



City of Fayetteville

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

Meeting Agenda - Final City Council Regular Meeting

Monday, November 13, 2023

7:00 PM

Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 ANNOUNCEMENTS AND RECOGNITIONS

5.0 CITY MANAGER REPORT

6.0 APPROVAL OF AGENDA

7.0 CONSENT AGENDA

7.01 [23-3666](#) Approval of Meeting Minutes:
October 18, 2023 - Agenda Briefing
October 23, 2023 - Discussion of Agenda Items
October 23, 2023 - Regular

Attachments: [101823 Agenda Briefing](#)
[102323 Discussion of Agenda Items](#)
[102323 REG](#)

7.02 [23-3649](#) Resolution Authorizing a Quitclaim Deed of the City's Title to the
County in Order to Expedite the Sale of Land located off Scott Avenue

Attachments: [ScottAvenue](#)
[0.12OffScottAvenue](#)

7.03 [23-3650](#) Authorization of Condemnation of Easement on the Property Needed
for the Morganton Road Sidewalk Project

Attachments: [5075Morganton](#)
[MorgantonRoadSidewalkResolution](#)

7.04 [23-3676](#) Adoption of Budget Ordinance Amendment 2024-6 to appropriate the
2023 Hartford Fire Safety Grant

Attachments: [Fayetteville Grant Letter](#)
[BOA 2024-6](#)

- 7.05 [23-3678](#) Request for Legal Representation of City Employees
- Attachments:** [Ramon Herrera - Request for Legal Representation](#)
 [Janet Olsen - Request for Legal Representation](#)
- 7.06 [23-3684](#) Support for Fayetteville Dogwood Festival Feasibility and Sustainability Plan
- Attachments:** [Dogwood Resolution](#)
- 7.07 [23-3616](#) Adopt a Resolution Authorizing the Conveyance of Two Water and Sanitary Sewer Easements to the City of Fayetteville by and through Fayetteville Public Works Commission for the Ray Avenue Drainage Project
- Attachments:** [RayAvenuePWResolution](#)
 [Ray Avenue Easement Map 3839](#)
 [Ray Avenue Easement Map 6457](#)
- 7.08 [23-3685](#) Affirmation of the Historical Marker Language at the Market House
- Attachments:** [Market House Powerpoint 2021](#)
- 7.09 [23-3667](#) PWC - Bid Recommendation - 360 Capacitor Cans for East and West Racks at POD2
- Attachments:** [Bid Recommendation - 360 Capacitor Cans](#)
- 7.010 [23-3668](#) PWC - Bid Recommendation - AFT Compressor Casings
- Attachments:** [Bid Recommendation - AFT Compressor Casing](#)
- 7.011 [23-3669](#) PWC - Bid Recommendation - Re-advertisement PO Hoffer Water Treatment Facility and Glenville Lake Water Treatment Facility Reliability Improvements Contract 55
- Attachments:** [Bid Recommendation - PO Hoffer](#)
- 7.012 [23-3680](#) PWC - Resolutions Directing Construction of Area 28 and Area 33 North of the Phase 5 Annexation Utility Improvement Project be Undertaken
- Attachments:** [Resolution Directing the Project be Undertaken for Phase 5 Annexation Area 28](#)
 [Resolution Directing the Project be Undertaken for Phase 5 Annexation Area 33](#)
- 7.013 [23-3682](#) PWC - Phase 5 Annexation Area 24BC - Resolution Confirming Assessment Roll and Levying Assessments
- Attachments:** [Area 24BC Resolution Confirming Assessment Roll and Levying Assessments](#)

8.0 PUBLIC FORUM

9.0 OTHER ITEMS OF BUSINESS

- 9.01** [23-3679](#) SUP-08. Continued Deliberations for Evidentiary Hearing on Application for Special Use Permit to allow a school to be located in a Single Family 6 (SF-6) zoning district, located at 4502 Rosehill Road (REID # 0429683699000), and being the property of Bethel Christian Assembly Inc., represented by Del Crawford, Crawford Design Company. [Tabled from the October 23, 2023, City Council Meeting

Attachments:

[Application](#)
[SUP23-08 Aerial Notification Map](#)
[SUP23-08 Zoning Map](#)
[SUP23-08 Land Use Plan](#)
[Subject Property](#)
[Surrounding Properties](#)
[School Site Plan](#)
[PowerPoint SUP23-08](#)
[TRC Comment Letter](#)
[NCDoT TIP Project w5806c - Site Plan](#)

10.0 ADMINISTRATIVE REPORTS

Administrative Reports on a Regular Meeting agenda are for City Council review/information only. Should it be the consensus of the collective City Council, Administrative Reports will be moved forward to be placed on the next Work Session agenda for further review and discussion.

- 10.01** [23-3683](#) Administrative Report - Feasibility of a Co-op on Murchison Road

11.0 ADJOURNMENT

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

Citizens wishing to provide testimony in response to a notice of public hearing or to participate in the public forum can obtain instructions to submit a statement by emailing cityclerk@ci.fay.nc.us or by calling 910-433-1312 for assistance. Individuals desiring to testify on a quasi-judicial public hearing must contact the City Clerk by 5:00 p.m. the day of the meeting to sign up to testify; instructions will be provided on how to appear before Council to provide testimony.

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

November 13, 2023 - 7:00 p.m.

Cable Channel 7 and streamed "LIVE" at FayTV.net

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 yamilenazar@fayettevillenc.gov, 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: 23-3666

Agenda Date: 11/13/2023

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.01

TO: Mayor and Members of City Council

THRU: Jeffrey Yates, Assistant City Manager

FROM: Pamela J. Megill, MMC, City Clerk

DATE: November 13, 2023

RE:

Approval of Meeting Minutes:

October 18, 2023 - Agenda Briefing

October 23, 2023 - Discussion of Agenda Items

October 23, 2023 - Regular

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 dates.

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
AGENDA BRIEFING MINUTES
ZOOM
OCTOBER 18, 2023
5:00 P.M.

Present: Council Members Mario Benavente (District 3); D. J. Haire (District 4); Derrick Thompson (District 6)

Absent: Mayor Mitch Colvin and Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Johnny Dawkins (District 5); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, Interim City Attorney
Kelly Olivera, Assistant City Manager
Jeffrey Yates, Assistant City Manager
Jodi Phelps, Chief of Staff
Sheila Thomas-Ambat, Public Services Director
Philip Hart, Interim Traffic Engineer
David Steinmetz, Development Services Assistant
Director
Will Deaton, Planning and Zoning Manager
Craig Harmon, Senior Planner
Heather Eckhardt, Planner II
Dereke Planter, Code Enforcement Supervisor
Pamela Megill, City Clerk

1. CALL TO ORDER

Mr. Douglas Hewett, City Manager, asked staff to begin their presentations and stated that a quorum was not present at 5:06 p.m.

2. AGENDA BRIEFING - Review of Items for the October 23, 2023, City Council Meeting

P23-26. Initial zoning of one contiguous parcel totaling 0.48 ± acres, requesting annexation, to Community Commercial (CC) located at 401 Ladley Street (0426807452000), being the property of Jonathan N. Mitchell.

P23-33. Rezoning from Neighborhood Commercial (NC) to Limited Commercial (LC) located near the intersection of Raeford Road and Festival Drive and fronting on Raeford Road and Nexus Court (REID #s 9496570657000 and 9496571780000) totaling 1.95 acres ± and being the property of Rayconda Properties, represented by Longleaf Law Partners.

P23-34. Rezoning of 1.45 acres ± from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5), located at 1010 Laurel Street (REID # 0428235738000), and being the property of T & W Investments LLC, represented by George M. Rose, P.E.

P23-35. Conditional rezoning from Single-Family Residential 10 (SF-10) to Single-Family Residential 10 Conditional Zoning (SF-10/CZ) of 809 Johnson Street (REID # 041971018000) totaling 2.19 acres ± and being the property of Abel Young, represented by Michael Adams of MAPS Surveying Inc.

P23-36. Conditional Rezoning of .25 acres ± from Mixed Residential 5 (MR-5) to Mixed Residential 5 Conditional Zoning (MR-5/CZ), located at 418 Old Wilmington Road (REID # 0437709521000), and being the property of Combined Unified Service Inc., represented by Deborah Harris.

Uninhabitable Structures: Demolition Recommendations

336 Old Wilmington Road - District 2
5523 Meharry Drive - District 3
116 Enoch Avenue - District 4
308 Mike Street - District 4

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2306 Slater Avenue - District 4

PUBLIC FORUM

Special - Continuance of Speakers from October 9, 2023

PUBLIC HEARINGS

AX23-04: Jonathan N. Mitchell and Kathleen Mitchell are petitioning to annex into the corporate limits of the City of Fayetteville one contiguous parcel totaling .48 ± acres. This parcel is located on the southeastern side of Southern Avenue at 401 Ladley Street and can be further identified by PIN # 0426-80-7452 and REID # 0426807452000.

EVIDENTIARY HEARINGS

SUP-08. Special Use Permit to allow a school to be in a Single-Family 6 (SF-6) zoning district, located at 4502 Rosehill Road (REID # 0429683699000), and being the property of Bethel Christian Assembly Inc., represented by Del Crawford, Crawford Design Company.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:03 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 CONFERENCE ROOM, CITY HALL
OCTOBER 23, 2023
6:00 P.M.**

Present: Mayor Mitch Colvin (arrived 6.08 p.m.)

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3) (via zoom); D. J. Haire (District 4) (via zoom); Johnny Dawkins (District 5); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8) (via zoom); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, Interim City Attorney
Kelly Olivera, Assistant City Manager
Jodi Phelps, Chief of Staff
Sheila Thomas-Ambat, Public Services Director
Kemberle Braden, Police Chief
Loren Bymer, Marketing and Communication Director
Chris Cauley, Economic and Community Development Director
Lisa Harper, Senior Assistant City Attorney
Dave Steinmetz, Development Services Assistant Director
Will Deaton, Planning and Zoning Manager
Pamela Megill, City Clerk

Mayor Pro Tem Dawkins called the meeting to order at 6:02 p.m.

Mayor Pro Tem Dawkins asked the Council to review the consent and other items of business items for this evening.

Council Member Benavente stated he intends to pull the October 9, regular meeting minutes from the agenda, and stated he and others objected to Mayor Colvin's declaration to hold a Special Public Forum for October 23, 2023, for those speakers that due to time constraints did not have an opportunity to speak at the meeting.

Discussion ensued pertaining to whether the Mayor has the authority to call for a Special Public Forum.

Consensus of Council was to route the Public Forum policy to the Council Policy Review Committee.

Council Member Ingram stated she intends to make a motion to move Item 11.01 - Administrative Report - Airport Strategic Marketing Plan and Item 11.02 - Administrative Report - Every Town for Gun Safety, to the November Work Session agenda for presentation.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:46 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
102323

MITCH COLVIN
Mayor

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
OCTOBER 23, 2023
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3) (via zoom); D. J. Haire (District 4) (via zoom); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8) (via zoom); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, Interim City Attorney
Kelly Olivera, Assistant City Manager
Jodi Phelps, Chief of Staff
Kemberle Braden, Police Chief
Toney Coleman, Airport Director
Sheila Thomas-Ambat, Public Services Director
Loren Bymer, Marketing & Communications Director
Lisa Harper, Senior Assistant City Attorney
Will Deaton, Planning and Zoning Manager
Craig Harmon, Senior Planner II
Heather Eckhardt, Planner II
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 7:00 p.m.

2.0 INVOCATION

The invocation was offered by Pastor Terrell Brown, Trinity Full Gospel Ministries.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Thompson announced the WIDU Celebration taking place at the Crown Coliseum October 26-27, 2023.

Council Member Ingram congratulated Michael Williams, Jr., on his boxing match held this past weekend in Fayetteville. Congratulations to the Fayetteville State Broncos football team for winning their homecoming game. Principal Coach Williams was recognized in honor of National Principal's Month.

Mayor Colvin acknowledged the elected school board officials, Ms. Chisolm, Chairwoman Jones, and Ms. Donna Vance.

Mayor Colvin recognized Mr. Tony Brown and members of his team for their hard work in the community through his mentoring program.

Council Member Banks-McLaughlin thanked Mr. Tony Brown and his team for their work in the community with the youth.

Mayor Colvin presented a proclamation to Dr. Marvin Connelly, Cumberland County Schools Superintendent, proclaiming support for the STARward STEM program and commending its innovative approach to STEM education.

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Mayor Colvin presented a certificate to Miss Taelynn Ballard, an 8-year-old model, designer, and entrepreneur.

Mayor Colvin presented a proclamation to Ms. Gladys Hill, proclaiming the month of October 2023 as Breast Cancer Awareness Month.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, stated his weekly update to the City Council is published and posted online.

Due to technical audio difficulties, Mayor Colvin recessed the meeting at 7:40 p.m. and reconvened the meeting at 7:48 p.m.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Benavente moved to approve the agenda except for the October 9, 2023, regular meeting minutes.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

7.0 CONSENT AGENDA

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

7.01 Approval of Meeting Minutes:

October 2, 2023 - Work Session
October 9, 2023 - Discussion of Agenda Items
October 9, 2023 - Regular (Pulled from the agenda)

7.02 Proposed 2024 City Council Meeting Dates Calendar

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2024 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS. RESOLUTION NO. R2023-040

7.03 P23-26. Initial zoning of one contiguous parcel totaling 0.48 ± acres, requesting annexation, to Community Commercial (CC) located at 401 Ladley Street (REID # 0426807452000), being the property of Jonathan N. Mitchell.

7.04 P23-33. Rezoning from Neighborhood Commercial (NC) to Limited Commercial (LC) located near the intersection of Raeford Road and Festival Drive and fronting on Raeford Road and Nexus Court (REID #s 9496570657000 and 9496571780000) totaling 1.95 acres ± and being the property of Rayconda Properties, represented by Longleaf Law Partners.

7.05 P23-34. Rezoning of 1.45 acres ± from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5), located at 1010 Laurel Street (REID # 0428235738000), and being the property of T & W Investments LLC, represented by George M. Rose, P.E.

7.06 P23-35. Conditional rezoning from Single-Family Residential 10 (SF-10) to Single-Family Residential 10 Conditional Zoning (SF-10/CZ) of 809 Johnson Street (REID # 041971018000) totaling 2.19 acres ± and being the property of Abel Young, represented by Michael Adams of MAPS Surveying Inc.

7.07 P23-36. Conditional Rezoning of .25 acres ± from Mixed Residential 5 (MR-5) to Mixed Residential 5 Conditional Zoning (MR-5/CZ), located at 418 Old Wilmington Road (REID

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0437709521000), and being the property of Combined Unified Service Inc., represented by Deborah Harris.

7.08 Fayetteville Gardens Affordable Housing Preservation Loan Commitment

Fayetteville Gardens is a 40-year-old apartment complex located at 2915 Gordons Way (off Raeford Road). City Council is asked to authorize a loan commitment letter and subsequent loan documents in the amount of \$1.25 million from American Rescue Plan Funds (ARPA) to address accessibility, energy efficiency, and needed repairs. This commitment will be good until December 31, 2023, with a six-month extension allowed at the Director's discretion.

7.09 Affordable Housing Loan Extension Request - Blanton Green II

On May 15, 2023, United Management II, the property manager for Blanton Green II, requested that the City consider extending its affordable housing loan of \$380,000.00 from the current maturity date of June 2, 2023, to a maturity date of November 1, 2033, to synchronize it with the primary loan. Council is asked to extend the loan terms for an additional 10 years at 2 percent interest with a balloon payment at the new maturity date of June 2, 2033.

7.010 Fayetteville Gardens - Resolution Approving the Issuance of up to \$15,500,000 Multifamily Housing Revenue Bonds per Section 147(f) of the Internal Revenue Code

RESOLUTION APPROVING THE ISSUANCE OF UP TO \$15,500,000 MULTIFAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR FAYETTEVILLE GARDENS TO SATISFY SECTION 147(f) OF THE INTERNAL REVENUE CODE. RESOLUTION NO. R2023-041

7.011 Liberty Springs Apartments Affordable Housing Rehabilitation Loan Commitment

Authorize a loan commitment letter and subsequent loan documents in the amount of \$380,500.00 from HOME Funds to Liberty Springs Apartments.

7.012 North Carolina Office of Recovery and Resiliency Strategic Buyout Resolution for Repetitive Loss Properties

A RESOLUTION AUTHORIZING ACCEPTANCE OF PROPERTIES TARGETED BY THE REBUILD NC BUYOUT PROGRAM WITHIN THE JURISDICTION OF THE CITY OF FAYETTEVILLE. RESOLUTION NO. R2023-042

7.013 Adoption of Special Revenue Project Ordinance Amendment 2024-9 and Special Revenue Project Ordinance 2024-11 to Move Funds from the Housing Authority Homeownership Program to the Choice Neighborhood Implementation Grant Program

Special Revenue Project Ordinance Amendment 2024-9 and Special Revenue Project Ordinance 2024-11 to move funds from the Housing Authority Homeownership Program to the Choice Neighborhood Implementation Grant Program

7.014 Uninhabitable Structures: Demolition Recommendations

336 Old Wilmington Road - District 2

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2023-022

5523 Meharry Drive - District 3

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AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2023-023

116 Enoch Avenue - District 4

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2023-024

308 Mike Street - District 4

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2023-025

2306 Slater Avenue - District 4

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2023-026

7.015 Resolution of the City of Fayetteville, NC to Accept an Amended State Loan Offer Under the NC Water Revolving Loan and Grant Act of 1987

In September 2023, the North Carolina Department of Environmental Quality (DEQ) offered PWC an amendment to increase the State Loan for the Big Rockfish Sanitary Sewer Outfall Lift Station Elimination Project by \$430,000.00 for a total loan value of \$6,685,105.00 to the terms of 20 years, 0 percent interest and 2 percent closing fee. To accept the loan offer, PWC and the City of Fayetteville must adopt a resolution accepting the loan in the form provided by DEQ.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ACCEPT AN AMENDED STATE LOAN OFFER UNDER THE NORTH CAROLINA WATER REVOLVING LOAN AND GRANT ACT OF 1987. RESOLUTION NO. R2023-043

7.016 Resolution of the City of Fayetteville, NC to Accept an Amended State Loan Offer Under the NC Water Revolving Loan and Grant Act of 1987

In September 2023, the North Carolina Department of Environmental Quality (DEQ) offered PWC an amendment to increase the State Loan for the Big Rockfish Sanitary Sewer Outfall Project by \$5,000,000.00 for a total loan value of \$31,187,999.00 to the terms of 20 years, 1.06 percent interest and 2 percent closing fee. To accept the loan offer, PWC and the City of Fayetteville must adopt a resolution accepting the loan in the form provided by DEQ.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ACCEPT AN AMENDED STATE LOAN OFFER UNDER THE NORTH CAROLINA WATER REVOLVING LOAN AND GRANT ACT OF 1987. RESOLUTION NO. R2023-044

7.017 Adopt a Gauge Memorandum of Agreement

This Memorandum of Agreement (MOA) outlines the responsibilities of North Carolina Emergency Management (NCEM) and the City with regard to the operation and maintenance of the stream gauges owned by the City. NCEM will provide gauge repair as needed, at no cost to the City. The terms of this MOA are automatically renewed annually. The

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benefit to the City is that NCEM staff will make repairs to the gauges as needed.

7.018 Bid Recommendation - Neville Street Drainage Improvements

Award contract and authorize the City Manager to execute a contract for the Neville Street Drainage Improvements project with the lowest responsive, responsible bidder, ES&J Enterprises, Inc., in the total amount of \$1,823,989.00.

7.019 NCDOT Municipal Certificates for Speed Limits on SR 1838 (Dunn Road).

Approve the execution of certifications to repeal and enact 45 mph speed limits along SR 1838 (Dunn Road) to provide a uniform speed limit within the municipal limits of the City of Fayetteville.

CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRENCE. From Grove Street Extension (NC 24-210) to the eastern corporate limit, approximately 0.05 mile west of SR 1839. ORDINANCE NO. NS2023-027

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST CONCURRENCE. Between NC 24 and the municipal limits of Fayetteville. ORDINANCE NO. NS 2023-028

7.020 Lease of Suite 101-A of R. C. Williams Building

Approve the lease of Suite 101-A of the R.C. Williams Building to Edward D. Jones & Co., LB, D/B/A Edward Jones ("Lessee"). The initial term of the lease is 5 years. Lessee has agreed to an annual rent rate of \$25,200.00.

8.0 PUBLIC FORUM (Special - Continuance of Speakers from October 9, 2023).

Mr. Mario Hardy, 3835 Glencorra Drive, Fayetteville, NC, expressed concerns regarding a Council member not abiding by the Council's Code of Conduct.

Mr. Justin Herbe, 2614 Morganton Road, Fayetteville, NC, expressed concerns regarding Little League Baseball and Travel Leagues.

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

9.01 AX23-04: Jonathan N. Mitchell and Kathleen Mitchell are petitioning to annex into the corporate limits of the City of Fayetteville one contiguous parcel totaling .48 ± acres. This parcel is located on the southeastern side of Southern Avenue at 401 Ladley Street and can be further identified by PIN 0426-80-7452 and REID # 0426807452000.

Mr. Demetries Moutos, Planner I, presented this item and stated Jonathan N. Mitchell and Kathleen Mitchell are submitting a petition for annexation into the corporate limits of the City of Fayetteville. They propose to zone a single parcel, comprising approximately of 0.48 acres, as Community Commercial (CC). This parcel is situated on the southeastern side of Southern Avenue at 401 Ladley Street and is identified by PIN 0426-80-7452 and REID # 0426807452000.

The Zoning Commission conducted a legislative hearing on July 11, 2023. The applicants were present at the meeting, and one speaker expressed support for the requested map amendment. The Zoning Commission unanimously voted 5 to 0 to recommend the approval of the proposed map amendment.

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

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. North of West Mountain Drive just off the corner of Ladley Street and Knox Street - 401 Ladley Street. ANNEXATION ORDINANCE NO. 2023-10-592

MOTION: Council Member Ingram move to adopt the proposed ordinance annexing the parcel with an effective date of October 23, 2023, and establish the initial zoning consistent with prior action taken by Council concerning the map amendment.

SECOND: Mayor Pro Tem Dawkins

VOTE: UNANIMOUS (10-0)

10.0 EVIDENTIARY HEARINGS

10.01 SUP-08. Special Use Permit to allow a school to be located in a Single-Family 6 (SF-6) zoning district, located at 4502 Rosehill Road (REID # 0429683699000), and being the property of Bethel Christian Assembly Inc., represented by Del Crawford, Crawford Design Company.

Mr. Craig Harmon, Senior Planner II, presented this item and stated the subject property is currently a vacant parcel owned by Bethel Christian Assembly Inc.. It is located between Fayetteville Christian Church, Incorporated, and Warrenwood Elementary School of the Cumberland County School System. It is also across the street from Gardners Chapel United Methodist Church. The property has been mostly undeveloped since at least 1968.

According to the Future Land Use Plan, it is recommended that this portion of the City should be developed as LDR - Low-Density Residential. Low-Density Residential is best described as "mainly single-family residential with some accessory dwellings occasionally with duplexes (if isolated) or townhomes. Lots sizes are typically 1-4 dwellings per acre. The area should be suburban, auto-oriented in character, with utility services."

As part of the Unified Development Ordinance (UDO) adoption process, regulations were put in place to allow schools to operate in certain residential districts, including the SF-6 district, with an approved Special Use Permit. The applicant is requesting a Special Use Permit to operate a charter school in a SF-6 zoning district. According to the applicant, the proposed use will comply with all of the City's requirements for such uses. The proposed school was reviewed by the Technical Review Committee and their comments are provided. The application is only to address the allowance of a school.

The SUP must meet the following findings of facts:

- (1) The special use complies with all applicable standards in Section 30-4.C., Use-Specific Standards;
- (2) The special use will be in harmony with the area in which it is located;
- (3) The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
- (4) The special use is in general conformity with the City's adopted land use plans and policies;
- (5) The special use will not substantially injure the value of the abutting land, or the special use is a public necessity; and

DRAFT

- (6) The special use complies with all other relevant City, State, and Federal laws and regulations.

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

Mr. Del Crawford, 116 N. Cool Street, Fayetteville, NC, Engineer representing the applicants, appeared in favor.

Discussion ensued.

MOTION: Council Member Benavente moved to remand this item back to staff to conduct objective research on the potential traffic impacts, and how this will affect the three schools in the area and ask the applicants to provide more specific evidence.

SECOND: Council Member Ingram

VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Dawkins, Thompson, and Hondros)

11.0 ADMINISTRATIVE REPORTS

11.01 Administrative Report - Airport Strategic Marketing Plan

11.02 Administrative Report - Every Town for Gun Safety

MOTION: Council Member Ingram moved to move Items 11.01 and 11.02 to the November 6, 2023, work session agenda.

SECCOND: Mayor Pro Tem Dawkins

VOTE: UNANIMOUS (10-0)

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
102323

MITCH COLVIN
Mayor



City of Fayetteville

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

City Council Action Memo

File Number: 23-3649

Agenda Date: 11/13/2023

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.02

TO: Mayor and Members of City Council

THRU: Lachelle H. Pulliam, Interim City Attorney

FROM: Kecia N. Parker, NCCP, Real Estate Manager

DATE: November 13, 2023

RE:

Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located off Scott Avenue

COUNCIL DISTRICT(S):

2

Relationship To Strategic Plan:

A Desirable Place to Live, Work and Recreate

Executive Summary:

Cumberland County has requested that the City of Fayetteville quitclaim its interest in the parcel below so that they may complete the sale of the jointly owned property that was acquired by tax foreclosure. This allows the property to be added back to the tax base and not continue to remain in joint governmental ownership.

1) 0.12 Acre off Scott Avenue, Tax Parcel ID Number 0438-44-8328

Background:

Cumberland County and the City of Fayetteville received joint title to the property identified as a 0.12-acre tract off Scott Avenue on September 29, 2008. The County has received an offer to purchase the property in the amount of \$3,352.00.

The County is requesting that the City declare the above property surplus and quitclaim the City's interest to the County. Title is jointly held due to tax foreclosure by the County in

its capacity as tax administrator. There were no City Assessments that were due at the time of the foreclosure sale. If the present bid is declined, the property will remain in joint ownership not earning taxes and requiring upkeep.

Issues/Analysis:

No known issues.

Budget Impact:

There is no significant impact to the budget; however, this will enable the property to be added back to the tax roll and the City assessment will be collected.

Options:

- 1) Accept the County's request to declare the property surplus and quitclaim the City's title to the County according to the Resolution attached.

- 2) Reject the County's request and retain joint ownership.

Recommended Action:

Staff recommends adopting the attached Resolution declaring the property surplus and authorizing the City Manager to sign a Quitclaim Deed conveying the City's interest to the County.

Attachments:

Maps
Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO DECLARE CITY PROPERTY SURPLUS AND QUITCLAIM CITY'S INTEREST IN JOINTLY HELD PROPERTY TO CUMBERLAND COUNTY

WHEREAS, the City of Fayetteville and the County of Cumberland jointly own real property in Cumberland County known as 0.12 acres off Scott Avenue and being more particularly described as follows:

Being the western 30-foot portion of Lot 2 of the M.D. Riddle Property, adjoining Lot 3 of said Property, a plat of which is recorded in Book 10 at page 40 of the Cumberland County, North Carolina, Public Registry. Said portion has a frontage of 30 feet on Scott Avenue, a rear line of 30 feet and sidelines of 180 feet each.

WHEREAS, the City of Fayetteville has a financial interest in the form of adding the real property back to the tax roll and;

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

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

WHEREAS, the City Council of the City of Fayetteville finds such action to be in the public interest, and;

NOW, THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, this Council of the City of Fayetteville, North Carolina does hereby resolve that the aforesaid real property is surplus to the City's needs and authorizes its Manager to sign a deed quitclaiming title to the County of Cumberland.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 13th day of November, 2023; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

ATTEST:

MITCH COLVIN, MAYOR

PAMELA J. MEGILL, City Clerk



0.12 Acre off Scott Avenue

OVERLOOK DR

SCOTT AVE

0438447528000

0438447589000

0438448539000

0438448599000

0438449660000

0438450100000

599000

50

50

75

50

50

0.12 Acre off Scott Avenue

SCOTT AVE

186.56

30

75

75

50

121

115

119

111

0438449420000

64.85

180

0438446337000

180

0438447307000

180

0438447377000

0438447328000

179.3

94.74

6

5

4

3

2

1

50

75

75

30

75

79.11

75

75

38446211000

0438447201000

100

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City of Fayetteville

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

City Council Action Memo

File Number: 23-3650

Agenda Date: 11/13/2023

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.03

TO: Mayor and Members of City Council

THRU: Lachelle H. Pulliam, Interim City Attorney

FROM: Kecia N. Parker, NCCP, Real Estate Manager

DATE: November 13, 2023

RE:

Authorization of Condemnation of Easement on the Property Needed for the Morganton Road Sidewalk Project

COUNCIL DISTRICT(S):

9

Relationship To Strategic Plan:

Desirable Place to Live, Work and Recreate

Executive Summary:

On April 25, 2022, Council appropriated \$4,319,350.00 of anticipated state funding for Pedestrian Improvements and City of Fayetteville Safety Improvements to include the Morganton Road Sidewalk Project. Three permanent easements are required to complete the project as designed. To date staff has acquired one of the easements. Staff has negotiated an offer with another of the owners for the second easement. Negotiations have not been successful with the third owner. The contract will soon be ready to be put out to bid. Staff is requesting authority to begin the condemnation process on the last easement in order to start the notice period and reduce any potential project delay.

Background:

The City of Fayetteville has received \$4,319,350.00 from the State Direct Funding Grant. The funding requires a strict acquisition process that must be followed in order to receive the funds.

The Morganton Road Sidewalk Project connects and fills in the gaps for the sidewalk on

Morganton Road from Skibo Road to Glensford Drive. The improvements will increase pedestrian safety and sidewalk connectivity along Morganton Road. The City will be installing approximately 700 feet of sidewalk and ADA compliant ramps.

Currently staff has recorded one of the needed easements, is in negotiation for the second easement and cannot reach an agreement on the third.

The remaining owner has 3,977.96 square feet of permanent easement needed from a parcel containing 608,968.80 square feet. The easement design for this parcel consists of the ADA compliant wheelchair ramps and a small portion of sidewalk. The City ordered a third party appraisal on the property which reflected a value of \$21,875.00. The property owner has stated that his property is worth 8 times more than that figure. Funding requirements require the City to pay what the property value is and do not allow for public money to be spent without justification for an amount in excess of that value. Staff has attempted or been in contact with this owner sixteen times since June of 2023.

At this juncture the City will need to authorize eminent domain to ensure that the project can proceed.

Issues/Analysis:

- The last remaining property owner was offered \$21,875.00 for 3,977.96 square feet of permanent easement. Their response was the property was worth eight times more than what was offered. Due to the funding guidelines, staff received an outside appraisal which reflected the \$21,875.00 offer.
- If easement is not acquired, there will remain a gap in the sidewalk and ADA compliant ramps will not be installed.

Budget Impact:

The budget has been allocated for this project through the State Direct Funding Grant established in SL879263.

Options:

- Approve the Resolution for the Authorization of Condemnation of Easement on the Property Needed for the Morganton Road Sidewalk Project
- Reject the Resolution for the Authorization of Condemnation of Easement on the Property Needed for Morganton Road Sidewalk Project

Recommended Action:

Staff recommends approval of the Resolution for the Authorization of Condemnation of Easement on the Property Needed for the Morganton Road Sidewalk Project.

Attachments:

Map

Resolution

NOTES:

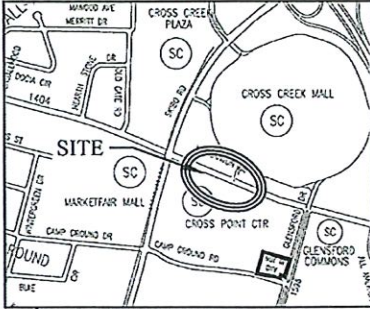
1. THIS MAP WAS PREPARED FROM RECORDED MAPS, DEEDS, AND A PARTIAL FIELD SURVEY.
2. THIS MAP HAS BEEN PREPARED FOR EASEMENT ACQUISITION ONLY.

REFERENCES:

DEED BOOK 9620 PAGE 70
 PLAT BOOK 149 PAGE 15
 PLAT BOOK 59 PAGE 119

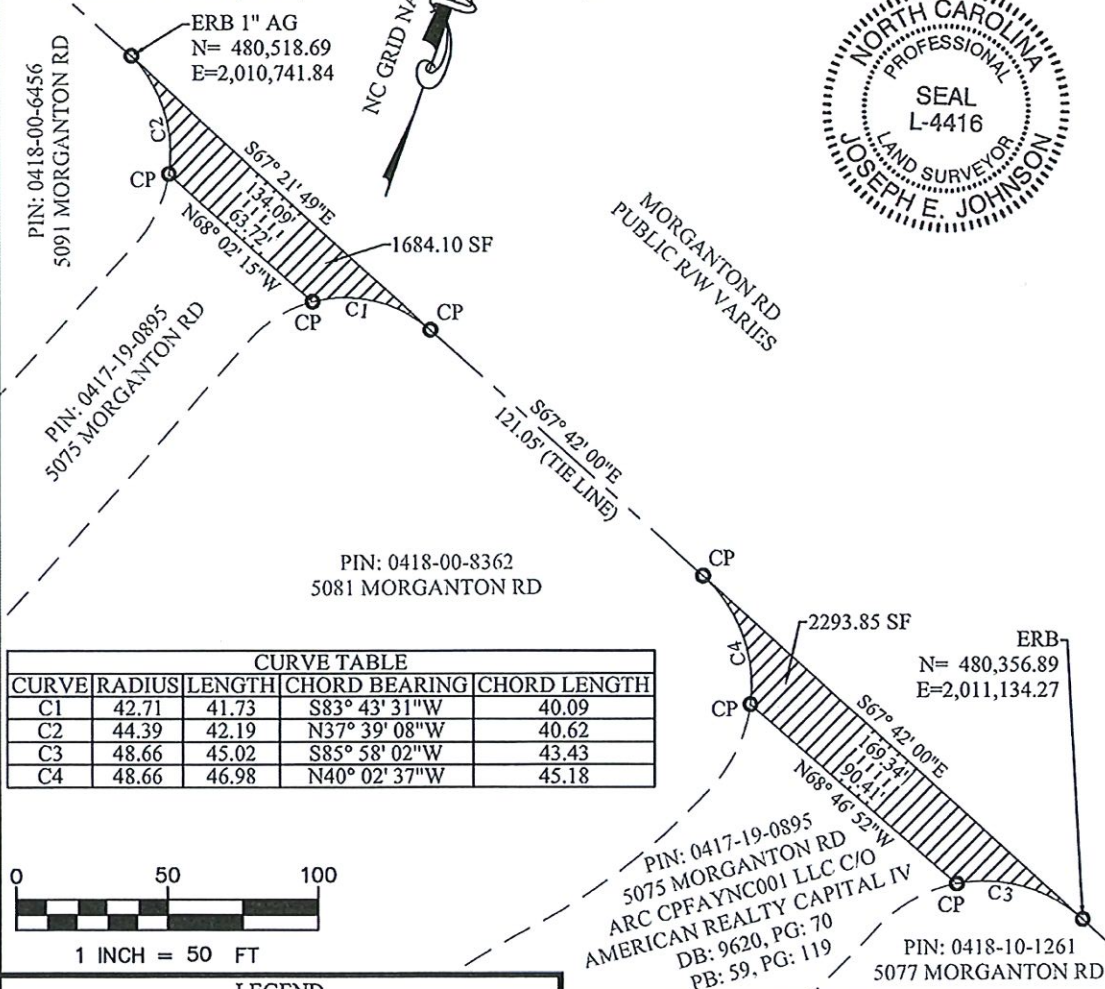
"THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS."

I, JOSEPH E. JOHNSON, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK SHOWN, PAGE HEREON OR OTHER REFERENCE SOURCE _____); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK _____, PAGE _____ OR OTHER REFERENCE SOURCE _____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000±, AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56, 1600). WITNESS MY HAND AND SEAL THIS 28TH DAY OF FEBRUARY, 2023.

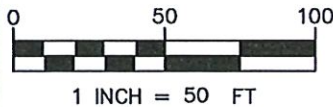


VICINITY MAP (N.T.S.)

Joseph E. Johnson
 PROFESSIONAL LAND SURVEYOR - L-4416



CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	42.71	41.73	S83° 43' 31" W	40.09
C2	44.39	42.19	N37° 39' 08" W	40.62
C3	48.66	45.02	S85° 58' 02" W	43.43
C4	48.66	46.98	N40° 02' 37" W	45.18



LEGEND	
ERB - EXISTING REBAR	N - NORTH
R/W - RIGHT OF WAY	S - SOUTH
CP - CALCULATED POINT	E - EAST
N.T.S. - NOT TO SCALE	W - WEST
SF - SQUARE FOOT	CTY - COUNTY
AG - ABOVE GROUND	
----- - EXISTING RIGHT-OF-WAY LINE	
----- - EXISTING PARCEL LINE	
- PROPOSED PERMANENT EASEMENT	

FAYETTEVILLE
 AMERICA'S CAN DO CITY

PUBLIC SERVICES DEPARTMENT
 ENGINEERING DIVISION
 433 HAY ST. 28301
 (910) 433-1656

PROPOSED SIDEWALK EASEMENT
 PIN: 0417-19-0895 ARC CPFAYNC001 LLC
 C/O AMERICAN REALTY CAPITAL IV
 TOTAL= ±3,977.96 SF ±0.09 ACRES
 SEVENTY FIRST TOWNSHIP CUMBERLAND CTY
 FAYETTEVILLE NORTH CAROLINA

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CONDEMNATION OF PERMANENT EASEMENTS ON REMAINING PARCEL FOR THE MORGANTON ROAD SIDEWALK PROJECT

WHEREAS, the City of Fayetteville, NC, is a municipal corporation existing under and by virtue of the Constitution, statutes and laws of the State of North Carolina; and

WHEREAS, the governing body of the City of Fayetteville hereby determines that it is necessary and in the public interest to acquire easements on certain property for the following public purpose:

Permanent Easement Interest for the Morganton Road Sidewalk Project

WHEREAS, North Carolina General Statute §160A-240.1 authorizes the City to acquire property by condemnation procedures; and

WHEREAS, the acquisition of easements in said parcel is consistent with strategic planning goal of a Diverse and Viable Economy and Desirable Place to Live, Work and Recreate; and

WHEREAS, the acquisition of the easements in said property is consistent with the City's commitments; and

WHEREAS, the City of Fayetteville shall acquire by condemnation, for the purpose stated above, the property and easement interests as listed below:

0417-19-0895 Permanent Sidewalk Easements:

Tract One: Permanent Easement

Beginning at an existing (ERB) existing rebar on the southern right-of-way of Morganton Road, a variable width right-of-way, said (ERB) existing rebar having NAD 83 Grid Coordinates N = 480,518.69 E = 2,010,741.84 and thence leaving the beginning point along the right-of-way of Morganton Road S 67°21'49" E a distance of 134.09'to a point; thence leaving point and the right-of-way of Morganton Road along a curve counterclockwise having a radius of 42.71', an arc length of 41.73', a bearing of S 83°43'31" W a chord length of 40.09'to a point; thence N 68°02'15" W a distance of 63.72'to a point; thence along a curve counterclockwise having a radius of 44.39', an arc length of 42.19', a bearing of N 37°39'08" W a chord length of 40.62'to a point on the southern right-of-way of Morganton Road; which is the point of beginning, being permanent easement (P1) having an area of 1684.10 square feet; Reference: ARC CPFAYNC001 LLC, deed book 9620 page 70, containing 2293.85 square feet more or less.

Tract Two: Permanent Easement

Beginning at a point; said point being S 67°31'24" E a distance of 255.14' from existing (ERB) existing rebar on the southern right-of-way of Morganton Road, a

variable width right-of-way, said (ERB) existing rebar having NAD 83 Grid Coordinates N = 480,518.69 E = 2,010,741.84 and thence leaving the beginning point along the right-of-way of Morganton Road S 67°42'00" E a distance of 169.34' to a (ERB) existing rebar; thence leaving the right-of-way of Morganton Road along a curve counterclockwise having a radius of 48.66', an arc length of 45.02', a bearing of S 85°58'02" W a chord length of 43.43'to a point; thence N 68°46'52" W a distance of 90.41'to a point; thence along a curve counterclockwise having a radius of 48.66', an arc length of 46.98', a bearing of N 40°02'37" W, a chord length of 45.18'to a point on the southern right-of-way of Morganton Road; which is the point of beginning, being permanent easement (P2) having an area of 2293.85 square feet. Reference: ARC CPFAYNC001 LLC, deed book 9620 page 70, containing 1,684.10 square feet more or less.

NOW THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, the City Council directs the City Attorney to institute the necessary proceeding under Article 1 of Chapter 40A of the North Carolina General Statutes.

IN WITNESS WHEREOF, the City of Fayetteville has caused this instrument to be signed in its name by its Mayor, attested by its City Clerk, and its corporate seal hereto affixed, all by order of its City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 13th day of November, 2023; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
MITCH COLVIN, Mayor

ATTEST:

PAMELA MEGILL, City Clerk



City of Fayetteville

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

City Council Action Memo

File Number: 23-3676

Agenda Date: 11/13/2023

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.04

TO: Mayor and Members of City Council

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

FROM: Michael Hill, Fire Chief
Kimberly Leonard, CLGFO, CLGBO, CPA, MPA, Budget and
Evaluation Director

DATE: November 13, 2023

RE:

Adoption of Budget Ordinance Amendment 2024-6 to appropriate the 2023 Hartford Fire Safety Grant

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 1: Safe and Secure Community

Executive Summary:

Council is asked to adopt Budget Ordinance Amendment 2024-6 to appropriate \$10,000 of the 2023 Hartford Fire Grant. It will be used to purchase an enclosed trailer, portable generator, propane stove and accessories to educate the community on the dangers of unattended cooking.

Background:

The City of Fayetteville Fire Department's Community Risk Reduction Division works with community organizations to educate them on the risks or dangers they may face, and implement strategies to lessen their impact.

Fires originating in the kitchen remain the number one risk to our community. In the first three quarters of 2023, the Department has responded to over 650 fires originating in the cooking areas. The 2023 Fire Prevention Week theme is "Cooking safety starts with

YOU! Pay attention to fire prevention.” TM highlights the need across the United States to educate our communities about fire safety in the kitchen. The Hartford Fire Grant will assist us in our efforts to reduce risks in our community.

Issues/Analysis:

None

Budget Impact:

There is no impact on the general fund as there is no local match required.

Options:

- 1) Adopt Budget Ordinance Amendment 2024-6 to appropriate the grant funding.
- 2) Do not adopt Budget Ordinance Amendment 2024-6 and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to adopt the budget ordinance amendment as presented.

Attachments:

- Hartford 2023 Fire Grant Acceptant Letter
- Budget Ordinance Amendment 2024-6



May 22, 2023

Dear Chief McLamb,

The Hartford is pleased to support Fayetteville Fire Department. In this capacity, The Hartford has committed \$10,000 to support fire safety education efforts and programming.

We ask that the funds from this grant be used within one calendar year from today's date and within that time period, we also ask that you provide us with a one-page report detailing how the funds were utilized. The parameters of this grant can be customized to your individual needs, and may include, but are not limited to, fire safety awareness and education within the community and local schools.

We ask that our company be referred to as The Hartford in any materials you publish regarding this commitment and to have the opportunity to review prior publication.

On behalf of The Hartford and its Junior Fire Marshal program, thank you for your commitment to keeping children fire safe.

Sincerely,

A handwritten signature in black ink that reads "AnnMarie LaBreck". The signature is written in a cursive style.

AnnMarie LaBreck
AVP, Media, Public and Community Relations

**2023-2024 BUDGET ORDINANCE AMENDMENT
CHANGE 2024-6**

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

That the City of Fayetteville Budget Ordinance adopted June 21, 2023 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2023, and ending June 30, 2024, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Other Funding Sources	\$ 4,297,449	\$ 10,000	\$ 4,307,449
All Other General Fund Revenues and Financing Sources	<u>\$ 213,076,037</u>		<u>\$ 213,076,037</u>
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 217,373,486</u>	<u>\$ 10,000</u>	<u>\$ 217,383,486</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2023, and ending June 30, 2024, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Operations	\$ 152,877,603	\$ 10,000	\$ 152,887,603
All Other General Fund Expenditures and Other Financing Uses	<u>\$ 64,495,883</u>		<u>\$ 64,495,883</u>
Total Estimated General Fund Expenditures and Other Financing Uses	<u>\$ 217,373,486</u>	<u>\$ 10,000</u>	<u>\$ 217,383,486</u>

Adopted this 13th day of November, 2023



City of Fayetteville

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

City Council Action Memo

File Number: 23-3678

Agenda Date: 11/13/2023

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.05

TO: Mayor and Members of City Council

THRU: Lachelle H. Pulliam, Interim City Attorney

FROM: Michael R. Whyte, Police Attorney

DATE: November 13, 2023

RE:

Request for Legal Representation of City Employees

COUNCIL DISTRICT(S):

All Districts

Relationship To Strategic Plan:

Goal V: Financially Sound City Providing Exemplary City Services

Executive Summary:

The purpose of this agenda item is to receive authorization from the City Council to provide legal representation for City employee Ramon Herrera and former City employee Janet Olsen in the matter of Markus Odon McCormick v. Sheriff Ennis Wright, Deputy Sheriff Jamie McLeod, Officer Ramon Herrera, Janet Olsen, and City of Fayetteville. The employees were acting within the scope and course of their employment with the City when the alleged incident(s) occurred.

Background:

Ramon Herrera is employed by the City of Fayetteville Police Department as a Detective and Janet Olsen was formerly employed with the City of Fayetteville as a Detective. They have been named as Defendants in a lawsuit filed by Markus McCormick, who alleges various 42 U.S.C. § 1983 claims arising from an encounter with the Cumberland County Sheriff's Office on December 11, 2020, and with the Fayetteville Police Department on December 21, 2020. Detectives Herrera and Olsen were acting within the scope and course of their employment with the City when the incident occurred. They have

requested legal representation pursuant to N.C.G.S. § 160A-167, which provides for the defense of an employee based on acts done within the course and scope of employment.

Issues/Analysis:

No known issues.

Budget Impact:

Unknown at this time.

Options:

1. Authorize the request for legal representation.
2. Reject the request for legal representation.
3. Provide additional direction to staff.

Recommended Action:

Staff recommends that Council move to authorize the City to provide legal representation for Detective Ramon Herrera and former Detective Janet Olsen in the matter of Markus Odon McCormick v. Sheriff Ennis Wright, Deputy Sheriff Jamie McLeod, Officer Ramon Herrera, Janet Olsen, and City of Fayetteville.

Attachments:

Ramon Herrera - Request for Legal Representation
Janet Olsen - Request for Legal Representation



October 16, 2023

MEMORANDUM

TO: Kemberle Braden
Chief of Police

FROM: Ramon Herrera *RH*
Police Detective

SUBJECT: Markus Odon McCormick v. Sheriff Ennis Wright, et al.
Civil Action No.: 5:23-CT-3028-M

I, Ramon Herrera, have been named as a Defendant in the above-referenced lawsuit that was filed in the United States District Court for the Eastern District of North Carolina on or about January 26, 2023. It is my understanding that the suit has been brought against me for actions taken while I was performing my official duties as a Detective for the City of Fayetteville Police Department. Therefore, I respectfully request that the City of Fayetteville provide legal representation to defend the alleged claims.


RH/sms

467 Hay Street Fayetteville, NC 28301-5537
(910) 433-1819 | www.cityoffayetteville.org

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

October 26, 2023

MEMORANDUM

TO: Kemberle Braden 
Chief of Police

FROM: Janett Olsen
Former Police Detective

SUBJECT: Markus Odon McCormick v. Sheriff Ennis Wright, et al.
Civil Action No.: 5:23-CT-3028-M

I, Janett Olsen, have been named as a Defendant in the above-referenced lawsuit that was filed in the United States District Court for the Eastern District of North Carolina on or about January 26, 2023. It is my understanding that the suit has been brought against me for actions taken while I was performing my official duties as a Detective for the City of Fayetteville Police Department. Therefore, I respectfully request that the City of Fayetteville provide legal representation to defend the alleged claims.

JO/sms



467 Hay Street Fayetteville, NC 28301-5537
(910) 433-1819 | www.cityoffayetteville.org



City of Fayetteville

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

City Council Action Memo

File Number: 23-3684

Agenda Date: 11/13/2023

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.06

TO: Mayor and Members of City Council

THRU: Douglas Hewett, ICMA-CM, City Manager

FROM: Jodi W. Phelps, Director, Chief of Staff

DATE: November 13, 2023

RE:

Support for Fayetteville Dogwood Festival Feasibility and Sustainability Plan

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal #3: Invested in Today and Tomorrow

Goal #6: Collaborative Citizen and Business Engagement

Executive Summary:

City Council is asked to adopt a resolution affirming their intent to provide funding to the Fayetteville Economic Development Corporation for the sole purpose of engaging a professional consultant to perform a feasibility and sustainability study to deliver recommendations on the Fayetteville Dogwood Festival's organizational structure, governance structure and ongoing festival composition.

Background:

City staff have been in communication with the Fayetteville Dogwood Festival board who are seeking to establish a fiscally and operationally sustainable model for the future. The Fayetteville Dogwood Festival has been a signature event bringing positive brand recognition to our City for more than 40 years. With the last economic impact estimated in 2018 of more than \$8.1 million for our City, there is vested interest in providing stability and continuity for the festival along with key community partners such as Cumberland County, the TDA and Distinctly Fayetteville.

The City has provided financial support for the Festival since 2017 in the following amounts:

- June 2022 \$15,000
- May 2021 \$15,000

- March 2019 \$12,000
- March 2018 \$12,000
- April 2017 \$12,000

Issues/Analysis:

The proposal and recommendation for Council's consideration would provide financial support of no more than \$20,000 to FCEDC to fund a feasibility study and planning process that will identify options to answer two questions:

- a. what does a model look like for successful operation and organizational governance and
- b. what does a festival look like that is driven by growth and demand for the future.

Budget Impact:

The total cost of this effort will be no more than \$20,000.

Options:

1. Accept the resolution and authorize the City Manager to enter into an agreement with FCEDC to fund the feasibility and sustainability study.
2. Do not accept the resolution and provide additional direct to staff.

Recommended Action:

Accept the resolution and authorize the City Manager to enter into an agreement with FCEDC to fund the feasibility and sustainability study.

Attachments:

Resolution authorizing the City Manager to fund a feasibility and sustainability plan for the Fayetteville Dogwood Festival

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH FCEDC TO FUND A FEASIBILITY AND SUSTAINABILITY PLAN THE FAYETTEVILLE DOGWOOD FESTIVAL

WHEREAS, the City Council (the “City Council”) of the City of Fayetteville, North Carolina (the “City”) met in Fayetteville, North Carolina at 7:00 p.m. on the 13th day of November, 2023; and

WHEREAS, the Fayetteville Dogwood Festival has been Fayetteville’s signature event since its founding more than 40 years ago with their events drawing more than 250,000 attendees annually to the downtown area annually; and

WHEREAS, the Festival experienced significant change and disruption due to the COVID-19 pandemic prompting the need for revisiting organizational structure, governance and festival composition; and

WHEREAS, the City has historically supported the Fayetteville Dogwood Festival with \$12,000 to \$15,000 annually since 2017; and

WHEREAS, the Festival has a significant economic impact in our community with the most recent economic impact study in 2018 noting the Festival has an \$8.1 million impact in Fayetteville and the surrounding communities from tourism, investment and commerce; and

WHEREAS, due to the return, the City believes support for the Festival’s ongoing sustainability will yield a positive impact for years to come on our economy and quality of life for residents and visitors;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fayetteville that:

1. The City of Fayetteville will provide funding to Fayetteville Cumberland Economic Development Corporation to enter into an agreement with a professional consultant for the sole purpose of performing an analysis and feasibility study that would yield a report providing recommendations on the following:
 - a. Viable organizational structure for the Fayetteville Dogwood Festival;
 - b. Viable governance structure for the Festival; and
 - c. Opportunities for a sustainable festival meeting the needs of residents and visitors.
2. This resolution shall take effect immediately.

Adopted this the 13th day of November, 2023.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

CERTIFICATION

I, Pamela Megill, City Clerk of the City of Fayetteville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council for the City of Fayetteville, North Carolina, in regular session convened on the 13th day of November, 2023.

WITNESS my hand and the corporate seal of the City of Fayetteville, North Carolina, this the 13th day of November, 2023.

City Clerk

(SEAL)



City of Fayetteville

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

City Council Action Memo

File Number: 23-3616

Agenda Date: 11/13/2023

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.07

TO: Mayor and Members of City Council

THRU: Lachelle H. Pulliam, Interim City Attorney

FROM: Kecia N. Parker, NCCP, Real Estate Manager

DATE: November 13, 2023

RE:

Adopt a Resolution Authorizing the Conveyance of Two Water and Sanitary Sewer Easements to the City of Fayetteville by and through Fayetteville Public Works Commission for the Ray Avenue Drainage Project

COUNCIL DISTRICT(S):

2

Relationship To Strategic Plan:

Desirable Place to Live, Work and Recreate

Executive Summary:

The Public Works Commission has asked the City of Fayetteville to grant to the City of Fayetteville by and through Fayetteville Public Works Commission, a public authority, a temporary and permanent easement to relocate the current water and sanitary sewer within the Ray Avenue drainage project area.

Background:

The City purchased the properties on Ray Avenue as a part of Festival Park and is currently planning a Ray Avenue drainage project along the right of way adjacent to Festival Park. The Fayetteville Public Works Commission will need to relocate the water and sewer in the area which has necessitated the need for a temporary and permanent easement along two of the properties the City owns. One of the properties, 335 Rowan Street, does have land use restrictions recorded and staff has received written confirmation from the North Carolina Department of Environmental Quality that the

easements will not interfere with the restrictions in place. The other property located at 324 Ray Avenue was not attached to the restrictions.

Issues/Analysis:

None

Budget Impact:

There is no significant impact to the budget.

Options:

- Approve the Resolution authorizing the conveyance of two water and sanitary sewer easements to the City of Fayetteville by and through the Fayetteville Public Works Commission for the Ray Avenue drainage project.
- Reject the Resolution authorizing the conveyance of two water and sanitary sewer easements to the City of Fayetteville by and through the Fayetteville Public Works Commission for the Ray Avenue drainage project.

Recommended Action:

- Approve the Resolution authorizing the conveyance of two water and sanitary sewer easements to the City of Fayetteville by and through the Fayetteville Public Works Commission for the Ray Avenue drainage project.

Attachments:

Resolution
Easement Map

A RESOLUTION AUTHORIZING THE CONVEYANCE OF TWO EASEMENTS TO THE CITY OF FAYETTEVILLE BY AND THROUGH THE FAYETTEVILLE PUBLIC WORKS COMMISSION FOR THE RAY AVENUE DRAINAGE PROJECT

WHEREAS, the City of Fayetteville owns property being identified by the Tax Parcel Number 0437-55-3839 known as 335 Rowan Street and 0437-55-6457 known as 324 Ray Avenue; portion of said parcels are needed for easements and described as follows;

335 Rowan Street Temporary Construction Easement

Commencing at an iron rod found (having North Carolina State Plane Coordinates of Northing: 475313.84 Easting: 2035447.95), thence from the point of commencing North 16 degrees 13 minutes 32 seconds East a distance of 72.69 feet to the POINT OF BEGINNING, said point of beginning being a hole in concrete (having North Carolina State Plane Coordinates of Northing 475383.60 Easting: 2035468.31). Thence from the point of beginning moving in a clockwise direction North 68 degrees 13 minutes 35 seconds West a distance of 10.41 feet to a 5/8 inch rebar, thence running South 21 degrees 46 minutes 25 seconds West a distance of 8.85 feet to a calculated point, thence running along the property line of 225 Ray Avenue, LLC (DB 10292 PG 664) North 71 degrees 03 minutes 22 West a distance of 4.47 feet to a calculated point, thence running North 19 degrees 56 minutes 35.84 East a distance of 13.43 feet to a calculated point, thence running North 21 degrees 36 minutes 41.55 seconds East a distance of 16.61 feet to a calculated point, thence running South 68 degrees 42 minutes 16.35 seconds East a distance of 15.34 feet to a calculated point, thence running South 21 degrees 46 minutes 25 seconds West a distance of 21.08 feet to the POINT OF BEGINNING. Containing 363 square feet or 0.008 acres, more or less as shown on PWC drawing AWS-15462.

335 Rowan Street Permanent Utility Easement

Commencing at an iron rod found (having North Carolina State Plane Coordinates of Northing: 475313.84 Easting: 2035447.95), thence from the point of commencing North 16 degrees 13 minutes 32 seconds East a distance of 72.69 feet to the POINT OF BEGINNING, said point of beginning being a hole in concrete (having North Carolina State Plane Coordinates of Northing 475383.60 Easting: 2035468.31). Thence from the point of beginning moving in a clockwise direction South 21 degrees 46 minutes 25 seconds West a distance of 8.34 feet to a calculated point, thence running along the property line of 225 Ray Avenue, LLC (DB 10292 PG 664) North 71 degrees 03 minutes 22 seconds West a distance of 10.42 feet to a calculated point, thence running North 21 degrees 46 minutes 25 seconds East a distance of 8.85 feet to a 5/8 inch rebar, thence running South 68 degrees 13 minutes 35 seconds East a distance of 10.41 feet to the POINT OF BEGINNING. Containing 89 square feet or 0.002 acres, more or less as shown on PWC drawing AWS-15462.

324 Ray Avenue Temporary Construction Easement

Commencing at an iron rod found (having North Carolina State Plane Coordinates of Northing: 475313.84 Easting: 2035447.95), thence from the point of commencing North 41 degrees 07 minutes 06 seconds East a distance of 180.46 feet to the POINT OF BEGINNING, said point of beginning being a calculated point (having North Carolina State Plane Coordinates of Northing: 475449.77 Easting: 2035566.68). Thence from the point of beginning moving in a clockwise direction North 22 degrees 37 minutes 20.62 seconds East a distance of 34.89 feet to a calculated point, thence running North 22 degrees 37 minutes 19.61 seconds East a distance of 16.16 feet to a calculated point, thence running South 15 degrees 30 minutes 50.50 seconds West a distance of 6.92 feet to a calculated point, thence running South 20 degrees 33 minutes 25.80 seconds West a distance of 19.60 feet to a calculated point, thence running South 22 degrees 54 minutes 34.37 seconds West a distance of 24.52 feet to a calculated point, thence running North 70 degrees 12 minutes 5.22 seconds West a distance of 1.44 feet to the POINT OF BEGINNING. Containing 63 square feet or 0.001 acres, more or less as shown on PWC drawing AWS-15462.

AND WHEREAS, The City of Fayetteville by and through the Fayetteville Public Works Commission has requested that the above portions of the City-owned lots be set aside to be utilized as Water and Sanitary Sewer easements to continue with the completion of the Ray Avenue Drainage Project;

WHEREAS, North Carolina General Statute § 160A-273 permits the City to establish easements in said property; and

NOW THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, the City Council declares that the City Manager is authorized to execute all necessary documents to establish an easement in the above described property.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 13th day of November, 2023; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

(SEAL)

By: _____
MITCH COLVIN, Mayor

ATTEST:

PAMELA MEGILL, City Clerk



I, JOHN E. KAUKOLA, JR., HEREBY DECLARE THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM A SURVEY MADE UNDER MY SUPERVISION, THAT THIS MAP DOES NOT REPRESENT AN OFFICIAL BOUNDARY SURVEY AND HAS NOT BEEN PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. IT HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL, THIS 2ND DAY OF SEPTEMBER, 2022.

I FURTHER CERTIFY THAT THIS SURVEY WAS BASED ON HORIZONTAL AND VERTICAL CONTROL POINTS DETERMINED FROM AN ACTUAL GPS (OR GNSS) SURVEY MADE UNDER MY DIRECT SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

HORIZONTAL POSITIONAL ACCURACY: 0.10 FEET
 VERTICAL ACCURACY: 0.10 FEET
 TYPE OF GPS: VRS RTK
 DATES OF SURVEY: JULY 28 2022
 HORIZONTAL DATUM/EPOCH: NAD 83 (2011)
 VERTICAL DATUM: NAVD 88
 PUBLISHED/FIXED-CONTROL USE: NCGS "PTS 4"
 GSDM MODEL: 128
 COMBINED GRID FACTOR: 0.99987938
 UNITS: US SURVEY FEET



John E. Kaukola, Jr.
 NORTH CAROLINA PROFESSIONAL LAND SURVEYOR
 REGISTRATION NUMBER L-3999
 john.kaukola@sam.biz
 919-802-8898

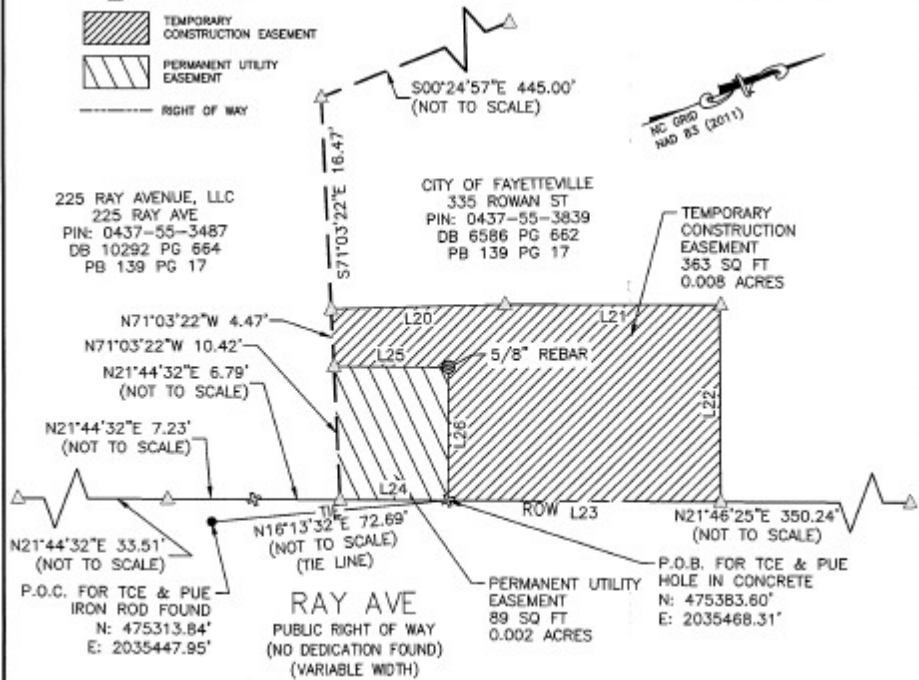
10/10/2022

**VICINITY MAP
(N.T.S.)**

- LEGEND:**
- HOLE IN CONCRETE
 - CALCULATED POINT
 - TEMPORARY CONSTRUCTION EASEMENT
 - PERMANENT UTILITY EASEMENT
 - RIGHT OF WAY

225 RAY AVENUE, LLC
 225 RAY AVE
 PIN: 0437-55-3487
 DB 10292 PG 664
 PB 139 PG 17

CITY OF FAYETTEVILLE
 335 ROWAN ST
 PIN: 0437-55-3839
 DB 6586 PG 662
 PB 139 PG 17

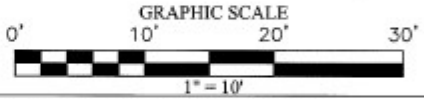


Line Table		
Line #	Length	Direction
L20	13.429	N19° 56' 35.84"E
L21	16.805	N21° 36' 41.55"E
L22	15.344	S88° 42' 16.35"E
L23	21.084	S21° 46' 25.00"W
L24	8.335	S21° 46' 25.00"W
L25	8.850	N21° 46' 25.00"E
L26	10.405	S88° 13' 35.00"E

NCGS MONUMENT
 "PTS 4"
 PUBLISHED COORDINATES
 NAD83/2001
 N: 474924.95
 E: 2034534.95
 ELEV: 101.43 NAVD 88
 COMBINED FACTOR: 0.99987938

NOTES:

- CONTROL USED HEREON WAS PROVIDED BY WK DICKSON, INC. ON A SURVEY PERFORMED BY STEWART ON 07/09/2020 AND 08/06/2020. THEN CHECKED BY SAM ON JULY 28TH, 2022.
- INFORMATION SHOWN BASED ON A FIELD SURVEY PERFORMED BY SAM LLC ON JULY 28, 2022.
- REFERENCES SHOWN HEREON.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
- THE HORIZONTAL DATUM IS N.C. GRID NAD 83/2011.



2641-116 Sumner Blvd.
 Raleigh, NC 27616
 Ofc: 919.878.7466
 Email: info@sam.biz
 NCBELS FIRM#: F-1442
 PROJECT# 1022071807



FAYETTEVILLE PUBLIC WORKS COMMISSION

EXHIBIT "C" - PERMANENT UTILITY EASEMENT & TEMPORARY CONSTRUCTION EASEMENT - RAY AVENUE

OWNER: CITY OF FAYETTEVILLE		SHEET 3 OF 6	
DEED BOOK: 6586	PAGE: 662	REID# 0437553839000	
TOWNSHIP: CROSS CREEK	COUNTY: CUMBERLAND	STATE: NORTH CAROLINA	
PROJECT MANAGER: JA	DRAWN BY: VR	APPROVE BY: JK	
DATE: 10/10/22	SCALE 1"=10'	PWC DRAWING:	

AVS-16462



VICINITY MAP
(N.T.S.)

I, JOHN E. KAIKOLA, JR., HEREBY DECLARE THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM A SURVEY MADE UNDER MY SUPERVISION, THAT THIS MAP DOES NOT REPRESENT AN OFFICIAL BOUNDARY SURVEY AND HAS NOT BEEN PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. IT HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 2ND DAY OF SEPTEMBER, 2022.

I FURTHER CERTIFY THAT THIS SURVEY WAS BASED ON HORIZONTAL AND VERTICAL CONTROL POINTS DETERMINED FROM AN ACTUAL GPS (OR GNSS) SURVEY MADE UNDER MY DIRECT SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

HORIZONTAL POSITIONAL ACCURACY: 0.10 FEET
 VERTICAL ACCURACY: 0.10 FEET
 TYPE OF GPS: WGS 1984
 DATES OF SURVEY: JULY 28 2022
 HORIZONTAL DATUM/EPOCH: NAD 83 (2011)
 VERTICAL DATUM: NAVD 88
 PUBLISHED/FIXED-CONTROL USE: NCGS "PTS 4"
 GEOID MODEL: 12B
 COMBINED GRID FACTOR: 0.99987938
 UNITS: US SURVEY FEET

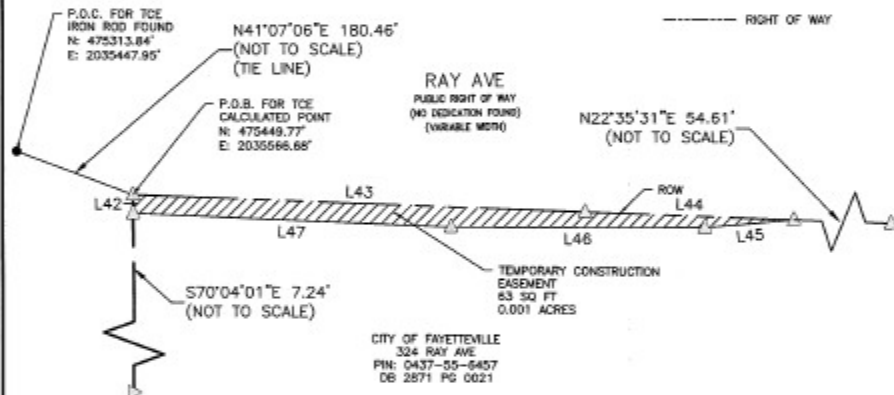
John E. Kaikola, Jr.
 NORTH CAROLINA PROFESSIONAL LAND SURVEYOR
 REGISTRATION NUMBER L-3999
 john.kaikola@SAM.biz
 919-802-8898



10/10/2022



- LEGEND:
- CALCULATED POINT
 - TEMPORARY CONSTRUCTION EASEMENT
 - PERMANENT UTILITY EASEMENT
 - RIGHT OF WAY



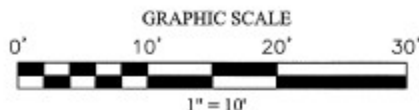
CITY OF FAYETTEVILLE
 324 RAY AVE
 P/N: 0437-55-6457
 DB 2871 PG 0021

Line Table		
Line #	Length	Direction
L42	1.441	N70° 12' 05.22"W
L43	34.887	N22° 37' 20.62"E
L44	16.157	N22° 37' 19.61"E
L45	8.921	S15° 30' 50.50"W
L46	19.597	S20° 33' 25.80"W
L47	24.521	S22° 54' 34.37"W

NOTES:

- CONTROL USED HEREON WAS PROVIDED BY WK DICKSON, INC. ON A SURVEY PERFORMED BY STEWART ON 07/09/2020 AND 08/05/2020, THEN CHECKED BY SAM ON JULY 28TH, 2022.
- INFORMATION SHOWN BASED ON A FIELD SURVEY PERFORMED BY SAM LLC ON JULY 28, 2022.
- REFERENCES SHOWN HEREON.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
- THE HORIZONTAL DATUM IS N.C. GRID NAD 83/2011.

NCGS MONUMENT
 "PTS 4"
 PUBLISHED COORDINATES
 NAD83/2001
 N: 474824.95
 E: 2034534.95
 ELEV: 101.43 NAVD 88
 COMBINED FACTOR: 0.99987938



SAM

2641-116 Sumner Blvd.
 Raleigh, NC 27616
 Ofc: 919.878.7466
 Email: info@sam.biz
 NCBELS FIRM#: F-1442
 PROJECT# 1022071807

PWC

FAYETTEVILLE PUBLIC WORKS COMMISSION

EXHIBIT "F" - PERMANENT UTILITY EASEMENT &
 TEMPORARY CONSTRUCTION EASEMENT - RAY AVENUE

OWNER: CITY OF FAYETTEVILLE	PAGE: 0021	REID# 0437556457000	SHEET 6 OF 8
DEED BOOK: 2871	COUNTY: CLUMBERLAND	STATE: NORTH CAROLINA	
TOWNSHIP: CROSS CREEK	DRAWN BY: VR	APPROVE BY: JK	
PROJECT MANAGER: JA	SCALE 1"=10'	PWC DRAWING:	
DATE: 10/10/2022			

AWS-15462



City of Fayetteville

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

City Council Action Memo

File Number: 23-3685

Agenda Date: 11/13/2023

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.08

TO: Mayor and Members of City Council

THRU: Jeffrey Yates, Assistant City Manager

FROM: Yamile Nazar, DEI Director, Human Relations Department

DATE: November 13, 2023

RE:

Request to affirm the language on the historical marker at the Market House

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal IV: Desirable place to live, work, and recreate.

Executive Summary:

Update on measures taken to repurpose the Market House/Square, and approaching tasks.

Background:

At the request of the City Manager, Fayetteville-Cumberland Human Relations Director Dr. Anthony Wade was assigned the responsibility of assembling a working group to identify, develop, and prioritize strategic recommendations to the City for the repurposing the Fayetteville Market House as a community asset (Report provided to City Council on April 15, 2021, attached.)

At the request of the City Council (hereon in, "CC"), Human Relations staff, in conjunction with the Human Relations Commission (heron in, "FCHRC"), hosted two City SPIRIT events and received community feedback on how they would like to see the repurposing of the Market House. Following the City SPIRIT events, additional information was gathered from approximately 500+ residents through community engagement.

The Fayetteville historic Market Square has the potential to contribute significantly to local

and regional history, positive community race and human relations, residents' quality of life, municipal tourism, and the regional economy.

Issues/Analysis:

As a result of the City SPIRIT events, a recommendation surfaced that the FCHRC consider altering the language on a plaque written by a committee Chaired by late educator Dr. W.T. Brown and late journalist and historian Roy Parker Jr., which was mounted in 1989 as a prior attempt to address the building's difficult history. The recommended modification was considered and gained consensus by CC on August 1, 2022.

The plaque's current wording is: "IN MEMORY AND HONOR OF THOSE INDOMITABLE PEOPLE WHO WERE STRIPPED OF THEIR DIGNITY WHEN SOLD AS SLAVES AT THIS PLACE. THEIR COURAGE IN THAT TIME IS A PROUD HERITAGE OF ALL TIMES. THEY ENDURED THE PAST SO THE FUTURE COULD BE WON FOR FREEDOM AND JUSTICE. THEIR SUFFERING AND SHAME AFFORDED THE OPPORTUNITY FOR FUTURE GENERATIONS TO BE RESPONSIBLE CITIZENS. FREE TO LIVE, WORK, AND WORSHIP IN THE PURSUIT OF THE BLESSINGS OF LIBERTY TO OURSELVES AND OUR POSTERITY. CITY COUNCIL OF FAYETTEVILLE 1989"

The recommended wording for the plaque is: "IN MEMORY AND HONOR OF THOSE INDOMITABLE PEOPLE WHO WERE STRIPPED OF THEIR DIGNITY WHEN **ENSLAVED AND** SOLD AS SLAVES AT THIS **AND OTHER PLACES IN OUR COMMUNITY**. THEIR COURAGE IN THAT TIME IS A PROUD HERITAGE OF ALL TIMES. THEY ENDURED THE PAST SO THE FUTURE COULD BE WON FOR FREEDOM AND JUSTICE. THEIR SUFFERING AND **STRENGTH** AFFORDED THE OPPORTUNITY FOR FUTURE GENERATIONS TO BE **RECOGNIZED AS** CITIZENS, FREE TO LIVE, WORK AND WORSHIP IN THE PURSUIT OF THE BLESSINGS OF LIBERTY TO OURSELVES AND POSTERITY. REVISED BY 2023 FAYETTEVILLE CITY COUNCIL.

Budget Impact:

Paid from Historical Properties Fund (State Grant) \$2,995.

Options:

N/A

Recommended Action:

Affirm the language as presented.

Attachments:

Report provided to Council on April 15, 2021.

Suggested Options for The Relocation / Repurposing of The Historic Fayetteville Market House





The Historic Fayetteville Market House

- Introduction – Jay Toland
- Relocation – Cliff Isaac
 - Process to gather information
 - Findings – Steve Fleming – Engineer – Fleming and Associates
- Repurposing – Dr. Anthony Wade
 - Process of sub-committee
 - Process of selection of the top five recommendations
 - Artist's rendering of recommendations and related efforts in other communities - Eric Lindstrom – Architect SFI+A



INTRODUCTION



RELOCATION





The Historic Fayetteville Market House

RELOCATION – Cliff Isaac, Construction Management and Capital Projects Director

- Process to gather information
 - Assessment of the feasibility of relocating the Market House to the following three locations:
 - Lamon Park
 - Arsenal Park
 - Cape Fear River Park.
 - Staff has met and/or spoken with PWC, moving companies, and a structural engineering consultant to assess the sites.
 - In an effort to protect the Market House from potential damage due to underground utility failures, PWC has installed over \$1 million of underground infrastructure around the Market House.
- Findings – Steve Fleming – Engineer – Fleming and Associates

REPURPOSING





The Historic Fayetteville Market House

REPURPOSING – Dr. Anthony Wade, Human Relations Director

- Process - A working group was assembled to identify, develop, and prioritize strategic recommendations to the City for the repurposing of the Fayetteville Market House as a community asset.
- If strategically repurposed, the Historic Market House has the potential to:
 - Make a significant contribution to local and regional African-American history
 - Impact positive community race and human relations related to quality of life for residents
 - Benefit municipal tourism and the regional economy.



The Historic Fayetteville Market House

WORKING GROUP MEMBERS

Eric Olson

Kelvin C. Harney

Dr. Miriam DeLone

Dr. Miriam DeLone

Dr. Linda D. Tomlinson

Dr. Stanley Wearden

Semone Pemberton

Bianca Shoneman

Milette Harris

Robert Pinson

Michael Gibson

Deborah Mintz

Eric Lindstrom



TOP 5 SUGGESTED OPTIONS

- Structural Modification - Inside lane of the traffic circle bricked in to create a larger footprint for outside activities.
- Art Exhibits - Activate the four sidewalk corners to speak to the diversity of the community (not just Black history). Corners can host temporary art. Make it active space that people can engage with.
- Art Exhibits - In depth with the emotional connectivity associated with the history of Fayetteville and the Market House highlighting successful Black contributors to the structure. Upstairs - present/future. Downstairs – past.

TOP 5 SUGGESTED OPTIONS

- Commerce - Monthly market activity on the lower level. Vendor emphasis on people of color (i.e., farmers, entrepreneurs, artists, etc.) that carries down the streets in front of the shops. Can also include a space for collection and sharing of oral history.
- Themed Events - Destination visit for education of the student community (Pre-K through 12 and college/university) with a combination of static displays, plays, volunteer opportunities, master classes.



Artist's Renderings of Recommendations and Related Efforts in Other Communities



Suggested Options for The Relocation / Repurposing of The Historic Fayetteville Market House



SUMMARY





City of Fayetteville

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

City Council Action Memo

File Number: 23-3667

Agenda Date: 11/13/2023

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.09

TO: Mayor and Members of City Council

**THRU: Timothy L. Bryant, CEO/General Manager
Fayetteville Public Works Commission**

FROM: Fayetteville Public Works Commission

DATE: November 13, 2023

RE:

**PWC - Bid Recommendation - 360 Capacitor Cans for East and West Racks at
POD2**

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

High Quality Built Environment

Executive Summary:

Bids were received for the purchase of 360 Capacitor Cans for the East and West Racks at POD2. The lowest responsive, responsible bidder is WESCO Distribution, Inc., Clayton, NC, in the total amount of \$248,040.00.

Background:

The Fayetteville Public Works Commission, during their meeting on October 25, 2023, approved the bid recommendation to award the purchase of 360 Capacitor Cans for the East and West Racks at POD2 to WESCO Distribution, Inc., Clayton, NC, the lowest responsive, responsible bidder in the total amount of \$248,040.00. The Commission also approved to forward this recommendation to City Council for approval.

Bidders	Manufacturer	Unit Cost	Total	Lead Time
---------	--------------	-----------	-------	-----------

WESCO Distribution, Inc., Clayton, NC 25 Wks	Trinetix	\$ 689.00	\$248,040.00	23-
Border States Industries, Inc.	Cooper.Eaton	\$ 725.00	\$261,000.00	75 Wks
WESCO Distribution, Inc., Clayton, NC 24-25 Wks	Hitachi/ABB	\$1,203.00	\$433,080.00	

Issues/Analysis:

Notice of the bid was advertised through our normal channels on September 21, 2023, with a bid opening date of October 10, 2023. Bids were solicited from three (3) vendors and two (2) were received. The Commission is asked to approve the purchase award for 360 Capacitor Cans, 1-PH, 100 KVAR, 7960 VOLT to the lowest, responsive, responsible bidder, Wesco Distribution Inc., Clayton, NC in the amount of \$248,040.00.

MWDBE/SLS Participation: WESCO Distribution, Inc., Clayton, NC, is not a small local supplier business and is not classified as a MWDBE Business.

Budget Impact:

The Capacitor Cans, 1-PH, 100KVR, 7960 VOLT are budgeted in Warehouse Inventory

Options:

N/A

Recommended Action:

The Fayetteville Public Works Commission recommends the Fayetteville City Council approve the bid recommendation to award the purchase of 360 Capacitor Cans for the East and West Racks for POD2 to WESCO Distribution, Inc., Clayton, NC, the lowest responsive, responsible bidder in the total amount of \$248,000.00.

Attachments:

Bid Recommendation - Capacitor Cans

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Timothy Bryant, CEO/General Manager

DATE: 10/13/2023

FROM: Candice S. Kirtz, Director of Supply Chain

.....

ACTION REQUESTED: Approve award for the purchase of 360 capacitor cans that are needed to replace aged capacitor cans for the East Rack (18MVar) and West Rack (18MVar) at POD2 (PWC2324018).

BID/PROJECT NAME: Capacitor Can, 1-PH, 100 KVAR, 7960 VOLT

BID DATE: October 10, 2023

DEPARTMENT: Warehouse

BUDGET INFORMATION: Warehouse Inventory

.....

BIDDERS	MANUFACTURER	UNIT COST	TOTAL	LEAD TIMES
WESCO Distribution, Inc. Clayton, NC	Trinetix	\$689.00	\$248,040.00	23-25 Weeks
Broder States Industries, Inc. Greenville, SC	Cooper/Eaton	\$725.00	\$261,000.00	75 Weeks
WESCO Distribution, Inc. Clayton, NC	Hitachi/ABB	\$1,203.00	\$433,080.00	24-25 Weeks

.....

AWARD RECOMMENDED TO: Wesco Distribution Inc., Clayton, NC

BASIS OF AWARDS: Lowest responsive, responsible bidder

COMMENTS: Notice of the bid was advertised through our normal channels on September 21, 2023, with a bid opening date of October 10, 2023. Bids were solicited from three (3) vendors and two (2) were received. The Commission is asked to approve the purchase award for Capacitor Can, 1-PH, 100 KVAR, 7960 VOLT to the lowest, responsive, responsible bidder, Wesco Distribution Inc., Clayton, NC in the amount of \$248,040.00.

.....

ACTION BY COMMISSION
APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL
APPROVED _____ REJECTED _____
DATE _____

BID HISTORY
Capacitor Can, 1-PH, 100
KVAR, 7960
BID DATE: October 10, 2023

Advertisement

1. PWC Website 09/21/23 through 10/10/23

List of Prospective Bidders Notified of Bid

1. Wesco Distribution Inc., Clayton, NC
2. Border States Electric, Greenville, SC
3. Stuart C. Irby Company, Atlanta, GA

**PWC Procurement Mailing List- Registered vendors via the PWC website and event registrants.
(approximately 2000+ contacts)**

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)
FSU Career Pathways Initiative
NAACP, Fayetteville Branch
FTCC Small Business Center (SBC)
Greater Fayetteville Chamber, RFP posting submitted
Hope Mills Chamber
Spring Lake Chamber
Hoke 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
International Women in Transportation- Triangle Chapter

Media

Fayetteville Observer

WIDU, AM1600

IBronco Radio at FSU

Fayetteville Press News

Up & Coming Weekly

Bladen Journal

Greater Fayetteville Business Journal

MWDBE / SLS Participation

WESCO Distribution Inc., Clayton, NC is not a small local supplier business and is not classified as an MWDBE Business.



City of Fayetteville

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

City Council Action Memo

File Number: 23-3668

Agenda Date: 11/13/2023

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.010

TO: Mayor and Members of City Council

**THRU: Timothy L. Bryant, CEO/General Manager
Fayetteville Public Works Commission**

FROM: Fayetteville Public Works Commission

DATE: November 13, 2023

RE:

PWC - Bid Recommendation - AFT Compressor Casings

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

High Quality Built Environment

Executive Summary:

Bids were received for two (2) AFT Compressor Casings. The lowest responsive, responsible bidder is Turbine Technology Services, Orlando, FL, in the total amount of \$185,000.00

Background:

The Fayetteville Public Works Commission, during their meeting on October 25, 2023, approved the bid recommendation to award the purchase of two (2) AFT Compressor Casings to Turbine Technology Services, Orlando, FL, the lowest responsive, responsible bidder in the total amount of \$185,000.00 The Commission also approved to forward this recommendation to City Council for approval.

Bidders	Unit Cost	Total Price	Lead Time
Turbine Technology Services, Corp., Orlando, FL		\$92,500.00	\$185,000.00
			11

Weeks

Issues/Analysis:

Notice of the bid was advertised through our normal channels on October 6, 2023, with a bid opening date of October 17, 2023. Bids were solicited from one (1) vendor and one (1) bid was received. The Commission is asked to approve the purchase award for two (2) AFT compressor casings needed for gas turbines located at the Butler-Warner Generation Plant to the lowest, responsive, responsible bidder, Turbine Technology Services Corporation, Orlando, FL.

MWDBE/SLS Participation: Turbine Technology Services Corporation, Orlando, FL, is not a small local supplier business and is not classified as a MWDBE Business.

Budget Impact:

The two (2) AFT Compressor Casings are budgeted in the Butler Warner Generation Plant Inventory.

Options:

N/A

Recommended Action:

The Fayetteville Public Works Commission recommends the Fayetteville City Council approve the bid recommendation to award the purchase of two (2) AFT Compressor Casings to Turbine Technology Services, Orlando, FL, the lowest responsive, responsible bidder in the total amount of \$185,000.00.

Attachments:

Bid Recommendation - AFT Compressor Casings

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Timothy Bryant, CEO/General Manager

DATE: 10/18/2023

FROM: Candice S. Kirtz, Director of Supply Chain

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ACTION REQUESTED: Approve award for the purchase of two (2) AFT compressor casings needed for gas turbines located at the Butler-Warner Generation Plant. (PWC2324025).

BID/PROJECT NAME: AFT Compressor Casing Gas Turbine (BWGP Inventory)

BID DATE: October 17, 2023

DEPARTMENT: Butler-Warner Generation Plant

BUDGET INFORMATION: Butler Warner Generation Plant Inventory

.....

BIDDERS	MODEL NO.	UNIT COST	TOTAL	LEAD TIMES
Turbine Technology Services Orlando, FL	772E0618G001	\$92,500.00	\$185,000.00	11 Weeks

.....

AWARD RECOMMENDED TO: Turbine Technology Services Corporation

BASIS OF AWARDS: Lowest responsive, responsible bidder

COMMENTS: Notice of the bid was advertised through our normal channels on October 6, 2023, with a bid opening date of October 17, 2023. Bids were solicited from one (1) vendor and one (1) bid was received. The Commission is asked to approve the purchase award for two (2) AFT compressor casings needed for gas turbines located at the Butler-Warner Generation Plant to the lowest, responsive, responsible bidder, Turbine Technology Services Corporation, Orlando, FL.

.....
ACTION BY COMMISSION
APPROVED _____ **REJECTED** _____
DATE _____

ACTION BY COUNCIL
APPROVED _____ **REJECTED** _____
DATE _____

BID HISTORY
AFT Compressor Casing
Gas Turbine (BWGP Inventory)
BID DATE: October 17, 2023

Advertisement

1. PWC Website 10/6/2023-10/17/2023

List of Prospective Bidders Notified of Bid

1. Turbine Technology Services Corporation, FL

**PWC Procurement Mailing List- Registered vendors via the PWC website and event registrants.
(approximately 2000+ contacts)**

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)
FSU Career Pathways Initiative
NAACP, Fayetteville Branch
FTCC Small Business Center (SBC)
Greater Fayetteville Chamber, RFP posting submitted
Hope Mills Chamber
Spring Lake Chamber
Hoke 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
International Women in Transportation- Triangle Chapter

Media

Fayetteville Observer
WIDU, AM1600

IBronco Radio at FSU
Fayetteville Press News
Up & Coming Weekly
Bladen Journal
Greater Fayetteville Business Journal

MWDBE / SLS Participation

Turbine Technology Services Corporation, FL is not a small local supplier business and is not classified as an MWDBE Business.



City of Fayetteville

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

City Council Action Memo

File Number: 23-3669

Agenda Date: 11/13/2023

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.011

TO: Mayor and Members of City Council

**THRU: Timothy L. Bryant, CEO/General Manager
Fayetteville Public Works Commission**

FROM: Fayetteville Public Works Commission

DATE: November 13, 2023

RE:

PWC - Bid Recommendation - Re-advertisement PO Hoffer Water Treatment Facility and Glenville Lake Water Treatment Facility Reliability Improvements Contract 55

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

High Quality Built Environment

Executive Summary:

Bids were received for the Re-advertisement of the PO Hoffer WTF and the Glenville Lake WTF Reliability Improvements Contract 55. The lowest responsive, responsible bidder is Crowder Construction Company, Apex, NC, in the total amount of \$18,103,000 and \$3,724,000, respectively.

Background:

The Fayetteville Public Works Commission, during their meeting on October 25, 2023, approved the bid recommendation to award the base bid and alternate bid for the Re-advertisement PO Hoffer Water Treatment Facility and Glenville Lake Water Treatment Facility Reliability Improvements Contract #55 to Crowder Construction Company, Apex, NC, the lowest responsive, responsible bidder in the total amount of \$18,103,000 and \$3,724,000, respectively. The Commission also approved to forward

this recommendation to City Council for approval.

Bidders	Base Bid	Alternate Bid	Ext. Total	
Crowder Construction Co., Apex, NC	\$18,103,000		\$3,724,000	\$21,827,000
Wharton-Smith, Charlotte, NC	\$22,654,000		\$3,620,000	\$26,274,000
MB Kahn Construction, Columbia, SC	\$24,177,100		\$4,777,900	\$28,955,000

Issues/Analysis:

The Commission is asked to approve a construction award for PO Hoffer Water Treatment Facility and Glenville Lake Water Treatment Facility Reliability Improvements Contract No. 55. Notice of the bid was advertised through PWC’s normal channels on July 31, 2023, with an initial bid opening date of August 29, 2023, extended through September 29, 2023. Bids were solicited from three (3) bidders. PWC received only two (2) bids for this project. A re-advertisement of the bid was then undertaken with a new bid opening date of September 29, 2023. PWC received three (3) additional bids for this project. The three (3) bids received were then evaluated by the Water Resources Engineering and Procurement departments. The lowest responsive, responsible bidder was Crowder Construction Company, Apex, NC.

MWDBE/Local Participation: : Crowder Construction Company, Apex, NC is not a local business and is not classified as a Minority or Woman-Owned business. They expect to allocate \$161,500.00 in HUB expenditure with Crowder Trucking, a local MWDBE, and National Erectors, an MWDBE within the geographic statistical region.

Budget Impact:

Funding for this project will come from Drinking Water State Revolving Fund (DWSRF) loans and revenue bond (Hoffer at 75% 205.0000.0435.2102911-06.700030. CPR1000458 Glenville at 25% 205.0000.0435.2102980-06.700030..CPR1000458

Options:

N/A

Recommended Action:

The Fayetteville Public Works Commission recommends the Fayetteville City Council approve the bid recommendation to award the Readvertisement of the PO Hoffer WTF and the Glenville Lake WTF Reliability Improvements Contract # 55 base bid and alternate bid to Crowder Construction Company, Apex, NC, the lowest responsive, responsible bidder in the total amount of \$18,103,000 and \$3,724,000, respectively, and authorize the CEO and General Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its construction.

Attachments:

Bid Recommendation - Readvertisement PO Hoffer WTF and Glenville Lake WTF
Reliability Improvements Contract 55

**FAYETTEVILLE PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Timothy Bryant, CEO/General Manager

DATE: October 13, 2023

FROM: Candice S. Kirtz, Director of Supply Chain

.....

ACTION REQUESTED: Approve base bid and alternate bid award for Re-Advertisement PO Hoffer Water Treatment Facility and Glenville Lake Water Treatment Facility Reliability Improvements Contract No. 55 (PWC2223029). The contract will include reliability improvements to resolve deficiencies found in the P.O. Hoffer Water Treatment Facility (WTF) motor control centers and high-service valves. The contract also includes a new powder-activated carbon facility to improve the WTF's ability to mitigate taste and odor concerns. A SCADA control system replacement is another part of the contract that is necessary to make Glenville Lake WTF SCADA control system uniform with the other SCADA control systems throughout PWC.

BID/PROJECT NAME: Re-Advertisement PO Hoffer Water Treatment Facility and Glenville Lake Water Treatment Facility Reliability Improvements Contract No. 55

BID DATE: September 29, 2023

DEPARTMENT: Water Resources Engineering

BUDGET INFORMATION: Funding for this project will come from Drinking Water State Revolving Fund (DWSRF) loans and revenue bond (Hoffer at 75% 205.0000.0435.2102911-06.700030. CPR1000458 Glenville at 25% 205.0000.0435.2102980-06.700030..CPR1000458).

.....

BIDDERS	BASE BID	ALTERNATE BID	EXTENDED TOTAL
Crowder Construction Company, Apex, NC	\$18,103,000	\$3,724,000	\$21,827,000
Wharton-Smith, Charlotte, NC	\$22,654,000	\$3,620,000	\$26,274,000
MB Khan Construction, Columbia, SC	\$24,177,100	\$4,777,900	\$28,955,000

.....

AWARD RECOMMENDED TO: Crowder Construction Company, Charlotte, NC

BASIS OF AWARD: Lowest responsive, responsible bidder

COMMENTS: The Commission is asked to approve a construction award for PO Hoffer Water Treatment Facility and Glenville Lake Water Treatment Facility Reliability Improvements Contract No. 55. Notice of the bid was advertised through PWC's normal channels on July 31, 2023, with an initial bid opening date of August 29, 2023, extended through September 29, 2023. Bids were solicited from three (3) bidders. PWC received only two (2) bids for this project. A re-advertisement of the bid was then undertaken with a new bid opening date of September 29, 2023. PWC received three (3) additional bids for this project. The three (3) bids received were then evaluated by the Water Resources Engineering and Procurement departments. The lowest responsive, responsible bidder was Crowder Construction Company, Apex, NC. Therefore, PWC recommends to award this project to the lowest responsive, responsible bidder, Crowder Construction.

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ACTION BY COMMISSION

APPROVED _____ REJECTED _____
DATE _____

ACTION BY COUNCIL
APPROVED _____ REJECTED _____
DATE _____

BID HISTORY

Re-Advertisement PO Hoffer Water Treatment Facility and Glenville Lake Water Treatment Facility
Reliability Improvements Contract No. 55

BID DATE: September 29, 2023, at 2:00 pm

Advertisement

1.	PWC Website	07/31/2023 through 09/29/2023
2.	Addendum 1	08/22/2023 through 09/29/2023
3.	Addendum 2	09/06/2023 through 09/29/2023
4.	Addendum 3	09/15/2023 through 09/29/2023
5.	Addendum 4	09/19/2023 through 09/29/2023
6.	Addendum 5	09/26/2023 through 09/29/2023

List of Prospective Bidders Notified of Bid

1. Crowder Construction Company, Apex, NC
2. T.A. Loving Company, Goldsboro, NC
3. J. Cumby Construction, Cookeville, TN

**PWC Procurement Mailing List- Registered vendors via the PWC website and BBR registrants.
(approximately 2000+ contacts)**

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)
FSU Career Pathways Initiative
NAACP, Fayetteville Branch
FTCC Small Business Center (SBC)
Greater Fayetteville Chamber, RFP posting submitted
Hope Mills Chamber
Spring Lake Chamber
Hoke 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
International Women in Transportation- Triangle Chapter

Media

Fayetteville Observer
WIDU, AM1600
IBronco Radio at FSU
Fayetteville Press News
Up & Coming Weekly
Bladen Journal
Greater Fayetteville Business Journal

MWDBE / Local Participation

Crowder Construction Company, Apex, NC is not a local business and is not classified as a Minority or Women-Owned business. They expect to allocate \$161,500.00 in HUB expenditure with Crowder Trucking, a local MWDBE, and National Erectors, an MWDBE within the geographic statistical region.



City of Fayetteville

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

City Council Action Memo

File Number: 23-3680

Agenda Date: 11/13/2023

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.012

TO: Mayor and Members of City Council

THRU: Timothy L. Bryant, PWC CEO/General Manager
Fayetteville Public Works Commission

FROM: Fayetteville Public Works Commission

DATE: November 13, 2023

RE:

PWC - Resolutions Directing Construction of Area 28 and Area 33 North of the Phase 5 Annexation Utility Improvement Project be Undertaken

COUNCIL DISTRICT(S):

7, 8

Relationship To Strategic Plan:

High Quality Built Environment - Neighborhoods and Infrastructure

Executive Summary:

Adopting the Resolutions Directing Construction of Area 28 and Area 33 North of the Phase 5 Annexation Utility Improvement Project be Undertaken is part of the statutory requirement process for providing sewer to these Phase 5 Annexation areas.

Background:

As part of the statutory requirements for annexation procedures, City Council approved Resolution Number 2023-020 in their meeting on May 8, 2023. A Public Hearing was held on October 9, 2023 to hear public comment regarding the projects. The next step is to adopt the Resolutions Directing Construction of Area 28 and Area 33 North of the Phase 5 Annexation Utility Improvement Project be Undertaken.

Issues/Analysis:

N/A

Budget Impact:

N/A

Options:

N/A

Recommended Action:

Staff recommends Council move to adopt the attached Resolution Directing Construction of Area 28 of the Phase 5 Annexation Utility Improvement Project be Undertaken and the Resolution Directing Construction of Area 33 North of the Phase 5 Annexation Utility Improvement Project be Undertaken.

Attachments:

Resolution Directing the Project be Undertaken for Phase 5 Annexation Area 28
Resolution Directing the Project be Undertaken for Phase 5 Annexation Area 33 North

**RESOLUTION DIRECTING CONSTRUCTION OF
AREA 28 OF THE PHASE 5 ANNEXATION
UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN**

WHEREAS, on May 8, 2023, the City Council of the City of Fayetteville approved the Resolution and Order to File and Publish a Preliminary Assessment Resolution for the Extension of the Sanitary Sewer Collection System in all or a Portion of the Streets within Area 28 of the Phase 5 Annexation Listed on Exhibit “A”; and

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

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

1. The public interest, safety, convenience, and general welfare requires the extension of the sanitary sewer collection system into all or a portion of the streets as described on Exhibit “A”;
2. The resolution and order adopted at its meeting on the May 8, 2023 by the City Council of the City of Fayetteville having been duly published on September 26, 2023 in the Fayetteville Observer, a newspaper published in the City of Fayetteville, North Carolina, giving notice of a meeting of the City Council to be held in Council Chambers of City Hall at 7 p.m., on the October 9, 2023 when all objections to the legality of making the proposed improvements were to be made in writing, signed in person or by attorney, filed with the Clerk of the City of Fayetteville at or before said time, and that any objections not so made would be waived and objections to the legality as well as to the policy or expediency of the making of said improvements have not been filed or made (or having been filed or made which objections were duly considered by said City Council and none of said objections were sustained); and
3. The property abutting said streets will be benefitted by the extension of such sanitary sewer collection system to the extent of the part of the cost thereof to be assessed as stated below against such abutting property.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Fayetteville that the sanitary sewer collection system shall be installed in all of the street portions to be specifically assessed upon the property receiving benefit of the sanitary sewer extension in the amount of \$5,000 for what is described as single family residential parcels requiring one sewer service lateral with remaining property being assessed at an equal rate of \$55.56 per foot of road frontage but not less than ninety (90) feet plus the average cost for service laterals as may

be installed for the benefit of the non-single family residential parcels. Said assessments to be paid after completion of such work and within thirty (30) days after notice of the assessments in cash with no interest or in equal annual installments over a term of ten (10) years bearing annual interest at a rate not to exceed eight percent (8%) payable annually.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA on this, the ____ day of _____, 2023; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

Mitch Colvin, Mayor

Pamela J. Megill, City Clerk

EXHIBIT "A"
Page 1 of 1

Construction Area 28

Street Names	From Intersection	To Intersection
Beaverstone Road	Westerly from Brookshire Street	Timbercroft Lane
Mangrove Drive	Westerly from Brookshire Street	Timbercroft Lane
Wickersham Road	West Southwesterly from Brookshire Street	Buttermere Road
Weeping Water Run	Westerly from Brookshire Street	Mangrove Drive
Big Wood Road	Westerly from Brookshire Street	Timbercroft Lane
Bluffview Road	West Northwesterly from Brookshire Street	Timbercroft Lane
Brookshire Street	Southwardly from Pin Oak Lane	Beaverstone Road
Timbercroft Lane	Southwesterly from Brookshire Street	Mossyvale Way
Brockwood Street	Southwardly from Beaverstone Road	Hurstbourne Lane
Skyhawk Drive	Southwardly from Beaverstone Road	Hurstbourne Lane

**RESOLUTION DIRECTING CONSTRUCTION OF
AREA 33 NORTH OF THE PHASE 5 ANNEXATION
UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN**

WHEREAS, on May 8, 2023, the City Council of the City of Fayetteville approved the Resolution and Order to File and Publish a Preliminary Assessment Resolution for the Extension of the Sanitary Sewer Collection System in all or a Portion of the Streets within Area 33 North of the Phase 5 Annexation Listed on Exhibit “A”; and

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

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

1. The public interest, safety, convenience, and general welfare requires the extension of the sanitary sewer collection system into all or a portion of the streets as described on Exhibit “A”;
2. The resolution and order adopted at its meeting on the May 8, 2023 by the City Council of the City of Fayetteville having been duly published on September 26, 2023 in the Fayetteville Observer, a newspaper published in the City of Fayetteville, North Carolina, giving notice of a meeting of the City Council to be held in Council Chambers of City Hall at 7 p.m., on the October 9, 2023 when all objections to the legality of making the proposed improvements were to be made in writing, signed in person or by attorney, filed with the Clerk of the City of Fayetteville at or before said time, and that any objections not so made would be waived and objections to the legality as well as to the policy or expediency of the making of said improvements have not been filed or made (or having been filed or made which objections were duly considered by said City Council and none of said objections were sustained); and
3. The property abutting said streets will be benefitted by the extension of such sanitary sewer collection system to the extent of the part of the cost thereof to be assessed as stated below against such abutting property.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Fayetteville that the sanitary sewer collection system shall be installed in all of the street portions to be specifically assessed upon the property receiving benefit of the sanitary sewer extension in the amount of \$5,000 for what is described as single family residential parcels requiring one sewer service lateral with remaining property being assessed at an equal rate of \$55.56 per foot of road frontage but not less than ninety (90) feet plus the average cost for service laterals as may

be installed for the benefit of the non-single family residential parcels. Said assessments to be paid after completion of such work and within thirty (30) days after notice of the assessments in cash with no interest or in equal annual installments over a term of ten (10) years bearing annual interest at a rate not to exceed eight percent (8%) payable annually.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA on this, the ____ day of _____, 2023; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

Mitch Colvin, Mayor

Pamela J. Megill, City Clerk

EXHIBIT "A"
Page 1 of 1

Construction Area 33 North

Street Names	From Intersection	To Intersection
Hazelwood Avenue	Westerly from Acacia Drive	Ferndell Drive
Ferndell Drive	Southwardly from Cottonwood Avenue	Raeford Road
Acacia Drive	Southwardly from Redwood Avenue	Buttonwood Avenue
Jericho Drive	Northwesterly from Rim Road	Acacia Drive
Maggie Circle	East Southeasterly from Rim Road	Debbie Street
Debbie Street	Rim Road	East
Rim Road	Northwardly from Raeford Road	Maggie Circle
Sandra Street	Rim Road	East
Gillis Hill Road	Raeford Road Southwardly	S. Raeford Road
McNatt Street	Gillis Hill Road	East
Raeford Road	7572 Raeford Road Westerly	Pineview Drive



City of Fayetteville

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

City Council Action Memo

File Number: 23-3682

Agenda Date: 11/13/2023

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.013

TO: Mayor and Members of City Council

**THRU: Timothy L. Bryant, PWC CEO/General Manager
Fayetteville Public Works Commission**

FROM: Fayetteville Public Works Commission

DATE: November 13, 2023

RE:

**PWC - Phase 5 Annexation Area 24BC - Resolution Confirming Assessment Roll
and Levying Assessments**

COUNCIL DISTRICT(S):

8

Relationship To Strategic Plan:

More Efficient City Government - Cost-Effective Service Delivery.

Executive Summary:

A Public Hearing was held to receive public comment on October 9, 2023. The final step in the assessment process for Area 24BC is to consider adoption of the Resolution Confirming Assessment Roll and Levying Assessments.

Background:

I am enclosing the Resolution Confirming Assessment Roll and Levying Assessments for inclusion on the November 13, 2023, City Council Agenda. The Preliminary Assessment Roll was made available at the City Clerk's office for review by property owners and the Public Hearing was held on October 9, 2023.

As outlined in the Public Hearing and set forth in information previously provided to property owners in the affected area, the sanitary sewer assessment rate for single family residential lots is recommended at \$5,000 which includes both the main and lateral

charges. For non-single family residential properties in Area 24BC, a per front foot rate of \$55.56 with a 90 foot minimum plus the area average lateral charge of \$5,206 is recommended.

Issues/Analysis:

N/A

Budget Impact:

N/A

Options:

N/A

Recommended Action:

Staff recommends Council move to pass the Resolution Confirming Assessment Roll and Levying Assessments.

Attachments:

Area 24BC Resolution Confirming Assessment Roll and Levying Assessments

**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS**

WHEREAS, the City Council of the City of Fayetteville has on October 9, 2023 held a Public Hearing, after due notice as required by law, on the Preliminary Assessment Roll for the extension of a sanitary sewer collection system to serve all or a portion of the Area 24 Section BC known as Village Hills and Kings Mill to include adjoining streets and development; and

WHEREAS, the City Council has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fayetteville, that:

1. The Assessment Roll for the extension of a sanitary sewer collection system to serve all or a portion of Bangor Court, Bostick Court, Bostick Drive, Charring Cross Lane, Cliffdale Road, Guinevere Court, Paddington Place Scottsdale Drive, Seaford Drive, and Sexton Court is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228 of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to the authority conferred by Article 10 of Chapter 160A of the General Statutes of North Carolina, does hereby levy assessments as contained in the said Assessment Roll. The basis for the utility assessment being as shown on the attached schedule labeled Exhibit "A". A copy of the said Assessment Roll is on file with PWC's Deputy Tax Collector.
3. The City Attorney is hereby directed to deliver to the City Tax Collector the said Assessment Roll.
4. The City Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina.

5. The City Tax Collector is hereby further directed to publish on the 4th day of December, 2023, or as soon thereafter as possible, the notice required by Chapter 160A, Section 229 of the General Statutes of North Carolina.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 13th day of November, 2023 such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

Mitch Colvin, Mayor

ATTEST:

Pamela J. Megill, City Clerk

Exhibit "A"

Typical single family residential lots computed on per lot basis of \$5,000.

For all other properties, a per front foot rate of \$55.56 with a 90' minimum plus the area average cost for service lateral of \$5,206 shall apply.

Term: To be repaid over a period not to exceed 10 years at an interest rate of 8.00%.



City of Fayetteville

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

City Council Action Memo

File Number: 23-3679

Agenda Date: 11/13/2023

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: Kelly Olivera - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director

FROM: Will Deaton, AICP - Planning & Zoning Division Manager
Craig Harmon, CZO - Senior Planner

DATE: November 13, 2023

RE:

SUP-08. Continued Deliberations for Evidentiary Hearing on Application for Special Use Permit to allow a school to be located in a Single Family 6 (SF-6) zoning district, located at 4502 Rosehill Road (REID # 0429683699000), and being the property of Bethel Christian Assembly Inc., represented by Del Crawford, Crawford Design Company. (Tabled from the October 23, 2023, City Council Meeting)

COUNCIL DISTRICT(S):

3 - Mario Benavente

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal I: Safe and Secure Community

- Objective 1.3 - To ensure low incidence of property and violent crime

Goal III: City Investment in Today and Tomorrow

- Objective 3.2 - To manage the City's future growth and strategic land use.
- Objective 3.3 - To sustain a favorable development and business climate through timely and accurate construction review and building inspection services

Goal IV: Desirable Place to Live, Work and Recreate

- Objective 4.5 - To ensure a place for people to live in great neighborhoods

Executive Summary:

Evidentiary Hearing:

During an Evidentiary Hearing, the burden of demonstrating that an application complies with applicable review and approval standards of this Ordinance is on the applicant, which shall be demonstrated by competent, material, and substantial evidence. The burden is not on the City or other parties to show that the standards have not been met by the applicant.

The subject property is currently a vacant parcel owned by Bethel Christian Assembly Incorporated. It is located between Fayetteville Christian Church Incorporated and Warrenwood Elementary School, of the Cumberland County School System. It is also across the street from Gardners Chapel United Methodist Church. The property has been mostly undeveloped since at least 1968.

On October 23, 2023, the Fayetteville City Council held an Evidentiary Hearing regarding this case. After closing this hearing, a motion to table this item was made and approved. According to the draft minutes for this meeting, the following motion was made. "Council Member Benavente moved to remand this item back to staff to conduct objective research on the potential traffic impacts, and how this will affect the three schools in the area and ask the applicants to provide more specific evidence."

Background:

Requested Additional information:

According to the Cumberland County GIS system, there are three schools within one mile of this proposed location, two public schools and one private.

Comments from the City's TRC - Technical Review Committee were included in the original City Council Action Memo packet as the "TRC Comment Letter", and are being provided again as part of this packet. Comments from the North Carolina Department of Transportation (NCDOT) and the City's Traffic Services are included. Those comments outline the process and procedures that the developer must follow for all traffic improvements.

The North Carolina Department of Transportation has a current TIP project on Rosehill Road to install roundabouts at its intersections with Tamarack Drive and Landau Road. This project will also include minimal road widening that is associated with these roundabouts. A copy of the DOT TIP site plan is included as an attachment.

Owner: Bethel Christian Assembly Incorporated
Applicant: Del Crawford, Crawford Design Company
Requested Action: SUP - School in SF-6
Properties Addresses: 4502 Rosehill Rd
Council District: 3 - Mario Benavente
Status of Properties: Vacant
Size: Approximately 12.17 acres
Adjoining Land Use & Zoning:

- North - SF-10: Single family residential
- South - SF-15: Single family residential
- West - SF-10 & SF-15: Single family residential and a church
- East - SF-15: School

Letters Mailed: 213

2018 Traffic Count: 12,500 Annual Average Daily Traffic on Rosehill Road.

According to the Future Land Use Plan, it is recommended that this portion of the city should be developed as LDR - Low Density Residential.

Low Density Residential is best described as “mainly single family residential with some accessory dwellings occasionally with duplexes (if isolated) or townhomes. Lots sizes are typically 1-4 dwellings per acre. The area should be suburban, auto-oriented in character, with utility services.”

Issues/Analysis:

History:

As part of the Unified Development Ordinance (UDO) adoption process regulations were put in place to allow schools to operate in certain residential districts, including the SF-6 district, with an approved Special Use Permit.

Special Use Permit Request:

The applicant is requesting a Special Use Permit to operate a charter school in a SF-6 zoning district.

According to the applicant, the proposed use will comply with all of the City’s requirements for such uses. The proposed school was reviewed by the Technical Review Committee and their comments are provided as an attachment. The application is only to address the allowance of a school.

The SUP must meet the following findings of facts:

(1) The special use complies with all applicable standards in Section 30-4.C., Use-Specific Standards;

According to Section 30-4.C.3.b. Educational Facilities:

1. Separation

Except in the DT-1 or DT-2 Downtown Districts, all educational facilities, except colleges and vocational or trade schools, shall be located at least 500 linear feet from any the following uses:

- a. Adult entertainment; or
- b. Bar, nightclub, or cocktail use.

2. Schools, Elementary/Middle/High

a. Any temporary structures needed for the expansion of an elementary, middle, or high school located within SF-15, SF-10, or SF-6 districts, and on a site or parcel with an area of 20 acres or less, shall:

1. Not be located between the principal building and any abutting right-of-way, unless there is no other practical alternative due to topography, the presence of utilities or easements, the existence of undisturbed open space and buffers, or other site features beyond the landowner's control; and

2. Have the base of the structure screened from view from abutting properties and public streets.

b. In the DT-1 or DT-2 Downtown Districts the City Manager must approve a parking plan and designated drop-off and pick-up area that, based the maximum capacity of the facility as licensed by the State, mitigates traffic congestion and minimizes or avoids the need for children to cross vehicular travel ways to enter or exit the school.

(2) The special use will be in harmony with the area in which it is located;

According to the applicant, "The proposed educational use is compatible to the area neighborhood that currently contains a school and other non-residential oriented uses such as houses of worship. The proposed 8,120sf school building will be set back from the street over 300. The parking lot will be set back approximately 50. Therefore, the development shall not create an intrusive use or generate any more noise or vehicle traffic that is not already typical to the surrounding uses. Construction shall be in general compliance with the City's UDO standards including parking, landscaping, site access, etc."

(3) The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

The applicant states "The education development shall comply with the pertinent regulations of the City and State as related to public health and safety. The development would not generate any toxic fumes. The site contains significant internal vehicle stacking for student drop-off. Therefore, parking of the back-up of vehicles on Rosehill Road is not anticipated."

(4) The special use is in general conformity with the City's adopted land use plans and policies;

According to the applicant, "The UDO allows education facilities in the Single Family 6 (SF-6) zoning district as a special use. The area currently contains an education facility. Therefore, the development is compatible with the City's land use and policies."

(5) The special use will not substantially injure the value of the abutting land, or the special use is a public necessity; and

According to the application, the "Proposed fence allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district as it would be located behind an existing fence. These security fences actually discourage criminal activity in the area making it a community-enhancing, crime-reducing system. Furthermore, they reduce constraints upon police force allowing them to focus on other areas."

(6) The special use complies with all other relevant City, State, and Federal laws and regulations.

The applicant states that the site will be designed and constructed in general compliance

with the City's UDO, NC Department of Environmental and Quality, NC Building Code, and other relevant regulations.

Budget Impact:

The City would not be required to provide an increase in public services.

Options:

- 1) Approval of SUP as requested by the applicant;
- 2) Approval of SUP with conditions;
- 3) Denial of the SUP request

Recommended Action:

OPTION 1

I move to APPROVE the Special Use Permit (SUP) to allow the operation of a school in a Single Family 6 Residential zoning district subject to the conditions identified and the submitted site plans and conforming to the current Unified Development Ordinance standards as depicted on the attached 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 Single Family 6 Residential and (2) that the school will comply with all six of the findings of fact and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area and will help the educational choices in Fayetteville.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective with the approval of the Order of Findings by the City Council. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

*For a motion to approve, all six findings below must be met:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use will be in harmony with the area in which it is located; [insert supporting facts]
- (3) The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved; [insert supporting facts]
- (4) The special use is in general conformity with the City's adopted land use plans and policies; [insert supporting facts].
- (5) The special use will not substantially injure the value of the abutting land, or the special use is a public necessity; and; [insert supporting facts]
- (6) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts].

OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) for the operation of a school in a Single Family 6 Residential zoning district as depicted on the attached 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 does not meet the finding(s) of fact listed below. More specifically finding(s) #____.]

* For a motion to deny only one of the findings shown below needs to not apply.

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use will be in harmony with the area in which it is located; [insert supporting facts]
- (3) The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved; [insert supporting facts]
- (4) The special use is in general conformity with the City's adopted land use plans and policies; [insert supporting facts].
- (5) The special use will not substantially injure the value of the abutting land, or the special use is a public necessity; and; [insert supporting facts]
- (6) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts].

[Applicable to Motion to Deny] If denied this action shall become effective upon the approval of the Order of Findings by the City Council.

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Properties
7. School Site Plan
8. PowerPoint
9. TRC Comment Letter
10. NCDOT TIP Project w5806c - Site Plan

Project Overview

#1125278

Project Title: Agape Achievement Academy Master Plan

Jurisdiction: City of Fayetteville

Application Type: 5.3) Special Use Plan Review

State: NC

Workflow: Staff Review

County: Cumberland

Notice Regarding Special Use Permit Procedural Process

Special Use Permit

Dear Applicants,

Thank you for applying for a Special Use Permit with the City of Fayetteville. Due to legislative changes, the procedural process for Special Use Permits have changed:

1. Special Use Permits are now considered Evidentiary Hearings. With an Evidentiary Hearing, it is incumbent upon the applicant to present evidence that supports the application. This evidence is required both in writing and verbally.
2. Since the written evidence comes mainly from the application, the eight (8) Findings of Fact are essential. The answers must be complete and accurate.
3. Applicants are required to make, at minimum, an oral presentation to the City Council that addresses the eight (8) Findings of Facts. The applicant has the option of doing a visual presentation as well, but this is not required.
4. Lastly, Special Use Permits no longer have to be reviewed by the Zoning Commission and will proceed directly to the City Council. The deadline dates for Special Use Permits have changed.

Expiration - Special Use Permit (SUP)

30-2.C.7.d.7.a.2 - Unless specified otherwise by the City Council, a Special Use Permit shall automatically expire if a Building Permit for the development authorized by the Special Use Permit is not obtained within one year after the date of issuance of the Special Use Permit, or if the development authorized by the Special Use Permit is discontinued and not resumed for a period of one year.

Again, thank you for your application. If you have any additional questions, please contact the Planning & Zoning Division at 910-433-1612 to speak with a Professional Planner.

If you would like a copy of the above text, you can [download a copy here](#).

Please enter your full name in the space below to confirm your acknowledgement of the above statement.

Enter Your Full Name Here: Del Crawford

Project Location

Project Address or PIN: 4502 ROSEHILL RD
(0429683699000)

Zip Code: 28311

GIS Verified Data

Property Owner: Parcel

- 4502 ROSEHILL RD: BETHEL CHRISTIAN ASSEMBLY INC

Acreage: Parcel

- 4502 ROSEHILL RD: 12.17

Zoning District: Zoning District

- 4502 ROSEHILL RD: SF-15

Subdivision Name:

Fire District:

Airport Overlay District:

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood: <100YearFlood>

500 Year Flood: <500YearFlood>

Watershed:

Written Description of Special Use

Is the proposed project for a cell tower?: No

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:

The parcels current use is a vacant track with some woods. The proposed use shall be a charter school per State guidelines. They are proposing initial construction/installation of a classroom/office building that is approximately 8,120 sf, 66 parking spaces for visitors, guest and staff, student drop-off, walkway network and open outdoor learning environment. It is anticipated that Phase II would include one additional 8,120 sf classroom structure.

The hours of operation for the school will be Monday thru Friday 7:00 am to 6:00 pm with varied times on the weekends (between 8:00 am 5:00 pm) for staff members and maintenance personnel. Anticipated employees shall be 20.

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.:

The parcel zoning district is Single Family 6 (SF-6). The zoning districts that are adjacent to the property are Single Family 10 (SF-10) and Single Family 15 (SF-15).

The property fronts Rosehill Rd which abuts the SF-10 zoning district. This area contains a number of single-family homes and places of worship. The adjacent SF-15 zone surrounding the parcel to the rear and sides include a place of worship, single family homes, and an educational facility.

There is an elementary school approximately 550 feet east of the proposed building and a place of worship approximately 600 feet southwest of the proposed building.

Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).

Indicate how the special use complies with all applicable standards, conditions, and specifications in this Ordinance, including in Section 30-4.C, Use-Specific Standards;:

The proposed educational use is compatible to the area neighborhood that currently contains a school and other non-residential oriented uses such as houses of worship. The proposed 8,120sf school building will be set back from the street over 300. The parking lot will be set back approximately 50. Therefore, the development shall not create an intrusive use or generate any more noise or vehicle traffic that is not already typical to the surrounding uses. Construction shall be in general compliance with the City's UDO standards including parking, landscaping, site access, etc.

Describe how the special use will be in harmony with the area in which it is located;:

As previously noted, the school shall be comparable with the non-residential uses of the area that includes an educational facility and houses of worship. Careful consideration was given in the location of the site features such as setting the parking further from the street than the UDO requirement. This was done to keep the visual appeal of the area, minimize noise and limit effects to the residential uses.

Indicate how the special will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;:

The education development shall comply with the pertinent regulations of the City and State as related to public health and safety. The development would not generate any toxic fumes. The site contains significant internal vehicle stacking for student drop-off. Therefore, parking of the back-up of vehicles on Rosehill Road is not anticipated.

Demonstrate how the special use is in general conformity with the City's adopted land use plans and policies;:

The UDO allows education facilities in the Single Family 6 (SF-6) zoning district as a special use. The area currently contains an education facility. Therefore, the development is compatible with the City's land use and policies.

Explain how the special use will not substantially injure the value of the abutting land, or the special use is a public necessity; and:

The proposed educational development would be similar to the current non-residential educational uses in the area. Typically, educational facilities are constructed near residential neighborhoods and enhance those districts. Therefore, the school should not distract from the areas present land values.

Will the special use comply with all other relevant City, State, and Federal laws and regulations?:

The site will be designed and constructed in general compliance with the City's UDO, NC Department of Environmental and Quality, NC Building Code, and other relevant regulations.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Doris Taylor
Agape
4724 Flintcastle Drive
Fayetteville, NC 28314
P:910-527-9717
jesse.brayboy@gmail.com

Project Contact - Agent/Representative

Del Crawford
Crawford Design Company (General)
116 N. Cool Spring St
Fayetteville, NC 28301
P:910-221-0033
admin@crawforddsn.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. :

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor's #3 License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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




Aerial Notification Map

Case #: SUP23-08

Request: Special Use Permit for a School

Location: 5402 Rosehill Road

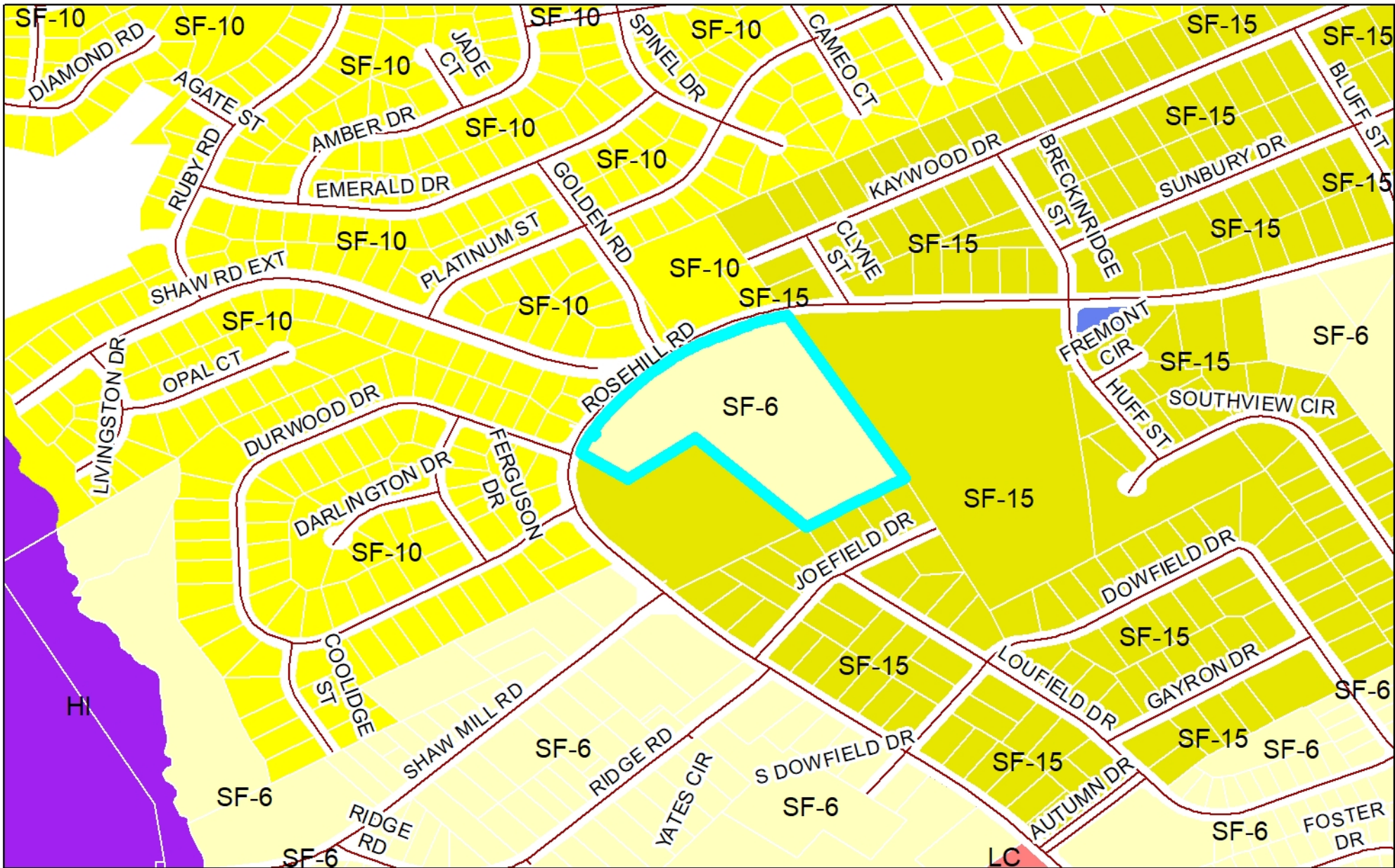
Legend

 1,000' Notification Area



Letters are being sent to all property owners within the 1,000 foot' buffer. Subject property is shown outlined in the map..





Zoning Map
Case #: SUP23-08

Request: Special Use Permit for a School

Location: 5402 Rosehill Road

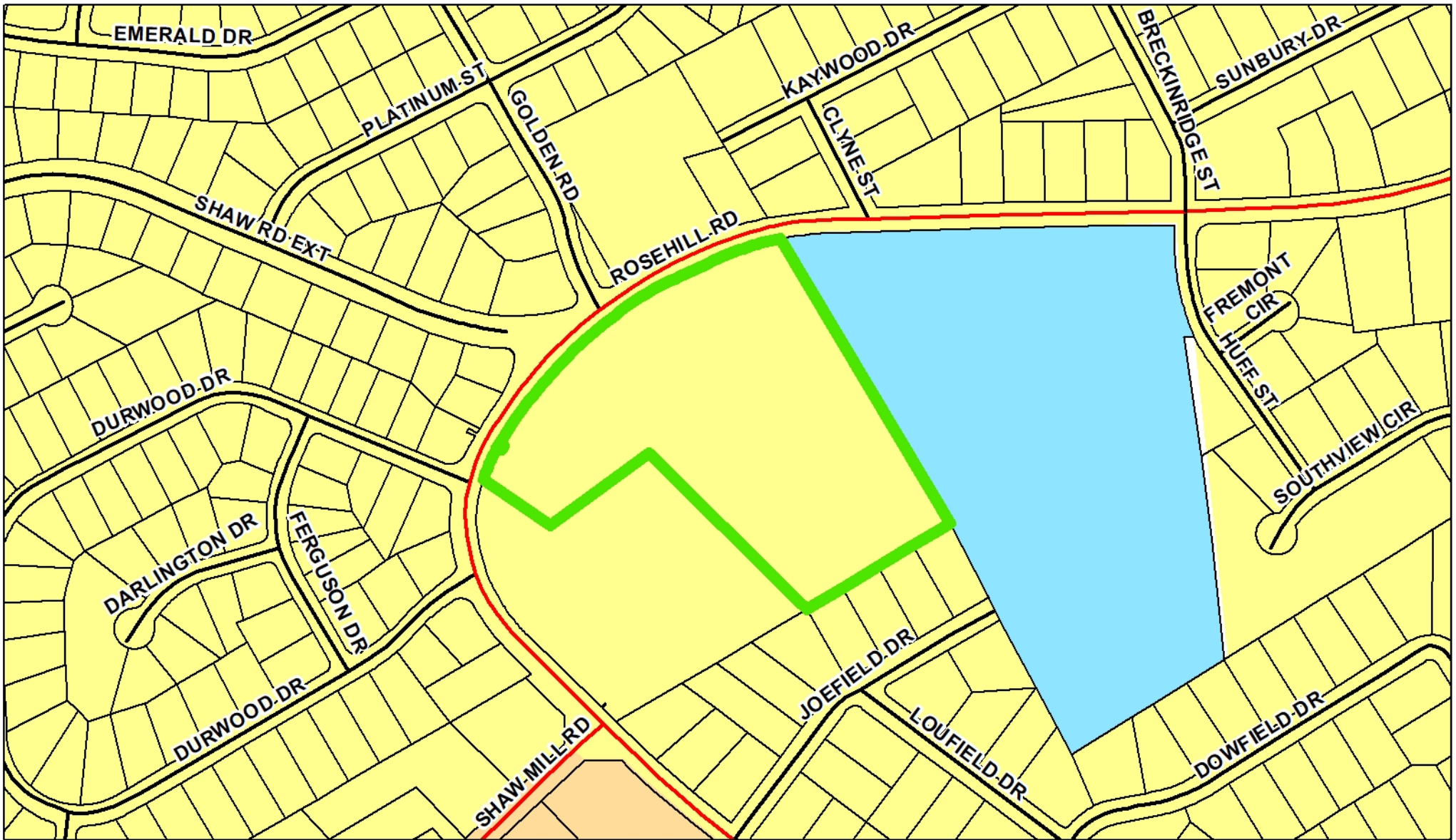
Legend

- HI - Heavy Industrial
- LC - Limited Commercial
- OI - Office & Institutional
- SF-6 - Single-Family Residential 6
- SF-10 - Single-Family Residential 10
- SF-15 - Single-Family Residential 15



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.






Land Use Plan Map

Case #: SUP23-08

Request: Special Use Permit for a School


Location: 5402 Rosehill Road


Legend


 Parcels

Future Land Use 2040

Character Areas

 LDR - LOW DENSITY

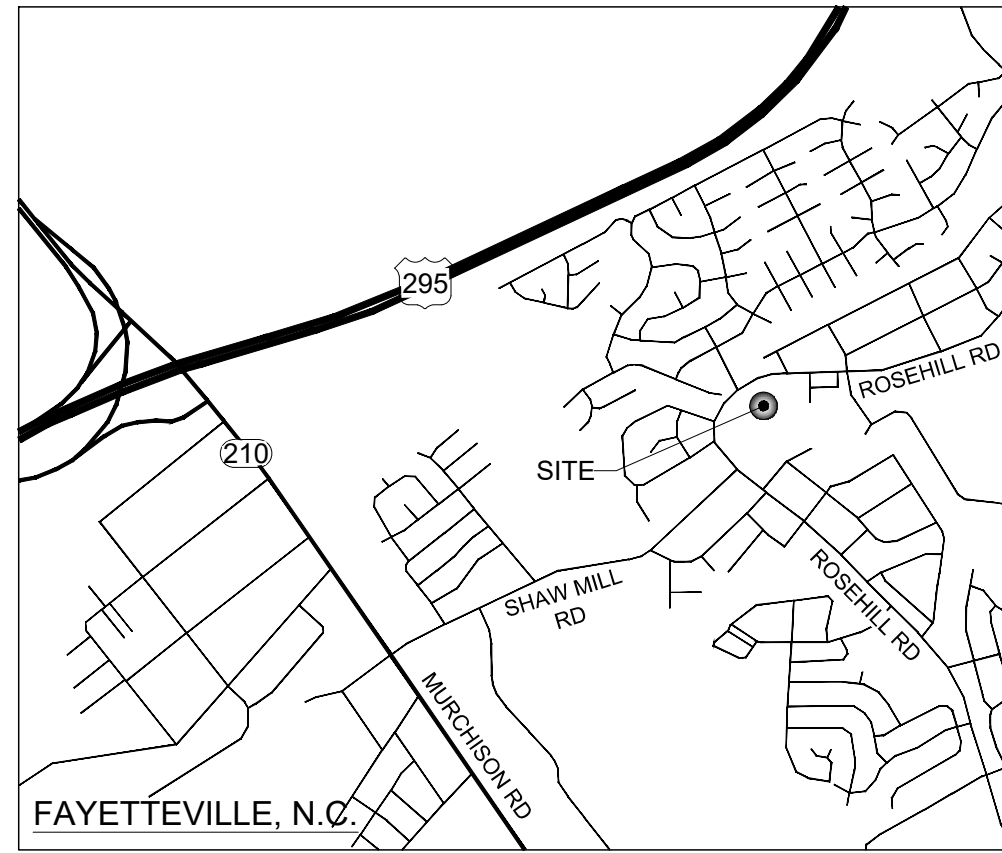
 MDR - MEDIUM DENSITY

 OI - OFFICE / INSTITUTIONAL









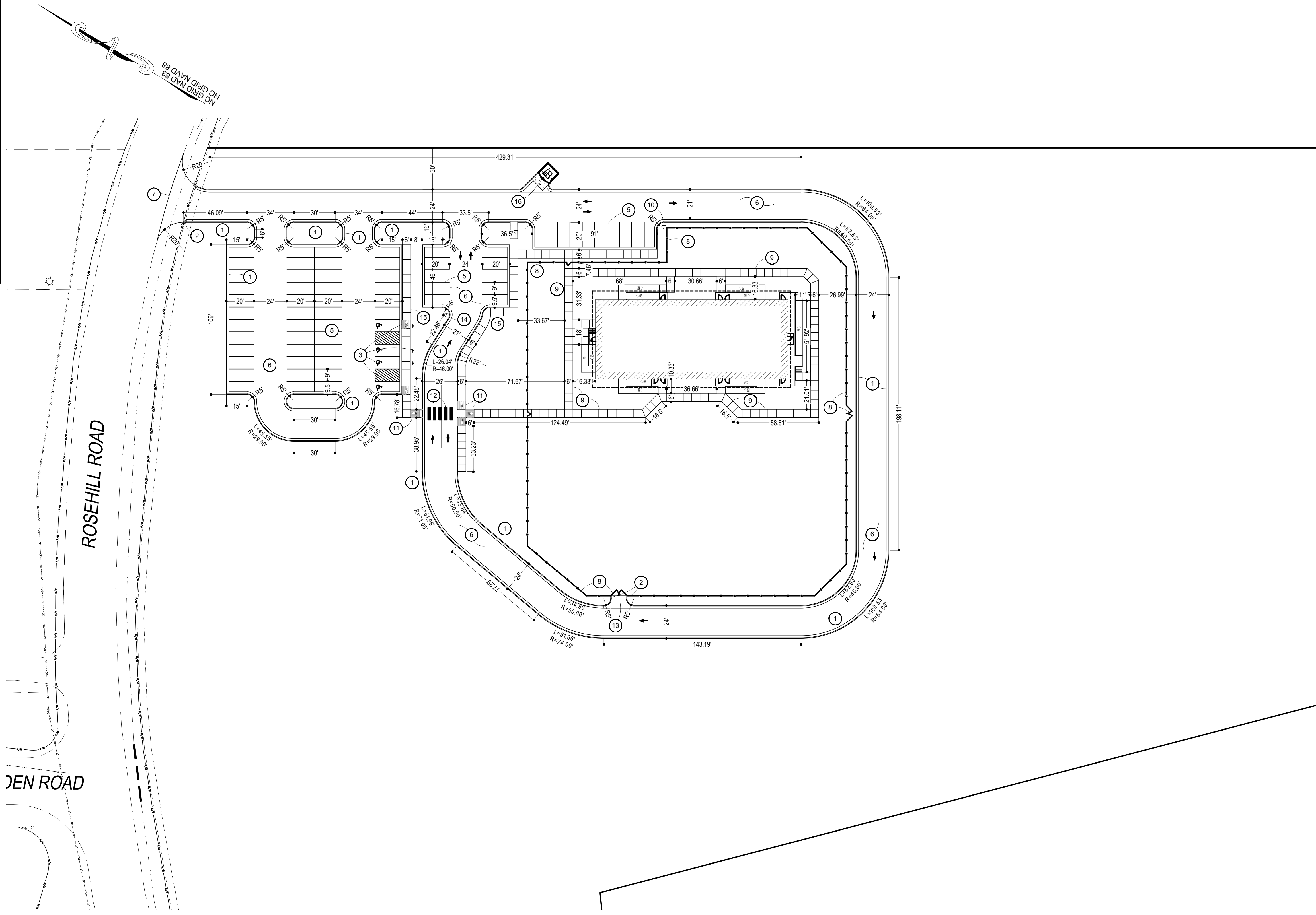
VICINITY MAP (N.T.S.)

SITE NOTES

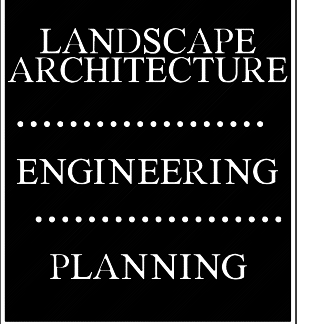
- ① CONCRETE CURB & GUTTER: 24-INCH (SEE SHT C5.0, CDC-01.1207)
- ② CONCRETE CURB TAPER. (SEE SHT. C5.0, CDC-01.1214)
- ③ ACCESSIBLE NON-WING IN LINE TYPE RAMP WITH TRUNCATED DOMES. (SEE SHT C5.0, CDC-01.1802)
- ④ PARKING SPACE STRIPING/ADA ACCESSIBILITY SIGNAGE. (SEE SHT C5.0, CDC-01.1813)
- ⑤ PAINT STRIPES.
- ⑥ LIGHT DUTY ASPHALT PAVEMENT. (SEE SHT C5.0, CDC-01.1910)
- ⑦ SAWCUT AND PATCH EXISTING ASPHALT. (SEE SHT C-5.0, CDC-01.1905)
- ⑧ 6' CHAIN LINK FENCE. (SEE SHT C5.0, CDC-01.2104)
- ⑨ STANDARD CONCRETE SIDEWALK. (SEE SHT C5.0, CDC-01.2509)
- ⑩ TRAFFIC "ONE WAY" SIGN. (SEE SHT C5.0, CDC-01.2708)
- ⑪ NON-WING TYPE STRAIGHT RAMP WITH TRUNCATED DOMES. (SEE SHT C5.0, CDC-01.1604)
- ⑫ HIGH VISIBILITY PEDESTRIAN CROSSWALK STRIPING (SEE SHT C5.0, CDC-01.1802)
- ⑬ CONCRETE PAVEMENT. (SEE SHT C5.1, CDC-01.2507)
- ⑭ TRAFFIC "ONE WAY, DO NOT ENTER" SIGN. (SEE SHT C5.1, CDC-01.2724)
- ⑮ STANDARD CONCRETE SIDEWALK WITH CURB & GUTTER. (SEE SHT C5.1, CDC-01.2502)
- ⑯ SINGLE UNIT CMU DUMPSTER ENCLOSURE (SEE SHT C5.1, CDC-01.2406)

ADDITIONAL NOTES

1. ALL GENERAL NOTES, ABBREVIATIONS, SYMBOLS, AND OTHER INFORMATION INDICATED ON [SHEET C#.# (OR) TITLE PAGE] SHALL APPLY TO THIS PLAN
2. ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCHMARK AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR WITH THE SURVEYOR OF RECORD PRIOR TO BEGINNING CONSTRUCTION. BENCHMARK IS AN (INSERT DESCRIPTION) LOCATED (DIRECTION) OF PROJECT SITE, WITH COORDINATES (N 11111.1111, E22222.2222) AND HAVING AN (ASSUMED) ELEVATION OF (123.45).



PLAN VIEW
Scale = 1" = 40'



Landscape Architecture • Fayetteville, NC
Civil Engineering • Southern Pines, Nc
116 N. Cool Spring Street • Fayetteville, NC 28301
Voice: 910-221-0033 • Fax: 910-221-0035
www.crawforddsn.com



SEALS

PRELIMINARY
NOT FOR SALE OR CONSTRUCTION

[PLAN SET]

REVISIONS		
0	mm-dd-yy	Description

DORIS TAYLOR
AGAPE ACHIEVEMENT ACADEMY
MASTER PLAN

SITE LAYOUT PLAN

PROJECT DETAILS
Project Manager: FDC
CAD Technician: JEW
Reviewed / Approved By: FDC
Project Number: 23015

SCALE
0 40 80
Full Scale: 1" = 40'

ISSUE DATE
MM/DD/YYYY

SHEET NUMBER

C2.0

City Council



Special Use Permit

*Tabled from October 23, 2023
Continued to November 13, 2023*

Owner: Bethel Christian Assembly Incorporated

Applicant: Del Crawford, Crawford Design Company

Request: SUP – School in SF-6

Located: 4502 Rosehill Rd

Acreage: 12.17

District: 3 - Mario Benavente

REID #: 0429683699000






Aerial Notification Map

Case #: SUP23-08

Request: Special Use Permit for a School

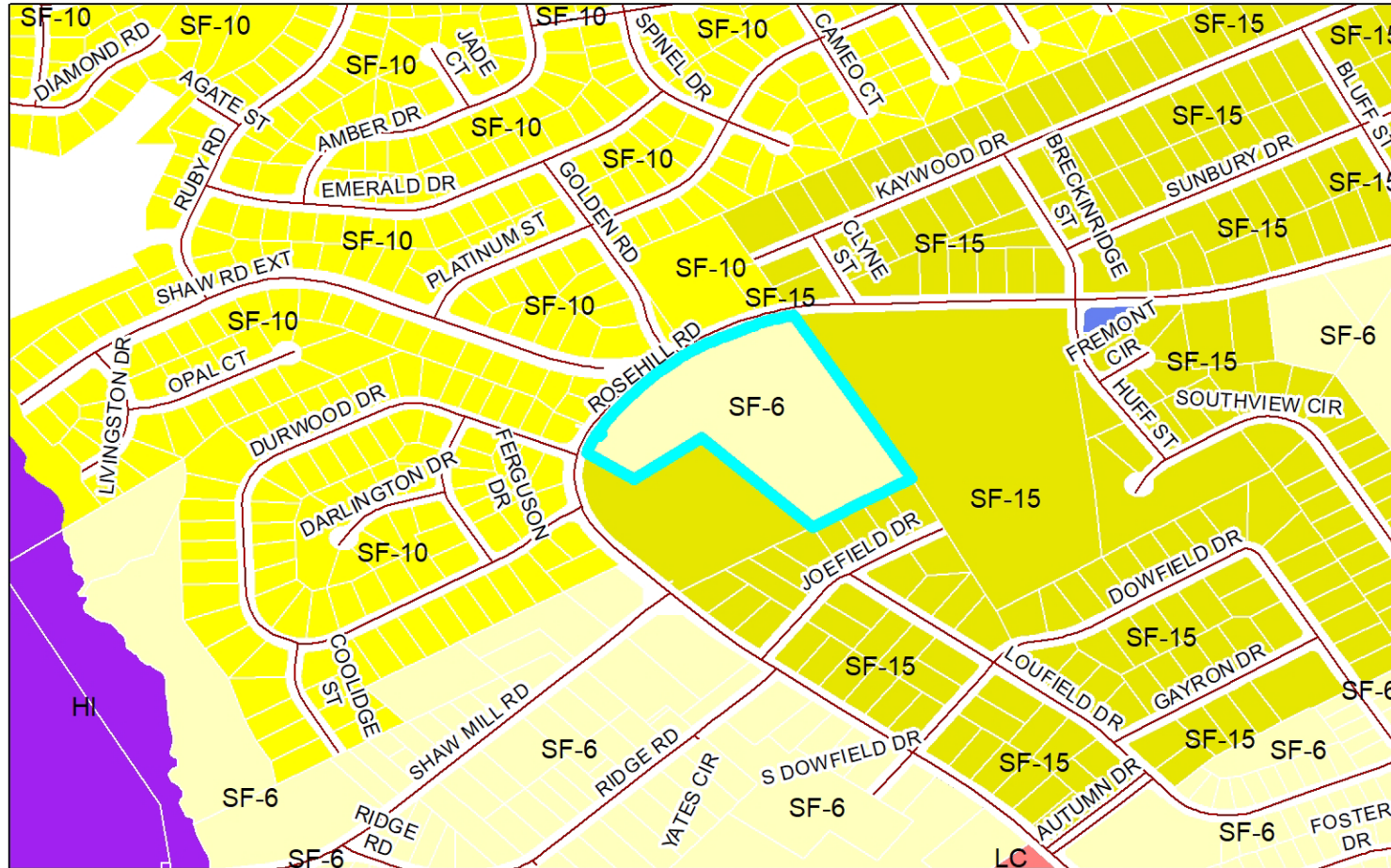
Location: 5402 Rosehill Road

Legend

 1,000' Notification Area

Letters are being sent to all property owners within the 1,000 foot' buffer. Subject property is shown outlined in the map..










Zoning Map

Case #: SUP23-08

Request: Special Use Permit for a School

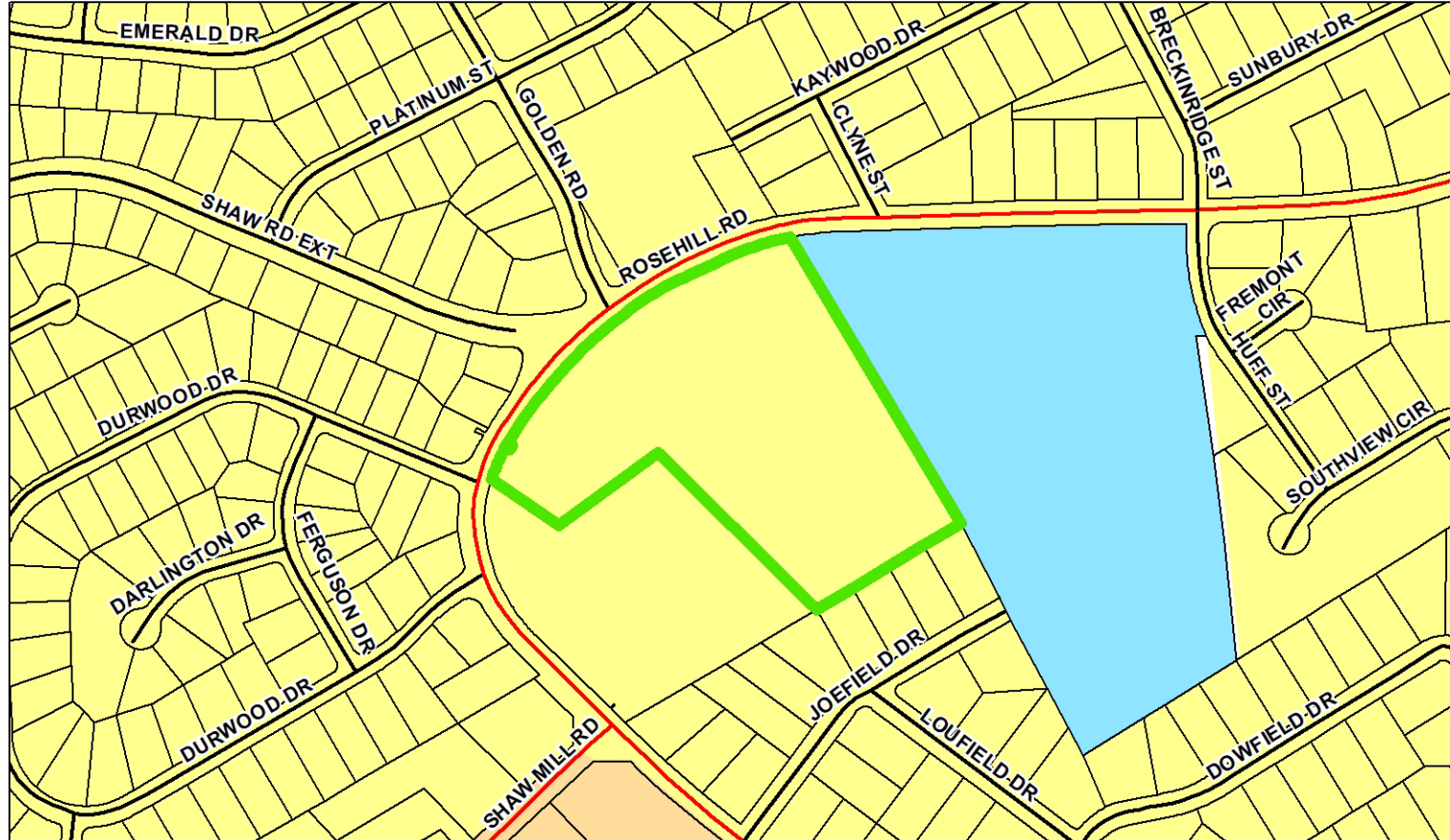
Location: 5402 Rosehill Road

Legend

-  HI - Heavy Industrial
-  LC - Limited Commercial
-  OI - Office & Institutional
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10
-  SF-15 - Single-Family Residential 15



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.




Land Use Plan Map

Case #: SUP23-08

Request: Special Use Permit for a School


Location: 5402 Rosehill Road


Legend


 Parcels

Future Land Use 2040

Character Areas

 LDR - LOW DENSITY

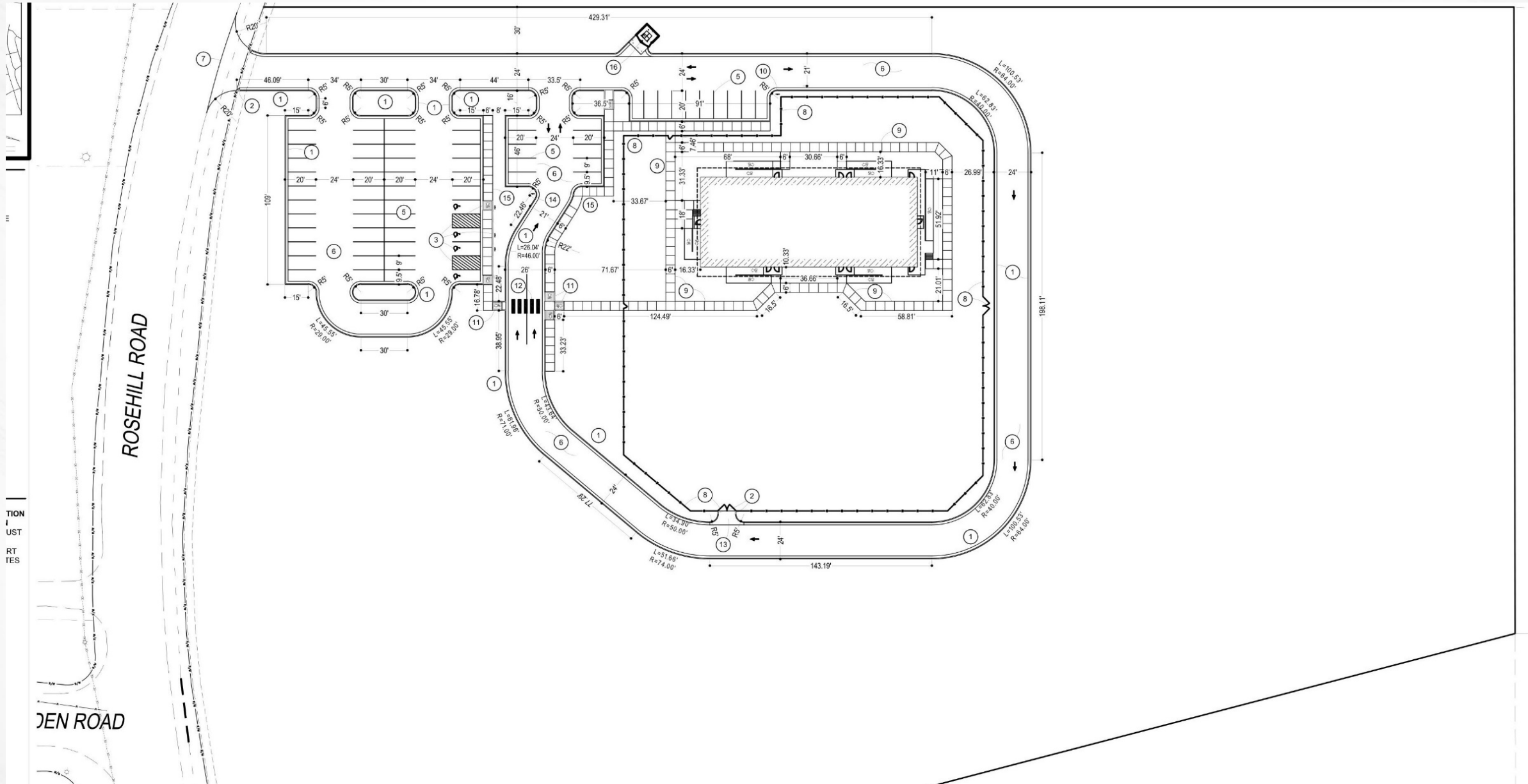
 MDR - MEDIUM DENSITY

 OI - OFFICE / INSTITUTIONAL









TION
UST
RT
TES

DEN ROAD

ROSEHILL ROAD

NCDOT

Site and grading plan required for further review. Site plan requirements are shown in the Department's Policy on Street and Driveway Access to North Carolina Highways - July 2003

City of Fayetteville

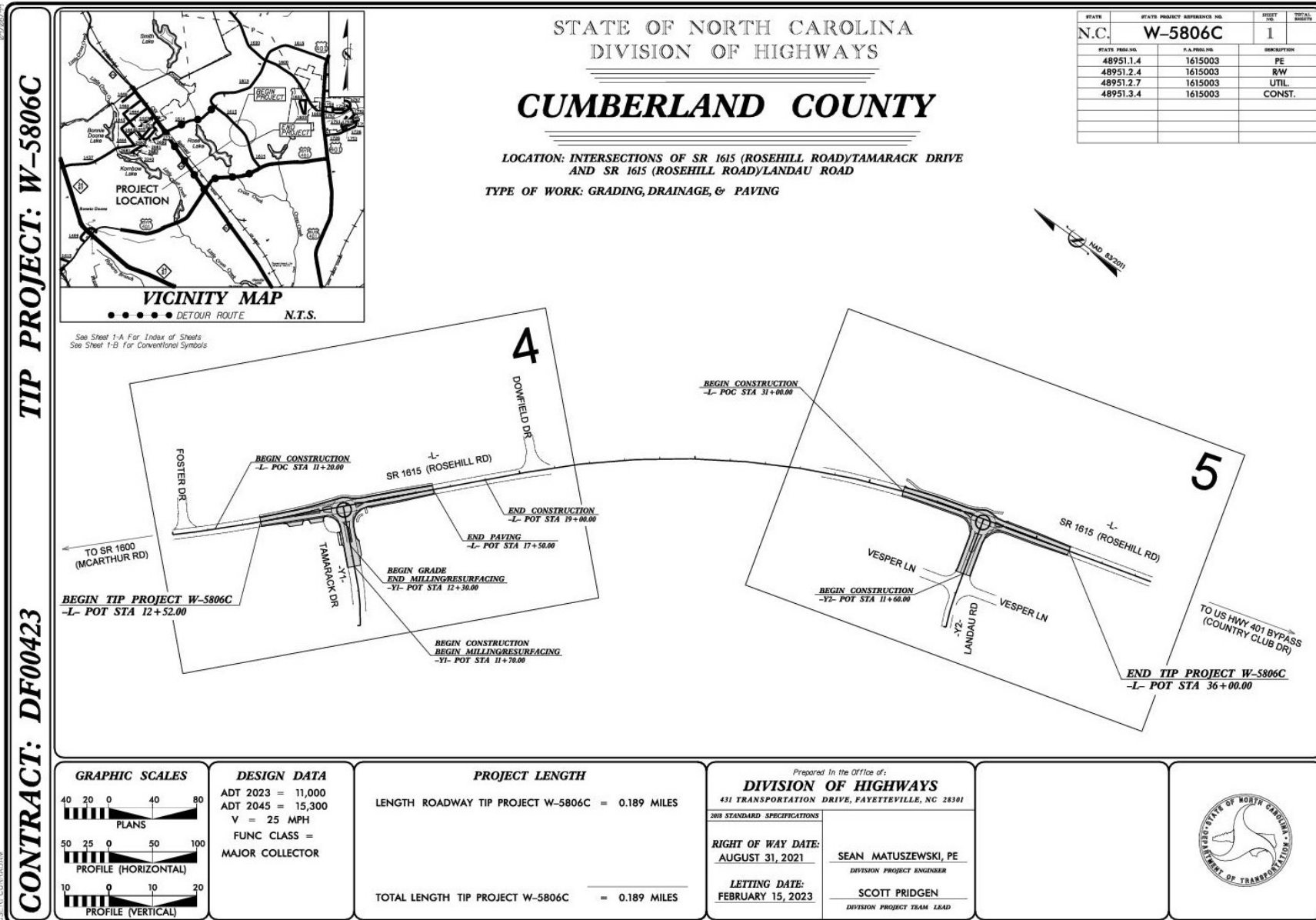
- Submit the N.C. Department of Transportation Street and Driveway Access Permit Application
- Minimum 20' radii are required on all city access driveways. Driveway radii and driveway widths are to be labeled on the site plan. Reference Article 24-102 + NCDOT Policy on Street & Driveway Access Chapter 7 Section B
- Any existing curb cuts and/or driveway apron(s) that are no longer being used or no longer allowed shall be removed and replaced with curb and gutter. This is to be depicted on the site plan in that manner.
- Where any new driveway is constructed or an existing driveway reconstructed that requires a driveway permit, a city standard sidewalk shall be constructed along the entire length of the property served by such driveway. NOTE: Sidewalk installation may require curb drop(s) and curb ramp(s). Appropriate ramp type detail shall be provided with the driveway permit and labeled on the site plan. Reference Article 24-101

City of Fayetteville

- A sidewalk with approved handicap ramps, truncated domes, and a 5 foot landing (except with parallel handicapped ramps) shall be constructed along the property that abuts all public and private streets. Sidewalk must be 5' wide and 4" thick. Sidewalks across driveways shall be 5' wide and 6" thick. All sidewalk details must be site specific and not a compilation of all the available sidewalk details.
- Future sidewalk placement will depend on pavement end treatment/conditions: a. -If strip pavement is used, sidewalk improvements will require an easement. b. -If rollback curb and gutter is used, sidewalk improvements require a 2' offset. c. -If vertical curb and gutter is used, sidewalk improvements may be placed directly behind.
- A sidewalk easement shall be required for sidewalk and ramps within the property lines. Sidewalk easements are to be labeled on the site plan.
- Sidewalks within the right-of-way will be included in the driveway permit approval and a three-party encroachment agreement shall be required for all sidewalks within NCDOT maintained right-of-way. Reference:
<https://connect.ncdot.gov/municipalities/Utilities/Pages/EncroachmentAgreements.aspx>

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- Should cross sections of existing sidewalk at adjacent properties be greater than the minimum width, installation of new sidewalk should match the existing cross section width.
- Sidewalks shall be constructed or a bond issued prior to final plat approval and/or issuance of a Certificate of Occupancy. Reference Article 24/102 + NCDOT Policy on Street & Driveway Access Chapter 2 Section A, Chapter 3 Section E
- Appropriate stacking distance is required: (Measured from the edge of the street travel lane to the intersection of the driveway and parking area.) Reference Article 30-5.A.11 1. -1-49 parking spaces requires 35 feet 2. -50-249 parking spaces requires 45 feet 3. -250-499 parking spaces requires 100 feet 4. -500 or more requires 100 feet plus 15 feet for every additional 50 parking spaces.
- A sight distance triangle may be required: 20' x 20' and/or 10' x 70'. No object (including signs) shall interfere with visibility within the sight distance triangle of an intersection of streets. Reference Article 30- 5.F.4



***For a motion to approve, all six findings below must be met:**

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use will be in harmony with the area in which it is located; [insert supporting facts]
- (3) The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved; [insert supporting facts]
- (4) The special use is in general conformity with the City's adopted land use plans and policies; [insert supporting facts].
- (5) The special use will not substantially injure the value of the abutting land, or the special use is a public necessity; and; [insert supporting facts]
- (6) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts].



 **FAYETTEVILLE** ^{NC}
AMERICA'S CAN DO CITY

FayettevilleNC.gov

Technical Review Committee (TRC) Comments:

Development Name: **Agape Achievement Academy Master Plan**
Case Number:

Development Summary: **Construction of an approximately 8120sf classroom/office building.**

Location: **4502 ROSEHILL RD (0429683699000)**

Zoning: **Zoning District**
• **4502 ROSEHILL RD: SF-15**

Reference:

Project Review Dates:

Pre-Application Conference: **9/20/2023 10:00 AM**

Preliminary:

Final Review:

Next Steps:

Application Type: **4.2) Major Site Plan (Preliminary)**

Development Services Contact: **Chester Green**
Phone: **910-433-1497**
Email: **cgreen@ci.fay.nc.us**

Emailed To: **Del Crawford**
116 North Cool Spring Street
Fayetteville, NC 28301

E: admin@crawforddsn.com
P: 910-221-0033

Project Owner:

Review Status: **Submit application and fee. To receive final TRC/Site Plan approval a landscape, open space, elevation, and lighting plan shall be required.**

Additional Submittals That May Be Required:

- City Engineering (Development Application, Stormwater/Drainage, Street and Sidewalks Plans) – Approval Required prior to the issuance of building permits
- City Traffic Services and NCDOT (Driveway Permit Application and Roadway Improvements) – Approval Required prior to the issuance of building permits
- Public Works Commission (PWC) (Water, Sewer, and Electrical Applications and Plans, Fire Flow Data, Main Extensions when required)
- Army Corp of Engineers and/or NCDENR-DWQ – (when applicable) – Approval Required prior to land disturbance

- City Inspections (Construction Drawings for Building Permitting)

Ordinance: <http://www.online.encode-360.com/regs/fayetteville-nc/doc-viewer.aspx#secid-10498>

TRC Staff Comments: (Staff has compiled the various review agencies' comments for you as a courtesy. These should be used to supplement your notes from the TRC meeting you attended. Additionally, preliminary comments are emailed to those listed on the submittal application in draft form prior to the scheduled TRC meeting. As a courtesy, these comments are revised as needed based on the TRC meeting discussion and again emailed to those listed on the application.)

1. Fire

General Issues

4. Site Specific Comments

City of Fayetteville
Jeff Olund
(910) 964-9841
jolund@ci.fay.nc.us

- Fire hydrants shall be provided within 400 feet of all portions of the building as **measured by an approved route** around the exterior of the building. Buildings with an approved sprinkler system shall be allowed a distance of 600 feet. If this distance cannot be met a new hydrant shall be required to be installed.
-
- Gated areas shall have a Knox box to allow for emergency vehicle access.
- Developments shall comply with the Fire Flow requirements of Appendix B of the N.C. Fire Code; higher standards may be required by the providing utility. A request for a Fire Flow test can be submitted to the Public Works Commission (PWC).
Robert.turner@faypwc.com
<https://faypwc.geocivix.com/secure/>
-
-
- All new buildings shall have approved radio coverage for emergency responders.

2a. Chet Planning

General Issues

11. General Comments

City of Fayetteville
Chester Green
(910) 433-1497
CGreen@ci.fay.nc.us

1. In accordance with **Article 30-2.C.7** a **Special Use Permit** shall be required. The site shall be developed in accordance with the plan approved through the Special Use Permit process and with any conditions of that approval. The Special Use Permit will be void if a building permit is not issued prior to the one year Special Use Permit expiration date.
2. Street address numbers shall be assigned prior to building permits being issued. The builder shall post the address numbers (minimum 4") in full view of the street immediately upon beginning construction. (Please contact: Cumberland County Address Dept. 678-7666)
3. A commercial grade bike rack as required by **Article 30-5.A.9** shall be placed on a pad that is connected to the sidewalk system but shall not impede the sidewalk and shall be within 150 feet of an entrance. Indicate on the plan.
4. The owner(s) shall develop in accordance with the approved site plan, engineering plan, and utility plan. Deviation from the approved plan may result in additional submittals/approvals.
5. Revisions to plans shall require resubmission for review/approval).
6. Any future development shall be submitted for review/approval.
7. The developer shall be aware that subsequent application for zoning and building permits constitutes the developers understanding and acceptance of these Comments.

A sidewalk with approved handicap ramps and striping shall be required from the public sidewalk system to the development per **Article 30-5.F.9.b.8.**

12. General Comments

City of Fayetteville
Chester Green
(910) 433-1497
CGreen@ci.fay.nc.us

1. For Final Site Plan Approval an **Exterior Lighting plan** for all new exterior lighting shall be required. **See Article 30-5.E**
 - All exterior lights shall be full cut off fixtures.
 - The Lighting Plan shall indicate the pole height (max. 20 feet in residential districts and OI, NC, MU, and DT districts, and no greater than 30 feet in LC, CC, BP and industrial districts.)
 - Maximum illumination measured in foot-candles at ground level at a property line shall not exceed the standards in Table 30-5.E.5
 - Light poles shall be located at least 15 feet from canopy and 5 feet away from understory tree trunks.
 - Any adjustments in the field need to comply with this standard and be approved by City staff.

13. General Comments

City of Fayetteville
Chester Green
(910) 433-1497
CGreen@ci.fay.nc.us

1. Coordination with PWC for landscaping and lighting plans, to confirm no interference with easements will be required. PWC approval of these plans will be required prior to TRC approval.
2. A **Landscape Plan** prepared by someone knowledgeable of plant material and design is required. **See Article 30-5.B**
3. It is recommended that the landscape plan be included on a separate sheet. The plan shall include all applicable street trees, site and building landscaping, VUA (parking lot and drive aisle) landscaping, screening, property perimeter and/or street yard buffers.
[Recommended Plant Lists](#)
4. A planting legend summarizing quantity, size, type and spacing of plants should be included on plan.
5. Existing vegetation may be used to satisfy required buffers. Staff will determine if additional plantings are needed to satisfy this requirement.
6. Identify easement locations to ensure that there is no conflict between utilities and required landscaping.
7. Tree islands must meet minimum soil area requirements.
8. Canopy trees require 274 SF of uninterrupted soil area and min. width of 10'.
9. Understory trees require 180 SF of uninterrupted soil area and min. width of 7'.
10. Shrubbery to be a minimum of 2.5 feet from front end of the parking spaces to prevent damage from car overhang.
11. All shrubs installed as vehicular use screening are to be maintained as a continuous hedge at a minimum height of 36 inches.
 2. Please add the following notes to the plan for the installer:
 3. Shrubbery is to be planted at least 30" from curbing and from end of parking spaces to prevent damage from car overhang.
 4. Shrubs installed as vehicular use screening are to be maintained at a min. height of 36"; Min. installation height is 24".
 5. Site lighting plans require lights to be a min. of 15 feet from trees. Any adjustments in the field need to comply with this standard and be approved by staff.
 6. Each tree must be planted such that the root flare is visible at the top of the root ball. Trees where the root flare is not visible will be rejected. Do not cover the root flare with mulch.
 7. Do not place mulch in contact with the tree trunk. Keep mulch a min. of 4" away from the trunk base.
 8. Any changes to the proposed plant schedule must be approved by the designer of record and staff. In cases where the plant schedule only includes the plant

type and does not include the plant species, the contractor shall be required to submit to the City for approval, a detailed plant schedule and associated planting plan prepared by someone knowledgeable about plant material and design, prior to proceeding with installation.

9. Property Perimeter Buffer - In areas where existing vegetation is to be used to satisfy perimeter landscape buffer, the City may determine, after an on-site inspection, that additional planting is required to satisfy the required buffer.
3. In accordance with **Article 30-5.B.6. Tree Preservation** - Trees 30 inches or greater in diameter at breast height (4.5 feet) are considered Specimen Trees. The location of all specimen trees shall be noted on the plan along with their size. Removal of healthy specimen trees is discouraged and a fee-in-lieu of preservation is imposed (\$50 per caliper inch if removed or if the critical root zone is not protected during construction.)
4. **Article 30-2.C.9 Clear-Cutting Permit:** Do not remove any trees prior to final site plan approval. A Clear-Cutting Permit may be required if land clearing is to begin prior to site plan approval. If trees are improperly removed a fine and/or mitigation plan shall be required. A State Soil and Erosion Control Permit shall also be required prior to clearing the site.
5. **Article 30-5.B.7. Tree Preservation Incentives:** Saving existing trees may result in a reduction of open space dedication and/or may count toward required landscaping. A 300 percent credit for the preservation of the critical root zoned is available.
6. Tree protection areas based on a tree's critical root zone (one foot radius per one inch of tree diameter) shall be noted and drawn to scale on demolition, grading, erosion control, and landscaping plans. **Include the following information:**
7. PRIOR TO CONSTRUCTION:
The contractor shall install and maintain, for each protected tree or group of trees fencing that encircles the outer limits of the tree(s) critical root zone to protect them from construction activity. All fencing shall be in place prior to any site work and shall remain in place until all exterior work is completed.
PROTECTIVE FENCING:
Orange Vinyl construction fencing, chain link fencing, snow fencing or other similar fencing at least four feet high and supported at a maximum of ten-foot intervals, enough to keep the fence upright and in place. The fencing shall have a tree protection sign affixed every twenty feet and be clearly visible to the workers.

14. General Comments

City of Fayetteville
Chester Green
(910) 433-1497
CGreen@ci.fay.nc.us

1. **Open Space Requirement:** Commercial sites (*greater than one acre to 10 acres*) - Ten percent of the site shall be dedicated as Open Space. A minimum of 5% shall be provided with at least 50% being usable for active or passive amenities and shall be planned and improved with those amenities. Indicate the location, square footage, and details of the area and the amenities on the plan. Payment-in-Lieu is available for the remaining 5% required Open Space, calculated at the rate of \$12,038.96 per acre. **See Article 30-5.C**
2. You may contact the County Tax Dept. regarding tax-exempt status of required open space areas – Michelle Faircloth or Jeff Benenhaley (910-678-7531 – 678-7559).

Open Space: Usable: Bus stop areas and Urban amenity areas count at 200% credit toward usable open space. Usable areas shall have access, shade, seating, and are required to be ADA compliant. Illustrate details of access, shade, seating, enclosures, and commercial-grade furnishings. Non-Usable: Open space areas are to be planted with a minimum of 24 trees per acre. Tree save areas and stormwater ponds may count toward open space. Reference: Bonus and Incentives **Section 30-5.C.4.** For Final Site Plan approval open space areas with details shall be required. Please include a table with open space calculations summarized for each area.

3. Zoning

General Issues

3. General Comments

City of Fayetteville
Joseph Senn
9104331329
JosephSenn@Fayettevillenc.gov

1. **A Special Use Permit is required for approval.**
2. **Parking shall be provided in accordance with the Code; parking counts are based on the type of use; for Educational Facilities (Elementary School) it is based on the number of employees with an addition of 5 spaces . Please provide the necessary information for staff to determine compliance. See Article 30-5.A.**
 1. **All required head to head parking spaces shall be 9 x 20.**
3. This review is not approval of the location of signage, the location of signs shall not conflict with required landscaping. Signage requires the proper permit(s) and shall be obtained prior to the installation of any permanent signs.
4. If you are not planning to begin development immediately you may wish to obtain a vested right to develop in accordance with the approved plan, request a Vested Right Certificate from the Chief Zoning Administrator. **See Article 30-2.C.19 Vested Right Certificate**
5. No Certificate of Occupancy Permit shall be issued until a zoning officer inspects the site and certifies that the site is developed in accordance with the plan and that all comments have been satisfied.
6. All development shall comply with the **Chapter 12 - Flood Damage Prevention** of the Ordinance.

5. Engineering

General Issues

6. General Comments

City of Fayetteville
Michael Monge
9104331329
michaelmonge@fayettevilleNC.gov

1. Your project requires an infrastructure permit, which requires a new application to be created. Please visit the link below to begin the application process.

[Begin Infrastructure Permit Application Process](#)

2. An undeveloped site that adds 20,000+ SF of impervious area is required to meet the Stormwater Control Ordinance.

3. Stormwater management facilities must limit the one-year and ten-year developed peak discharge rates to predeveloped peak discharge rates or to the amount that can be accommodated by the receiving downstream drainage system, whichever is more restrictive. (Sec. 23-28 of the Stormwater Control Ordinance)

4. This site is greater than an acre and requires an Erosion Control Permit. Please coordinate with NCDEQ and submit an approved permit prior to any land disturbance or issuance of the Infrastructure Permit.

8. PWC Water

General Issues

2. General Comments

Fayetteville Public Works
Commission
Tiffany Faulk
9102234759
tiffany.faulk@faypwc.com

1. All projects are required to submit separately to PWC for review and/or approval. Submit required information through the PWC GeoCivix portal at <https://faypwc.geocivix.com/secure/>.
2. The Submittal Checklist and plans for the project are required to be included with the submittal to PWC. Additional documents that may be required are identified in the Submittal Checklist that is available at <https://www.faypwc.com/design-standards/>.
3. For projects requiring water and/or sewer main extensions, PWC has local delegated permitting authority from the State and may issue your water and sewer permits.
4. Water and sewer mains shall be extended in accordance with PWC's policies.
5. You may contact PWC for information on obtaining water and sewer services. (PWC – Water Resources Engineering, 910-223-4730)
6. No permanent structure(s) shall be permitted within any PWC utility easements.
7. Landscaping plan(s) shall be included in the submittal to PWC. No trees are allowed to be planted in PWC water and sewer utility easements. Non-invasive shrubs can be placed in the rear 5 feet of easements (if necessary). Chet Green can provide a list of vegetation allowed within easement areas. **Existing and proposed PWC easements must be shown on the landscaping plan in addition to being shown on the utility plan(s).**
8. Any existing water and/or sewer laterals that are not utilized on the project must be killed out at the main in accordance with PWC requirements.
9. A fire hydrant flow test may be required as determined by the fire marshal's office. As of July 1, 2019 the hydrant flow test fee is \$500. Application may be submitted through the PWC GeoCivix portal at <https://faypwc.geocivix.com/secure/>.
10. The application form is available at <https://www.faypwc.com/design-standards/>. Contact Robert Turner (910-223-4746, robert.turner@faypwc.com) at PWC with any questions.
11. A water permit is not required for fire lines of any size for projects submitted to PWC for review after January 01, 2017.
12. A hydraulic analysis (i.e. fire hydrant flow calculations) shall be submitted to PWC for review as determined by the fire marshal's office. These calculations shall demonstrate that the required fire flow may be supplied by the approved fire hydrant(s), as determined by the fire marshal's office, while maintaining 20 psi residual pressure on the PWC water system.
13. For projects in PWC's electric service area, a copy of the electrical panel schedule shall be included with the PWC submittal. For additional information, please contact PWC Electrical Engineering at 910-223-4514.

8a. PWC Electric

General Issues

1. Site Specific Comments

Fayetteville Public Works
Commission
Calvin Maykovich
9104831382
calvin.maykovich@faypwc.com

This site is served by South River EMC

9. NCDOT

General Issues

7. Driveway Permit required

NCDOT
Troy Baker
910-364-0601
tlbaker@ncdot.gov

Site and grading plan required for further review. Site plan requirements are shown in the Department's Policy on Street and Driveway Access to North Carolina Highways - July 2003.

9a. Traffic

General Issues

8. General Comments

City of Fayetteville
Virginia Small
9104331329
virginiasmall@fayettevillenc.gov

1. Submit the **N.C. Department of Transportation Street and Driveway Access Permit Application** (<https://connect.ncdot.gov/resources/BusinessForms/TEB-65-04.doc>) to the City Traffic Services Division online by visiting <https://fayetteville.idtplans.com/secure/>. Application will be created as a **separate submission** in IDT from the original TRC submission and will **need to include** PDFs of both the **permit application and site plan**. Please note: where signatures are required, **NCDOT acceptable signature methods** include: Original wet signature (scanned in color), Docusign verified, and Adobe Pro verified. Approval of the permit will be conducted online through IDT from the City of Fayetteville. **Payments** to The City of Fayetteville will also be **made online through IDT (*preferred*)** or by check (please contact City of Fayetteville Traffic Services staff person prior if you must pay via this method). Please note, paying offline may significantly slow down approval of the driveway permit. The City will approve driveway permits prior to NCDOT's approval. Following the City's approval, the applicant will need to meet all of NCDOT's requirements. The NCDOT driveway permit point of contact is Troy Baker tlbaker@ncdot.gov Driveway permits also will **not be approved until TRC has approved the final site plan layout**. Reference Article 24-101. Fees are as follows

-\$50.00 PER DRIVEWAY CONNECTION ON SITE payable to **NC Department of Transportation** (Driveway Permit)

-Please note: The City will not accept payments made to NCDOT. This will need to be sent directly to them separately.

-\$200.00 (or \$400 if building square footage is > 75,000) payable to **City of Fayetteville** (Driveway Permit)

-If NCDOT Driveway Permit is required, City driveway permit fees must still be paid, however, the developer is only required to fill out the NCDOT Driveway Permit Application.

Steps For Submitting a Driveway Permit Online Have Been Provided In a Separate Comment/Issue in IDT. The City Will **ONLY** Accept Driveway Permits Online Now & The Process Has Changed Significantly, So Please Read Carefully.

IMPORTANT UPDATE: As of 10/18/2021, following NCDOT approval, the **applicant will now be required to upload the NCDOT driveway permit approval package back into the City's IDT portal** under the previously submitted driveway permit project application. Thank you for understanding as this new requirement will significantly enhance coordination & may also help significantly expedite the approval process for your project.

3. **Minimum 20' radii** are required on all city access driveways. Driveway radii and driveway widths are to be labeled on the site plan. Reference Article 24-102 + NCDOT Policy on Street & Driveway Access Chapter 7 Section B

4. Any **existing curb cuts** and/or **driveway apron(s)** that are **no longer being used** or no longer allowed shall be removed and replaced with curb and gutter. This is to be depicted on the site plan in that manner.

5. Where any new driveway is constructed or an existing driveway reconstructed that requires a driveway permit, **a city standard sidewalk shall be constructed** along the entire length of the property served by such driveway. NOTE: Sidewalk installation may require curb drop(s) and curb ramp(s). Appropriate ramp type detail shall be provided with the driveway permit and labeled on the site plan. Reference Article 24-101

6. A **sidewalk** with approved handicap ramps, truncated domes, and a 5 foot landing (except with parallel handicapped ramps) shall be constructed along the property that abuts all public and private streets. Sidewalk must be 5' wide and 4" thick. Sidewalks across driveways shall be 5' wide and 6" thick. **All sidewalk details must be site specific and not a compilation of all the available sidewalk details.**

7. Future **sidewalk placement** will depend on pavement end treatment/conditions:

- a. -If strip pavement is used, sidewalk improvements will require an easement.
- b. -If rollback curb and gutter is used, sidewalk improvements require a 2' offset.
- c. -If vertical curb and gutter is used, sidewalk improvements may be placed directly behind.

8. A **sidewalk easement** shall be required for sidewalk and ramps within the property lines. Sidewalk easements are to be labeled on the site plan.

9. Sidewalks within the right-of-way will be included in the driveway permit approval and a **three-party encroachment** agreement shall be required for all sidewalks within NCDOT maintained right-of-way. Reference:
<https://connect.ncdot.gov/municipalities/Utilities/Pages/Encroachment-Agreements.aspx>

10. Should **cross sections** of existing sidewalk at adjacent properties be greater than the minimum width, installation of new sidewalk should

match the existing cross section width.

11. Sidewalks shall be constructed or a bond issued **prior to final plat approval** and/or issuance of a Certificate of Occupancy. Reference Article 24/102 + NCDOT Policy on Street & Driveway Access Chapter 2 Section A, Chapter 3 Section E

13. Appropriate **stacking distance** is required: (Measured from the edge of the street travel lane to the intersection of the driveway and parking area.) Reference Article 30-5.A.11
 1. -1-49 parking spaces requires 35 feet
 2. -50-249 parking spaces requires 45 feet
 3. -250-499 parking spaces requires 100 feet
 4. -500 or more requires 100 feet plus 15 feet for every additional 50 parking spaces

14. A **sight distance triangle** may be required: 20' x 20' and/or 10' x 70'. No object (including signs) shall interfere with visibility within the sight distance triangle of an intersection of streets. Reference Article 30-5.F.4

9. General Comments

City of Fayetteville
Virginia Small
9104331329
virginiasmall@fayettevillenc.gov

Guide For Submitting A Driveway Permit Online:

Please Note: The City Will Not Approve A Driveway Permit Until The Final Site Plan Has Been Approved By TRC (If Applicable). Also Note: If Submitting An NCDOT Driveway Permit Application, The Applicant Will Be First Required To Get City Approval.

Submittal Process Steps

1. Go To The **IDT Site** (May Need To Register)
<https://fayetteville.idtplans.com/secure/subscription/>
 - a. This Is The City's Electronic Development Review Software Website
2. Under The **'Projects'** tab, Click **'Submit A Project'**.
3. Click **'Submit A New Project'**.
4. Complete The **'Project Overview'** Section.
 - a. Application Category = **'Engineering Review'**
 - b. Application Type = **2.2) Driveway Permit**
 - c. **Project Name** = Preferably Same Name Used For TRC (If Applicable)
5. Click 'Save And Continue'
6. **Check Boxes** To Acknowledge Requirements Of Submittal
7. Click 'Save and Continue'
8. **Select Location** (Please Make This An **Address** If Possible)
9. Enter **'Primary Contact Information'**
10. Click 'Save and Continue'
11. Enter **'Project Information'**
 - a. Please Note: The 'Proposed Building Square Footage' Entered

In This Section Will Affect The Fees Paid At The End Of The Application Submittal

1. 'Less Than Or Equal To 75,000 SF' = \$200
 2. 'Greater Than 75,000 SF' = \$400
12. Enter '**Full Name**' To Acknowledge Terms
 13. Click 'Save And Continue'
 14. Review Application Submittal
 15. Check Box At Bottom Of Page And Click '**Confirm**' If Information Is Correct
 16. **Upload Files** And Click 'Save And Continue'
 - a. **Need To Submit At Least A PDF Of The Site Plan To Be Able To Begin Review Of The Application**
 17. Complete '**Fees**' Section By Selecting:
 - a. '**Pay Online**' (*Preferred*)
 - b. Or 'Pay Offline' (Please Contact Brian McGill
BrianMcGill@FayettevilleNC.Gov If You Must Pay Via This Method
 1. Please Note: Paying Offline May Significantly Slow Down The Approval Of The Driveway Permit.
 18. Click '**Confirm And Submit For Review**' And Then 'Confirm'

What Happens Now?

1. Appropriate Parties Will Receive Notifications That A Permit Application Was Submitted
2. **Project Administrator** Will Evaluate The Submitted Materials To Ensure All Requirements For The Submittal Are Met
 - a. **If All Requirements Are Met**, The Project Administrator Will **Accept The Submittal Package**. An Email Will Be Sent Out To Inform The Applicant That The Submitted Project is '**Under Review**'. Also, The Permit Application Document Will Be Generated And Emailed To The Applicant If Not Submitted Initially With The Application (**CITY PERMITS ONLY**). **At This Point, The Applicant Will Be Required To:** Download The Permit Application Document, Finish Filling It Out, Obtain All Appropriate Signatures, And Upload The Document Back Into IDT. Where Signatures Are Required, Acceptable Signature Methods Include: Original Wet Signature (Scanned In Color), DocuSign Verified, And AdobePro Verified.
 - b. **If All Requirements Are Not Met**, The Project Administrator Will **Decline The Submittal Package**. An Email Will Be Sent Out To Inform The Applicant That The Submitted Project Was Declined And The Applicant Will **Need To Resubmit** With The Proper Requirements.
 1. Please Note: If Paying Offline, No Action Will Happen Until Payment Has Been Received
3. At This Time, Appropriate Parties Are Assigned To Review The Project
 - a. **Assigned Reviewers Will Make Comments** In The Form of 'Issues'
 1. '**Open Issues**' Are Comments That **Require Revisions**
 2. A Issue Becomes a 'Closed Issue' When The Issue Has Been Addressed

3. **If Open Issues Require Resubmittal, The Project Administrator Will Decline The Review** And An Email And/Or Letter Will Be Generated To Inform The Applicant The Reasons Why The Review Was Declined
 1. The Applicant Will Then Need To Resubmit To Address The Issues

Once All Issues Have Been Addressed:

1. An Email Notification With Attached Letter Will Be Sent Out Stating That The Permit Has Been **Approved**.
2. The Applicant Will Be Able To Access The City Approved Documents By Simply Clicking The Links In The Letter (No IDT Login Required) Or Through IDT.
 - a. The Site Plan Will Typically Be Named 'City Stamped Site Plan'
 - b. The Permit Application Document Will Typically Be Named 'City Signed Permit'
3. At This Point If The Applicant Is Submitting A **City Permit**, The **Process Is Complete**.
 - a. The Applicant Will Need To Contact Jeffrey Riddle At jriddle@ci.fay.nc.us To Schedule A Pre-Construction Meeting As The Project Will Be Transferred Over To The City Of Fayetteville Construction Management Department.
4. However, If Submitting An **NCDOT Permit**, The Applicant Must Coordinate With NCDOT For Final Approval And Issuing Of The Permit Following City Approval.
 - a. The NCDOT Driveway Permit Point Of Contact Is Troy Baker tlbaker@ncdot.gov
 - b. A Payment Of \$50 PER DRIVEWAY CONNECTION ON SITE (Payable By Check) Will Need To Be Sent Directly To NCDOT (The City Cannot Accept Any Payments Made To NCDOT)
 - c. Lastly, The Applicant Will Need To Send Both The City Stamped Site Plan And City Signed Permit To NCDOT
 - d. **IMPORTANT UPDATE:** As of 10/18/2021, following NCDOT approval, the **applicant will now be required to upload the NCDOT driveway permit approval package back into the City's IDT portal** under the previously submitted driveway permit project application. Thank you for understanding as this new requirement will significantly enhance coordination & may also help significantly expedite the approval process for your project.

10. Site Specific Comments

City of Fayetteville
Virginia Small
9104331329
virginiasmall@fayettevillenc.gov

Site Specific Comments Include:

Need **NCDOT** driveway permit. The driveway permit is to be submitted as a new separate project in IDT. It is to be initially submitted to the City of Fayetteville for approval, and once signed off on by the City, it is to be uploaded to NCDOT's online portal. Guidelines have been included in a separate comment on this case. Please be sure to attach a PDF of both the site plan and signed permit application document to your submittal.

Need to build sidewalk with appropriate wheelchair ramps and truncated domes.

Please label driveway width and radii on site plan.

Transit

General Issues

5. General Comments

City of Fayetteville
Jaimie Walters
9104331329
jaimiewalters@fayettevillenc.gov

FAST service exists along Rosehill Road (Route 9). Existing stop (in process of being upgraded to include a shelter and bench) located very close to proposed development (see attached).



TIP PROJECT: W-5806C

CONTRACT: DF00423



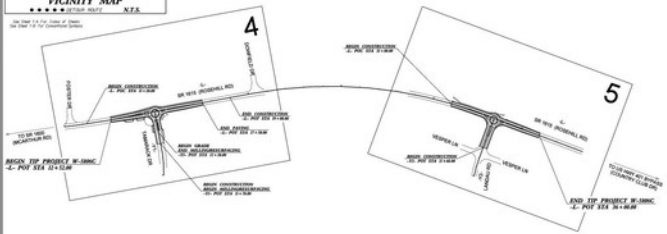
VICINITY MAP
 *** REGION ONLY *** NTS

STATE OF NORTH CAROLINA
 DIVISION OF HIGHWAYS

CUMBERLAND COUNTY

LOCATION INTERSECTIONS OF SR 101A (ROSELIE ROAD/TANAKER DRIVE
 AND SR 101B (ROSELIE ROAD/LANDAU ROAD)
 TYPE OF WORK: GRADING, DRAINAGE, & PAVING

Sheet	Project Number	Scale
N.C.	W-5806C	1"
Sheet 1.1	W-5806C	PL
Sheet 1.2	W-5806C	AW
Sheet 1.3	W-5806C	UL
Sheet 1.4	W-5806C	CONDT



DESIGN DATA
 ADF 2023 = 11,800
 ADF 2048 = 10,200
 V = 25 MPH
 FUNC. CLASS =
 MAJOR COLLECTOR

PROJECT LENGTH
 LENGTH ROADWAY TIP PROJECT W-5806C = 0.189 MILES
 TOTAL LENGTH TIP PROJECT W-5806C = 0.189 MILES

Prepared by the Office of
DIVISION OF HIGHWAYS
 AN INTERSTATE SECURITY PARTNERSHIP OF NORTH CAROLINA
 AN INTERSTATE SECURITY PARTNERSHIP OF NORTH CAROLINA
AGENCY OF WAY DATE: AUGUST 31, 2021
LETTING AGEN: FEBRUARY 15, 2023
SCOTT PRODIGEN
 DIVISION MANAGER (DATE: 2021)





City of Fayetteville

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

City Council Action Memo

File Number: 23-3683

Agenda Date: 11/13/2023

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: Kelly Olivera, Assistant City Manager

FROM: Christopher L. Cauley, MPA, Economic & Community Development
Director
Derrick McArthur, Economic Development Manager

DATE: November 13, 2023

RE:

Administrative Report - Feasibility of a Co-op on Murchison Road

COUNCIL DISTRICT(S):

Districts 2, 3, and/or 4

Relationship To Strategic Plan:

Goal I - Safe & Secure Community

1.3: Ensure low incidents of property and violent crime.

Goal II - Responsive City Government Supporting a Diverse and Viable Economy

2.2: Community Revitalization - Invest in community places to ensure revitalization and increase quality of life.

2.3: Leverage partnerships for job creation and retention, with focus on local and regional workforce to increase per capita income.

2.4: Economic Development: Sustain a favorable development climate to encourage business growth.

Goal III - City Investment in Today & Tomorrow

3.2: Manage the City's future growth and strategic land use.

Goal IV - Desirable Place to Live, Work and Recreate

4.5: Neighborhood Vitality - Ensure a place for people to live in great neighborhoods.

Executive Summary:

City Council shall be briefed on information obtained by Economic & Community Development about the feasibility of a co-op grocery store being developed on the Murchison Road corridor.

Background:

Community economic development professionals routinely engage in retail recruitment efforts to address socioeconomic issues or increase economic activity. During the Murchison Choice Planning Grant, the community spoke of the need for healthy eating options. Food insecurity is closely correlated to obesity, mental health issues, high poverty, crime, and neighborhood security. Currently, grocery shopping along the Murchison Road corridor is limited to dollar stores and a local neighborhood store with meager food selections.

Issues/Analysis:

When considering actions to address food insecurity, there are several possibilities the City could explore: (1) Recruiting traditional grocery store models, (2) Assisting community-led efforts to create a grocery co-operative, or (3) Enhancing healthy food options at current retailers. A traditional grocery store is backed by a large company with marketing, distribution, and product selection, while a grocery co-op is locally owned by the members. Grocery co-ops are typically higher priced selections of locally sourced, organic, or niche food options, but there are models that serve to address food insecurity in lower income communities. These efforts are a product of community-led initiatives to develop, own, and operate a grocery store. When the community-led effort is helmed under a 501c3 (nonprofit) organization, they are sometimes supported by local governments.

Store Type	Pro	Con
Traditional Grocery <i>(Implementation Timeline: 2-3 Years)</i>	Corporate support	Market driven Job opportunities
Co-Op Grocery <i>(Implementation Timeline: 7-10 Years)</i>	Locally owned	No established structure Not profit driven
Existing Retail <i>(Implementation Timeline: 1-2 Years)</i>	Faster changes	Limited changes No land acquisition
		Current perception

For each store type listed above, there are strategies the City could utilize to help mitigate food insecurity along Murchison Road. The City could engage a retail strategist to perform a market study, land analysis, and recruitment effort for a retail grocery store. The retail strategist would also help negotiate any incentives the City might provide a traditional grocer, including gap financing, zoning approvals, workforce recruitment, and training programs.

For a co-op grocery store, the City could contract with a consulting firm to assist community groups in the establishment of a co-op grocer. The City could also provide funding for land acquisition and operating expenses. In the examples reviewed by staff, cities typically funded consulting and land acquisition, while counties and grants provided assistance to offset operating costs. Staff also noted that in all examples reviewed, the

effort to establish a co-op was led by the community, and the city's support was secondary to the efforts of the community groups.

To incentivize existing retailers to expand their offerings of healthy food options, the City could offer additional façade improvement grants in exchange for a larger inventory of fresh foods and perishables.

Budget Impact:

Depending on the strategy employed, the costs could range from \$50,000 for consulting to recruit a grocery store or develop a co-op, to in excess of \$100,000 for façade improvement grants, gap financing, and workforce training.

Options:

For informational purposes.

Recommended Action:

No action required.

Attachments:

None.