall neighborhood. Due to the fact that there is OI zoning in the area and the fact that there are smaller neighborhood support uses in the area, a zoning of OI would be more appropriate for the area.

Attachments:

- 1. Application
- 2. Aerial Notification map
- 3. Zoning Map
- 4. Land Use Plan Map
- 5. Site Photos
- 6. Sample Building Design
- 7. Chart of Permitted Uses

Project Overview

Project Title: ANGELA LEE - Rezoning
Application Type: 5.1) Rezoning (Map Amendment)
Workflow: Staff Review
Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

- Project Address or PIN:**
- 1423 SLATER AVE (0438-02-6887-)
 - 1424 MURCHISON RD (0438-02-5880-)
 - 1502 MURCHISON RD (0438-02-5904-)
 - 0 ? N/A (0438-02-4978-)
 - 1510 MURCHISON RD (0438-03-4034-)
 - 1506 MURCHISON RD (0438-03-5084-)
 - 1502 MURCHISON RD (0438-03-6000-)

GIS Verified Data

- Property Owner: Parcel**
- 1423 SLATER AVE: PIERCE, ALVIN R & WIFE
 - 1424 MURCHISON RD: PIERCE, ALVIN R & WIFE
 - 1502 MURCHISON RD: PIERCE, ALVIN & WIFE SOPHIA B
 - 0 ? N/A: PIERCE, ALVIN & WIFE SOPHIA B
 - 1510 MURCHISON RD: PIERCE, ALVIN & WIFE SOPHIA B
 - 1506 MURCHISON RD: PIERCE, ALVIN & WIFE SOPHIA B
 - 1502 MURCHISON RD: PIERCE, ALVIN & WIFE SOPHIA B

- Acreage: Parcel**
- 1423 SLATER AVE: 0.11
 - 1424 MURCHISON RD: 0.17000000000000001
 - 1502 MURCHISON RD: 0.17000000000000001
 - 0 ? N/A: 0.17000000000000001
 - 1510 MURCHISON RD: 0.34000000000000002
 - 1506 MURCHISON RD: 0.11
 - 1502 MURCHISON RD: 0.11

- Zoning District: Zoning District**
- 1423 SLATER AVE: OI
 - 1424 MURCHISON RD: OI
 - 1502 MURCHISON RD: MR-5
 - 0 ? N/A: MR-5
 - 1510 MURCHISON RD: MR-5
 - 1506 MURCHISON RD: MR-5
 - 1502 MURCHISON RD: MR-5

- Subdivision Name: Parcel**
- 1423 SLATER AVE: E E SMITH
 - 1424 MURCHISON RD: E E SMITH
 - 1502 MURCHISON RD: E E SMITH
 - 0 ? N/A: E E SMITH
 - 1510 MURCHISON RD: E E SMITH
 - 1506 MURCHISON RD: E E SMITH
 - 1502 MURCHISON RD: E E SMITH

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No
Previous Amendment Approval Date:

Previous Amendment Case #:

Proposed Zoning District: Murchison Road/Slater Avenue Properties

Acreage to be Rezoned: 4

Is this application related to an annexation?: No

Water Service: Public

Sewer Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any: 1427 Murchison Road & 1423

Have houses on them at this time that will continue to be used, all other property. The land is not being used at this time. There is no existing structures on the property.

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:

Across the street from Slater is the Smith Recreation Center, Seabrook Park, Chalmers Swimming pool. On Murchison Road across the street is MRM Kingdom Ministry, apartments and houses.

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.: Wanting to build a daycare center on the lots. The Murchison road is becoming more commercialized, therefore the proposed rezoning to O & I will be an enhancement in the community.

B) Are there changed conditions that require an amendment? : No

C) State the extent to which the proposed amendment addresses a demonstrated community need.: There is only one daycare and that one has an extensive waiting list. This will add to the need for the community to include students and faculty at Fayetteville State University.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.: There are other properties in the area zoned O & I.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: Due to the makeup of the community and the traffic pattern of Murchison Road, it is expected this rezoning will be a part of logical and orderly development.

F) State the extent to which the proposed amendment might encourage premature development.: We have done much research to the proposed amendment and feel there is a valid need for the proposed use of land.

G) State the extent to which the proposed amendment results in strip-style commercial development.: It will connect to the neighborhood with the downtown area and other locations in our community.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: It does not create and isolated zoning district.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: It will add to the property value and the surrounding areas.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: It does not adversely impact the surrounding areas.

Primary Contact Information

Project Contact - Agent/Representative

Angela Lee

3516 Barronway
Fayetteville, NC 28311
P:9103663926
angelaplee064@gmail.com

Indicate which of the following project contacts should be included on this project:

Property Owner

Sophia Pierce

725 Topeka Street
Fayetteville, NC 28301
P:910-922-8939
F:910-822-1951
SoPierce@aol.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Aerial Notification Map

Zoning Commission: 08/13/2019

Case #: P19-33F

Request:

Rezoning (Map Amendment)

Location: Pin:
1510 Murchison Rd 0438-03-4034
(Unaddressed) 0438-02-4978
1502 Murchison Rd 0438-02-5904
1424 Murchison Rd 0438-02-5880
1423 Slater Ave 0438-02-6887

Acresage:
0.96 Acres Total

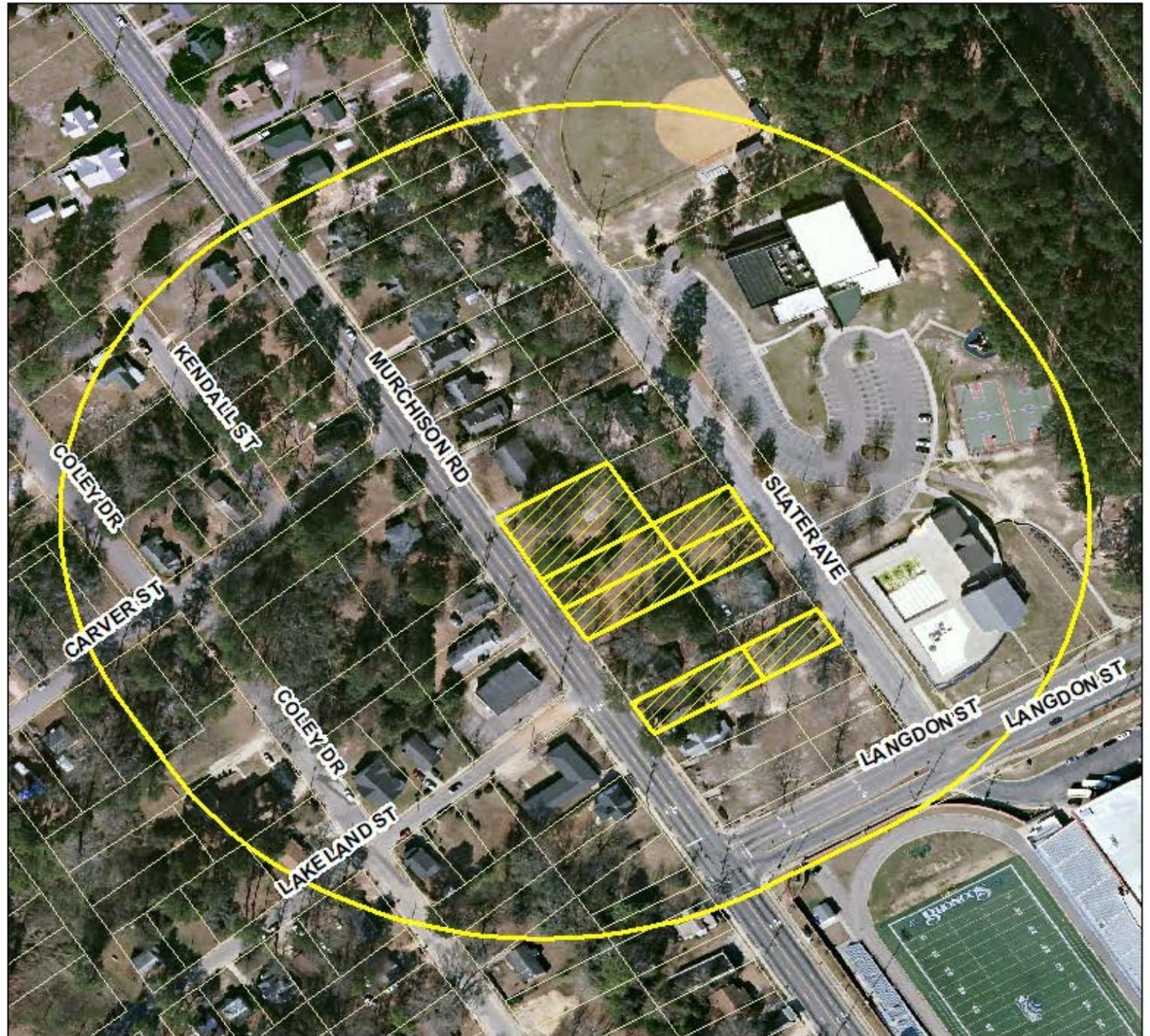


Legend

-  P1933F_Buffer
-  P19-33F
-  Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.



Zoning Map

Zoning Commission: 08/13/2019

Case #: P19-33F

Request:

Rezoning (Map Amendment)

Location:	Pin:
1510 Murchison Rd (Unaddressed)	0438-03-4034 0438-02-4978
1502 Murchison Rd	0438-02-5904
1424 Murchison Rd	0438-02-5880
1423 Slater Ave	0438-02-6887

Acreage:
0.96 Acres Total

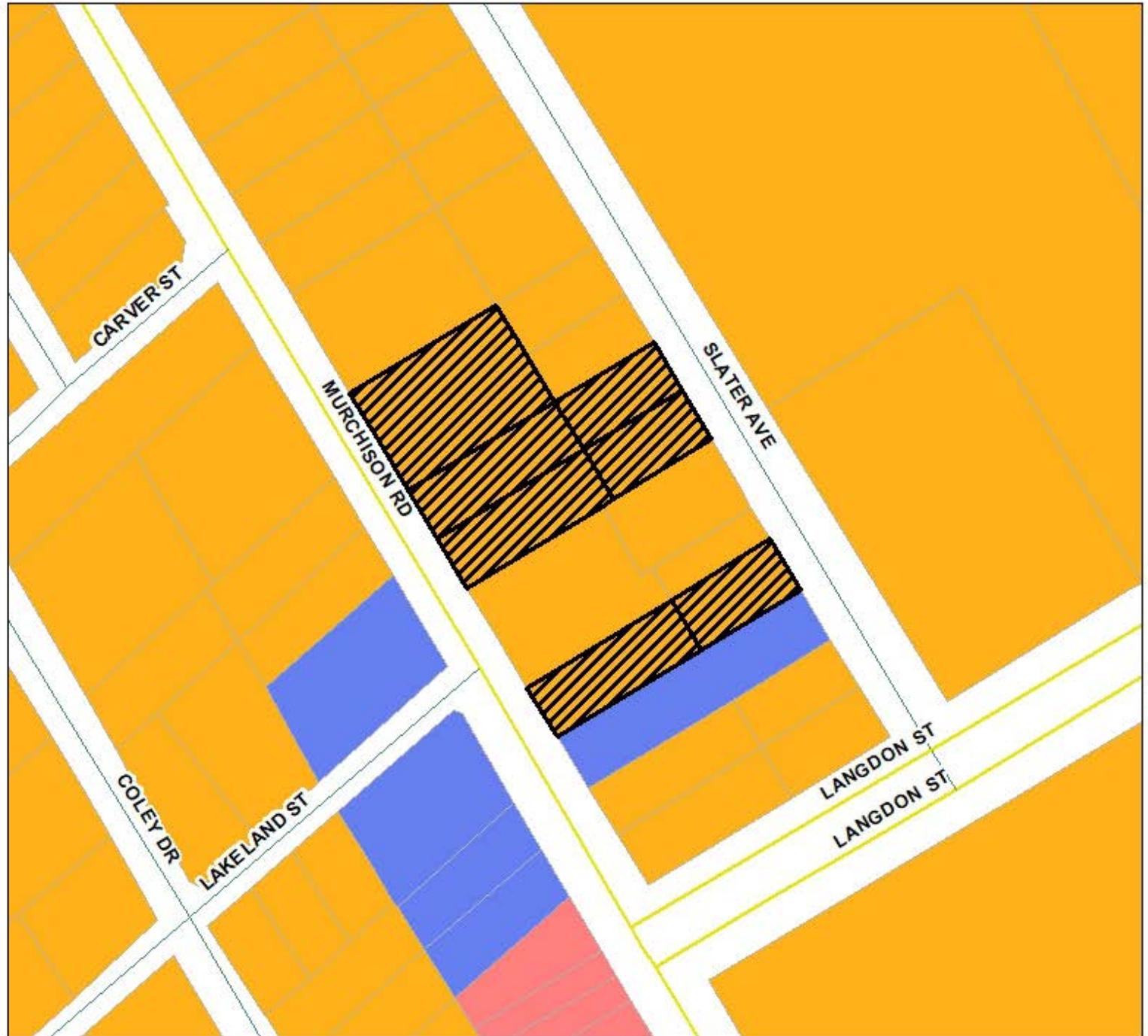


Legend

-  P19-33F
-  LC - Limited Commercial
-  MR-5 - Mixed Residential 5
-  OI - Office & Institutional

Streets

-  Major Collector
-  Local



Land Use Map

Zoning Commission: 08/13/2019

Case #: P19-33F

Request:

Rezoning (Map Amendment)

Location:

	Pin:
1510 Murchison Rd	0438-03-4034
(Unaddressed)	0438-02-4978
1502 Murchison Rd	0438-02-5904
1424 Murchison Rd	0438-02-5880
1423 Slater Ave	0438-02-6887

Acresage:

0.96 Acres Total



Legend

-  P19-33F
-  Medium Density Residential
-  Downtown
-  Open Space



Subject Properties

0 & 1510 Murchison Road



1506 Murchison Road



1424 Murchison Road



1502 Murchison Road



1423 Slater Road





Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS							PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	homes)																				
Group Living	Dormitory	/	/	/	/	/	S	/	P	/	P	/	P	P	/	/	/	MP	MP	MP	30-4.C.2.b.1
	Therapeutic home	/	P	P	P	P	P	P	P	P	S	/	P	S	/	/	/	MP	MP	MP	30-4.C.2.b.5
	Fraternity or sorority house	/	/	/	/	/	S	/	P	/	P	/	P	/	/	/	/	MP	MP	MP	
	Group home, Large	/	/	/	/	S	/	/	S	S	S	S	S	S	/	/	/	MP	/	MP	30-4.C.2.b.2
	Group home, Small	/	/	P	P	P	P	P	P	P	S	P	P	S	/	/	/	MP		MP	30-4.C.2.b.3
	Rooming or boarding house	/	/	/	/	S	P	/	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.2.b.4
	Transitional housing									S	S	S	S	S	S	/					30-4.C.2.b.6
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION																					
Community Services	Community center	S	P	S	S	P	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cultural facility	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Library	/	/	S	S	S	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Museum	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Senior center	/	/	/	/	S	P	/	/	P	P	P	S	P	/	/	/	MP	MP	MP	
	Youth club facility	/	/	/	/	S	P	/	/	S	P	P	P	P	/	/	/	MP	/	MP	
Day Care	Adult day care center	/	/	S	S	S	S	S	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Child care center	/	/	S	S	S	S	S	P	P	P	P	P	P	S	/	/	MP	MP	MP	30-4.C.3.a
Educational Facilities	College or university	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	School, elementary	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b
	School, middle	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b
	School, high	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b
	Vocational or trade school	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.b
Governmental facilities	Government maintenance, storage, or distribution facility	/	S	/	/	S	S	/	S	S	S	P	S	P	P	P	/	MP	/		
	Government office	/	/	/	/	S	S	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Post office	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP	
Health Care Facilities	Blood/tissue collection facility	/	/	/	/	/	/	/	/	/	/	P	/	P	/	P	/	MP	MP		
	Drug or alcohol treatment facility	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	MP	MP	MP	30-4.C.3.c.3
	Hospital	/	/	/	/	/	/	/	P	/	/	P	P	S	/	P	/	MP	/		30-4.C.3.c.1
	Medical or dental clinic [3]	/	/	/	/	/	/	/	P	P	P	P	P	P	S	P	/	MP	MP	MP	
	Medical or dental lab	/	/	/	/	/	/	/	P	/	P	/	P	P	P	P	/	/	MP	/	(Reserved)

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
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"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS							PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	Medical treatment facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	30-4.C.3.c.2
	Outpatient facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	
Institutions	Assisted living facility	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Auditorium	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.d.1
	Club or lodge	/	/	/	/	/	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Convention center	/	/	/	/	/	/	/	P	/	/	P	P	P	/	/	/	/	MP	/	30-4.C.3.d.1
	Halfway house	/	/	/	/	/	S	/	S	/	S	S	S	S	/	/	/	MP	/	MP	30-4.C.3.d.2
	Nursing home	/	/	/	/	S	S	/	P	P	P	P	P	S	/	/	/	MP	MP	MP	
	Psychiatric treatment facility	/	/	/	/	/	/	/	S	/	S	S	/	/	/	/	/	/	MP	/	
	Religious institution	/	P/S	P/S	P/S	P/S	P	P	P	P	P	P	P	P	/	P	P	MP	MP	MP	30-4.C.3.g
Parks and Open Areas	Arboretum or botanical garden	P	P	P	P	P	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cemetery	S	S	S	S	S	S	/	S	S	S	P	P	S	/	/	/	/	/	/	30-4.C.3.e.1
	Columbaria, mausoleum	P	P	P	P	P	P	/	P	P	P	P	P	P	/	/	/	/	/	/	
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Golf course, public	S	P	P	P	S	P	/	P	/	P	P	P	/	/	/	/	MP	MP	MP	
	Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Public square or plaza	/	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
Public Safety	Correctional facility	/	S	/	/	/	/	/	/	/	/	/	/	S	/	S	P	/	/	/	30-4.C.3.f.1
	Fire or EMS facility	/	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police substation	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police station	/	P	S	S	S	P	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	
Transportation/Communication	Airport	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	MP	/	
	Helicopter landing facility	/	/	/	/	/	/	/	S	/	S	S	S	S	P	/	/	/	MP	/	30-4.C.3.h.1
	Passenger terminal, surface transportation	/	/	/	/	/	S	/	P	S	P	P	P	P	P	P	P	MP	MP	MP	
	Small Wireless Facilities	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.7
	Telecommunications antenna, collocation on existing tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1
	Telecommunications antenna, placement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS							PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	on existing building																				
	Telecommunications tower, freestanding	/	S	S	S	S	S	/	S	S	S	S	S	/	S	S	S	MP	MP	MP	30-4.C.3.i.1
	Utility, major	/	S	S	S	S	S	/	S	S	S	P	S	S	P	P	P	/	MP	/	30-4.C.3.j.2
	Utility, minor	S	P	P	P	P	P	P	P	P	/	P	P	P	P	P	P	MP	MP	MP	
COMMERCIAL USE CLASSIFICATION [1]																					
Adult Entertainment	Adult entertainment	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.a
Animal Care	Animal grooming	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.b
	Animal shelter	/	S	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
	Kennel, indoor	/	S	/	/	/	/	/	S	S	S	P	S	S	/	P	/	/	MP	/	
	Kennel, outdoor	/	S	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	MP	/	
	Veterinary clinic	/	S	/	/	/	/	/	P	S	P	P	S	S	/	/	/	/	MP	/	
Conference and Training Centers	Conference or training center	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.d
Eating Establishments	Dinner theater	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Restaurant, with indoor or outdoor seating [4]	/	/	/	/	/	S	/	S	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.e.1
	Restaurant, with drive-through service [4]	/	/	/	/	/	/	/	/	/	P	P	S	/	P	/	/	/	MP	/	30-4.C.4.e.2
	Specialty eating establishment [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	
Offices	Business services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	30-4.C.4.f
	Corporate headquarters	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Financial services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Professional services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Radio and television broadcasting studio	/	/	/	/	/	/	/	P	/	S	P	S	P	P	/	/	/	MP	/	
	Sales (including real estate)	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
Parking, Commercial	Parking lot	/	/	/	/	/	/	/	P	S	P	P	P	P	/	P	/	/	MP	/	30-4.C.4.g.1
	Parking structure	/	/	/	/	/	/	/	S	S	P	P	P	P	P	P	/	MP	MP	MP	30-4.C.4.g.2
	Parking Tractor Trailers etc.	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	/	30-4.C.4.g.3
Recreation/ Entertainment, Indoor	Commercial recreation, indoor	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Theater	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
Recreation/ Entertainment,	Arena, amphitheater, or	/	/	/	/	/	/	/	/	/	S	P	S	P	P	/	/	/	MP	/	30-4.C.4.h.1

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS
		SPECIAL		RESIDENTIAL					BUSINESS							PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC	
Outdoor	stadium																			
	Golf course, private	S	S	S	S	S	S	/	P	/	S	P	S	/	/	/	/	MP	MP	MP
	Athletic field and clubhouse	P	P	S	S	S	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP
	Golf driving range	S	S	/	/	/	/	/	P	/	P	P	/	/	/	/	/	MP	MP	MP
	Swimming pool, private	/	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP
	Swimming pool, non-profit	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP
	Tennis court	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP
	Other commercial recreation, outdoor	/	/	/	/	/	S	/	P	S	S	P	P	P	/	P	P	MP	MP	MP
Retail Sales & Services	Bar, nightclub, or cocktail lounge	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	MP	MP	MP
	Entertainment establishment	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/	MP	MP	MP
	Gasoline sales	/	/	/	/	/	/	/	/	S	P	P	S	S	/	/	/	MP	MP	MP
	Crematory	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	P	/	/	/
	Financial institution, without drive-through service [4]	/	/	/	/	/	S	/	P	P	P	P	P	P	P	/	/	MP	MP	MP
	Financial institution, with drive-through service [4]	/	/	/	/	/	/	/	P	S	P	P	P	S	P	/	/	/	MP	/
	Funeral home	/	/	/	/	/	/	/	/	/	P	P	S	P	/	/	/	/	MP	/
	Laundromat	/	/	/	/	/	S	S	/	P	P	P	P	P	/	/	/	MP	MP	MP
	Personal services establishment	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP
	Tattoo parlor/body piercing establishment	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	/	MP	/
	Repair establishment	/	/	/	/	/	/	/	/	P	P	P	P	P	/	P	/	MP	MP	MP
	Convenience store, without gas sales	/	/	/	/	/	S	/	/	P	P	P	P	P	/	/	/	MP	MP	MP
	Convenience store, with gas sales [4]	/	/	/	/	/	/	/	/	S	P	P	S	S	P	/	/	MP	MP	MP
	Drug store or pharmacy, without drive-through service [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP
	Drug store or pharmacy, with drive-through	/	/	/	/	/	/	/	/	S	P	P	P	S	P	P	/	/	MP	/

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL						BUSINESS							PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	service																				
	Flea market	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	/	/	30-4.C.4.i.6
	Grocery store	/	/	/	/	/	/	/	/	P/S	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.i.8
	Liquor store	/	/	/	/	/	/	/	/	/	P	P	P	P	/	/	/	MP	MP	MP	
	Retail sales establishment, large [4]	/	/	/	/	/	/	/	/	/	P	P	P	/	S	S	/	/	MP	/	30-4.C.4.i.11
	Electronic gaming operation	/	/	/	/	/	/	/	/	/	P	S	/	S	/	S	/	/	/	MP	30-4.C.4.i.13
	Other retail sales establishments [3], [4]	/	/	/	/	/	/	/	/	P/S	P	P	P	P	P	/	/	MP	MP	MP	
	Brewpub	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/				30-4.C.4.i.2
Self-Service Storage	Mini-warehouse	/	/	/	/	/	/	/	/	/	S	S	S	/	/	P	/	/	MP	/	30-4.C.4.j
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Automotive painting/body shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.1
	Automotive wrecker service	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.5
	Transmission shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.4.k.7
	Boat and marine rental and sales	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	
	Truck stop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
Vehicle Sales and Services, Light	Automotive parts and installation	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	/	/	/	30-4.C.4.k.2
	Automobile repair and servicing (without painting/body-work)	/	/	/	/	/	/	/	/	/	S	P	S	S	/	P	P	/	MP	/	30-4.C.4.k.3
	Automobile sales or rentals	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	/	MP	/	30-4.C.4.k.4
	Car wash or auto-detailing	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	MP	MP	MP	30-4.C.4.k.6
	Taxicab service	/	/	/	/	/	/	/	/	/	S	P	P	P	/	/	/	/	MP	/	
	Tire/muffler sales and mounting	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	30-4.C.4.k.7
Visitor Accommodations	Bed and breakfast inn	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.l.1
	Hotel or motel [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2
	Hotel or motel, extended stay [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2

Table 30-4.A.2 Use Table

P = Permitted Use S = Special Use

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS						PLANNED DEVELOPMENT						
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	Tourist Home	/	/	/	/	/	S	/	/	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.I.3	
INDUSTRIAL USE CLASSIFICATION [1]																					
Extractive Industry	All uses	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	P	/	/	/	30-4.C.5.a
Industrial Services	Building, heating, plumbing, or electrical contractor with outside storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	
	Electric motor repair	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1
	Fuel oil/bottled gas distributor	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	
	General industrial service	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
	Heavy equipment sales, rental, or storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.2
	Heavy equipment servicing and repair	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	/	/	
	Laundry, dry cleaning, and carpet cleaning plants	/	/	/	/	/	/	/	/	/	/	P	/	/	/	P	P	/	/	/	30-4.C.5.b.3
	Machine shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1
	Office-warehouse	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Repair of scientific or professional instruments	/	/	/	/	/	/	/	/	S	P	P	P	/	P	P	P	/	MP	/	30-4.C.5.b.1
	Research and development	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	/	MP	/	
Tool repair	/	/	/	/	/	/	/	/	/	/	P	P	S	P	P	P	/	/	/	30-4.C.5.b.1	
Manufacturing and Production	Manufacturing, heavy	/	/	/	/	/	/	/	/	/	/	/	/	/	P	/	P	/	MP	/	
	Manufacturing, high impact/hazardous	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	P	/	MP	/	30-4.C.5.c.1
	Manufacturing, light	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	
	Research and Technology Production	/	/	/	/	/	/	/	/	S	P	P	/	/	/	P	P	/	/	/	
	Microbrewery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2
	Microdistillery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2
Warehouse and Freight Movement	Cold storage plant	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/		
	Outdoor storage (as a principal use)	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	30-4.C.5.d.1
	Parcel services	/	/	/	/	/	/	/	/	/	/	P	/	S	/	P	P	/	MP	/	30-4.C.5.d.2

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		SPECIAL		RESIDENTIAL					BUSINESS						PLANNED DEVELOPMENT							
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN	
	Truck or freight terminal	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/		
	Warehouse (distribution)	/	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	
	Warehouse (storage)	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
Waste-Related Services	Energy recovery plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	S	/	/	/	30-4.C.5.f.1
	Hazardous waste collection sites	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	
	Incinerator	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	P	/	/	/	
	Land application of wastes	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	
	Landfill, land clearing and inert debris or construction debris	/	S	/	/	/	/	/	S	/	/	/	S	S	/	/	S	S	/	/	/	30-4.C.5.e.2
	Landfill, sanitary	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.3
	Recycling center	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.4
	Recycling drop-off center	/	/	/	/	S	S	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	30-4.C.5.e.5	
	Salvage and junkyard	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	30-4.C.5.e.6	
	Tire disposal or recycling	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/		
Waste composting	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.1	
Wholesale sales	All uses	/	/	/	/	/	/	/	/	/	/	/	S	S	/	S	P	/	/	MP	/	30-4.C.5.f

NOTES:
 [1] Some commercial, mixed-use, and industrial uses require additional separation or buffer standards or may require special use permit approval when located adjacent to or across a local street or alley from single-family residential development in accordance with Section Transitional Standards. Cottage developments may require a Neighborhood Compatibility Permit (see Section 30-2.C.21).
 [2] Individual manufactured homes located outside of a manufactured home park may only be established on lots located within the Manufactured Home Overlay district.
 [3] New construction for individual retail uses over 2,500 square feet in the NC zoning district must be approved through the Special Use Permit process.
 [4] In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses as a park or recreational facility within the BP development shall not be counted toward this commercial use or supportive use limitation. Restaurants with drive-thru service and Convenience Stores with gas sales and drive-thru service shall be limited to the periphery of the BP and within the greater of 1500 feet from an interstate centerline or 1250 feet from the nearest access road to that interstate. All other commercial uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Commercial, Office and Mixed Use Design Standards.

(Ord. No. S2011-008, §§ 7, 12.2a, 7-25-2011; Ord. No. S2011-013, §§ 1.5, 1.8, 2.2a, 8.3, 11-28-2011; Ord. No. S2011-014, § 3, 11-28-2011; Ord. No. S2012-001, § 5.1, 1-23-2012; Ord. No. S2012-011, § 1, 5-29-2012; Ord. No. S2012-024, §§ 5—7, 11-13-2012; Ord. No. S2012-025, § 16, 11-13-2012; Ord. No. S2013-002, § 11, 2-11-2013; Ord. No. S2014-002, § 2, 3a, 5b, 1-13-2014; Ord. No. S2014-012, § 2, 8-11-2014; Ord. S2014-015, §§ 2b, 4, 8-11-2014; Ord. S2016-007, § 2, 6-27-2016; Ord. S2017-004, § 1a-c, 6-26-2017)

Effective on: 6/26/2017

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-981

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.03

TO: Mayor and Members of City Council

THRU: Kristoff T. Bauer, ICMA-CM - Deputy City Manager
Dr. Gerald A. Newton, AICP - Development Services Director
Taurus Freeman, Planning & Zoning Divisional Manager

FROM: Sharon D. Williams, AICP - Senior Planner

DATE: September 23, 2019

RE:

P19-34F. A request to rezone a parcel from Single-Family 10 (SF-10) to Limited Commercial (LC), at 7502 Telfair Dr, located at the intersection of Reilly and Telfair Roads, (Tax Map # 9499-60-5053), containing 0.56± acre and being the property of Wallis & Rose Waller.

COUNCIL DISTRICT(S):

4 - D. J. Haire

Relationship To Strategic Plan:

2024 Goals, Goal II: Diverse and Viable Economy is achieved through the redevelopment of an unused parcel to encourage business growth.

Executive Summary:

This property is currently developed with an unoccupied single-family dwelling. The owner is requesting to rezone the property from Single-Family 10 (SF-10) to Limited Commercial (LC) in order to allow for future commercial development.

On August 13, 2019, the Zoning Commission recommend approval of the Rezoning (5-0).

Background:

This proposal would rezone 0.56± acres from residential in order to allow the property owner to market the property for a future commercial development.

Applicant: Wallis & Rose Waller
Owner: Wallis & Rose Waller
Requested Action: Rezoning from Single-Family 10 (SF-10) to Limited Commercial (LC)
Property Address: 7502 Telfair Drive
Council District: 4 - D. J. Haire
Status of Property: Single-Family Dwelling, Unoccupied
Size: 0.56± acre

Adjoining Zoning and Land Use:

North: Limited Commercial (LC) - barbershop and picture frame shop

South: Single-Family Residential 10 (SF-10) - church

East: Limited Commercial (LC) - daycare, motorcycle shop and plaque & frame shop

West: Single-Family Residential 10 (SF-10) - single-family dwellings

Traffic Count: N. Reilly Rd 24,000 AADT (2017)

Telfair Road 500 AADT (2019 estimate)

Letters Mailed: 35

2010 Land Use Plan:

The 2010 Land Use Plan recommends Light Commercial for this area. Light commercial development caters to the ordinary needs within the immediate neighborhood, placing an emphasis on convenience goods. According to the 2010 Land Use Plan Map, these types of development are primarily located adjacent to arterial streets and are generally surrounded by residential development.

2030 Growth Vision Plan:

Policy 1.1: The rehabilitation and reuse of currently unused or underutilized structures, sites and infrastructure shall be encouraged.

Additional Reviews:

Prior to renovations and/or any demolition, the developer would need to obtain any necessary studies and/or permits prior to the approval of any project. Any proposed development would also need to comply with North Carolina Department of Transportation (NCDOT) requirements.

Issues/Analysis:

The subject property is at the intersection of Telfair Drive and N. Reilly Road, in the City of Fayetteville. It lies within a corridor that has a mix of commercial and residential uses. This portion of N. Reilly Road seems to be transitioning from traditional residential use. Many of the houses fronting on N. Reilly have been converted for business uses.

This parcel is currently developed with a two-story single-family dwelling that is unoccupied. The properties to the north are single-family dwellings and converted ranch houses that are used for beauty salons and barber shops. The property to the south is a mega church known as Village Baptist Church, which also offers daycare during the week

and a food pantry. The properties to the east, across N. Reilly Rd include a daycare, motorcycle shop and framer. The properties to the west are single-family residential.

Land within the city is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

Map Amendment/Straight Rezoning:

The applicant is requesting to rezone the subject property from Single-Family 10 (SF-10) to Limited Commercial (LC) in order to develop the property for future commercial uses. The intent of the Limited Commercial (LC) District is “to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhood; e.g., grocery stores, drugstores, large restaurants, gas stations, and higher order retail uses like specialty stores,” as stated in the UDO.

The reclassification of land to a straight zoning district allows all of the commercial uses shown on the attached Use Table taken from the UDO. City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, or other regulatory restrictions not generally applicable to development within the LC zoning classification.

Land Use Plan Analysis:

This property is subject to the 2010 Land Use Plan, which recommends Light Commercial for this area. Light commercial development caters to the ordinary needs within the immediate neighborhood, placing an emphasis on convenience good.

Planning Staff recommends APPROVAL of the map amendment to Limited Commercial (LC) based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance. This district type is intended to accommodate the use;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property;
- This proposed change is in accordance with the existing and proposed plans for the area; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Zoning Commission Meeting:

At its August 13, 2019 meeting, the Zoning Commission recommend approval of the Rezoning (5-0).

Budget Impact:

There is not an immediate budgetary impact due to this rezoning

Options:

1. Approval of the map amendment/rezoning to Limited Commercial (LC) as presented by the Planning Staff (recommended).
2. Any action differing from that recommended by the Planning Commission and agreed to by the Applicant would require a public hearing before that action is taken. If Council would like to consider:
 - a. Approval of a more restrictive map amendment/rezoning; or
 - b. Denial of the rezone request;

Then the appropriate action would be to remove this item from the consent agenda and set it for a Public Hearing on October 14, 2019.

Recommended Action:

The Zoning Commission recommends APPROVAL of the rezoning to Limited Commercial (LC), as presented.

This recommendation is based on the requested rezone being consistent with applicable plans because: 1) the City's Unified Development Ordinance supports commercial development in this area; 2) that the uses near this property are commercial uses which are compatible with the proposed zoning; and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning does fit with the character of most of the development in this area

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Site Survey
6. Site Photo
7. UDO Table of Uses

Project Overview

Project Title: 7502 Telfair Drive	Jurisdiction: City of Fayetteville
Application Type: 5.1) Rezoning (Map Amendment)	State: NC
Workflow: Staff Review	County: Cumberland

Project Location

Project Address or PIN: 7502 TELFAIR DR (9499-60-5053-)

GIS Verified Data

Property Owner: Parcel	Acreage: Parcel
<ul style="list-style-type: none"> 7502 TELFAIR DR: WALLER, WALLIS E & WIFE ROSEMO 	<ul style="list-style-type: none"> 7502 TELFAIR DR: 0.56000000000000005
Zoning District: Zoning District	Subdivision Name: Parcel
<ul style="list-style-type: none"> 7502 TELFAIR DR: SF-10 	<ul style="list-style-type: none"> 7502 TELFAIR DR: NOT APPLICABLE

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No	Previous Amendment Approval Date:
Previous Amendment Case #:	Proposed Zoning District: Reilly Road
Acreage to be Rezoned: 0.56	Is this application related to an annexation?: No
Water Service: Public	Sewer Service: Public
A) Please describe all existing uses of the land and existing structures on the site, if any: Single Family Residential House Detached Single Garage with Storage	B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: All properties adjacent to subject site is zoned commercial.

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

- A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:** This property aligns with the current and proposed future planning of the Fayetteville City Planning Board.
- B) Are there changed conditions that require an amendment? :** Current residential zoning needs to be changed to commercial zoning.
- C) State the extent to which the proposed amendment addresses a demonstrated community need.:** Creates more available commercial properties along the Reilly Road corridor.
- D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:** All properties surrounding the subject site is already zoned commercial.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: It is consistent with the Reilly Road corridor.

F) State the extent to which the proposed amendment might encourage premature development.: This subject site is overdue for rezoning to commercial from residential.

G) State the extent to which the proposed amendment results in strip-style commercial development.: Not sure.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: This would not create an isolated zoning district.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: There will be no adverse impacts on the property values of surrounding lands.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: This proposed amendment will not result in significant adverse impact on the natural environment.

Primary Contact Information

Project Contact - Agent/Representative

Wallis & Rose Waller

7622 Lane Road
Linden, NC 28356

P:910-864-0532

newhomesinc@gmail.com

Indicate which of the following project contacts should be included on this project:

Property Owner

Wallis & Rose Waller

7622 Lane Road
Linden, NC 28356

P:910-864-0532

newhomesinc@gmail.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Aerial Notification Map

Zoning Commission:
08/13/2019

Case #: P19-34F

Request:
Rezoning
(Map Amendment)

Location:
7502 Telfair Dr

Pin:
9499-60-5053

Acreage:
0.56 Acres

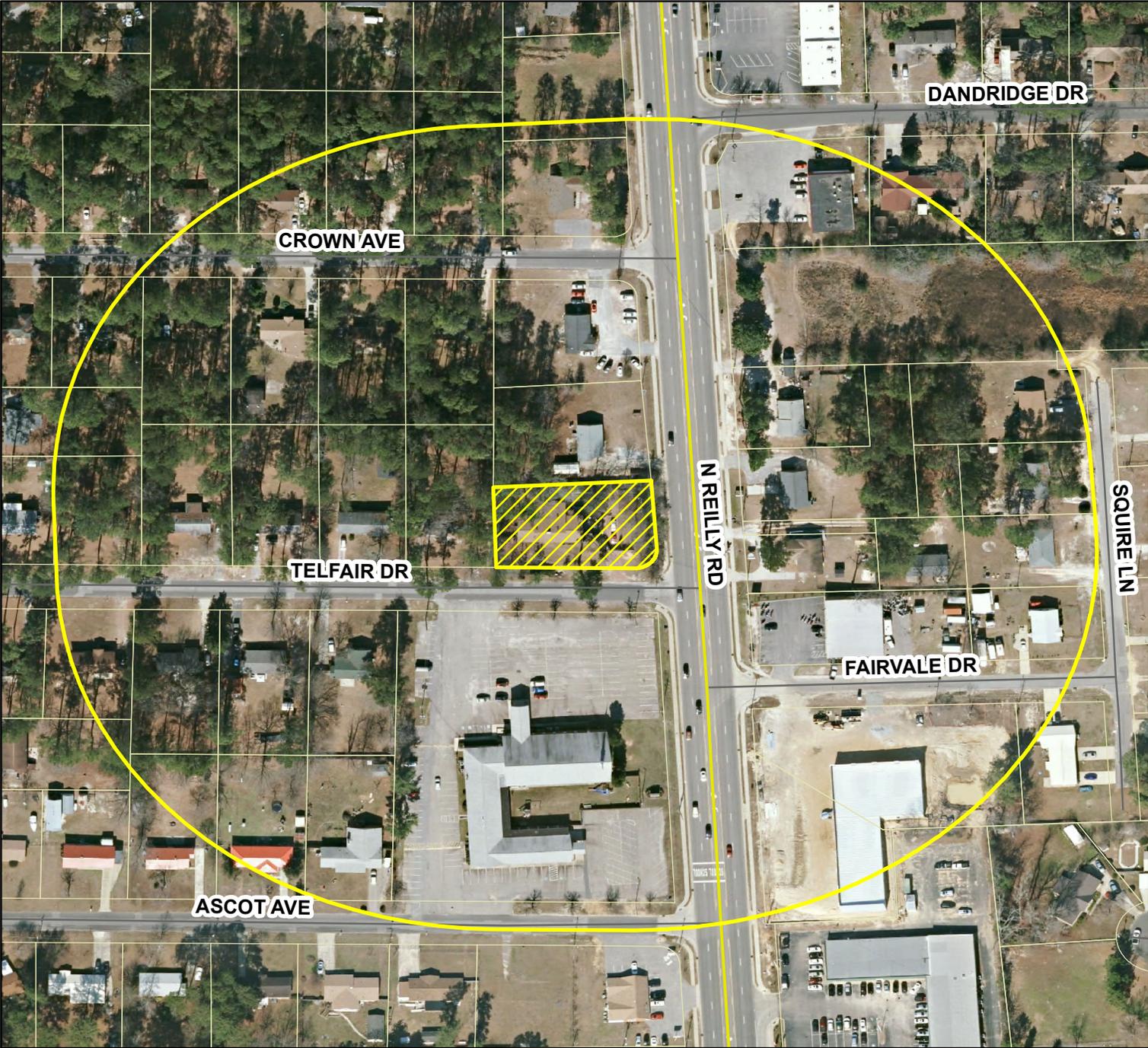


Legend

-  P19-34F Buffer
-  P19-34F
-  Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.



Zoning Map

Zoning Commission:
08/13/2019

Case #: P19-34F

Request:
Rezoning
(Map Amendment)

Location:
7502 Telfair Dr

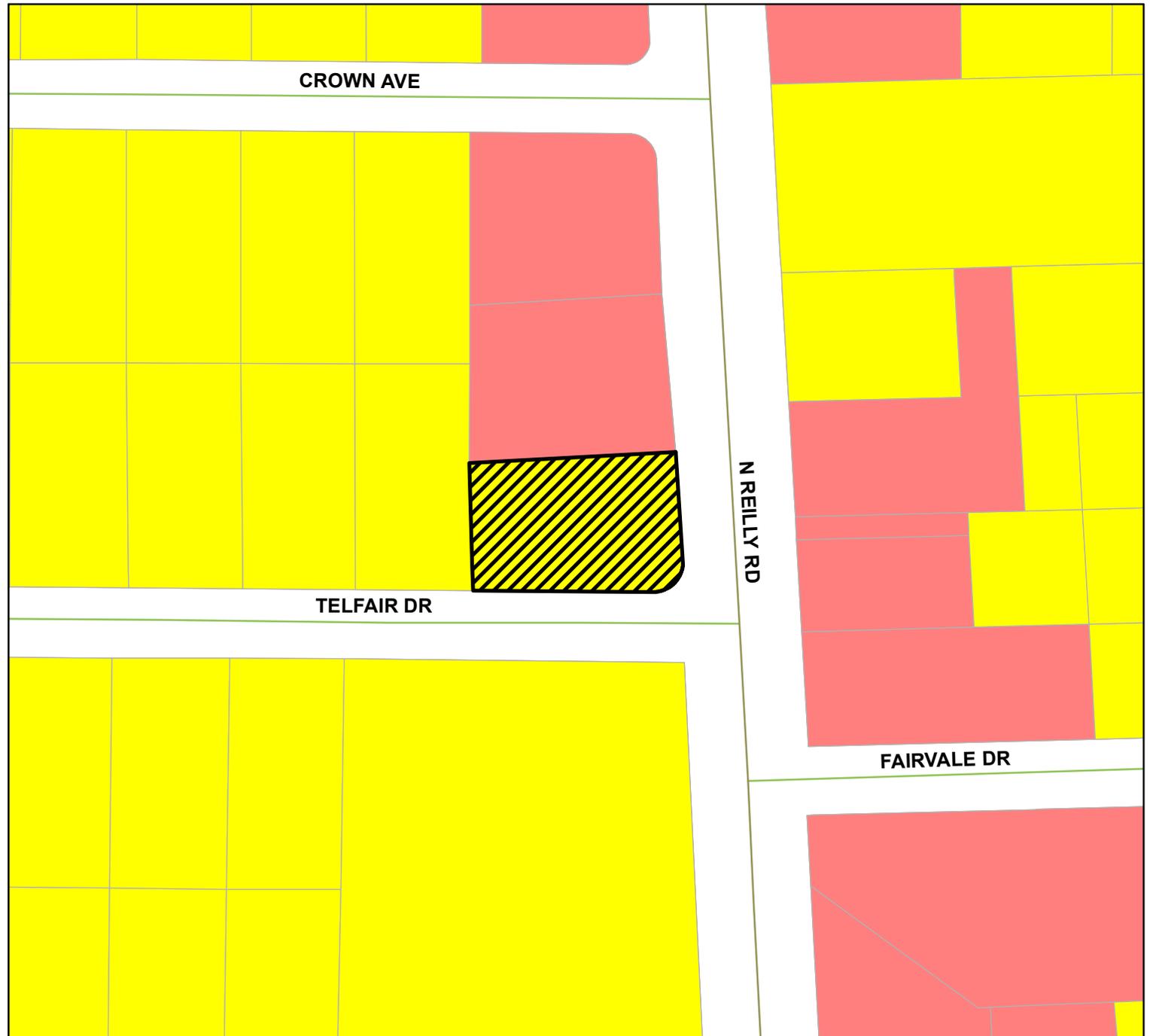
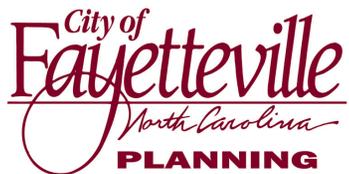
Pin:
9499-60-5053

Acreage:
0.56 Acres



Legend

-  P19-34F
-  LC - Limited Commercial
-  SF-10 - Single-Family Residential 10



Land Use Map

Zoning Commission:
08/13/2019

Case #: P19-34F

Request:
Rezoning
(Map Amendment)

Location:
7502 Telfair Dr

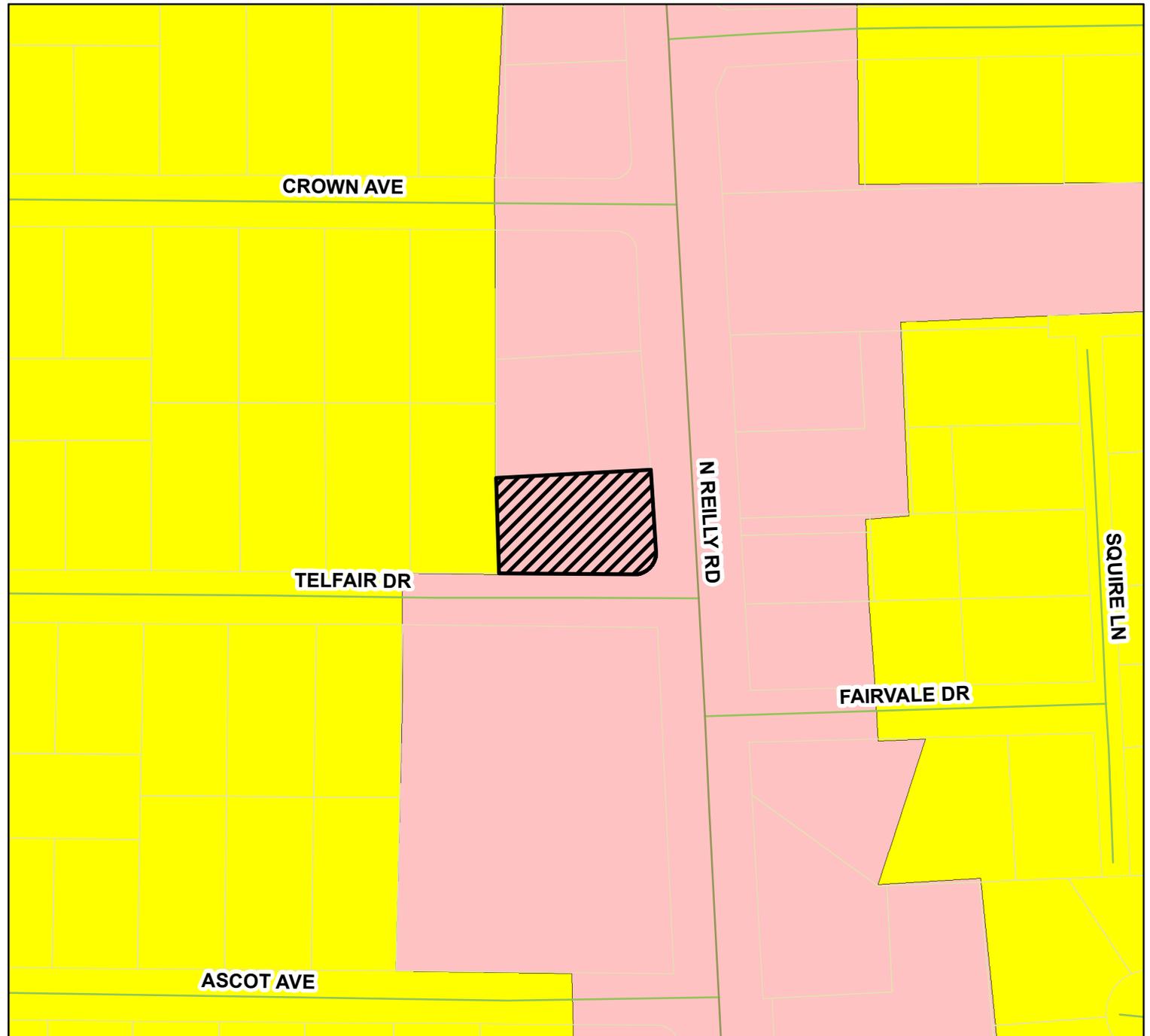
Pin:
9499-60-5053

Acreage:
0.56 Acres



Legend

-  P19-34F
-  Low Density Residential
-  Light Commercial



95

WALTER C. MOORMAN certify that the above was taken from an actual survey made by me (detailed description recorded in Book _____ Page _____); that the error of closure as calculated by bearings and distances is _____ feet; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____; that this map was prepared in accordance with the laws of North Carolina, and that I am a duly Licensed Professional Surveyor in the State of North Carolina, my commission expires _____.

Witness my hand and seal this _____ day of _____, 1963.

Walter C. Moorman
Reg. Engr. 2452

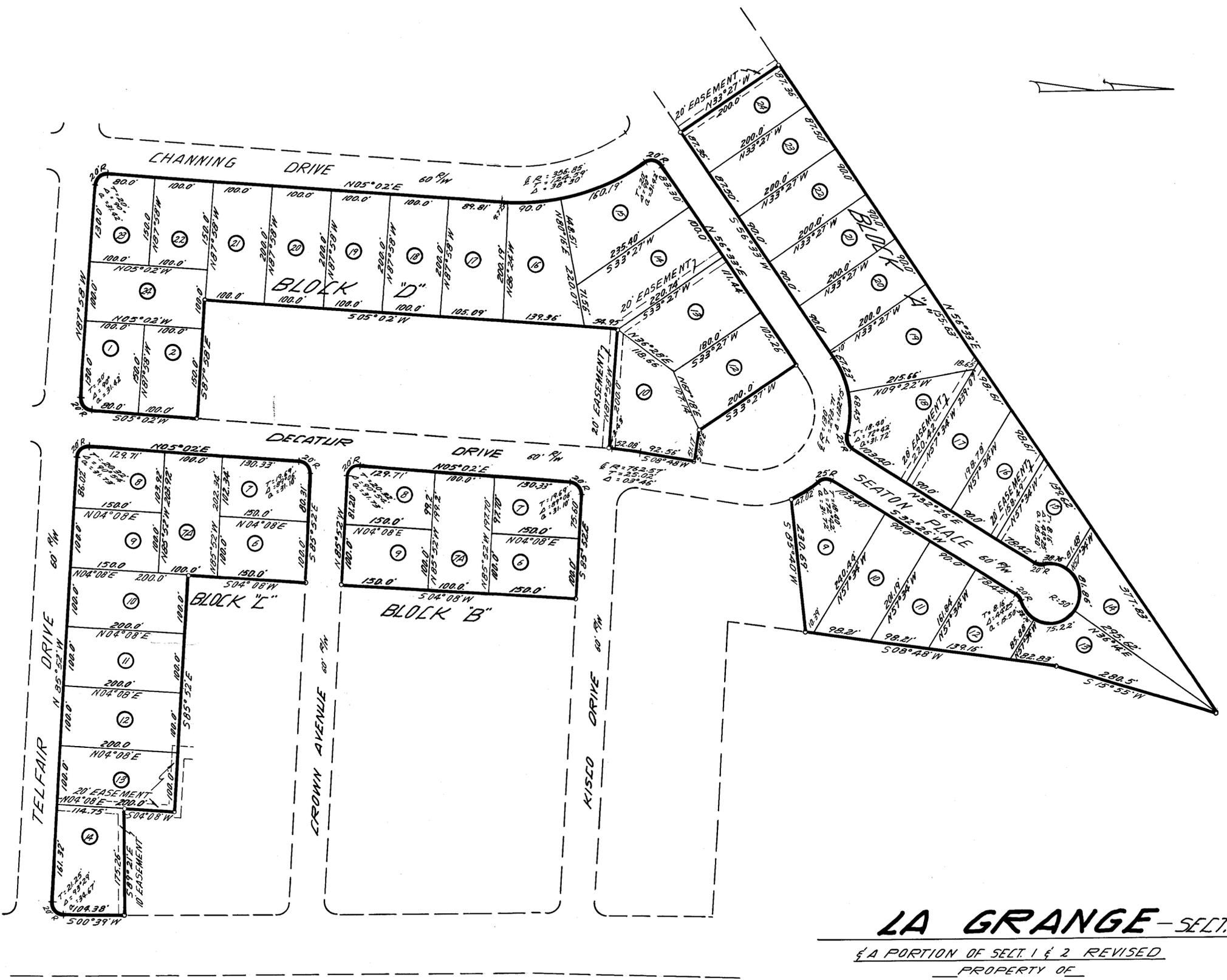
Gloria J. Kieffer
Notary Public

Know all men by these presents, that _____ hereby acknowledge this plan and allotment to be _____ from and deal and that _____ do hereby dedicate to public use as _____ EASEMENTS all areas so shown or indicated on said plan.

[Signature]
OWNER

NORTH CAROLINA CUMBERLAND COUNTY
The foregoing certificate of _____ a Notary Public of _____ County is adjudged to be correct. Let the instrument with certificate be registered. This _____ day of _____, 1963.
Clerk of Superior Court.

Marion A. ...



LA GRANGE - SECT. 3

§ A PORTION OF SECT. 1 & 2 REVISED

PROPERTY OF
D. P. BRITON

71ST TSP. - CUMBERLAND CO., N.C.
SCALE 1" = 100' - SEP, 1963

MOORMAN & LITTLE, INC.
FAYETTEVILLE, N.C.

Book-27-P 56

Subject property at Corner of Telfair Drive and N. Reilly Road



Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS							PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	homes)																				
Group Living	Dormitory	/	/	/	/	/	S	/	P	/	P	/	P	P	/	/	/	MP	MP	MP	30-4.C.2.b.1
	Therapeutic home	/	P	P	P	P	P	P	P	P	S	/	P	S	/	/	/	MP	MP	MP	30-4.C.2.b.5
	Fraternity or sorority house	/	/	/	/	/	S	/	P	/	P	/	P	/	/	/	/	MP	MP	MP	
	Group home, Large	/	/	/	/	S	/	/	S	S	S	S	S	S	/	/	/	MP	/	MP	30-4.C.2.b.2
	Group home, Small	/	/	P	P	P	P	P	P	P	S	P	P	S	/	/	/	MP		MP	30-4.C.2.b.3
	Rooming or boarding house	/	/	/	/	S	P	/	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.2.b.4
	Transitional housing									S	S	S	S	S	S	/					30-4.C.2.b.6
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION																					
Community Services	Community center	S	P	S	S	P	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cultural facility	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Library	/	/	S	S	S	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Museum	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Senior center	/	/	/	/	S	P	/	/	P	P	P	S	P	/	/	/	MP	MP	MP	
	Youth club facility	/	/	/	/	S	P	/	/	S	P	P	P	P	/	/	/	MP	/	MP	
Day Care	Adult day care center	/	/	S	S	S	S	S	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Child care center	/	/	S	S	S	S	S	P	P	P	P	P	P	S	/	/	MP	MP	MP	30-4.C.3.a
Educational Facilities	College or university	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	School, elementary	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b
	School, middle	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b
	School, high	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b
	Vocational or trade school	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.b
Governmental facilities	Government maintenance, storage, or distribution facility	/	S	/	/	S	S	/	S	S	S	P	S	P	P	P	/	MP	/		
	Government office	/	/	/	/	S	S	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Post office	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP	
Health Care Facilities	Blood/tissue collection facility	/	/	/	/	/	/	/	/	/	/	P	/	P	/	P	/	/	MP	MP	
	Drug or alcohol treatment facility	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	MP	MP	MP	30-4.C.3.c.3
	Hospital	/	/	/	/	/	/	/	P	/	/	P	P	S	/	P	/	/	MP	/	30-4.C.3.c.1
	Medical or dental clinic [3]	/	/	/	/	/	/	/	P	P	P	P	P	P	S	P	/	MP	MP	MP	
	Medical or dental lab	/	/	/	/	/	/	/	P	/	P	/	P	P	P	P	/	/	MP	/	(Reserved)

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS							PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	Medical treatment facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	30-4.C.3.c.2
	Outpatient facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	
Institutions	Assisted living facility	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Auditorium	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.d.1
	Club or lodge	/	/	/	/	/	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Convention center	/	/	/	/	/	/	/	P	/	/	P	P	P	/	/	/	/	MP	/	30-4.C.3.d.1
	Halfway house	/	/	/	/	/	S	/	S	/	S	S	S	S	/	/	/	MP	/	MP	30-4.C.3.d.2
	Nursing home	/	/	/	/	S	S	/	P	P	P	P	P	S	/	/	/	MP	MP	MP	
	Psychiatric treatment facility	/	/	/	/	/	/	/	S	/	S	S	/	/	/	/	/	/	MP	/	
	Religious institution	/	P/S	P/S	P/S	P/S	P	P	P	P	P	P	P	P	/	P	P	MP	MP	MP	30-4.C.3.g
Parks and Open Areas	Arboretum or botanical garden	P	P	P	P	P	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cemetery	S	S	S	S	S	S	/	S	S	S	P	P	S	/	/	/	/	/	/	30-4.C.3.e.1
	Columbaria, mausoleum	P	P	P	P	P	P	/	P	P	P	P	P	P	/	/	/	/	/	/	
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Golf course, public	S	P	P	P	S	P	/	P	/	P	P	P	/	/	/	/	MP	MP	MP	
	Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Public square or plaza	/	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
Public Safety	Correctional facility	/	S	/	/	/	/	/	/	/	/	/	/	S	/	S	P	/	/	/	30-4.C.3.f.1
	Fire or EMS facility	/	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police substation	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police station	/	P	S	S	S	P	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	
Transportation/Communication	Airport	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	MP	/	
	Helicopter landing facility	/	/	/	/	/	/	/	S	/	S	S	S	S	P	/	/	/	MP	/	30-4.C.3.h.1
	Passenger terminal, surface transportation	/	/	/	/	/	S	/	P	S	P	P	P	P	P	P	P	MP	MP	MP	
	Small Wireless Facilities	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.7
	Telecommunications antenna, collocation on existing tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1
	Telecommunications antenna, placement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
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USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS						PLANNED DEVELOPMENT						
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	on existing building																				
	Telecommunications tower, freestanding	/	S	S	S	S	S	/	S	S	S	S	S	/	S	S	S	MP	MP	MP	30-4.C.3.i.1
	Utility, major	/	S	S	S	S	S	/	S	S	S	P	S	S	P	P	P	/	MP	/	30-4.C.3.j.2
	Utility, minor	S	P	P	P	P	P	P	P	P	/	P	P	P	P	P	P	MP	MP	MP	
COMMERCIAL USE CLASSIFICATION [1]																					
Adult Entertainment	Adult entertainment	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.a
Animal Care	Animal grooming	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.b
	Animal shelter	/	S	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
	Kennel, indoor	/	S	/	/	/	/	/	S	S	S	P	S	S	/	P	/	/	MP	/	
	Kennel, outdoor	/	S	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	MP	/	
	Veterinary clinic	/	S	/	/	/	/	/	P	S	P	P	S	S	/	/	/	/	MP	/	
Conference and Training Centers	Conference or training center	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.d
Eating Establishments	Dinner theater	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Restaurant, with indoor or outdoor seating [4]	/	/	/	/	/	S	/	S	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.e.1
	Restaurant, with drive-through service [4]	/	/	/	/	/	/	/	/	/	P	P	S	/	P	/	/	/	MP	/	30-4.C.4.e.2
	Specialty eating establishment [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	
Offices	Business services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	30-4.C.4.f
	Corporate headquarters	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Financial services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Professional services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Radio and television broadcasting studio	/	/	/	/	/	/	/	P	/	S	P	S	P	P	/	/	/	MP	/	
	Sales (including real estate)	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
Parking, Commercial	Parking lot	/	/	/	/	/	/	/	P	S	P	P	P	P	/	P	/	/	MP	/	30-4.C.4.g.1
	Parking structure	/	/	/	/	/	/	/	S	S	P	P	P	P	P	P	/	MP	MP	MP	30-4.C.4.g.2
	Parking Tractor Trailers etc.	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	/	30-4.C.4.g.3
Recreation/ Entertainment, Indoor	Commercial recreation, indoor	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Theater	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
Recreation/ Entertainment,	Arena, amphitheater, or	/	/	/	/	/	/	/	/	/	S	P	S	P	P	/	/	/	MP	/	30-4.C.4.h.1

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS
		SPECIAL		RESIDENTIAL					BUSINESS							PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC	
Outdoor	stadium																			
	Golf course, private	S	S	S	S	S	S	/	P	/	S	P	S	/	/	/	/	MP	MP	MP
	Athletic field and clubhouse	P	P	S	S	S	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP
	Golf driving range	S	S	/	/	/	/	/	P	/	P	P	/	/	/	/	/	MP	MP	MP
	Swimming pool, private	/	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP
	Swimming pool, non-profit	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP
	Tennis court	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP
	Other commercial recreation, outdoor	/	/	/	/	/	S	/	P	S	S	P	P	P	/	P	P	MP	MP	MP
Retail Sales & Services	Bar, nightclub, or cocktail lounge	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	MP	MP	MP
	Entertainment establishment	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/	MP	MP	MP
	Gasoline sales	/	/	/	/	/	/	/	/	S	P	P	S	S	/	/	/	MP	MP	MP
	Crematory	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	P	/	/	/
	Financial institution, without drive-through service [4]	/	/	/	/	/	S	/	P	P	P	P	P	P	P	/	/	MP	MP	MP
	Financial institution, with drive-through service [4]	/	/	/	/	/	/	/	P	S	P	P	P	S	P	/	/	/	MP	/
	Funeral home	/	/	/	/	/	/	/	/	/	P	P	S	P	/	/	/	/	MP	/
	Laundromat	/	/	/	/	/	S	S	/	P	P	P	P	P	/	/	/	MP	MP	MP
	Personal services establishment	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP
	Tattoo parlor/body piercing establishment	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	/	MP	/
	Repair establishment	/	/	/	/	/	/	/	/	P	P	P	P	P	/	P	/	MP	MP	MP
	Convenience store, without gas sales	/	/	/	/	/	S	/	/	P	P	P	P	P	/	/	/	MP	MP	MP
	Convenience store, with gas sales [4]	/	/	/	/	/	/	/	/	S	P	P	S	S	P	/	/	MP	MP	MP
	Drug store or pharmacy, without drive-through service [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP
Drug store or pharmacy, with drive-through	/	/	/	/	/	/	/	/	S	P	P	P	S	P	P	/	/	MP	/	

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		SPECIAL		RESIDENTIAL						BUSINESS						PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC	
	service																			
	Flea market	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	/	/
	Grocery store	/	/	/	/	/	/	/	/	P/S	P	P	P	P	/	/	/	MP	MP	MP
	Liquor store	/	/	/	/	/	/	/	/	/	P	P	P	P	/	/	/	MP	MP	MP
	Retail sales establishment, large [4]	/	/	/	/	/	/	/	/	/	P	P	P	/	S	S	/	/	MP	/
	Electronic gaming operation	/	/	/	/	/	/	/	/	/	P	S	/	S	/	S	/	/	/	MP
	Other retail sales establishments [3], [4]	/	/	/	/	/	/	/	/	P/S	P	P	P	P	P	/	/	MP	MP	MP
	Brewpub	/	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/		
Self-Service Storage	Mini-warehouse	/	/	/	/	/	/	/	/	/	S	S	S	/	/	P	/	/	MP	/
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/
	Automotive painting/body shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/
	Automotive wrecker service	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/
	Transmission shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/
	Boat and marine rental and sales	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/
	Truck stop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/
Vehicle Sales and Services, Light	Automotive parts and installation	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	/	/	/
	Automobile repair and servicing (without painting/body-work)	/	/	/	/	/	/	/	/	/	S	P	S	S	/	P	P	/	MP	/
	Automobile sales or rentals	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	/	MP	/
	Car wash or auto-detailing	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	MP	MP	MP
	Taxicab service	/	/	/	/	/	/	/	/	/	S	P	P	P	/	/	/	/	MP	/
	Tire/muffler sales and mounting	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/
Visitor Accommodations	Bed and breakfast inn	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP
	Hotel or motel [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/
	Hotel or motel, extended stay [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/

Table 30-4.A.2 Use Table

P = Permitted Use S = Special Use

MP = Allowed Subject to a Planned Development Master Plan

"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS						PLANNED DEVELOPMENT						
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	Tourist Home	/	/	/	/	/	S	/	/	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.I.3	
INDUSTRIAL USE CLASSIFICATION [1]																					
Extractive Industry	All uses	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	P	/	/	/	30-4.C.5.a
Industrial Services	Building, heating, plumbing, or electrical contractor with outside storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	
	Electric motor repair	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1
	Fuel oil/bottled gas distributor	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	
	General industrial service	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
	Heavy equipment sales, rental, or storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.2
	Heavy equipment servicing and repair	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	/	/	
	Laundry, dry cleaning, and carpet cleaning plants	/	/	/	/	/	/	/	/	/	/	P	/	/	/	P	P	/	/	/	30-4.C.5.b.3
	Machine shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1
	Office-warehouse	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Repair of scientific or professional instruments	/	/	/	/	/	/	/	/	S	P	P	P	/	P	P	P	/	MP	/	30-4.C.5.b.1
	Research and development	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	/	MP	/	
Tool repair	/	/	/	/	/	/	/	/	/	/	P	P	S	P	P	P	/	/	/	30-4.C.5.b.1	
Manufacturing and Production	Manufacturing, heavy	/	/	/	/	/	/	/	/	/	/	/	/	/	P	/	P	/	MP	/	
	Manufacturing, high impact/hazardous	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	P	/	MP	/	30-4.C.5.c.1
	Manufacturing, light	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	
	Research and Technology Production	/	/	/	/	/	/	/	/	S	P	P	/	/	/	P	P	/	/	/	
	Microbrewery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2
	Microdistillery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2
Warehouse and Freight Movement	Cold storage plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Outdoor storage (as a principal use)	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	30-4.C.5.d.1
	Parcel services	/	/	/	/	/	/	/	/	/	/	P	/	S	/	P	P	/	MP	/	30-4.C.5.d.2

Table 30-4.A.2 Use Table

P = Permitted Use S = Special Use

MP = Allowed Subject to a Planned Development Master Plan

"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL					BUSINESS						PLANNED DEVELOPMENT							
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN	
	Truck or freight terminal	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/		
	Warehouse (distribution)	/	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	
	Warehouse (storage)	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
Waste-Related Services	Energy recovery plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	S	/	/	/	30-4.C.5.f.1
	Hazardous waste collection sites	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	
	Incinerator	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	P	/	/	/	
	Land application of wastes	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	
	Landfill, land clearing and inert debris or construction debris	/	S	/	/	/	/	/	S	/	/	/	S	S	/	/	S	S	/	/	/	30-4.C.5.e.2
	Landfill, sanitary	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.3
	Recycling center	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.4
	Recycling drop-off center	/	/	/	/	S	S	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	30-4.C.5.e.5	
	Salvage and junkyard	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	30-4.C.5.e.6	
	Tire disposal or recycling	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/		
Waste composting	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.1	
Wholesale sales	All uses	/	/	/	/	/	/	/	/	/	/	S	S	/	S	P	/	/	MP	/	30-4.C.5.f	

NOTES:
 [1] Some commercial, mixed-use, and industrial uses require additional separation or buffer standards or may require special use permit approval when located adjacent to or across a local street or alley from single-family residential development in accordance with Section Transitional Standards. Cottage developments may require a Neighborhood Compatibility Permit (see Section 30-2.C.21).
 [2] Individual manufactured homes located outside of a manufactured home park may only be established on lots located within the Manufactured Home Overlay district.
 [3] New construction for individual retail uses over 2,500 square feet in the NC zoning district must be approved through the Special Use Permit process.
 [4] In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses as a park or recreational facility within the BP development shall not be counted toward this commercial use or supportive use limitation. Restaurants with drive-thru service and Convenience Stores with gas sales and drive-thru service shall be limited to the periphery of the BP and within the greater of 1500 feet from an interstate centerline or 1250 feet from the nearest access road to that interstate. All other commercial uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Commercial, Office and Mixed Use Design Standards.

(Ord. No. S2011-008, §§ 7, 12.2a, 7-25-2011; Ord. No. S2011-013, §§ 1.5, 1.8, 2.2a, 8.3, 11-28-2011; Ord. No. S2011-014, § 3, 11-28-2011; Ord. No. S2012-001, § 5.1, 1-23-2012; Ord. No. S2012-011, § 1, 5-29-2012; Ord. No. S2012-024, §§ 5—7, 11-13-2012; Ord. No. S2012-025, § 16, 11-13-2012; Ord. No. S2013-002, § 11, 2-11-2013; Ord. No. S2014-002, § 2, 3a, 5b, 1-13-2014; Ord. No. S2014-012, § 2, 8-11-2014; Ord. S2014-015, §§ 2b, 4, 8-11-2014; Ord. S2016-007, § 2, 6-27-2016; Ord. S2017-004, § 1a-c, 6-26-2017)

Effective on: 6/26/2017

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1014

Agenda Date: 9/23/2019

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.04

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, ICMA-CM - Deputy City Manager
Dr. Gerald Newton, AICP - Development Services Director
Taurus Freeman - Planning & Zoning Divisional Manager

FROM: Terri Lynn Hale - Senior Planner

DATE: September 23, 2019

RE:

P19-35F. Rezoning of property from Single-Family Residential - 6 (SF-6) to Mixed Residential - 5 (MR-5), located at 6069 Lunar Drive (Tax Map #0407-60-0663), containing 1.94 ± acres, at the intersection of Lunar Drive and Wildwood Drive; being the property of Jason Miller and Natasha Vogt, Trustees, represented by Chris Young.

COUNCIL DISTRICT(S):

7 - Larry Wright

Relationship To Strategic Plan:

2025 Goals, Goal IV: Desirable Place to Live, Work, and Recreate.

2030 Growth Vision Plan:

Policy 8.4: Area AFFORDABLE HOUSING needs shall be met through an array of rental and home ownership options including apartments, townhouses, granny flats, carriage houses (garage apartments), single family site built homes, accessory living units, and manufactured homes.

Policy 10.10: The placement of UTILITY WIRES UNDERGROUND shall be required in all new public and private developments. Existing overhead utilities should be relocated to underground locations when redevelopment or new construction affords the opportunity and where high visibility justifies the cost.

Executive Summary:

The applicant, Chris Young, has submitted a request to rezone a nonconforming property that is currently zoned Single-Family Residential - 6 (SF-6) to Mixed Residential - 5 (MR-5). The applicants would like to bring the development into conformity, as well as prepare for any possible development in the future, which the Mixed Residential - 5

(MR-5) allows by right.

On August 13, 2019, the Zoning Commission voted unanimously to approve this rezoning, (5-0).

Background:

The subject property is located south of Raeford Road, on the east side of the intersection of Wildwood Drive and Lunar Drive. The parcel is 1.94 acres ± and developed with six duplexes arranged around a horseshoe-shaped drive. The brick duplexes were built circa 1963. Each unit is approximately 600 square feet with approximately 7,200 square feet of living space.

The site was developed according to Cumberland County standards, and was zoned R6-A Residential District. Upon annexation into the City of Fayetteville on September 30, 2005, it was given the corresponding zoning designation of SF-6, creating a legal non-conformity.

Applicant: Chris Young

Owner: Jason Miller and Natasha Vogt, Trustees

Requested Action: Rezoning from SF-6 to MR-5

Property Address: 6069 Lunar Drive

Council District: 7- Larry Wright

Status of Property: Residential Duplexes

Size: 1.94 acres ±

Adjoining Land Use & Zoning:

- North: LC - Commercial
- South: SF-6 - Residential
- West: SF-6 & MR-5 - Residential & Commercial
- East: LC - Commercial

Traffic Count: 1,500 on Wildwood Drive (estimated)

50,000 on Raeford Road AADT, 2017

Letters Mailed: 65

Issues/Analysis:

The subject property is located south of Raeford Road, on the east side of the intersection of Wildwood Drive and Lunar Drive. Currently, there are six brick duplexes located on the parcel. According to Cumberland County tax records, the parcel was purchased by the current owners in August of 2018. The site is currently legal non-conforming. It was zoned Single - Family Residential - 6 (SF- 6) when annexed in 2005, based upon the original Cumberland County zoning R6-A Residential District. The County R6-A Residential District zoning class allows multi-family dwellings by right, whereas the City of Fayetteville Single-Family Residential - 6 (SF- 6) requires a Special Use Permit (SUP) for multi-family dwellings. The applicants would like to bring the development into conformity, as well as prepare for any possible development in the future, which the Mixed Residential - 5 (MR-5) allows.

The area is a blend of residential and commercial. Zoning north of the site is Limited Commercial (LC). Commercial developments facing Raeford Road consist of a U-Haul rental facility, Raeford Corner strip mall and a Family Dollar store. East of the property is an undeveloped tract where Beaver Creek flows and is also zoned Limited Commercial (LC). To the south is Single-Family Residential - 6 (SF-6), which is the Lafayette Plantation Mobile Home Park; to the west is Mixed Residential - 5 (MR-5) with single family housing and Eagle Nest apartments facing Rulnick Street.

The Mixed Residential - 5 (MR-5) district is “established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of the UDO.”

An MR-5 zoning would be an ideal buffer for this area, providing diverse housing and accommodating a wide variety of housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings and other residential development that may include single-family attached dwelling.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

The current owners have begun renovations on the duplexes, to meet current building code and create long- and short- term rental options. In addition to the interior renovations, the owners contracted with Fayetteville Public Works Commission (PWC) provide sewer to the site. They have connected to PWC water and done away with the community well formerly supplying the property. The owners have also contracted with PWC to remove overhead power lines and poles as well as replaced them with underground electric, upgraded to 200 amps. There will be new light poles, cable and internet cables (underground) for future residents.

The request is for a straight rezoning from the Single Family Residential - 6 (SF-6) to Mixed Residential - 5 (MR-5).

The purpose of the MR-5 zoning district is “established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance.”

Budget Impact:

There is not an immediate budgetary impact but there will be an economic impact associated with this rezoning that will occur over the next decade.

Options:

1. Approval of the map amendment/rezoning to MR-5 (Recommended).
2. Any action differing from that recommended by the Planning Commission would require a public hearing before that action is taken. If Council would like to consider:
 - a. Approval of the map amendment/rezoning to MR-5 with added conditions;
 - b. Deny the request to MR-5 in favor of rezoning to another Zoning Class; or
 - c. Denial of the rezone request;Then the appropriate action would be to remove this item from the consent agenda and set it for a Public Hearing on October 14, 2019.

Recommended Action:

The Zoning Commission recommends that City Council move for APPROVAL of the requested rezoning to Mixed Residential - 5 (MR-5).

The site as currently zoned is legal non-conforming; the owners wish to bring the site to conformity. Rezoning the parcel to Mixed Residential - 5 (MR-5) also allow the owners flexibility during renovation and future development of the property, without the need to obtain a Special Use Permit (SUP). The amendment is consistent with the overall neighborhood, and specifically with the current land use of the parcel. Due to the fact that there are Limited Commercial zoned properties in the area along with a mix of residential zoning, Mixed Residential - 5 (MR-5) would be appropriate as a buffer for this area. Zoning Commission voted unanimously to APPROVE this rezoning, (5-0).

Attachments:

1. Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Site Photos
6. Site Survey
7. Use Table

Project Overview

Project Title: The Campground at Wildwood Lunar
Application Type: 5.1) Rezoning (Map Amendment)
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN:

- 6069 LUNAR DR (0407-60-0663-)
- 6071 LUNAR DR (0407-60-0663-)
- 6075 lunar dr (0407-60-0663-)
- 6077 lunar dr (0407-60-0663-)
- 6081 lunar dr (0407-60-0663-)
- 6083 lunar dr (0407-60-0663-)
- 6087 lunar dr (0407-60-0663-)
- 6089 lunar dr (0407-60-0663-)

GIS Verified Data

Property Owner: Parcel

- 6069 LUNAR DR: MILLER, JASON C & NATASHA A VOGT TRUSTEES
- 6071 LUNAR DR: MILLER, JASON C & NATASHA A VOGT TRUSTEES
- 6075 lunar dr: MILLER, JASON C & NATASHA A VOGT TRUSTEES
- 6077 lunar dr: MILLER, JASON C & NATASHA A VOGT TRUSTEES
- 6081 lunar dr: MILLER, JASON C & NATASHA A VOGT TRUSTEES
- 6083 lunar dr: MILLER, JASON C & NATASHA A VOGT TRUSTEES
- 6087 lunar dr: MILLER, JASON C & NATASHA A VOGT TRUSTEES
- 6089 lunar dr: MILLER, JASON C & NATASHA A VOGT TRUSTEES

Acreage: Parcel

- 6069 LUNAR DR: 1.9399999999999999
- 6071 LUNAR DR: 1.9399999999999999
- 6075 lunar dr: 1.9399999999999999
- 6077 lunar dr: 1.9399999999999999
- 6081 lunar dr: 1.9399999999999999
- 6083 lunar dr: 1.9399999999999999
- 6087 lunar dr: 1.9399999999999999
- 6089 lunar dr: 1.9399999999999999

Zoning District: Zoning District

- 6069 LUNAR DR: SF-6
- 6071 LUNAR DR: SF-6
- 6075 lunar dr: SF-6
- 6077 lunar dr: SF-6
- 6081 lunar dr: SF-6
- 6083 lunar dr: SF-6

Subdivision Name: Parcel

- 6069 LUNAR DR: NOT APPLICABLE
- 6071 LUNAR DR: NOT APPLICABLE
- 6075 lunar dr: NOT APPLICABLE
- 6077 lunar dr: NOT APPLICABLE
- 6081 lunar dr: NOT APPLICABLE
- 6083 lunar dr: NOT APPLICABLE

- 6087 lunar dr: SF-6
- 6089 lunar dr: SF-6

- 6087 lunar dr: NOT APPLICABLE
- 6089 lunar dr: NOT APPLICABLE

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No

Previous Amendment Case #:

Acreage to be Rezoned: 1.94

Water Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any: The entire property known as

parcel 0407-60-0663 Situs address: 6069 Lunar Drive, Fayetteville 28304 / aka: 1101 Wildwood Drive, is subject to renovations begun Nov 2018.

EXISTING USE: VACANT -- undergoing renovations; installing new utility infrastructure

TRADITIONAL USE: apartment rentals -- 12 units total. Rentals ended at the time of renovations. All units vacated in order to facilitate tying in with city sewer & water.

The property consists of:

- 6 brick duplexes -- built 1963 / 1965
- approximately 1.94 - 2.01 acres (updated survey pending)

Pre-existing infrastructure has been removed in preparation for upgrades:

- septic tanks
- community well (Aqua Water)
- overhead power cables (PWC) & utility poles
- current status -- no water or power running to the property

The new utility infrastructure will include:

- PWC power cables buried underground / upgraded to 200 amp
- PWC installing new area light poles for security lighting
- PWC public water / sewer -- in process with PWC & renovations team
- Underground IT cables to be installed

As of 7.8.19: 2 of the 6 buildings are roughly 80% complete on renovations.

7.8.19

Previous Amendment Approval Date:

Proposed Zoning District: MR5

Is this application related to an annexation?: No

Sewer Service: Public

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: Subject property -- Current zoning: SF-6

Adjacent properties -- Zoned SF-6

*to the SOUTH: Lafayette MH Park -- 200+ units / Owner: Lafayette Park LLC / 46 acres

Adjacent properties -- Zoned: LC

*to the NORTH: Strip Plaza -- retail / Owner: Yong Jin Yu & Sunny Pyon / 1.45 acres

*to the EAST: Behind the property: wooded area, creek; Owner: City of Fayetteville / 30 acres

**beyond this to the east -- retail-storage units

*to the WEST: Across Wildwood and stradling Lunar Drive due west: mixed-use; offices; U-Haul dealer; vacant parcels / Owner: Atty Bruce Allen / 1.78 & .30 acres

Zoned MR5: to the West, abutting Lafayette MH Park; The Eagles's Nest / 2.11 acres

7.8.19

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.: The efforts made to rehab and improve this parcel are in keeping with the City of Fayetteville's efforts to revitalize and improve blighted areas across the city.

B) Are there changed conditions that require an amendment? : The existing buildings number 6 -- all of which are duplexes. Thus far, no changes have been made that require an amendment.

In the event that re-zoning is approved, we are considering two options to upgrade and improve the property to modern standards.

Option 1:

Renovate all 6 duplexes; retain the existing buildings and bring them up to code with upgraded conditions.

Option 2:

4 of the existing structures would be demolished; each of 4 duplexes would be converted to 2 individual SFH situated approximately on the footprint of each existing duplex.

C) State the extent to which the proposed amendment addresses a demonstrated community need.: The proposed amendment is to switch from SF6 to MR5.

This change would provide upgraded accommodations in an area where there is a need for improved housing conditions.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.: The proposed amendment is in keeping with the existing use -- no changes are proposed that would convert the land to other uses than housing. It is in keeping with the zoning of the surrounding area which also includes adjacent parcels zoned: MR5.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: The proposed amendment to MR5 is in keeping with the development pattern which includes rental housing on adjacent streets (Rulnick). With the isolated arrangement of the subject parcel, any added structures will provide needed units for rentals while improving the overall appearance of the neighborhood but with no negative impact to the surrounding properties.

F) State the extent to which the proposed amendment might encourage premature development.: The area is currently built out with housing -- there are no indicators of premature development.

G) State the extent to which the proposed amendment results in strip-style commercial development.: Not applicable.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: Not applicable -- this zoning blends with others adjacent to the subject property.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: Not applicable -- the improvements to the buildings and utility infrastructure are likely to enhance property values. The aim is to upgrade the property to provide attractive housing with an improved sense of security for tenants.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: Not applicable --- old waste systems being removed and modern utilities added, to include removal of overhead power lines, conversion to underground utilities, and public sewer/water connections, are designed to protect against adverse impacts on the natural environment.

Primary Contact Information

Project Contact - Agent/Representative

CHRIS YOUNG
PINELAND EXPRESS, INC
3309 BENSON PLACE
FAYETTEVILLE, NC 28306
P:9103156960
chris@pinelandexpress.com

Indicate which of the following project contacts should be included on this project: Architect, Contractor, Engineer

Property Owner

JASON MILLER
MILLER VOGT IRREVOCABLE TRUST
8110 TIANNA RD
LOS ANGELES, CA 90046
P:3238109794
jasonmillerbiz@gmail.com

Project Contact - Primary Point of Contact for the Architect
Bob Koontz

150 S Page Street

Southern Pines, NC 28387
P:9106848487
chris@pinelandexpress.com

NC State License Number: 59922

Project Contact - Primary Point of Contact for the Contractor

ANN MARIE LOCKLEAR
TR HOMES AND DESIGNS, LLC / THE PLANTATION HOUSE
910 HAY STREET
FAYETTEVILLE, NC 28305
P:9104844584
theplantationhouse@gmail.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact - Primary Point of Contact for Engineer

William Bailey
PWC (Electrical Engineering Technician)
955 Old Wilmington Road
Fayetteville, NC 28301
P:9102234530
william.bailey@faypwc.com

Aerial Notification Map

Zoning Commission:
08/13/2019

Case #: P19-35F

Request:
Rezoning
(Map Amendment)

Location:
6069 Lunar Dr 6071 Lunar Dr
6075 Lunar Dr 6077 Lunar Dr
6081 Lunar Dr 6083 Lunar Dr
6087 Lunar Dr 6089 Lunar Dr

Pin:
0407-60-0663

Acreeage:
1.94 Acres



Legend

-  P19-35F Buffer
-  P19-35F
-  Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.



Zoning Map

Zoning Commission:
08/13/2019

Case #: P19-35F

Request:
Rezoning
(Map Amendment)

Location:
6069 Lunar Dr 6071 Lunar Dr
6075 Lunar Dr 6077 Lunar Dr
6081 Lunar Dr 6083 Lunar Dr
6087 Lunar Dr 6089 Lunar Dr

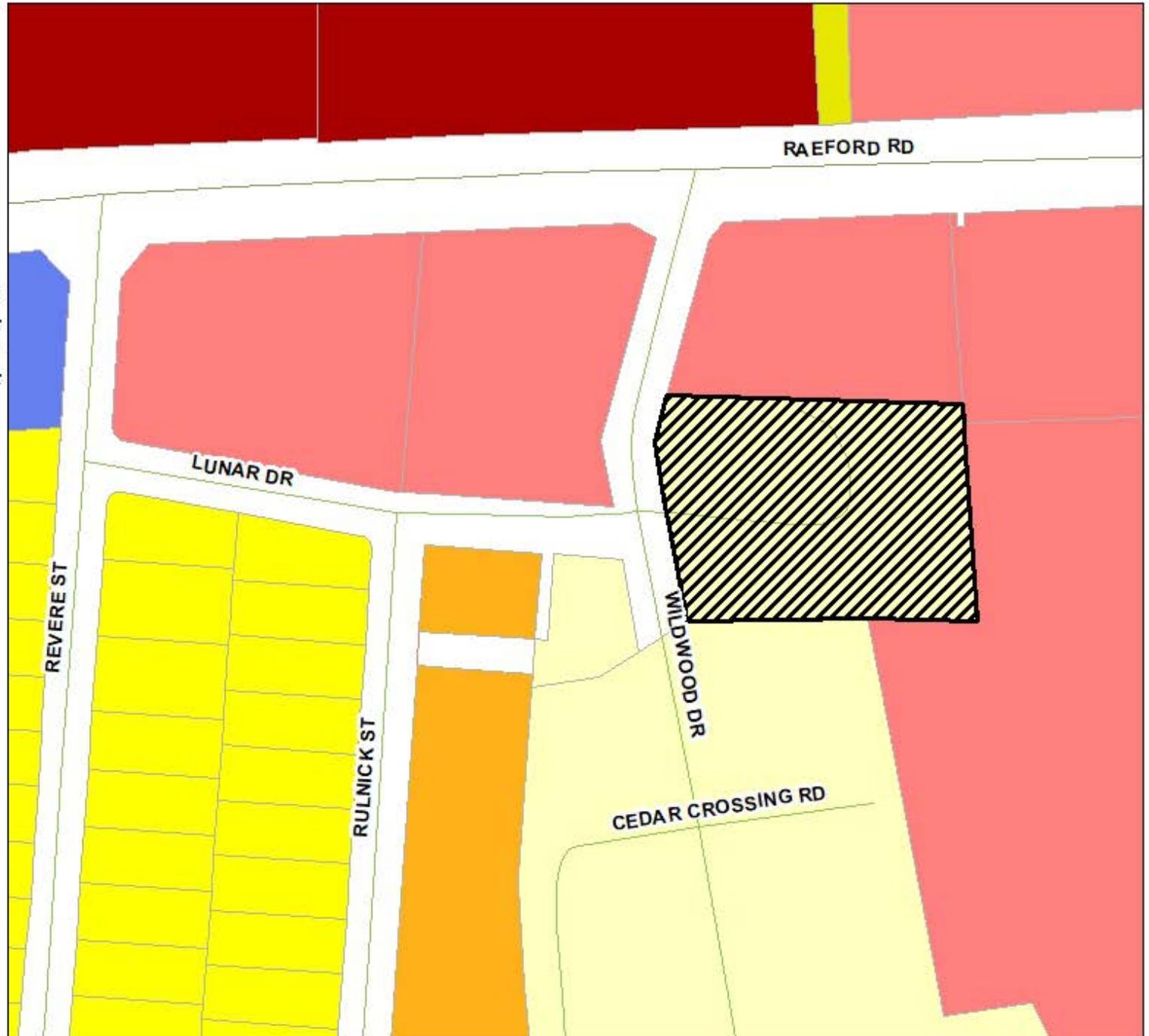
Pin:
0407-60-0663

Acreage:
1.94 Acres



Legend

-  P19-35F
-  CC - Community Commercial
-  LC - Limited Commercial
-  MR-5 - Mixed Residential 5
-  OI - Office & Institutional
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10
-  SF-15 - Single-Family Residential 15



Land Use Map

Zoning Commission:
08/13/2019

Case #: P19-35F

Request:
Rezoning
(Map Amendment)

Location:
6069 Lunar Dr 6071 Lunar Dr
6075 Lunar Dr 6077 Lunar Dr
6081 Lunar Dr 6083 Lunar Dr
6087 Lunar Dr 6089 Lunar Dr

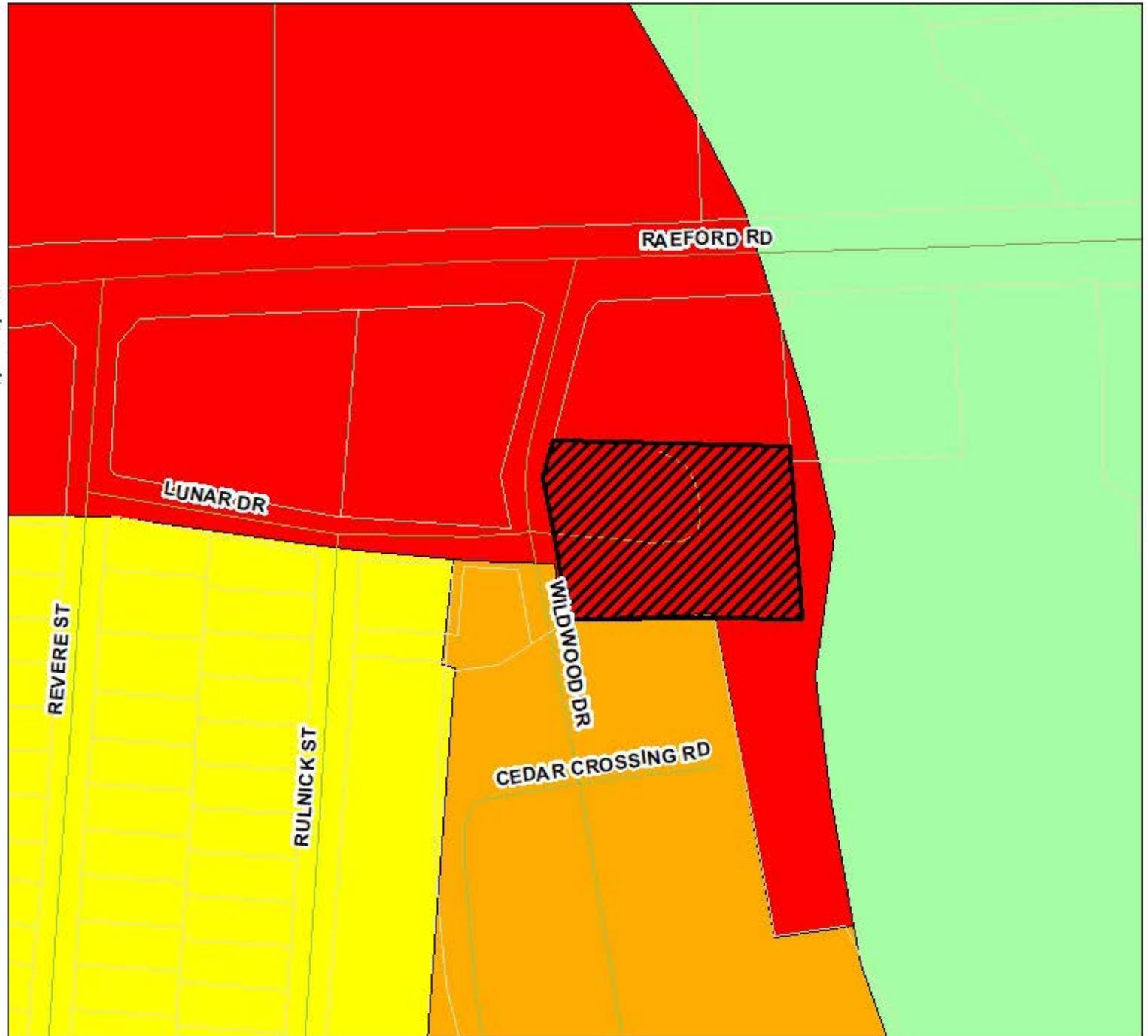
Pin:
0407-60-0663

Acres:
1.94 Acres



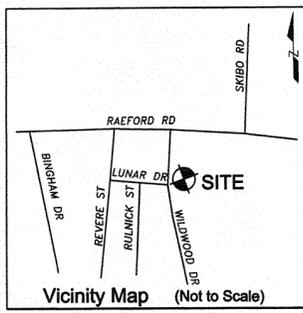
Legend

-  P19-35F
-  Low Density Residential
-  Medium Density Residential
-  Heavy Commercial
-  Open Space



Subject Property





- LEGEND**
- EIR-EXISTING IRON REBAR
 - EIPPT-EXISTING IRON PIPE (PINCH TOP)
 - R/W-RIGHT OF WAY
 - DB-DEED BOOK
 - PG-PAGE
 - EIP-EXISTING IRON PIPE
 - SF-SQUARE FEET
 - AC-ACRES
 - PB-PLAT BOOK
 - SIR-SET IRON REBAR
 - PP-POWER POLE
 - WM-WATER METER
 - F/O-FIBER OPTIC
 - EBOX-ELECTRIC BOX
 - TP-TELEPHONE PEDESTAL
 - EOP-EDGE OF PAVEMENT
 - SSMH-SANITARY SEWER MANHOLE
 - OHE-OVERHEAD ELECTRIC
 - SURVEYED LINE
 - - - - - ADJACENT LINE
 - - - - - LINE NOT SURVEYED



CERTIFICATE OF SURVEY AND ACCURACY

I, MICHAEL J. ADAMS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 10357, PAGE 167); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN PLAT BOOK 67, PAGE 18 AND DEED BOOK 8070, PAGE 849; THAT THE RATIO OF PRECISION CALCULATED IS GREATER THAN 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND OFFICIAL SEAL THIS 18TH DAY OF JULY, 2019.

MICHAEL J. ADAMS PLS L-4491
CFS NC-075

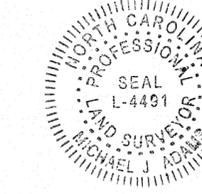


I, MICHAEL J. ADAMS, BY SIGNATURE ABOVE, ALSO HEREBY CERTIFY THAT THIS PLAT IS OF AN EXISTING PARCEL OR PARCELS OF LAND IN WHICH NO NEW RIGHTS OF WAY HAVE BEEN CREATED OR AN EXISTING RIGHT OF WAY ALTERED OR CHANGED.

CERTIFICATE OF GPS ACCURACY

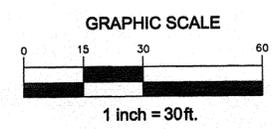
I, MICHAEL J. ADAMS, CERTIFY THAT THE CONTROL FOR THIS SURVEY WAS ESTABLISHED FROM AN ACTUAL GPS SURVEY UNDER MY SUPERVISION. THIS GPS SURVEY WAS PERFORMED TO C-211 FCCC SPECIFICATIONS USING RTK GPS WITH VRS FIELD PROCEDURES. THE COORDINATES WERE OBTAINED THROUGH A GRID TO GROUND ADJUSTMENT USING THE COMBINED SCALE FACTOR OF 0.99987523. THIS SURVEY WAS PERFORMED ON JULY 17, 2019 USING A SPECTRA SP-80 RECEIVER.

MICHAEL J. ADAMS PLS L-4491
CFS NC-075



NOTES

1. AREA COMPUTED BY COORDINATES.
2. ALL DISTANCES ARE HORIZONTAL GROUND.
3. NO NCGS MONUMENT FOUND WITHIN 2000' OF SUBJECT PROPERTY.
4. SURVEY LIMITS ARE NOT LOCATED IN A 100 YEAR FLOOD HAZARD AREA PER FEMA FIRM 3720042700J, DATED JANUARY 5, 2007.
5. ALL ELEVATIONS SHOWN ARE TRUE AND TIED TO GRID. ALL ELEVATIONS AND COORDINATES SHOWN HEREON WERE OBTAINED USING GPS EQUIPMENT UTILIZING THE NC VRS NETWORK.

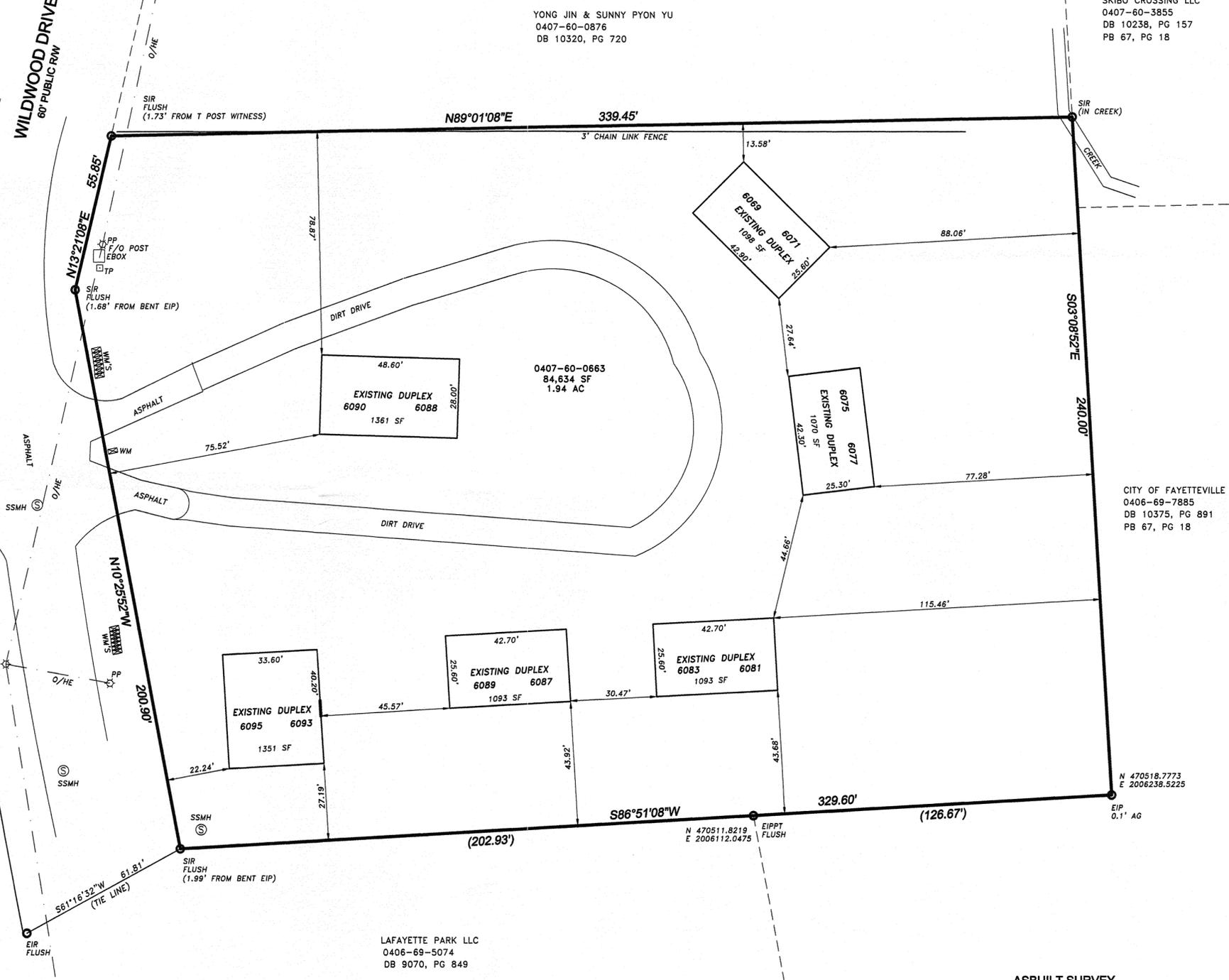


M.A.P.S. SURVEYING, INC.
C-2589
1401 MORGANTON ROAD
FAYETTEVILLE, N. C. 28305
TELEPHONE: (910) 484-6432
www.mapssurveying.com

SURVEYED BY: CM, JO, OC DRAWN BY: MJA
CHECKED & CLOSURE BY: MJA

WILDWOOD DRIVE
60' PUBLIC R/W

LUNAR DRIVE
60' PUBLIC R/W



YONG JIN & SUNNY PYON YU
0407-60-0876
DB 10320, PG 720

SKIBO CROSSING LLC
0407-60-3855
DB 10238, PG 157
PB 67, PG 18

CITY OF FAYETTEVILLE
0406-69-7885
DB 10375, PG 891
PB 67, PG 18

LAFAYETTE PARK LLC
0406-69-5074
DB 9070, PG 849

ASBUILT SURVEY

MILLER VOGT REVOCABLE TRUST PROPERTY
FOR
CHRISTINE YOUNG

REFERENCE: DB 10357, PG 167

TOWNSHIP: SEVENTY FIRST SCALE: 1" = 30'
CITY: FAYETTEVILLE, NC DATE: JULY 18, 2019
COUNTY: CUMBERLAND ZONING: SF-6
TAX PIN: 0407-60-0663 ADDRESS: LUNAR DRIVE

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS							PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	homes)																				
Group Living	Dormitory	/	/	/	/	/	S	/	P	/	P	/	P	P	/	/	/	MP	MP	MP	30-4.C.2.b.1
	Therapeutic home	/	P	P	P	P	P	P	P	P	S	/	P	S	/	/	/	MP	MP	MP	30-4.C.2.b.5
	Fraternity or sorority house	/	/	/	/	/	S	/	P	/	P	/	P	/	/	/	/	MP	MP	MP	
	Group home, Large	/	/	/	/	S	/	/	S	S	S	S	S	S	/	/	/	MP	/	MP	30-4.C.2.b.2
	Group home, Small	/	/	P	P	P	P	P	P	P	S	P	P	S	/	/	/	MP		MP	30-4.C.2.b.3
	Rooming or boarding house	/	/	/	/	S	P	/	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.2.b.4
	Transitional housing									S	S	S	S	S	S	/					30-4.C.2.b.6
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION																					
Community Services	Community center	S	P	S	S	P	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cultural facility	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Library	/	/	S	S	S	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Museum	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Senior center	/	/	/	/	S	P	/	/	P	P	P	S	P	/	/	/	MP	MP	MP	
	Youth club facility	/	/	/	/	S	P	/	/	S	P	P	P	P	/	/	/	MP	/	MP	
Day Care	Adult day care center	/	/	S	S	S	S	S	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Child care center	/	/	S	S	S	S	S	P	P	P	P	P	P	S	/	/	MP	MP	MP	30-4.C.3.a
Educational Facilities	College or university	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	School, elementary	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b
	School, middle	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b
	School, high	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b
	Vocational or trade school	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.b
Governmental facilities	Government maintenance, storage, or distribution facility	/	S	/	/	S	S	/	S	S	S	P	S	P	P	P	/	MP	/		
	Government office	/	/	/	/	S	S	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Post office	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP	
Health Care Facilities	Blood/tissue collection facility	/	/	/	/	/	/	/	/	/	/	P	/	P	/	P	/	/	MP	MP	
	Drug or alcohol treatment facility	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	MP	MP	MP	30-4.C.3.c.3
	Hospital	/	/	/	/	/	/	/	P	/	/	P	P	S	/	P	/	/	MP	/	30-4.C.3.c.1
	Medical or dental clinic [3]	/	/	/	/	/	/	/	P	P	P	P	P	P	S	P	/	MP	MP	MP	
	Medical or dental lab	/	/	/	/	/	/	/	P	/	P	/	P	P	P	P	/	/	MP	/	(Reserved)

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS							PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	Medical treatment facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	30-4.C.3.c.2
	Outpatient facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	
Institutions	Assisted living facility	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Auditorium	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.d.1
	Club or lodge	/	/	/	/	/	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Convention center	/	/	/	/	/	/	/	P	/	/	P	P	P	/	/	/	/	MP	/	30-4.C.3.d.1
	Halfway house	/	/	/	/	/	S	/	S	/	S	S	S	S	/	/	/	MP	/	MP	30-4.C.3.d.2
	Nursing home	/	/	/	/	S	S	/	P	P	P	P	P	S	/	/	/	MP	MP	MP	
	Psychiatric treatment facility	/	/	/	/	/	/	/	S	/	S	S	/	/	/	/	/	/	MP	/	
	Religious institution	/	P/S	P/S	P/S	P/S	P	P	P	P	P	P	P	P	/	P	P	MP	MP	MP	30-4.C.3.g
Parks and Open Areas	Arboretum or botanical garden	P	P	P	P	P	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cemetery	S	S	S	S	S	S	/	S	S	S	P	P	S	/	/	/	/	/	/	30-4.C.3.e.1
	Columbaria, mausoleum	P	P	P	P	P	P	/	P	P	P	P	P	P	/	/	/	/	/	/	
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Golf course, public	S	P	P	P	S	P	/	P	/	P	P	P	/	/	/	/	MP	MP	MP	
	Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Public square or plaza	/	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
Public Safety	Correctional facility	/	S	/	/	/	/	/	/	/	/	/	/	S	/	S	P	/	/	/	30-4.C.3.f.1
	Fire or EMS facility	/	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police substation	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police station	/	P	S	S	S	P	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	
Transportation/Communication	Airport	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	MP	/	
	Helicopter landing facility	/	/	/	/	/	/	/	S	/	S	S	S	S	P	/	/	/	MP	/	30-4.C.3.h.1
	Passenger terminal, surface transportation	/	/	/	/	/	S	/	P	S	P	P	P	P	P	P	P	MP	MP	MP	
	Small Wireless Facilities	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.7
	Telecommunications antenna, collocation on existing tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1
	Telecommunications antenna, placement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS							PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	on existing building																				
	Telecommunications tower, freestanding	/	S	S	S	S	S	/	S	S	S	S	S	/	S	S	S	MP	MP	MP	30-4.C.3.i.1
	Utility, major	/	S	S	S	S	S	/	S	S	S	P	S	S	P	P	P	/	MP	/	30-4.C.3.j.2
	Utility, minor	S	P	P	P	P	P	P	P	P	/	P	P	P	P	P	P	MP	MP	MP	
COMMERCIAL USE CLASSIFICATION [1]																					
Adult Entertainment	Adult entertainment	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.a
Animal Care	Animal grooming	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.b
	Animal shelter	/	S	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
	Kennel, indoor	/	S	/	/	/	/	/	S	S	S	P	S	S	/	P	/	/	MP	/	
	Kennel, outdoor	/	S	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	MP	/	
	Veterinary clinic	/	S	/	/	/	/	/	P	S	P	P	S	S	/	/	/	/	MP	/	
Conference and Training Centers	Conference or training center	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.d
Eating Establishments	Dinner theater	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Restaurant, with indoor or outdoor seating [4]	/	/	/	/	/	S	/	S	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.e.1
	Restaurant, with drive-through service [4]	/	/	/	/	/	/	/	/	/	P	P	S	/	P	/	/	/	MP	/	30-4.C.4.e.2
	Specialty eating establishment [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	
Offices	Business services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	30-4.C.4.f
	Corporate headquarters	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Financial services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Professional services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Radio and television broadcasting studio	/	/	/	/	/	/	/	P	/	S	P	S	P	P	/	/	/	MP	/	
	Sales (including real estate)	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	/	MP	MP	
Parking, Commercial	Parking lot	/	/	/	/	/	/	/	P	S	P	P	P	P	/	P	/	/	MP	/	30-4.C.4.g.1
	Parking structure	/	/	/	/	/	/	/	S	S	P	P	P	P	P	P	/	MP	MP	MP	30-4.C.4.g.2
	Parking Tractor Trailers etc.	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	/	30-4.C.4.g.3
Recreation/ Entertainment, Indoor	Commercial recreation, indoor	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Theater	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
Recreation/ Entertainment,	Arena, amphitheater, or	/	/	/	/	/	/	/	/	/	S	P	S	P	P	/	/	/	MP	/	30-4.C.4.h.1

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS
		SPECIAL		RESIDENTIAL					BUSINESS							PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC	
Outdoor	stadium																			
	Golf course, private	S	S	S	S	S	S	/	P	/	S	P	S	/	/	/	/	MP	MP	MP
	Athletic field and clubhouse	P	P	S	S	S	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP
	Golf driving range	S	S	/	/	/	/	/	P	/	P	P	/	/	/	/	/	MP	MP	MP
	Swimming pool, private	/	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP
	Swimming pool, non-profit	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP
	Tennis court	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP
	Other commercial recreation, outdoor	/	/	/	/	/	S	/	P	S	S	P	P	P	/	P	P	MP	MP	MP
Retail Sales & Services	Bar, nightclub, or cocktail lounge	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	MP	MP	MP
	Entertainment establishment	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/	MP	MP	MP
	Gasoline sales	/	/	/	/	/	/	/	/	S	P	P	S	S	/	/	/	MP	MP	MP
	Crematory	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	P	/	/	/
	Financial institution, without drive-through service [4]	/	/	/	/	/	S	/	P	P	P	P	P	P	P	/	/	MP	MP	MP
	Financial institution, with drive-through service [4]	/	/	/	/	/	/	/	P	S	P	P	P	S	P	/	/	/	MP	/
	Funeral home	/	/	/	/	/	/	/	/	/	P	P	S	P	/	/	/	/	MP	/
	Laundromat	/	/	/	/	/	S	S	/	P	P	P	P	P	/	/	/	MP	MP	MP
	Personal services establishment	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP
	Tattoo parlor/body piercing establishment	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	/	MP	/
	Repair establishment	/	/	/	/	/	/	/	/	P	P	P	P	P	/	P	/	MP	MP	MP
	Convenience store, without gas sales	/	/	/	/	/	S	/	/	P	P	P	P	P	/	/	/	MP	MP	MP
	Convenience store, with gas sales [4]	/	/	/	/	/	/	/	/	S	P	P	S	S	P	/	/	MP	MP	MP
	Drug store or pharmacy, without drive-through service [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP
Drug store or pharmacy, with drive-through	/	/	/	/	/	/	/	/	S	P	P	P	S	P	P	/	/	MP	/	

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS
		SPECIAL		RESIDENTIAL					BUSINESS							PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC	
	service																			
	Flea market	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	/	/
	Grocery store	/	/	/	/	/	/	/	/	P/S	P	P	P	P	/	/	/	MP	MP	MP
	Liquor store	/	/	/	/	/	/	/	/	/	P	P	P	P	/	/	/	MP	MP	MP
	Retail sales establishment, large [4]	/	/	/	/	/	/	/	/	/	P	P	P	/	S	S	/	/	MP	/
	Electronic gaming operation	/	/	/	/	/	/	/	/	/	P	S	/	S	/	S	/	/	/	MP
	Other retail sales establishments [3], [4]	/	/	/	/	/	/	/	/	P/S	P	P	P	P	P	/	/	MP	MP	MP
	Brewpub	/	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/		
Self-Service Storage	Mini-warehouse	/	/	/	/	/	/	/	/	/	S	S	S	/	/	P	/	/	MP	/
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/
	Automotive painting/body shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/
	Automotive wrecker service	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/
	Transmission shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/
	Boat and marine rental and sales	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/
	Truck stop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/
Vehicle Sales and Services, Light	Automotive parts and installation	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	/	/	/
	Automobile repair and servicing (without painting/body-work)	/	/	/	/	/	/	/	/	/	S	P	S	S	/	P	P	/	MP	/
	Automobile sales or rentals	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	/	MP	/
	Car wash or auto-detailing	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	MP	MP	MP
	Taxicab service	/	/	/	/	/	/	/	/	/	S	P	P	P	/	/	/	/	MP	/
	Tire/muffler sales and mounting	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/
Visitor Accommodations	Bed and breakfast inn	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP
	Hotel or motel [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/
	Hotel or motel, extended stay [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL					BUSINESS						PLANNED DEVELOPMENT							
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN	
	Tourist Home	/	/	/	/	/	S	/	/	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.I.3		
INDUSTRIAL USE CLASSIFICATION [1]																						
Extractive Industry	All uses	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	P	/	/	/	30-4.C.5.a	
Industrial Services	Building, heating, plumbing, or electrical contractor with outside storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/		
	Electric motor repair	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1	
	Fuel oil/bottled gas distributor	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/		
	General industrial service	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/		
	Heavy equipment sales, rental, or storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.2	
	Heavy equipment servicing and repair	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	/	/		
	Laundry, dry cleaning, and carpet cleaning plants	/	/	/	/	/	/	/	/	/	/	P	/	/	/	P	P	/	/	/	30-4.C.5.b.3	
	Machine shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1	
	Office-warehouse	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP		
	Repair of scientific or professional instruments	/	/	/	/	/	/	/	/	/	S	P	P	P	/	P	P	P	/	MP	/	30-4.C.5.b.1
	Research and development	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	/	MP	/		
Tool repair	/	/	/	/	/	/	/	/	/	/	P	P	S	P	P	P	/	/	/	30-4.C.5.b.1		
Manufacturing and Production	Manufacturing, heavy	/	/	/	/	/	/	/	/	/	/	/	/	/	P	/	P	/	MP	/		
	Manufacturing, high impact/hazardous	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	P	/	MP	/	30-4.C.5.c.1	
	Manufacturing, light	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/		
	Research and Technology Production	/	/	/	/	/	/	/	/	S	P	P	/	/	/	P	P	/	/	/		
	Microbrewery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2	
	Microdistillery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2	
Warehouse and Freight Movement	Cold storage plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/		
	Outdoor storage (as a principal use)	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	30-4.C.5.d.1	
	Parcel services	/	/	/	/	/	/	/	/	/	/	P	/	S	/	P	P	/	MP	/	30-4.C.5.d.2	

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL					BUSINESS						PLANNED DEVELOPMENT							
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN	
	Truck or freight terminal	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/		
	Warehouse (distribution)	/	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	
	Warehouse (storage)	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
Waste-Related Services	Energy recovery plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	S	/	/	/	30-4.C.5.f.1
	Hazardous waste collection sites	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	
	Incinerator	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	P	/	/	/	
	Land application of wastes	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	
	Landfill, land clearing and inert debris or construction debris	/	S	/	/	/	/	/	S	/	/	/	S	S	/	/	S	S	/	/	/	30-4.C.5.e.2
	Landfill, sanitary	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.3
	Recycling center	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.4
	Recycling drop-off center	/	/	/	/	S	S	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	MP	30-4.C.5.e.5
	Salvage and junkyard	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	30-4.C.5.e.6
	Tire disposal or recycling	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	
Waste composting	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.1	
Wholesale sales	All uses	/	/	/	/	/	/	/	/	/	/	/	S	S	/	S	P	/	/	MP	/	30-4.C.5.f

NOTES:
 [1] Some commercial, mixed-use, and industrial uses require additional separation or buffer standards or may require special use permit approval when located adjacent to or across a local street or alley from single-family residential development in accordance with Section Transitional Standards. Cottage developments may require a Neighborhood Compatibility Permit (see Section 30-2.C.21).
 [2] Individual manufactured homes located outside of a manufactured home park may only be established on lots located within the Manufactured Home Overlay district.
 [3] New construction for individual retail uses over 2,500 square feet in the NC zoning district must be approved through the Special Use Permit process.
 [4] In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses as a park or recreational facility within the BP development shall not be counted toward this commercial use or supportive use limitation. Restaurants with drive-thru service and Convenience Stores with gas sales and drive-thru service shall be limited to the periphery of the BP and within the greater of 1500 feet from an interstate centerline or 1250 feet from the nearest access road to that interstate. All other commercial uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Commercial, Office and Mixed Use Design Standards.

(Ord. No. S2011-008, §§ 7, 12.2a, 7-25-2011; Ord. No. S2011-013, §§ 1.5, 1.8, 2.2a, 8.3, 11-28-2011; Ord. No. S2011-014, § 3, 11-28-2011; Ord. No. S2012-001, § 5.1, 1-23-2012; Ord. No. S2012-011, § 1, 5-29-2012; Ord. No. S2012-024, §§ 5—7, 11-13-2012; Ord. No. S2012-025, § 16, 11-13-2012; Ord. No. S2013-002, § 11, 2-11-2013; Ord. No. S2014-002, § 2, 3a, 5b, 1-13-2014; Ord. No. S2014-012, § 2, 8-11-2014; Ord. S2014-015, §§ 2b, 4, 8-11-2014; Ord. S2016-007, § 2, 6-27-2016; Ord. S2017-004, § 1a-c, 6-26-2017)

Effective on: 6/26/2017

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1013

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.05

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, ICMA-CM - Deputy City Manager
Gerald A. Newton, AICP - Development Services Director
Taurus Freeman - Planning & Zoning Divisional Manager

FROM: Craig Harmon, CZO - Planner II

DATE: September 23, 2019

RE:

P19-37F. Conditional Rezoning of property from Single Family Residential 6 (SF-6) to Conditional Community Commercial (CC/CZ) located at 489 & 493 McBain Dr. (Tax Map # 0427-42-2084 & 0427-42-3066), at the intersection of McBain and McPhee Drives containing approximately 0.47± acres, and being the property of Highland Dairies, Inc. & W Lyndo Tippet & Wife Lou P. (Owner has agreed to a less intense SF-6/CZ district)

COUNCIL DISTRICT(S):

5 - Johnny Dawkins

Relationship To Strategic Plan:

2025 Goals, Goal II: Diverse and Viable Economy.

Executive Summary:

Currently both lots are Zoned Single Family Residential 6 (SF-6) with homes located on each property. The owner initially requested to rezone this property to Conditional Community Commercial (CC/CZ) for the purpose of supporting vehicular access to the commercial operations (express car wash which completes service in 3 minutes or less) to be developed on the adjacent lots located at 2598 Raeford Road and 2510 Raeford Road.

On August 13, 2019, the Zoning Commission recommended approval of the request to SF-6/CZ to maintain the zoning of the neighborhood while conditioning out all uses except

those associated with vehicular access for this commercial operation.

Background:

This proposal would rezone a 0.46 +/- acre tract.

Applicant: Jonathan Charleston - The Charleston Group

Owner: Highland Dairies Inc. & W Lyndo Tippet & Wife Lou P

Requested Action: CC/CZ to allow a car wash entrance (SF-6/CZ agreed to by owner)

Property Address: 489 & 493 McBain Dr

Council District: 5

Status of Property: Currently Residential

Size: 0.46 +/- acres

Adjoining Land Use & Zoning:

- North: SF-6 - Single Family Residential
- South: CC - Office and Retail along Raeford Rd.
- West: SF-6 & CC - Single-Family Residential & Bar & Gas Station
- East: SF-6 & CC - Single-Family Residential & Commercial Office

Traffic Count: Raeford Rd at Robeson St - AADT 30,008

Letters Mailed: 82

2010 Land Use Plan: Medium Density Residential with Light Commercial to the south, east and west.

Issues/Analysis:

The subject properties are located at the intersection of McPhee Dr. and McBain Dr. This request is to change and condition the base zoning district to allow vehicular access to the adjoining commercial operations. McBain Drive is often used by locals as part of a back way in and out of the downtown area.

According to the applicant, "The proposed use of the rezoned land is to support vehicular access to the commercial operations (express car wash which completes service in 3 minutes or less) on the adjacent lots located at 2598 Raeford Road and 2510 Raeford Road. The site will only have horizontal improvements for vehicular access points which will be heavily landscaped with appropriate buffers adjacent to residential uses hours of operation that limit the times the proposed use will be open to seven days a week, 6 a.m. to 10 p.m.

The parcels adjacent to this property are zoned SF-6 and CC. The adjacent uses range from Single Family to Commercial Retail and Office. Currently there is a gas station at the corner of McBain Drive and Raeford Road. The surrounding residential properties are mostly one story, single family rentals, which were built in the mid 1950's. The homes in this development are typically less than 900 square feet.

A minimum Type D buffer will be required where either of these properties abuts a residential zoning district. This type of perimeter buffer functions as an opaque screen

from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation. There are two options for meeting the City's requirements for this type of buffer. Option one includes nine canopy trees plus ten understory trees plus 55 shrubs per 100 linear feet; and option 2 requires one 6-foot-high solid fence plus six canopy trees plus 25 shrubs per 100 linear feet.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.1 Map Amendment (rezoning).

Conditional Zoning:

The request is to rezone this property to Conditional Community Commercial (CC/CZ) to allow vehicular access to the adjoining commercial operations. The Community commercial district is "established and intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large - e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses. The district is typically located along major arterials."

The Zoning Commission and Planning Staff recommend that this property be rezoned to a less intense Conditional Single Family 6 (SF-6/CZ), with all the conditions offered below by the owner/applicant. This rezoning would be more in keeping with the long range plans of the City. The applicant/owner has also agreed to accept the rezoning to SF-6/CZ.

The rezoning of land to a conditional zoning district is intended to "provide a landowner and the City an alternative to rezoning the land to a standard base zoning district. The base zoning district allows certain uses and development that may be appropriate but also allows uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands."

"Reclassification of land to a conditional zoning district allows a landowner to propose, and the City Council to consider, additional conditions, or restrictions on the range of allowable uses, use standards, development intensities, development standards and other regulations applicable in the parallel base zoning district. This enables the City to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the base zoning district."

Specifics of this Conditional Zoning:

Below are recommended conditions of the rezoning, as agreed upon by the applicant:

1. Vehicular access to the commercial operations at the intersection of McPhee Dr and Raeford Rd.
2. Based on the submitted and attached conceptual plans.

3. Hours of operation be limited to seven days a week, 6 a.m. to 10 p.m.
4. Minimum Type D landscaping buffer shall be provided where these properties adjoin any residential zoning districts.

The Zoning Commission and Planning Staff recommend APPROVAL of the map amendment to rezone to a less intense SF-6/CZ conditions based on the following:

- This proposed zoning map amendment, as presented by Staff, implements the policies adopted in the Unified Development Ordinance and the 2010 Land Use Plan;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property;
- This proposed change is in accordance with the existing and proposed plans for the area; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

There is not an immediate budgetary or economic impact this rezoning.

Options:

1. **Approval of the map amendment/rezoning to SF-6/CZ, adding the three (3) conditions listed above and keeping the current underlying SF-6 zoning presented by the Planning Staff (as recommended by the Commission, Owner and Staff).**
2. Any action differing from that recommended by the Planning Commission and agreed to by the Applicant would require a public hearing before that action is taken. If Council would like to consider:
 - a. Approval of the map amendment/rezoning with additional condition(s) accepted by the applicant;
 - b. Approval of the map amendment/rezoning to add the three (3) conditions listed above and to change the current zoning to CC/CZ zoning district as originally applied for; or
 - c. Denial of the rezone request;

Then the appropriate action would be to remove this item from the consent agenda and set it for a Public Hearing on October 14, 2019.

Recommended Action:

The Zoning Commission and Planning Staff recommend that the City Council move to APPROVE the rezoning to an SF-6/CZ Zoning District, as presented by the Staff and based on the information provided above and all attachments.

The Amendment is consistent with applicable plans because: 1) the City's Unified Development Ordinance and the 2010 Land Use Plan all support residential and commercial uses in this area; 2) that the uses near this property are a mix of other residential and commercial uses which are compatible with the proposed zoning; and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning does fit with the character of most of the development in this area. This proposed amendment is consistent with the 2010 Land Use Plan because the subject property is shown as a medium density residential use classification and the proposed zoning and use is consistent with that classification.

Please note that approval of a map amendment to CC/CZ would constitute a change to the City Land Use Plan for these properties.

Attachments:

1. Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Plan Map
5. Concept Plans (7 pages)
6. Subject Property
7. Surrounding Properties

Project Overview

Project Title: Carolina Car Wash Corporation
Application Type: 5.2) Conditional Rezoning
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN:

- 493 MCBAIN DR (0427-42-2084-)
- 489 MCBAIN DR (0427-42-3066-)

GIS Verified Data

Property Owner: Parcel

- 493 MCBAIN DR: HIGHLAND DAIRIES INC
- 489 MCBAIN DR: TIPPETT, W LYNDY & WIFE LOU P

Acreage: Parcel

- 493 MCBAIN DR: 0.28000000000000003
- 489 MCBAIN DR: 0.19

Zoning District: Zoning District

- 493 MCBAIN DR: CC
- 489 MCBAIN DR: SF-6

Subdivision Name: Parcel

- 493 MCBAIN DR: HIGHLAND HOMES
- 489 MCBAIN DR: HIGHLAND HOMES

General Project Information

Proposed Conditional Zoning District: CC/CZ - Conditional Community Commercial

Lot or Site Acreage to be rezoned: .46

Was a neighborhood meeting conducted?: No

Date of Neighborhood Meeting:

Number of Residential Units: 2

Nonresidential Square Footage: 0

Landowner Information

Landowner Name: Highland Dairies Inc., James V. Townsent

Deed Book and Page Number: DB 2148, PG 19; DB 5677, PG 279

Written Description of Request - Answer all the questions under this section (upload additional sheets as needed).

A) Describe the proposed use of the rezoned land, including the proposed types of site improvements, buildings, uses, proposed activities, hours of operation, and operating characteristics.: The proposed use of the rezoned land is to support vehicular access to the commercial operations (express car wash which completes service in 3 minutes or less) on the adjacent lots located at 2598 Raeford Road and 2510 Raeford Road. The site will only have horizontal improvements for vehicular access points which will be heavily

B) Describe the proposed conditions that should be applied.: The proposed conditions limit use on the site to vehicular access points which will be heavily landscaped with appropriate buffers adjacent to residential uses. The site will only have horizontal improvements. See site plan attached.

landscaped with appropriate buffers adjacent to residential uses.

Hours of Operation: Sunday 9:00 am until 6:00 pm; Monday through Saturday 7:00 am until 8:00 pm.

C) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: Residential uses except for commercial uses on McPhee Drive and Raeford Road.

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.: Community Commercial use at the site is consistent with the current land use plan which calls for commercial on Raeford Road and medium density residential on McBain Drive. See site plan

B) Are there changed conditions that require an amendment? : None.

C) State the extent to which the proposed amendment addresses a demonstrated community need.: The proposed use of the rezoned land is to support vehicular access to the commercial operations (express car wash which completes service in 3 minutes or less) on the adjacent lots located at 2598 Raeford Road and 2510 Raeford Road. The site will only have horizontal improvements for vehicular access points which will be heavily landscaped with appropriate buffers adjacent to residential uses.

Hours of Operation: Sunday 9:00 am until 6:00 pm; Monday through Saturday 7:00 am until 8:00 pm.

Market research supports the development of the planned use at this location.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.: The proposed use of the rezoned land is to support vehicular access to the commercial operations (express car wash which completes service in 3 minutes or less) on the adjacent lots located at 2598 Raeford Road and 2510 Raeford Road. The site will only have horizontal improvements for vehicular access points which will be heavily landscaped with appropriate buffers adjacent to residential uses. Community Commercial District allows for medium to high intensity retail, service and office uses which is consistent with the planned use.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: Current land use plan calls for commercial uses on Raeford Road. The proposed site is directly adjacent to commercial uses on Raeford Road and McPhee Drive.

F) State the extent to which the proposed amendment might encourage premature development.: Applicant is unaware the potential for premature development.

G) State the extent to which the proposed amendment results in strip-style commercial development.: There is no likelihood that the proposed amendment will result in strip-style commercial development.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: There is no likelihood that the proposed amendment will result in an isolated zoning district unrelated to adjacent and surrounding zoning districts.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: There is no likelihood that the proposed amendment will result in adverse impacts on surrounding land.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: There is no likelihood that the proposed amendment will result in an significantly adverse impacts on the natural environment.

Primary Contact Information

Project Contact - Agent/Representative

jonathan charleston
The Charleston Group
201 Hay Street, Suite 2000
Fayetteville, NC 28301
P:910-485-2500
F:910-485-2599
jcharleston@charlestongroup.com

Indicate which of the following project contacts should be included on this project: Attorney,Developer

Project Contact - Primary Point of Contact for the Attorney

jonathan charleston
The Charleston Group
201 Hay Street, Suite 2000
Fayetteville, NC 28301
P:910-485-2500
F:910-485-2599
jcharleston@charlestongroup.com

Project Contact - Primary Point of Contact for the Developer

Walker Sojourner
Columbia Development
1845 St Julian Place
Columbia, SC 29204
P:803.454.0585
F:803.454.0585
walker@columbiadevelopment.com

Property Owner

W.G. Johnson
Highlands Dairies Inc.
493 McBain Drive
Fayetteville, NC 28303
P:843-399-3200
noemail@xxx.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Aerial Notification Map

Zoning Commission:
08/13/2019

Case #: P19-37F

Request:
Conditional Rezoning

Location: Pin:
493 McBain Dr 0427-42-2084
489 McBain Dr 0427-42-3066

Acreage:
0.47 Acres Total

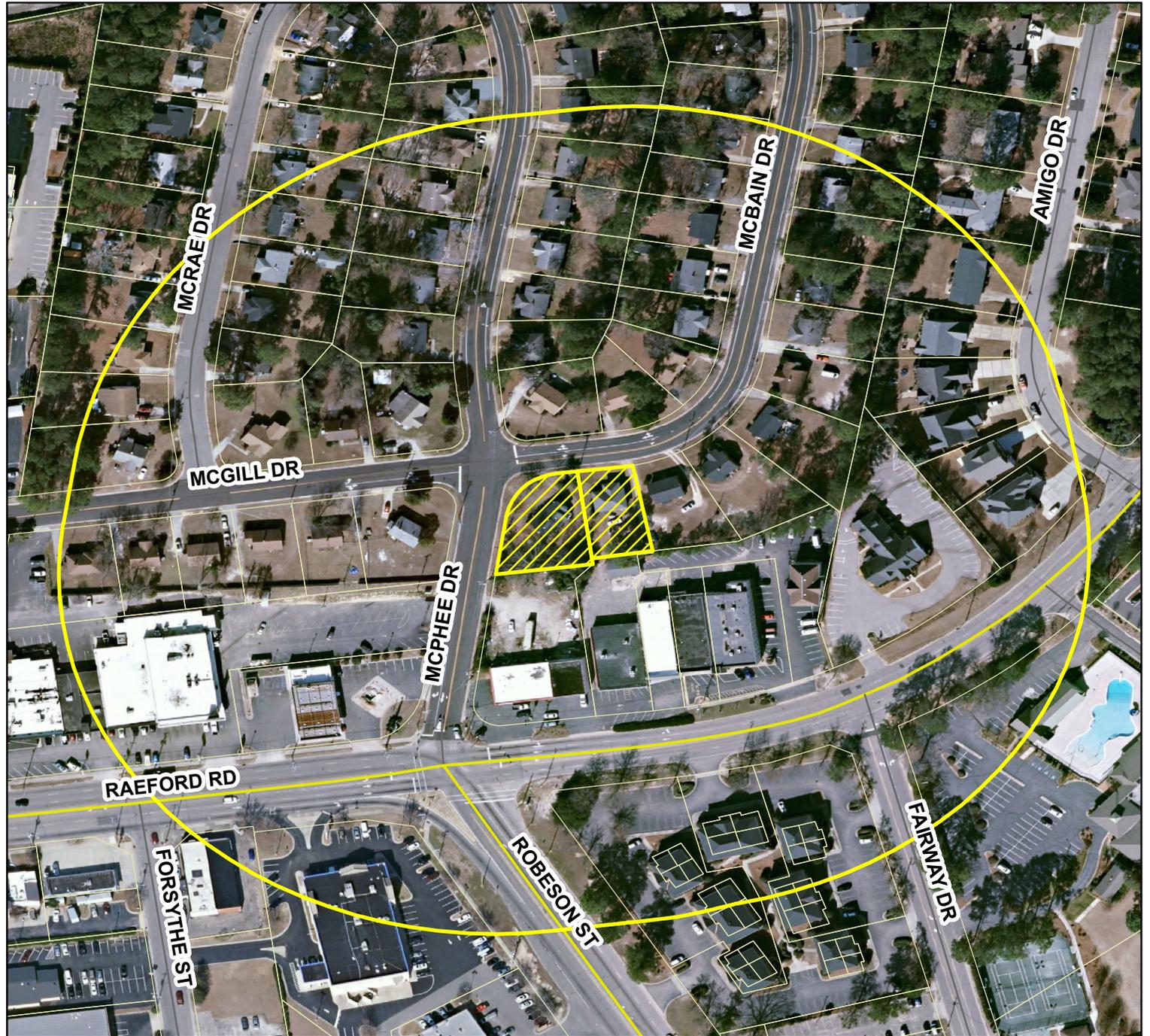


Legend

-  P19-37F Buffer
-  P19-37F
-  Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.



Land Use Map

Zoning Commission:
08/13/2019

Case #: P19-37F

Request:
Conditional Rezoning

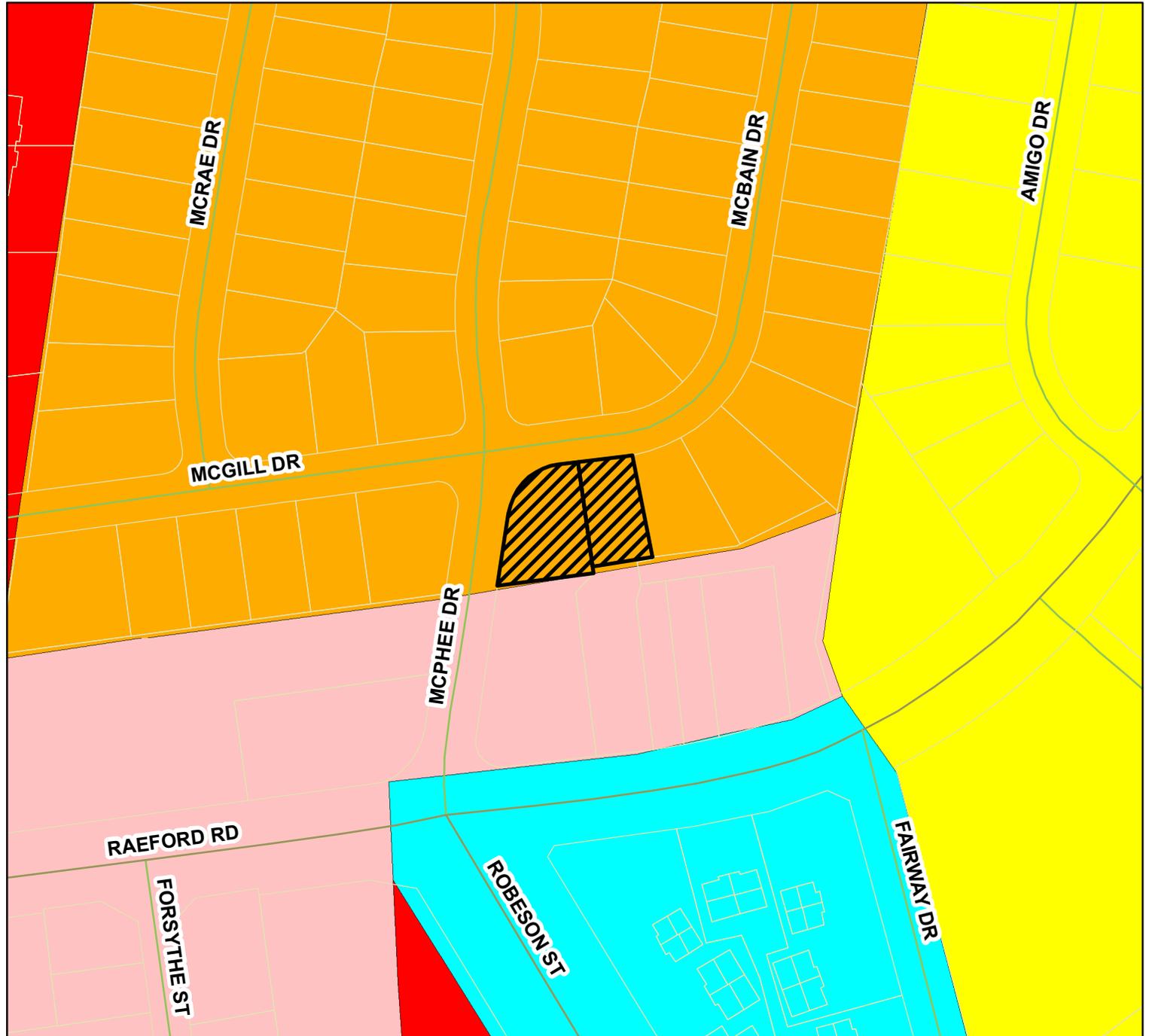
Location: Pin:
493 McBain Dr 0427-42-2084
489 McBain Dr 0427-42-3066

Acreage:
0.47 Acres Total



Legend

-  P19-37F
-  Low Density Residential
-  Medium Density Residential
-  Light Commercial
-  Heavy Commercial
-  Office & Institutional



Zoning Map

Zoning Commission:
08/13/2019

Case #: P19-37F

Request:
Conditional Rezoning

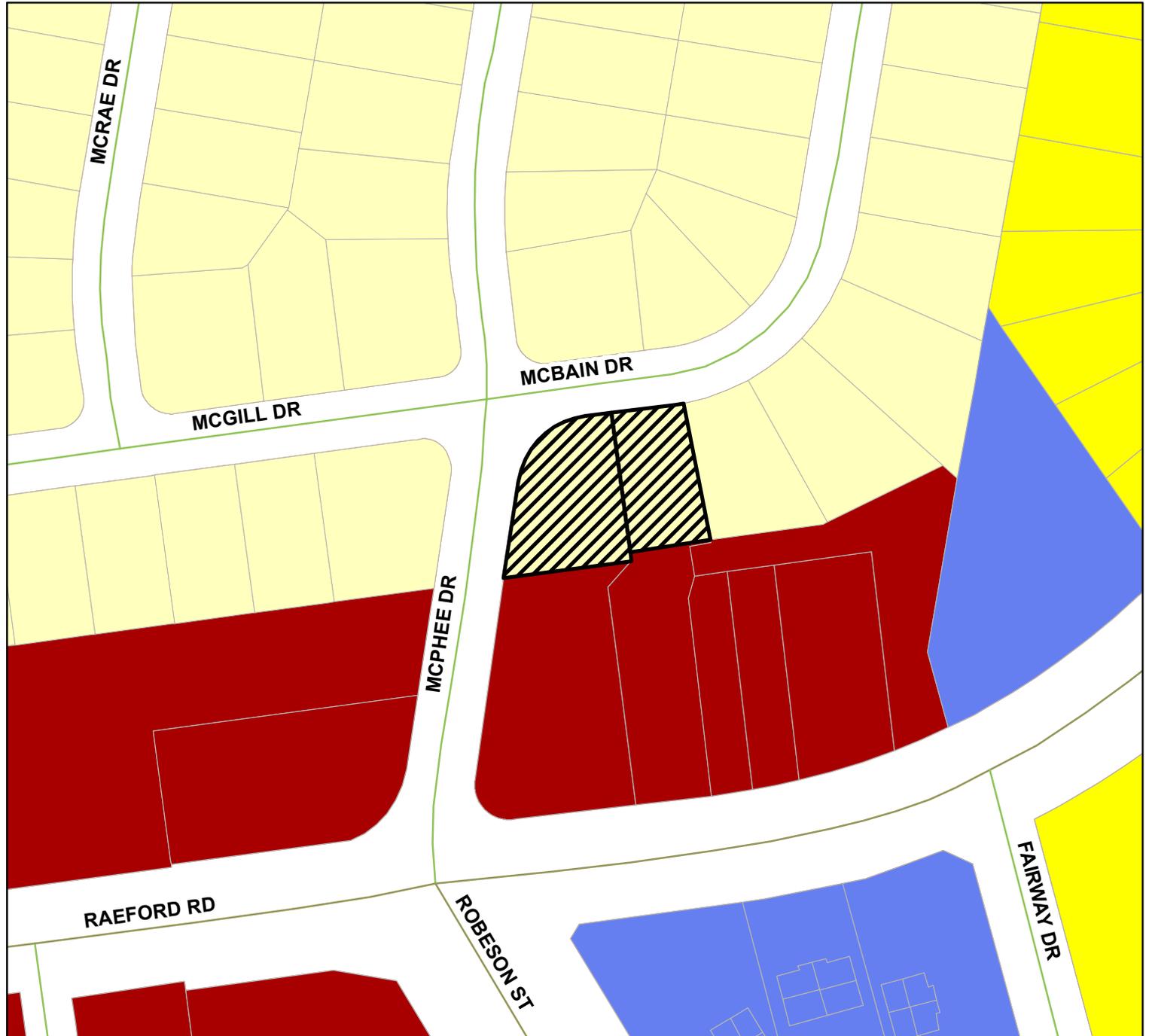
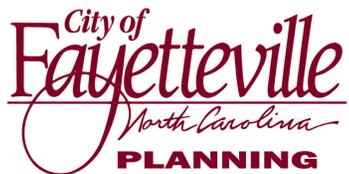
Location: Pin:
493 McBain Dr 0427-42-2084
489 McBain Dr 0427-42-3066

Acreage:
0.47 Acres Total



Legend

-  P19-37F
-  CC - Community Commercial
-  OI - Office & Institutional
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10



CONCEPT PLAN GENERAL NOTES

1. THIS PLAN IS BASED ON GIS.
2. THE CONCEPT REPRESENTED HEREIN IDENTIFIES A DESIGN CONCEPT RESULTING FROM LAYOUT PREFERENCES IDENTIFIED BY OWNER COUPLED WITH A PRELIMINARY REVIEW OF ZONING AND LAND DEVELOPMENT REQUIREMENTS AND ISSUES. THE FEASIBILITY WITH RESPECT TO OBTAINING LOCAL, COUNTY, STATE, AND OTHER APPLICABLE APPROVALS IS NOT WARRANTED AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION AND VERIFICATION OF SAME REQUIREMENTS AND PROCUREMENT OF JURISDICTIONAL APPROVALS.
3. THE CONCEPTUAL PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES ONLY AND IS NOT INTENDED FOR UTILIZATION AS A ZONING AND/OR CONSTRUCTION DOCUMENT. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON INFORMATION THAT WAS SUPPLIED TO BOHLER ENGINEERING AT THE TIME OF PLAN PREPARATION AND MAY BE SUBJECT TO CHANGE UPON AVAILABILITY OF ADDITIONAL INFORMATION.
4. EXISTING ZONING: COMMUNITY COMMERCIAL (CC)
SINGLE-FAMILY RESIDENTIAL (SF-6)
PROPOSED ZONING: COMMUNITY COMMERCIAL (CC)



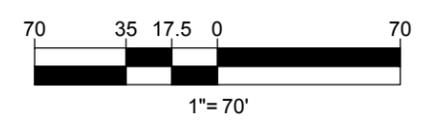
H:\2018\NCC181505\DRAWINGS\EXHIBITS\COLOR RENDERING\190708 - COLOR RENDERING TOMMY'S EXPRESS--LAYOUT.LOT



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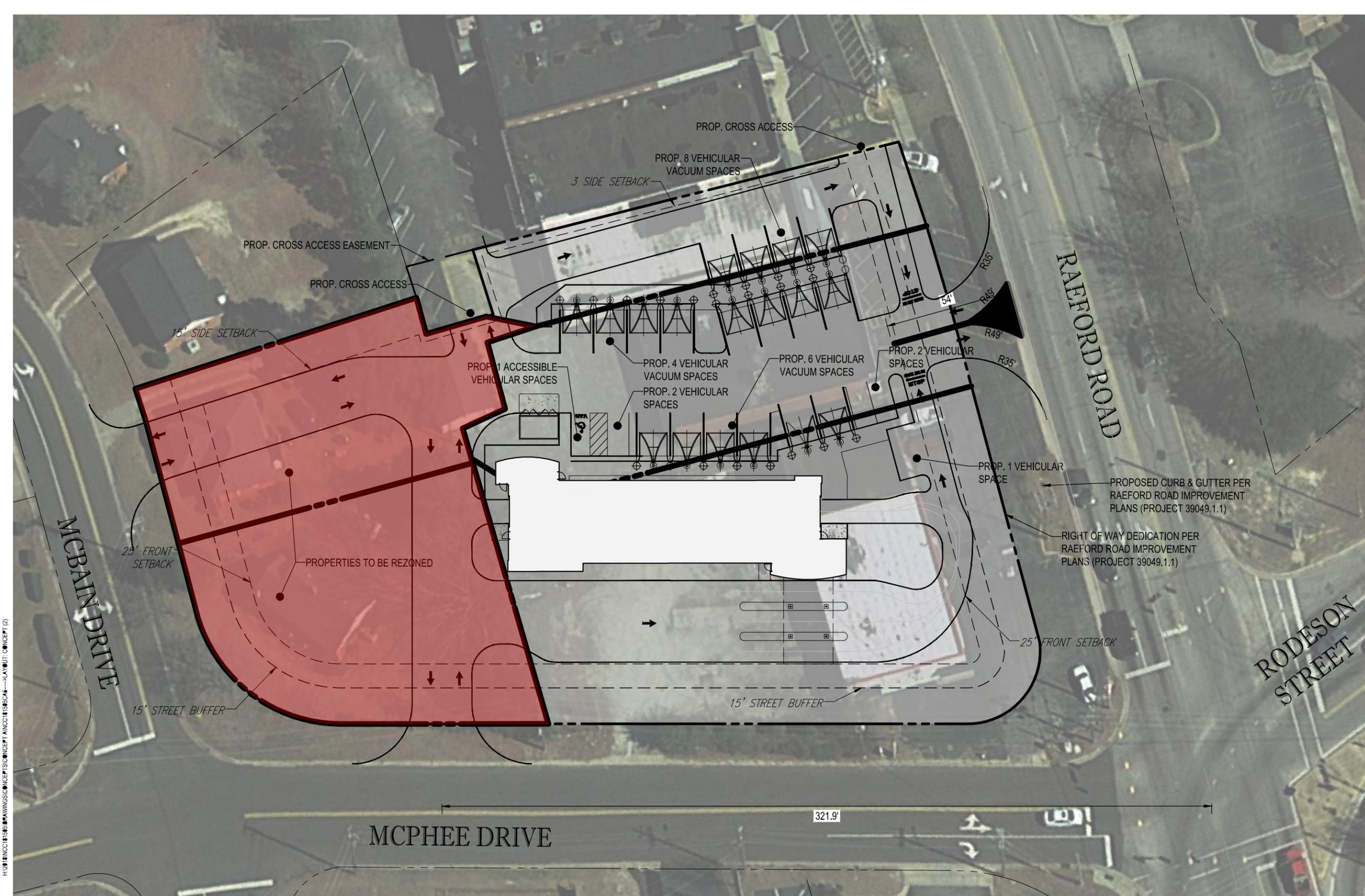
COMMERCIAL BUILDING COLOR RENDERING

FAYETTEVILLE, NC 28305



CONCEPT PLAN GENERAL NOTES

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SINGLE-FAMILY RESIDENTIAL (SF-6)
PROPOSED ZONING: COMMUNITY COMMERCIAL (CC)



COMMERCIAL BUILDING (A-SP6)

FAYETTEVILLE, NC 28305

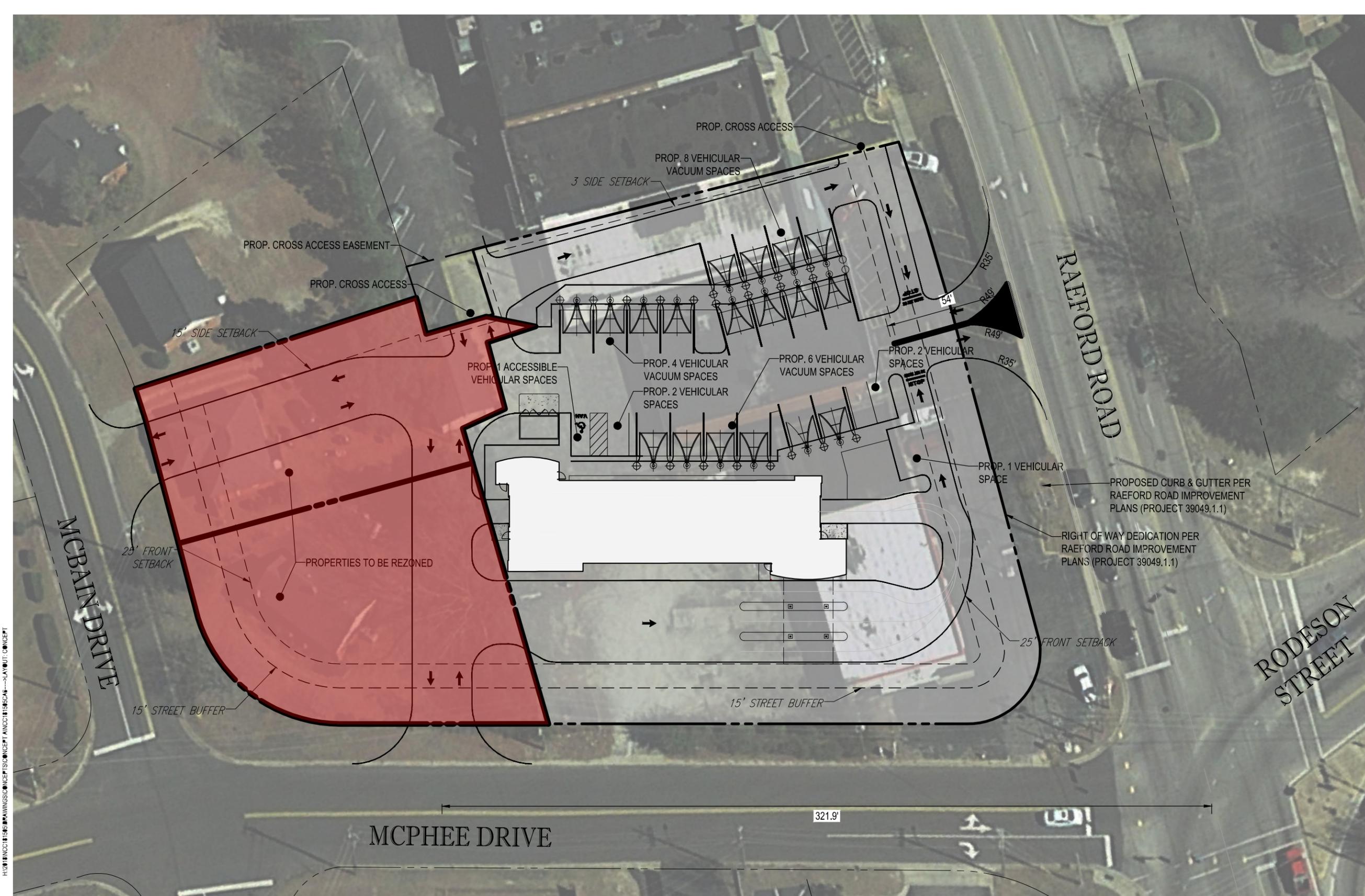


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SINGLE-FAMILY RESIDENTIAL (SF-6)
PROPOSED ZONING: COMMUNITY COMMERCIAL (CC)



COMMERCIAL BUILDING (A-SP6)

FAYETTEVILLE, NC 28305



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Subject Properties



489 McBain Drive



493 McBain Drive

Surrounding Properties

North: McBain Drive



East: McBain Drive



South: Raeform Road



West: McPhee Drive



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1015

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.06

TO: Mayor and Members of City Council

THRU: Douglas J. Hewett, ICMA-CM, City Manager

**FROM: Gina V. Hawkins, Chief of Police
Tracey Broyles, Budget and Evaluation Director**

DATE: September 23, 2019

RE:

Adoption of Capital Project Ordinance 2020-20 (FY18 Byrne Justice Assistance Grant)

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Goal 1: Safe and Secure Community

Executive Summary:

Capital Project Ordinance 2020-20 will appropriate \$22,000 of federal grant funds, passed through the North Carolina Department of Public Safety Governor's Crime Commission, for the purchase of two solar-powered messaging boards, for the Fayetteville Police Department Safe and Secure Communities Enhancement Project.

Background:

The Fayetteville Police Department was awarded a Governor's Crime Commission Grant for \$22,000 which will allow for the purchase of two solar-powered messaging boards. The boards will provide the department with an effective communication tool to assist residents of our city.

Solar-powered messaging boards are traffic control devices used to provide motorists with en-route traveler information. The vital information is most often displayed in real-time and can be controlled either from remote centralized location or locally at the site. Traveler

information displayed on a message board may be generated as a result of a planned or unplanned events. These messaging boards can be used in a variety of traffic control, community event, and emergency communication applications.

Issues/Analysis:

None

Budget Impact:

There is no impact to the General Fund as there is no local match required for the grant.

Options:

- 1) Adopt Capital Project Ordinance 2020-20 to accept the grant and appropriate the grant proceeds.
- 2) Do not accept the grant or adopt Capital Project Ordinance 2020-20 and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to accept the grant and adopt Capital Project Ordinance 2020-20 as presented.

Attachments:

Capital Project Ordinance 2020-20
State of NC Department of Public Safety - Governor's Crime Commission Grant Award
State of NC Department of Public Safety - Governor's Crime Commission Grant Special Conditions

**CAPITAL PROJECT ORDINANCE
ORD 2020-20**

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

- Section 1. The project authorized is for the purchase of two solar-powered messaging boards as funded under the 2018 FPD Safe & Secure Communities Enhancement Project as awarded by the North Carolina Department of Public Safety - Governor's Crime Commission, as a pass through of 2018 Byrne Justice Assistance Grants.
- Section 2. The project director is hereby directed to proceed with the project within the terms of the various contract agreements executed with the Federal and State governments and within the funds appropriated herein.

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

Federal Grant passed through the NC Governor's Crime Commission	<u>\$ 22,000</u>
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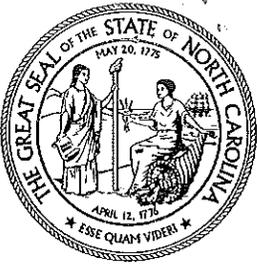
Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 22,000</u>
----------------------	------------------

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

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 23rd day of September, 2019.



STATE OF NORTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY
 GOVERNOR'S CRIME COMMISSION
 1201 Front Street, Suite 200
 Raleigh, NC 27609
 Telephone:(919) 733-4564 Fax:(919) 733-4625
 http://www.ncgccd.org

GRANT AWARD

Applicant: City of Fayetteville
Project Name: 2018 - Fayetteville Police Department - Safe and Secure Communities Enhancement Project
Authorizing Official: Douglas Hewett, City Manager
Implementing Agency: Fayetteville Police Department
Address: 433 Hay Street, Fayetteville, North Carolina 28301-5565
Project Director: Tammy Pippen
Vendor Number: 566001226
Project Number: PROJ013077
Account Manager: CRM Administrator

Grant Period: 10/01/2018 - 09/30/2020

Budgets

Period	Personnel	Contractual	Travel	Supplies	Equipment	Indirect Costs	Total
Year 1	\$0.00	\$0.00	\$0.00	\$0.00	\$22,000.00	\$0.00	\$22,000.00
Grant Budget Total							\$22,000.00

Source	Federal Grant #	CFDA #	% Funding	Federal Award
2018::Byrne Justice Assistance Grants	2018-DJ-BX-0041	16.738	100%	\$22,000.00

In accordance with the laws and regulations of the United States and the State Of North Carolina, and on the basis of the grantee's application, the Department of Public Safety hereby awards to the foregoing grantee an award in the amount above.

This grant is subject to the conditions listed in the approved grant application as well as all applicable rules, regulations and conditions, as may be described by the Department of Public Safety. Special conditions are attached to this award.

This grant shall become effective, as of the start date of the grant period listed, once this original grant award has been properly executed on behalf of the grantee and returned to the Governor's Crime Commission, attention of the Grants Management Director. The grant award must be returned within 30 days of the date the award is mailed from the Governor's Crime Commission. No alterations of any kind may be made on this grant award.

Authorizing Official

Douglas Hewett 9/6/19
 Signature of Authorizing Official Date

Douglas Hewett, City Manager
 Name and Title of Authorizing Official

Governor's Crime Commission

Caroline C. Valand 8/28/19
 Signature of Director Date

Caroline C. Valand, Executive Director
 Name and Title of Director

Project Director

Tammy Pippen 9-4-19
 Signature of Project Director Date

Tammy Pippen,
 Name and Title of Project Director

This award is subject to the attached conditions, which must be signed by both the authorizing official and the project director, and returned along with this Grant Award. No alterations of any kind may be made on this grant award.

D. Certification of Submission of Current Annual Operating Budget:

- ✓ The project director certifies that a copy of the implementing agency's current annual operating budget will be submitted upon request.

E. Certification that Applicant Is Eligible to Receive Federal Funds:

- ✓ The project director certifies that neither the grant applicant nor any of its officers, directors or consultants are presently debarred, proposed for debarment, suspended, declared ineligible or voluntarily excluded from receiving federal funds. [If the director cannot make this certification, an explanation must be attached. If this certification cannot be provided, the applicant will not necessarily be denied participation in this program. The certification or explanation will be considered in connection with the determination by the Governor's Crime Commission as to whether or not to approve the application. However, if neither the certification nor an explanation is provided, the application will be rejected.]

F. Certification Regarding Lobbying:(for agencies receiving \$100,000 or more)

- ✓ The project director certifies that (1) no federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal 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 agreement; (2) if any non-federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal grant, the project director shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions

G. Drug Free Workplace Compliance: (for state agencies only)

The project director certifies that (1) a drug-free workplace awareness program was held on and/or will be held annually on which all grant project employees are required to attend; (2) a copy of the agenda of that program, including an attendance sheet signed by all employees, will be provided to the Governor's Crime Commission; (3) a statement will be published notifying employees that any unlawful involvement with a controlled substance is prohibited in the grantees workplace and that specific actions will be taken against employees who violate this rule; (4) all employees will receive a copy of this notice; (5) all employees must agree to abide by the statement and to notify the applicant of any criminal drug statute conviction for a violation occurring in the workplace within 5 days of the conviction; (6) within 10 days of receiving such notice, the applicant will inform the Governor's Crime Commission of an employee's conviction; (7) any employee so convicted will be disciplined or required to complete a drug abuse treatment program; and (8) the applicant will make a good faith effort to maintain a drug-free workplace, in accordance with the requirements of Sections 5153 and 5154 of the Anti-Drug Abuse Act of 1988 and Sections 8103 and 8104 of Title 41 of the United States Code.

H. Certification of Compliance with General Statute 114-10.01: (for law enforcement agencies only)

- ✓ The project director certifies that the implementing agency is presently in compliance and will remain in compliance with the traffic stop reporting provisions of General Statute 114-10.01 for the duration of the funded project. An agency may be in compliance with the reporting provisions of General Statute 114-10.01 where traffic stops are reported to the Division of Criminal Information, North Carolina Department of Justice, or where the agency does not meet any of the statutory criteria requiring the reporting of stops. A listing of law enforcement agencies currently required to report traffic stop information may be found at <http://www.ncdoj.gov/AgenciesRequiredList.aspx>.

I. IRS Form 990 and IRS Form 990-EZ:

The project director certifies that the most recently-filed IRS Form 990 ("Return of Organization Exempt From Income Tax") or IRS Form 990-EZ ("Short Form Return of Organization Exempt from Income Tax") for the implementing agency has been uploaded with this project application as one or more pdf (Portable Document Format) attachments.

The project director certifies that neither an IRS Form 990 nor an IRS Form 990-EZ has been uploaded with this project application for the following reason:

- The implementing agency is not a nonprofit organization.
- The implementing agency is a nonprofit organization that is exempt from the requirement to file an IRS Form 990 or an IRS Form 990-EZ.

The implementing agency is a nonprofit organization that is not exempt from the requirement to file an IRS Form 990 or an IRS Form 990-EZ and that has not to-date filed an IRS Form 990 or an IRS Form 990-EZ.

Attachments

File Name	Description
sam.gov.pdf	SAM REGISTRATION
Complaint Procedures (1).pdf	Complaint Policy
Modification Letter for GCC.pdf	Modification Letter
20181119131942363.pdf	Memorandum-FPD
Fayetteville Police Department.pdf	GCC-MUST READ



DEPARTMENT OF PUBLIC SAFETY
GOVERNOR'S CRIME COMMISSION
1201 FRONT STREET
RALEIGH, NORTH CAROLINA 27609

AWARD CONTINUATION SHEET

GRANT

- 1 -

CRIMINAL JUSTICE SYSTEM IMPROVEMENT COMMITTEE
GRANT AWARD
SPECIAL CONDITIONS
BYRNE JUSTICE ASSISTANCE GRANT FUNDING

SUBRECIPIENT: City of Fayetteville
DUNS NUMBER: 027068282
PROJECT NAME: 2018 - Fayetteville Police Department - Safe and Secure Communities
Enhancement Project
PROJECT NUMBER: PROJ013077

1. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this 2016 award from the Office of Justice Programs (OJP).

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this 2016 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded in 2014 or earlier years), the Part 200 Uniform Requirements to apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this 2018 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the Office of Justice Programs (OJP) website at <http://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

2. Compliance with DOJ Grants Financial Guide

The recipient agrees to comply with the Department of Justice Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide"), including any updated version that may be posted during the period of performance.

3. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

4. Requirements related to System for Award Management and Unique Entity Identifiers

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <http://www.sam.gov>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards

Authorizing Official:

Douglas Hewitt

Project Director:

Tammy Phippen



DEPARTMENT OF PUBLIC SAFETY
GOVERNOR'S CRIME COMMISSION
1201 FRONT STREET
RALEIGH, NORTH CAROLINA 27609

AWARD CONTINUATION SHEET

GRANT

- 2 -

("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <http://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

5. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <http://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: Award Condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here

6. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$ 150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <http://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000) and are incorporated by reference here.

7. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

8. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must

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comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Post-award Requirements" in the "20 15 DOJ Grants Financial Guide").

9. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of activities under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws.

10. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://ojp.gov/funding/ojptrainingguidingprinciples.htm>.

11. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (Governor's Crime Commission (GCC)) may withhold award funds, or may impose other related requirements, if (as determined by the Governor's Crime Commission (GCC)) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

12. The recipient agrees to comply with any additional requirements that may be imposed by the Governor's Crime Commission during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

13. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

14. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious

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activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter I, Part 38, under e-CFR "current" data.

15. Restrictions on "lobbying"

Federal funds may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government.

Should any question arise as to whether a particular use of Federal funds by a recipient (or subrecipient) would or might fall within the scope of this prohibition, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

16. Compliance with general appropriations-law restrictions on the use of federal funds (FY2018)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2018, are set out at <http://ojp.gov/funding/Explore/FY2018-appropriationsLawRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact the Governor's Crime Commission (GCC), and may not proceed without the express prior written approval the Governor's Crime Commission (GCC).

17. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

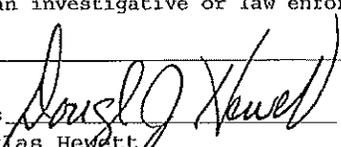
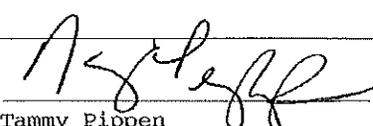
The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) and the Governor's Crime Commission (GCC) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG and the Governor's Crime Commission (GCC) by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N. W. Room 4706, Washington, DC 20530; Governor's Crime Commission, 1201 Front Street, Raleigh, N.C. 27609. (2) e-mail to: oig.hotline@usdoj.gov; and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881(fax).

Additional information is available from the DOJ OIG website at <http://www.usdoj.gov/oig>.

18. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal

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department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

19. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or

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OVW, as appropriate) for guidance.

20. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

21. The recipient agrees to comply with the Governor's Crime Commission's monitoring guidelines, protocols, and procedures, and to cooperate with OJP and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to the Governor's Crime Commission (GCC) all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by the Governor's Crime Commission (GCC) for providing the requested documents.

Failure to cooperate with the Governor's Crime Commission's (GCC) grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

22. Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

23. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance to the OJP's Office for Civil Rights at CivilRightsMOA@usdoj.gov within 90 days of receiving the grant award, and to make supporting documentation available for review upon request by OJP or any other authorized persons. The required elements of the MOA are set forth at http://www.ojp.usdoj.gov/funding/other_requirements.htm, under the heading, "Civil Rights Compliance Specific to State Administering Agencies."

24. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: http://www.it.ojp.gov/gsp_grantcondition. Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

25. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

26. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.

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27. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
28. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
29. The grantee agrees that within 120 days of award acceptance, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).
30. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.
31. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.
32. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA. The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:
 - a. New construction;
 - b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
 - c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
 - d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
 - e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at

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<http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

33. JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
34. Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
35. The recipient agrees to submit a signed certification that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any JAG funding can be used by the agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.
36. Recipient understands and agrees that award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure list may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>.
37. Recipient understands and agrees that award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>.
38. The recipient understands that, pursuant to recommendation 2.1 of Executive Order 13688, law enforcement agencies that acquire controlled equipment through Federal programs must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards. General Policing Standards includes policies on (a) Community Policing; (b) Constitutional Policing; and (c) Community Input and Impact Considerations. Specific Controlled Equipment Standards includes policies specifically related to (a) Appropriate Use of Controlled Equipment; (b) Supervision of Use; (c) Effectiveness Evaluation; (d) Auditing and Accountability; and (e) Transparency and Notice Considerations. Upon OJP's request, the recipient agrees to provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols.
39. Recipient understands and agrees that the purchase or acquisition of any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, with award funds by an agency will trigger a requirement that the agency collect and retain (for at least 3 years) certain information about the use of 1) any federally-acquired Controlled Equipment in the agency's inventory, and 2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and make that information available to BJA upon request. Details about what information must be collected and retained may

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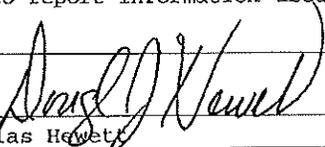
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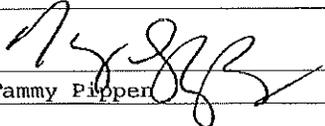
https://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf.

40. Recipient understands and agrees that failure to comply with conditions related to Prohibited or Controlled Expenditures may result in a prohibition from further Controlled Expenditure approval under this or other federal awards.
41. Recipient understands and agrees that, notwithstanding 2 CFR § 200.3 13, no equipment listed on the Controlled Expenditure List that is purchased under this award may be transferred or sold to a third party, except as described below:
- Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it was requesting approval to use award fund for the initial purchase of items on the Controlled Expenditure List.
 - Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.
 - Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale.
- Recipient further understands and agrees to notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased under this award, and to abide by any applicable laws and regulations in such disposal.
42. BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to your My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If you do not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once you register, one of the available areas on your My BJA page will be "My Success Stories". Within this box, you will see an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the new BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.
43. Any law enforcement agency receiving direct or sub-awarded JAG funding must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.
44. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
45. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal

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System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIS") within SAM are posted on the OJP web site at <http://ojp.gov/funding/FAPIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIS), and are incorporated by reference here.

46. Recipient acknowledges the final agency decision made by the U.S. Department of Justice that recipient's jurisdiction did not substantially implement the Sex Offender Registration and Notification Act (P.L. 109-248) before the deadline, which determination impacts the funding amount of this award, pursuant to 42 U.S.C. § 16925. In accepting this specific formula award, recipient hereby voluntarily agrees that if it elects to file a judicial appeal of that final agency decision, which was integral in determining this particular funding amount, no such appeal may commence more than 6 months after the date of this award.
47. Ongoing compliance with 8 U.S.C. 1373 is required 1. With respect to the "program or activity" funded in whole or part under this award (including any such "program or activity" of any subrecipient at any tier), throughout the period of performance for the award, no State or local government entity, -agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or -agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in 8 U.S.C. 1373(b). For purposes of this award, any prohibition (or restriction) that violates this condition is an "information-communication restriction." 2. Certifications from subrecipients. The recipient may not make a subaward to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the subaward, using the appropriate form available at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>. Similarly, the recipient must require that no subrecipient (at any tier) may make a further subaward to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the further subaward, using the appropriate OJP form. 3. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition. 4. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State or local government or a "public" institution of higher education, incurs to implement this condition. 5. Rules of Construction A. For purposes of this condition: (1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe. (2) A "public" institution of higher education is one that is owned, controlled, or directly funded by a State or local government. (3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a). (4) "Immigration status" means what it means for purposes of 8 U.S.C. 1373 (Illegal Immigration Reform and Immigrant Responsibility Act of 1996); and terms that are defined in 8 U.S.C. 1101 (Immigration and Nationality Act) mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 42 U.S.C. 901(a)(2)). (5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 are to be read as references to particular components of the Department of Homeland Security (DHS). B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any "public" institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.
48. Authority to obligate award funds contingent on compliance with 8 U.S.C. 1373; unallowable costs; obligation to notify 1. If the recipient is a State or local government-- A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State or unit of local government or a "public" institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction." B. In addition, with respect to any project costs it incurs "at risk," the recipient may not

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obligate award funds to reimburse itself if -- at the time it incurs such costs -- the "program or activity" of the recipient (or of any subrecipient at any tier that is either a State or unit of local government or a "public" institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any "information-communication restriction." C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and all subrecipients (regardless of tier) are in compliance with 8 U.S.C. 1373. D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded "program or activity" of the recipient, or of any subrecipient at any tier that is either a State or a local government or a "public" institution of higher education, may be subject to any "information-communication restriction." In addition, any subaward (at any tier) to a subrecipient that is either a State or a local government or a "public" institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient such credible evidence regarding an "information-communication restriction." 2. Any subaward (at any tier) to a subrecipient that is either a State or a local government or a "public" institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any "information-communication restriction." 3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required." 4. Rules of Construction A. For purposes of this condition "information-communication restriction" has the meaning set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required." B. Both the "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.

49. Required local-government-level rules or practices related to aliens; allowable costs The following provisions apply to the recipient of this award, if the recipient is a unit of local government, and also apply to any local-government subrecipient of this award at any tier (whether or not the recipient itself is a unit of local government). 1. Requirements with respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award-- A. A local ordinance, -rule, -regulation, -policy, or -practice (or an applicable State statute, -rule, -regulation, - policy, or -practice) must be in place that is designed to ensure that agents of the United States acting under color of federal law in fact are given access a local-government (or local-government-contracted) correctional facility for the purpose of permitting such agents to meet with individuals who are (or are believed by such agents to be) aliens and to inquire as to such individuals' right to be or remain in the United States. B. A local ordinance, -rule, -regulation, - policy, or -practice (or an applicable State statute, -rule, -regulation, - policy, or -practice) must be in place that is designed to ensure that, when a local-government (or local-government/contracted) correctional facility receives from DHS a formal written request authorized by the Immigration and Nationality Act that seeks advance notice of the scheduled release date and time for a particular alien in such facility, then such facility will honor such request and -- as early as practicable (see "Rules of Construction" incorporated by para. 4.B. of this condition) -- provide the requested notice to DHS. 2. Monitoring The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition. 3. Allowable costs Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) of-- (1) developing and putting into place statutes, ordinances, rules, regulations, policies, and practices to satisfy this condition, (2) permitting access as described in para. 1.A. above, and (3) honoring any request from DHS that is encompassed by para. 1.B. above. 4. Rules of construction A. The "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full. B. The "Rules of Construction" set out in the award condition entitled "Required State-level rules or practices related to aliens; allowable costs" are incorporated by reference as though set forth here in full.

50. Use of funds for DNA testing; upload of DNA profiles If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the

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Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

51. Requirements of the award; remedies for non-compliance or for materially false statements. The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award. Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate. Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 42 U.S.C. 3795a), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812). Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.
52. Requirement to report actual or imminent breach of personal identifiable information (PII). The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) - 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2CFR 200.79) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal Information System" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to the assigned GCC Grants Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.
53. Submission of eligible records relevant to the National Instant Background Check System Consonant with federal statutes that pertain to firearms and background checks--including 18 U.S.C 922 and 34 U.S.C. ch 409 -if the recipient (or any subrecipients at any tier) uses this award to fund (in whole or in part) a specific project or program (such as law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records, that are "eligible records" (under Federal or State Law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State Law) relevant to the NICS, the recipient, (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State Law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -when appropriate--promptly mist update, correct, modify, or remove such NICS-relevant "eligible record". In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.
54. Noninterference (within the funded "program or activity") with federal law enforcement: 8 U.S.C. 1373 and 1644; ongoing compliance 1. With respect to the "program or activity" funded in whole or part under this award (including any such program or activity of any subrecipient at any tier), throughout the period of performance, no State or local government entity, - agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or - agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in either 8 U.S.C. 1373(b) or 1644. Any prohibition (or restriction) that violates this condition is an "information-communication

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restriction" under this award.

2. Certifications from subrecipients. The recipient may not make a subaward to a State, a local government, or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373 and 1644, properly executed by the chief legal officer of the government or educational institution that would receive the subaward, using the appropriate form available at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>. Also, the recipient must require that no subrecipient (at any tier) may make a further subaward to a State, a local government, or a public institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373 and 1644, properly executed by the chief legal officer of the government or institution that would receive the further subaward, using the appropriate OJP form.

3. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

4. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.

5. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe. (2) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a). (4) "Immigration status" means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644, and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa. (5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 and 1644 are to be read as references to particular components of the Department of Homeland Security (DHS).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

55. Authority to obligate award funds contingent on noninterference (within the funded "program or activity") with federal law enforcement (8 U.S.C. 1373 and 1644); unallowable costs; notification

1. If the recipient is a "State," a local government, or a "public" institution of higher education:

A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any information-communication restriction.

C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) that is a State, local government, or public institution of higher education, is in compliance with the award condition entitled "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance."

D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient at any tier that is either a State or a local government or a public institution of higher education, may be subject to any information-communication restriction. In addition, any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must require prompt notification to the entity that made

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the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction.

2. Any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction.

3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition.

4. Rules of Construction

A. For purposes of this condition "information-communication restriction" has the meaning set out in the

"Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" condition.

B. Both the "Rules of Construction" and the "Important Note" set out in the

"Noninterference ... 8 U.S.C. 1373 and

1644 and ongoing compliance" condition are incorporated by reference as though set forth here in full.

56. Noninterference (within the funded "program or activity") with federal law enforcement: No public disclosure of certain law enforcement sensitive information
SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier).

1. Noninterference: No public disclosure of federal law enforcement information in order to conceal, harbor, or shield Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no public disclosure may be made of any federal law enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324 (a).

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition--

(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3));

(2) the term "federal law enforcement information" means law enforcement sensitive information communicated or made available, by the federal government, to a State or local government entity, -agency, or -official, through any

means, including, without limitation-- (1) through any database, (2) in connection with any law enforcement partnership or -task-force, (3) in connection with any request for law enforcement assistance or -cooperation, or (4)

through any deconfliction (or courtesy) notice of planned, imminent, commencing, continuing, or impending federal law enforcement activity;

(3) the term "law enforcement sensitive information" means records or information compiled for any law enforcement purpose; and

(4) the term "public disclosure" means any communication or release other than one-- (a) within the recipient, or (b) to any subrecipient (at any tier) that is a government entity.

B. Both the "Rules of Construction" and the "Important Note" set out in the

"Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.

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57. Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier).
1. Noninterference with statutory law enforcement access to correctional facilities
Consonant with federal law enforcement statutes and regulations -- including 8 U.S.C. 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 C.F.R. 287.5(a), under which that power may be exercised "anywhere in or outside the United States" -- within the funded program or activity, no State or local government entity, -agency, or -official may interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."
 2. Monitoring
The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.
 3. Allowable costs
To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.
 4. Rules of construction
A. For purposes of this condition:
 - (1) The term "alien" means what it means under section 101 of the Immigration and Nationality Act (INA) (see 8 U.S.C. 1101(a)(3)).
 - (2) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)).
 - (3) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that--
 - (a) is designed to prevent or to significantly delay or complicate, or
 - (b) has the effect of preventing or of significantly delaying or complicating.B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.

58. Noninterference (within the funded "program or activity") with federal law enforcement: Notice of scheduled release SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier.
1. Noninterference with "removal" process: Notice of scheduled release date and time
Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"; 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual DOJ report to Congress on "the number of illegal alien[felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- within the funded program or activity, no State or local government entity, -agency, or -official (including a government-contracted correctional facility) may interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government contracted) correctional facility receives from DHS a formal

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written request pursuant to the INA that seeks such advance notice.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition:

(1) The term "alien" means what it means under section 101 of the INA (see 8 U.S.C. 1101(a)(3)).

(2) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.

C. Applicability

(1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.

(2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

D. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.

59. Requirement to collect certain information from subrecipients

The recipient may not make a subaward to a State, a local government, or a "public" institution of higher education unless it first obtains from the proposed subrecipient responses to the questions identified in the program solicitation as "Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)." All subrecipient responses must be collected and maintained by the recipient, consistent with regular document retention requirements, and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

60. Reporting requirements

The subrecipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation. These PMT Reports must then be uploaded into the appropriate PMT Tabs with the correct corresponding quarters in the GEMS System. Failure to do so will result in the subrecipient not being to file and submit reimbursements in a timely manner. The subrecipient must also submit an annual progress report in the GEMS system that must be reviewed by its assigned Grants Manager for review. Failure to do this will also result in a GEMS hold that will prevent further

Authorizing Official:

Douglas Hewett

Project Director:

Tammy Pippen



DEPARTMENT OF PUBLIC SAFETY
GOVERNOR'S CRIME COMMISSION
1201 FRONT STREET
RALEIGH, NORTH CAROLINA 27609

AWARD CONTINUATION SHEET

GRANT

- 17 -

activity on this project.

61. Required data on law enforcement agency training
Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.
62. Expenditures prohibited without waiver No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

Authorizing Official:

Douglas Hewitt

Project Director:

Tammy Pippen

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1005

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.07

TO: Mayor and Members of City Council

THRU: Douglas J. Hewett, ICMA-CM, City Manager

**FROM: Gina V. Hawkins, Chief of Police
Tracey Broyles, Budget and Evaluation Director**

DATE: September 23, 2019

RE:

Adoption of Capital Project Ordinance 2020-19 (FY20 Duke Energy Foundation Grant)

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 1: Safe and Secure Community

Executive Summary:

Council is asked to adopt Capital Project Ordinance (CPO) 2020-19 for the purchase of equipment and supplies for the Police Department's Search and Rescue Team, as funded by a \$35,000 grant award from the Duke Energy Foundation.

Background:

The Duke Energy Foundation has provided a grant of \$35,000 to be used to better outfit Fayetteville Police Department's 20 member Search and Rescue Team. Currently, the Fayetteville Fire Department performs the majority of water-related rescue endeavors during hurricane flooding and other natural disaster events. With a better equipped search and rescue team, the Fayetteville Police Department will be able to operate in cooperation with, and independently of, the Fayetteville Fire Department in order to quickly and efficiently ensure the safety of citizens living in Cumberland County.

Equipment and supplies to be purchased include cold water dry suits (10), rescue boats with motors (2), and weather safety packs (14). The cold water dry suits and motorized rescue boats will allow the Fayetteville Police Department Search and Rescue Team to

deploy for longer periods of time during times of disaster. The weather safety packs will include items such as additional flash lights and backup batteries, clothing protection, first aid and other items to give officers greater versatility during blackout conditions.

With lessons learned after Hurricanes Florence and Matthew, this grant will permit the Department to have better hurricane resilience and to be better equipped to ensure the safety of citizens in upcoming hurricane seasons.

This is the first time the Fayetteville Police Department has received this grant.

Issues/Analysis:

None

Budget Impact:

There is no impact to the General Fund as no local match is required.

Options:

- 1) Adopt Capital Project Ordinance 2020-19.

- 2) Do not adopt Capital Project Ordinance 2020-19 and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to adopt Capital Project Ordinance 2020-19 as presented.

Attachments:

Duke Energy Grant Packet
Capital Project Ordinance 2020-19

Duke Energy Grant

Summary

- This grant from Duke Energy Foundation will be used to better outfit Fayetteville Police Department's 20-member search and rescue team in preparation for hurricane seasons to come. Currently, the Fayetteville Fire Department performs the majority of water-related rescue endeavors during hurricane flooding and other natural disaster events. With a better equipped search-and-rescue team, the Fayetteville Police Department can operate both independently of, and in cooperation with the Fayetteville Fire Department in order to quickly and efficiently ensure the safety of citizens living in Cumberland County. Equipment purchased will include cold water wetsuits, motorized rescue boats, and emergency kits. Cold water wetsuits and motorized rescue boats will allow the Fayetteville Police Department Search-and-Rescue team to deploy for longer periods of time during times of disaster. Emergency kits including flashlights and backup batteries purchased to bolster officer equipment will give officers greater versatility during blackout conditions. The provision of this grant will permit Fayetteville Police Department to have better hurricane resilience and be better equipped to ensure the safety of citizens in the upcoming hurricane seasons.

Detail

- In 2016 and 2018, Hurricane Matthew and Hurricane Florence impacted North Carolina. According to reports of the National Hurricane Center, the hurricanes caused a combined total of \$23.5 billion in damages, the majority of damages stemming from the more recent Hurricane Florence. 40 people lost their lives as a direct result of the hurricane, most from flooding and drowning, and some from hurricane winds. Only 2 in Cumberland County died during Hurricane Matthew, and none during Hurricane Florence. Over 700 swift water rescue operations occurred in Cumberland County during Hurricane Matthew and over 5,000 water rescues occurred in North Carolina during Hurricane Florence. The Cape Fear River crested to a peak of 61.5 ft, the highest crest seen since the 1945 flood. Nearly 2,000 structures were flooded or damaged in Cumberland County, with the damages being so bad that Hurricane Florence was called the second "1,000-year flood" following Hurricane Matthew by a Fayetteville Observer article. From all this, the need for improved hurricane resilience in Cumberland County and Fayetteville is obvious. The provision of this grant would allow the purchase of better equipment for emergency responders in times of natural disaster. Well-equipped responders can operate more quickly, efficiently, and in a safer manner, leading to numerous lives saved. Statistics show that 90% of disaster victims are typically saved within the first few hours of an incident, and better equipment could lead to quicker team or officer deployment. The Fayetteville Police Department's Search-and-Rescue team is currently 20 members strong, and assist in a variety of rescue operations in cooperation with organizations such as the Fayetteville Fire Department, Cumberland County Emergency Medical Services, and Cumberland County Volunteer Fire Departments. The Fayetteville Police Department's search-and-rescue team also performs diving operations when underwater crime scene officers are needed. Equipment currently used by the search-and-rescue team was purchased with grant money, and is budgeted about \$3,000 to \$4,000 for maintenance on a yearly basis. This grant would allow the search-and-rescue team to purchase cold water wetsuits, motorized rescue boats, as well as emergency kits to bolster other officers equipment. Cold water wetsuits will prevent hypothermia and prolong diving time for the search-and-rescue team, allowing officers to be searching and rescuing citizens for longer periods of time than their current wetsuits allow now. The purchase of motorized rescue boats will allow officers to access.

areas inaccessible to typical patrol vehicles during times of flooding, allowing faster, more efficient rescue of stranded citizens. While the Fayetteville Police Department's Search-and-Rescue team does have their own boat currently, there is reliance on the Fayetteville Fire Department to operate it. Motorized rescue boats will allow the Fayetteville Police Department to deploy independently and alongside the Fayetteville Fire Department during times of natural disaster, increasing the amount of citizens rescued. During Hurricane Florence in 2018, Fayetteville Police Department had a strong presence both on the streets and on social media. Reports, updates, and public safety advisories were constantly being posted by Fayetteville Police Department, urging citizens to avoid driving around roadblocks, detour around flooded out roads, evacuate low-lying zones, and mindful reminders of mandatory evacuation zones along with curfew to curb looting. Officers deployed on the streets coordinated with rescue groups from federal, state, and local governments to rescue citizens and animals from flooded areas in Cumberland County. Outfitted with emergency kits, officers could potentially be deployed for longer as day turns to night even in blackout conditions, as emergency kits come equipped with flashlights and backup batteries.

Goal #1

- The first goal of this hurricane resiliency program is to obtain the ability to conduct water rescues independently of other organizations in order to improve area coverage during a hurricane and increase the number of citizens brought to safety. The inclusion of this goal in the hurricane resiliency program shows that one of Fayetteville Police Department's top priorities is the safety of the community and the citizens that live in Cumberland County. This goal utilizes the benefits that the provision of this grant would provide to ensure efficient rescue of citizens during times of extreme and dangerous flooding.

- Benefit #1

- This grant would allow Fayetteville Police Department to purchase motorized boats which could be operated solely by the Search-and-Rescue team, without being reliant on the Fayetteville Fire Department. If the Fayetteville Police Department water mobility independent of the Fayetteville Fire Department, a larger area could be covered during times of flooding. This results in citizens who need help being rescued and brought to safety faster, as well as the ability to better ensure citizens aren't needlessly endangering themselves by going around roadblocks that lead to flooded roadways, or aren't attempting to drive through a flooded road.

Goal #2

- The second goal of this hurricane resilience program is to have greater officer deployment in times of duress due to natural disaster in order to coordinate rescue efforts and secure citizen safety. Greater officer deployment in the community means more areas in which the Fayetteville Police Department have eyes on the ground, and quicker response time to pop-up emergencies. More lives could also be saved with greater officer deployment, as officers can dissuade citizens from venturing into unsafe areas, such as flooded houses or flooded roads. Officers could also assist shelters with aiding citizens, providing them food, shelter, safety, and security. Having officers present in shelters could also boost citizen morale.

- Benefit #2

- Greater officer deployment during times of hurricanes means quicker officer response when citizens are in need of help. In blackout conditions, citizens may not be paying attention to social media, meaning that officers need to be where the citizens are. Officer presence is also necessary

to assist outside organizations in coordinating relief efforts. The emergency kits purchased with this grant would bolster officer equipment, giving them valuable batteries and flashlights during blackout conditions, but also other typical emergency items such as bandages and first aid necessities, enabling them to treat minor wounds sustained during patrol and/or rescue. For the citizens, seeing officers actively working to rescue citizens and/or assisting shelters could be encouragement to not give up hope in such trying times.

Goal #3

- The third goal of the hurricane resiliency program is to improve officer safety through the purchase of better diving equipment to safely prolong officer exposure to the elements during times of critical need. Without officers, the Fayetteville Police Department would not be able to respond to emergencies in the community, and thus officer safety is paramount when considering hurricane resiliency. The safety of the search-and-rescue team is especially important, as they will be the officers in the most danger, rescuing citizens in potentially life-threatening weather situations. By keeping our officers safe, we increase how safe our citizens can be.

- Benefit #3

- This grant will also allow the Fayetteville Police Department to purchase new and improved diving gear for the search-and-rescue team. Current diving equipment was purchased also with grant money, but improved gear is necessary when looking back over the hurricane seasons in the past few years. With increasing extremity in hurricanes that affect Cumberland County and its citizens, cold water wetsuits are necessary for the search-and-rescue team to perform their duties safely and efficiently. With the purchase of cold water wetsuits, Fayetteville Police Department's ability to be resilient in times of hurricane devastation rises considerably.

Explanation of why this nonprofit is best suited to conduct Grant Program

- The Fayetteville Police Department is the organization best suited to conduct this hurricane resiliency program because our law enforcement officers are leaders in this community when it comes to citizen safety. There are already foundations in place for a strong hurricane resiliency program to be built. The search-and-rescue team is formed of 20 highly-skilled individuals that have performed underwater operations for a variety of situations in the past. The Fayetteville Police Department is also already skilled in preparing for, dealing with, and continuing in the aftermath of a hurricane. Many in the community were devastated by both Hurricane Matthew and Hurricane Florence in such a short time span, and it falls to the Fayetteville Police Department to provide support and safety in dangerous times such as those. The Fayetteville Police Department stands as a shining beacon of hope to citizens whose lives and homes have been turned to chaos by a hurricane, and developing a strong hurricane resiliency program would ensure the safety of the community for years to come. This is why the Fayetteville Police Department is the best organization to conduct this hurricane resiliency program.

Duke Energy Hurricane Resilient Grant

Budget Detail Narrative

Budget Summary: This grant would allow the search-and-rescue team to purchase cold water wetsuits, motorized rescue boats, as well as emergency kits to support other officer's equipment. Cold water wetsuits will prevent hypothermia and prolong diving time for the search-and-rescue team, allowing officers to be searching and rescuing citizens for longer periods of time than their current wetsuits allow now. The purchase of motorized rescue boats will allow officers to access.

Self Bailing Raft Boats- The Search and Rescue Team for the Fayetteville Police Department relies on Self Bailing Raft Boats to conduct rescue missions. Through experience, officers know that this is the best transport that you can keep stored away for when a flood occurs. In in any flooded environment an inflatable boat is going to save you without a doubt. First, it is a necessary way of water transport. Second is the risk of disease and illness. Stale floodwater is a sponge for hazards as it collects sharp objects, dead wildlife, human waste, typhoid fever, cholera and hepatitis just to name a few. We are requesting two boats at \$4,500.00 each for a total of \$9,000.00.

Dry Suits- Dry suits are essential when conducting rescues missions. Dry suits have a neoprene and a thin layer of water trapped between that and the skin, this is important for the safety and well-being of our officers. With dry suits he provides officers with added layers of insulation to slow the loss of body heat. We are requesting to buy 14 dry suits at \$1,500.00 each for a total of \$21,000.00.

Boat Motors-The Fayetteville Police Department will like to purchase two additional boat motor for, due to the location of the Cape Fear River, have to motors will serve as emergency back-up units for boats. We are requesting to but two motors for \$6,300.00 each for a total of \$12,600.00.

Weather Safety Packs- This safety kit will provide officer with additional useful equipment such as item additional flash lights, additional protection like extra communication devices, clothing protection, first aid, and other items. We are requesting 50 safety pack for a total of \$7,400.00. The safety packs are \$148.00 each.

Duke Energy Hurricane Resilient Grant Budget Detail

The Fayetteville Police Department submitted a grant application for the 2019 Duke Energy Grant for \$50,000.00. Duke Energy awarded the grant for \$35,000.00. Please see the new budget for items.

Item	Quantity	Amount	Total
Self Bailing Raft Boats	2	\$3,235.50	\$6,471.00
Dry Suits	10	\$1,500.00	15,000.00
Boat Motors	2	\$5,794.98	\$11,589.96
Weather Safety Packs	14	\$138.50	\$1939.04
Total			\$35,000.00

**CAPITAL PROJECT ORDINANCE
ORD 2020-19**

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

Section 1. The project authorized is for the purchase of equipment and supplies for water-related rescues, as funded by a grant from the Duke Energy Foundation.

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

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

Duke Energy Foundation Grant	<u>\$ 35,000</u>
------------------------------	------------------

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

Project Expenditures	<u>\$ 35,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 23rd day of September, 2019.

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1021

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.08

TO: Mayor and Members of City Council

**THRU: David W. Trego, CEO/General Manager
Fayetteville Public Works Commission**

FROM: Fayetteville Public Works Commission

DATE: September 23, 2019

RE:

Bid Recommendation - Inventory Steel Poles

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

High Quality Built Environment

Executive Summary:

Bids were received for the contract to purchase Inventory Steel Poles. The recommended lowest responsive, responsible bidder is Meyer Utility Structures, LLC, Memphis, TN, in the total amount of \$361,704.00.

Background:

The Fayetteville Public Works Commission, during their meeting on September 11, 2019, approved the bid recommendation to award the contract for the purchase of Inventory Steel Poles for a one year period, with the right to order additional quantities for an additional three (3) year period, upon the agreement of both parties, to Meyer Utility Structures, LLC, Memphis, TN, the lowest responsive, responsible bidder in the total amount of \$361,704.00. This project will provide seven (7) various types of steel poles. The Commission also authorized staff to forward this recommendation to the City Council for approval.

Bids were received on August 15, 2019, as follows:

BIDDERS	TOTAL COST
Meyer Utility Structures, LLC, Memphis, TN	\$361,704.00
TAPP, Inc., Houston, TX	\$384,100.00
Shealy Electrical Wholesales (Keystone), Greenville, SC	\$390,069.55
MD Henry Company, Inc., Pelham, AL	\$426,636.00
Rohn Products, LLC, Peoria, IL	\$466,950.00
Shealy Electrical Wholesales (MICA), Greenville, SC	\$474,121.00
Summit Utility Structures, LLC, Allentown, PA	\$489,757.00
Valmont Newmark, Valley, NE	\$681,492.00
Sabre Industries, Alvarado, TX	\$695,695.00

Issues/Analysis:

There is no SDBE/Local Participation. The bidder intends to perform 100% of the work.

Budget Impact:

Funding for this project will be funded from Inventory.

Options:

N/A

Recommended Action:

The Fayetteville Public Works Commission recommends the Fayetteville City Council award the contract for the purchase of Inventory Steel Poles for a one year period, with the option to order additional quantities for an additional three (3) year period, upon the agreement of both parties, to Meyer Utility Structures, LLC, Memphis, TN, the lowest responsive, responsible bidder in the total amount of \$361,704.00.

Attachments:

Bid Recommendation - Steel Poles - Replacement of Wood Poles

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: David W. Trego, CEO/General Manager

DATE: September 4, 2019

FROM: Trent K. Ensley, Procurement Manager

.....

ACTION REQUESTED: Approve contract award for Inventory Steel Poles. These poles will be used to support the planned replacement of wood poles. This project is will provide seven (7) various types of steel poles for a one year period, with the right to order quantities for an additional (3) year period, if agreed upon by both parties.

.....

BID/PROJECT NAME: Inventory Steel Poles

BID DATE: August 15, 2019

DEPARTMENT: Electric Inventory

.....

BUDGET INFORMATION: Funding for this project will be funded from Inventory.

.....

BIDDERS	TOTAL COST
Meyer Utility Structures, LLC, Memphis, TN 38815	\$ 361,704.00
TAPP, Inc., Houston, TX 77066	\$ 384,100.00
Shealy Electrical Wholesales (Keystone), Greenville, SC 29607	\$ 390,069.55
MD Henry Company, Inc., Pelham, AL 35124	\$ 426,636.00
Rohn Products, LLC, Peoria, IL 61603	\$ 466,950.00
Shealy Electrical Wholesales (MICA), Greenville, SC 29607	\$ 474,121.00
Summit Utility Structures LLC, Allentown, PA 18103	\$ 489,757.00
Valmont Newmark, Valley, NE 68064	\$ 681,492.00
Sabre Industries, Alvarado, TX 796009	\$ 695,695.00

.....

AWARD RECOMMENDED TO: Meyer Utility Structures, LLC, Memphis, TN 38815

BASIS OF AWARD: Lowest responsive, responsible bidder

.....

COMMENTS: The Commission is asked to approve award of a contract to Meyer Utility Structures, LLC, Memphis, TN 38815, for delivery of steel poles supporting the planned replacement of wood poles. This will be a one (1) year contract, with the right to order quantities for an additional three (3) year period, if agreed upon by both parties. Meyer Utility Structures, LLC, Memphis, TN 38815, was the lowest responsive, responsible bidder. Notice of the bid was advertised through our normal channels on August 1, 2019 with a bid opening date of August 15, 2019. Award is recommended to Meyer Utility Structures, LLC.

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____

DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____

DATE _____

BID HISTORY
Inventory Steel Poles
BID DATE: AUGUST 15, 2019

Consulting Engineer

N/A

Advertisement

- | | | |
|----|------------------------|-------------------------------|
| 1. | PWC Website | 08/01/2019 through 08/15/2019 |
| 2. | The Fayetteville Press | General Monthly Ad |

List of Prospective Bidders

1. Meyer Utility Structures, Memphis, TN 38125
2. Valmont/Newmark, Valley, NE 68064
3. MD Henry Company, Inc., Pelham, AL 35124
4. Shealy, Greenville, SC 29607
5. TAPP, Inc., Houston, TX 77066
6. Rohn Products, LLC, Peoria, IL 61603
7. Summit Utility Structures LLC, Allentown, PA 18103
8. Sabre Industries, Alvarado, TX 796009

List of Organizations Notified of Bid

Small Business Administration Programs:

Small Business Administration Regional Office (SBA)
NC Procurement & Technical Assistance Center (NCPTAC)
Veterans Business Outreach Center (VBOC)
Small Business Technology Center (SBTDC)
Women's Business Center of Fayetteville (WBC)

Local Business and Community Programs

FSU Construction Resource Office (FSUCRO)
FSU Economic Development Administration Program (FSUEDA)
NAACP, Fayetteville Branch
FTCC Small Business Center (SBC)
Greater Fayetteville Chamber, RFP Posting submitted
Hope Mills Chamber
Spring Lake Chamber
Fayetteville Business & Professional League (FBPL)

State Business and Community Programs

NC Institute of Minority Economic Development (The Institute) Durham, NC

NAACP, State Branch Raleigh, NC

National Utility Contracting Association- NC Chapter (NUCA)

Durham Chapter of the National Association of Women in Construction (NAWIC)

South Atlantic Region of National Association of Women in Construction (NAWIC)

The Hispanic Contractors Association of the Carolinas (HCAC)

United Minority Contractors of North Carolina

Media

Fayetteville Observer

WIDU, AM1600

IBronco Radio at FSU

Fayetteville Press News

Up & Coming Weekly

Bladen Journal

SDBE/Local Participation

SDBE/Local: There is no SDBE/Local participation. The bidder intends to perform 100% of the work.

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1023

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.09

TO: Mayor and Members of City Council

**THRU: David W. Trego, CEO/General Manager
Fayetteville Public Works Commission**

FROM: Fayetteville Public Works Commission

DATE: September 23, 2019

RE:

Bid Recommendation - Three (3) 4X4 Pick-ups

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

High Quality Built Environment

Executive Summary:

Bids were received for the purchase of three (3) 4X4 Pick-ups. The recommended lowest responsive, responsible bidder is Cooper Ford, Carthage, NC, in the total amount of \$96,519.00.

Background:

The Fayetteville Public Works Commission during their meeting on September 11, 2019, approved the bid recommendation to award the purchase of three (3) 4X4 Pick-ups to Cooper Ford, Carthage, NC, the lowest responsive, responsible bidder in the total amount of \$96,519.00. The Commission also authorized staff to forward this recommendation to the City Council for approval.

Bids were received on August 20, 2019, as follows:

BIDDERS

TOTAL COSTS

Cooper Ford, Carthage, NC	\$96,519.00
Lafayette Ford, Fayetteville, NC	\$97,109.00

Issues/Analysis:

Notice of the bid was advertised through our normal channels on July 22, 2019. Addendum No. 1 was issued on August 9, 2019, to extend the bid opening date from August 13, 2019 to August 20, 2019. Bids were solicited from various vendors with two (2) vendors responding. SDBE: Cooper Ford, Carthage is not classified as a SDBE, minority or woman-owned business.

Budget Impact:

Total funding in the amount of \$101,310.00 is included in the FY2020 budget. Electric Construction and Maintenance Capital Budget Codes: 2008201769, 2008201804 and 2008201847 to replace Units 261, 2304 & 2306.

Options:

N/A

Recommended Action:

The Fayetteville Public Works Commission recommends the Fayetteville City Council award the purchase of three (3) 4X4 Pick-ups to Cooper Ford, Carthage, NC, the lowest responsive, responsible bidder in the total amount of \$96,519.00

Attachments:

Bid Recommendation - Three (3) 4X4 Pick-ups

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: David W. Trego, CEO/General Manager

DATE: September 4, 2019

FROM: Trent Ensley, Procurement Manager

.....
ACTION REQUESTED: Approve award for the purchase of three (3) 4x4 Pickups.

BID/PROJECT NAME: Three (3) 4x4 Pickups

BID DATE: August 20, 2019

DEPARTMENT: Electric Construction &
Maintenance

BUDGET INFORMATION: Total funding in the amount of \$101,310.00 is included in the FY2020 budget, Electric Construction and Maintenance Capital Budget Codes: 2008201769, 2008201804 and 2008201847 to replace Unit #261, 2304, and 2306.

.....
BIDDERS

TOTAL COST

Cooper Ford, Carthage, NC
Lafayette Ford, Fayetteville, NC

\$96,519.00
\$97,109.00

.....
AWARD RECOMMENDED TO: Cooper Ford, Carthage, NC

BASIS OF AWARD: Lowest responsive, responsible bidder

.....
COMMENTS: The Commission is asked to approve award for the purchase of three (3) 4x4 Pickups to the lowest responsive, responsible bidder Cooper Ford, Carthage, NC. Notice of the bid was advertised through our normal channels on July 22, 2019. Addendum No. 1 was issued on August 9, 2019 to extend the bid opening date from August 13, 2019 to August 20, 2019. Bids were solicited from various vendors with two (2) vendors responding.

.....
ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY

THREE (3) 4X4 PICKUPS

BID DATE: AUGUST 20, 2019

Advertisement

- | | | |
|----|----------------|---------------------------|
| 1. | PWC Website | 07/22/19 through 08/20/19 |
| | Addendum No. 1 | 08/09/19 through 08/20/19 |

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. Fayetteville Business & Professional League, Fayetteville, NC
5. SBTDC, Fayetteville, NC
6. FTCC Small Business Center, Fayetteville, NC
7. Greater Fayetteville Chamber, Fayetteville, NC
8. Center for Economic Empowerment & Development (CEED), Fayetteville, NC

List of Prospective Bidders

1. Cooper Kenworth Trucks, Raleigh, NC
2. Smith International Truck Center, Fayetteville, NC
3. Piedmont Ford Truck Sales, Greensboro, NC
4. Advantage Truck Center, Charlotte, NC
5. Tri-Point Truck Center, Raleigh, NC
6. Charlotte Truck Center, Charlotte, NC
7. Lafayette Ford, Fayetteville, NC
8. H&H Truck, Fayetteville, NC
9. Transource, Raleigh, NC
10. Ashville Ford, Ashville, NC
11. Capital Ford, Raleigh, NC

SDBE Participation

Cooper Ford, Carthage, NC is not classified as a SDBE, minority or woman-owned business.

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1026

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.010

TO: Mayor and Members of City Council

**THRU: David W. Trego, CEO/General Manager
Fayetteville Public Works Commission**

FROM: Fayetteville Public Works Commission

DATE: September 23, 2019

RE:

Bid Recommendation - Two (2) Cab and Chassis

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

High Quality Built Environment

Executive Summary:

Bids were received for the purchase of two (2) Cab and Chassis Equipped with HD150ABDW Service Body and PTO Mounted Compressors. The recommended lowest responsive, responsible bidder is H&H Truck, Fayetteville, NC, in the total amount of \$244,054.00.

Background:

The Fayetteville Public Works Commission, during their meeting on September 11, 2019, approved the bid recommendation to award the purchase of two (2) Cab and Chassis Equipped with HD150ABDW Service Body and PTO Mounted Compressors to H&H Truck, Fayetteville, NC, the lowest responsive, responsible bidder in the total amount of \$244,054.00. The Commission also authorized staff to forward this recommendation to the City Council for approval.

Bids were received on August 20, 2019, as follows:

BIDDERS	TOTAL COST
H&H Truck, Fayetteville, NC	\$244,054.00

Issues/Analysis:

Notice of bid was advertised through our normal channels on July 22, 2019. Addendum No. 1 was issued on August 9, 2019, to extend the bid opening date from August 13, 2019, to August 20, 2019. Bids were solicited from various vendors with one (1) vendor responding. Fleet staff concurs it is in the best interest of PWC to purchase the units from H&H Truck, Fayetteville, NC.

Budget Impact:

Total funding in the amount of \$293,000.00 is available for this purchase in the FY2020 budget. Water Construction and Maintenance Capital Budget Codes: 2006201805 and 2006201836.

Options:

N/A

Recommended Action:

The Fayetteville Public Works Commission recommends the Fayetteville City Council award the purchase of two (2) Cab and Chassis Equipped with HD150ABDW Service Body and PTO Mounted Compressors to H&H Truck, Fayetteville, the lowest responsive, responsive bidder in the total amount of \$244,054.00.

Attachments:

Bid Recommendation - Two (2) Cab and Chassis PWC1920008

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: David W. Trego, CEO/General Manager

DATE: September 5, 2019

FROM: Trent Ensley, Procurement Manager

.....
ACTION REQUESTED: Approve award for the purchase of two (2) Cab and Chassis Equipped with HD150ABDW Service Body and PTO Mounted Compressor.

BID/PROJECT NAME: Two (2) Cab and Chassis Equipped with HD150ABDW Service Body and PTO Mounted Compressor.

BID DATE: August 20, 2019

DEPARTMENT: Water Construction & Maintenance

BUDGET INFORMATION: Total funding in the amount of \$293,000.00 is available for this purchase in the FY2020 budget, Water Construction and Maintenance Capital Budget Codes: 2006201805 and 2006201836.
.....

BIDDER	TOTAL COST
H&H Truck, Fayetteville, NC	\$244,054.00

.....

AWARD RECOMMENDED TO: H&H Truck, Fayetteville, NC

BASIS OF AWARD: Lowest responsive, responsible bidder

.....
COMMENTS: The Commission is asked to approve award for the purchase of two (2) Cab and Chassis Equipped with HD150ABDW Service Body and PTO Mounted Compressor purchase to the lowest responsive, responsible bidder H&H Truck, Fayetteville, NC. Notice of the bid was advertised through our normal channels on July 22, 2019. Addendum No. 1 was issued on August 9, 2019 to extend the bid opening date from August 13, 2019 to August 20, 2019. Bids were solicited from various vendors with one (1) vendor responding. Fleet staff concurs it is in the best interest of PWC to purchase the units from H&H Truck, Fayetteville, NC
.....

ACTION BY COMMISSION
APPROVED _____ REJECTED _____
DATE _____

ACTION BY COUNCIL
APPROVED _____ REJECTED _____
DATE _____

BID HISTORY

TWO (2) CAB AND CHASSIS EQUIPPED WITH HD150ABDW SERVICE BODY AND PTO MOUNTED COMPRESSOR

BID DATE: AUGUST 20, 2019

Advertisement

- | | | |
|----|----------------|---------------------------|
| 1. | PWC Website | 07/22/19 through 08/20/19 |
| | Addendum No. 1 | 08/09/19 through 08/20/19 |

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. Fayetteville Business & Professional League, Fayetteville, NC
5. SBTDC, Fayetteville, NC
6. FTCC Small Business Center, Fayetteville, NC
7. Greater Fayetteville Chamber, Fayetteville, NC
8. Center for Economic Empowerment & Development (CEED), Fayetteville, NC

List of Prospective Bidders

1. Cooper Kenworth Trucks, Raleigh, NC
2. Smith International Truck Center, Fayetteville, NC
3. Piedmont Ford Truck Sales, Greensboro, NC
4. Advantage Truck Center, Charlotte, NC
5. Tri-Point Truck Center, Raleigh, NC
6. Charlotte Truck Center, Charlotte, NC
7. Lafayette Ford, Fayetteville, NC
8. H&H Truck, Fayetteville, NC
9. Transource, Raleigh, NC
10. Asheville Ford, Asheville, NC
11. Capital Ford, Raleigh, NC

SDBE Participation

H&H Truck, Hope Mills, NC is a Local Business that is not classified as a SDBE, minority or woman-owned business.

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1012

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Consent

Agenda Number: 6.011

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, ICMA-CM, Deputy City Manager

**FROM: Lee Jernigan, PE, City Traffic Engineer
Sheila Thomas-Ambat, PE, CCM, CFM, Director of Public Services**

DATE: September 23, 2019

RE:

**Recommended Vendor and Authorization for Contract Negotiations for
Operation and Management of the Downtown Parking program**

COUNCIL DISTRICT(S):

2

Relationship To Strategic Plan:

Goal II: Diverse and Viable Economy

Objective A: To sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth

Executive Summary:

Council was briefed at their September 3, 2019 work session regarding the RFP selection process and recommendation of a vendor for the operation and management of the downtown parking program. The evaluation team reviewed five submittals and determined to conduct face to face interviews with three firms, Republic/Lanier Parking, McLaurin Parking and SP+ Municipal Services. The team evaluated the remaining three (3) firms based on requested supplemental information they provided and the face to face interview. After a final combined scoring matrix was completed, the team recommended Republic/Lanier Parking.

Based on the evaluation team's recommendation, staff is requesting Council approve this recommendation and grant authority to the City Manager to negotiate a five (5) year term contract with Republic/Lanier Parking for operation and management of the downtown

parking program. Council's previous direction to implement paid parking in early 2020 will require a contract be executed with the vendor by September 30, 2019.

Background:

A comprehensive downtown parking study was completed by Walker Consultants and presented to City Council for their consensus at the February 4, 2019 work session. As a result of the study, a Request For Information (RFI) was issued in March 2019. Based on the information from the RFI and the recommendations of the Walker Study, a Request For Proposals (RFP) was scoped and released in May 2019 for the Operation and Management of the Downtown Parking Program. Five (5) responses to the RFP were received on June 7, 2019 and included submittals from LAZ Parking, McLaurin Parking, Republic/Lanier Parking, SP+ Municipal Services and UPP Global, LLC. An evaluation team was formed and was comprised of representatives from CMO, Public Services, Police, Finance, Budget and Evaluation, Greater Fayetteville Chamber of Commerce and the Cool Springs Downtown District. The team reviewed these RFPs from June 26 - July 12, 2019. An evaluation matrix was completed by each team member which included the following criteria: Project Management Experience, Project Understanding and Approach, Personnel Qualifications, Consultants, Sub-Consultants & Other Participants and other General Qualifications.

After the initial RFP review, a combined evaluation matrix was completed and the team met on July 17, 2019 to discuss recommendations. The team determined to perform face to face interviews with three (3) firms, McLaurin Parking, Republic/Lanier Parking and SP+ Municipal Services. The team also determined the firms would be required to submit supplemental information to the original RFP. The three selected firms were allowed a two week period, July 22 - August 2, 2019, to gather and submit this information. Firms were also notified at that time to be prepared for face to face interviews during the week of August 5, 2019. Interviews were conducted with Republic/Lanier and McLaurin on August 8th and with SP+ Municipal Services on August 9th, 2019, after which, the team met on August 14, 2019 to discuss their recommendations. City Council was provided an update on the selection process at their September 3, 2019 work session, including the recommendation for Republic/Lanier Parking to operate and manage the downtown parking program.

Issues/Analysis:

As a part of the conclusion of the interview process, the evaluation team also completed a final evaluation matrix that included a rating for each vendor in the following categories: Parking Enforcement Operating Criteria, Parking Enforcement/Management Capital Cost Criteria and Reporting Capabilities. Each team members' evaluation matrix was incorporated into a combined evaluation matrix to determine a quantified approach to selecting a recommended vendor. Based on this matrix and discussions from the combined evaluation team meeting on August 14, 2019, the recommended vendor is Republic/Lanier Parking.

To summarize this recommendation, Republic/Lanier Parking was recommended based

on several qualities ranked at a higher level than the other vendors, including their interview presentation which was well prepared with a team that was extremely engaged with the interview panel. They also demonstrated resources and strategies for a comprehensive approach to manage the City of Fayetteville's program, including a robust reporting/accountability system that consolidated seven (7) reporting systems into one portal that produces a customizable dashboard and has the capability to be public facing. This system will be utilized as part of a smart city approach that includes real time reporting, methods to accommodate overlapping uses in the Hay Street deck, on and off street pay by plate technologies and other validation options for downtown parkers. Republic has completed recent transitions to on-street paid parking in other areas and serves over 100 municipalities. Their focus on a structured public outreach approach is important and has broad marketing concepts that include press releases, digital and social media outlets, public workshops, a custom website and branding specifically for the City. Republic currently does business for the City by managing parking at the Fayetteville Airport, is an Accredited Parking Organization (APO) by the International Parking and Mobility Institute (IPMI) and employs over 500 employees in North Carolina.

Budget Impact:

Staff is requesting authority be granted to the City Manager to negotiate a contract with a five (5) year term with Republic/Lanier Parking, in accordance with FY 20 budget approved by Council at their June 10, 2019 regular meeting. If negotiations do not result in a contract that is in accordance with Council's adopted FY 20 budget, staff would bring a Budget Ordinance Amendment to Council for their consideration.

Options:

- Accept staff's recommended vendor, Republic/Lanier Parking, and grant authority to the City Manager to negotiate a five (5) year term contract
- Reject staff's recommended vendor and provide direction

Recommended Action:

Staff recommends Council accept staff's recommended vendor, Republic/Lanier Parking, and grant authority to the City Manager to negotiate a five (5) year term contract.

Attachments:

Combined Final Evaluation Matrix, Republic/Lanier Parking Program Recommendations

FINAL EVALUATI**Downtown Parking**

CRITERIA	
	Sample
PARKING ENFORCEMENT OPERATING CRITERIA	
HOURS OF ENFORCEMENT	10
EVENT PARKING (80 EVENT DAYS PER YEAR)	10
VEHICLE OPERATED FOR LICENSE PLATE RECONGNITION(LPR) FOR ENFORCEMENT	10
PARKMOBILE PARKING APP	10
50%	50.00
PARKING ENFORCEMENT /MANAGEMENT CAPITAL COST CRITERIA	
FIVE YEAR OPERATING BUDGET TO INCLUDE LPR VEHICLE, PARKMOBILE &OTHER EXPENSES	10
INSTALLATION AND MAINTENANCE OF PAY KISOKS	10
FINANCING MODEL FOR A 5 YR TERM CONTRACT	10
MISCELLANEOUS CAPITAL EXPENSES (FORM I-TECHNOLOGY)	10
25%	25.00
REPORTING CAPABILITIES	
REPORTING METHODS FOR FINANCIAL ACCOUNTABILITY	10
REAL-TIME REPORTING ON STREET AND OFF STREET	10
INNOVATION OR TECHNOLOGY THAT DECREASES OPERATIONAL COSTS	10
OUTREACH/ MARKETING BRANDING CAMPAIGN	10
CUSTOMER SERVICE PROCEDURES	10
TIMELINE FOR TRANSITION	10
OVERALL INTERVIEW PRESENTATION	10
25%	25.00
TOTAL RATING	100.00%

ON MATRIX

Management

FIRMS		
MCLAURIN PARKING	SP+ MUNICIPAL SERVICES	REPUBLIC PARKING
8.58	8.86	9.29
8.00	8.86	9.58
8.43	9.00	9.58
8.29	9.58	9.58
41.63	45.38	47.54
7.86	8.00	8.58
6.72	8.58	8.86
8.00	7.29	8.15
6.58	7.43	8.86
18.23	19.56	21.53
5.72	7.72	9.72
5.00	8.00	9.72
6.58	8.43	9.43
6.15	7.58	9.43
7.43	7.58	9.15
7.86	7.43	9.15
6.00	7.15	9.72
15.98	19.25	23.69
75.83%	84.18%	92.75%



City of Fayetteville Parking Program Recommendations

Parking Meters



Republic/Lanier has recommended the T2 Systems Digital Luke 2 multi-space parking meters. The City currently utilizes an older version of the Luke parking meters for revenue collection on your parking lots. The Digital Luke 2 parking meter is customer friendly and allows for numerous payment options including: coins, cash, credit card, debit card and validations.

Payment instructions are posted on the machine with step by step instructions provided on the easy to read color screen. Customers will simply enter their license plate number, select a method of payment and pay for the amount of time they need (within time limit restrictions).

Validations at the meter are facilitated through a paper coupon that can be provided to the customer by merchants, residents, organizations or city departments.

All parking data is shared real time through the Digital back office software which will be linked to the Republic/Lanier PATH dashboard (described below).

Pay by Cell

Republic/Lanier is recommending Parkmobile as your pay by cell service. Parkmobile's industry leading mobile app offers customers a convenient way to pay for their parking both on-street and off-street. Parkmobile provides its service for a number of North Carolina cities including Charlotte, Greensboro and Chapel Hill.

Customers download the Parkmobile app at no charge, which they can use at any other Parkmobile city across the United States. Next, they set up an account by entering the license plate(s) of their vehicle(s) and a credit card for payment. Once their Parkmobile account is set up they simply park, select the parking zone they are using and select the amount of time they wish to purchase. Customers can skip the parking meter and quickly be on their way. Parkmobile will send the customer a reminder before their parking time expires and allow them to purchase additional time to avoid a parking citation.



All Parkmobile data is shared and integrated with the parking enforcement technology and the PATH dashboard for real time visibility.

Parking Enforcement

- *Ambassador Approach* – Republic/Lanier employs a customer first approach to parking enforcement. Our staff have a mission to represent the City of Fayetteville positively, providing helpful information to residents, businesses and visitors. Our goal is parking compliance, not to issue parking citations.
- *Technology* – In order to be highly efficient and accurate in our parking enforcement programs Republic/Lanier recommends deploying a mobile LPR (License Plate Recognition) vehicle. LPR is a great tool to assist the Parking Ambassador to accurately identify a parking violation and provide a digital record of the matter.



Paid On-Street Roll Out

- *Experience* – Republic/Lanier has valuable experience with implementing a paid on-street parking program. We recently assisted the City of Macon in launching their program. We know how to effectively communicate and educate the citizenry to minimize the negatives of this program change.
- *Community Engagement Plan* – We will assist the City in a phased community engagement program with press releases, community meetings and a web/print information.
- *Soft Enforcement* – We recommend a “soft enforcement” plan for the initial period of the paid on-street program where warnings, instead of citations, are issued as an educational/informational tool.

Smart Parking Solution “PATH”

Republic/Lanier will provide our IBM powered PATH (Parking Analytics that Help) solution to further Fayetteville’s *Smart City efforts*. PATH will integrate with all of the City’s parking technology, centralize data and provide “real time” reporting of all transactional and financial parking data. From a user defined Dashboard, City staff and leadership will be able to see real time parking space occupancy, as well as a multitude of report options pertaining to your parking program. PATH will unlock the power of your parking data and dramatically improve the efficiency of your parking program by reducing administrative burdens. PATH delivers an updated parking study for the City of Fayetteville every day!



Transaction & Violation Frequency By TimePeriod



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-968

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.012

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, Deputy City Manager, ICMA-CM

**FROM: Sheila Thomas-Ambat, P.E., Public Services Director
John Larch, P.E., Assistant City Engineer / Stormwater Manager
Tracey Broyles, Budget and Evaluation Director**

DATE: September 23, 2019

RE:

Approval of an Interlocal Agreement with Cumberland County for Debris Removal from Locks Creek and Adoption of Special Revenue Fund Project Ordinance 2020-5 to Appropriate a Pass-Through Stream Debris Removal Grant

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

High quality built environment

Executive Summary:

Cumberland County has received a grant to perform debris and sediment removal from Locks Creek which impacts properties in and out of the Fayetteville City limits. The proposed inter-local agreement authorizes the City to complete the project. Council approval of the interlocal agreement is requested, along with the adoption of Special Revenue Fund Project Ordinance (SRO) 2020-5 to appropriate \$446,234 of pass-through grant funds to undertake the project to remove blockages within Lock's Creek and improve the flow of water.

Background:

Residents within the City who live in homes along Locks Creek, particularly in the area along Bombay Drive and Turkey Creek, have experienced repeated flooding in recent years. This flooding was particularly devastating during Hurricanes Matthew and

Florence.

The Cumberland County Soil and Water Conservation District has received grant funding from the North Carolina Department of Agriculture and Consumer Services' Division of Soil and Water Conservation to remove debris and sediment from Locks Creek. The County, however, does not currently have the staff or capacity to timely execute the project. Therefore, the City is prepared to lead and execute the project to ensure this grant funding can be used to benefit the residents along Locks Creek.

Issues/Analysis:

The clearing of debris along Locks Creek will improve water flow and potentially reduce flooding damage, but it will not fully prevent flooding events in the future. This work is an attempt to improve a difficult situation in this area.

Budget Impact:

The City will only perform work that can be funded with the grant, therefore no budget impact is expected from this agreement.

Options:

- Authorize the City Manager to execute the interlocal agreement for the City to undertake the grant project on behalf of the County and adopt SRO 2020-5 to appropriate the funding.
- Do not authorize execution of the proposed interlocal agreement or adopt SRO 2020-5 and provide other direction to staff.

Recommended Action:

Staff recommends that Council move to authorize the City Manager to execute the interlocal agreement with Cumberland County for the City to undertake the grant-funded project to clear debris from Locks Creek and to adopt Special Revenue Fund Project Ordinance 2020-5 as presented.

Attachments:

- Interlocal Agreement
- Special Revenue Fund Project Ordinance 2020-5

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT, made and entered into on the 1st day of October, 2019, by and between the City of Fayetteville, a North Carolina municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter “the City”), and Cumberland County, a body corporate and politic (hereinafter “the County”). (Collectively, the City and the County are the “Parties.”)

WITNESSETH:

WHEREAS, Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes authorizes the County and the City to enter into interlocal agreements in order to execute any undertaking on behalf of one another; and

WHEREAS, the City and the County have determined that Locks Creek has an accumulation of sediment and debris that should be removed to enhance the Creek’s flow but that the majority of the sediment and debris lies upstream and beyond the City’s jurisdiction but within the County’s; and

WHEREAS, a significant number of City residents and businesses could benefit from an enhanced flow of the water in Locks Creek especially during substantial rain events; and

WHEREAS, the County’s Cumberland Soil and Water Conservation District has received grant funding from the North Carolina Department of Agriculture and Consumer Services’ Division of Soil and Water Conservation to remove debris and sediment from Locks Creek; however, the County does not currently have the staff or capacity to timely execute the project; and

WHEREAS, the County is agreeable to providing the City with the available grant funding from the State for this work, and to allowing the City to lead and execute the project aimed at enhancing the flow of water in Locks Creek; and

WHEREAS, the City and the County agree that the work under this Agreement is a one-time initiative due to the receipt of funding, and that the City will not be responsible for functional or aesthetic maintenance of Lock’s Creek once this Agreement terminates.

NOW, THEREFORE, pursuant to Article 20 of the North Carolina General Statutes, and in consideration of the respective rights, powers, duties, and obligations hereinafter set forth, the City and the County mutually agree as follows:

- 1. Purpose:** The City has an interest in executing projects which could ameliorate the flow of water in Locks Creek and the County has an interest in permitting the City to remove debris and sediment from the portion of Locks Creek that lies outside the City’s jurisdiction but

within the County's. To this end, the work under this Agreement (Scope of Work) will Remove vegetative debris and sediment from the channel of Locks Creek areas impacted by Hurricanes Matthew or Florence beginning at Evans Dairy Road and moving upstream along its north branch under LA Dunham Rd to Sunnyside School Rd (approximately 18,381 LF – Main Branch) pending approval from any applicable regulatory agencies to include the U.S. Army Corps of Engineers, NC DEQ-Division of Water Resources, and the NC State Historic Preservation Officer, and to comply with the provisions of the National Environmental Policy Act and the State Environmental Policy Act.

a. The City will also pursue the removal of vegetative debris and sediment from the channel of the south branch of Locks Creek to Judson Church Rd (approximately 10,134 LF – South Branch) as an add alternate to the Main Branch work. This work will be pursued to the extent that funding is available.

2. **Duration and Termination:** This Agreement shall become effective on October 1, 2019, and unless sooner terminated as provided herein, shall extend for a term of two (2) years. The Agreement may be extended by mutual agreement of the City and the County, provided that any extension shall be memorialized in writing by the City and the County and that the term of this Agreement shall conform to the time parameters of the grant funds dedicated to support the Purpose hereof.

3. **Miscellaneous:**

a. This Agreement may be amended by the mutual consent of the Parties.

b. This agreement does not establish any joint agency, or any personnel appointments necessary to carry out this Agreement. The City, or subcontractor thereof, shall perform all work contemplated by this Agreement.

c. This Agreement is entered into in Cumberland County, North Carolina, and shall be construed under the laws, statutes, and ordinances of such jurisdiction.

d. No party may transfer or assign its rights under this Agreement without written approval from the governing boards of the respective parties. This Agreement shall bind the Parties hereto, respective successors, permitted assignees, and transferees.

e. The Parties agree that if any provision of this Agreement shall be held invalid for any reason, the remaining provisions shall not be affected if they may continue to conform to the purposes of this Agreement and the requirements of applicable law.

4. **Financial Support for the Project:** The City will invoice the County monthly the actual cost of the project. The County shall remit payment to the City within 30 days of receipt of invoice from the City. The maximum funding available for the completion of this project is \$446,234. The County will not be obligated to reimburse any invoice in excess of that amount. The City will make every effort to get the project bid as quickly as possible and will provide an updated maximum funding amount upon award of the project bid. Any grant funds in excess of the updated maximum funding amount will be eligible for reallocation.

5. **Liability:** In the event that litigation is brought against City or County pursuant to this statute, each party shall have sole discretion to determine its participation in the litigation, if any. Each party shall be responsible for its own costs and attorney's fees.
6. **Termination:** Either party may terminate this agreement for any reason by providing 30 days written notice to the other party, provided, however, that if the County exercises this option then it shall reimburse the City for all costs, including any contract termination or project winding down costs, that may be incurred.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written, all pursuant to authority duly granted.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
DOUGLAS J. HEWETT, ICMA-CM
City Manager

ATTEST:

PAMELA J. MEGILL, City Clerk

Approved for legal sufficiency:

KAREN M. MCDONALD, City Attorney

CUMBERLAND COUNTY

(SEAL)

By: _____
AMY CANNON
County Manager

ATTEST:

CANDICE WHITE, County Clerk

Approved for legal sufficiency:

RICK MOOREFIELD, County Attorney

**SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2020-5**

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

Section 1. The authorized project is to provide for debris and sediment removal from Locks Creek to enhance the creek's water flow, as funded by a Stream Debris Removal Grant awarded by the NC Department of Agriculture & Consumer Services, Soil and Water Conservation Division.

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

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

NC Department of Agriculture & Consumer Services, Soil and Water Conservation Division (Passed through Cumberland County, Soil and Water Conservation District)	<u><u>\$ 446,234</u></u>
--	--------------------------

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

Project Expenditures	<u><u>\$ 446,234</u></u>
----------------------	--------------------------

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

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 23rd day of September, 2019.

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1030

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.013

TO: Mayor and Members of City Council

THRU: Douglas J. Hewett, City Manager

FROM: Angel Wright-Lanier, Assistant City Manager

DATE: September 23, 2019

RE:

**Ratification of Mayor Colvin's Signature of Multi-Party Letter of Agreement
Regarding Affordable Housing**

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

GOAL I: Safe and Secure Community.

GOAL III: High Quality Built Environment. Objective C: To revitalize neighborhoods with effective zoning, code enforcement, and violations abatement.

GOAL IV: Desirable Place to Live, Work and Recreate. Objective E: To provide high quality affordable housing that revitalizes neighborhoods. Objective F: To reduce poverty and homelessness.

GOAL VI: Citizen Engagement & Partnerships. Objective C: To expand collaborative relationships between government units, the local military and stakeholders.

Executive Summary:

The work of Pathways for Prosperity (P4P) is to bring together community-based organizations and individuals, local government, and private business in a coordinated effort to improve economic prospects for residents confronting extreme economic hardship. The P4P task force developed a non-binding Multi-Party Letter of Agreement on Affordable Housing designed to organize local efforts through December 31, 2020. The Council considered this agreement during the September 3rd Work Session and consensus supported Mayor Colvin executing that agreement on the City's behalf. Since Council rule do not provide for votes of the Council during Work Sessions, this item

provides the Council to formally vote to authorize the Mayor's signature.

Background:

Viewed as a critical supportive factor for economic mobility, affordable housing was one of five key focus areas identified by residents during a 2017 community summit. Following the summit, and, later, completion of the Comprehensive Action Plan, a task force comprised of the Economic and Community Development departments of the City and the County, Kingdom Community Development Corporation, Fayetteville Area Habitat for Humanity, Fayetteville Metropolitan Housing Authority, and P4P coalition members convened to coordinate next steps and near term goals for increasing the stock of safe, affordable housing.

In May 2015, Harvard University released a study ranking Fayetteville last among the country's 100 largest economic centers in earnings potential for children growing up in poverty. Convened by the City of Fayetteville, Pathways for Prosperity endeavors to improve economic prospects for all residents and to reduce barriers that limit the ability of individuals and neighborhoods to thrive by bringing together local government leaders, community-based organizations and community members in a coordinated effort.

The Fayetteville City Council resolved to become a "community of practice" in fighting poverty and named improving economic mobility as a target for action in early 2017. Serving as convener for the P4P initiative, the City has provided meeting space, staff support and representation during meetings, and funding for events and grant writing. Among the City's 2019 priorities is "Elevating the conversation about how to combat poverty across the City."

Issues/Analysis:

For more than 9,000 households in the Fayetteville Metropolitan Statistical Area, housing expense presents a severe cost burden, a barrier to economic mobility, a barrier to climbing the economic ladder. The HUD guideline for the maximum amount of monthly income that should go to housing (rent or mortgage) is 30 percent. For many households in the P4P focus communities, more than 50 percent goes to housing costs, leaving families with very difficult decisions, such as, "Do we give up medicine-to pay for a place to live?"

Closer coordination and joint planning with partners as contemplated in the Multi-Party Letter of Agreement represents an opportunity to learn from innovations in other jurisdictions, take full advantage of available funding streams and, ultimately, improve residents' quality of life.

Budget Impact:

Staff time engaging with the task force members, reviewing case studies, drafting recommendations.

Options:

1. Sign the Multi-Party Letter of Agreement as authorized by the City Council on September 3, 2019.

Recommended Action:

Ratification of the Mayor's signing of the Multi-Party Letter of Agreement on the Council's behalf.

Attachments:

1. Affordable Housing Multi-Party Letter of Agreement

Multi-Party Letter of Agreement—Pathways for Prosperity—Affordable Housing

PURPOSE: This document serves as a guide to operationalize Pathways for Prosperity's Affordable Housing Objectives published in the Comprehensive Action Plan:

- We will increase the inventory of safe, affordable housing available to low income households in our 11 focus communities within three years.
- We will partner with community members living in the 11 focus communities in addressing local housing policy and resource allocation decisions over the course of the next three years.

Pathways for Prosperity (P4P) is a coalition of organizations, businesses, non-profits, local governments and individuals in Cumberland County focused on leveraging each other's strengths to increase economic opportunity for residents of the county's 11 most economically distressed communities (comprised of 15 census tracts).

P4P envisions breaking the cycle of poverty by creating neighborhoods of opportunity, which will evolve through implementation of the P4P Comprehensive Action Plan that specifies wide scale, intentional, collaborative efforts to move the communities and their residents up the economic ladder.

This Letter of Agreement outlines the roles key stakeholders in the Affordable Housing arena will take on to expand and improve affordable housing stock in the 11 communities.

This agreement is non-binding and is intended to organize local efforts. It may be modified by the parties to meet changing needs. This agreement shall be effective October 1, 2019 through December 31, 2020.

THE FOLLOWING ORGANIZATIONS, WORKING AS MEMBERS OF A TEAM TO ACHIEVE THE OBJECTIVES NAMED ABOVE, AGREE TO THE FOLLOWING ROLES/RESPONSIBILITIES:

1. **Cumberland County and City of Fayetteville (CO-LEAD AGENCIES)** agree to:
 - A. Lead the exploration of approaches adopted by other jurisdictions to expand affordable housing for cost burdened residents.
 - B. Partner with P4P, Town of Spring Lake, and trusted developers to build a coordinated plan to increase the stock of safe, suitable, affordable housing within the 11 focus communities through renovation of existing housing units and the construction of new units--multi-family rentals and single family homes (for home ownership). Rental construction will be for households earning up to 60% of Area Median Income (AMI); single family home construction will be for households earning 60% - 80% of AMI.
 - i. Establish (and incorporate within the Consolidated Plan) specific goals for construction/renovation of affordable rental units and single family homes within applicable jurisdictions.
 - ii. Create a process for conceiving, vetting, executing, and monitoring projects to take full advantage of available financing mechanisms.

Multi-Party Letter of Agreement—Pathways for Prosperity—Affordable Housing

- iii. Explore **potential** staffing needs required to administer the affordable housing expansion plan.
 - C. Complete a study to understand why clients/customers are not being approved for or denied housing opportunities in the 11 focus communities; compile a single report.
 - i. County to obtain data pertaining to Town of Spring Lake and Census Tract 29.
 - D. Complete a review of expiring rent restraints across the 11 focus communities; compile a single report.
 - i. County to obtain data pertaining to Town of Spring Lake and Census Tract 29.
 - E. Identify opportunities to leverage available federal and state sources of funding (e.g., USDA direct loans and grants, USHUD Section 108 Loan Guarantee Program: <https://www.hudexchange.info/programs/section-108/>, NC Housing Trust Fund, NC Workforce Housing Loan Program (admin. by NCHFA: <https://www.nchfa.com/rental-housing-partners/rental-developers/find-rental-development-financing-options>).
 - F. Engage community members from the 11 focus communities to participate in local housing and citizen participation/planning discussions.
 - G. Designate primary points of contact (see Attachment A) who will:
 - i. Track and communicate progress on objectives and associated measures.
 - ii. Serve on the Pathways for Prosperity Core Leadership Team.
 - iii. Coordinate with the entities named below.
- 2. Town of Spring Lake agrees to:**
- A. Participate in and support the exploration of approaches adopted by other jurisdictions to expand affordable housing for cost burdened residents.
 - B. Partner with Cumberland County and City of Fayetteville in building a coordinated plan to increase local stock of safe, suitable, affordable housing.
 - C. Support a study to understand why clients/customers are not being approved for or denied housing opportunities in Spring Lake.
 - D. Support a review of expiring rent restraints in Spring Lake.
 - E. Designate a primary point of contact (see Attachment A) who will:
 - i. Track and communicate progress on objectives and associated measures.
 - ii. Serve on the Pathways for Prosperity Core Leadership Team.
 - iii. Coordinate with CO-LEAD AGENCIES.

Multi-Party Letter of Agreement—Pathways for Prosperity—Affordable Housing

3. **Fayetteville Metropolitan Housing Authority** agrees to:
 - A. Participate in and support the exploration of approaches adopted by other jurisdictions to expand affordable housing for cost burdened residents.
 - B. Partner with Cumberland County and City of Fayetteville in building a coordinated plan to increase local stock of safe, suitable, affordable housing.
 - C. Designate a primary point of contact (see Attachment A) who will:
 - i. Serve on the Pathways for Prosperity Core Leadership Team.
 - ii. Coordinate with CO-LEAD AGENCIES.

4. **Fayetteville Area Habitat for Humanity** agrees to:
 - D. Participate in and support the exploration of approaches adopted by other jurisdictions to expand affordable housing for cost burdened residents.
 - E. Partner with Cumberland County and City of Fayetteville in building a coordinated plan to increase local stock of safe, suitable, affordable housing.
 - F. Designate a primary point of contact (see Attachment A) who will:
 - iii. Serve on the Pathways for Prosperity Core Leadership Team.
 - iv. Coordinate with CO-LEAD AGENCIES.

5. **Kingdom Community Development Corporation** agrees to:
 - A. Participate in and support the exploration of approaches adopted by other jurisdictions to expand affordable housing for cost burdened residents.
 - B. Partner with Cumberland County and City of Fayetteville in building a coordinated plan to increase local stock of safe, suitable, affordable housing.
 - C. Designate a primary point of contact (see Attachment A) who will:
 - i. Serve on the Pathways for Prosperity Core Leadership Team.
 - ii. Coordinate with CO-LEAD AGENCIES.

6. **Pathways for Prosperity** agrees to:
 - A. Recruit, grow, and sustain a network of collaborators that deliver affordable housing and community development services.
 - B. Convene community revitalization teams comprised of residents to ensure the voice and insight of residents are at the table when reviewing understandings, strategies, and practices with respect to housing in each of the eleven communities.

Multi-Party Letter of Agreement—Pathways for Prosperity—Affordable Housing

- C. Provide an annual report to the community on progress towards addressing the affordable housing goals captured in the Comprehensive Action Plan.
- D. Designate a primary point of contact (see Attachment A) who will:
 - i. Coordinate with CO-LEAD AGENCIES.

7. **North Carolina Justice Center** agrees to:

- A. Provide consulting services to CO-LEAD AGENCIES and the P4P Core Leadership Team.
- B. Support grant-seeking efforts for P4P programming.
- C. Designate a primary point of contact (see Attachment A) who will:
 - i. Serve on the Pathways for Prosperity Core Leadership Team.
 - ii. Coordinate with CO-LEAD AGENCIES.

This agreement shall not be legally binding upon the listed parties or their successors. This agreement will be reviewed on an annual basis.

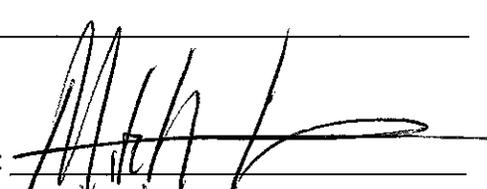
This agreement was executed by the following representatives:

CUMBERLAND COUNTY

Name: _____ Signature: _____

Title: _____ Date: _____

CITY OF FAYETTEVILLE

Name: Mark Cohen Signature: 

Title: Mayor Date: 9/16/19

TOWN OF SPRING LAKE

Name: _____ Signature: _____

Title: _____ Date: _____

FAYETTEVILLE METROPOLITAN HOUSING AUTHORITY

Name: _____ Signature: _____

Title: _____ Date: _____

Multi-Party Letter of Agreement—Pathways for Prosperity—Affordable Housing

FAYETTEVILLE AREA HABITAT FOR HUMANITY

Name: _____ Signature: _____

Title: _____ Date: _____

KINGDOM COMMUNITY DEVELOPMENT CORPORATION

Name: _____ Signature: _____

Title: _____ Date: _____

PATHWAYS FOR PROSPERITY COALITION

Name: _____ Signature: _____

Title: _____ Date: _____

NORTH CAROLINA JUSTICE CENTER

Name: _____ Signature: _____

Title: _____ Date: _____

Multi-Party Letter of Agreement—Pathways for Prosperity—Affordable Housing

Attachment A: Affordable Housing Contact List

CCCD Contact: _____ Email: _____

Phone: _____ Fax: _____

COF ECDD Contact: _____ Email: _____

Phone: _____ Fax: _____

TSL Contact: _____ Email: _____

Phone: _____ Fax: _____

FMHA Contact: _____ Email: _____

Phone: _____ Fax: _____

FAHFH Contact: _____ Email: _____

Phone: _____ Fax: _____

KCDC Contact: _____ Email: _____

Phone: _____ Fax: _____

P4P Contact: _____ Email: _____

Phone: _____ Fax: _____

NCJC Contact: _____ Email: _____

Phone: _____ Fax: _____

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1033

Agenda Date: 9/23/2019

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.014

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, Deputy City Manager

FROM: Sheila Thomas-Ambat, PE, Public Services Director

DATE: September 23, 2019

RE:

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

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

High quality built environment

Desirable place to live, work and recreate

Executive Summary:

The Fayetteville street system includes 744.13 center line miles and is one of the City's largest assets impacting every citizen, employee, emergency service personnel, commuter, and visitor. As new development progresses, new streets are built in accordance to the City's standards and can be designated for private or public ownership and maintenance. When streets are constructed to City standards it requires a Council action to add the streets to the City's system. Streets added to our system qualify for Powell Bill Program allocations, which is a North Carolina funding program for the building and maintenance of major city streets.

Staff has identified four (4) recently constructed streets. These streets and drainage systems within the street rights-of-way have been inspected by staff and are now acceptable for addition to the City of Fayetteville system of streets. The 0.51 mile addition will bring the City's street system total to 744.64 miles.

Background:

Per City Council Policy 160.06 streets that have been designed and constructed in accordance with City standards can only be added to the City's system of streets through a City Council action after the streets have been constructed and recorded. Right-of-ways are dedicated for the streets and the developer identifies early in the development process if intended for private or public ownership and maintenance. As streets are satisfactorily completed, staff provides recommendation to Council for official addition to the City's system of streets.

Issues/Analysis:

Addition of these streets to the City's system of streets does not constitute the acceptance of maintenance responsibilities for drainage systems outside of street rights-of-way.

These streets and drainage systems located within the street rights-of-way need to be officially accepted and added to City of Fayetteville system of streets for the City to begin providing maintenance services and be included in our 2020 Powell Bill appropriation.

Budget Impact:

Street maintenance cost will increase while the funds received from Powell Bill increase as well. As these road segments are newly constructed, significant maintenance cost is not expected for several years.

Options:

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

Recommended Action:

Staff recommends that Council move to accept the attached list of streets and drainage systems located within the street rights-of-way for inclusion in the City's system of streets.

Attachments:

Street acceptance September 2019

9/1/2019

**NEW STREETS FOR
COUNCIL APPROVAL
September 2019**

STREET NAME	TO	FROM	LENGTH TO BE ACCEPTED	SUBDIVISION
CORK OAK CIR	CANBY OAK LN	CUL-DE-SAC	0.16	Oakridge Estates
CANBY OAK LN	OLD BUNCE RD	CUL-DE-SAC	0.09	
BLUFF OAK DR	CANBY OAK LN	T-TURN AROUND	0.09	
GLENCOURSE WAY	WHITEMOSS CT	NE CORNER LOT 290	0.17	STONEGATE SECT 4

TOTAL: 0.51

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-973

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Reports From
Boards and Commissions

Agenda Number: 7.01

TO: Mayor and Members of City Council

THRU: Angel Wright-Lanier, Assistant City Manager
Cynthia Blot, Director Economic & Community Development

FROM: Bianca Shoneman, President/CEO Cool Spring Downtown District

DATE: September 23, 2019

RE:

Cool Spring Downtown District Annual Report to City Council

COUNCIL DISTRICT(S):

2

Relationship To Strategic Plan:

Goal 4: Desirable Place to Live, Work and Recreate

Executive Summary:

This item is for information purposes and discussion concerning the progress and programs currently undertaken by the Cool Spring Downtown District.

Background:

On June 26, 2017, City Council approved the contract award with Cool Spring Downtown District, Incorporated to provide Enhanced Services for an Arts and Entertainment Focused Downtown Municipal Service District. The Council has asked for periodic updates from Cool Spring Downtown District, Inc.

The official agreement began on September 1, 2017 and was renewed for a period of two fiscal years contingent on the availability of City funds. The City provides financial support to Cool Spring Downtown District on an annual basis in the amount of \$100,000 in four quarterly payments. Payment for the management of the Municipal Service District

(MSD) portion of \$119,500 is also paid quarterly.

The Cool Spring Downtown District will provide quarterly reports to the City that include metrics in the following areas:

1. Economic Vitality and Development
2. Art and Design Enhancements
3. Promotion and Marketing
4. Special Events and Programming
5. Partnership, Organizational Support and Conflict Resolution

Bianca Shoneman, President and CEO will present the annual report to City Council

Issues/Analysis:

Cool Spring Downtown District's annual report

Budget Impact:

No impact is proposed.

Options:

N/A

Recommended Action:

City Council to receive the annual report as informational only.

Attachments:

Cool Spring Downtown District Power Point Presentation

A stylized sunburst graphic consisting of several thick, blue, radiating lines of varying lengths, all originating from a central point on the left side of the image. The lines are slightly curved, giving it a dynamic, sun-like appearance.

**COOL
SPRING
DOWNTOWN DISTRICT**

Design

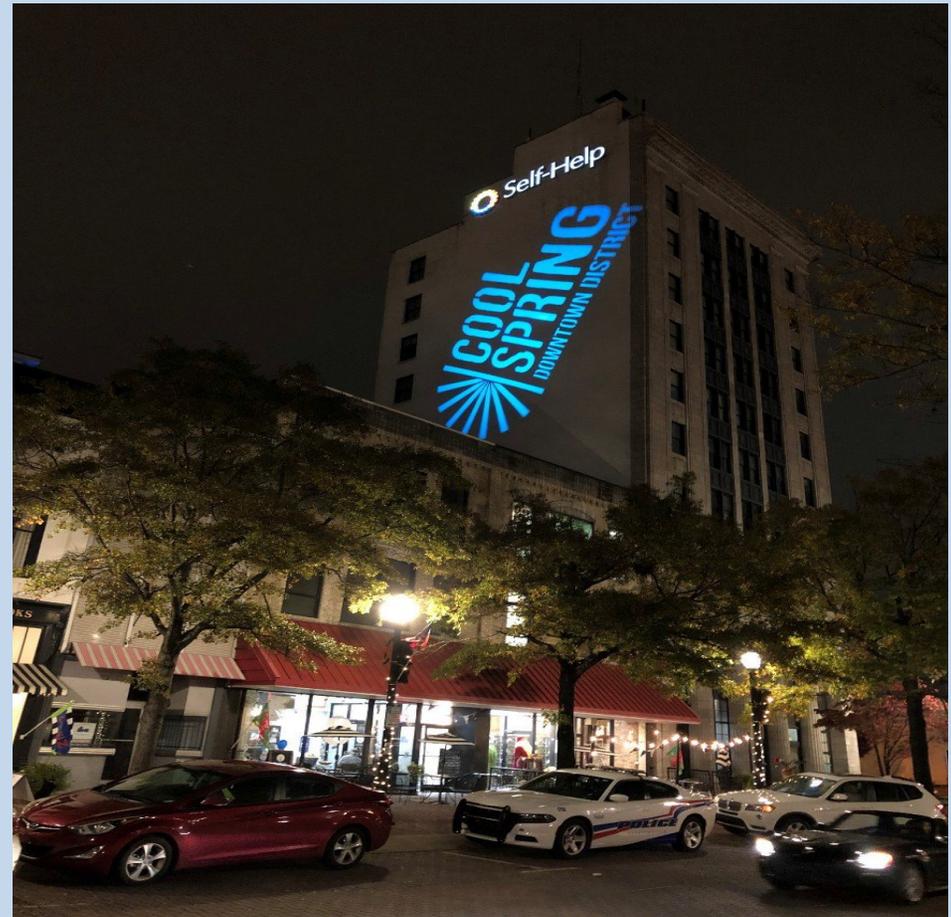




Placemaking



rudeawakeningcoffeehouse
Downtown Fayetteville, North Carolina





Placemaking

Murals & Public Art





Programming



Programming



FRI, JAN 25 AT 12:00 - 22:00

Cool Spring on Ice!

Fayetteville, NC

FRI, JAN 25
12:00



Interested



Going



More

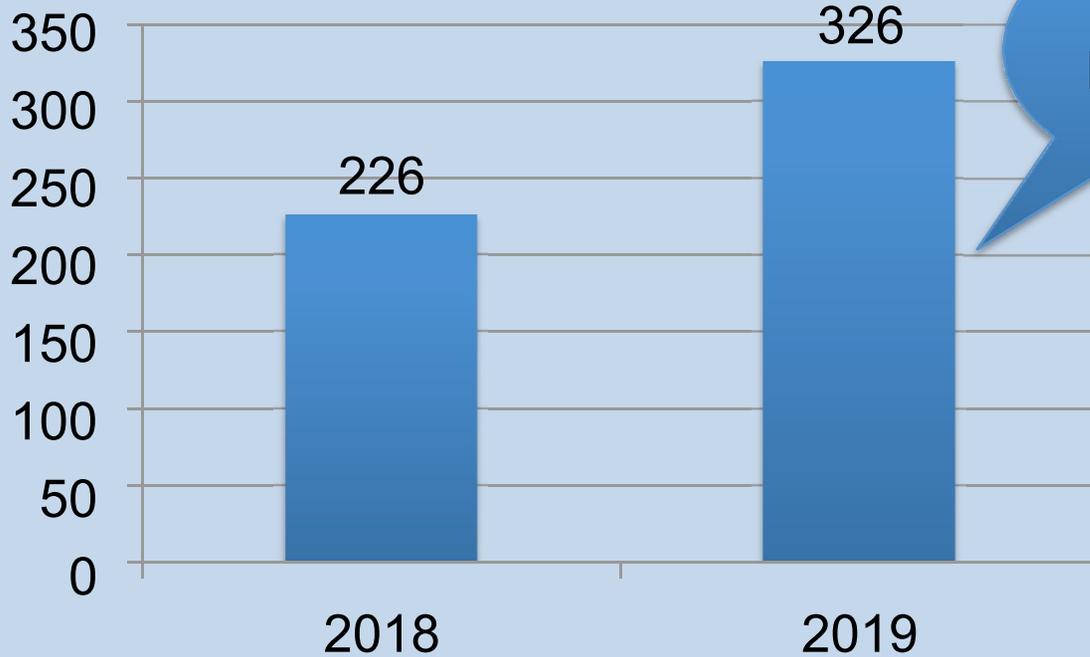
📍 Green St, Fayetteville, NC 28301, United States

🌐 Public event by **Fourth Friday Fayetteville and Downtown Fayetteville**



Programming

2018-2019 Events



70% Increase

The image shows a social media event listing for "Cool Spring on Ice!". At the top, there is a graphic with the "COOL SPRING DOWNTOWN DISTRICT" logo and a large red stamp that says "SOLD OUT". Below this, the event details are listed: "FRI, JAN 25 AT 12:00 - 22:00", "Cool Spring on Ice!", and "Fayetteville, NC". There is a date and time selector for "FRI, JAN 25 12:00". Below the selector are three icons: a star for "Interested", a blue circle with a checkmark for "Going", and a circle with three dots for "More". The location is listed as "Green St, Fayetteville, NC 28301, United States". At the bottom, it says "Public event by Fourth Friday Fayetteville and Downtown Fayetteville".



Marketing

Downtown
Fayetteville (C
@downtownfaye

Home

About

Photos

👍 Liked ▾

📡 Following ▾

💬 Recommend

⋮



Marketing

	Page Likes	Follows	Page Views	Reach
Downtown Fayetteville Facebook Page				
April	28,122	27,441	2,600	103,902
May	28,324	27,650	1,678	44,600
June	28,814	28,143	1,922	49,855
				198,357
Cool Spring Downtown District Facebook Page				
April	849	871	212	14,557
May	914	923	334	29,469
	979	1,004	283	11,696
				55,722
Fourth Friday Facebook Page				
April	8,150	8,112	695	18,996
May	8,389	8,348	1,111	51,836
June	8,506	8,458	891	42,217
				113,049

Marketing Contracts:

- Segra Stadium
- Fayetteville Observer
- City View
- Relocation Guide
- Fayetteville Press
- Cumulous Radio

NOTE: ROOM FOR IMPROVEMENT

A photograph of a clothing store interior. In the foreground, a woman with long dark hair, wearing a bright orange sleeveless top, is seen from the side, looking towards a rack of clothes. The rack is filled with various shirts, including a prominent blue one. In the background, another person is partially visible near a window. A large, semi-transparent blue rectangle is overlaid in the center of the image, containing the text 'Economic Vitality' in white, bold, sans-serif font.

Economic Vitality

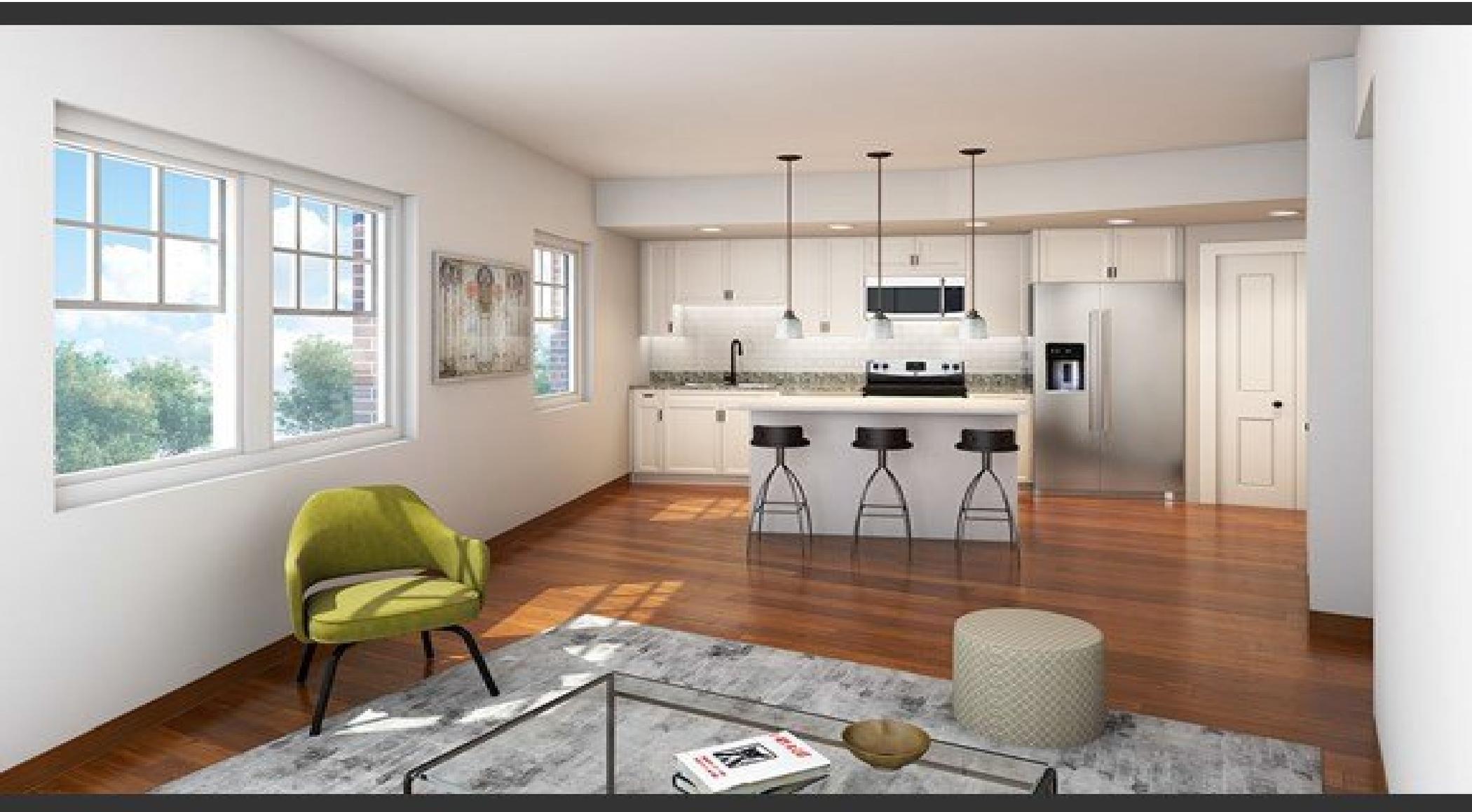


Economic Development



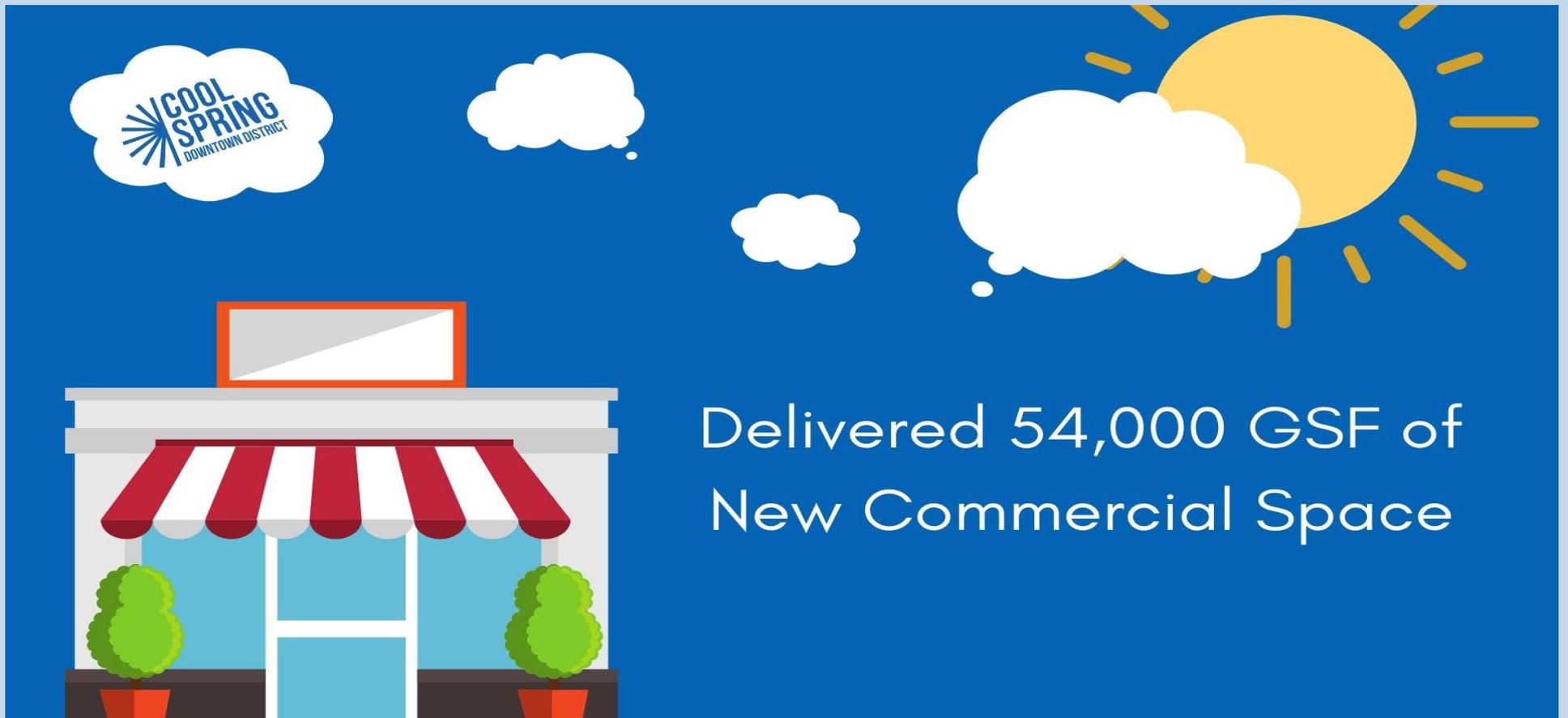
Delivered 52,000 GSF new
residential development







Economic Development



Delivered 54,000 GSF of
New Commercial Space







Economic Development

FY 2019 New businesses

1. Segra Stadium
2. Prince Charles Holdings
3. Fayetteville Breastfeeding Center
4. 4th Course Wine and Dessert
5. The 2/6 Studio
6. In His Presence
7. Infinite Curves
8. Claudia Zamora Psychic Studio
9. The Picket Fence
10. Iris Key Solutions
11. Game Day Cutz and Apparel
12. Gift Shop
13. ERA Real Estate
14. Hutchens Law Firm
15. Lendello Mortgage
16. SPM Property Management

**16 + New
Businesses
In
2019**



Economic Development



Decreased
Street-level Vacancy
by 18%
(This is about filling
empty storefronts;
open for business)



Economic Development



200
jobs created





UPCOMING- Programming





UPCOMING: Economic Development

Grow the residential population



Grow the employee population



UPCOMING: Economic Development

Grow the property tax base



North Carolina Opportunity Zones Program



UPCOMING: Design

222 Hay Street

Downtown, Fayetteville, 28301

Commute to **Downtown Fayetteville**

1 min 9 min 3 min 13 min [View Routes](#)

Favorite

Map

Nearby Apartments

Walk Score
65

Somewhat Walkable

Some errands can be accomplished on foot.

RUSSELL STREET DOWNTOWN DISTRICT





Facilitate Solutions

UPCOMING: Collaboration





Design
Programming
Marketing
Economic Development
Facilitate Solutions





love
Fayetteville



visitdowntownfayetteville.com

Bianca Shoneman



**COOL
SPRING
DOWNTOWN DISTRICT**

EXHIBIT A
NON CITY AGENCY and/or NON-PROFIT
FINAL PROGRAM REPORT

1

COF FINAL PROGRAM REPORT INSTRUCTIONS

1. Please complete the report on the computer, then print it out and sign it. Otherwise there may not be enough space on the paper form to answer the questions adequately.
2. The time period covered for the Final Program Report is indicated in your contract. The Final Program Report is due by 45 calendar days after the contract end date. The Annual Expenditure Report should be attached to the Final Program Report.
3. The Report refers to the specific project or activities funded by the City of Fayetteville.
4. The Report should refer to the participants, activities, strategies, and goals and objectives described in the recipient's COF contract and application. It is recommended that whoever prepares the report make reference to those documents as the report is being prepared.
5. Please respond to every question, using N/A if appropriate for an item. You may not respond "N/A" to Items 1, 2 and 6. Do not delete any questions.
6. Use as much space needed to answer the questions; the boxes will expand to hold as much text as needed.
7. If you have any questions about the report, you may contact _____.
8. Report completed, signed report to _____ one of the following three ways:
 - 1.) Send via e-mail in a pdf format
 - 2.) Mail or hand deliver to:

City of Fayetteville Economic & Community Development
Attn: Cynthia Blot
433 Hay Street
Fayetteville, NC 28301

**EXHIBIT A
NON CITY AGENCY and/or NON-PROFIT
FINAL PROGRAM REPORT**

Name of Agency: Cool Spring Downtown District
Service Category: _____

Date: August 12, 2019
Contract Term: 7/1/2018-6/30/2019

(Note: Use as much space needed to answer the questions; the space will expand as needed. Please respond to all questions, do not delete any, however you may enter "N/A", if applicable, except for 1, 2, and 6.)

*1. State the Scope of Program, including all outcomes (quantifiable objectives), listed under Sec. 4 in contract. (Example: Objective: 90 participants will be promoted on time.)

CSDDD Goals	City of Fayetteville Goals
1. Economic Vitality and Development Goal II – Diverse and Viable Economy	
2. Art and Design Enhancements Goal III –	High Quality Built Environment
3. Promotion and Marketing Goal IV –	Desirable Place to Live, Work and Recreate
4. Special Events and Programming Goal IV –	Desirable Place to Live, Work and Recreate
5. Partnership, Organizational Support & Conflict Resolution	Goal V – Sustainable Organizational Capacity Goal VI – Citizen Engagement & Partnerships

*2. State the status of the achievement of all those objectives as of June 30.

Example: Status: 93 residents served.

We are pleased to report the following areas of growth as related to the above goals:

- Identifying and promoting 326 events compared to only 228 (2018), a 70% increase in community Events in Cool Spring Downtown District.
- Business metrics were again up, with vacant storefronts in the District decreasing by over eighteen percent in the Q4 FY19 alone, and the municipal services district (MSD) tax revenue increasing by 5.48% compared with Q4 FY18.
- Renovation and construction accounted for an increase of over 54,000 gross square feet (GSF) of commercial space, 52,745 GSF of residential space, and over 200 new jobs.
- With the onboarding of Cool Spring’s next President and Chief Executive Officer, Bianca Gentile Shoneman, scheduled for the first quarter of next fiscal year (Q1 FY20), and her demonstrated expertise in place making and downtown development, the future of the District appears even brighter for FY20.
- Social Media Metrics are cataloged below:

	Page Likes	Page Follows	Page Views	Reach
Downtown Fayetteville Facebook Page				
April	28,122	27,441	2,600	103,902
May	28,324	27,650	1,678	44,600
June	28,814	28,143	1,922	49,855

**EXHIBIT A
NON CITY AGENCY and/or NON-PROFIT
FINAL PROGRAM REPORT**

Cool Spring Downtown District Facebook Page				198,357
April	849	871	212	14,557
May	914	923	334	29,469
	979	1,004	283	11,696
Fourth Friday Facebook Page				
April	8,150	8,112	695	18,996
May	8,389	8,348	1,111	51,836
June	8,506	8,458	891	42,217

3. What obstacles have you faced in meeting the goals and objectives of this program?

Leadership – Although we have experienced challenges with consistency in our President/CEO positions, the Board of Directors have been diligent in providing oversight and management of the program. We anticipate smoother operations with the recent hire of a new President/CEO, who began September, 2019.

Marketing – Social media has certainly been a priority to highlight the many offerings of the District, and staff continue to seek the best practices for sharing events via all mediums, in order to attract a diverse demographic.

Partnerships – navigating the myriad of downtown stakeholders and establishing trust so that everyone can prosper within the District.

4. What obstacles have you faced in complying with the COF requirements?

Tracking the metrics for Local, Small, and Disadvantaged Business Enterprises (LSDBE).

- CSDD has been without leadership for many months, with the arrival of the new CEO we hope to better track all things Cool Spring, especially the tracking of LSDBE’s.
- Since staff has expanded, as of 9/2/2019, CSDD staff requested a meeting with CEED to better understand the tools available to promote and support LSDBE in the district/City.
- CSDD tracked that 16 new businesses opened in FY19 and will review and catalog which percentage are LSDBE. Please note that 100% of these businesses are locally based, so there has been marked improvement over the last year in business start-ups in the area.

EXHIBIT A
NON CITY AGENCY and/or NON-PROFIT
FINAL PROGRAM REPORT

5. How have these obstacles been addressed (steps taken to get back on target)?

- The board of directors tackled the lack of leadership by taking on leadership roles themselves. It is fair to say that CSDD's Board has been very busy over the last few months filling holes and helping events and marketing efforts to ensure that the terms and conditions of the contract are satiated and the district remains a vibrant, lovable place to visit and do business.

*6. Briefly describe COF-funded project activities and/or events held, and number of participants/clients/recipients.

We celebrate a 70% increase in the number of events promoted in the District.

326 events were promoted on our Facebook and website calendar during 4Q FY19 (compared to 228 events in 4Q FY 18).

CSDD's programming numbers are as follows:

- July 4th Friday – Midsummer Night – 6,235 participants.
- August 4th Friday – Back to Cool – 2,144 participants.
- September 4th Friday – Around the World – 2,868 participants (13% increase from 2017).
- July-August Carriage Ride Program – 45 participants.
- Trick or Treat Downtown – 3,100 participants.
- Magical World of Wizardry, November 16-17 – 5,750 participants.
- Capitol Encore Academy's Mural completed (December 26).
- Cool Spring on Ice, January 4th Friday – 1,028 tickets sold, over 10,000 visitors to downtown over the weekend.
- Carriage Ride Valentine's Day – 25 participants.
- February 4th Friday – 100 participants (rain-out with freezing weather).
- History Tours, March 23 – 35 participants.
- March 4th Friday – Clue'ville – 4,981 participants (Friday-Saturday event).
- As One prayer walk, April 13 – 2,500+ participants.
- Dogwood Festival, April 26-28 – 250,000+ participants.
- Downtown Summer Nights Concert Series: 2,000+ over the series

EXHIBIT A
NON CITY AGENCY and/or NON-PROFIT
FINAL PROGRAM REPORT

5

7. Describe your interactions with other agencies to effectively carry out this program. List each agency with which you interacted and for each describe: What was the purpose of the interaction (collaboration, cooperation, coordination)? What was the benefit of the interaction? What obstacles did you face in these interactions and how were they addressed?

Merchants – The District continues to work closely with this group, especially witnessed during 4Q conversations surrounding downtown parking operations. Cool Spring collected data regarding downtown parking perceptions, and shared summary with the COF. Cool Spring participated in multiple stakeholder meetings, and helped broker improvements implemented by the COF, including decreasing the parking fee during downtown events from \$10 to \$5 and dropping parking enforcement hours on Saturdays.

Dumpster Program – Cool Spring continues to work with businesses, the COF, and waste services to provide a collective service to businesses on the 200 block of Hay Street and Franklin Streets. Anticipate implementation in Q1 FY20.

Property Database – Staff maintain a database to provide current listings of available properties, and tracks business and residential population within the MSD.

Fayetteville Area Metropolitan Planning Organization (FAMPO) – shared presentation regarding Sandhills Regional Strategic Bike Plan and considered overlap with the Downtown Urban Design Plan to advocate for improved walkability and bikability downtown, as well as connecting to FSU and the Cape Fear River Trail.

Liaison with other organizations – Cool Spring continues to work closely with Parks and Recreation’s Special Events Committee, Community Watch Meetings, Public Services downtown parking planning meetings, and Traffic & Engineering, and Construction employees to keep stakeholders aware of planned activities/events that may impact them, while also helping the COF to recognize best times to schedule projects with least amount of negative impacts to businesses.

Arts Council – Cool Spring continues to work closely on marketing joint events/projects.

8. Describe any significant changes in staff since the start of the fiscal year. How did such changes affect the program?

President/CEO – After the resignation of our first President/CEO Mark Regensburger, Cool Spring was fortunate to be led by Tony Chavonne at the start of the FY19 season. After Tony stepped away from serving after six months, Cool Spring relied upon Board members to carry the load during the national search for a new President/CEO. Without question, this created challenges that were met by the tireless efforts of many Board members, who engaged in significant volunteer hours to ensure we would meet the expectations of our funders. Bianca Shoneman took the helm on September 3, 2019.

General Manager – Sam Dubose left Cool Spring in 2018, and this led to his responsibilities being picked up by other staff.

Marketing Director – Melissa Purvines resigned July 30, 2019, and has been replaced as of August 1, 2019 by Lauren Falls. Lauren has hit the ground running and proves to be a great addition to the team. Through these changes, staffing has been a significant challenge for Cool Spring’s operations and we anticipate a smoother FY20 as new staff settle into their roles.

EXHIBIT A
NON CITY AGENCY and/or NON-PROFIT
FINAL PROGRAM REPORT

6

9. Please describe anything else that has a bearing on the accomplishment of the program objectives or that would be useful for COF to know (e.g., analysis and explanation of cost overruns or high unit cost, particular achievements, success stories/testimonials, etc.)

Cool Spring has maintained a sound fiscal operation and is not experiencing cost overruns. As we continue to grow into our role as an organization committed to promoting downtown Fayetteville, we believe under the leadership of our new President/CEO, we will experience immediate successes in FY20. We are thankful for the Board membership and their tireless energies to uphold the important work vital to the promotion of downtown. We stand ready to continue our important work amidst the many exciting changes happening downtown in the coming year.

I certify that the above information is true and complete and that funds received were utilized in accordance with the contract terms and conditions.



Signature

September 16, 2019

Date

Bianca Shoneman

Name (printed)

President and CEO

Title

Bianca@coolspringfay.org

Email address

910-223-1089

Phone

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-923

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Public Hearing

Agenda Number: 8.01

TO: Mayor and Members of City Council

THRU: Angel Wright-Lanier, Assistant City Manager

FROM: Randy Hume, Transit Director

DATE: September 9, 2019

RE:

Public Hearing and Resolution to Approve Submission of a Grant Application to North Carolina Department of Transportation (NCDOT) for an Urban Advanced Technology Grant

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 4: Desirable Place to Live, Work and Recreate

Objective D: To develop and maintain public transportation investments with high quality transit and airport services

Executive Summary:

NCDOT has issued its call for projects for its Urban Advanced Technology grant program. This is a competitive program for projects to be funded by NCDOT beginning July 1, 2020. NCDOT provides funding for 90% of the project cost which requires a 10% local match.

FAST has a project in the Technology Improvement Program (TIP) for an Interactive Voice Response Notifications System for its FASTTRAC! ADA paratransit program. This interactive voice response (IVR) system will allow FAST to provide automated confirmation and reminder calls to customers about their scheduled trips. These features will add convenience and trip security for FASTTRAC! customers. The project was included in the TIP for implementation for FY20, but was dependent upon this NCDOT program for funding. This is the first opportunity to apply for this grant since the budget

and TIP were approved.

Transit proposes to apply for \$36,000 in funding from NCDOT which combined with \$4,000 in local funding provides for a total project cost of \$40,000.

The NCDOT application requires a public hearing and a program resolution to authorize staff to submit the application. The resolution also authorizes the City Manager to execute the grant agreement with NCDOT if the project is selected for funding. The public hearing notice was published in the Fayetteville Observer on September 13, 2019 as well as on the ridefast.com website. The application deadline is October 4, 2019.

Background:

The North Carolina Department of Transportation (NCDOT) provides funding for select transit technology projects to cities and urban transit systems around the state. The purpose of the program is to benefit transit programs that will enhance both the passenger experience as well as enable transit systems to improve safety and efficiencies in their operations. This is a competitive grant program.

FAST has planned a project to improve customer service on our FASTTRAC! ADA paratransit service. The interactive voice response (IVR) system will allow FAST to provide automated confirmation and reminder calls to customers about their scheduled trips. These features will add convenience and trip security for FASTTRAC!

The IVR will enhance our service to customers by providing an automated call in advance of the trip arriving. Many other systems are using this technology and find it to be a "lifesaver" as it enhances customer convenience and relations. IVR is available as an add-on to the current RouteMatch scheduling system. Current staff does not have time to make advanced calls in person except when making schedule changes. This project will enhance customer service and the availability of ride information to our approximately 1,800 FASTTRAC! customers. The call-back and/or advance call notification to booked riders provides both an added service plus helps reduce costs related to no-show trips

Transit proposes to apply for funding in the amount of \$36,000 from NCDOT which combined with \$4,000 in local matching funds provides for a total project cost of \$40,000.

The NCDOT application requires City Council to provide opportunity for public comment at a public hearing in addition to a program resolution authorizing staff to apply for the grant.

Issues/Analysis:

None

Budget Impact:

The IVR project was included in the FY2020 element of the TIP but will not be

implemented until FY 2021 due to the delay in NCDOT funding. Beginning in the second year following implementation and acceptance software support and IVR minutes are projected to be \$5,700 per year. 80% of this ongoing cost is eligible for FTA grant funding.

Options:

Following the public hearing, approve the attached program resolution to authorize staff to submit the grant application; or

Following the public hearing, reject the staff request to submit the application to NCDOT.

Recommended Action:

Following the public hearing, approve the attached program resolution to authorize staff to submit the grant application

Attachments:

Public Hearing Notice

Program Resolution

PUBLIC HEARING NOTICE
Urban Advanced Technology Grant
Fayetteville Area System of Transit

The Fayetteville City Council will hold a public hearing on Monday, September 23, 2019, at 7:00 PM in the City Council Chamber, City Hall, 433 Hay Street, Fayetteville, NC 28301 on the proposed Urban Advanced Technology Grant Program Application to be submitted to the North Carolina Department of Transportation no later than October 4, 2019.

Individuals who would like to speak at the public hearing must register in advance with the City Clerk. The City Clerk's office is located on City Hall's 3rd Floor, 433 Hay Street, Fayetteville, NC 28301 and is open during normal business hours, from 8:00 AM to 5:00 PM. Citizens may register in person, via fax at (910) 433-1948, by email at cityclerk@ci.fay.nc.us, or immediately before the meeting in the City Council Chamber between 6:30 PM and 7:00 PM by giving their name and address.

Citizens may learn more about the proposed project for an **Interactive Voice Response Notifications System for Paratransit** and provide comment at the FAST Transit Center, 1505 Franklin Street, Fayetteville, NC 28301 between the hours of 8:30 AM and 4:30 PM. Written comments should be directed to Virginia Small, Transit Planner at vsmall@ci.fay.nc.us before September 19, 2019.

Notice Under the Americans with Disabilities Act (ADA): The City of Fayetteville will not discriminate on the basis of disability in the City's services, programs, or activities. Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate should contact the office of Dr. Anthony Wade, ADA Coordinator, at awade@ci.fay.nc.us (910)433-1605.

The total estimated amount requested for the period **July 1, 2020 through June 30, 2021** is:

Total Project	\$40,000
Local Share	4,000

PUBLIC TRANSPORTATION PROGRAM RESOLUTION

FY 2021 RESOLUTION

Urban Advanced Technology State Funding

The City of Fayetteville is seeking permission to apply for Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, to provide the necessary assurances and to provide the required local match.

A motion was made by _____ and seconded by _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, the City of Fayetteville has requested the N.C. Department of Transportation to assist in the funding of an **Interactive Voice Response Notifications System** under the Urban Advanced Technology Grant Program; and

WHEREAS, the City of Fayetteville will provide ten percent of the cost of the above described project;

NOW, THEREFORE, BE IT RESOLVED that the City Manager of the City of Fayetteville is hereby authorized to submit a grant application for state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to N.C. Department of Transportation and execute all agreements and contracts with the N.C. Department of Transportation, Bike, Pedestrian and Public Transportation Division.

I, Mitch Colvin, Mayor of the City of Fayetteville do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the City of Fayetteville City Council duly held on the 23rd day September 23, 2019.

BY: _____
Mitch Colvin, Mayor

ATTEST:

(Official Seal)

Pamela J. Megill, City Clerk

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1016

Agenda Date: 9/23/2019

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Public Hearing

Agenda Number: 8.02

TO: Mayor and Members of City Council

**THRU: Kristoff Bauer, ICMA-CM - Deputy City Manager
Dr. Gerald Newton, AICP - Development Services Director**

FROM: Taurus Freeman - Planning & Zoning Divisional Manager

DATE: September 23, 2019

RE:

Public Hearing on Text amendments to Article 30; five (5) proposed amendments to the Unified Development Code.

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal II: Diverse and Viable Economy, Objective A - Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Goal III: High Quality Built Environment, Objective A - Manage the City's future growth and support strategic land use policy by supporting quality development.

Executive Summary:

The following five text amendments to the Unified Development Ordinance (UDO) were apart of 20 amendments that were heard by the Planning Commission on July 29, 2019. These amendments were recommendations by the Mayoral-appointed Unified Development Ordinance Task Force.

Unlike the previous amendments, presented on August 26, 2019, staff is recommending "slight" modifications to the original Task Force recommendations for clarity for these five amendments. The Planning Commission recommendations followed the

recommendations of Planning Staff. All received recommendations of approval at the aforementioned meeting, with the exception of TA19-40 that was recommended denial.

The remaining six (6) text amendments will be scheduled for public hearings and consideration by the City Council on November 25, 2019.

The proposed text amendments are as follows:

- TA19-040 - 30-5.B.6.e.2 - Tree Preservation
- TA19-043 - 30-5.F.4.d.1 - Cul-de-Sac and Street Stubs
- TA19-047 - 30-5.G.3.a.2.a - Design Standards; Fronting Open Space
- TA19-049 - 30-5.I.3.e.2 - Design Standards
- TA19-051 - 30-5.I.3.h.4 & 5 - Display Windows for Vacant Commercial Establishments in Downtown

Background:

The following text amendments to the Unified Development Ordinance (UDO) are recommendations as provided by the UDO Task Force, an ad-hoc Mayoral appointed citizen committee.

The advisory group was established to review and recommend process decision adjustments, city-initiated zoning map amendment, and related board compositions connected to the City of Fayetteville's Code of Ordinances, Chapter 30- Unified Development Ordinance.

In addition, amendments to the Unified Development Ordinance (UDO) are typically suggested for approval by the professional planners of the Development Services Department. A public hearing before the Planning Commission, in accordance with the standards of the Code, was held for the Planning Commissions review and recommendation on July 29, 2019. A public hearing before the City Council, in accordance with the standards of the Code, shall be held for Council to review the Planning Commission's recommendation and other relevant factors prior to rendering a final determination.

Issues/Analysis:

The analysis of each of the below items are included in the packet as attachments to this cover CCAM. A summary of proposed text amendments follows. If approved, these amendments impact all of the City.

- TA19-040 - 30-5.B.6.e.2 - Tree Preservation: reduce the specimen tree removal fee from \$100 to \$50 caliber inch. Planning Commission recommends **DENIAL**.
- TA19-043 - 30-5.F.4.d.1 - Cul-de-Sac and Street Stubs: include a reference to items required for Final Plats as referenced in UDO Section 30-6.B.6, Common Area Standards; Final Plat. Planning Commission recommends **approval** of Staff's revised amendment.

- TA19-047 - 30-5.G.3.a.2.a - Fronting Open Space: amend from dwellings being required to “front upon” open space to dwellings “abut” open space. Planning Commission recommends **approval** of Staff’s revised amendment.
- TA19-049 - 30-5.I.3.e.2 - Design Standards: allow up to 30 percent of the required surface off-street parking between the primary building entrance and the street it faces. Currently, no front yard parking is allowed on single story building developments. Planning Commission recommends **approval** of Staff’s revised amendment.
- TA19-051 - 30-5.I.3.h.4 & 5 - Display Windows for Vacant Commercial Establishments in Downtown: amend to allow other agencies, in addition to the Downtown Alliance, to provide artwork and other materials to be displayed in vacant store windows. This amendment would also change the approval authority for this section to the City Manager instead of the Planning and Code Enforcement Director. Planning Commission recommends **approval** of Staff’s revised amendment.

Budget Impact:

N/A

Options:

The City Council shall hold a standard public hearing on the application in accordance with the Fayetteville City Code. After the close of the hearing, the City Council shall consider the application, relevant support materials, the staff report, and any comments given by the public. The City Council, by a majority vote of a quorum present, shall take one of the following actions, based on the Text Amendment Standards section of the Code.

1. Adoption of all or some of the proposed ordinance amendment(s).
2. Denial of all or some of the proposed ordinance amendment(s).
3. Recommend revisions and adoption of all or some of the proposed ordinance amendment(s).
4. Remand all or some of the proposed ordinance amendment(s) back to staff for further information

Recommended Action:

The Planning Commission recommends the **approval** of all the following proposed amendments as revised by Planning Staff:

- TA19-043 - 30-5.F.4.d.1 - Cul-de-Sac and Street Stubs
- TA19-047 - 30-5.G.3.a.2.a - Design Standards; Fronting Open Space
- TA19-049 - 30-5.I.3.e.2 - Design Standards
- TA19-051 - 30-5.I.3.h.4 & 5 - Display Windows for Vacant Commercial Establishments in Downtown

This affirmative recommendation is based upon the congruency of the proposed

amendments with the following standards for text amendments as required by the Code §30-2.C.2(e):

1. The proposed amendments are consistent with all applicable City-adopted plans.
2. The proposed amendments are not in conflict with any provision of this Ordinance, or any related City regulations.
3. The proposed amendments address a community need to provide the best Codes as possible for interpretation, enforcement and compliance.
4. The proposed amendments are consistent with the purpose and intent of the zoning districts in this Ordinance and do ensure efficient development within the City.
5. The proposed amendments would result in a logical and orderly development pattern.
6. The proposed amendments would not result in significantly adverse impacts on the natural environment and the natural functioning of the environment.

The Planning Commission recommends the **denial** of the proposed amendment to TA19-040 - 30-5.B.6.e.2 - Tree Preservation.

Attachments:

- TA19-040 - 30-5.B.6.e.2 - Tree Preservation Staff Report
- TA19-040 - 30-5.B.6.e.2 - Tree Preservation Ordinance
- TA19-043 - 30-5.F.4.d.1 - Cul-de-Sac and Street Stubs Staff Report
- TA19-043 - 30-5.F.4.d.1 - Cul-de-Sac and Street Stubs
- TA19-047 - 30-5.G.3.a.2.a - Fronting Open Space Staff Report
- TA19-047 - 30-5.G.3.a.2.a - Fronting Open Space Ordinance
- TA19-049 - 30-5.I.3.e.2 - Design Standards Staff Report
- TA19-049 - 30-5.I.3.e.2 - Design Standards
- TA19-051 - 30-5.I.3.h.4 & 5 - Display Windows for Vacant Commercial Establishments in Downtown Staff Report
- TA19-051 - 30-5.I.3.h.4 & 5 - Display Windows for Vacant Commercial Establishments in Downtown

TO: City of Fayetteville City Council

**THRU: Kristoff Bauer, ICMA-CM - Deputy City Manager
Gerald Newton, AICP - Development Services Director
Taurus Freeman - Planning & Zoning Divisional Manager**

FROM: Chester Green II – Planner II

DATE: August 26, 2019

RE: TA19-040: Proposed Text Amendments to Section 30-5.B.6.e.2 Tree Preservation for Specimen Trees Defined; Provisions for Removal of the Unified Development Ordinance as recommended by the UDO Task Force.

COUNCIL DISTRICT(S):

All

Relationship to Strategic Plan:

Goal II: Diverse and Viable Economy, Objective A – Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Goal III: High Quality Built Environment, Objective A – Manage the City’s future growth and support strategic land use policy by supporting quality development.

EXECUTIVE SUMMARY:

The aforementioned amendments are the second bundle of proposals by the UDO Task Force. The UDO committee requested to amend Section 30-5.B.6.e.2 to reduce the specimen tree removal fee from \$100 to \$50 caliber inch.

On July 29, 2019, the Planning Commission recommended Denial for the aforementioned request.

Background:

The following text amendment to the Unified Development Ordinance (UDO) is a recommendation as provided by the UDO Task Force, an ad-hoc Mayoral appointed citizen committee. The advisory group was established to review and recommend process decision adjustments, city-initiated zoning map amendment, and related board compositions connected to the City of Fayetteville’s Code of Ordinances, Chapter 30- Unified Development Ordinance.

In addition, amendments to the Unified Development Ordinance (UDO) are typically suggested for approval by the professional planners of the Development Services Department. A public hearing before the Planning Commission, in accordance with the standards of the Code, shall be held for the Planning Commissions review and recommendation. A public hearing before the City Council, in accordance with the standards of the Code, shall be held for Council to review

the Planning Commission's recommendation and other relevant factors prior to rendering a final determination.

Issues/Analysis:

Currently, the section reads as:

2. Provisions for removal

Removal of specimen trees, while strongly discouraged, may sometimes be necessary due to the location of a tree or trees on a site or the size of the site. Applicants desiring to remove specimen tree(s) shall present compelling site design arguments for such removal, such as lot size, building placement, driveway and other vehicular use area layout, and similar considerations or constraints to justify removal. Applicants shall familiarize themselves with the incentives for preserving specimen trees in Section 30-5.C.4, Bonuses and Incentives. If justified by site design considerations or constraints and the incentives for preservation are deemed insufficient by the applicant, specimen trees may be removed upon payment of \$100.00 per caliper inch of the removed tree(s) into the City's tree fund.

Proposed UDO Task Force Amendment:

2. Provisions for removal

Removal of specimen trees, while strongly discouraged, may sometimes be necessary due to the location of a tree or trees on a site or the size of the site. Applicants desiring to remove specimen tree(s) shall present compelling site design arguments for such removal, such as lot size, building placement, driveway and other vehicular use area layout, and similar considerations or constraints to justify removal. Applicants shall familiarize themselves with the incentives for preserving specimen trees in Section 30-5.C.4, Bonuses and Incentives. If justified by site design considerations or constraints and the incentives for preservation are deemed insufficient by the applicant, specimen trees may be removed upon payment of **\$50.00** per caliper inch of the removed tree(s) into the City's tree fund."

This change would reduce the removal fee for specimen trees from \$100 to \$50 per caliber inch. The UDO defines a specimen tree as any healthy tree with a caliper measurement meeting or exceeding 30 inches. Depending on the tree species, a specimen tree at 30 inch diameter would be close to if not exceeding 100 years old. At 40 inches the tree could be close to if not exceeding 200 years old. It is important to note that many of these trees can live hundreds of years. If many of the current specimen trees in the city were planted today it could take well over a hundred years to reach their current size and most likely no one alive at time of planting will be around to see it. The current specimen tree definition of meeting or exceeding 30 inches does not protect all old/significant trees in the City. There are many species of trees that will never reach 30 inches in diameter.

Fayetteville has earned the Tree City USA Award, a national designation, for the past 17 years. One of the criteria of this designation is having a Tree Board, which is a subset of the City-

County Joint Appearance Commission. Therefore, it is Staff's recommendation that this section be left alone at this time, and if any changes be made, they should be to help protect more trees in the city and that any proposed changes be looked at by the Tree Board.

Budget Impact:

In 2018, payments into the tree fund totaled \$29,200. In the past five years, a total of \$389,244 has been collected. This money is used by Fayetteville-Cumberland County Parks & Recreation Department to plant additional trees throughout the city.

Options:

The City Council shall hold a standard public hearing on the application in accordance with the Fayetteville City Code. After the close of the hearing, the Council shall consider the application, relevant support materials, the staff report, and any comments given by the public. The City Council, by a majority vote of a quorum present, shall take one of the following actions, based on the Text Amendment Standards section of the Code.

- 1) City Council can adopt the proposed ordinance amendment per the UDO Task Force.
- 2) City Council can deny of the proposed ordinance amendment.
- 3) City Council can revise and adoption the proposed ordinance amendment.
- 4) City Council can remand the proposed ordinance amendment back to Staff for further consideration.

Recommended Action:

The Planning Commission and Staff recommends that City Council deny the UDO Taskforce proposed amendment.

Staff recommends denial based upon the non-congruency of the proposed amendment with the following standards for text amendments as required by the Code §30-2.C.2(e):

1. The proposed amendment is consistent with all applicable City-adopted plans.
2. The proposed amendment is not in conflict with any provision of this Ordinance, or any related City regulations.
3. The proposed amendment addresses a community need to provide the best Codes as possible for interpretation, enforcement and compliance.
4. The proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance and do ensure efficient development within the City.
5. The proposed amendment would result in a logical and orderly development pattern.
6. The proposed amendment would not result in significantly adverse impacts on the natural environment and the natural functioning of the environment.

Attachments:

1. TA19-040 Ordinance Option 1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Paragraph e.2, Provisions for removal, of Section 30-5.B.6, Tree

Preservation, is amended by deleting the same in its entirety and substituting the following:

2. *Provisions for removal*

Removal of specimen trees, while strongly discouraged, may sometimes be necessary due to the location of a tree or trees on a site or the size of the site. Applicants desiring to remove specimen tree(s) shall present compelling site design arguments for such removal, such as lot size, building placement, driveway and other vehicular use area layout, and similar considerations or constraints to justify removal. Applicants shall familiarize themselves with the incentives for preserving specimen trees in Section 30-5.C.4, Bonuses and Incentives. If justified by site design considerations or constraints and the incentives for preservation are deemed insufficient by the applicant, specimen trees may be removed upon payment of \$50.00 per caliper inch of the removed tree(s) into the City’s tree fund.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2019.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

TO: City of Fayetteville Planning Commission

THRU: Taurus Freeman, Planning and Zoning Divisional Manager

FROM: Terri Lynn Hale, Senior Planner

DATE: July 16, 2019

RE: TA19-043: Proposed Text Amendments to Section 30-5.F.4.d.1 Community Form Standards; Cul-de-Sac and Street Stubs, of the Unified Development Ordinance as recommended by the UDO Task Force.

COUNCIL DISTRICT(S):

All

Relationship to Strategic Plan:

Goal II: Diverse and Viable Economy, Objective A – Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Goal III: High Quality Built Environment, Objective A – Manage the City's future growth and support strategic land use policy by supporting quality development.

EXECUTIVE SUMMARY:

This requested amendment was originally discussed by the Unified Development Ordinance (UDO) Task Force. The Task Force requested that Section 30-5.F.4.d.1 include a reference to items required for Final Plats as referenced in UDO Section 30-6.B.6, Common Area Standards; Final Plat. Staff recommends adoption of the proposed ordinance amendment per Staff.

On July 29, 2019 the Planning Commission recommended approval per Planning Staff.

Background:

The following text amendment to the Unified Development Ordinance (UDO) is a recommendation as provided by the UDO Task Force, an ad-hoc Mayoral appointed citizen committee. The advisory group was established to review and recommend process decision adjustments, city-initiated zoning map amendment, and related board compositions connected to the City of Fayetteville's Code of Ordinances, Chapter 30- Unified Development Ordinance.

In addition, amendments to the Unified Development Ordinance (UDO) are typically suggested for approval by the professional planners of the Development Services Department. A public hearing before the Planning Commission, in accordance with the standards of the Code, shall be held for the Planning Commissions review and recommendation. A public hearing before the City Council, in accordance with the standards of the Code, shall be held for Council to review

the Planning Commission's recommendation and other relevant factors prior to rendering a final determination.

Issues/Analysis:

Currently, the section reads as:

d. Cul-de-Sac and Street Stubs

1. Street Stubs shall be allowed only on a temporary basis to serve a phase or portion of a subdivision. Street stubs longer than 150 linear feet shall include a paved hammerhead turnaround or cul-de-sac that meets the city's minimum standards and shall be located within the dedicated right-of-way or easement. In the event that a final plat (See Section 30-2.C.6.e, Final Plat) for the phase or portion of a subdivision served by a temporary street stub is submitted for approval or recording, the Final Plan shall include a notation that the street is temporary, and that additional modifications to the street will occur when the adjacent area is developed.

A street stub (or stub street) is a street segment, usually relatively short in length, which terminates at the boundary of a subdivision or site plan. The purpose of a street stub is to ultimately connect to abutting property when it is developed. This sections means that street stubs are allowed by the City of Fayetteville, on a temporary basis. When submitted on a final plat, this section requires the street stub to be identified as temporary.

The UDO Task Force recommended that the section be amended to read as:

d. Cul-de-Sac and Street Stubs

1. Street Stubs shall be allowed only on a temporary basis to serve a phase or portion of a subdivision. Street stubs longer than 150 linear feet shall include a paved hammerhead turnaround or cul-de-sac that meets the city's minimum standards and shall be located within the dedicated right-of-way or easement. In the event that a final plat (See Section 30-2.C.6.e, Final Plat) for the phase or portion of a subdivision served by a temporary street stub is submitted for approval or recording, the Final Plan shall include a notation that the street is temporary, and that additional modifications to the street will occur when the adjacent area is developed. **Other requirements exists; refer to Section 30-6.B.6, Final Plat for those requirements.**

This change would mean that developers and Engineers would both be aware that a final plat including a street stub needs to follow the requirements of Section 30-2.C.6.e, Final Plat as well as Section 30-6.B.6, Final Plat

However, Planning Staff recommends that the section be amended to read as:

d. Cul-de-Sac and Street Stubs

1. Street Stubs shall be allowed only on a temporary basis to serve a phase or portion of a subdivision. Street stubs longer than 150 linear feet shall include a paved hammerhead turnaround or cul-de-sac that meets the city's minimum standards and shall be located within the dedicated right-of-way or easement. In the event that a final plat (See Section 30-2.C.6.e, Final Plat) for the phase or portion of a subdivision served by a temporary street stub is submitted for approval or recording, the Final Plan shall include a notation that the street is temporary, and that additional modifications to the street will occur when the adjacent area is developed. **Final Plat**

submissions must also fulfill the requirements as set forth in Section 30-6.B.6, Final Plat and all other applicable sections.

By amending the statement as stated above, Staff believes the verbiage is clear, concise and follows wording typical of the UDO. The UDO Task Force and Staff believe it is important that the UDO is concise and consistent. Referring back to the Final Plat requirements lets the reader know that this section is to be used in conjunction with the Final Plat submissions as found in Section 30-6.B.6 and the requirements as stated above do not suffice as a completed Final Plat submission.

Budget Impact:

N/A

Options:

The Planning Commission shall hold a standard public hearing on the application in accordance with the Fayetteville City Code. After the close of the hearing, the Commission shall consider the application, relevant support materials, the staff report, and any comments given by the public. The Planning Commission, by a majority vote of a quorum present, shall take one of the following actions, based on the Text Amendment Standards section of the Code.

- 1) Recommend to City Council adoption of the proposed ordinance amendment per the UDO Task Force
- 2) Recommend to City Council adoption of the proposed ordinance amendment per Staff
- 3) Recommend to City Council denial of the proposed ordinance amendment.
- 4) Recommend revisions and adoption of the proposed ordinance amendment.
- 5) Recommend remanding of the proposed ordinance amendment back to Staff for further consideration.

Recommended Action:

Staff recommends that the Planning Commission recommends to City Council approval of the Staff prepared proposed amendment.

Staff recommends approval based upon the congruency of the proposed amendment with the following standards for text amendments as required by the Code §30-2.C.2(e):

1. The proposed amendments are consistent with all applicable City-adopted plans.
2. The proposed amendments are not in conflict with any provision of this Ordinance, or any related City regulations.
3. The proposed amendments will align with Code with NC General Statutes, NC Building Codes, and various other regulations and requirements within the City and the Code.
4. The proposed amendments address a community need to provide the best Codes as possible for interpretation, enforcement and compliance.
5. The proposed amendments are consistent with the purpose and intent of the zoning districts in this Ordinance and do ensure efficient development within the City.
6. The proposed amendments would result in a logical and orderly development pattern.

7. The proposed amendments would not result in significantly adverse impacts on the natural environment and the natural functioning of the environment.

Attachments:

1. TA19-043 Ordinance Option 1
2. TA19-043 Ordinance Option 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Paragraph 1 of Section d, Cul-de-Sac and Street Stubs, of Section 30-

5.F.4, Streets, is amended by deleting the same in its entirety and substituting the following:

1. Street Stubs shall be allowed only on a temporary basis to serve a phase or portion of a subdivision. Street stubs longer than 150 linear feet shall include a paved hammerhead turnaround or cul-de-sac that meets the city's minimum standards and shall be located within the dedicated right-of-way or easement. In the event that a final plat (See Section 30-2.C.6.e, Final Plat) for the phase or portion of a subdivision served by a temporary street stub is submitted for approval or recording, the Final Plan shall include a notation that the street is temporary, and that additional modifications to the street will occur when the adjacent area is developed. *Final Plat submissions must also fulfill the requirements as set forth in Section 30-6.B.6, Final Plat and all other applicable sections.*

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2019.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

STAFF

TO: City of Fayetteville City Council

THRU: Kristoff Bauer, ICMA-CM - Deputy City Manager
Gerald Newton, AICP - Development Services Director
Taurus Freeman - Planning & Zoning Divisional Manager

FROM: Jennifer C. Baptiste, Senior Planner

DATE: August 26, 2019

RE: TA19-047: Proposed Text Amendments to Section 30-5.G.3.a.2.a
Design Standards; Fronting Open Space of the Unified Development
Ordinance as recommended by the UDO Task Force.

COUNCIL DISTRICT(S):

All

Relationship to Strategic Plan:

Goal II: Diverse and Viable Economy, Objective A – Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Goal III: High Quality Built Environment, Objective A – Manage the City’s future growth and support strategic land use policy by supporting quality development.

EXECUTIVE SUMMARY:

The requested text amendment was originally discussed and proposed by the Unified Development Ordinance (UDO) Task Force. The Task Force requested that Section 30-5.G.3.2.a be amended from dwellings being required to “front upon” open space to dwellings “abut” open space.

On July 29, 2019, the Planning Commission recommended Approval of the Staff prepared Text Amendment for the aforementioned request.

Background:

The following amendment to the Unified Development Ordinance (UDO) is a recommendation as provided by the UDO Task Force, an ad-hoc Mayoral appointed citizen committee. The advisory group was established to review and recommend process decision adjustments, city-initiated zoning map amendment, and related board compositions connected to the City of Fayetteville’s Code of Ordinances, Chapter 30- Unified Development Ordinance.

In addition, amendments to the Unified Development Ordinance (UDO) are typically suggested for approval by the professional planners of the Development Services Department. A public hearing before the Planning Commission, in accordance with the

standards of the Code, shall be held for the Planning Commissions review and recommendation. A public hearing before the City Council, in accordance with the standards of the Code, shall be held for Council to review the Planning Commission's recommendation and other relevant factors prior to rendering a final determination.

Issues/Analysis:

Currently, the section reads as:

1. *Fronting Open Space*

- a. Except for single-family detached or attached development in a subdivision approved prior to July 1, 2011, or proposed as part of a zero lot line development of three acres or less, at least ten percent of all single-family dwellings shall front upon an open space dedicated area when part of a single-family detached or attached development.

This sections means that at least ten percent of dwelling in a subdivision would need to face open space and limit the design of subdivisions.

The UDO Task Force recommended that the section be amended to read as:

1. Fronting Open Space

- a. Except for single-family detached or attached development in a subdivision approved prior to July 1, 2011, or proposed as part of a zero lot line development of three acres or less, at least ten percent of all single-family dwellings shall ~~front upon~~ **abut** an open space dedicated area when part of a single-family detached or attached development.

This change would mean that at least ten percent of the houses in a subdivision would need to be connecting to open space.

However, Planning Staff recommends that the section be amended to read as:

1. Fronting Open Space

- a. Except for single-family detached or attached development in a subdivision approved prior to July 1, 2011, or proposed as part of a zero lot line development of three acres or less, at least ten percent of all single-family dwellings shall **either** front upon **and/or abut** an open space dedicated area when part of a single-family detached or attached development.

By amending the statement as stated above, Staff believes that greater flexibility will be given to developers by allowing dwellings to either front upon and /or abut open space. Allowing developers to site houses that front upon and/or abut open space will give alternative subdivision layouts. Developers would have the options of positioning dwelling units facing, behind, or on the side or open space allowing greater flexibility and having more dwelling units count toward the ten percent requirement.

Budget Impact:

N/A

Options:

The City Council shall hold a standard public hearing on the application in accordance with the Fayetteville City Code. After the close of the hearing, the Council shall consider the application, relevant support materials, the staff report, and any comments given by the public. The City Council, by a majority vote of a quorum present, shall take one of the following actions, based on the Text Amendment Standards section of the Code.

- 1) City Council can adopt of the proposed ordinance amendment per the UDO Task Force
- 2) City Council can adopt the proposed ordinance amendment per Staff
- 3) City Council can deny the proposed ordinance amendment.
- 4) City Council can revise and adopt of the proposed ordinance amendment.
- 5) City Council can remand the proposed ordinance amendment back to Staff for further consideration.

Recommended Action:

The Planning Commission and Planning Staff recommends that City Council approve the staff prepared proposed amendment.

Approval is based upon the congruency of the proposed amendment with the following standards for text amendments as required by the Code §30-2.C.2(e):

1. The proposed amendments are consistent with all applicable City-adopted plans.
2. The proposed amendments are not in conflict with any provision of this Ordinance, or any related City regulations.
3. The proposed amendments will align with Code with NC General Statutes, NC Building Codes, and various other regulations and requirements within the City and the Code.
4. The proposed amendments address a community need to provide the best Codes as possible for interpretation, enforcement and compliance.
5. The proposed amendments are consistent with the purpose and intent of the zoning districts in this Ordinance and do ensure efficient development within the City.
6. The proposed amendments would result in a logical and orderly development pattern.
7. The proposed amendments would not result in significantly adverse impacts on the natural environment and the natural functioning of the environment.

Attachments:

1. TA19-047 Ordinance Option 1
2. TA19-047 Ordinance Option 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Paragraph a of Subsection a.2., Fronting Open Space, of Section 30-5.G.3.,

Design Standards, is amended by deleting the same in its entirety and substituting the following:

- a. Except for single-family detached or attached development in a subdivision approved prior to July 1, 2011, or proposed as part of a zero lot line development of three acres or less, at least ten percent of all single-family dwellings shall *either* front upon *and/or* *abut* an open space dedicated area when part of a single-family detached or attached development.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2019.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

TO: City of Fayetteville Planning Commission

THRU: Taurus Freeman, Planning and Zoning Divisional Manager

FROM: Craig Harmon, AICP, CZO – Senior Planner

DATE: July 16, 2019

RE: TA19-049: Proposed Text Amendment to Section 30-5.1.3.e.2 Design Standards Outparcel Development of the Unified Development Ordinance as recommended by the UDO Task Force.

COUNCIL DISTRICT(S):

All

Relationship to Strategic Plan:

Goal II: Diverse and Viable Economy, Objective A – Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Goal III: High Quality Built Environment, Objective A – Manage the City’s future growth and support strategic land use policy by supporting quality development.

EXECUTIVE SUMMARY:

This requested amendment was originally discussed by the Unified Development Ordinance (UDO) Task Force. The Task Force requested that Section 30-5.1.3.e.2 Neighborhood Commercial (NC) zoned areas be amended to allow up to 30 percent of the required surface off-street parking between the primary building entrance and the street it faces. Currently, no front yard parking is allowed on single story building developments.

On July 29, 2019, the Planning Commission recommended approval per Planning Staff recommendation.

Background:

The following text amendment to the Unified Development Ordinance (UDO) is a recommendation as provided by the UDO Task Force, an ad-hoc Mayoral appointed citizen committee. The advisory group was established to review and recommend process decision adjustments, city-initiated zoning map amendment, and related board compositions connected to the City of Fayetteville’s Code of Ordinances, Chapter 30- Unified Development Ordinance.

In addition, amendments to the Unified Development Ordinance (UDO) are typically suggested for approval by the professional planners of the Development Services Department. A public hearing before the Planning Commission, in accordance with the standards of the Code, shall be held for the Planning Commissions review and recommendation. A public hearing before the City Council, in accordance with the standards of the Code, shall be held for Council to review the Planning Commission’s recommendation and other relevant factors prior to rendering a final determination.

The Neighborhood Commercial (NC) District is intended to accommodate small-scale, low-intensity, and "convenience" retail and service uses that provide goods and services serving the residents of the immediately surrounding neighborhood. Development in the district should not include uses of a size that is out of scale with a residential neighborhood, or that attracts traffic from outside the surrounding neighborhood. New construction shall not create individual retail uses over 2,500 square feet without obtaining a Special Use Permit. Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to standards intended to ensure development is consistent with the neighborhood scale and compatible with surrounding uses and the design standards.

Issues/Analysis:

Currently, the section reads as:

2. Neighborhood Commercial District

Single-story commercial, office, and mixed-use development in the NC district shall be configured to locate all required surface off-street parking to the side or rear of the building. Buildings of two or more stories may locate up to two rows of off-street surface parking between the primary building entrance and the street it faces, when a vegetated buffer in accordance with Table 30-5.B.4.c.5, Street Yard Buffer Requirements, is provided.

OPTION 1:

The UDO Task Force recommended that the section be amended to read as:

2. Neighborhood Commercial District

Single-story commercial, office, and mixed-use development in the NC district shall be configured to locate **a minimum of 70 percent of required surface off-street parking to the side or rear of the building.** Buildings of two or more stories may locate up to two rows of off-street surface parking between the primary building entrance and the street it faces, when a vegetated buffer in accordance with Table 30-5.B.4.c.5, Street Yard Buffer Requirements, is provided.

The UDO Task Force recommended that the section be amended to allow up to 30-percent of the required surface off-street parking between the primary building entrance and the street it faces. This change would mean that up to 30-percent of the required parking could be located in front of any single-story commercial, office, and mixed-use development in the Neighborhood Commercial (NC) district.

OPTION 2:

Staff recommended that the section be amended to read as:

2. Neighborhood Commercial District

Single-story commercial, office, and mixed-use development in the NC district shall be configured to locate **a minimum of 70 percent of required surface off-street parking to the side or rear of the building, when a vegetated buffer in accordance with Table 30-5.B.4.c.5, Street Yard Buffer Requirements, is provided.** Buildings of two or more stories may locate up to two rows of off-street surface parking between the

primary building entrance and the street it faces, when a vegetated buffer in accordance with Table 30-5.B.4.c.5, Street Yard Buffer Requirements, is provided.

The City staff recommends that the section be amended to allow up to 30-percent of the required surface off-street parking between the primary building entrance and the street it faces when a vegetated buffer in accordance with Table 30-5.B.4.c.5, Street Yard Buffer Requirements, is provided. This change would mean that up to 30-percent of the required parking could be located in front of any single-story commercial, office, and mixed-use development in the Neighborhood Commercial (NC) district.

By amending the statement as stated above, Staff believes that greater flexibility will be given to developers, since this section would now allow some flexibility in the parking standards in the NC District.

Planning Staff recommends that the section be amended as shown in Option 2.

Budget Impact:

None.

Options:

The Planning Commission shall hold a standard public hearing on the application in accordance with the Fayetteville City Code. After the close of the hearing, the Commission shall consider the application, relevant support materials, the staff report, and any comments given by the public. The Planning Commission, by a majority vote of a quorum present, shall take one of the following actions, based on the Text Amendment Standards section of the Code.

- 1) Recommend to City Council adoption of the proposed ordinance amendment per the UDO Task Force.
- 2) Recommend to City Council adoption of the proposed ordinance amendment per the City Staff.
- 3) Recommend to City Council denial of the proposed ordinance amendment.
- 4) Recommend revisions and adoption of the proposed ordinance amendment.
- 5) Recommend remanding of the proposed ordinance amendment back to Staff for further consideration.

Recommended Action:

Staff recommends that the Planning Commission recommends to City Council approval of the Staff prepared proposed amendment, Option 2.

Staff recommends approval based upon the congruency of the proposed amendment with the following standards for text amendments as required by the Code §30-5.1.3.e.2:

1. The proposed amendments are consistent with all applicable City-adopted plans.
2. The proposed amendments are not in conflict with any provision of this Ordinance, or any related City regulations.
3. The proposed amendments will align with Code with NC General Statutes, NC Building Codes, and various other regulations and requirements within the City and the Code.

4. The proposed amendments address a community need to provide the best Codes as possible for interpretation, enforcement and compliance.
5. The proposed amendments are consistent with the purpose and intent of the zoning districts in this Ordinance and do ensure efficient development within the City.
6. The proposed amendments would result in a logical and orderly development pattern.
7. The proposed amendments would not result in significantly adverse impacts on the natural environment and the natural functioning of the environment.

Attachments:

1. TA19-049 Ordinance Option 1
2. TA19-049 Ordinance Option 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Subsection e.2, Neighborhood Commercial District, of Section 30-5.I.3,

Design Standards, is amended by deleting the same in its entirety and substituting the following:

- 2. *Neighborhood Commercial District*
Single-story commercial, office, and mixed-use development in the NC district shall be configured to locate a minimum of 70 percent of required surface off-street parking to the side or rear of the building. Buildings of two or more stories may locate up to two rows of off-street surface parking between the primary building entrance and the street it faces, when a vegetated buffer in accordance with Table 30-5.B.4.c.5, Street Yard Buffer Requirements, is provided.

Subsection 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2019.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

TO: City of Fayetteville Planning Commission

THRU: Taurus Freeman, Planning and Zoning Divisional Manager

FROM: Craig Harmon, AICP, CZO – Senior Planner

DATE: July 16, 2019

RE: TA19-051: Proposed Text Amendment to Section 30-5.1.3.h.4. & 5. Display Windows for Vacant Commercial Establishments in Downtown (DT) Zoning District of the Unified Development Ordinance as recommended by the UDO Task Force.

COUNCIL DISTRICT(S):

All

Relationship to Strategic Plan:

Goal II: Diverse and Viable Economy, Objective A – Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Goal III: High Quality Built Environment, Objective A – Manage the City's future growth and support strategic land use policy by supporting quality development.

EXECUTIVE SUMMARY:

This requested amendment was originally discussed by the Unified Development Ordinance (UDO) Task Force. The Task Force requested that Section 30-5.1.3.h.4. & 5 Display Windows for Vacant Commercial Establishments in Downtown (DT) Zoning District be amended to allow other agencies, in addition to the Downtown Alliance, to provide artwork and other materials to be displayed in vacant store windows. This amendment would also change the approval authority for this section to the City Manager instead of the Planning and Code Enforcement Director.

On July 29, 2019 the Planning Commission recommended approval as recommended by the UDO Task Force.

Background:

The following text amendment to the Unified Development Ordinance (UDO) is a recommendation as provided by the UDO Task Force, an ad-hoc Mayoral appointed citizen committee. The advisory group was established to review and recommend process decision adjustments, city-initiated zoning map amendment, and related board compositions connected to the City of Fayetteville's Code of Ordinances, Chapter 30- Unified Development Ordinance.

In addition, amendments to the Unified Development Ordinance (UDO) are typically suggested for approval by the professional planners of the Development Services Department. A public hearing before the Planning Commission, in accordance with the standards of the Code, shall be held for the Planning Commissions review and recommendation. A public hearing before the

City Council, in accordance with the standards of the Code, shall be held for Council to review the Planning Commission's recommendation and other relevant factors prior to rendering a final determination.

Issues/Analysis:

Currently, the section reads as:

h. Display Windows for Vacant Commercial Establishments in DT Downtown

Successful downtowns and dense urban areas depend on a lively, positive pedestrian experience; management of vacant ground floor display space is a significant component of that experience. Whether or not a vacant commercial space is registered pursuant to this section, if any commercial space within the DT downtown zoning district has been unoccupied for more than thirty (30) consecutive days at the time this section becomes effective or any time thereafter, then the property owner or designated representative shall immediately construct and/or install at least one of the following types of displays on or inside all ground-floor windows that face sidewalks, streets, alleys, or public open spaces.

Prior to installation, the Planning and Code Enforcement Director or his or her designee shall review a plan prepared by the applicant to assure that the plan will adequately comply with one or more of the following:

1. Faux window dressings containing goods or services with the visual characteristics of a vibrant business using background panels or other methods to screen views of the unoccupied space from the street and sidewalk.
2. Works of art, including paintings, sculptures or other examples of fine arts, or other displays of cultural, historical, or educational value, utilizing colorful and vibrant materials and using background panels or other methods to screen views of the unoccupied space from the street and sidewalk.
3. Paintings applied directly to the window surface featuring visually appealing, colorful, vibrant scenes, shapes, or images shall be visible on all street and sidewalk areas.
4. Artwork or other materials provided by the Downtown Alliance specifically for this purpose.
5. Other measures consistent with these examples, if approved in writing by the Planning and Code Enforcement Director or his or her designee, in his/her discretion. Displays should cover 50% of the window. If the display does not cover the entire window, the unoccupied (or vacant) space should be screened to obscure it.

The UDO Task Force recommended that the section be amended to read as:

h. Display Windows for Vacant Commercial Establishments in DT Downtown

Successful downtowns and dense urban areas depend on a lively, positive pedestrian experience; management of vacant ground floor display space is a significant component of that experience. Whether or not a vacant commercial space is registered pursuant to this section, if any commercial space within the DT downtown zoning district has been unoccupied for more than thirty (30) consecutive days at the time this section becomes effective or any time thereafter, then the property owner or designated representative shall

immediately construct and/or install at least one of the following types of displays on or inside all ground-floor windows that face sidewalks, streets, alleys, or public open spaces.

Prior to installation, the **City Manager** or his or her designee shall review **and approve** a plan prepared by the applicant to assure that the plan will adequately comply with one or more of the following:

4. Artwork or other materials provided by the Downtown Alliance, **or other agencies approved**, specifically for this purpose.
- 5 Other measures consistent with these examples, if approved in writing by the **City Manager** or his or her designee, in his/her discretion. Displays should cover 50% of the window. If the display does not cover the entire window, the unoccupied (or vacant) space should be screened to obscure it.

The UDO Task Force recommended that the section be amended to allow other agencies, in addition to the Downtown Alliance, to provide artwork and other materials to be displayed in vacant store windows. Also, this amendment would also change the approval authority for this section to the City Manager instead of the Planning and Code Enforcement Director, which is an out-of-date title for the Development Services Director.

By amending the statement as stated above, Staff believes that greater flexibility will be given to property owners in the DT District, since this section would now allow more flexibility.

Budget Impact:

NA

Options:

The Planning Commission shall hold a standard public hearing on the application in accordance with the Fayetteville City Code. After the close of the hearing, the Commission shall consider the application, relevant support materials, the staff report, and any comments given by the public. The Planning Commission, by a majority vote of a quorum present, shall take one of the following actions, based on the Text Amendment Standards section of the Code.

- 1) Recommend to City Council adoption of the proposed ordinance amendment per the UDO Task Force.
- 2) Recommend to City Council denial of the proposed ordinance amendment.
- 3) Recommend revisions and adoption of the proposed ordinance amendment.
- 4) Recommend remanding of the proposed ordinance amendment back to Staff for further consideration.

Recommended Action:

Staff recommends that the Planning Commission recommends to City Council approval of the UDO Task Force prepared proposed amendment.

Staff recommends approval based upon the congruency of the proposed amendment with the following standards for text amendments as required by the Code §30-5.1.3.e.2:

1. The proposed amendments are consistent with all applicable City-adopted plans.
2. The proposed amendments are not in conflict with any provision of this Ordinance, or any related City regulations.
3. The proposed amendments will align with Code with NC General Statutes, NC Building Codes, and various other regulations and requirements within the City and the Code.
4. The proposed amendments address a community need to provide the best Codes as possible for interpretation, enforcement and compliance.
5. The proposed amendments are consistent with the purpose and intent of the zoning districts in this Ordinance and do ensure efficient development within the City.
6. The proposed amendments would result in a logical and orderly development pattern.
7. The proposed amendments would not result in significantly adverse impacts on the natural environment and the natural functioning of the environment.

Attachments:

1. TA19-051 Ordinance Option 1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Subsection h, Display Windows for Vacant Commercial Establishments in DT Downtown, of Section 30-5.I.3, Design Standards, is amended by deleting the first two paragraphs in their entirety and substituting the following:

Successful downtowns and dense urban areas depend on a lively, positive pedestrian experience; management of vacant ground floor display space is a significant component of that experience. Whether or not a vacant commercial space is registered pursuant to this section, if any commercial space within the DT downtown zoning district has been unoccupied for more than thirty (30) consecutive days at the time this section becomes effective or any time thereafter, then the property owner or designated representative shall immediately construct and/or install at least one of the following types of displays on or inside all ground-floor windows that face sidewalks, streets, alleys, or public open spaces.

Display Windows for Vacant Commercial Establishments in DT Downtown Prior to installation, the City Manager or his or her designee shall review and approve a plan prepared by the applicant to assure that the plan will adequately comply with one or more of the following:

Section 2. Paragraphs 4 and 5 of Subsection h, Display Windows for Vacant Commercial Establishments in DT Downtown, of Section 30-5.I.3, Design Standards, is amended by deleting the same in their entirety and substituting the following:

4. Artwork or other materials provided by the Downtown Alliance, or other agencies approved, specifically for this purpose.
5. Other measures consistent with these examples, if approved in writing by the City Manager or his or her designee, in his/her discretion. Displays should cover 50% of the window. If the display does not cover the entire window, the unoccupied (or vacant) space should be screened to obscure it.

Section 3. 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 or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2019.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-974

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Other Items of
Business

Agenda Number: 9.01

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, Deputy City Manager, ICMA-CM

FROM: Sheila Thomas-Ambat, P.E., Public Services Director

DATE: September 23, 2019

RE:

Stormwater Ordinance Amendment for Drainage Assistance Program

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

High quality built environment

Executive Summary:

Per the direction of City Council, staff has developed a plan for a Drainage Assistance Program to help citizens with drainage problems located outside of the City right-of-way. The proposed amendment to the Stormwater Ordinance that establishes the program while allowing the City Council to set the budgetary limits of the program annually is presented for Council consideration.

Background:

Stormwater infrastructure consists of a network of catch basins, drop inlets, swales, pipes, and stormwater control measures (SCM's) that carry stormwater runoff away from roadways and property, ultimately discharging it into creeks and streams. A great deal of this infrastructure is maintained by the City, but a significant portion is located on private property and considered the responsibility of property owners.

Council recently approved a revision to the Stormwater ordinance that acknowledges the City's responsibility for maintaining stormwater infrastructure within the City right-of-way. The ordinance also provides for the City Council to address stormwater problems outside

of the City right-of-way through a drainage assistance program administered by City staff.

Issues/Analysis:

The Drainage Assistance Program will evaluate service requests for off right-of-way drainage projects based on a standardized eligibility criteria. Projects found to meet the criteria will be prioritized and provided to the Stormwater Advisory Board (SWAB) for review and approval on an annual basis.

Upon approval, projects will be designed and constructed as part of the existing stormwater project management process.

Upon adoption of the ordinance, an engineering consulting firm will be directed to review the existing backlog of off right-of-way requests and address those requests as soon as possible.

Staff will take over the administration of the program in July 2020.

Budget Impact:

The approved FY20 budget includes funding to support implementation for the drainage assistance program. Moving forward, Council will set the budget for this program as part of the annual budget process.

Options:

City Council adopts the ordinance revision and directs staff to implement the plan for the drainage assistance program.

City Council does not adopt the ordinance revision and provides further direction to staff.

Recommended Action:

Staff recommends City Council adopt the ordinance revision and direct staff to implement the plan for the drainage assistance program.

Attachments:

Section 23-3.2 - Redlined to show new language
Ordinance for Section 23-3.2, final

PART II - CODE OF ORDINANCES

CHAPTER 23 - STORMWATER MANAGEMENT

Article I. - In General

Sec. 23-3. Establishment of A Stormwater Management Utility and Enterprise Fund.

- a. There is hereby established a stormwater management utility within the engineering and infrastructure department which shall be responsible for stormwater management programs throughout the city, and which shall provide for the management, protection, control, regulation, use and enhancement of stormwater systems and facilities.
- b. There is hereby established a stormwater enterprise fund in the city budget and accounting system for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the stormwater management utility, including but not limited to; rentals, rates, charges, fees and licenses as may be established by the city council and other funds that may be transferred or allocated to the stormwater management utility. All revenues and receipts of the stormwater management utility shall be placed in the stormwater enterprise fund and all expenses of the utility shall be paid from the stormwater enterprise fund, except that other revenues receipts, and resources not accounted for in the stormwater utility enterprise fund may be applied to stormwater management programs, facilities, operations, and capital investments as deemed appropriate by the city council.
- c. The city council hereby transfers to the stormwater management utility (stormwater division) operational control over the existing stormwater management programs, systems and facilities performed, provided or owned and heretofore operated by the city and other related assets, including but not limited to properties other than roadways upon which such systems and facilities are located, easements, rights-of-entry and access, and certain equipment used solely for stormwater management.

(Ord. No. S2009-004, § 1, 5-26-2009)

Sec. 23-3.1. Boundaries and Jurisdiction.

The boundaries and jurisdiction of the stormwater management utility shall extend to the corporate limits of the City of Fayetteville, including all areas hereafter annexed thereto.

(Ord. No. S2009-004, § 1, 5-26-2009)

Sec. 23-3.2 Drainage Assistance Program

- a. This section sets forth the criteria and circumstances by which Stormwater Enterprise Funds may be used for drainage assistance projects located outside of city-owned rights-of-way.

- b. Process. Requests for use of Stormwater Enterprise Funds for drainage projects located outside of the city-owned rights-of-way will be forwarded to the Public Services Department for review, investigation, and eligibility.
 - 1. The determination of eligibility for funding with Stormwater Enterprise Funds shall be made by the City Manager or his designee and this decision is not subject to appeal.
 - 2. As outlined below, eligible projects will be prioritized with a preliminary cost estimate and forwarded to the Stormwater Advisory Board for final review and approval.
- c. Eligibility. Drainage projects located outside of city-owned rights-of-way may be funded with Stormwater Enterprise Funds provided that all of the following eligibility criteria are met:
 - 1. A formal request for assistance complying with city requirements (including the applicable fee in accordance with the city's fee schedule) is submitted to the city by the current property owner(s);
 - 2. The property is within the city limits;
 - 3. The condition of the drainage system impacts a single family residential property;
 - 4. The repair of the existing drainage structure would serve a public purpose (for example, conveying runoff from a city-maintained street);
 - 5. The property owner(s) authorize the city to do the work on the drainage project, and provide access necessary via temporary or existing easements without compensation;
 - 6. The property owner(s) acknowledge that the city will not take ownership of any drainage infrastructure installed on their property and any work will be a "one-time" effort by the city;
 - 7. The property owner(s) acknowledge that the project will not include repair or replacement of surface features (such as trees, shrubbery, decorative walls, fences, etc.) that may have to be removed or that are damaged during construction of the project;
 - 8. The property owner(s) acknowledge that should the city determine the project is eligible, then the project design will be the most cost effective solution to the stormwater problem;
 - 9. The drainage system is not located on property that is undergoing development or re-development;
 - 10. The project does not include the repair, replacement, or installation of drainage infrastructure on a private road;
 - 11. The drainage problem is not due to flooding present only during events larger than city stormwater design criteria such as (but not limited to) hurricanes or unusually severe thunderstorms;
 - 12. The problem will not be addressed by an existing Capital Improvement Plan project which is funded and scheduled for construction;
 - 13. The project will require the repair of subsurface drainage infrastructure (such as pipes) and specifically does not include;
 - i. Creek bank stabilization;
 - ii. Landscaping or aesthetic maintenance (e.g., removal of brush, mowing of grass, litter pick-up);

iii. Sediment removal from swales or ditches.

- d. Project Prioritization. Eligible projects that exceed the capacity of the city's street maintenance functions because they require design prior to construction will be prioritized by the city based on standard project ranking criteria used for stormwater projects. The city will present the ranking criteria annually to the city's Stormwater Advisory Board for final review and approval.
- e. The city's participation in eligible projects under the Drainage Assistance Program is limited to the extent to which funds are available for such purpose and no entitlement to receive funds for such work arises from this section. The city retains its right to reject, defer, or abandon any project considered under this section at any time. No action or inaction of the city pursuant to this section shall impose upon the city, its agents, officers, or employees, any responsibility or liability of any kind, past or future, relating to any person or property. No action by the city, including but not limited to funding of work on drainage system components not owned by the city, shall be considered as a taking or appropriation of, or assumption of responsibility for any stream, drain, ditch or other drainage system feature that is outside city-owned property or right-of-way.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CREATING A NEW SECTION UNDER CHAPTER 23, STORMWATER MANAGEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Article 1, In General, is amended by creating a new Section 23-3.2,

Drainage Assistance Program, as follows:

Sec. 23-3.2. Drainage Assistance Program.

- a. This section sets forth the criteria and circumstances by which Stormwater Enterprise Funds may be used for drainage assistance projects located outside of city-owned rights-of-way.
- b. *Process.* Requests for use of Stormwater Enterprise Funds for drainage projects located outside of the city-owned rights-of-way will be forwarded to the Public Services Department for review, investigation, and eligibility.
 1. The determination of eligibility for funding with Stormwater Enterprise Funds shall be made by the City Manager or his designee and this decision is not subject to appeal.
 2. As outlined below, eligible projects will be prioritized with a preliminary cost estimate and forwarded to the Stormwater Advisory Board for final review and approval.
- c. *Eligibility.* Drainage projects located outside of city-owned rights-of-way may be funded with Stormwater Enterprise Funds provided that all of the following eligibility criteria are met:
 1. A formal request for assistance complying with city requirements (including the applicable fee in accordance with the city's fee schedule) is submitted to the city by the current property owner(s);
 2. The property is within the corporate limits of Fayetteville;
 3. The condition of the drainage system impacts single-family residential property;
 4. The repair of the existing drainage structure would serve a public purpose (for example, conveying runoff from a city-maintained street);

5. The property owner(s) authorize the city to do the work on the drainage project, and provide access necessary via temporary or existing easements without compensation;
 6. The property owner(s) acknowledge that the city will not take ownership of any drainage infrastructure installed on their property and any work will be a “one-time” effort by the city;
 7. The property owner(s) acknowledge that the project will not include repair or replacement of surface features (such as trees, shrubbery, decorative walls, fences, etc.) that may have to be removed or that are damaged during construction of the project;
 8. The property owner(s) acknowledge that should the city determine the project is eligible, then the project design will be the most cost effective solution to the stormwater problem;
 9. The drainage system is not located on property that is undergoing development or re-development;
 10. The project does not include the repair, replacement, or installation of drainage infrastructure on a private road;
 11. The drainage problem is not due to flooding present only during events larger than city stormwater design criteria such as (but not limited to) hurricanes or unusually severe thunderstorms;
 12. The problem will not be addressed by an existing Capital Improvement Plan project which is funded and scheduled for construction; and
 13. The project will require the repair of subsurface drainage infrastructure (such as pipes) and specifically does not include:
 - i. Creek bank stabilization;
 - ii. Landscaping or aesthetic maintenance (e.g., removal of brush, mowing of grass, litter pick-up);
 - iii. Sediment removal from swales or ditches.
- d. *Project Prioritization.* Eligible projects that exceed the capacity of the city’s street maintenance functions because they require design prior to construction will be prioritized by the city based on standard project ranking criteria used for stormwater projects. The city will present the ranking criteria annually to the city’s Stormwater Advisory Board for final review and approval.

- e. The city's participation in eligible projects under the Drainage Assistance Program is limited to the extent to which funds are available for such purpose and no entitlement to receive funds for such work arises from this section. The city retains its right to reject, defer, or abandon any project considered under this section at any time. No action or inaction of the city pursuant to this section shall impose upon the city, its agents, officers, or employees, any responsibility or liability of any kind, past or future, relating to any person or property. No action by the city, including, but not limited to, funding of work on drainage system components not owned by the city, shall be considered as a taking or appropriation of, or assumption of responsibility for any stream, drain, ditch or other drainage system feature that is outside city-owned property or right-of-way.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of September, 2019.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1034

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Administrative
Reports

Agenda Number: 10.01

TO: Mayor and Members of City Council

THRU:

FROM: Cumberland - Fayetteville Opioid Response Team

DATE: September 23, 2019

RE:

Opioid Response Team Report for City of Fayetteville Council, September 2019

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Goal 1 - Safe and Secure Community

Executive Summary:

Please find attached the Cumberland - Fayetteville Opioid Response Team Report to the City Council - September 2019.

The Opioid Response Team is willing to present this item at a future work session.

Background:

Issues/Analysis:

Budget Impact:

Options:

1. Read and accept the report
2. Read and request a presentation of the report from the Cumberland - Fayetteville Opioid Response Team

Recommended Action:

For information purposes, no action required. This item will be scheduled on a future Work Session for presentation and discussion should Council move to direct that action.

Attachments:

1. Cumberland - Fayetteville Opioid Response Team Report
2. Support Community Committee



Cumberland - Fayetteville Opioid Response Team

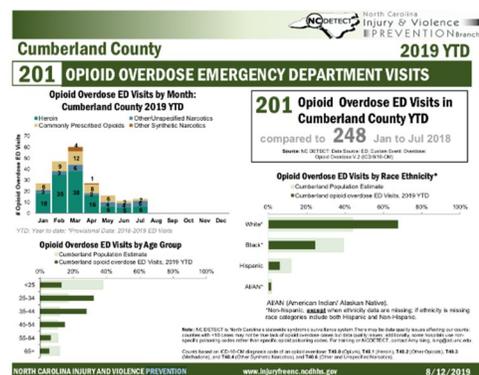
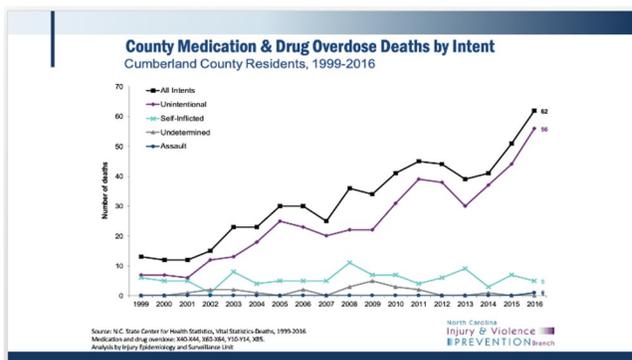
Report for City of Fayetteville Council, September 2019

Program Summary:

Data from the Injury & Violence Prevention Branch indicates that in 2016 Cumberland County lost 56 residents to unintentional drug poisonings. In 2017, this number significantly climbed to 79. In the same year, there were over 16 million opioid pills dispensed in Cumberland County. Unfortunately, our community is one of several communities hit hard by opioid-related injury and death. As we wait on 2018 data (expected release is October 2019), we realize there is much work to do

In early 2018, our community was fortunate to be selected as one of 10 sites across the state to receive funding from Blue Cross and Blue Shield of North Carolina to engage in a collective impact initiative to bring stakeholders together to develop localized potential solutions to the opioid crisis. This is a two-year initiative in which team members meet monthly to engage in a series of planning activities to include assessing community resources and gaps, reviewing data surrounding the issue, goal setting and strategic planning.

To achieve the collaborative, multi-faceted approach so crucial to tackling the opioid crisis in North Carolina, the UNC School of Government is supporting this collaborative learning model by providing direct support to each of the North Carolina communities. The Cumberland-Fayetteville Opioid Response Team (C-FORT) is working hard to address the opioid response in our community. Preliminary work by the C-FORT team demonstrates a high level of commitment from stakeholders to identify strategies that will impact this issue while creating a sustainable community response for years to come. We currently have over 90 stakeholders participating with C-FORT and our vision is "Together .creating a healthy, safe, and supportive community for everyone."



Activities to Date:

C-FORT has been meeting since the spring of 2018 and have completed an intense series of activities using the collective impact model resulting in the attached action plan. There are 3 subcommittees of the team; access to treatment resources, community education and awareness, and community safety. In late spring, C-FORT released a series of Center for Disease Control "Rx Awareness" public service announcements in the form of movie theater ads, bus wraps, and Division of Motor Vehicle lobby ads. Each of these ads were localized with the C-FORT logo and Alliance Health Care access line number. In June 2019, the action plan was finalized and in the coming months into 2020, C-FORT members will individually and collectively implement the plan. The plan will be a living document. Major highlights of the plan involve:

- reducing overdose injury and death,
- expanding opioid overdose prevention programming through partnerships,
- identifying access to care points and developing consistent referral processes,
- increasing number of pills dropped off at collection events,
- enhancing law enforcement and judicial responses to substance use disorder,
- decreasing the spread of communicable diseases,
- creating a recovery-ready community, and
- improving community-based education and awareness of opioid related topics.

Remaining meeting dates for 2019

September 26th: 3rd floor Auditorium at Public Health Department,
October 24th: DSS building at 1225 Ramsey Road, 1st floor meeting room
December 5th: DSS building at 1225 Ramsey Road, 1st floor meeting room

C-FORT Core Team

Duane Holder, Assistant County Manager, Interim Health Director,
Cumberland County

Sally Shutt, Assistant County Manager, Strategic Management/Governmental
Affairs, Cumberland County

Captain Lars Paul, City of Fayetteville Police Department

Dr. Sam Fleishman, Chief Medical Officer, Cape Fear Valley Hospital

Kendle Holeman, Program Specialist, Insight Human Services

Louis Leake, Clinic Director, Carolina Treatment Center

Melissia Larson, Program Manager



OVER 16 million prescription pills
dispensed in the community (2017)

56 opioid overdose deaths in 2016
79 opioid overdose deaths in 2017

263 opioid overdose ED visits in 2017
369 opioid overdose ED visits in 2018

Our Vision
Together.....creating a healthy, safe, and
supportive community for everyone

Engage in a collective impact initiative to bring stakeholders together to
develop localized potential solutions to the opioid crisis

Engage in a series of planning activities to include assessing community
resources and gaps, reviewing local data, goal setting and strategic planning.



For more information, contact:
Project Manager, Melissia Larson: mlarson6@gmail.com
County Manager's Office (Duane Holder or Sally Shutt),
910-678-7723

Data Source: www.injuryfreenc.ncdhhs.gov

Member Representation

Alliance Health	Fayetteville VA Medical Center
Army Civil Affairs	Insight NC
Cape Fear Valley	Library
Carolina Treatment Center	Methodist University
CFV Community Paramedicine	Myrover-Reese
City of Fayetteville	NC Harm Reduction Coalition
City of Fayetteville Police Department	NC Remove the Stigma Foundation
Communicare	Physician's Assistant
Cumberland County Commissioner	Sheriff's Office
Cumberland County EMS	Solas Health
Cumberland County Health Department	Southern Regional AHEC
Cumberland County Manager's Office	Stedman-Wade Health Services
Cumberland County Schools	Veteran's Affairs
Department of Social Services	Veterans Court
District Attorney's Office	Womack Army Medical Center
District Court Judge's Office	
Fayetteville State	
Fayetteville Tech	

To learn more about C-FORT, visit the county website:

[www.co.cumberland.nc.us/departments/public-health-group/public-health/community-resources/c-fort-\(opioid-response\)](http://www.co.cumberland.nc.us/departments/public-health-group/public-health/community-resources/c-fort-(opioid-response))

Submitted by Melissia Larson, C-FORT Program Manager, mlarson6@gmail.com

Support Community Committee

Objective #1: Increase community awareness by expanding the reach of current opioid education campaigns by 50% (baseline 2018 Lock Your Meds & Good Samaritan Law campaign data), and build capacity to launch a new large-scale public education campaign to be developed by content experts using evidence-based messaging and communication strategies by August 30, 2019

ACTION	RESOURCES	STATUS	START	END	MEASURES
Strategy 1: Utilize internal and external partnerships to increase promotion of current opioid education campaigns, to include Lock Your Meds & Good Samaritan Law					
1. Assess current communication campaigns and distributing	Campaign materials, list	In progress	April, 2019	Ongoing	Number of active
2. Establish baseline data for Lock Your Meds campaign	Campaign reach data for	Complete	April, 2019	June, 2019	Number of material
campaign messages to. A. Build new partnerships within the community B. Determine what methods of messaging C. Determine methods for tracking campaign reach	campaign materials, list of campaigns, available data on campaigns	In progress	April, 2019	Ongoing	Number of supportive community partners
IMPLEMENTATION	Campaign materials	In progress	January, 2019	Ongoing	Track material
IMPLEMENTATION 2. Continue to track campaign reach data	Updated distribution lists	In progress	January, 2019	Ongoing	Tracking reach through distribution

ACTION	RESOURCES	STATUS	START	END	MEASURES
Strategy 2: Build supportive and resource capacity with new external partnerships with community organizations/agencies to create and launch a new large-scale public awareness campaign					
1. Develop and implement community awareness/perception survey A. Work with the other committees to develop survey questions B. Compare questions to the survey data from community health assessments for similarities and gaps C. Identify partnering organizations/agencies for survey distribution	Cumberland County & Fort Bragg Community Needs Assessment, survey questions	In progress	May, 2019	10/1	The number of questions we receive from C-FORT members compared to gaps in assessment
2. Implement community awareness/perception survey Action Steps: A. Track survey results and review data	Questions, access to county's Survey Monkey	Not started	August, 2019	10/1	Data from completed surveys
3. Utilize community survey data to define intended messages and target audience A. Evaluate survey results to determine new messaging	Data from surveys	Not started	September-October, 2019	December, 2019	Data from completed surveys
4. Assess resources and capacity to include campaign budget and timeline A. Determine the types of messaging the campaign will utilize B. Develop a timeline for launching the new campaign C. Develop a campaign budget D. Identify/apply for available funding E. Identify any partnering organizations/agencies	Timeline, budget, funding sources	Not started	January, 2020	April, 2020	Measure the need for funding based on the scope of the campaign we choose and the budget we prepare
5. Create campaign materials	Funding, campaign massaging	Not started	May, 2020	July, 2020	By determining our goal reach
IMPLEMENTATION Expand/develop C-FORT's website to include campaign promotion, and community resource repository	Campaign messaging, access to website	Not started	July, 2020	September, 2020	Amount of information included, and website analytics

IMPLEMENTATION Distribute new campaign messages/materials and track reach	Campaign materials	Not started	July, 2020	Ongoing	Track material distributed and advertising reach
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Objective #2: Increase community reach and number of populations served by expanding organization/agency and youth prevention education, and recovery ready community programs through community partnerships, and determine knowledge gaps for new program development by August 30, 2019 (baseline data number of children in Cumberland

ACTION	RESOURCES	STATUS	START	END	MEASURES
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STRATEGY 1: Build on community-based and youth-specific prevention activities, to prevent initiation and continued use/misuse of opioids and other substances

1. Identify current community and youth prevention education programs A. Determine which programs are being implemented B. Determine the effectiveness of current programs	List of programs/curriculums	In progress	Immediate	Ongoing	Number of individuals reached and programs implemented in community
2. Partner with Southern Regional Area Health Education Center (SR-AHEC) on the Facing Addiction Through Community Empowerment and Intervention Teams (FACE-IT) program A. Identify commonalities between committee goals and the FACE-IT program B. Identify ways the committee can work with/assist/support SR-AHEC's initiatives	Input from C-FORT and Harm Reduction	In progress	Immediate	Ongoing	Number of projects and measures based on projects
3. Partner with Faith-Based organizations to engage community members in prevention activities and increase cultural competence A. Reach out to Faith-Based organizations to identify sponsored prevention activities B. Identify Faith-Based organizations with capacity to establish new prevention activities C. Collaborate with Faith-Based organizations to determine congregational and geographical community prevention needs	Information on resources provided by other C-Fort Members - their programs and services	In progress	immediate with planning	12/1	Number of faith-based organizations willing to partner
4. Partner with police departments, Cumberland County Sheriff's Office and school systems to discuss presentation/training to youth (evidence-based curriculum). A. Reach out to law enforcement to identify any active youth prevention education programs B. Work with law enforcement and Cumberland County Schools to determine the gaps in youth prevention educational needs C. Work collectively to determine the appropriate programs to be implemented	Input from schools, law enforcement, and school health advisory committee	In progress	June, 2019	January, 2020	Number of students who receive the training
5. Identify data sources to assess gaps in prevention programs/activities offered A. Identify the types of data needed B. Reach out to organizations/agencies/schools for data sharing C. Assess data collected to determine gaps	Need a data collection plan and access to data and people, School survey data	In Progress	Immediate	October, 2019	Number of gaps identified and agencies reporting
6. Continue to build partnerships and capacity to develop and implement new prevention programs/activities Action Steps: A. Continue to build relationships with community partners to promote working collectively on addressing future needs B. Share all data with partner organizations/agencies/schools to promote transparency of agendas	Continued input, engagement, and commitment from partners	Not started	January, 2020	Ongoing	Number of new services or programs developed and identified needs

7. Develop a community informational presentation about C-FORT and present to city and county governments A. Develop a community presentation that outlines the purpose and goals of C-FORT B. Determine appropriate organizations and venues to present information to C. Develop a schedule of presentation	Input from C-FORT members	Not started	July, 2019	12/1	Number of individuals attending presentations
IMPLEMENTATION Present C-FORT community informational presentations	Created Presentation, Access to Partnering Organizations	Not started	November, 2019	Ongoing	Number of Presentations presented
IMPLEMENTATION	C-FORT Messages, Social	Not started	August, 2019	Ongoing	Social Media Analytics
IMPLEMENTATION Continually update C-FORT website and program introduction letter	Updated Material	In Progress	May, 2019	Ongoing	Website Analytics

ACTION	RESOURCES	STATUS	START	END	MEASURES
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STRATEGY 2: Assess and build capacity to promote a Recovery-Ready Community through awareness education and program efforts

1. Identify programs and support networks available to the Recovery Community A. Reach out to community partners to identify supportive programs and networks available to the recovery community B. Reach out to representatives/focus groups/etc. from the recovery community to identify gaps in supportive programs and networks	Input from community data	Not started	July, 2019	January, 2020	Number of gaps and programs identified
2. Assess programs and support networks to determine population gaps A. Assess programs and networks to determine success rate and populations served B. Reach out to recovery community and community partners to identify population gaps C. Reach out to underserved populations	Data	Not started	January, 2020	March, 2020	Number of programs we are able to assess
3. Partner with Faith-Based organizations and other community partners to create and implement programs that address all persons in recovery A. Identify current recovery activities B. Identify new partnering organizations C. Develop plan of action between Faith-Based entities to determine community recovery needs	Access to Faith-Based Organizations	Not started	March, 2020	Ongoing	Number of programs implemented
4. Create and promote awareness education to address negative perceptions of persons in recovery, and what it means to be a <i>Recovery-Ready Community</i> A. Identify negative perceptions/stigmas associated with the recovery community B. Identify community resources for addressing stigma C. Work with partners to develop community educational programs/presentations that address stigma D. Determine opportunities to present information E. Develop a schedule of presentations	Access to community events, information for program development	In progress	Immediate	Ongoing	Number of presentations presented or programs attended

5. Organize a <i>Celebrate Recovery</i> community event A. Determine community readiness and capacity to support Celebrate Recovery events B. Determine resources and buy-in to support events C. Identify community partners to support Celebrate Recovery events D. Build community capacity for new Celebrate Recovery events E. Develop a timeline for first community event	Community Capacity, Partnering Organizations, Location, Budget, Funding	Not started	March, 2020	September, 2020	Number of partnering organizations and participants
IMPELMENTATION Present to community on changing social norms commonly associated with the recovery community	Created Presentation, Access to Partnering Organizations and Community Groups	Not started	August, 2019	Ongoing	Number of presentations presented
IMPLEMENTATION Organize a Celebrate Recovery community event	Community Capacity, Partnering Organizations, Location, Budget, Funding	Not started	March, 2020	September, 2020	Event attendance and community reception

Healthy Community Committee

Objective #1: Assess current processes for Referral and Discharge for SUD Providers by March 30, 2020. Define who and where these access points are.

ACTION	RESOURCES	STATUS	START	END	MEASURES
STRATEGY: Developing access tool					
Partner with SUD provider agencies and primary physicians to discuss their processes	Current Provider Listing , Web Search Comparison		6/1	1/30	Minimum 10 Provider Agencies and Physicians contacted and use as base line and vreate a partnership through MOU
Compile and review discharge and referral guidelines utilized by SUD providers	Data Collected and Connected from previous strategy		6/1	1/30	produce a proposal of referral and discharge standards
Develop the Access Tool	Data Distributed at completion of 1 and 2		1/30	3/30	Drafts Reviewed by Team and approved for distribution to participating physicians

Objective #2: Increase number of follow-up contacts to overdose victims by 20% by January 2020 based on EMS data. (May reconsider at a later time):

ACTION	RESOURCES	STATUS	START	END	MEASURES
STRATEGY: Assess how many access points currently provide referral to care for opioid use disorder					
Build capacity to provide a consistant and standardized post overdose response within city and county first responder agencies	NC Harm Reduction Data	Grant Dependent	5/30	9/30	Establishing ongoing PORT Training for the County to ensure city and county coverage
Explore current EMS Naloxone Take Home program to identify gaps	EMS Data		6/1	9/1	Examine information in order to determine any strategy or objective adjustments
Identify current peer support resources (seek funding if needed)	Peer Support Specialist County Trainier		6/1	6/30	Have NC Recovery provide a brief to CFORT to determine the path of effective development

Objective #3: Identify best practices for OUD referrals and create a central phone number or location for referral by December 2019

ACTION	RESOURCES	STATUS	START	END	MEASURES
STRATEGY: Identify current gaps with special populations					

Explore current programs identified for special populations: pregnant women, active service members & veterans, and justice-involved	Department Public Health		7/1	11/30	Creating a List that comprises a list of active assistance , Validate their ability to assist in goals of committee
Meet with groups already working with special populations (i.e. veteran's court, public health)	Alliance, Public Health and COHEN Center		7/1	11/30	Establish meeting with groups on a monthly basis prior to all CFORT meetings as asub, sub committee
Determine and list agencies with little or no barriers to treatment.	Subject Item will produce resource		8/1	11/30	Providing updated drafts Monthly to Sub committee

Safe Community Committee

Objective #1: Expand opioid overdose prevention programming by developing partnerships between public safety and public health (including C-FORT)

ACTION	RESOURCES	STATUS	START	END	MEASURES
STRATEGY: Create partnerships between judicial (LE and Court) efforts to shift to a behavioral health/social determinants perspective					
Review Cumberland County Jail Overdose Prevention Education program implementation plans and periodic updates to provide guidance	NCHRC grant in effect	in progress	August, 2019	18 months	# trained, # receiving naloxone, # with LTC
Discuss how to partner w/existing local reintegration & re-entry programs		Have Re-Entry Council in room	TBD	2 months after plan established	# of partnerships created
Meet with Operation Ceasefire to explore partnership, obtain list of providers to share our C-FORT information and vice versa		Have Operation Ceasefire in the room	TBD	2 months after plan established	# of events C-FORT member info is distributed
Meet with Cumberland County Sheriff's Office regarding joining current diversion program	Need staffing resources, apply for federal grant for outreach specialists	pending	Dependent on funding	Dependent on funding	# of referrals made, reduction in crime by participants, increase in treatment/HR engagement
Develop treatment guide for use at the judicial bench	Need to query smaller group of C-FORT knowledge about local treatment resources; will need printing fund budget	Need to develop group	June	3 months post start	# of court rooms used in, qualitative responses from judges regarding use
STRATEGY: Support First Responder Efforts					
Meet with EMS to identify how to fund EMS Naloxone Take-Home program	Funding	on-going	Dependent on funding	Dependent on funding	# of kits distributed
Work with Health Committee to expand post overdose efforts.	Funding; going to apply for federal grant. Consider local foundation if app is denied	on-going	Dependent on funding	Dependent on funding	# of visits, # of ppl connected to services
Increase awareness and training opportunities		on-going			# trained

Objective #2: Increase number of pills dropped off at collection events by 20% by February 2020

ACTION	RESOURCES	STATUS	START	END	MEASURES
STRATEGY: Support local agencies participating with Operation Medicine Drop programs					
Utilize new mobile collection drop box at least 3 times at events	Insight; need partnership for events	On-going	TBD	ongoing	# of events used, increase in community drop-off compared to prior years (#/pds)
Identify one new location for a drop-collection collection box	Funding for Box		Dependent on funding	August	# of pounds dropped off quarterly

Objective #3: Decrease spread of communicable diseases by increasing access and education among the target population

ACTION	RESOURCES	STATUS	START	END	MEASURES
STRATEGY: Decrease number of new cases of Hep C and HIV					

Increase number of SEP's from 2 mobile to 1-2 fixed sites; examine appropriate locations	will need more outreach; community size and demand is too large; apply for outreach specialists	Waiting to hear about possible funding awards	Dependent on funding	on-going	# of new SEP clients, # of SEP clients linked to care
Promote education of SEP benefits	meet with PH to brainstorm ideas; work with NCHRC on Hep C/HIV testing days	need to start	June	meeting by end of June; education on-going	# of new ppl tested for HIV, # of new ppl tested for Hep C
Host conversation with pharmacists & PH officials within C-FORT to identify potential solutions	flyers on importance of testing, clean equipment use	need to start	July	meeting by end of June; solutions by then	Conversation/plan completed, # of pharmacies using education materials regarding HEP C/HIV

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1006

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Administrative
Reports

Agenda Number: 10.02

TO: Mayor and Members of City Council

THRU: Telly Whitfield, PhD, Assistant City Manager

FROM: Pamela J. Megill, MMC, City Clerk

DATE: September 23, 2019

RE:

Proposed 2020 City Council Meeting Dates Calendar

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Goal VI: Citizen Engagement and Partnerships

Executive Summary:

Staff has provided a proposed 2020 City Council Meeting Dates Calendar. The calendar also identifies Council retreats, budget work sessions, and conferences for elected officials.

Background:

To ensure that citizens are aware of all public meetings and events and that the city adheres to the NC Open Meetings Act. Staff has prepared the attached 2020 City Council Meeting Dates Calendar. The calendar takes into account all of the City holidays, Council retreats and conferences identified by staff.

Issues/Analysis:

N/A

Budget Impact:

N/A

Options:

Review draft calendar, advise staff of revisions.

Recommended Action:

Discussion and provide direction to staff.

Attachments:

Draft 2019 City Council Meeting Dates Calendar

Resolution to Adopt the 20209 City Council Meeting Dates Calendar

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2020 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS

WHEREAS, the Fayetteville City Council has enacted a strategic plan that promotes efficient and effective government; and

WHEREAS, the City's strategic plan includes targets for action that require significant commitments on City resources and time to complete; and

WHEREAS, the City Council is committed to ensuring that the public is informed about the issues, activities and actions of the City; and

NOW THEREFORE, BE IT RESOLVED to adopt the attached calendar titled City Council Meeting Dates to clarify the time and location of the City Council regular meetings for 2020; and **RESOLVES** that any deviations of these regular meetings will be done consistent with the North Carolina Open Meetings Law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, this the ____ day of _____, 2020; such meeting was held in compliance with the Open Meetings Act at which a quorum was present and voting

By: _____
MITCH COLVIN, MAYOR

ATTEST:

PAMELA J. MEGILL, CITY CLERK

2020 Fayetteville City Council Meeting Schedule

JANUARY	
Wed., Jan 1	New Year's Day Holiday - City Offices Closed
Mon., Jan 6	Council Work Session, 5 p.m., Lafayette Room
Mon., Jan 13	Regular Council Meeting, 7 p.m., Council Chamber
Mon., Jan 20	MLK Holiday - City Offices Closed
Wed., Jan. 22	Agenda Briefing, 5 p.m., Lafayette Room
Mon., Jan. 27	Regular Council Meeting, 7 p.m., Council Chamber
FEBRUARY	
Mon., Feb. 3	Council Work Session 5 p.m., Lafayette Room. CIP/TIP
Fri. & Sat., Feb 7 & 8	Strategic Planning Retreat
Mon., Feb. 10	Regular Council Meeting, 7 p.m., Council Chamber
Wed., Feb 19	Agenda Briefing, 5 p.m., Lafayette Room
Mon., Feb. 24	Regular Council Meeting, 7 p.m., Council Chamber
MARCH	
Mon., March 2	Council Work Session, 5 p.m., Lafayette Room
Sun-Wed., March 8-11	NLC Congressional Cities Conference - Washington, D.C.
Mon., March 16	Regular Council Meeting, 7 p.m., Council Chamber
Wed., March 18	Agenda Briefing, 5 p.m., Lafayette Room
Mon., March 23	Regular Council Meeting, 7 p.m., Council Chamber
APRIL	
Mon., April 6	Council Work Session, 5 p.m., Lafayette Room
Fri., April 10	Good Friday - City Offices Closed
Tues., April 14	Regular Council Meeting, 7 p.m., Council Chamber
Wed., April 22	Agenda Briefing, 5 p.m., Lafayette Room
Mon., April 27	Regular Council Meeting, 7 p.m., Council Chamber
MAY	
Mon., May 4	Council Work Session, 5 p.m., Lafayette Room
Tue. - Thur., May 5-7	NCLM - Wilmington NC
Mon., May 11	Regular Council Meeting, 7 p.m., Council Chamber. Budget Presentation
Thurs., May 14	Council Budget Work Session, 5 p.m., Lafayette Room
Wed., May 20	Agenda Briefing, 5 p.m., Lafayette Room
Thurs., May 21	Council Budget Work Session, 5 p.m., Lafayette Room
Mon., May 25	Memorial Day - City Offices Closed
Tue., May 26	Regular Council Meeting (Budget P.H.), 7 p.m., Council Chamber
Thurs., May 28	Council Budget Work Session, 5 p.m., Lafayette Room

JUNE	
Mon., June 1	Council Work Session, 5 p.m., Lafayette Room
Mon., June 8	Regular Council Meeting, 7 p.m., Council Chamber. Adopt FY 20-21 Budget
Wed., June 17	Agenda Briefing, 5 p.m., Lafayette Room
Mon., June 22	Regular Council Meeting, 7 p.m., Council Chamber
JULY	
No City Council Meetings Established	
AUGUST	
Mon., Aug. 3	Council Work Session, 5 p.m., Lafayette Room
Mon., Aug. 10	Regular Council Meeting, 7 p.m., Council Chamber
Wed., Aug. 19	Agenda Briefing, 5 p.m., Lafayette Room
Mon., Aug. 24	Regular Council Meeting, 7 p.m., Council Chamber
SEPTEMBER	
Mon., Sept. 7	Labor Day - City Offices Closed
Tues., Sept. 8	Council Work Session, 5 p.m., Lafayette Room
Mon., Sept. 14	Regular Council Meeting, 7 p.m., Council Chamber
Wed., Sept. 23	Agenda Briefing, 5 p.m., Lafayette Room
Mon., Sept. 28	Regular Council Meeting, 7 p.m., Council Chamber
OCTOBER	
Mon., Oct. 5	Council Work Session, 5 p.m., Lafayette Room
Mon., Oct. 12	Regular Council Meeting, 7 p.m., Council Chamber
Wed., Oct. 21	Agenda Briefing, 5 p.m., Lafayette Room
Mon., Oct. 26	Regular Council Meeting, 7 p.m., Council Chamber
NOVEMBER	
Mon., Nov. 2	Council Work Session, 5 p.m., Lafayette Room
Mon., Nov. 9	Regular Council Meeting, 7 p.m., Council Chamber
Wed., Nov. 11	Veterans Day - City Offices Closed
Wed., Nov. 18	Agenda Briefing, 5 p.m., Lafayette Room
Wed-Sat., Nov. 18-21	NLC - City Summit - Tampa, FL
Mon., Nov. 23	Regular City Council Meeting, 7 p.m., Council Chamber
Thur. & Fri., Nov. 26-27	Thanksgiving Holiday - City Offices Closed
DECEMBER	
Mon., Dec. 7	Council Work Session, 5 p.m., Lafayette Room
Mon., Dec. 14	Regular Council Meeting, 7 p.m., Council Chamber
Thur, Fri., Dec. 24-25	Christmas Holidays - City Offices Closed

JANUARY

Tue., Jan 2 Council Work Session
Mon., Jan 8 Regular Council Meeting
Mon., Jan. 22 Regular Council Meeting

FEBRUARY

Mon., Feb. 5 Council Work Session
Mon., Feb. 12 Regular Council Meeting
Mon., Feb. 26 Regular Council Meeting

MARCH

Mon., March 5 Council Work Session
Mon., March 19 Regular Council Meeting
Mon., March 26 Regular Council Meeting

APRIL

Tue., April 3 Council Work Session
Mon., April 9 Regular Council Meeting
Mon., April 23 Regular Council Meeting

MAY

Mon., May 7 Council Work Session
Mon., May 14 Regular Council Meeting
Tue., May 29 Regular Council Meeting

JUNE

Mon., June 4 Council Work Session
Mon., June 11 Regular Council Meeting
Mon., June 25 Regular Council Meeting

JULY

No City Council Meetings Established

AUGUST

Mon., Aug. 6 Council Work Session
Mon., Aug. 13 Regular Council Meeting
Mon., Aug. 27 Regular Council Meeting

SEPTEMBER

Tues., Sept. 4 Council Work Session
Mon., Sept. 10 Regular Council Meeting
Mon., Sept. 24 Regular Council Meeting

OCTOBER

Mon., Oct. 1 Council Work Session
Mon., Oct 8 Regular Council Meeting
Mon., Oct 22 Regular Council Meeting

NOVEMBER

Mon., Nov 5 Council Work Session
Tue., Nov. 13 Regular Council Meeting
Mon., Nov 26 Regular City Council Meeting

DECEMBER

Mon., Dec. 3 Council Work Session
Mon., Dec. 10 Regular Council Meeting

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 19-1027

Agenda Date: 9/23/2019

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Administrative
Reports

Agenda Number: 10.03

TO: Mayor and Members of City Council

THRU: Telly C. Whitfield, PhD., Assistant City Manager

FROM: Pamela J. Megill, MMC, City Clerk

DATE: September 23, 2019

RE:

Monthly Statement of Taxes for August 2019

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Executive Summary:

This report has been furnished to the Mayor and governing body of the City of Fayetteville for the month of August 2019. The report separated the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

Should you have any questions regarding this report, please contact Catherine Carter, Office of the Tax Administrator, Cumberland County at 678-7587.

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Information only.

Attachments:

Report from Joseph R. Utley Jr., Tax Administrator

JOSEPH R. UTLEY, JR.
Tax Administrator



AMY B. KINLAW
Chief of Assessment and Collections

TAMI K. BOTELLO
Chief of Real Estate and Mapping

CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

OFFICE OF THE TAX ADMINISTRATOR

To: Pamela Megill, Fayetteville City Clerk

From: Joseph R. Utley Jr., Tax Administrator *JU*

Date: September 4, 2019

Subject: Monthly Statement of Taxes

Attached hereto is the report that has been furnished to the Mayor and governing body of your municipality for the month of August 2019. This report separates the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

Should you have questions regarding this report, please contact Catherine Carter at 678-7587.

JU/cc
Attachment

FAYETTEVILLE MACC LEDGER
2009-2019

AUGUST 2019

DATE	REPORT #	REMITTED TO FINANCE	2019 CC	2019 VEH	2019 REVIT CC	2019 REVIT VEH	2019 FVT	2019 FTT	2019 STORM WATER	2019 FAY S WASTE FEE
08/01/19	2019-024	26,613.42	10,746.19	0.00	0.00	0.00	0.00	0.00	4,139.04	9,212.53
08/02/19	2019-025		4,458.94	0.00	0.00	0.00	0.00	0.00	748.43	1,975.05
08/05/19	2019-026	31,763.88	11,907.64	0.00	0.00	0.00	0.00	0.00	2,464.45	6,693.45
08/06/19	2019-027	38,008.74	20,168.82	0.00	0.00	0.00	0.00	0.00	8,715.64	6,032.00
08/07/19	2019-028	48,105.84	28,763.91	0.00	0.00	0.00	0.00	0.00	6,886.25	10,997.85
08/08/19	2019-029	593.36	257.74	0.00	0.00	0.00	0.00	0.00	72.00	190.00
08/09/19	2019-030		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08/12/19	2019-031	121,992.05	75,665.13	0.00	1,081.84	0.00	0.00	0.00	13,693.06	23,245.22
08/13/19	2019-032	89,442.44	64,785.60	0.00	0.00	0.00	0.00	0.00	15,071.70	6,902.55
08/14/19	2019-033	77,514.17	65,021.51	11.24	0.00	0.00	0.00	0.00	5,758.73	5,192.66
08/15/19	2019-034	62,968.73	34,783.72	0.00	96.15	0.00	0.00	0.00	9,049.95	17,912.48
08/16/19	2019-035	261,694.47	161,036.20	39.33	33.28	0.00	10.00	10.00	44,030.47	55,513.00
08/19/19	2019-036	258,134.86	178,510.07	232.26	78.19	0.00	20.00	20.00	29,555.40	44,840.51
08/20/19	2019-037	489,396.41	328,877.12	76.20	777.61	0.00	5.00	5.00	65,106.84	88,515.89
08/21/19	2019-038	231,715.38	165,718.55	67.92	439.15	0.00	20.00	20.00	39,051.28	25,263.81
08/22/19	2019-039	438,545.89	294,055.93	480.27	1,002.05	0.00	45.00	45.00	57,663.54	77,430.04
08/23/19	2019-040	549,530.48	381,319.28	8.84	2,080.86	0.00	0.00	0.00	91,643.08	71,663.65
08/26/19	2019-041	550,086.91	386,629.26	645.46	1,593.67	0.00	55.00	55.00	81,400.72	73,672.50
08/27/19	2019-042	600,310.78	406,981.97	185.13	2,048.42	0.00	15.00	15.00	135,755.73	51,272.37
08/28/19	2019-043	271,058.75	189,073.21	385.28	6,218.66	0.00	70.00	70.00	41,431.81	31,579.48
08/29/19	2019-044	284,375.09	178,207.07	121.33	1.19	0.00	25.00	25.00	57,024.57	47,196.41
08/30/19	2019-045	183,134.57	117,061.77	208.88	164.25	0.00	60.00	60.00	29,256.65	32,595.23
01/00/00	2019-046		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS		4,614,986.22	3,104,029.63	2,462.14	15,615.32	0.00	325.00	325.00	738,519.34	687,896.68

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)
CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

FAYETTEVILLE MACC LEDGER
2009-2019

2019 ANNEX	2018 CC	2018 VEH	2018 REVIT REVIT CC	2018 REVIT VEH	2018 FVT	2018 FTT	2018 STORM WATER	2018 FAY S WASTE FEE	2018 ANNEX	2017 CC	2017 VEH
0.00	1,659.92	73.00	0.00	0.00	15.00	15.00	157.54	415.74	0.00	34.48	0.00
0.00	967.94	0.00	0.00	0.00	0.00	0.00	132.00	348.33	0.00	15.12	108.05
0.00	824.91	10.99	0.00	0.00	5.00	5.00	147.02	387.99	0.00	6.28	127.71
0.00	1,497.53	0.00	6.10	0.00	0.00	0.00	216.00	570.00	0.00	397.89	11.37
0.00	425.75	58.79	0.00	0.00	0.00	0.00	88.17	232.67	0.00	145.57	0.00
0.00	36.00	0.00	0.00	0.00	0.00	0.00	9.26	24.42	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	2,492.81	301.84	0.00	0.00	25.00	25.00	432.02	1,140.07	0.00	3,187.71	69.88
0.00	376.08	14.48	0.00	0.00	0.00	0.00	346.16	356.12	0.00	834.15	0.00
0.00	591.65	102.56	0.00	0.00	10.00	10.00	149.52	394.58	0.00	58.21	82.05
0.00	446.51	67.76	0.00	0.00	20.00	20.00	72.00	190.00	0.00	131.11	0.00
0.00	740.75	47.55	0.00	0.00	20.00	20.00	8.39	22.13	0.00	0.00	0.00
0.00	2,657.36	75.37	0.00	0.00	5.00	5.00	537.02	1,227.14	0.00	10.45	0.00
0.00	3,486.71	35.09	0.00	0.00	20.00	20.00	432.00	1,140.00	0.00	381.72	0.00
0.00	321.86	108.39	0.00	0.00	0.00	0.00	154.72	408.30	0.00	46.70	0.00
0.00	5,910.39	65.66	0.00	0.00	15.00	15.00	211.53	558.19	0.00	514.28	3.25
0.00	1,717.62	25.24	0.00	0.00	0.00	0.00	216.00	570.00	0.00	0.00	62.95
0.00	3,615.04	176.04	0.00	0.00	25.00	25.00	389.17	1,216.98	0.00	0.00	0.00
0.00	2,434.74	90.30	0.00	0.00	20.00	20.00	144.00	380.00	0.00	209.90	17.23
0.00	431.46	16.49	0.00	0.00	0.00	0.00	744.66	280.73	0.00	145.04	4.98
0.00	1,027.13	36.11	0.00	0.00	0.00	0.00	47.86	140.96	0.00	114.67	5.47
0.00	1,687.70	109.17	0.00	0.00	10.00	10.00	316.18	834.38	0.00	211.29	10.76
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	33,349.86	1,414.83	6.10	0.00	190.00	190.00	4,951.22	10,838.73	0.00	6,444.57	503.70

FAYETTEVILLE MACC LEDGER

AUGUST 2019

2009-2019

2017 REVIT CC	2017 REVIT VEH	2017 FVT	2017 FTT	2017 STORM WATER	2017 FAY STORM WATER	2017 FAY S WASTE FEE	2017 ANNEX	2016 CC	2016 VEH	2016 REVIT CC	2016 REVIT VEH	2016 FVT
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	33.84	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	15.11	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	51.00	0.00	108.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	51.00	0.00	108.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	76.06	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	102.00	0.00	216.00	0.00	127.22	0.00	0.00	0.00	0.00
0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	37.46	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	23.91	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.94	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	51.00	0.00	108.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	5.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	79.20	0.00	167.73	0.00	174.25	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	110.08	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	5.00	5.00	51.00	0.00	108.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	25.00	25.00	385.20	0.00	815.73	0.00	603.87	0.00	0.00	0.00	0.00

FAYETTEVILLE MACC LEDGER
2009-2019

2016 FTT	2016 STORM WATER	2016 FAY STORM WATER	2016 FAY S WASTE FEE	2016 ANNEX	2015 & PRIOR CC	2015 & PRIOR VEH	2015 & PRIOR REVIT CC	2015 & PRIOR REVIT VEH	2015 & PRIOR FVT	2015 & PRIOR FTT	2015 & PRIOR STORM WATER	2015 & PRIOR FAY STORM WATER
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	18.88	0.00	0.00	5.00	5.00	0.00	0.00
0.00	45.00	0.00	44.00	0.00	0.00	17.56	0.00	0.00	5.00	5.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	16.83	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	54.98	36.05	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	5.69	0.00	5.55	0.00	31.79	106.63	0.00	0.00	6.19	6.18	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	30.55	0.00	0.00	5.00	5.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	36.45	8.62	0.00	0.00	5.00	5.00	0.00	0.00
0.00	1.53	0.00	1.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	11.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	1.37	0.00	0.00	5.00	5.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15.00	15.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	102.45	29.35	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	25.04	6.72	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	179.88	0.00	1.52	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	103.69	0.00	0.00	25.00	25.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	12.62	13.73	0.00	0.00	5.00	5.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	52.22	0.00	51.05	0.00	454.88	389.98	1.52	0.00	76.19	76.18	0.00	0.00

FAYETTEVILLE MACC LEDGER
2009-2019

2015 & PRIOR FAY S WASTE FEE	2015 & PRIOR ANNEX	FAY INTEREST	REVIT INTR	STORM WATER INTR - 15 & Prior	FAY STORM WATER INTEREST - 2015 & prior	STORM WATER INT- 2016 & FORWARD	Annex Interest	S WASTE INTEREST	FTT INTEREST	TOTAL TAX & INTEREST
0.00	0.00	73.52	0.00	0.00	0.00	10.34	0.00	27.28	0.00	26,613.42
0.00	0.00	75.65	0.00	0.00	0.00	5.55	0.00	14.65	3.70	8,882.29
0.00	0.00	101.58	0.00	0.00	0.00	18.68	0.00	35.86	3.36	22,881.59
0.00	0.00	136.08	0.05	0.00	0.00	23.53	0.00	57.90	0.00	38,008.74
0.00	0.00	209.01	0.00	0.00	0.00	14.35	0.00	33.49	0.00	48,105.84
0.00	0.00	3.43	0.00	0.00	0.00	0.14	0.00	0.37	0.00	593.36
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	292.68	0.00	0.00	0.00	26.56	0.00	69.42	5.72	121,992.05
0.00	0.00	205.60	0.00	0.00	0.00	42.41	0.00	62.37	0.00	89,442.44
0.00	0.00	53.09	0.00	0.00	0.00	15.88	0.00	41.91	0.58	77,514.17
0.00	0.00	86.93	0.00	0.00	0.00	34.20	0.00	13.89	3.48	62,968.73
0.00	0.00	66.27	0.00	0.00	0.00	0.45	0.00	1.17	2.95	261,694.47
0.00	0.00	194.59	0.00	0.00	0.00	42.39	0.00	97.17	0.00	258,134.86
0.00	0.00	382.63	0.00	0.00	0.00	30.96	0.00	81.69	4.34	489,396.41
0.00	0.00	55.98	0.00	0.00	0.00	10.64	0.00	28.08	0.00	231,715.38
0.00	0.00	273.41	0.00	0.00	0.00	23.87	0.00	58.66	4.45	438,545.89
0.00	0.00	155.32	0.00	0.00	0.00	15.74	0.00	41.53	0.37	549,530.48
0.00	0.00	304.38	0.00	0.00	0.00	26.50	0.00	83.49	11.90	550,086.91
0.00	0.00	187.67	0.00	0.00	0.00	23.91	0.00	56.14	0.33	600,310.78
0.00	0.00	199.72	1.29	1.91	3.45	66.97	0.00	41.74	0.39	271,058.75
0.00	0.00	215.71	0.00	0.00	0.00	2.20	0.00	12.70	18.02	284,375.09
0.00	0.00	207.50	0.00	0.00	0.00	34.74	0.00	87.27	3.45	183,134.57
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	3,480.75	1.34	1.91	3.45	470.01	0.00	946.78	63.04	4,614,986.22