

City of Fayetteville

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

Meeting Agenda - Final City Council Regular Meeting

Monday, October 23, 2017

7:00 PM

Council Chamber

REVISED

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 ANNOUNCEMENTS AND RECOGNITIONS

5.0 APPROVAL OF AGENDA

6.0 CONSENT AGENDA

6.01 [17-503](#) Approval of Meeting Minutes:
September 25, 2017 - Regular
October 2, 2017 - Work Session
October 9, 2017 - Discussion of Agenda Items
October 9, 2017 - Regular

Attachments:

[092517 Regular.doc](#)

[100217 WKS.doc](#)

[100917 Discussion of Agenda Items.doc](#)

[100917 Regular.doc](#)

- 6.02** [17-410](#) P17-19F The rezoning of property from SF-10 - Single Family Residential to OI/CZ - Office & Institutional Conditional Zoning, located at 3219 Cliffdale Road at the intersection of Cliffdale and McPherson Church roads and being the property of Doris D. McArthur Trust.

Attachments:

[P17-19F zoning map](#)
[P17-19F Current Landuse Map](#)
[P17-19F Landuse Plan Map](#)
[Conditional Rezoning Application 8.8.17](#)
[Site Plan Use](#)
[Site Photo 1](#)
[Site Photo 2](#)
[Site Photo 3](#)

- 6.03** [17-411](#) P17-20F The rezoning of property from SF-10 - Single Family Residential to OI - Office & Institutional, located 3518 Thomas Ave. & 3517 Thomas Ave. near the intersection of Thomas and Roxie roads and being the property of Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System.

Attachments:

[P17-20F Zoning Map](#)
[P17-20F Current Landuse Map](#)
[Map Amendment Application 8-14-17](#)
[Site Photo 1](#)
[Site Photo 2](#)

- 6.04** [17-484](#) P17-25F The rezoning of property from SF-15 - Single Family Residential to SF-10 - Single Family Residential, located 1500 Spotted Horse Lane near the intersection of Spotted Horse and Raeford roads, containing 49.5 acres and being the property of Joyce H. McFadyen.

Attachments:

[P17-25F zoning map](#)
[P17-25F Landuse Plan Map](#)
[Site Plan](#)
[1. Map Amendment Application](#)
[3. Aerial Photos of Property](#)
[6. TRC Comments](#)

- 6.05** [17-458](#) Capital Project Ordinance Amendment 2018-26 to Appropriate NC Department of Commerce Grant for the Downtown Redevelopment Project
- Attachments:** [CPOA 2018-26 \(Downtown Revitalization\)](#)
[Dept. of Commerce - Downtown Revitalization Grant Package](#)
[Fayetteville CouncilMeeting 10.2.17 DRAFT V3 excerpt](#)
- 6.06** [17-394](#) Adoption of Special Revenue Fund Project Ordinance 2018-6 (Downtown Urban Design Plan)
- Attachments:** [SRO 2018-6 Downtown Urban Design Grant \(17-394\)](#)
[Dept. of Commerce- Downtown Urban Design Grant Package](#)
- 6.07** [17-459](#) Adoption of Special Revenue Project Ordinance 2018-7 and Budget Ordinance Amendment 2018-3 for the City of Fayetteville Parking Management Plan
- Attachments:** [17-459- Downtown Parking Management Plan Grant Packet](#)
[SRO 2018-7 \(Parking Management Plan\)](#)
[BOA 2018-3 \(General Fund\)](#)
- 6.08** [17-497](#) Adoption of Budget Ordinance Amendment 2018-4 (Stormwater Management Fund) and Capital Project Ordinance Amendment 2018-25 to Appropriate Additional Funding for Fiscal Year 2017 Stormwater Drainage Improvement Projects
- Attachments:** [BOA 2018-4 \(Stormwater Management Fund\)](#)
[BOA 2018-4 \(Stormwater Management Fund\)](#)
[CPOA 2018-25 \(FY17 Stormwater Drainage Improvements\)](#)
- 6.09** [17-496](#) Adoption of Budget Ordinance Amendment 2018-5 (Stormwater Management Fund) and Capital Project Ordinance Amendment 2018-27 for the Person Street Innovative Stormwater Greenscape Project
- Attachments:** [BOA 2018-5 \(Stormwater Management Fund\)](#)
[CPOA 2018-27 \(Person St Innovative Stromwater Greenscape\)](#)
- 6.010** [17-505](#) Adoption of Budget Ordinance Amendment 2018-6 (General Fund) for the Downtown Development Agreement Second Amendment
- Attachments:** [BOA 2018-6 \(General Fund\)](#)

- 6.011 [17-480](#) Adopt a Resolution Authorizing the Conveyance of an Easement of City Owned Real Property to Parkview of Fayetteville Townhome Association, Inc. for a Traffic Turn-Around
- Attachments:** [ParkviewResolution](#)
 [Parkview Easement](#)
 [Parkview Map](#)
- 6.012 [17-486](#) Adopt Resolution Authorizing the Sale of Personal Property by Public Auction - 2007 Crane Carrier Refuse Truck
- Attachments:** [SURPLUS PROPERTY RESOLUTION 100417.pdf](#)
- 6.013 [17-487](#) Approval of Resolution to apply for a NCDOT Bicycle Planning Grant
- Attachments:** [Bicycle Planning Grant RESOLUTION 2018](#)
 [Bike Ped Planning Overview 2018](#)
- 6.014 [17-492](#) Resolution to Execute and File Applications for State Assistance through the Hazard Mitigation Grant Program (HMGP)
- Attachments:** [HMGP- Designation of Applicant's Agent](#)
 [HMGP- Final Approved List](#)
- 6.015 [17-499](#) Bid Recommendation - McGilvary Street Drainage Improvements and Waterline Relocation
- 6.016 [17-509](#) Waiver of Fee for a Community Event
- Attachments:** [Latino Community Connects Relief Effort.pdf](#)
- 6.017 [17-510](#) Waiver of Fees for Veterans' Home Repairs
- Attachments:** [Purple Heart Homes.pdf](#)

7.0 REPORTS FROM BOARDS AND COMMISSIONS

- 7.01 [17-502](#) Annual Report of the Audit Committee for Fiscal Year Ending June 30, 2017

Attachments: [Internal Audit Annual Report for Fiscal Year Ended June 30 2017](#)

8.0 PUBLIC HEARINGS

For certain issues, the Fayetteville City Council may sit as a quasi-judicial body that has powers resembling those of a court of law or judge. The Council will hold hearings, investigate facts, weigh evidence and draw conclusions which serve as a basis for its decisions. All persons wishing to appear before the Council should be prepared to give sworn testimony on relevant facts.

- 8.01 [17-478](#) Public Hearing to consider an economic development incentive for Project Nano 2.

9.0 ADMINISTRATIVE REPORTS

- 9.01 [17-491](#) Monthly Statement of Taxes - September, 2017

Attachments: [Monthly Statement of Taxes - September 2017.pdf](#)

10.0 ADJOURNMENT

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

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 twenty (20) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

COUNCIL MEETING WILL BE AIRED

October 23, 2017

Spectrum Cable Channel 7

Notice Under the Americans with Disabilities Act (ADA):

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

City of Fayetteville

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

City Council Action Memo

File Number: 17-503

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.01

TO: Mayor and Members of City Council

THRU: Jay Reinstein, Assistant City Manager

FROM: Pamela J. Megill, MMC, City Clerk

DATE: October 23, 2017

RE:

Approval of Meeting Minutes:

September 25, 2017 - Regular

October 2, 2017 - Work Session

October 9, 2017 - Discussion of Agenda Items

October 9, 2017 - 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 date.

Issues/Analysis:

N/A

Budget Impact:

N/A

Options:

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

Recommended Action:

Approve the draft minutes.

Attachments:

Draft minutes

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
SEPTEMBER 25, 2017
7:00 P.M.

Present: Mayor Nat Robertson

Council Members Katherine K. Jensen (District 1); Kirk deViere (District 2); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8) James W. Arp, Jr. (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Telly Whitfield, Assistant City Manager
Anthony Kelly, Assistant Police Chief
Cheryl Spivey, Chief Financial Officer
Kevin Arata, Corporate Communications Director
Brad Whited, Airport Director
Victor Sharpe, Economic and Community Development
Director
Ben Major, Fire Chief
Dwayne Campbell, Chief Information Officer
Randy Hume, Transit Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Robertson called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Georgia Walker, New Hope Gospel Ministries.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Boy Scout Troop 6 and Cub Scout Pack 82.

4.0 ANNOUNCEMENTS AND RECOGNITION

Council Member Hurst announced he and Council Member deViere attended the Up and Coming Weekly 20th Annual Best of Fayetteville Awards Ceremony and stated the City of Fayetteville won the Best Local Landmark (Market House), the Coolest Downtown Venue (Festival Park), and the What Does Fayetteville Need Most (Parking) awards.

Ms. Giselle Rodriguez, City Engineer, presented an update on the following Hurricane Matthew projects: Offing Drive, North Cool Springs Drive, Shawcroft Road, and Devonwood Lower Dam.

Council Member Jensen introduced Ms. Lauren Lowe, Fayetteville-Cumberland Youth Council (FCYC) member, representing the FCYC and joining City Council at the dais.

Mayor Robertson presented the Lafayette Award to Dr. John R. Griffin, Jr., for his outstanding interest and untiring commitment to the City of Fayetteville.

Council Member Arp announced the assessment and evaluation of the City Manager and City Attorney took place during a closed session held on September 20, 2017.

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MOTION: Council Member Arp moved that Council approve an annual salary increase for the City Manager and City Attorney of 2 percent with an effective date of August 7, 2017; consistent with the salary increase for all City employees.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

5.0 APPROVAL OF AGENDA

MOTION: Council Member Mohn moved to approve the agenda.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

6.0 CONSENT

MOTION: Council Member deViere moved to approve the consent agenda with the exception of Item 6.07; pulled to be placed on the October 2, 2017, work session agenda.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (10-0)

6.01 Approval of Meeting Minutes:
August 28, 2017 - Regular Meeting
September 5, 2017 - Work Session
September 11, 2017 - Regular Meeting

6.02 Authorization for the Mayor to Accept Fiscal Year 2018 and 2019 North Carolina Department of Transportation Aviation Grants for Terminal Renovations

On August 29, 2017, the State of North Carolina issued a Notice of Appropriation for \$1,139,670.00 of grant funds for improvements at the Fayetteville Regional Airport. On September 9, 2017, Airport staff also received an email notification that \$1,139,670.00 originally slated to be granted next fiscal year would also be awarded in the current fiscal year.

6.03 Administrative Correction of Capital Project Ordinance Amendment 2018-20 for Siple Avenue Hurricane Matthew Damage Repairs

On August 28, 2017, City Council adopted Capital Project Ordinance Amendment (CPOA) 2018-20 to appropriate an additional \$4,076.00 for the project to repair hurricane damage at Siple Avenue. Through clerical error, the CPOA understated the project budget prior to the amendment by \$6,000.00. This amendment provides a corrected presentation of CPOA 2018-20 effective with the amendment adoption date of August 28, 2017.

6.04 Adoption of Special Revenue Fund Project Ordinance Amendment 2018-2 (Transit Planning Grant NC-2016-030) and Capital Project Ordinance Amendment 2018-23 (Transit Capital Grants NC-90-X567 and NC-2016-030 MMTC Portion)

Construction of the FAST Multi-Modal Transit Center (MMTC) has experienced delays but is now nearing completion. The delays have required the City to extend the services of its project architect and construction manager. To provide funding for these additional costs, the City requested a grant budget revision through the Federal Transit Administration (FTA) for grant NC-2016-030 to transfer funding from planning activities, as originally awarded, to the MMTC capital project. Transit has sufficient planning funds in other grants to ensure planning projects will continue. Special Revenue Fund Project Ordinance Amendment (SROA) 2018-2 will reduce Federal grant funding under NC-2016-030 for planning activities by \$325,000.00, allowing for an additional \$260,000.00 of FTA grant funds to be available for the MMTC project and for the return of \$65,000.00 of the required local match to the Transit operating fund. Capital Project Ordinance Amendment (CPOA) 2018-23 will appropriate the \$260,000.00 of Federal

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grant funds for the construction project, and utilize \$65,000.00 of local funding in excess of the required local match for grant NC-90-X567 to match the additional Federal grant funds under grant NC 2016-030.

6.05 Adoption of Special Revenue Fund Project Ordinance 2018-4 for Fayetteville Historic District Design Guidelines Update

Special Revenue Fund Project Ordinance (SRO) 2018-4 will appropriate \$20,000.00 for professional services to update the design guidelines for historic districts and landmarks, and other ancillary costs. Funding for the project is provided by a \$10,000.00 grant award of federal funds passed through the North Carolina Historic Preservation Office, and a \$10,000.00 required local match from a General Fund transfer.

6.06 Adoption of Budget Ordinance Amendment 2018-2 and Special Revenue Project Ordinance 2018-5 for a Rural Economic Development Grant for K3 Enterprises, Inc., from the North Carolina Department of Commerce

The City of Fayetteville has been awarded a \$400,000.00 Rural Economic Development Grant from the North Carolina Department of Commerce (NC DOC) for a building reuse loan for K3 Enterprises, Inc. (K3). K3 will undertake substantial renovations of its property at 504 Cumberland Street, and in turn, guarantee creation of 32 new full-time jobs. The grant requires that the City provide a 5 percent, or \$20,000.00, cash match for the project. Budget Ordinance Amendment 2018-2 will appropriate \$20,000.00 from General Fund fund balance to provide the required matching funds. Special Revenue Project Ordinance 2018-5 will appropriate \$400,000.00 of grant proceeds and the City's \$20,000.00 match for the project. At least \$800,000.00 of qualified project expenditures will have to be made by K3 to qualify for the funding.

6.07 Resolution Authorizing the Conveyance of an Easement of City-Owned Real Property to Parkview of Fayetteville Townhome Association, Inc., for a Traffic Turn-Around

This item was pulled from the agenda by Council Member deViere; item to be placed on the October 2, 2017, work session agenda.

6.08 PWC - Resolution Directing Construction of Areas 20 and 21 of the Phase 5 Annexation Utility Improvement Project be undertaken

**RESOLUTION DIRECTING CONSTRUCTION OF AREAS 20 AND 21 OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN.
RESOLUTION NO. R2017-057**

6.09 Resolution to donate a 1995 Emergency One 75' Ladder Apparatus to Stoney Point Fire Department

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE DONATION OF PERSONAL PROPERTY.
RESOLUTION NO. R2017-058**

6.10 Resolution Downtown Parking Temporary Delegation of Authority

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REGARDING DOWNTOWN PARKING AVAILABILITY DURING THE CONSTRUCTION OF THE BASEBALL STADIUM AND ASSOCIATED DEVELOPMENT PROJECTS.
RESOLUTION NO. R2017-059**

6.11 Resolution Authorizing the Execution and Delivery of a \$3,600,000.00 Installment Financing Agreement, Deed of Trust, Project Fund Agreement, Conditional Assignment of Construction Documents and Related Documents for the financing of Fire Station 12.

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RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT, A DEED OF TRUST, A PROJECT FUND AGREEMENT, A CONDITIONAL ASSIGNMENT OF CONSTRUCTION DOCUMENTS AND RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING OF A NEW FIRE STATION FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2017-060

6.12 Bid Recommendation - Sewer Lift Station Rehabilitation at North Fayetteville and Cypress Lakes Lift Stations award to Carolina Management Team, the lowest responsive, responsible bidder in the total amount of \$811,910.10

Bids were received on August 16, 2017, as follows:

Carolina Management Team, LLC, Asheville, NC\$811,910.10

6.13 Authorization of a lease with Cape Fear Valley Hospital for lots to be used for parking

Authorizes the City Manager to execute the proposed lease with Cape Fear Valley Hospital.

10.0 PUBLIC HEARINGS

10.1 Ryan Ashley's Appeal of the Planning Commission's Decision to Deny a Neighborhood Compatibility Permit Regarding Parking of a Two-Axle Trailer in the Front Yard Driveway at 738 Fairview Street

Ms. Marsha Bryant, Development Advocate, presented this item with the aid of a PowerPoint presentation and stated the property owner is appealing the Planning Commission's decision to deny the request for a Neighborhood Compatibility Permit to allow a two-axle trailer to be parked in the front yard driveway where the code requires two-axle trailers to be parked in the rear yard. The Planning Commission decided the case on August 15, 2017. On September 15, 2015, Council adopted an ordinance amendment to allow parking of recreational vehicles, campers, and single-axle boat and utility trailers under certain conditions in residential districts and on an approved surface. Multi-axle trailers are not allowed to be parked in the front yard unless approved through the Neighborhood Compatibility Permit. On February 22, 2017, Mr. Ashley received a notice of violation from the City Code Enforcement Department. On March 15, 2017, Mr. Ashley requested a Neighborhood Compatibility Permit for the two-axle open trailer allowing it to be parked in the front yard. In April 2017 staff placed the item on hold pending City Council's review of the Code. In June 2017 City Council did not revisit or amend the Code. On August 15, 2017, the Planning Commission held a public hearing to review the request. The Planning staff recommended denial of the request. The applicant was not present at the Planning Commission hearing and the Planning Commission moved forward with the hearing and voted to deny the request.

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

Mr. Ryan Ashley, 738 Fairview Drive, Fayetteville, NC, stated he is the applicant and requested Council approve his appeal.

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

Discussion ensued.

MOTION: Council Member deViere moved to deny the Neighborhood Compatibility Permit.

SECOND: Council Member McDougald

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VOTE: FAILED by a vote of 4 in favor (Council Members Hurst, McDougald, deViere, and Crisp) to 6 in opposition (Council Members Robertson, Jensen, Colvin, Wright, Mohn, and Arp)

Council Member Arp asked if the Council has the right to approve the appeal of the ordinance. Ms. Karen McDonald, City Attorney, stated Council does have the authority to uphold the appeal.

Council Member Crisp stated this Council adopted the ordinance to prohibit vehicles with more than two axles, and we have denied a number of people with the same request.

Council Member Wright stated Council has the authority to revise the ordinance, and this particular trailer is not a bother to the other residents. We need to take another look at the ordinance, and each case should be judged separately.

Council Member Mohn stated there are three options listed for this item in the agenda packet and proposed Option 3 which is to overturn the Planning Commission's decision and approve the Neighborhood Compatibility Permit with conditions.

MOTION: Council Member Mohn moved to approve the applicant's request for a Neighborhood Compatibility permit with conditions that the trailer is parked as far back as possible on the approved surface.

SECOND: Mayor Pro Tem Colvin

Council Member McDougald stated he would not like to have a trailer such as this parked next to his residence, and asked the Mayor and Council if they wanted this next to their home.

Council Member Crisp stated if we approve this, does Council understand we will have a deluge of truck drivers complaining that we denied their request and now we have approved this one.

Council Member deViere stated we need to be very specific of where the trailer has to be parked. Council Member Mohn responded the trailer would have to be parked within two feet of where it is depicted in the photograph on the bottom left hand side of the slide. Council Member deViere responded this could be problematic for the staff if they have to carry a photograph around with them.

Mayor Pro Tem Colvin stated just because we have a policy, does not mean we do not have a due process for residents to appeal the process. Each case is different, this case is non-intrusive.

Council Member Jensen stated she would prefer the trailer be parked on the approved surface.

Council Member Wright asked for the motion to be restated.

RESTATED MOTION:

Council Member Mohn moved to approve the applicant's request for a Neighborhood Compatibility permit with conditions that the trailer is parked as far back as possible on the approved surface.

SECOND: Mayor Pro Tem Colvin

VOTE: PASSED by a vote of 6 in favor (Council Members Robertson, Jensen, Mohn, Colvin, Arp, and Wright) to 4 in opposition (deViere, McDougald, Hurst, and Crisp)

10.2 Consideration of a Resolution and Order Closing a Portion of Thomas Avenue

Ms. Kecia Parker, Real Estate Manager, presented this item and stated N.C.G.S. § 160A-299 gives authority of the City to close a city street or alley. Cumberland County Hospital System, Inc., has petitioned to close a portion of Thomas Avenue to better enhance

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future plans for redevelopment of their property. They currently own all of the surrounding parcels. Closing the portion of the street will not deny access to any property owners. The first step in the process is to have a resolution granting the public hearing which was passed on August 14, 2017. The property has been posted and all certified mail has been sent to the adjoining property owner as required by North Carolina General Statute.

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

RESOLUTION AND ORDER CLOSING A PORTION OF THOMAS AVENUE. RESOLUTION NO. R2017-061

MOTION: Council Member Hurst moved to adopt the Resolution and Order closing a portion of Thomas Avenue.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

10.3 Consideration of Renaming of Meeting Street to Marion C George Street.

Ms. Marsha Bryant, Development Advocate, presented this item and stated this request was submitted to preserve the legacy of a prominent member of Evans Metropolitan A.M.E. Zion Church. Marion C. George also served the community as an attorney, professor, as well as a City Councilman and Mayor Pro Tem of the City of Fayetteville. Property owners were notified and given the opportunity for input on the respective road. There are six properties that abut this street. Those six properties are owned by only two entities, the Metropolitan A.M.E. Zion Church and the City of Fayetteville. An addressing change will only affect one structure which is owned by the church. All other property addresses will remain the same. Concern was raised that the name Meeting Street has a significant historical meaning to that area. Traditionally this area was not only used for church meetings but also as a gathering place and training area for military units that were local to Fayetteville.

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

Ms. Mary Ann Brown-Jackson, 1959 James Hanner Way, Fayetteville, NC, appeared in favor and stated she and the A.M.E. Zion Church members would very much like to have the street renamed.

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

MOTION: Council Member deViere moved to defer this item to a future work session; allowing time for staff to conduct further research.
SECOND: Council Member Crisp
VOTE: UNANIMOUS (10-0)

11.0 OTHER ITEMS OF BUSINESS

11.1 Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments

Council Member Hurst presented this item and stated the Appointment Committee met on August 23, 2017, to review applications for appointments to boards and commissions. It is from that meeting the Appointment Committee presents the following recommendations for appointments to the City of Fayetteville boards and commissions:

Zoning Commission
Mr. Stephen McCorquodale

Oct. 2017-Sept. 2019

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MOTION: Council Member Hurst moved to approve the Appointment Committee recommendation to appoint Mr. Stephen McCorquodale to serve on the Zoning Commission, effective October 1, 2017.

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

12.0 ADMINISTRATIVE REPORTS

12.01 Monthly Statement of Taxes - August 2017

2017 Taxes	3,384,970.80
2017 Vehicle,	0.00
2017 Taxes Revit	6,284.37
2017 Vehicle Revit	0.00
2017 FVT	0.00
2017 FTT	0.00
2017 Storm Water	554,943.74
2017 Fay Solid Waste Fee	383,527.24
2017 Annex	0.00
2016 Taxes	51,556.25
2016 Vehicle	00.00
2016 Taxes Revit	152.85
2016 Vehicle Revit	0.00
2016 FVT	0.00
2016 FTT	0.00
2016 Storm Water	4,581.15
2016 Fay Solid Waste Fee	3,232.67
2016 Annex	0.00
2015 Taxes	4,431.54
2015 Vehicle	0.00
2015 Taxes Revit	0.00
2015 Vehicle Revit	0.00
2015 FVT	0.00
2015 FTT	0.00
2015 Storm Water	135.76
2015 Fay Storm Water	271.51
2015 Fay S Waste Fee	405.29
2015 Annex	0.00
2014 Taxes	1,024.84
2014 Vehicle	0.00
2014 Taxes Revit	0.00
2014 Vehicle Revit	0.00
2014 FVT	0.00
2014 FTT	0.00
2014 Storm Water	15.00
2014 Fay Storm Water	27.00
2014 Fay S Waste Fee	40.00
2014 Annex	0.00
2013 and Prior Taxes	1,899.02
2013 and Prior Vehicle	1,209.36
2013 and Prior Taxes Revit	0.00
2013 and Prior Vehicle Revit	0.00
2013 and Prior FVT	266.86
2013 and Prior FTT	108.33
2013 and Prior Storm Water	36.00
2013 and Prior Fay Storm Water	72.00
2013 and Prior Fay S Waste Fee	114.00
2013 and Prior Annex	0.00
Interest	6,687.65
Revit Interest	11.08
Storm Water Interest	41.19
Fay Storm Water Interest prior	81.66
Fay Storm Water Interest 2017	0.00

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Fay Storm Water Interest 2016	320.74
Annex Interest	0.00
Solid Waste Interest	355.56
Fay Transit Interest	58.02
 Total Tax and Interest	 \$4,406,861.48

12.2 Red Light Camera Fees

Mr. Douglas Hewett, City Manager, introduced this item Representative Elmer Floyd has requested that the City Council reconsider the \$100.00 late fee for failure to pay the civil penalty or to file an appeal within 30 days after notification of a red light camera violation. After review of peer cities with red light camera programs, staff recommends Council retain the existing \$100.00 late fee.

MOTION: Council Member Wright moved to adopt a late payment fee in increments, and break the late fees to \$50.00 after 30 days and an additional \$50.00 after 60 days.

Ms. Karen McDonald, City Attorney, stated the State Legislation does not allow for two incremental fees.

Council Member McDougald requested clarification on having discussion without a second on the motion.

The motion died for lack of a second.

MOTION: Council Member Wright moved to continue the \$100.00 fine, with a maximum \$50.00 late fee.

SECOND: Mayor Pro Tem Colvin seconded the motion contingent upon acceptance of a friendly amendment.

FRIENDLY AMENDMENT:

Mayor Pro Tem Colvin made a friendly amendment that the late fee be phased in, because it would not be over \$100.00, if permitted under State Legislation.

Ms. McDonald, City Attorney, responded the State Legislation does not permit phased in fees. Mayor Pro Tem Colvin withdrew his second.

The motion died for lack of a second.

MOTION: Council Member Arp moved to accept the report as presented by staff and direct staff to converse with the State Delegation and bring this item back to Council at a future work session.

SECOND: Mayor Pro Tem Colvin

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

Mayor Pro Tem Colvin requested the City Attorney and City Manager report their findings back to the Council via an e-mail or memorandum as soon as they receive the information.

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13.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:59 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

NAT ROBERTSON
Mayor

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FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE CONFERENCE ROOM and
COUNCIL CHAMBER
OCTOBER 2, 2017
5:00 P.M.

Present: Mayor Nat Robertson (departed at 8:43 p.m.)

Council Members Katherine K. Jensen (District 1); Kirk deViere (District 2) (arrived at 5:11 p.m.); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5) (arrived at 5:13 p.m.); William J. L. Crisp (District 6) (arrived at 5:05 p.m.); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Tracey Broyles, Budget and Evaluation Director
Giselle Rodriguez, City Engineer
Michael Gibson, Fayetteville-Cumberland Parks and Recreation Director
Kevin Arata, Corporate Communications Director
Randy Hume, Transit Director
Eloise Sahlstrom, Urban Designer
Kecia Parker, Real Estate Manager
Marsha Bryant, Development Services Advocate
David Trego, PWC CEO/General Manager
Will Deaton, Comprehensive Planner
John Larch, Engineer II
Robert Van Geons, President and CEO, FCEDC
Mark Brown, PWC Customer Services Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Robertson called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member McDougald.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda with the exceptions of moving Item 4.015 as the first item, combining Items 4.012 and 4.016 into one item, and pulling Item 4.06 to be placed on the October 30, 2017, work session agenda.

SECOND: Mayor Pro Tem Colvin

VOTE: UNANIMOUS (10-0)

4.0 OTHER ITEMS OF BUSINESS

4.015 City Council Agenda Item Request - Annexation of all PWC real properties into the City of Fayetteville.

Council Member Arp introduced this item and stated there are some real properties that are not located within the boundaries of the City of Fayetteville. Since PWC is the City of Fayetteville's utility, all real property of PWC belongs to the City and should be annexed into the City. No tax revenue is generated by PWC real properties, but the City does receive a payment in lieu of taxes from PWC. In the event

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of a future sale of PWC real property, the City of Fayetteville would not receive tax revenue on these properties as they would be located in the County. Therefore, the City should annex all of these properties that belong to the City into the City.

Mayor Pro Tem Colvin asked Mr. Trego if there were currently any pending sales. Mr. Trego responded in the negative.

Consensus of Council was to direct staff to bring this item back to the October 30, 2017, work session with the list of PWC properties.

4.01 Professional Services Contract for Engineering Evaluation of Privately-Owned Dams Damaged During Hurricane Matthew

Mr. Kristoff Bauer, Deputy City Manager, presented this item with the aid of a PowerPoint presentation and stated Hurricane Matthew floodwaters damaged dams throughout the City. The Federal Emergency Management Agency (FEMA) agreed to provide Public Assistance to repair City-maintained dams; however, privately-owned dams were not eligible for FEMA funding. In an effort to help rebuild the community following Hurricane Matthew, City staff researched state law for mechanisms to assist. City staff found that under North Carolina General Statute 160A-216, the City could potentially assist in the repair of private dams as long as there was a public benefit provided by the dam and/or lake. The City can fund the design and construction of dam repairs and recoup the funding through a special tax assessment levied on benefited property owners. In July 2017, the City held a series of meetings to reach out to the neighborhoods affected by dams damaged from Hurricane Matthew. The City explained that helping repair private dams would be a multi-step process, beginning with an engineering evaluation of the dam and a determination of the repair costs. The City asked impacted Home Owners Associations (HOAs) to poll their members and see if there was support for moving forward with the process. If supported by their members, HOAs were instructed to submit a petition to the City by August 31, 2017. Petitions were received from the following owners of four private dams requesting that the City perform an engineering evaluation of their dams:

- Strickland Bridge Dam - Strickland Bridge HOA
- Rayconda Upper Dam - Rayconda HOA
- Rayconda Lower Dam - Rayconda HOA
- Arran Lake Dam - Arran Lake HOA

Mr. Bauer further stated a petition was also received from 3 DAG LLC, a private corporation that owns Wooded Lake Dam at the Kings Grant Golf Course, however staff is not recommending this dam be included for consideration in the process. A cursory inspection revealed that the Wooded Lake Dam appears to have sustained little to no damage from Hurricane Matthew. The petition submitted to the City indicates that repairs have been done to the dam, so it is unclear why City assistance would be required. 3 DAG LLC is a for-profit corporation that owns Wooded Lake Dam which serves a private golf course (Kings Grant), with no apparent benefit for the citizens that would justify City involvement in improvements to this dam. To begin the process of assisting the HOAs with damaged dams, City staff is recommending that the City Manager be authorized to execute a professional services contract to perform the engineering evaluations of these private dams. A Request for Qualifications (RFQ) for post-Hurricane Matthew professional services was advertised on January 17, 2017, in accordance with state and federal requirements. The firm selected for the project management and construction oversight function was Freese & Nichols, Inc. (FNI) located in Raleigh, NC. No Fayetteville firms responded to the RFQ. Staff proposes to extend the services of FNI to include the requested evaluations at a cost of \$200,600.00. This cost could be recovered from assessment funds should the project move forward. This contract would be limited to the initial evaluation of the dams and would determine the cost to repair the private dams, identify a public function for the dams,

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identify benefited property owners, and develop a plan for how the repairs could be paid for through a special tax assessment of the benefited property owners.

Mr. Bauer stated once the benefited property owners are identified and a cost is determined, the property owners would then petition to determine if a majority of benefited property owners are in favor of a special tax assessment before any further engineering or construction work is undertaken. These future petitions would be brought before the City Council at a later date for consent. If property owners petitioned in favor of moving forward and the City Council approved the request, City staff would proceed with the project in a manner similar to other City projects. Engineering design services would be performed by a firm to be selected through an RFQ process and a construction firm would be selected through a public bidding process. The cost of the evaluation for each dam is as follows:

Strickland Bridge Dam	\$54,940.00
Rayconda Upper Dam	\$54,740.00
Rayconda Lower Dam	\$55,940.00
Arran Lake Dam	\$34,980.00

Mr. Bauer stated the City does not anticipate being able to obtain any FEMA reimbursement or State reimbursement for the cost of the engineering evaluations. If, upon completion of the evaluations, the property owners petition against moving forward with the special assessment for design and repair of the dam, the City would have no way to recoup the initial engineering evaluation cost from the dam owners.

Discussion ensued.

Consensus of Council was to direct staff to look at all dams with due diligence, and bring this item back to City Council in 30 days. Staff to notify all affected residents of the Corps of Engineers two-year time limit.

4.02 Prince Charles Holding ("PCH") Downtown Development Agreement - Second Amendment (Staff recommends this item for Closed Session; Attorney Client Privileged Information)

MOTION: Council Member Arp moved to go into closed session for an attorney-client privileged matter relating to the Prince Charles Holding (PCH) Downtown Development Agreement and a personnel matter related to the City Manager employment contract.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

The regular session recessed at 6:15 p.m. The regular session reconvened at 8:06 p.m.

MOTION: Council Member Mohn moved to go into open session.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

4.03 Stadium/Prince Charles Holding Plaza Area Design Update

Mr. Rory Dowling, PCH, stated PCH was given the design and construction management responsibility for the site infrastructure and public plaza per the Downtown Development Agreement with the City. PCH engaged Stewart for landscape architecture and civil engineering services, and further stated there is coordination between all the stakeholders which include the City, Baseball Committee, Astros, Populus, Barton Malow and PWC.

Mr. Rory Dowling, PCH, introduced the design team members of Mr. Michael Batts, Mr. Tim Summerville, and Ms. Katie Hamilton.

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Mr. Batts provided an overview of the project/scope and background, design collaboration, preliminary design plans for the infrastructure and the plaza design, and cost estimates, with the aid of a PowerPoint presentation. Mr. Tim Summerville provided an overview of the project goals (non-programmatic and programmatic). An overview of the concept plans was also provided.

Council thanked Mr. Dowling and Stewart staff for the update.

4.04 Proposed 2018 City Council Meeting Dates Calendar

Mr. Douglas Hewett, City Manager, presented this item and stated the City Clerk's office has prepared a draft 2018 City Council meeting dates calendar for Council consideration.

Mayor Pro Tem Colvin asked if the calendar should be voted on after the general election. Mr. Hewett responded the calendar is routinely adopted in October. Ms. Pamela Megill, City Clerk, asked for the calendar to be adopted prior to the election for planning purposes and stated the calendar is part of the onboarding packet for the newly elected Council members.

Consensus of Council was to move this item forward to the consent agenda of the October 9, 2017, regular meeting agenda.

4.05 Strategy and Performance Project Update

Ms. Rebecca Rogers-Carter, Strategic Performance Analytics Director, presented this item and stated the Strategy and Performance Analytics (SPA) Office mission is to maximize organizational performance for a positive impact. Several key strategy and performance improvement initiatives are underway. The City's strategic planning process is designed to build upon past successes, yet also accommodate proactive response to changing environments. Upcoming key dates include the Senior Management Team Retreat in December, the Café Conversations event in January, and the City Council Retreat scheduled for February 2 and 3, 2018. The SPA Office is working with several partners to advance performance and quality improvement efforts. The What Works Cities project is underway and will help refine a comprehensive set of performance measures for stormwater operations (developing a stat model) that will assist in making evidence-based policy decisions and will allow the City to better communicate the efficiency and effectiveness of its stormwater program to residents. This initiative, while it is focused on our stormwater program, will advance the City's citizen driven performance measurement program, TRACstat. The TRACstat program ensures we are results-focused, accountable, and transparent. The FY 17 Performance Report is scheduled to be presented to City Council October 9, 2017. The City prides itself in being an engaged leader in the community for innovation, effective change management, and continuous improvement strategies. SPA has partnered with Fayetteville's Opioid Taskforce and Bloomberg Philanthropies in an effort to submit a grant application for the 2017 Mayor's Challenge. The grant application is due October 18, 2017. Key project team members also include staff from the City Clerk's Office, the Police Department, and Information Technology Department. SPA has partnered with the 96th Civil Affairs Battalion and our stormwater staff to launch the Stormwater Ambassador program in September. The next civil affairs exercise will assist the Emergency Management team with the development of a pedestrian evacuation plan for downtown. The project is slated for November. The City of Fayetteville has been invited to join the Network for Southern Economic Mobility. The Network has helped cities close gaps that separate people from potential economic growth. This opportunity aligns to City Council's strategic objectives for the City Goals of Diverse and Viable Economy and a Desirable Place to Live, Work and Recreate. Moreover, it will supplement the City's efforts following the City Council approved anti-poverty summit (Pathways for Prosperity) which will be held in November. One main goal of this initiative is to increase the upward economic mobility for youth and

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young adults in the lowest income brackets. Through on-site coaching, expert programmatic technical assistance, and facilitated peer-learning, the Network is designed to help communities deepen, accelerate, and align strategic investments for systemic change that position these youth and young adults for economic success. Participation with the Network comes with a two-year commitment and a \$25,000.00 annual participation fee. However, the John M. Belk Endowment has an interest in subsidizing the City's \$25,000.00 first year participation fee. We are working with the Network's coordinating agency, MDC, to submit a proposal to the John M. Belk Endowment to cover the cost of the City's participation for the first year. If the City does not receive this funding, we plan to decline the invitation. If the funding is approved, it will flow directly to MDC. Currently, the MDC is working to respond to the John M. Belk Endowment on the City's behalf and expects confirmation within a few weeks. The City will seek alternative funding sources for the second year of participation, to include exploring opportunities to partner with Cumberland Community Foundation. The other three cities that were invited to participate are Little Rock, Ark., Savannah, Ga., and Spartanburg, S.C. In the event the John M. Belk Endowment funding is available to cover the City's participation fee, the SPA Office is beginning preparation for the Network's kickoff event being held in Durham on November 1-3, 2017. The City of Fayetteville partnered with Greater Fayetteville United to perform the City's first comprehensive social capital survey. A community forum was held September 19, 2017, to communicate results and empower action. More than 175 residents and leaders attended. A report from the community forum will be provided to Council when available to help guide policy. A citizen survey, gauging citizen satisfaction and priority levels for City services is slotted for next spring.

Consensus of Council was approval of the SPA project updates and timeline: October 9 - Performance Report, October 18 - Mayors Challenge Grant Application, October 2017 - Social Capital Survey and Community Forum, October 2017 - What Works Cities, November 1 -3 - MDC participation and kickoff, November 13 - 96th Civil Affairs exercise, November 18 - Poverty Summit, December 2017 - SMT retreat, January 2018 - Café Conversations, Council Onboarding, FY 18 TFA review, and February 2-3 - City Council Retreat Dates.

4.06 Amortization of Nonconforming Extended Stay Operations

This item was pulled from the agenda to be placed on the October 30, 2017, City Council work session agenda.

4.07 Comprehensive Plan Next Study Areas

Mr. Will Deaton, Comprehensive Planner, presented this item with the aid of a PowerPoint presentation and stated City Council has directed staff to update the 2010 Plan as a Comprehensive Plan Update. This direction included studying specific areas of the City and its environs likely to see significant changes over the next 20 to 30 years. This item is to advise Council about the next areas to be studied. To date, staff has completed the Cape Fear River Plan component and is ready to proceed with public hearings for the adoption of the Medical Village Plan and the Haymount Plan. The Shaw Heights area is uncertain depending on whether or not it is annexed. Staff proposes that the next two areas to be studied are Massey Hill and Bonnie Doone. Staff will present the boundaries of these two study areas and propose that the boundaries of the Bonnie Doone area be extended to the All American Freeway. If Council agrees that these areas will be the next two areas to be studied, staff will initiate the appropriate planning process. The current status of the areas recommended to be studied are as follows:

Complete or Underway:

- (1) Cape Fear River - Completed

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- (2) Medical Village - Draft complete, next step would be public hearings with the Planning Commission and City Council. Following City Council consideration and direction, it would be adopted for implementation. Tentatively scheduled for a public hearing before Planning Commission in October 2017.
- (3) Haymount - Draft complete, next step would be public hearings with the Planning Commission and City Council. Following City Council consideration and direction, it would be adopted for implementation. Seek direction from City Council as to when to move the study forward for Planning Commission and City Council public hearings.

Future Study Areas:

Bonnie Doone - Seeking direction
Massey Hill - Seeking direction
Shaw Heights - Depends on annexation
Mall, Glensford Drive - Future
Downtown - Future
North Medical Village - Future

Council Member deViere stated we should be looking at growth areas. This list is a regurgitation of what we reviewed last time.

Mr. Douglas Hewett, City Manager, stated the last time we looked at this item, it was made clear there was too much conversation about Haymount. We can put other areas on this list if that is your interest. I do not think we have a good frame work for the various components and what the relationship is. The Planning staff can tell us exactly how the components can be used or not.

Council Member McDougald stated he was concerned about traffic movement in the Haymount area.

Council Member Jensen stated there are a lot of donut holes (that are County) in the Ramsey-Andrews Streets area, and further stated she would like a study of all the donut holes in District 1.

Council Member Crisp stated we need studies of where the rapid growth is taking place, those are the areas we need to concentrate on.

Council Member Wright expressed concerns regarding Hollywood Heights. It is one of the oldest neighborhoods and it needs sidewalks, the residents feel like they have been overlooked for many years.

Council Member Arp stated there are a lot of "low hanging fruit" items that are quick fixes that can change the visuals and appearance of the City. We need to focus on this. This is like the broken windows theory. We study a lot, let us do some things.

Consensus of Council was to direct staff to look at where we anticipate growth and return this item with the list of areas and provide for how these studies may be used; this item to be placed on the October 30, 2017, City Council work session agenda.

4.08 Cross Creek River Walk Overlay

Mr. Will Deaton, Comprehensive Planner, presented this item with the aid of a PowerPoint presentation and stated Planning staff is in the beginning stages of analysis for a River Walk Overlay along Cross Creek. The purpose is to establish regulations that govern form, function, design and use for properties located within the boundaries of the proposed River Walk Overlay District. Regulations would generally be intended to maintain and promote the corridor as a valuable asset to the City and region in terms of economic development and quality of life. The proposed subarea along Grove Street and

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Eastern Boulevard bordered by the Cross Creek and Linear Park Trail to the north is a large area of over 72 acres with approximately 66 separate parcels. Only six parcels in the study area are over one acre. Zoning is mostly Mixed-Residential (43.93 acres) and Heavy Industrial (13 acres). The Fayetteville Metropolitan Housing Authority has plans to redevelop Grove View Terrace into Cross Creek Pointe and increase the number of residential units from 212 to 272. The City of Fayetteville owns a 7.69 acre tract on Grove, B, and Lamon Streets that is currently home to the Fayetteville Area System of Transit (FAST) and Environmental Services. A River Walk Overlay could address site design and future development in the proposed district in relation to building placement, parking, landscaping, lighting, signs and circulation. The River Walk Overlay would not impact existing residences, allow new uses not previously permitted, change ownership of property, initiate specific development projects or replace existing permit and approval requirements. Using the overlay as a tool, staff recommends placing properties in a River Walk (RW) designation based on location and distance from water source. Staff will proceed to Planning Commission and City Council for final approval and notify property owners for compliance with state and local notification requirements and to obtain their valuable input. The River Walk Overlay could also help support the Cross Creek Watershed Study which is currently underway. This study is being conducted by the Triangle J COG, with support from Sustainable Sandhills, American Rivers, PWC, Fayetteville Stormwater Division and Mid-Carolina COG. A public outreach meeting will be held on October 18, 2017, engaging stakeholders across the watershed and documenting feedback on a draft plan. The study will conclude in December with clearly defined actions and specific roles for stakeholder collaboration to pursue funding for implementation in 2018. Mr. Deaton announced the invitation to attend the public meeting on Cross Creek Watershed Study on October 18, 2017, beginning at 5:30 p.m. at the Rudolf Jones Student Center, located at Fayetteville State University.

Council Member Arp stated the Cape Fear River level can fluctuate up to 40 feet, and is not suitable for development, we are not going to build anything alongside of the river, the overlay should be continued over to Festival Park. We need to protect the creeks that feed into the Cape Fear River.

Council Member deViere stated we have a very detailed river plan with significant features, and I do like the idea to link it all together. The river park as part of the Parks Bond plan ties into this.

Consensus of Council was to direct staff to draft an overlay for the Cross Creek River Walk overlay to tie into the creeks and waterways; this item to be placed on the February or March 2018 City Council work session agenda.

4.09 Transit Route 17

Mr. Randy Hume, Transit Director, presented this item and stated at the September 5, 2017, work session, Council Member Mohn presented a proposed route change to Route 17 that serves the west Fayetteville area. The purpose of the change was to provide more convenient bus service to the developments along Hoke Loop Road. Staff performed a preliminary review of the options presented. The proposal was discussed at the September 19, 2017, meeting of the Fayetteville Advisory Committee on Transit (FACT). FAST Route 17 provides hourly bus service along Rim Road and Cliffdale Road with a terminal point at the Navy Federal Credit Union on Two Bales Road near the Gillis Hill area Walmart. Route 17 connects with other routes at Reilly and Cliffdale Roads as well as at Bonanza and Santa Fe Drives. Soon several trips will be extended to Cross Creek Mall and eliminate the need to make extra transfers. Route 17 is also slated to operate on Sundays when that service is implemented in November. In response to citizen inquiries, Council Member Mohn developed some proposals that

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would have Route 17 to operate its return trip along Hoke Loop Road instead of Cliffdale Road. There are some destinations along Hoke Loop Road that would be advantageous to serve. Staff agrees there is also a need to improve its fixed route service in this area. A portion of the Hoke Loop Road area, including the Lake Rim Recreation Center, is served by our FASTTRAC! ADA service. Staff has reviewed the proposals but has not finalized any recommendations. Staff reviewed this with FACT members at its September meeting. Staff needs additional time to meet with interested citizens in this part of west Fayetteville in order to understand their needs and to review service proposals that best meet those needs. Staff is prepared to provide an update at the October work session. After meeting with those in the Hoke Loop Road area, staff will develop service proposals for consideration by FACT and City Council. A route recommendation along with next steps will be prepared by the January 2018 work session.

Discussion ensued.

Consensus of Council was to take no further action on this item at the present time.

4.010 Discuss Resolution Authorizing the Conveyance of an Easement of City Owned Real Property to Parkview of Fayetteville Townhome Association, Inc., for a Traffic Turnaround

Ms. Kecia Parker, Real Estate Manager, presented this item and stated the City executed a Master Development Agreement with Parkview of Fayetteville, LLC, for the townhome community located on Bragg Boulevard in June of 2013. The development has been constructed and would like to install a security gate within the private street located within the facility. In reviewing the plans it was requested by NCDOT that a turnaround be installed to allow for traffic that might turn in and need to exit without entering the gate. An easement is needed from the City to construct the turnaround to allow for safer traffic movements. The easement is within a parcel that is being utilized as the Freedom Trail and has City utilities within it. The easement, however, will not adversely affect any utilities in the area but will require some sprinklers to be relocated at the developer's expense. The 2017 tax value of the land is \$6,656.0 for a total of 31,363.2 square feet. Easements are calculated at 75 percent of the needed land value calculation. This easement is for 482 square feet which calculated to \$75.92.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward and place on the consent agenda of a future City Council regular meeting.

4.011 City Council Agenda Item Request - Resolution in Support of Community in Action - Mayor Pro Tem Colvin and Council Member Wright

This item was pulled from the agenda.

4.012 City Council Agenda Item Request - Panhandling Ordinance - Mayor Pro Tem Colvin

4.016 City Council Agenda Item Request - Safe Streets and Parking Lots in Fayetteville - Addressing the Growing Problem of Panhandling - Council Member Arp

Items 4.012 and 4.016 were combined into one item as they related to the same subject matter.

Council Member Arp presented these items and stated the City must develop a comprehensive plan to address "Panhandlers" that are becoming increasingly aggressive, endanger the public with their activities in City and NCDOT Streets, and negatively impact the

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conduct of commerce. The problem of panhandling continues to be a significant problem in the City of Fayetteville and seriously impacts our ability to achieve three specific strategic goals. The number of panhandlers in Fayetteville appears to be increasing. They now are regular fixtures across the City at major intersections (all along Skibo Road, Bragg Boulevard, and others), at our commercial and retail business sites, and across our downtown area. Their activities of soliciting money in the right-of-way of highly traveled roads (45-MPH roads) creates a public safety issue for motorists as they cross, enter, linger on medians, and accept money on the roadways themselves. Their activities are not limited to daylight hours only. Many panhandlers are working the medians of busy roads, like Skibo Road in front of Walmart, wearing dark clothing and after dark in areas with little to no lighting. This puts the general public at risk of an accident as well as the panhandler. The aggressiveness of panhandlers is creating an impact on commerce activities in the City as people now are being confronted in parking lots of retail establishments, restaurants, and other commercial business by aggressive panhandlers seeking money. This aggressiveness is fueled by their substance addictions and potentially puts citizens at risk. It is creating a "chilling effect" on shoppers and patrons and driving revenue out of Fayetteville as more and more citizens are avoiding these commercial and retail areas so as not to be confronted by the aggressive panhandlers. The impact is to small and large businesses alike. Additionally, panhandlers are significantly impacting the image of Fayetteville with others from outside our community. As we attempt to recruit business, industry and investment, the image of people panhandling on street medians and corners, approaching patrons dining at outside venues and in shopping center parking lots, as well as approaching people attempting to enter their place of business presents a highly negative appearance. Couple that with business and industry recruiters who visit the City having to experience this situation personally—being approached at restaurants and at their hotels by aggressive panhandlers. This clearly presents a chilling effect to their decision-making process and impacts a potential economic development decision to locate their companies here. The City cannot fully achieve the three strategic goals listed above without a comprehensive plan to address panhandlers. We need to establish an overall comprehensive "Safe Streets" initiative that allows us to achieve the three goals above by focusing on specific public safety areas including panhandling (speeding, red light running, panhandling, litter, aggressive driving, and texting while driving). Our specific effort on panhandling should include, but is not limited to, the following:

- (1) Synchronize City of Fayetteville public safety efforts with nonprofit civic and religious organizations, the VA, and other Federal, State and County Social Services Agencies who are funded to provide help to homeless panhandlers so they receive opportunities for proper shelter, food, clothing, job training, and receive services for substance abuse and mental health issues.
- (2) Establish an ongoing Public Service Announcements Campaign that encourages citizens and residents not to give panhandlers money. Rather, we should encourage them to donate to civic and religious organizations that provide assistance with drug and alcohol addiction and assistance for those who are truly homeless.
- (3) Stepped up law enforcement effort on panhandlers and aggressive panhandlers within the current ordinance. Panhandlers that enter the roadway and endanger themselves and the public should be addressed on an ongoing basis (zero tolerance for panhandling in the streets). Aggressive panhandlers that threatened citizens and residents should equally be addressed by law enforcement within the current ordinance.

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- (4) There needs to be better synchronization of efforts between our law enforcement, the DA, and Sheriff's Office for appropriate prosecution of recurring violators or threatening violators.
- (5) We need to determine legally the actions that can be taken to stiffen are panhandling ordinance similar to other communities. The problem here appears to be greater than in other communities in NC and across the Southeast US.
- (6) Implement a comprehensive and aggressive effort with all commercial and retail establishments to define private property with signage as no panhandling areas for better prosecution.
- (7) Enforce littering laws on panhandlers who leave trash along the roadways, in parking lots, and who are "squatters" on private property where they establish camps and leave volumes of trash and debris.

Discussion ensued.

Consensus of Council was to direct staff to conduct research and review options of how to further regulate panhandling.

4.013 City Council Agenda Item Request - Bi-Lingual Correspondence - Mayor Pro Tem Colvin

Mayor Pro Tem Colvin presented this item and stated he is requesting a report from City staff on the programs and policies relating to translation services provided to residents.

Consensus of Council was to direct staff to ask the Human Relations Commission to report back on this item. No date specified.

4.014 City Council Agenda Item Request - Request an Update and Presentation on Police Activities League (PAL) - Council Member Jensen

Council Member Jensen presented this item and stated she is requesting an update and presentation on the Police Activities League (PAL) from the Police Department.

Ms. Gina Hawkins, Police Chief, stated the program is an opportunity to engage with our youth and the community.

Consensus of Council was to direct staff to report back to Council on the Police Activities League (PAL). No date specified.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:18 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

NAT ROBERTSON
Mayor

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FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD ROOM
OCTOBER 9, 2017
6:00 P.M.

Present: Mayor Nat Robertson

Council Members Katherine K. Jensen (District 1); Kirk deViere (District 2) (arrived at 6:10 p.m.); H. Mitchell Colvin, Jr. (District 3) (arrived at 6:13 p.m.); Chalmers L. McDougald (District 4); Robert T. Hurst, Jr. (District 5); Larry O. Wright, Sr. (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

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

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Telly Whitfield, Assistant City Manager
Jay Reinstein, Assistant City Manager
Cheryl Spivey, Chief Financial Officer
Michael Bailey, Interim Permitting/Inspections Director
Rob Stone, Engineering and Infrastructure Director
Kevin Arata, Corporate Communications Director
Pamela Megill, City Clerk
Members of the Press

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

Mr. Douglas Hewett, City Manager, provided an overview of the memorandum from Mr. Scott Shuford, Assistant Development Services Director, regarding 2210 Bragg Boulevard. In summary, Mr. Hewett stated the structure under construction at 2210 Bragg Boulevard is a modular home which is considered a single-family dwelling and not a mobile (manufactured) home under the State building code. Single-family dwellings are permitted uses in the SF-6 zoning district where the structure is located. Recent General Assembly actions limits design controls that local governments can place on one- and two-family dwellings. The modular home has been shifted on the property three times, leading to a requirement for a third-party foundation inspection and foundation survey to address, respectively, structural integrity and compliance with setback standards. Mr. Hewett stated there are four or five residents signed up to speak on this item at tonight's public forum.

Discussion ensued. No consensus was given.

Mayor Robertson provided a copy of a letter from the Latino Community Connects organization regarding the request for permission for the use of the Festival Park on October 29, 2017, from 9:00 a.m. to 8:00 p.m. free of charge. The event will be used to raise monies and collect non-perishable donations, and asked the City to provide additional support by way of staff participation from the Police, Environmental Services, and Parks and Recreation Departments.

Discussion ensued.

Consensus of Council was to approve the request from Latino Community Connects with the understanding Latino Community Connects would pay the deposit fee, the City would waive the rental fee, insurance liability to be required, and a negotiation for price for providing police and other staff time.

MOTION: Council Member Arp moved to go into closed session for personnel matter for the City Manager employment agreement.

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SECOND: Mayor Pro Tem Colvin
VOTE: UNANIMOUS (10-0)

The regular session recessed at 6:30 p.m. The regular session reconvened at 6:54 p.m.

MOTION: Council Member McDougald moved to go into open session.
SECOND: Council Member Arp
VOTE: UNANIMOUS (10-0)

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

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

NAT ROBERTSON
Mayor

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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
OCTOBER 9, 2017
7:00 P.M.

Present: Mayor Nat Robertson

Council Members Katherine K. Jensen (District 1); Kirk deViere (District 2); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

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

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Cheryl Spivey, Chief Financial Officer
Rob Stone, Public Services Director
Randy Hume, Transit Director
Rebecca Rogers-Carter, Strategic Planning Analytics
Director
Victor Sharpe, Economic and Community Development
Director
Kevin Arata, Corporate Communications Director
Chris McMillan, Senior Analyst
Kim Toon, Purchasing Manager
Mark Brown, PWC Customer Relations
Rory Dowling, Prince Charles Holdings (PCH)
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Robertson called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Charles Darden, Evans Metropolitan AME Zion Church.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITION

In recognition of the one-year anniversary of Hurricane Matthew effecting the City of Fayetteville, a short film was shown that highlighted the successes of rebuilding and repairing much of the damage caused by the hurricane.

Council Member Jensen announced the "Light Fayetteville Pink" program for the month of October in honor of Breast Cancer Awareness month.

Council Member Jensen introduced Mr. Zaccary Grierson as the Fayetteville-Cumberland Youth Council representative for this meeting.

Mayor Robertson presented the International City Manager's Association (ICMA) Certificate in Performance Management Certificate of Excellence to Ms. Rebecca Rogers-Carter, Strategic Performance Analytics Director, and Mr. Chris McMillan, Senior Analyst.

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5.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda with the addition of Item 9.03, City Manager Employment Agreement.
SECOND: Council Member McDougald
VOTE: UNANIMOUS (9-0)

6.0 CONSENT AGENDA

MOTION: Council Member Arp moved to approve the consent agenda.
SECOND: Council Member Wright
VOTE: UNANIMOUS (9-0)

6.01 Approval of Meeting Minutes:

August 28, 2017 - Discussion of Agenda Items
September 11, 2017 - Discussion of Agenda Items
September 20, 2017 - Agenda Briefing

6.02 Proposed 2018 City Council Meeting Dates Calendar

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2018 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS. RESOLUTION NO. R2017-062

6.03 Adoption of a Resolution Authorizing the City Manager to Execute Grant Agreement 18-90-X614 STI with the North Carolina Department of Transportation (NCDOT) and Adoption of Capital Project Ordinance Amendment (CPOA) 2018-24 to Appropriate \$29,400.00 in Grant Funding to Assist with the Purchase of an Expansion Bus

RESOLUTION AUTHORIZING CITY OF FAYETTEVILLE TO ENTER INTO AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PROJECT 18-90-X614 STI. RESOLUTION NO. R2017-063

6.04 Request for Legal Representation of City Employee

Authorization to provide legal representation for City employee Benjamin Hammond in the matter of *Freddie Taylor v. Fayetteville Police Department and Police Officer B. Hammond (aka) Detective Hammond*.

6.05 Resolution Declaring Barges Lane Parcel Surplus and Authorizing Sealed Bid Sale of Said Property

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BY ADVERTISEMENT FOR SEALED BIDS. RESOLUTION NO. R2017-064

6.06 Approve Greyhound Lease Agreement at the FAST Transit Center

In November 2015, City Council approved the terms of a lease with Greyhound Lines to lease portions of the new multimodal transit center being constructed at 505 Franklin Street. During the course of negotiating the actual lease agreement, Greyhound determined the need to revise the terms previously approved by City Council due to changes in their operations. The final agreement has been signed by Greyhound and ready for the City to execute. The revisions include (1) a reduction in the monthly rental from \$5,655.00 to \$5,365.00 per month and (2) a reduction in Greyhound's share of common area maintenance, security and utility expenses from 10.5 percent to 9.0 percent. Greyhound still will pay 100 percent of these expenses during late nights and on those days that FAST is not operating. The monthly rent is based on a rate of \$26.80 per square foot, plus a share of the costs to construct the customer waiting areas and bus bays. The expense share is based on the total number of bus trips entering the facility. In addition, Greyhound modified the design of their space so Greyhound can operate during late night hours without keeping the

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large waiting areas in the building open. Federal Transit Administration (FTA) has approved the lease as "incidental use" which is required since grant funds have been used to build the new center.

6.07 Bid Recommendation - Award Bid for Purchase of Nine 600A, 15kV Reclosers to Wesco Distribution, Inc., the lowest responsive, responsible bidder, in the amount of \$106,335.00

Bids were received on August 22, 2017, as follows:

Wesco Distribution, Inc., Clayton, NC	\$106,335.00
Anixter, Inc., Wake Forest, NC	\$107,109.00

6.08 Bid Recommendation - Award Bid for Purchase of Seven Outdoor Distribution Switching Cabinets to Shealy Electrical Wholesalers, Inc., the lowest responsive, responsible bidder, in the amount of \$622,076.00

Bids were received on August 22, 2017, as follows:

Shealy Electrical Wholesalers, Inc., Greenville, SC ..	\$622,076.00
Anixter, Inc., Wake Forest, NC	\$717,283.00

6.09 Bid Recommendation - Award Bid for Purchase of Two Power Transformers to Pennsylvania Transformer Tech, Inc., the lowest responsive, responsible bidder, in the amount of \$1,322,546.00

Bids were received on August 22, 2017, as follows:

Pennsylvania Transformer Tech, Inc., Canonsburg, PA .	\$1,322,546.00
WEG Electric Corp., Duluth, GA	\$1,451,400.00
PowerTech, LLC, Waxhaw, NC	\$1,468,880.00
OTC Services, Inc., Louisville, OH	\$1,538,450.00
Anixter, Inc., Wake Forest, NC	\$1,561,135.00
Virginia Transformer Corp, Roanoke, VA	\$1,567,210.00
Delta Star, Inc., Lynchburg, VA	\$1,593,138.00
SPX Transformer Solutions, Goldsboro, NC	\$1,621,184.00
Niagara Transformer Corporation, Buffalo, NY	\$1,704,002.00

6.010 Award Contract for the purchase of 24 2018 Dodge Police Charger unmarked vehicles to Performance Chrysler Dodge Jeep Ram, Clinton, NC, the lowest responsive, responsible bidder, in the amount of \$656,096.00

Bids were received on August 15, 2017, as follows:

Performance Chrysler Dodge Jeep, Clinton, NC	\$656,096.40
John Hieser Chrysler Dodge Jeep, LLC, Lillington, NC .	\$662,664.00
Hall's Automotive, Virginia, VA	\$695,736.00
Lafayette Ford, Fayetteville, NC	\$704,976.00
Ilderton Chrysler Dodge Jeep Ram, High Point, NC	\$707,400.00

6.011 Request to set a public hearing for October 23, 2017, to consider an economic development incentive for Project Nano.

Approval of holding a public hearing on October 23, 2017, to consider an economic development incentive for Project Nano.

6.012 Approval of RC Williams Building Lease Terms for the Fayetteville Cumberland Economic Development Corporation (FCEDC)

Authorization for the Fayetteville Public Works Commission to enter into a lease with the Fayetteville-Cumberland Economic Development Corporation, under the terms described, and authorization for PWC's CEO/General Manager to execute a lease consistent with those terms.

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7.0 PUBLIC FORUM

Mr. Adam Berrington, 706 Poole Drive, Fayetteville, NC, stated he is the attorney representing the Cumberland Heights residents, and expressed opposition to the modular home that has been placed in this neighborhood.

Mr. Don Wooster, 2514 Pecan Drive, Fayetteville, NC, expressed opposition to the modular home that has been placed in the Cumberland Heights neighborhood.

Ms. Joy Stewart, 760 Poole Drive, Fayetteville, NC, expressed opposition to the modular home that has been placed in the Cumberland Heights neighborhood.

Ms. Rebecca Hankins, 1802 McGougan Drive, Fayetteville, NC, expressed opposition to the modular home that has been placed in the Cumberland Heights neighborhood.

Ms. Ann Schrader, 223 Steadman Drive, Fayetteville, NC, expressed opposition to the proposed North Atlantic gas pipeline.

Mr. Tom Clark, 4643 Goldsboro Road, Wade, NC, expressed opposition to the proposed North Atlantic gas pipeline.

Mr. Jerry Reinoehl, 516 Deerpath Drive, Fayetteville, requested consideration of reduced fees for false alarm responses for senior citizens and disabled citizens.

Ms. Betti Pettiford, 6311 Fanning Circle, Fayetteville, expressed opposition of the increased fees charged by Spectrum Cable.

8.0 PUBLIC HEARINGS

8.01 Public hearing to consider an economic development incentive for Project Virtual.

Mr. Victor Sharpe, Economic and Community Development Director, presented this item and stated this public hearing is being held to consider an economic development incentive package for Project Virtual, an existing company located in the City of Fayetteville that specializes in customer computer programming services. If successful in completing this expansion effort, the proposed project would create 75 new jobs, with an average salary of approximately \$58,400.00. The City is being requested to provide a local incentive grant, not to exceed \$37,500.00. The grant would be paid on a pro rata basis as jobs are created. Project Virtual is expected to (1) create a significant investment in real estate and equipment, in excess of \$600,000.00, (2) retain 53 existing jobs, and (3) create up to 75 new jobs in Fayetteville. The City will recover the cost and the public will benefit through future property and business taxes, stimulation of the economy, promotion of business and the creation of jobs in the City. On September 11, 2017, City Council also considered an economic development incentive for this project in the amount of \$9,275.00 as a local match for a \$185,000.00 grant through the NC Building Reuse Program. On October 2, 2017, Cumberland County held a public hearing and approved an equal amount (\$37,500.00) as an economic development incentive for the project. If approved, funds from the City and County would be eligible to qualify as "matching funds" for discretionary grants from the State of North Carolina. As required, public notice for this hearing has been published. As part of an incentive agreement, the Company would be required to create the jobs prior to receiving the grant. Over the life of the grant, the City would expend \$37,500.00.

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

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MOTION: Council Member Arp moved to approve the economic development incentive for Project Virtual.
SECOND: Mayor Pro Tem Colvin
VOTE: UNANIMOUS (9-0)

9.0 OTHER ITEMS OF BUSINESS

9.01 Prince Charles Holding ("PCH") Downtown Development Agreement (DDA) - Second Amendment

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated the City executed a Memorandum of Understanding with PCH in March 2016. At that time, the main topics of discussion were the availability of parking and how to reconfigure the street system to support the renovation of the Prince Charles into a mixed-use building, a hotel, and mixed-use development on the site. That process was moving forward when the concept of placing a minor league baseball stadium was introduced in June 2016. The DDA is a complex legal document the full completion of which is dependent upon the successful completion of design, survey, and other activities performed. The City, however, required control of the land in the development area in order to plat the property creating individual lots for the stadium, garage/hotel development, Amtrak, and a plaza area. These separate lots are required in order to move forward with financing, permitting, and other activities critical to the stadium development and redevelopment of the area. The DDA has been executed and several individual property transactions agreed therein have been completed to include the following:

Property Exchange:

- The City purchased 2.5 acres of property owned by PCH adjacent to the existing Prince Charles hotel.
- PCH has executed a purchase agreement for the Garage/Hotel site.
- The plat has been recorded.
- PCH is finalizing financing and expects to close within 45 days.

Festival Park Plaza Sale:

- PCH has executed a purchase agreement for the Festival Park Plaza building, the City restricted the closing of this sale until after the closing of the sale of the Garage/Hotel site and the execution of a lease for the City occupied space in that building.
- PCH has executed an option on the Festival Park Plaza Development Lot for \$25,000.00.

The Council authorized the execution of the First Amendment to the DDA on June 12, 2017. At the time the initial DDA was executed, it was believed that a portion of the residential development would be constructed above the stadium project. That overbuild idea has been eliminated due to the estimated cost of the support structure required and concerns regarding construction staging. PCH has redesigned their project to stack both the residential and hotel development on top of the parking garage to be developed on Lot 3 of the plat. That has increased the complexity of the financing of the project and led to some delay and unanticipated cost. The proposed DDA second amendment supports the next phase of design for the mixed-use development. That will also support the development of detailed cost estimates and provide more information regarding the public investment necessary to support the parking garage and the private investment anticipated by the proposed agreement.

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Council Member McDougald asked if the City would be responsible if there is something wrong with the document because we wrote the document. Mr. Bauer stated this is not a document that stands alone, it is a document that amends a prior document that PCH drew up. Mr. Bauer stated he would work with the City Attorney to make sure there is no bias.

MOTION: Mayor Pro Tem Colvin moved to authorize the City Manager to execute the Second Amendment to the Downtown Development Agreement.

SECOND: Council Member Wright

VOTE: UNANIMOUS (9-0)

9.02 The FY 17 Performance Report

Ms. Rebecca Rogers-Carter, Strategic Performance Analytics Director, presented this item with the aid of PowerPoint presentation and stated better policy means a brighter future for our residents. To achieve high quality services, the City of Fayetteville is committed to strategic planning, performance excellence, transparency, quality and innovation. We are building strong integrated systems and processes to stimulate growth and development for our community of more than 208,000 residents. The following are four critical pieces to a dynamic system that aligns our government for success and generates high performance:

- (1) Building a strong strategic planning framework, and actually using the plan to set priorities, allocate resources and implement a one year action plan.
- (2) Engaging the public, and your staff, to create a space for innovation. Ask them how we are doing, and understand their priorities.
- (3) Measuring performance with meaningful data, reporting it to the public for accountability and transparency and using the data to assess programs and services.
- (4) Committing to continuous improvement of programs and services.

Ms. Rogers-Carter stated it is vital to have a clear, long-term vision for the City, broad strategic goals and a transparent system to facilitate progress toward meeting the objectives that are put into place. With the overarching strategic plan in place, departments set clear departmental objectives and performance targets. This is not a one-way street, as information on how we are doing, shapes the strategic plan. The Strategy and Performance Analytics (SPA) Office mission is to maximize organizational performance for a positive impact. The SPA Office works with departments to produce a year-end performance report, which is presented online for citizens via TRACStat performance application. TRACStat reports progress on key performance indicators in each of Council's strategic goal areas, measuring performance with meaningful data. The application not only helps City departments manage performance internally through workflows, but conveys this information to policy makers in an effort to enhance evidence-based decisions. Key performance indicators are mapped to the Council's Goal areas to clearly indicate how well we are doing in each area. TRACStat allows users dive-down access to performance trending, budget and financial information, and reports progress on Council's action plans, or what we refer to as Targets for Action (TFA). These are projects or policy actions that are undertaken to address underperforming areas where the metrics have indicated a gap in performance. City Council's TFA, or one-year action plans, are a terrific example of the direct correlation between performance management and policy development. TRACStat's combination of public reporting on strategy advancement, performance metrics, and budget and financial data is a pretty powerful tool and unique to

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Fayetteville. We are working to create useful and meaningful information for leaders, in support of developing a stronger policy for quality programs and services. The FY 17 Performance Report focuses on the City's Vision Statement and our progress on becoming a Peaceful, Prosperous and Connected community. The attached report includes highlights from FY 17 and the TRACStat year-end performance scorecard. Detailed information and additional data is available in TRACStat. Focusing on results and aligning our organization for success will help stimulate innovation, growth, and development for our community. The City is in the mist of rolling out a historic parks and recreation capital bond package and planning a ribbon cutting for a state of the art new Multimodal Center. We broke ground on a minor league baseball park, right in the heart of our downtown. These investments will raise the quality of life in Fayetteville for everyone.

Council Member Arp thanked Ms. Rogers-Carter for her hard work and asked if there were any areas this past year that were under performing areas. Ms. Rogers-Carter stated the information is on-line and available to everyone.

MOTION: Council Member Arp moved to accept the Fiscal Year 17 Performance Report.

SECOND: Council Member Jensen

VOTE: UNANIMOUS (9-0)

9.03 City Manager's Employment Agreement

MOTION: Council Member Arp moved to approve the following provisions in the City Manager's Employment Agreement: Base salary of \$195,000.00, 5 percent contribution to a deferred compensation plan, 160 hours vacation leave, 12 sick leave days and 11 holidays, to serve at the pleasure of Council; severance without cause: (1) any accrued and unpaid salary, (2) payout of the lesser of any accrued and used vacation leave or 160 hours, (3) lump sum equal to 6 months of his base salary, (4) insurance for 6 months or until similar coverage is provided by a subsequent employer; opportunity for one-time bonuses totaling \$35,000.00; and authorize the Mayor to work with the City Attorney to execute the necessary agreement.

SECOND: Council Member McDougald

VOTE: UNANIMOUS (9-0)

10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

NAT ROBERTSON
Mayor

100917

City of Fayetteville

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

City Council Action Memo

File Number: 17-410

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.02

TO: Mayor and Members of City Council

THRU: Jay Reinstein, Assistant City Manager

FROM: Craig M. Harmon, AICP, CZO - Senior Planner

DATE: October 23, 2017

RE:

P17-19F The rezoning of property from SF-10 - Single Family Residential to OI/CZ - Office & Institutional Conditional Zoning, located at 3219 Cliffdale Road at the intersection of Cliffdale and McPherson Church roads and being the property of Doris D. McArthur Trust.

COUNCIL DISTRICT(S):

5

Relationship To Strategic Plan:

Growth and Development

Executive Summary:

The owner of this property wishes to rezone for office use and would like to build a pediatrician's office on the site.

Background:

The properties in question are located at the intersection of Cliffdale and McPherson Church roads. These properties are undeveloped. To the west, across McPherson Church Road from this property, is a beauty salon and to the south, across Cliffdale Road is MacPherson Presbyterian Church.

Owner: Doris D. McArthur Trust

Applicant: Thomas Neville (attorney for the ownership trust)

Requested Action: SF-15 to OI/CZ

Property Address: 3219 Cliffdale Road

Council District: 5

Status of Property: These are two undeveloped lots
Size: 0.75 acres +/-
Adjoining Land Use & Zoning:
North - SF-10 - Single Family Residential
South - SF-10 - Church
West - SF-10 - Single Family Residential and beauty shop
East - SF-10 - Single Family Residential
Letters Mailed: 59

Landuse Plan: Low Density Residential

Strategic Plan: Goals 2020: The City of Fayetteville will be a highly desirable place to live, work and recreate with thriving neighborhoods and a high quality of life for all residents.

2030 Growth Vision Plan:

Policy 2.9: NEW DEVELOPMENT AND INFILL DEVELOPMENT shall be especially encouraged in locations where a full range of urban services and infrastructure (i.e. schools, fire stations, water and sewer facilities, parks, and roads) is already in place, and where the public sector will not incur the full cost for building new facilities to serve the area.

Policy 3.1: Recognizing that infrastructure has a powerful influence on growth and development, the availability of infrastructure (along with other factors) should determine WHERE DEVELOPMENT WILL OCCUR in the region, rather than the other way around.

Policy 3.3: DEVELOPMENT INTENSITY should be matched, generally, with the availability of infrastructure. There will be locations, however, where infrastructure alone cannot make up for poor soils, inadequate topography (drainage), or other overriding factors.

Additional Reviews:

Technical Review Committee (TRC) - A preliminary review was conducted on this site.

Issues/Analysis:

This rezoning has been submitted as a conditional application based on the attached site plan. The applicant has included conditions that include building a pediatric medical and dental office, which will have hours of operations Monday thru Friday from 8am to 6pm and Saturdays 8am to 1pm. The site will consist of one building, of either one or two stories, which would be in keeping with the character of the neighborhood. A type D buffer will be included where the property abuts residentially zoned property.

Conditions of approval:

1. Attached site plan (This plan may vary slightly during TRC review)
2. Hours of operation: Monday thru Friday - 8am to 6pm and 8am to 1pm on Saturdays.
3. Maintain the character of the existing neighborhood.

The Zoning Commission and City staff recommends APPROVAL of the rezoning to OI/CZ

- Office and Institutional Conditional Zoning based on:

1. The UDO calls for OI districts to be used as a buffer or transitional area abutting residential uses.
2. The attached site plan with type D buffering.
3. The conditions listed above.

Budget Impact:

This action may result in an increase in City services that would be offset by the increased revenue collected through the City's taxes.

Options:

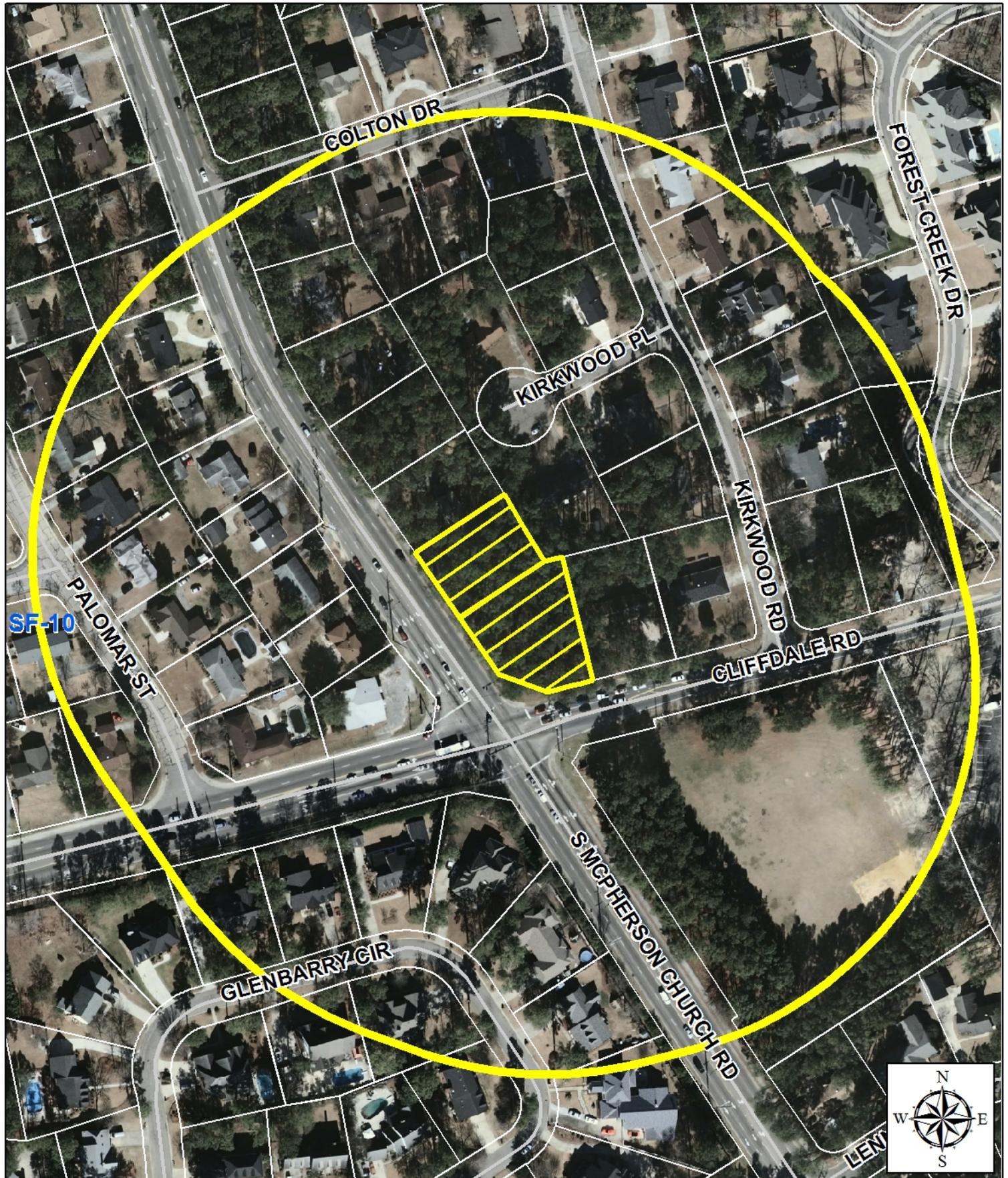
- 1) Approval of the rezoning to OI/CZ with the conditions listed above (Recommended).
- 2) Approval of the rezoning to OI/CZ with additional conditions.
- 3) Denial of the rezoning.

Recommended Action:

The Zoning Commission and City staff recommends that the City Council move to APPROVE the rezoning to OI/CZ - Office and Institutional Conditional Zoning District, as presented by the staff, with the conditions listed above. The Amendment is consistent with applicable plans because: 1) the City's Unified Development Ordinance calls for OI districts to be used as buffers to residentially zoned property and 2) that the uses near this property are a mix of commercial and residential property which is compatible with the proposed zoning and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning does fit with the character of most of the development in this area. This proposed amendment is consistent with the 2030 Growth Vision Plan and the Unified Development Ordinance because of growth policies 2.9, 3.1 and 3.3, listed above, and that the UDO calls for OI districts to be used as a buffer or transitional area abutting residential uses and the proposed zoning and use is consistent with that classification.

Attachments:

Zoning Map
Current Land Use Map
Land Use Plan Map
Application
Site Photos



Request: SF-10 to OI/CZ
Location: 3219 Cliffdale Rd
Lot Size: 0.75 +/- acres

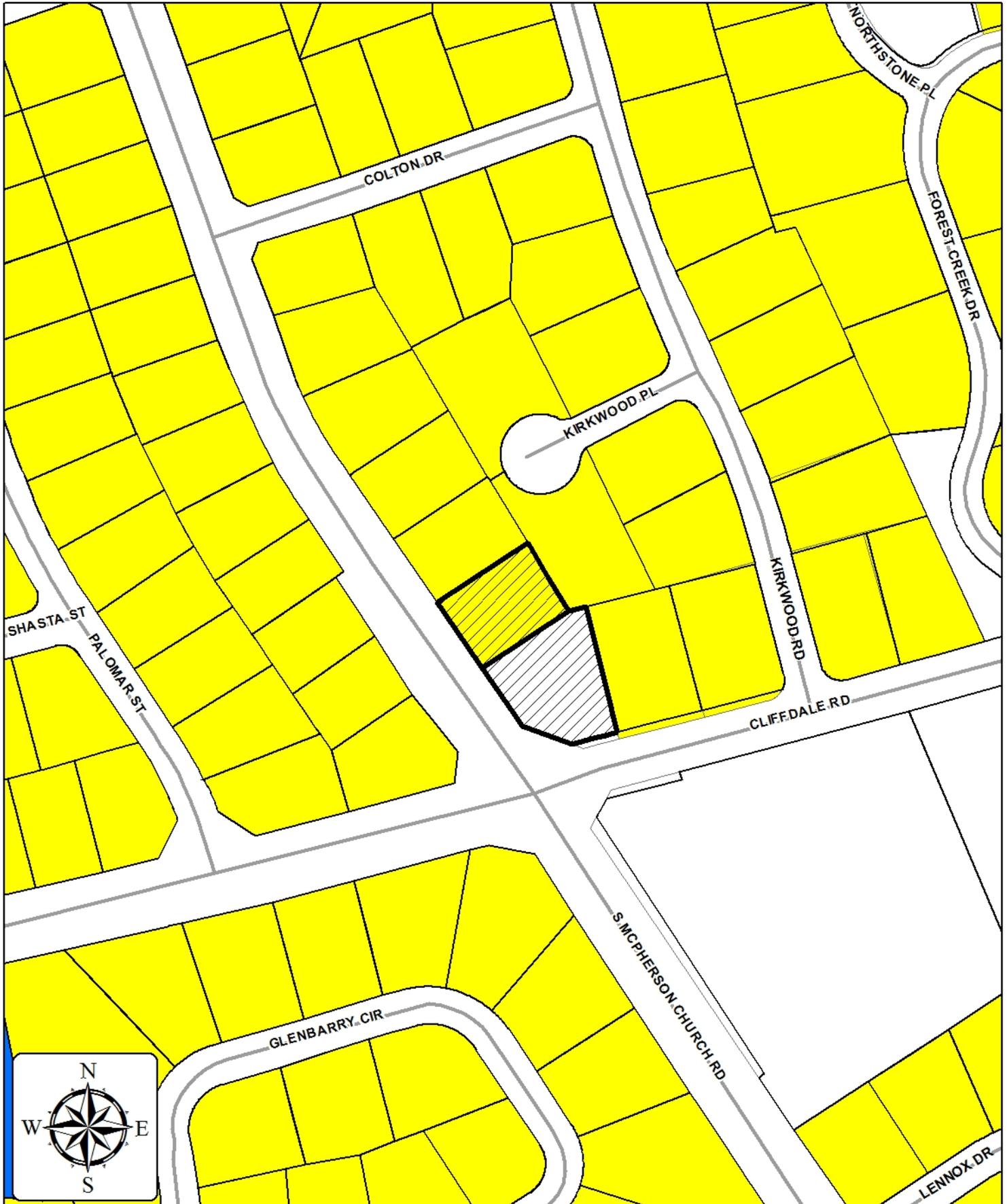
Zoning Commission: 9/12/2017
Pin: 0417-57-4013 & 0417-57-3143



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

Current Land Use

P17-19F



Legend

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

Land Use Plan

Case No. P17-19F



Legend

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



Case # P17-19F

Conditional Rezoning Application Form

433 Hay Street, Fayetteville, North Carolina 28301
910-433-1612 Fax# 910-433-1776

Submittal Date: 8/8/17 Approval/Denial Date: _____
Fee: \$700.00 Received By: Karen Estep

Notes:

1. A pre-application conference is mandatory prior to submission of an application for a conditional rezoning.
2. Conditional rezonings proposing re-classification from a Conservation (CD) zoning district to a conditional MR-5, OI, NC, LC, CC, MU, DT, LI, or HI zoning district require a neighborhood meeting before an application is submitted.
3. Conditional rezonings proposing reclassification of three acres of land or less from one residential or business zoning district to another more intense residential or business zoning district require a neighborhood meeting before an application is submitted.
4. Only the landowner may submit a conditional rezoning application.
5. Conditions proposed by an applicant shall be included as text, maps, or plans, and shall be submitted with this application form. All conditions must be mutually agreeable by the applicant and the City Council.
6. Proposed conditions may not be less restrictive than the corresponding base zoning district standards.
7. Concurrent submittal of a site plan application (for review by the TRC) that depicts the proposed development is required, and the development depicted in the site plan must remain consistent with the conditional rezoning designation (though minor deviations are allowed).

1. General Project Information

Project Address:	3219 Cliffdale Road, Fayetteville, NC 28303		
Tax Parcel Identification Number:	Lot # 12: 0417-57-3143; Lot #13: 0417-57-4013		
Project Name:	Rainbow Pediatrics of Fayetteville, P.A.		
Current Zoning District:	SF-15	Proposed Conditional Zoning District:	OI - Conditional
Lot or Site Acreage:	.75 combined	Was a neighborhood meeting	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Date: _____
Number of residential units:	N/A	Amount of nonresidential square footage:	N/A

2. Landowner Information

Landowner name:	Doris D. McArthur Trust		
As evidenced by deed, recorded in Deed Book	8299	Page	893 Cumberland County Registry.

3. Written Description of Request – Answer all the questions under this section (Attach additional sheets as needed)

A) Describe the proposed use of the rezoned land, including the proposed types of site improvements, buildings, uses, proposed activities, hours of operation, and operating characteristics.

The proposed use of the property would be to construct a pediatrician's office. The site would consist of 1 building which would be non-intrusive in character and of a professional or residential appearance. Proposed hours of operation would be Monday thru Friday from 8 a.m. to 6 p.m.

B) Describe the proposed conditions that should be applied.

The building pad and parking areas should be no larger than depicted on the attached site plan. Landscaping and buffering should also be as depicted on site plan. Use shall be limited to medical office. Hours limited to Monday through Friday from 8 a.m. to 6 p.m.

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

Subject property is currently zoned SF-15. The properties immediately to the northeast are also SF-15. The properties immediately to the southeast are SF-10. However, a school is located in close proximity to the east as well as a church. Directly to the west, there appears to be a commercial establishment. Another church is located to the west along with a fire station. To the north is CC as well as OI.

4. Amendment Justification – Answer all the questions under this section. (Attach additional sheets as needed)

A) The extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.

This amendment is consistent with existing uses and good land use practices. Lot provides commercial in the commercial areas and professional, school, religious and municipal uses as a transitional zone to the residential areas.

B) Are there changed conditions that require an amendment?

Uses of tracts near proposed site to include both commercial, professional, educational, religious as well as residential and coupled with the proximity to McPherson Church Road and Cliffdale Road make the proposed use both logical and is good planning. Proposed use is most compatible with surrounding areas as logical transition area.

C) The extent to which the proposed amendment addresses a demonstrated community need.

Currently, a need for a pediatrician's office exists as well as transitional uses along McPherson Church Road and Cliffdale Road which are non-intrusive to the adjacent community.

D) The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.

The proposed change is compatible with the surrounding area as it will continue to provide a non-intrusive use of the property and is consistent with surrounding uses.

E) The extent to which the proposed amendment results in a logical and orderly development pattern.

The proposed change allows for a logical and orderly buffer to the surrounding properties and further provides to safeguard their values enabling said properties to continue their uses and integrity.

F) The extent to which the proposed amendment might encourage premature development.

The proposed changes does not encourage premature development.

G) The extent to which the proposed amendment results in strip-style commercial development.

The proposed change in zoning would not encourage premature development.

H) The extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.

The proposed change would not result in an isolated district unrelated to adjacent and surrounding zoning district.

I) The extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.

The investment in the proposed development is expected to increase property values in surrounding lands.

J) The extent to which the proposed amendment results in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

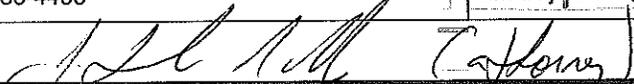
The proposed change would not result in any significant adverse impact on the natural environment.

5. Submittal Requirement Checklist

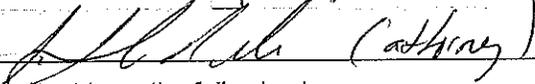
(Submittals should include 2 copies of listed items, unless otherwise stated.)

- Pre-application conference completed
- Neighborhood meeting description, if applicable
- Copy of an approved Certificate of Appropriateness (COA) if located within the HLO district
- Site Plan Application Form
- Rezoning Application Fee
- Site Plan Application Fee
- Scaled drawing and vicinity map showing boundaries of property, the general location in relation to major streets, railroad, and /or waterways
- Property survey showing existing easements, reservations, and public rights-of-way
- A site plan completed in accordance with the Site Plan Application checklist in this Manual
- Building elevations, if rezoning involves new construction or changes to an existing building
- Transportation analysis, if required
- A phasing plan, if proposed

6. Primary Contact Information

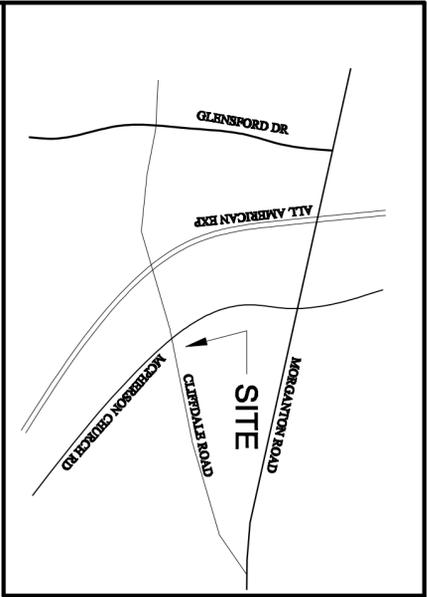
Primary Point of Contact Name: J. Thomas Neville	
Mailing Address: P.O. Box 705, Fayetteville, NC 28301	Fax No.: 910-433-2233
Phone No.: 910-433-4433	Email: jtneville@ywnlaw.com
Signature: 	Date: 8/8/17

7. Property Owner Information (if different from the primary point of contact)

Property Owner Contact Name:	
Mailing Address:	Fax No.:
Phone No.:	Email:
Property Owner or Authorized Signature: 	Date Signed: 8/8/17

An application for a Map Amendment must address the following issues:

Consistency with adopted plans, changed conditions requiring amendment, community need, compatibility with existing and proposed uses and zoning, logical development pattern, strip development, unneeded development, spot zoning, property value, environmental concerns, compatibility of permissible uses and exiting uses.



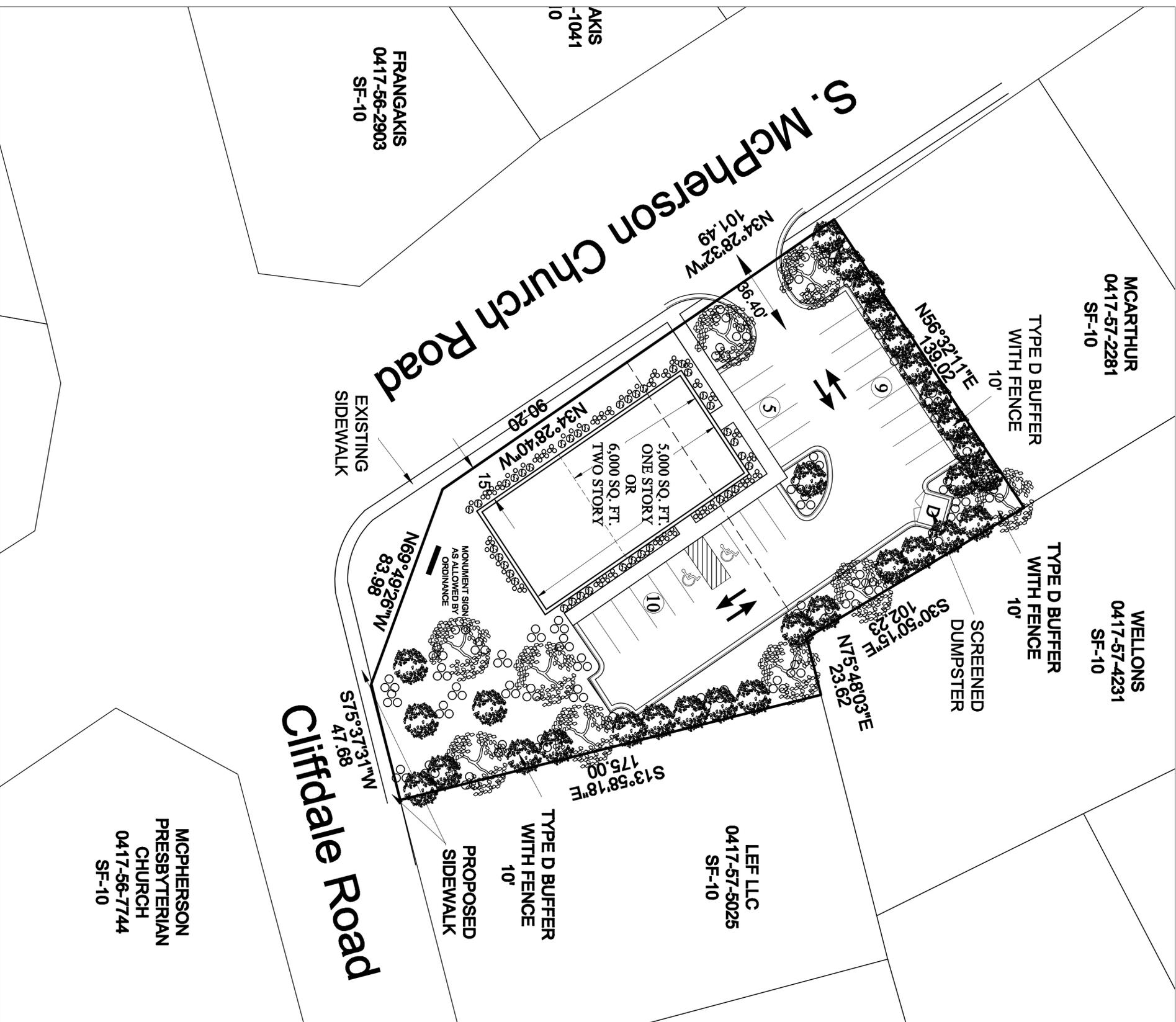
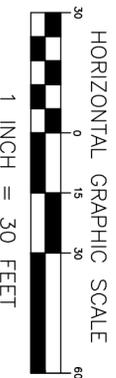
**VICINITY MAP
(NO SCALE)**



1. Owner: Doris D. McArthur, or her successor, as Trustee of the Doris D. McArthur Trust Deed Book 8299, Page 893
2. Area: Lots 12 and 13, Kirkwood = 0.75 Acres
3. Current Zoning: SF-10
4. Requested Zoning: OI (CU)

- SITE NOTES:**
5. Address: 341 McPherson Church Rd. 0417-57-3143 and 0417-57-4013
 6. PIN: Pediatric Medical/Dental Office
 7. Proposed Use: 5,000 sq ft in one story or 6,000 sq ft in two stories
 8. Building Area: 5,000 - 20 spaces
 9. Parking Required: 6,000 - 24 spaces
 10. Parking Provided: 24 spaces
 11. Impervious Area Created: 17,514 sq ft

- DEVELOPMENT NOTES:**
12. Ten feet wide landscape buffers (Type D), as required by the UDO, is shown hereon.
 13. All required landscaping around building, parking area, drives and yards shall be installed per the UDO.
 14. All signage shall be in compliance with the UDO.
 15. All parking spaces shall be 9' x 20'.
 16. A tree survey has been performed on this site. There are no specimen trees located on this property.
 17. The minimum stacking distance has been satisfied at the entrance drive.
 18. The petitioner has not determined the exact square footage or height of the building. The petitioner would like an approval of this plan to be valid for either building option shown.



CONCEPTUAL PLAN

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY AND IS NOT DRAWN IN ACCORDANCE WITH NC 68 47-98 OR 21 NCAC 68.1000.

ENGINEERING - SURVEYING - DESIGNING - DRAFTING

Larry King & Associates, R.L.S., P.A.

P.O. Box 53787
1333 Morganton Road, Suite 201
Fayetteville, North Carolina 28305
P. (910) 483-4300 F. (910) 483-4052
www.LKandA.com

NC Firm License C-0887

RAINBOW PEDIATRICS

CONCEPT PLAN

DRAWN BY:

SCALE

DATE

FILE

OPTION 1

LSE

1" = 30'

08/29/2017

P17-079



©2017 Google

©2017 Google





S W Anderson Community Center

City of Fayetteville

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

City Council Action Memo

File Number: 17-411

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.03

TO: Mayor and Members of City Council

THRU: Jay Reinstein, Assistant City Manager

FROM: Craig M. Harmon, AICP, CZO - Senior Planner

DATE: October 23, 2017

RE:

P17-20F The rezoning of property from SF-10 - Single Family Residential to OI - Office & Institutional, located 3518 Thomas Ave. & 3517 Thomas Ave. near the intersection of Thomas and Roxie roads and being the property of Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System.

COUNCIL DISTRICT(S):

5

Relationship To Strategic Plan:

Goal 3: High Quality Built Environment

Executive Summary:

Cape Fear Valley Hospital is requesting a rezoning of two parcels located on Thomas Avenue. These properties would be used for parking lots.

Background:

These properties are located adjacent to the hospital's current property. Both of these properties are currently zoned for residential use. However; one property is already a paved parking lot and the hospital wishes to turn the other lot into a parking lot as well.

Applicant: Cape Fear Valley Health System

Owner: Cape Fear Valley Health System

Requested Action: SF-10 to OI

Property Address: 3518 Thomas Ave. & 3517 Thomas Ave.

Council District: 5

Status of Property: Parking lot and Single Family House

Size: 0.56 acres +/-
Adjoining Land Use & Zoning:
North - SF-10 & OI - Hospital and Single Family
South - OI - Hospital
West - SF-10 - Single Family
East - OI - Hospital
Letters Mailed: 35

Hospital Area Plan: The properties in question are within the Hospital Area Overlay, in an area designated for medical office use.

Strategic Plan:

Goals 2020: The City of Fayetteville will be a highly desirable place to live, work and recreate with thriving neighborhoods and a high quality of life for all residents.

Issues/Analysis:

This rezoning would push office zoning one lot deep into a residential neighborhood. This property is however, designated for future office use under the Hospital Area Plan. As noted above, one of these lots is already built as a parking lot. The construction of that parking lot was done prior to the UDO's adoption.

The Zoning Commission and City staff recommends APPROVAL of the rezoning to OI based on:

1. The properties in question are within the Hospital Area Overlay, in an area designated for medical office use.
2. Parking lots will cause a minimum disruption to the adjoining neighborhood.
3. The UDO calls for OI districts to be used as buffers to residential districts.

Budget Impact:

This action may result in an increase in City services that would be offset by the increased revenue collected through the City's taxes.

Options:

- 1) Approval of the rezoning to OI (recommended)
- 2) Approval of the rezoning to a more restrictive district.
- 3) Denial of the rezoning.

Recommended Action:

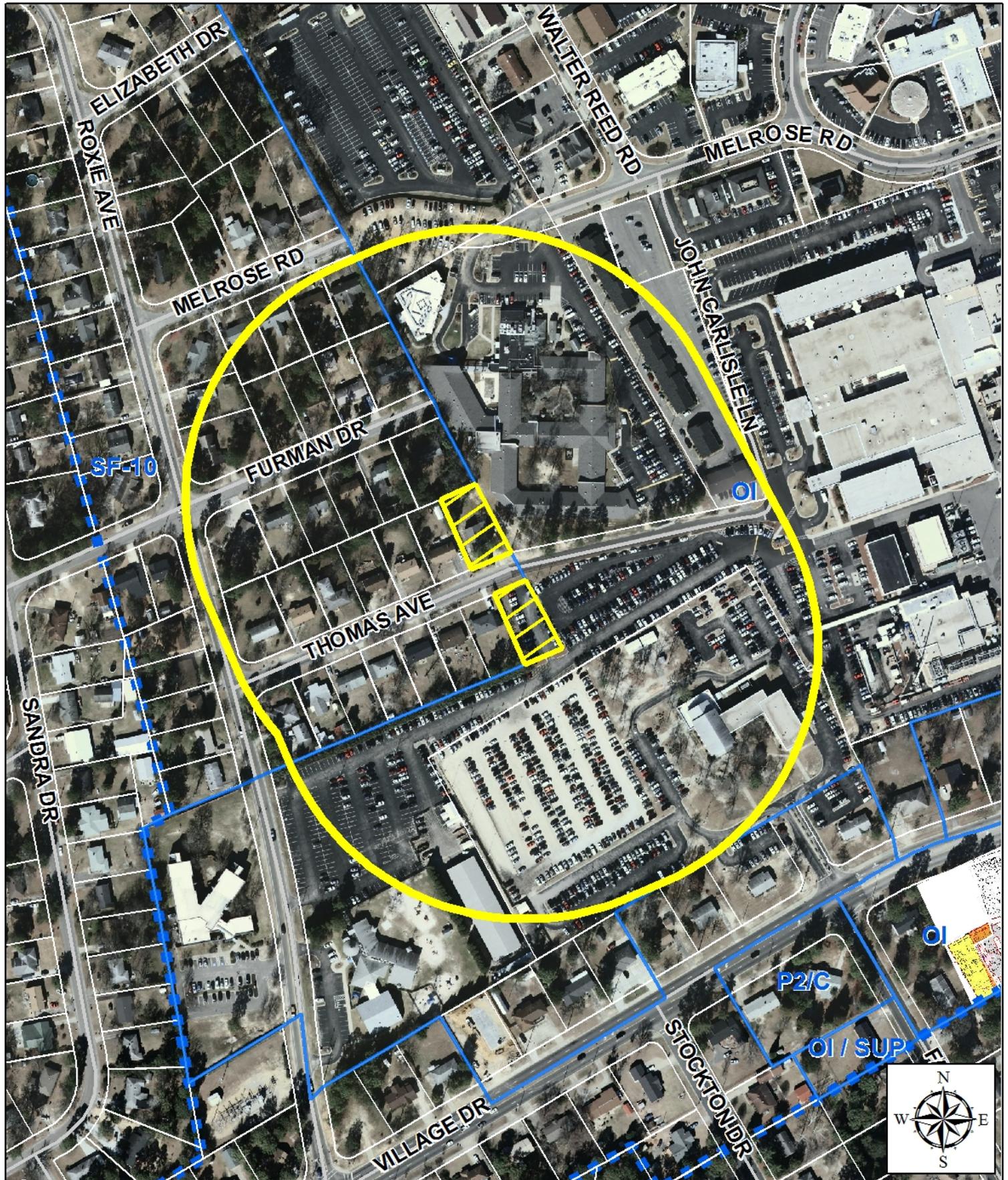
The Zoning Commission and City staff recommends that the City Council move to APPROVE the rezoning to OI - Office and Institutional Zoning District, as presented by the staff. The Amendment is consistent with applicable plans because: 1) the City's Hospital Area Plan calls for this area to be used for office use and 2) that the uses near this property are a mix of office and residential property which is compatible with the

proposed zoning and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning does fit with the character of most of the development in this area. This proposed amendment is consistent with the Hospital Area Overlay Plan because it calls for this area to be used for office uses and the proposed zoning and use is consistent with that classification.

Attachments:

Zoning Map
Current Land Use Map
Land Use Plan Map
Application
Site Photos

ZONING COMMISSION
CASE NO. P17-20F



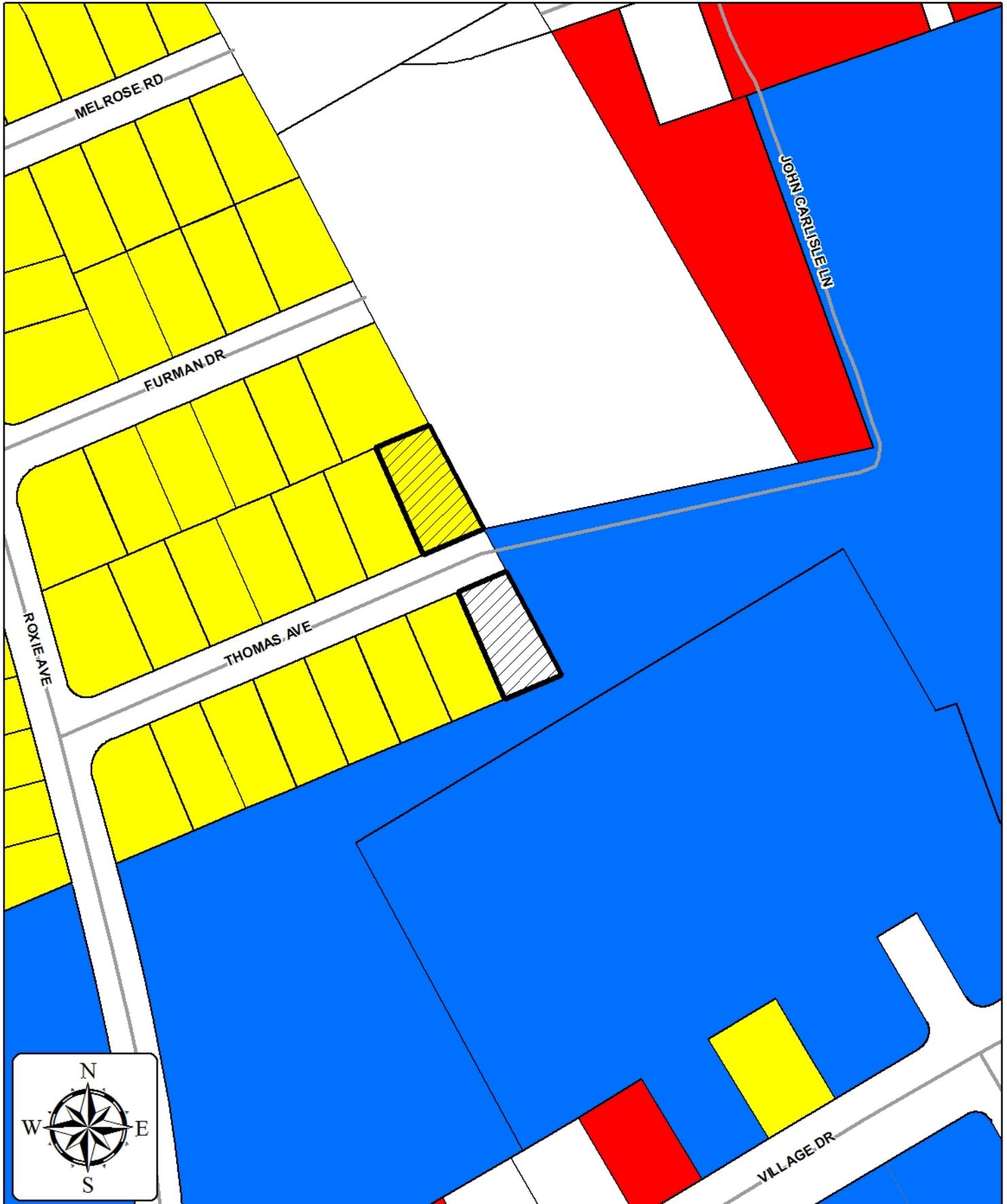
Request: SF-10 to OI
Location: 3518 Thomas Ave & 3517 Thomas Ave
Lot Size: 0.56 +/- acres

Zoning Commission: 9/12/2017
Pin: 0416-86-7344 & 0416-86-8156

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

Current Land Use

P17-20F



Legend

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN



Map Amendment Application Form

433 Hay Street, Fayetteville, North Carolina 28301
 910-433-1612 Fax # 910-433-1776

Submittal Date: 8-14-17 Approval/Denial Date: _____

Fee: \$700.00 Received By: Helen Estep

Notes:

1. A pre-application conference is mandatory prior to submission of an application for a map amendment.
2. Map amendment applications proposing re-classification from a Conservation (CD) zoning district to MR-5, OI, NC, LC, CC, MU, DT, LI, or HI require neighborhood meetings to be conducted prior to application submittal.
3. A map amendment application should be consistent with the comprehensive plan.
4. The City Council may not apply conditions of approval to a map amendment application.
5. All allowed uses within a proposed zoning district must be considered when considering a map amendment application, not just the particular use that the applicant is desiring to place on the property.
6. Applications seeking to "single out" a lot or site and applying for an exceptional zoning district designation may constitute illegal "spot zoning".

1. General Project Information

Project Address:		1638 Owen Drive, Fayetteville, NC 28304	
Tax Parcel Identification Number:		0416-86-7344, 0416-86-8156	
Project Name:		Cape Fear Valley Hospital Parking Lot	
Current Zoning District:	SF-10	Proposed Zoning District:	OI
Does an overlay district apply to this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so, which one(s)? _____			
Has the land been the subject of a map amendment application in the last five years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No When? _____ Case #? _____			
Amount of land to be rezoned (in acres):		0.56	
Is this application related to an annexation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Existing/proposed water service:		<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	
Existing/proposed sewer service:		<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	

A) Please describe all existing uses of the land and existing structures on the site, if any (attach additional sheets if necessary).

Parcel 0416-86-7344: A vacant residential dwelling exists on the site but is scheduled for demolition in Fall 2017. The dwelling has been used by the Cumberland County Hospital System as storage space.

Parcel 0416-86-8156: This property is vacant of any structures and is being used as overflow parking by the hospital.

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

Parcel 0416-86-7344: This property is surrounded by properties zoned SF-10 on three sides (behind, adjacent to the west, and across the street, which is the other parcel proposed for rezoning). The property adjacent to the east is zoned OI.

Parcel 0416-86-8156: This property is surrounded by properties zoned SF-10 on two sides (adjacent to the west, and across the street, which is the other parcel proposed for rezoning). The properties adjacent to the east and south are zoned OI.

2. Amendment Justification – Answer all the questions under this section. Attach additional sheets as necessary.

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.

The long range plan identifies the subject parcels in an Urban area. The proposed zoning is compatible with the long range plan for the parcels.

B) Are there changed conditions that require an amendment?

Yes, an increased demand for services has created a need for additional parking. The Hospital would like to use these two parcels they currently own for staff parking, to overcome the shortage of staff parking on the Hospital campus.

C) State the extent to which the proposed amendment addresses a demonstrated community need.

The Hospital staff do not have adequate parking on the Hospital campus; therefore, the Hospital could alleviate this issue with the addition of proposed parking on the subject parcels. Currently, parking has been observed in existing vegetated areas between existing trees. In addition, improved access to the Hospital fills an important need for the community.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.

The proposed amendment would be consistent with the rest of the Hospital-owned property, included surrounding parcels to the east and south of the subject parcels and is therefore an appropriate zoning district for the land. Required buffers will be planted to minimize impacts to neighboring properties to the west.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.

As previously mentioned, this amendment would bring the zoning of the subject parcels in line with the remaining Hospital properties, which will allow the Hospital to more fully utilize their existing land to fulfill their mission to serve their patients.

F) State the extent to which the proposed amendment might encourage premature development.

This rezoning is not for speculative development; rather, it is to meet a demonstrated need for healthcare for the community. The Hospital already has plans to use the subject parcels for staff parking to address a current shortage in staff parking; therefore, any premature development would not occur.

G) State the extent to which the proposed amendment results in strip-style commercial development.

The Hospital already has plans to use the subject parcels for staff parking to address a current shortage in staff parking; therefore, strip-style commercial development is not desired for these parcels and would not occur.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.

The proposed amendment will be consistent with the remainder of the Hospital property, including parcels adjacent to the south and east of the subject parcels and will not create any isolated zoning districts.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.

Due to the proximity of the existing Hospital, the proposed amendment should not be substantially injurious to the value of the properties in the surrounding area. One of the parcels is currently being used as an overflow parking lot, which is the proposed use of the rezoned parcel. Through the site plan process, a landscape buffer will be added along the property lines adjacent to the residentially zoned property.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

The amendment will have a minimal effect on the environment, since the subject parcels total approximately 0.5 acres. One parcel is completely cleared, and the other parcel has minimal vegetation. There are no wetlands on either parcel. Stormwater management in accordance with Fayetteville regulations will be provided for development on the parcels, as will appropriate parking lot and buffer landscaping. Proposed lighting for the parking lot will consist of cut-off fixtures that limit the amount of light spill-over at the property lines. Noise and air impacts will remain approximately the same as the existing uses for the Hospital.

3. Submittal Requirement Checklist

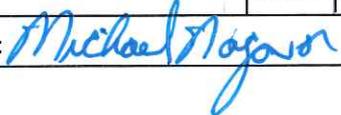
(Submittals should include 2 copies of listed items, unless otherwise stated.)

<input checked="" type="checkbox"/>	Pre-application conference completed <i>(ON 6/14/17)</i>
<input checked="" type="checkbox"/>	Map Amendment Application Form
<input type="checkbox"/>	Copy of an approved Certificate of Appropriateness (COA) if located within the HLO <i>N/A</i>
<input checked="" type="checkbox"/>	Rezoning Application Fee
<input type="checkbox"/>	Site Plan Application fee
<input checked="" type="checkbox"/>	A copy of the recorded deed, or a written legal description if application is for a portion of a larger tract
<input checked="" type="checkbox"/>	Scaled drawing showing all existing structures, site features, and setbacks
<input type="checkbox"/>	Elevations required if rezoning involves new construction or changes to an existing building <i>N/A</i>
<input type="checkbox"/>	Transportation analysis, if required <i>N/A</i>

4. Primary Contact Information

Primary Point of Contact Name:	Jonathan Allen, CALYX Engineers + Consultants		
Mailing Address:	6750 Tryon Road, Cary, NC 27518	Fax No.:	
Phone No.:	919-858-1831	Email:	jallen@calyxengineers.com
Signature:		Date:	8/4/17

5. Property Owner Information (if different from the primary point of contact)

Property Owner Contact Name:	Michael Nagowski, Cape Fear Valley Hospital		
Mailing Address:	1638 Owen Drive, Fayetteville, NC 28304	Fax No.:	
Phone No.:	910-615-6700	Email:	mnagowski@capefearvalley.com
Property Owner or Authorized Signature:		Date Signed:	7/27/17





City of Fayetteville

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

City Council Action Memo

File Number: 17-484

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.04

TO: Mayor and Members of City Council

THRU: Jay Reinstein, Assistant City Manager

FROM: Craig Harmon, Senior Planner, AICP, CZO

DATE: October 23, 2017

RE:

P17-25F The rezoning of property from SF-15 - Single Family Residential to SF-10 - Single Family Residential, located at 1500 Spotted Horse Lane near the intersection of Spotted Horse and Raeford roads, containing 49.5 acres and being the property of Joyce H. McFadyen.

COUNCIL DISTRICT(S):

8

Relationship To Strategic Plan:

Growth and Development

Executive Summary:

The owners of the property in question request a rezoning to a slightly more intense single family zoning district.

Background:

These properties are located on Spotted Horse Lane near Raeford Road and Hoke Loop Road. The owner is requesting to develop a single-family subdivision on this property.

Applicant: James M. Kizer Jr

Owner: Joyce H. McFadyen

Requested Action: SF-15 to SF-10

Property Address: 1500 Spotted Horse Lane

Council District: 8

Status of Property: Vacant

Size: 49.5 acres +/-

Adjoining Land Use & Zoning:
North - SF-15 - Single Family
South - MR-5 - Vacant
West - SF-10 - Single Family
East - SF-10 - Single Family
Letters Mailed: 35

2010 Land Use Plan - Low-Density Residential.

Strategic Plan:

Goals 2020: The City of Fayetteville will be a highly desirable place to live, work and recreate with thriving neighborhoods and a high quality of life for all residents.

Issues/Analysis:

This rezoning would allow the owners of this property to develop a single family subdivision in an area currently surrounded by single-family subdivisions. The SF-10 zoning matches most of the zoning surrounding this property.

The Zoning Commission and City staff recommends APPROVAL of the rezoning to SF-10 based on:

1. The City's land use plan calls for low-density residential.
2. This property is surrounded on three sides by lower density residential.
3. The property in question will be accessed through an existing SF-10 subdivision.

Budget Impact:

This action may result in an increase in City services that would be offset by the increased revenue collected through the City's taxes.

Options:

- 1) Approval of the rezoning to SF-10 (recommended)
- 2) Approval of the rezoning to a more restrictive zoning district.
- 3) Denial of the rezoning.

Recommended Action:

The City staff recommends that the Zoning Commission move to recommend APPROVAL of the rezoning to SF-10 - Single Family Zoning District, as presented by the staff. The Amendment is consistent with applicable plans because: 1) the City's long-range plan calls for this area to be used for single-family use and 2) that the uses near this property are all compatible with the proposed zoning and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning does fit with the character of most of the development in this area. This proposed amendment is consistent with the 2010 Future Land Use Plan because the subject property is shown as a Low-Density Residential land use classification and the proposed zoning and use is

consistent with that classification.

Attachments:

Zoning Map

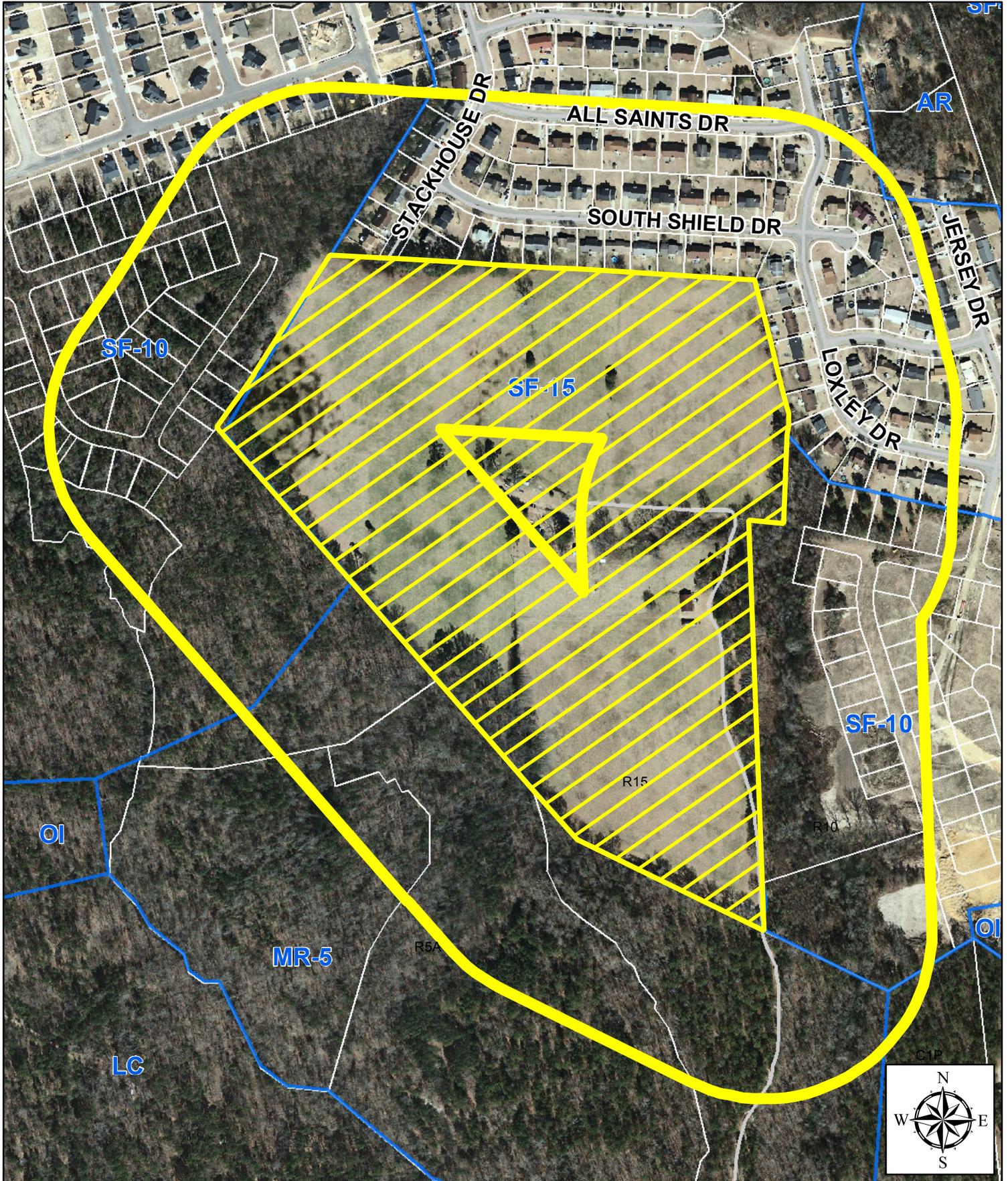
Current Land Use Map

Land Use Plan Map

Application

Site Photos

**ZONING COMMISSION
CASE NO. P17-25F**



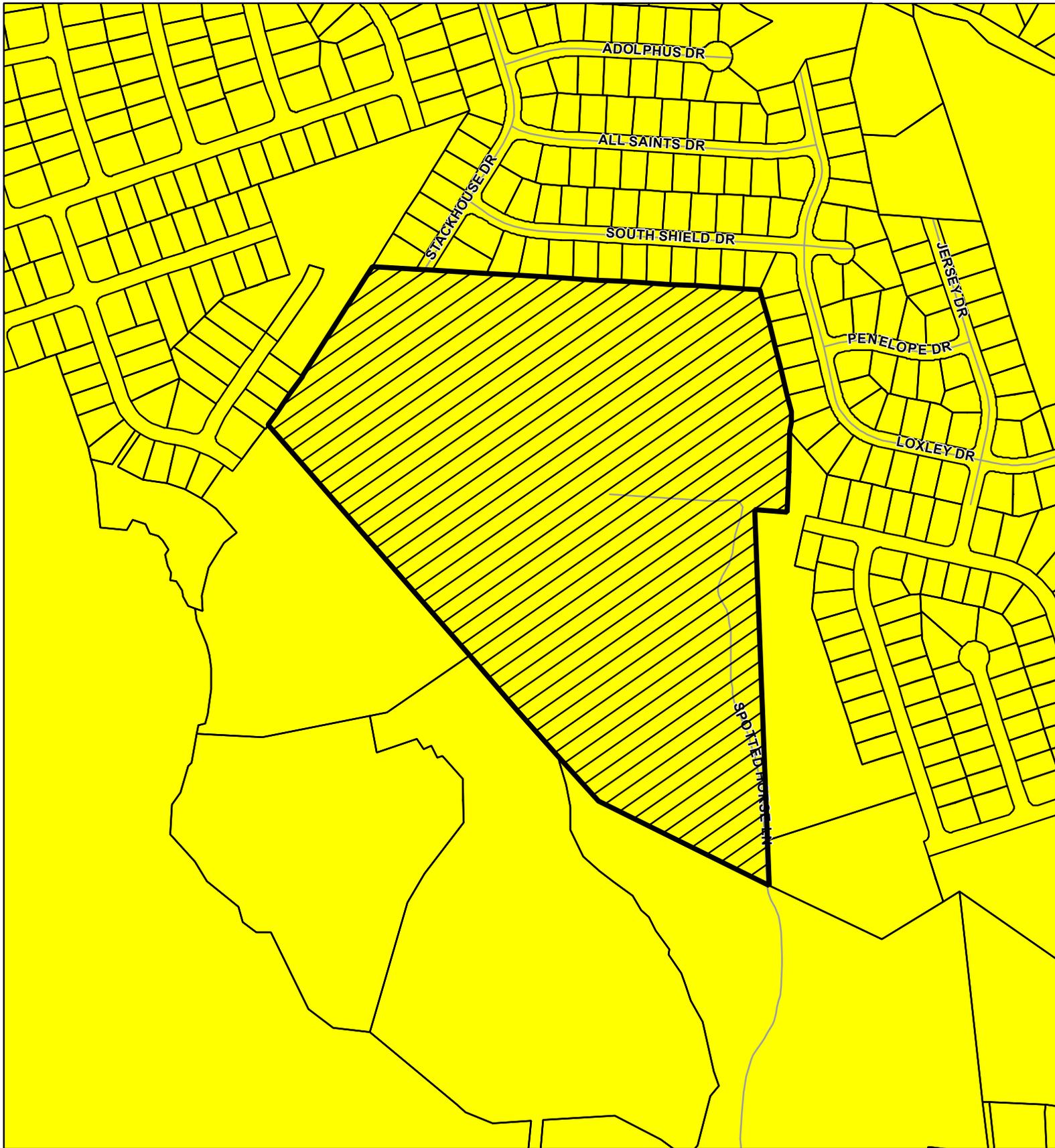
**Request: SF-15 to SF-10
Location: 1500 Spotted Horse Lane
Lot Size: 49.5 acres +/-**

**Zoning Commission: 10/10/2017
Pin: 9476-89-2058**

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

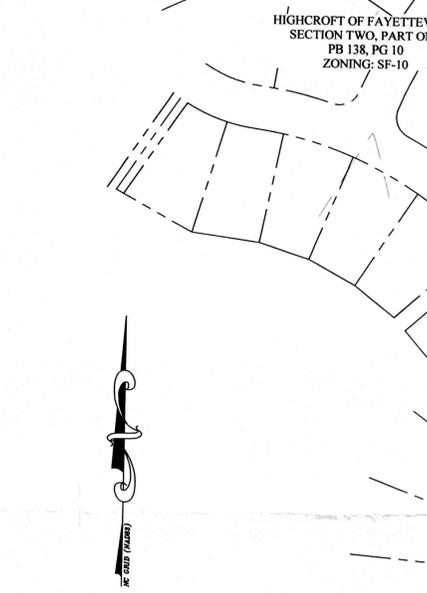
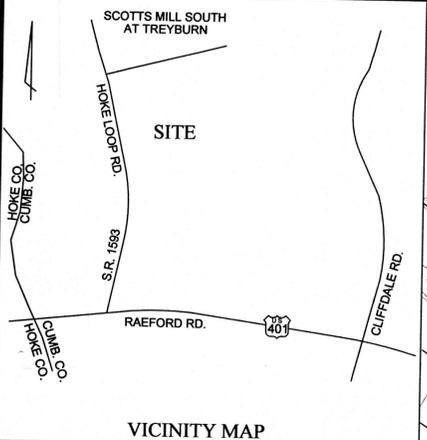
Land Use Plan

Case No. P17-25F



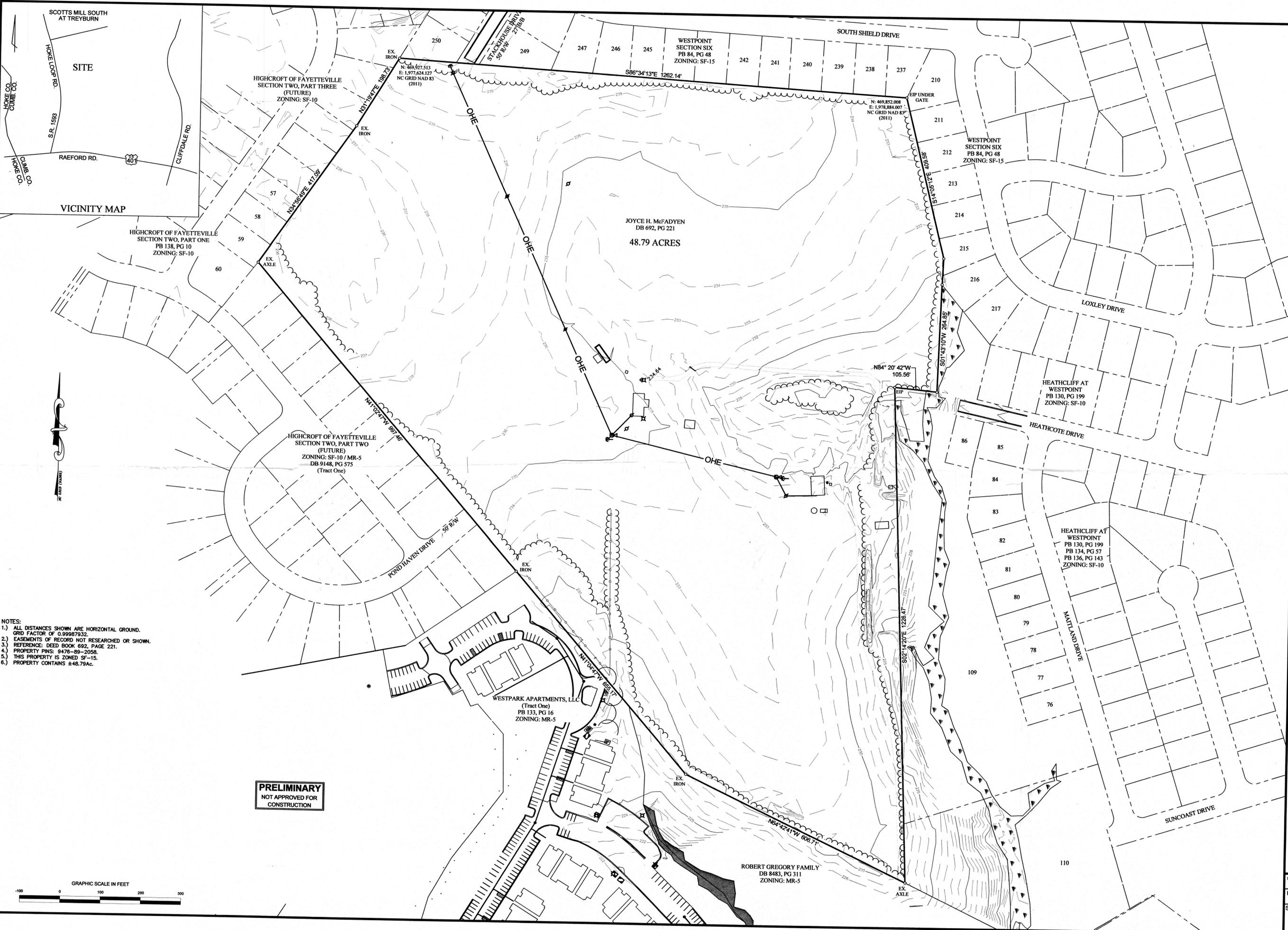
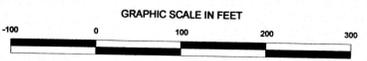
Legend

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



- NOTES:
- 1.) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND. GRID FACTOR OF 0.99987932.
 - 2.) EASEMENTS OF RECORD NOT RESEARCHED OR SHOWN.
 - 3.) REFERENCE: DEED BOOK 692, PAGE 221.
 - 4.) PROPERTY PINS: 9476-99-2058.
 - 5.) THIS PROPERTY IS ZONED SF-15.
 - 6.) PROPERTY CONTAINS ±48.79Ac.

PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION



drawn by	CTS
checked	MKR
reviewed	MKR
date	Property Of
job no.	17-2643-01

EXHIBIT MAP / BOUNDARY MAP
 JOYCE H. McFADYEN PROPERTY
 DEVELOPMENT BY
 HIGHCROFT OF FAYETTEVILLE, LLC
 Cumberland County 71st Township Fayetteville, NC

PRELIMINARY
NOT FOR CONSTRUCTION

115 Broadfoot Ave.
 P.O. Box 53774
 Fayetteville, N.C., 28305
 Phone 910-484-5191
 License #: F-0106

M&R
 ENGINEERS
 PLANNERS
 SURVEYORS
MOORMAN, KIZER & REITZEL, INC.

scale	1"=100'
Field Book No.	NA
SHEET	1 OF 1

Z/C #P17-25F



Map Amendment Application Form

433 Hay Street, Fayetteville, North Carolina 28301
910-433-1612 Fax # 910-433-1776

Submittal Date: 9.21.17 Approval/Denial Date: _____

Fee: \$700.00 Received By: Karen Estep

P17-25F

- Notes:**
1. A pre-application conference is mandatory prior to submission of an application for a map amendment.
 2. Map amendment applications proposing re-classification from a Conservation (CD) zoning district to MR-5, OI, NC, LC, CC, MU, DT, LI, or HI require neighborhood meetings to be conducted prior to application submittal.
 3. A map amendment application should be consistent with the comprehensive plan.
 4. The City Council may not apply conditions of approval to a map amendment application.
 5. All allowed uses within a proposed zoning district must be considered when considering a map amendment application, not just the particular use that the applicant is desiring to place on the property.
 6. Applications seeking to "single out" a lot or site and applying for an exceptional zoning district designation may constitute illegal "spot zoning".

1. General Project Information

Project Address:	1500 Spotted Horse Lane, Fayetteville, NC 28304		
Tax Parcel Identification Number:	9476-89-2058		
Project Name:	Highcroft Section 4		
Current Zoning District:	SF-15	Proposed Zoning District:	SF-10
Does an overlay district apply to this site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If so, which one(s)? _____
Has the land been the subject of a map amendment application in the last five years?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	When? _____ Case #? _____
Amount of land to be rezoned (in acres):	49.5	Is this application related to an annexation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Existing/proposed water service:	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	Existing/proposed sewer service:	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private

A) Please describe all existing uses of the land and existing structures on the site, if any (attach additional sheets if necessary).

The existing property is a single family residence with a few barns, garages and sheds. The site is almost entirely open meadow and is currently farmed.

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

The existing property is currently zoned SF-15 (Single Family Residential 15). The adjacent property is as follows: to the south is zoned MR-5 and includes Westpark Apartments, to the east is zoned SF-10 and includes Heathcliff Subdivision, to the west is zoned SF-10 and includes previous sections of Highcroft Subdivision, to the north is zoned SF-15 and includes Westgate Subdivision.

2. Amendment Justification – Answer all the questions under this section. Attach additional sheets as necessary.

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.

The proposed amendment is consistent with the comprehensive plan which shows low to medium density residential adjacent to two entrance corridors for Fayetteville (Raeford Road and Cliffdale Road).

B) Are there changed conditions that require an amendment?

The proposed zoning change is required to continue the existing phases of Highcroft currently under construction and have continuity between neighborhoods.

C) State the extent to which the proposed amendment addresses a demonstrated community need.

The community desires reasonably priced residential housing and the proposed development is intended to be a continuation of the existing Highcroft Subdivision.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.

The proposed amendment is compatible with the existing surrounding residential subdivisions currently zoned SF-10 on both the east and west sides of the property.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.

The proposed amendment will be an extension of the Highcroft Subdivision and developed in three (3) phases over the next 4-5 years.

F) State the extent to which the proposed amendment might encourage premature development.

There is no concern with premature development since all sides of the property are already developed.

G) State the extent to which the proposed amendment results in strip-style commercial development.

Not applicable, property is residential.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.

The proposed zoning is consistent with the surrounding zoning and does not create any isolated zoning districts.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.

The proposed development will continue building quality residential housing consistent with the surrounding area, thus having no adverse impact to the property values of surrounding land.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

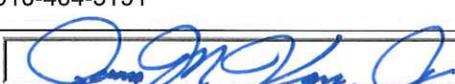
The proposed development will be designed and constructed in accordance with all City and State requirements to include stormwater and erosion control. Water and sewer will be provided by PWC. There should therefore be no adverse environmental impacts created by this development.

3. Submittal Requirement Checklist

(Submittals should include 2 copies of listed items, unless otherwise stated.)

<input checked="" type="checkbox"/>	Pre-application conference completed
<input checked="" type="checkbox"/>	Map Amendment Application Form
<input type="checkbox"/>	Copy of an approved Certificate of Appropriateness (COA) if located within the HLO
<input checked="" type="checkbox"/>	Rezoning Application Fee
<input type="checkbox"/>	Site Plan Application fee
<input checked="" type="checkbox"/>	A copy of the recorded deed, or a written legal description if application is for a portion of a larger tract
<input checked="" type="checkbox"/>	Scaled drawing showing all existing structures, site features, and setbacks
<input type="checkbox"/>	Elevations required if rezoning involves new construction or changes to an existing building
<input type="checkbox"/>	Transportation analysis, if required

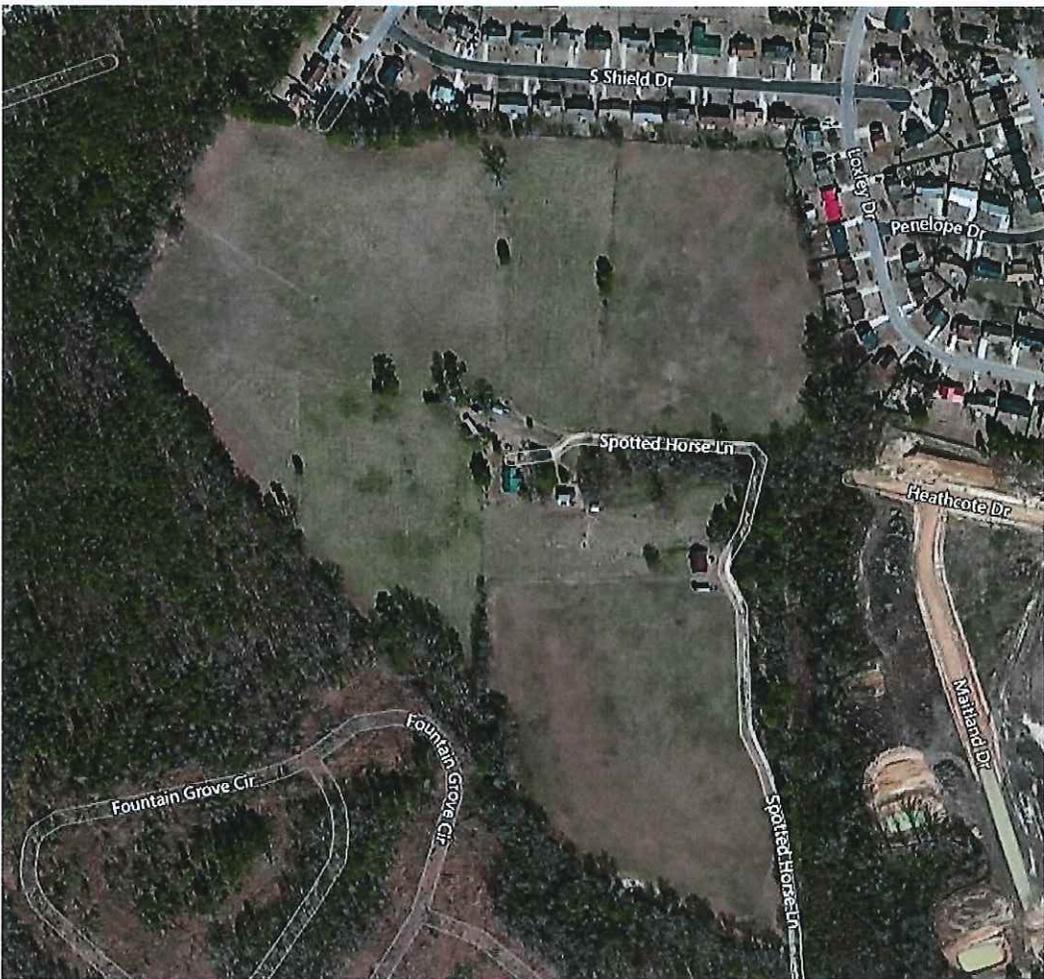
4. Primary Contact Information

Primary Point of Contact Name:	James M. Kizer, Jr., PE		
Mailing Address:	PO Box 53774, Fayetteville, NC 28305	Fax No.:	910-484-0388
Phone No.:	910-484-5191	Email:	jkizerjr@mkrinc.com
Signature:		Date:	9-21-2017

5. Property Owner Information (if different from the primary point of contact)

Property Owner Contact Name:	Joyce H. McFadyen		
Mailing Address:	1500 Spotted Horse Lane, Fayetteville, NC 28304	Fax No.:	
Phone No.:		Email:	
Property Owner or Authorized Signature:		Date Signed:	

McFadyen Property





Planning & Code Enforcement Division

433 Hay Street
Fayetteville, NC 28301
Phone: (910) 433-1612

Technical Review Committee (TRC) Comments:

Development Name: Highcroft Section 4

Case Number:

Development Summary: Site Plan: Propose SFR subdivision (156 lots) on 49.5 acres of land

Location: 1500 Spotted Horse Ln,

Zoning: SF-15

Reference: 10-64F Highcroft Subdivision

Project Review Dates:

Pre Application: September 20, 2017

Preliminary:

Final Review:

Prepared By: Chester Green, Planner II

Contact Information: (910) 433-1497 – email: cgreen@ci.fay.nc.us

Emailed To: Engineer: Moorma, kizer & Reitzel, Inc.

James M. Kizer, Jr. PE email: jkizerjr@mkrinc.com

Owner: Highcroft of Fayetteville, LLC email:

Review Status: **Denied – Plan exceeds the number of lots allowed for the acreage of the site; resubmit a revised plan - To receive Final TRC/Site Plan Approval - a Open Space and Final Subdivision Plat Approval are 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:

<p>Fire Department Contact: Jeff Olund Title: Asst. Fire Marshall Email: jolund@ci.fay.nc.us Phone: 910-433-1730</p>	<ol style="list-style-type: none"> 1. The fire department access road shall have a minimum width of 20 feet of clearance and shall reach within 150 feet of all portions of the exterior walls of the first story of each building. The 150 feet can be extended to 300 feet if buildings have sprinklers. Streets and/or drives in excess of 150 feet shall provide an approved turn-around for emergency vehicles. As phased final plats are submitted temporary turn-around shall be required for street sections that are in excess of 150 feet. 2. 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. 3. Gated areas shall have a Knox box to allow for emergency vehicle access. 4. 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). 5. Additional access road UDO 30-5.F.6 - additional access road required for 80 or more units.
<p>Planning Department Contact: Marsha Bryant Title: Development Advocate Email: mbryant@ci.fay.nc.us Phone: 910-433-1416</p>	<ol style="list-style-type: none"> 1. 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. (Ron Gonzales – Address Dept. 678-7616) 2. Open Space Requirement: Residential sites (<i>greater than 20 acres</i>) - Twenty percent of the site shall be dedicated as Open Space. A minimum of 10% 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 10% required Open Space, calculated at the rate of \$9,041 per acre. (9.76 acres required - 4.88 acres usable) (Contact the County Tax Dept. regarding tax-exempt status of open space areas – Diana Lyman (910-678-7559)) 3. 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. The project architect or landscape architect should be made aware of this provision and should be involved the design and placement of usable areas. Illustrate details of access, shade, seating, definition/enclosure 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. <u>For Final Site Plan approval</u> open space areas and details shall be required. Please include a table with open space calculations for each area summarized. 4. The U.S. Postal Service requires cluster mailboxes in new subdivisions consisting of 4 or more lots and in multi-unit

	<p>buildings. A centralized mail receptacle area is required and must have a minimum setback from the curb of 4 feet. Cluster mailbox areas shall be approved by the USPS and the City Traffic Services to ensure that access does not impede traffic and that the area is handicap accessible. Cluster mailboxes shall be installed prior to final plat approval and/or a building certificate of occupancy being issued. (Contact: Kenyatta Rogers, Growth Coordinator, Mid-Carolinas District, 704-393-4466.)</p> <ol style="list-style-type: none"> 5. A final plat shall be required. The plat shall be recorded in the County Register of Deeds office prior to building permit application for any structure or prior to the sale of any lot or unit in this development. A Plat Activation Form is required by the County to update the parcel coverage. (There is a \$50.00 fee for each final plat approval, due at the time of final plat submittal.) 6. The final plat shall indicate all required right-of-way, easements, open space, tree save area, stormwater pond areas, etc. The owner's signature shall be on the final plat. 7. The final plat shall be labeled Zero Lot Line. Do not place building envelopes or setback notes on the plat unless the developer desires restrictions other than those allowed by the Code. 8. A final plat where there are common areas shall contain the following disclosure statement: "All common area, tree save area, planted islands or medians, or other required landscaping areas shall be maintained in perpetuity by the developer or owner AND shall reference the deed book and page of the legal documents addressing these areas. 9. A note shall be on the final plat indicating that the required street trees will be provided. City approval shall be required prior to removal. 10. A note shall be on the final plat indicating that the street stub-out or dead-end street shall connect to the adjacent property in the future. "Future Street Connection". 11. The developer shall submit to the Planning Division legal documents, specifically designating the use of and responsibility for the common area through an Owner's Association. These documents shall be reviewed and approved by the City Attorney <u>prior</u> to final plat approval and before the recording or the sale of any lot or unit in this development. 12. The owner(s) of lots shall develop the lot(s) in accordance with the site plan, engineering plan, and utility plan approved by the appropriate government agency. The developer shall be aware that subsequent application for zoning and building permits constitutes the developers understanding and acceptance of these Comments. 13. The applicant has still not submitted a plan that indicates sidewalks along both sides of future streets and the details of usable open space area for case 10-64F Highcroft subdivision as agreed upon under the vested rights communications dated 6-24-15. Please submitted this plan as soon as possible.
<p>Planning Department</p>	<p>1. Provision in Multi-Phase Developments:</p>

<p>Contact: Chet Green Title: Planner II Email: cgreen@ci.fay.nc.us Phone: 910-433-1497</p>	<p>Multi-phase development shall preserve open space in phases, so that the first phase of development does not contain 100 percent of the open space acreage allotted for the entire development, but does contain, at a minimum, its pro rata share of the total acreage. One hundred percent may be provided in the initial phase if the open space is central to the overall Site Plan and configured such that all phases will have reasonable access to the open space facilities.</p> <ol style="list-style-type: none"> 2. It is the recommendation of this department that the developer should try to relocate the mail Kiosk to a more central location. 3. Minimum Connectivity Index Score Required is 1.40 the calculated index is 1.78. Approved 4. 30-5.F.5. - Block Design - Approved 5. Please provide information on any specimen trees (caliper over 30") - ID location, species, condition and summarize Information in a table. 6. 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. 7. Saving existing trees may result in a reduction of open space dedication and may count toward required landscaping. A 300 percent credit for the preservation of the critical root zone is available. (Added value to the design may be achieved by identifying and considering saving trees and may result in reduced site development costs.) 8. 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: <u>PRIOR TO CONSTRUCTION:</u> The contractor shall construct 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 has been completed. <u>PROTECTIVE FENCING:</u> 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 be of a highly visible material and shall have a tree protection sign affixed every twenty feet to be clearly visible to the workers on-site. 9. Payment-in-lieu of preservation is \$100 per inch. 10. Must comply street tree requirements - See Article 30-5.B.4. 11. Must comply open space requirements - See Article 30-5.C.
<p>Zoning Department Contact: Dave Steinmetz Title: Senior Zoning Administrator Email: dsteinmetz@ci.fay.nc.us Phone: 910-433-1705</p>	<ol style="list-style-type: none"> 1. Too many lots for the acreage, SF-15 only allows 141 (Scott Shuford has addressed this in his email) 2. 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. The Code allows for Alternative Sign Request under some reviews.

	<ol style="list-style-type: none"> 3. 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. 4. 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.
<p>Engineering Department Contact: Jessica Batten Title: Engineering Specialist II Email: jbatten@ci.fay.nc.us Phone: 910-433-1657</p> <p>Submit application, fee and plans directly to City Engineering.</p>	<ol style="list-style-type: none"> 1. Engineering Plans, Application, and Fees will need to be submitted directly to Engineering. 2. The current Infrastructure Permit Application with Fee Schedule, along with the most up-to-date Standard Details, are available on the City Engineering website at the below link: http://fayettevillenc.gov/government/city-departments/engineering-infrastructure/engineering-division 3. If any excavations on the public streets within the City of Fayetteville limits are proposed, they shall comply with the requirements as set forth in Chapter 24 – Article 2 to include any amendments. 4. Provide existing and proposed impervious area data to include proposed topography. 5. Street design and storm drainage plans with calculations along with a completed checklist shall be reviewed and approved by the City Engineering Division prior to building permit(s) being issued. Plans shall comply with the City of Fayetteville Code of Ordinance to include but not limited to Chapter 23 and design standards. 6. If the impervious area addition exceeds 5,000 square feet, street design and storm drainage plans with calculations along with a completed checklist shall be reviewed and approved by the City Engineering Division prior to building permit(s) being issued. Plans shall comply with the City of Fayetteville Code of Ordinance to include but not limited to Chapter 23 and design standards. 7. No plants or trees shall be allowed within the maintenance access easement of the pond or within the 10 foot maintenance shelf. 8. All aspects of the BMP must meet the BMP manual standards and City of Fayetteville standards. 9. Due to the topography of the land additional measures may be needed to prevent runoff crossing more than two parcels. 10. All erosion and sedimentation regulations, as well as any additional infrastructure improvements, shall be observed. 11. The project is not located on a designated truck route. A Truck Route Permit and associated bond will be required prior to issuance of the Infrastructure Permit. 12. Final plats that include a stormwater detention/treatment facility shall show the drainage easement and/or maintenance access to the pond and reference the Operation & Maintenance Agreement (responsible party, deed book & page). All the legal documentation regarding the pond is required prior to final plat approval. 13. Comments required by City Engineering regarding the Stormwater

	<p>facility shall be shown on the final plat. All associated infrastructure inspection fees shall be paid prior to final plat approval.</p> <p>14. Streets shall be constructed or a bond issued prior to final plat approval.</p> <p>15. A final plat where there are Streets and/or Stormwater Facilities, where the improvements have NOT been completed, shall contain the following disclosure statement:</p> <p style="padding-left: 40px;">“I hereby certify that a performance guarantee of a satisfactory amount has been posted with the City of Fayetteville by the subdivider, guaranteeing that the streets in this subdivision will be constructed within _____ days from this date, the _____ day of _____, _____, by _____ who is (are) the owner(s), to the full width and to the grade and cross section designated by the City Manager, and the subdivider will install the necessary stormwater facilities in accordance with plans approved by the City Manager within _____ days from this same date.”</p> <p>16. Street names shall be approved and all street signs shall be installed prior to final plat approval. Street signs shall meet the cities street sign specifications. (Addressing Dept. – Ron Gonzales 678-7616) NOTE: You may contract with the City to make and install street signs. Coordinate with Dean Sears, City of Fayetteville Traffic Services (910) 433-1521.</p> <p>17. Street signs shall be placed at the end of dead-end streets to indicate that these streets will connect to the adjacent property as it is developed. (The sign shall read: Future Street Connection.)</p> <p>18. A sidewalk with <u>approved handicap ramps, truncated domes, and a 5 foot landing (except with parallel handicapped ramps)</u> shall be constructed along the property that abuts all public and private streets. Sidewalk must be 5 feet wide and 5 inches thick. Sidewalks across driveways shall be 5 feet wide and 7 inches thick. All sidewalk details must be site specific and not a compilation of all the available sidewalk details. Sidewalks shall be constructed or a bond issued prior to final plat approval and/or issuance of a Certificate of Occupancy.</p> <p>19. A sidewalk shall be required from the public sidewalk system to the development with approved handicap ramps and striping.</p> <p>20. A sidewalk easement shall be required for any portion of the public sidewalk system that falls within the property lines.</p> <p>21. On public streets, a street lighting plan, in compliance with Chapter 24 – Article X of the Code shall be provided to the Engineering Division for approval prior to installation. Installation shall be completed prior to final plat approval and/or a Certificate of Occupancy being issued.</p> <p>22. A pre-construction meeting with the City Engineering Division is required. Contact Jeff Riddle 433-1661 – 48 hours in advance.</p> <p>23. A final inspection of all infrastructures, by the City Engineering Division, shall be required prior to final plat approval and/or a Certificate of Occupancy being issued.</p>
<p>NC Dept. Environmental &</p>	<p>1. NCDEQ DEMLR will require a sedimentation and erosion control</p>

<p>Natural Resources Contact: <u>Lori Britt</u> Title: Environmental Specialist Email: <u>Lori.Britt@ncdenr.gov</u> Phone: 910-433-3300</p>	<p>plan be submitted and approved 30 days prior to land disturbing activities for Highcroft Section 4.</p>
<p>PWC Contact: Sam Powers Title: Engineer (Water Resources) Email:<u>samuel.powers@faypwc.com</u> Phone: 910-223-4370</p> <p>Submit application, fee and plans directly to PWC.</p>	<ol style="list-style-type: none"> 1. Sam commented at meeting he would send you additional info on sewage lines in West Point section six along with other information. 2. PWC has delegated permitting authority from the State and will issue your water and sewer permits. 3. Water and sewer mains shall be extended in accordance with PWC's policy. 4. Utility Plans, Application and Fees shall be submitted directly to the Public Works Commission (PWC) along with landscaping plans and a copy of the electrical panel schedule. You may contact PWC for information on obtaining water and sewer services. (PWC – Water Resources Engineering, 910-223-4730) 5. No permanent structure shall be permitted within any utility or drainage easement. 6. 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. 7. A fire hydrant flow test is required. Contact Dean Carter with PWC to schedule the test. <u>Dean.carter@faypwc.com</u> 8. A water permit is not required for fire lines of any size for projects submitted to PWC for review after January 01, 2017. 9. Fire flow calculations shall be submitted to PWC for review. These calculations shall demonstrate the maximum flow available at the “worst case” hydrant while maintaining 20 psi on the PWC water system.
<p>PWC Contact: Thomas Covington Title: Engineer (Electrical Service) Email: <u>thomas.covington@faypwc.com</u> Phone: 9102234533</p>	<ol style="list-style-type: none"> 1. Utility Plans, Application and Fees shall be submitted directly to the Public Works Commission (PWC). You may contact PWC for information on obtaining electrical services. (PWC – Electrical Resources Engineering, 910- 818-2250) 2. A panel schedule shall be required. 3. Provide a landscape plan in auto-cad format to coordinate landscaping with utilities and easements. 4. Understory trees are allowed to be planted in PWC electrical utility easements. Canopy trees can be placed 15 feet off the center line of distribution lines and 25 feet off the center line of transmission lines 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.
<p>Traffic Services Department Contact: John McNeill Title: Transportation Planner Email: <u>jmcneill@ci.fay.nc.us</u> Phone: 910-433-1148</p>	<ol style="list-style-type: none"> 1. Submit the City of Fayetteville Street and Driveway Access Permit Application to the City Traffic Services Division at 339 Alexander Street, Fayetteville, NC 28301. (A complete submittal consists of the detailed original permit application with two copies, three copies of the Approved TRC site plan, and the

<p>Submit NCDOT and City Driveway Permit application directly to City Traffic Services Dept.</p>	<p>appropriate fee.) Driveway permits shall not be approved until TRC has approved the site plan layout. \$200.00 payable to City of Fayetteville (Driveway Permit)</p> <ol style="list-style-type: none">2. For cluster mailbox/kiosk areas, adequate vehicle storage shall be provided to ensure that no disruption in the normal flow of traffic along the adjacent roadway.3. Handicap ramps are missing on some of the corners and/or on the opposite side of street. Please amend plan to include these ramps.4. Traffic circle is required at intersection of Lunsford and Pond Haven drives.5. If no connection will be made to Heathcote Drive it will need to be closed off at property line.
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City of Fayetteville

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

City Council Action Memo

File Number: 17-458

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.05

TO: Mayor and Members of City Council

THRU: Doug Hewett, ICMA - CM, City Manager

**FROM: Kristoff Bauer, Deputy City Manager
Tracey Broyles, Budget and Evaluation Director**

DATE: October 23, 2017

RE:

Capital Project Ordinance Amendment 2018-26 to Appropriate NC Department of Commerce Grant for the Downtown Redevelopment Project

COUNCIL DISTRICT(S):

2

Relationship To Strategic Plan:

Goal 2: Diverse and Viable Economy

Objective D: To invest in community places, revitalizing downtown as a focal point

Target for Action: Project Homerun Redevelopment

Executive Summary:

The City received notification of a grant award from the North Carolina Department of Commerce, Rural Economic Development Division for the Downtown Redevelopment Project. Capital Project Ordinance Amendment (CPOA) 2018-26 will appropriate the \$250,000 of grant funds to be used in conjunction with previously appropriated funding for the downtown redevelopment project to enhance the plaza between the stadium, Prince Charles Hotel and the new residential and hotel project.

Background:

The Prince Charles redevelopment project is a combination of five significant investments around a central plaza area; 1) the renovation of the historic Prince Charles Hotel into a mixed use residential building, the constructions of a new mixed use structure with a 2)

public parking deck, 3) new hotel, and 4) new residential, and 5) a new baseball stadium and entertainment venue. The plaza area is being designed to serve all of these projects by providing access, public spaces such as café seating, and providing utility connections.

The City has contracted with PCH to manage design and development of this space.

Issues/Analysis:

The design for the plaza area is ongoing, but initial cost estimates for utility service necessary to support all the adjacent projects is higher than anticipated. This additional funding will be critical to achieving the quality of space desired. Value engineering continues to ensure that the project can be completed within this revised budget amount.

Budget Impact:

There is no impact to the General Fund as there is no required local match for the grant. The project budget is increased to \$1.495 million. This budget amount was anticipated in the recent design presentation to Council during the Work Session on Oct. 2.

Options:

1. Adopt Capital Project Ordinance Amendment 2018-26 to appropriate the grant funds.
2. Do not adopt Capital Project Ordinance Amendment 2018-26 and provide direction to staff.

Recommended Action:

Staff recommends that Council move to adopt Capital Project Ordinance Amendment 2018-26 as presented.

Attachments:

CPOA 2018-26 Downtown Stadium
NC Department of Commerce Downtown Revitalization Grant Documents
Preliminary Design Sketch

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2018-26 (CPO 2017-53)**

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

Section 1. The project change authorized is to Capital Project Ordinance 2017-53, adopted April 24, 2017, as amended for the funding of support infrastructure for the redevelopment site of the downtown stadium and nearby private development. Infrastructure requirements may include street, curb, sidewalk, plaza, stormwater, and utility infrastructure.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
General Fund Transfer	\$ 1,245,000	\$ -	\$ 1,245,000
NC Department of Commerce, Rural Economic Development	-	250,000	250,000
	<u>\$ 1,245,000</u>	<u>\$ 250,000</u>	<u>\$ 1,495,000</u>

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

Project Expenditures	<u>\$ 1,245,000</u>	<u>\$ 250,000</u>	<u>\$ 1,495,000</u>
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

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

Adopted this 23th day of October, 2017.



ROY COOPER
Governor

ANTHONY M. COPELAND
Secretary

September 25, 2017

Mr. Doug Hewett
City Manager
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301-5537

Re: Contract Agreement for Grant Number 2018-024-1257-1534; Your Signature and Reply is Requested
Project Title: "Downtown Revitalization"

Dear City Manager Hewett:

Enclosed for your review and signature are two complete sets of contract documents required to finalize the grant award pursuant to N.C. S.L. 2017-57 § 15.8 (a). Below is a description of the documents enclosed along with an explanation of the signatures required for each document.

Document:	Document Description:	Signed By:
Grant Agreement	Contract: Outlines the terms of Grant Agreement between the Department of Commerce and the Unit of Local Government.	Highest Elected Official - Unit of Local Government.
Exhibit A	Grantee Proposal: This document is incorporated into the agreement as the scope of the project.	Highest Elected Official - Unit of Local Government.
Exhibit B	Sample Final Report Form: This is a sample of the progress/final report due to Commerce by July 15, 2018 . Local governments should submit a final report detailing the outcomes and expenditures of the grant including copies of invoices/receipts for each expenditure paid with the grant funds. This form may be found on our website: http://www.nccommerce.com/rd/rural-grants-programs/forms within the Forms section.	Highest Elected Official - Unit of Local Government.
Exhibit C	Payment Request Form: This form outlines payment to be made from Commerce to the grantee. Please sign and date Section F.	Authorized Signatory - Unit of Local Government.
Exhibit D-1	Iran Divestment Act Certification	Highest Elected Official - Unit of Local Government.
Exhibit D-2	Iran Divestment Act Certification	Legal Property Owner listed on the Deed.

Execute two originals of these documents and return one of them to my attention at the address. If you have any questions regarding the enclosed documents, please contact me at (919) 814-4671.

Sincerely,

Nichole M. Gross
Data and Compliance Specialist

Enclosure

Rural Economic Development Grant Agreement
Revitalization and Economic Development

2018-024-1257-1534

The North Carolina Department of Commerce (“Commerce”), an agency of the State of North Carolina (“State”), enters into this Downtown Revitalization Grant Agreement (“Grant Agreement”) with the **City of Fayetteville** (the “Governmental Unit” or “Grantee” and, together with Commerce, the “Parties”), a local governmental unit.

WHEREAS, N.C. S.L. 2017-57 § 15.8(a) (the “Authorizing Legislation”) authorized the awarding of Downtown Revitalization Grants or (“Downtown Revitalization Grant”) to provide grants to certain municipal governments to encourage downtown revitalization in eligible communities; and

WHEREAS, Commerce, through its Rural Economic Development Division, administers the **Downtown Revitalization Grants**; and

WHEREAS, the Governmental Unit submitted a proposal and supporting materials (together, “Proposal”) to Commerce for a grant (the “Grant”) to fund a project (the “Project”) as described in Grantee Proposal (Exhibit A).

NOW, THEREFORE, in consideration of the mutual promises and such other valuable consideration as set out herein, the Parties mutually agree to the following terms and conditions:

1. Grant Agreement Documents.

This Grant Agreement consists of the following documents:

- (a). This Grant Agreement, including all documents incorporated by reference herein.
- (b). Grantee Proposal (Exhibit A).
- (c). Sample Progress/Final Report (Exhibit B).
- (d). Payment Request Form (Exhibit C)
- (d). Iran Divestment Act Certification (Exhibit D-1).
- (e). Iran Divestment Act Certification (Exhibit D-2).

2. Changes in the Project or Other Conditions.

- (a). The Governmental Unit shall immediately notify Commerce of any change in conditions or local law, or any other event, which may significantly affect its ability to oversee, administer or perform this Grant Agreement or the Project. In its sole discretion, Commerce may deem such a change in conditions, local law or other event to constitute a Project Change.

3. Term of Grant Agreement.

The effective period of this Grant Agreement shall commence on **7/1/2017** (“Effective Date”) and shall terminate on **7/1/2019** unless terminated on an earlier date under the terms of this Grant Agreement (either one of which dates shall constitute the “Termination Date”) or unless extended for an express term in writing by Commerce.

4. Funding.

Commerce grants to the Governmental Unit an amount not to exceed **\$250,000.00** for expenditures directly relating to the Project. The Governmental Unit hereby represents and warrants that all Grant funds shall be utilized exclusively for the purpose of the Project and consistent with this Grant Agreement, the Authorizing Legislation and all other applicable laws,

rules, regulations and requirements. The Governmental Unit shall not make or approve of any improper expenditure of Grant funds, including any expenditure of Grant funds for salary or wages for employees of the grantee organization, and food or refreshment expenses.

5. Independent Status of the Governmental Unit.

- (a). The Governmental Unit is an entity independent from Commerce and the State. The Grant Agreement, the Project and any actions taken pursuant to them shall not be deemed to create a partnership or joint venture between or among the Governmental Unit, Commerce, the State or any third party. Nor shall the Grant Agreement or the Project be construed to make the Governmental Unit (including its employees, agents or contractors) or any third party into employees, agents, members or officials of Commerce or the State. Neither the Governmental Unit (including its employees, agents or contractors) nor any third party shall have the ability to bind Commerce or the State to any agreement for payment of goods or services or represent to any person that they have such ability.
- (b). The Governmental Unit shall be responsible for payment of all of its expenses, including rent, office expenses and all forms of compensation to its employees, agents and contractors. The Governmental Unit shall provide worker's compensation insurance to the extent required for its operations and shall accept full responsibility for payments of unemployment tax or compensation, social security, income taxes and any other charges, taxes or payroll deductions required by law in connection with its operations, for itself and its employees, agents and contractors who are performing work pursuant to this Grant Agreement. All expenses incurred by the Governmental Unit are its sole responsibility, and neither Commerce nor the State shall be liable for the payment of any obligations incurred in the performance of the Project.

6. Method of Payment.

Commerce shall endeavor to pay the Grant funds to the Governmental Unit within 30 calendar days of actual receipt of this Grant Agreement executed by Governmental Unit and the satisfaction of all other conditions precedent to payment of grant funds to Governmental Unit.

Funds may only be used in accordance with this Grant Agreement and the uses set forth in the Authorizing Legislation. Commerce may request, and the Governmental Unit must produce, any information from the Governmental Unit justifying the use of the Grant funds. The submission of any reports required by Exhibit B and Paragraph 8 below, or any requests for reimbursement required by this Paragraph or Exhibit B, representing that any work on the Project has been performed shall constitute a certification that the work represented has actually been performed.

7. Project Records.

- (a). The Governmental Unit shall maintain full, accurate and verifiable financial records, supporting documents and all other pertinent data for the Project in such a manner as to clearly identify and document the expenditure of the State funds provided under this Grant Agreement separate from accounts for any separate awards, monetary contributions or other revenue sources for this Project.
- (b). The Governmental Unit shall retain all financial records, supporting documents and all other pertinent records related to the Project for a period of five (5) years from the date of the last disbursement of Grant funds or the Termination Date, whichever is later. In the event such records are audited, all Project records shall be retained beyond the five-year

period until the audit is concluded and any and all audit findings have been resolved.

8. Monitoring, Reports and Auditing.

- (a). The Governmental Unit agrees to ensure compliance and provide its assistance with such monitoring and auditing requirements as the State may request, including following the Termination Date of this Grant Agreement. Additionally, the Governmental Unit shall regularly monitor all performance under Grant-supported activities to ensure that time schedules are being met and other performance goals are being achieved. Further, the Grantee, or designated agent, shall maintain records and accounts that properly document and account for the application of all Grant funds for a minimum of five (5) years after the date of the last disbursement or the Termination Date, whichever is later.
- (b). The Governmental Unit shall furnish Commerce a detailed written final report within 30 days of the Termination Date. If the Termination Date is extended a final report shall be furnished within 30 days of the new Termination Date. The Governmental Unit shall furnish detailed written progress reports as otherwise requested by Commerce within 30 days of the request from Commerce. Such progress and final reports should describe the progress made by the Governmental Unit toward achieving the requirements and purpose(s) of the Project, and shall include detailed financial documentation proving funds were appropriately expended. Such descriptions should include the successes and problems encountered during the reporting period. In Commerce's sole discretion, failure to submit a required report by the scheduled submission date or submission of an inadequate report will trigger Repayment Requirements addressed in Paragraph 12(b) of this Grant Agreement.
- (c). The Governmental Unit acknowledges and agrees that, with regard to the Grant funds, it will be subject to the audit and reporting requirements prescribed by N.C.G.S §159-34, Local Government Finance Act - Annual Independent Audit; rules and regulations. Such audit and reporting requirements may vary depending upon the amount and source of Grant funding received by the Governmental Unit and are subject to change from time to time.
- (d). The Governmental Unit grants the State and any of its related agencies, commissions or departments (including, without limitation, Commerce, the North Carolina State Auditor and the North Carolina Office of State Budget and Management) and any of their authorized representatives, at all reasonable times and as often as necessary (including after the Termination Date), access to and the right to inspect, copy, monitor, and examine all of the books, papers, records and other documents relating to the Grant Agreement or the Project. Likewise, the Governmental Unit shall ensure that any third party it employs or contracts with to work on the Project provides the same access. In addition, the Governmental Unit agrees to comply at any time, including after the Termination Date, with any requests by the State (including, without limitation, Commerce) for other financial and organizational materials to permit the State to comply with its fiscal monitoring responsibilities or to evaluate the short- and long-range impact of its programs.

9. Termination; Availability of Funds.

- (a). If the Governmental Unit fails to fulfill in a timely and proper manner its obligations or violates any of the covenants or stipulations under this Grant Agreement, the Governmental Unit agrees that Commerce has the right to terminate this Grant Agreement by giving the Governmental Unit written notice specifying the Termination Date, which Commerce may determine in its sole discretion. Upon such termination, Commerce shall have no responsibility to make additional Grant payments. Upon such termination, the

Governmental Unit shall not expend any Grant funds without Commerce's express written authorization and shall return all unspent Grant funds to Commerce upon demand.

- (b). The obligations of Commerce to pay any amounts under this Grant Agreement are contingent upon the availability and continuation of funds for such purpose. If funds for the Grant become unavailable, the Governmental Unit agrees that Commerce has the right to terminate this Grant Agreement by giving written notice specifying the Termination Date, which Commerce shall determine in its sole discretion. Upon such termination, the State shall have no responsibility to make additional Grant payments. Further, upon such termination, the Governmental Unit shall not expend any Grant funds without Commerce's express written authorization and shall return all unspent Grant funds to Commerce upon demand.

10. Liabilities and Loss.

The Governmental Unit hereby agrees to release, indemnify and hold harmless the State (including, without limitation, Commerce), and their respective members, officers, directors, employees, agents and attorneys (together, the "Indemnified Parties"), from any claims of any third party arising out of any act or omission of the Governmental Unit or any third party in connection with the performance of this Grant Agreement or the Project, and for all losses arising from their implementation. Without limiting the foregoing, the Governmental Unit hereby releases the Indemnified Parties from, and agrees that such Indemnified Parties are not liable for, and agrees to indemnify and hold harmless the Indemnified Parties against, any and all liability or loss, cost or expense, including, without limitation, reasonable attorneys' fees, fines, penalties and civil judgments, resulting from or arising out of or in connection with or pertaining to, any loss or damage to property or any injury to or death of any person occurring in connection with the Project, or resulting from any defect in the fixtures, machinery, equipment or other property used in connection with the Project or arising out of, pertaining to, or having any connection with, the Project or the financing thereof (whether arising out of acts, omissions, or negligence of the Governmental Unit or of any third party), including any claims and losses accruing to or resulting from any and all subcontractors, material men, laborers and any other person, firm or corporation furnishing or supplying work, services, materials or supplies in connection with the Project.

11. Governmental Unit Representations and Warranties.

The Governmental Unit hereby represents and warrants that:

- (a). The execution and delivery of this Grant Agreement have been duly authorized by all necessary Governmental Unit action and are not in contravention of law or in contravention of the provisions of any indenture agreement or undertaking to which the Governmental Unit is a party or by which it is bound.
- (b). There is no action, suit proceeding, or investigation at law or in equity or before any court, public board or body pending, or to the knowledge of the Governmental Unit, threatened against or affecting it that could or might adversely affect the Project or any of the transactions contemplated by this Grant Agreement or the validity or enforceability of this Grant Agreement or the abilities of the Governmental Unit to discharge its obligations under this Grant Agreement. If it is subsequently found that an action, suit, proceeding, or investigation did or could threaten or affect the development of the Project, Commerce can, in its discretion, terminate the Grant Agreement upon notice and require the Governmental Unit to repay to Commerce the entire amount of the Grant.

- (c). No consent or approval is necessary from any governmental authority as a condition to the execution and delivery of this Grant Agreement by the Governmental Unit or the performance of any of its obligations hereunder, or all such requisite governmental consents or approvals have been obtained. The Governmental Unit shall provide Commerce with evidence of the existence of any such necessary consents or approvals at the time of the execution of this Grant Agreement.
- (d). The Governmental Unit is solvent.

12. Additional Repayment Requirements and Remedies.

- (a). The repayment requirements and remedies addressed in this Paragraph 12 are in addition to those repayment requirements and other remedies set forth elsewhere in this Grant Agreement, including the requirements to repay unspent Grant funds. No remedy conferred or reserved by or to the State is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy provided for in this Grant Agreement, or now or hereinafter existing at law, in equity, or by statute, and any such right or power may be exercised from time to time and as often as may be deemed expedient.
- (b). If there is a breach of any of the requirements, covenants or agreements in this Grant Agreement (including, without limitation, any reporting requirements), or if there are any representations or warranties which are untrue as to a material fact in this Grant Agreement or in relation to the Project (including the performance thereof), the Governmental Unit agrees that Commerce may require repayment from the Governmental Unit of an amount of Grant funds to be determined in Commerce's sole discretion but not to exceed the amount of Grant funds the Governmental Unit has already received under this Grant Agreement.

13. No Waiver by the State.

Failure of the State (including, without limitation, Commerce) at any time to require performance of any term or provision of this Grant Agreement shall in no manner affect the rights of the State at a later date to enforce the same or to enforce any future compliance with or performance of any of the terms or provisions hereof. No waiver of the State of any condition or the breach of any term, provision or representation contained in this Grant Agreement, whether by conduct or otherwise, in any one or more instances, shall be deemed to be or construed as a further or continuing waiver of any such condition or of the breach of that or any other term, provision or representation.

14. Waiver of Objections to Timeliness of Legal Action.

The Governmental Unit knowingly waives any objections it has or may have to timeliness of any legal action (including any administrative petition or civil action) by the State (including, without limitation, Commerce) to enforce its rights under this Grant Agreement. This waiver includes any objections the Governmental Unit may possess based on the statutes of limitations or repose and the doctrines of estoppel or laches.

15. Special Provisions and Conditions.

- (a). Non-discrimination. The Governmental Unit agrees not to discriminate by reason of age, race, religion, color, sex, national origin or disability related to the activities of this Grant Agreement.
- (b). Conflict of Interest. The Governmental Unit shall forward to Commerce along with the executed copies of this Grant Agreement a copy of its policy and any ordinance or resolution it has adopted addressing conflicts of interest that may arise involving the members of the Governmental Unit's governing body and/or any of its employees or officers involved in the Grant or the Project. Such policy, ordinance or resolution shall address situations in which any of these individuals may directly or indirectly benefit, other than through receipt of their normal compensation in their capacities as the Governmental Unit's employees, officers or members of its governing body, from the Grant or the Project, and shall include actions to be taken by the Governmental Unit or the individual, or both, to avoid conflicts of interest and the appearance of impropriety. Additionally, the Governmental Unit certifies that, as of the date it executes this Grant Agreement, no such individuals have such a conflict of interest or will directly or indirectly benefit, except in the capacities described above, from the Grant or Project. Throughout the duration of this Grant Agreement and the Project, the Governmental Unit has the duty to promptly inform Commerce of any such conflict of interest or direct or indirect benefit of which it becomes aware.
- (c). Compliance with Laws. The Governmental Unit shall at all times observe and comply with all laws, regulations, codes, rules, ordinances and other requirements (together, "Laws") of the state, federal and local governments which may in any manner affect the performance of the Grant Agreement or the Project.
- (d). Non-Assignability. The Governmental Unit shall not assign or transfer any interest in the Agreement without the prior written consent of Commerce; provided, however, that claims for money due to Governmental Unit from Commerce under this Grant Agreement may be assigned to any commercial bank or other financial institution without such approval.

Rural Economic Development Grant Agreement
Revitalization and Economic Development

2018-024-1257-1534

16. Notice.

All notices required or permitted to be delivered hereunder and all communications in respect hereof shall be in writing and shall be deemed given when personally delivered or when deposited in the United States mails, certified, return receipt requested, first class, postage prepaid and addressed as follows:

If to the Rural Authority or Commerce: Attn: **Melody Adams**
North Carolina Department of Commerce
Rural Economic Development Division
301 North Wilmington Street
4346 Mail Service Center
Raleigh, North Carolina 27699-4346

If to the Governmental Unit: Attn: **Mr. Doug Hewett**
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301-5537

or addressed to such other address or to the attention of such other individual as Commerce or the Governmental Unit shall have specified in a notice delivered pursuant to this subsection.

17. Entire Agreement.

This Grant Agreement supersedes all prior agreements between Commerce and the Governmental Unit with regard to the Project and expresses their entire understanding with respect to the transactions contemplated herein, and shall not be amended, modified or altered except pursuant to a writing signed by both Commerce and the Governmental Unit.

18. Execution.

This Grant Agreement may be executed in one or more counterparts, each of which, when executed, shall be deemed an original, and such counterparts, together, shall constitute one and the same Grant Agreement which shall be sufficiently evidenced by one of such original counterparts.

19. Construction.

This Grant Agreement shall be construed and governed by the laws of the State of North Carolina.

20. Severability.

Each provision of this Grant Agreement is intended to be severable and, if any provision of this Grant Agreement is held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect or impair any other provision of this Grant Agreement, but this Grant Agreement shall be construed as if such invalid, illegal or unenforceable provision had not been contained herein.

Rural Economic Development Grant Agreement
Revitalization and Economic Development

2018-024-1257-1534

21. Acceptance.

If the Governmental Unit agrees to the Grant conditions as stated, please return the executed documents specified in Paragraph 1. This Grant may be withdrawn if Commerce has not received such documents within ten (10) days from the date of the cover letter from Commerce to the Governmental accompanying this Grant Agreement and its Exhibits.

IN WITNESSETH WHEREOF, the parties hereto have executed this Grant Agreement as of the date first above written.

City of Fayetteville

Signature:

Douglas I. Hewett

Printed Name:

Douglas I. Hewett

Title:

City Manager

Date:

10/05/17



North Carolina Department of Commerce

Signature:

George Sherrill, for

[SEAL]

Printed Name:

Napoleon Wallace

Title:

Deputy Secretary for Rural Economic Development and Workforce Solutions

Date:

9/26/17

2017-2018 Downtown Revitalization/Economic Development Proposal Form

Local Government Information

Legal Name of Local Government: City Of Fayetteville County: Cumberland Tier #
Name of Chief Elected Official: Nat Robertson Title: Mayor
Mailing Address: PO Drawer D Street Address: 433 Hay Street
City: Fayetteville State: NC Zip: 28301
Primary Telephone(s): 910-433-1992 Fax: 910-433-1948
Email: Mayor@ci.fay.nc.us Federal Tax ID #: 56-6001226

Local Government Project Contact:

Name: Kristoff Bauer Title: Deputy City Manager
Primary Telephone: 910-433-1993 Email: KBauer@ci.fay.nc.us

Grant Administrator (If applicable)

Fayetteville-Cumberland Parks and Recreation
Mailing Address: 121 Lamon Street Street Address: 121 Lamon Street
City: Fayetteville State: NC Zip: 28301
Name: Tiffany Bell Title: Management Analyst
Primary Telephone: 910-433-1608 Fax: 910-433-1762
Email: tbell@ci.fay.nc.us Federal Tax ID #: 56-6001226

Community Information

- | | | Check One | |
|---|--|-------------------------------------|-------------------------------------|
| | | Yes | No |
| 1 | Is your community designated by the Department of Commerce as a NC Main Street community? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2 | Is your community designated by the Department of Commerce as a NC Small Town Main Street community? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3 | Is your community receiving downtown strategic economic development planning services through the NC Main Street & Rural Planning Center's Downtown Associate Community program? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4 | Has your community received strategic economic development planning services through the NC Main Street & Rural Planning Center's Rural Planning program in the last 3 years? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5 | Would you like for the staff at the Department of Commerce, NC Main Street & Rural Planning Center to contact you regarding strategic economic development planning services? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

1. If yes, please provide the contact information for the person to contact:

Name: Craig Harmon Title: Senior Planner
Phone: 910-433-1417 Email: CHarmon@ci.fay.nc.us

Project Information

- 1 Provide a description of the downtown revitalization/economic development activities to be funded by the grant along with the estimated cost for each activity.

The City has partnered with a private developer to renovate a historic hotel, and build a new stadium, hotel, and residential building in Fayetteville's downtown. The total redevelopment project is estimated to include \$60 million in private investment and \$42 million in government investment. The grant funds will be used to enhance the plaza between the three investment areas; the stadium, historic hotel, and new hotel and residential development. The plaza project will include constructing a new street scape, greenspace, and community plaza area estimated at a total cost of

2. Provide a description of the proposed outcomes of the downtown revitalization/economic development project/activity.
 This project has the dual benefit of addressing an area of blight; a historic hotel that has been unoccupied for 5 years. The hotel is subject to looting, vandalism, and squatting. This project will bring new investment and activity to the downtown area including a new minor league baseball stadium and an additional 275 housing units; both hotel and apartment. This grant will support the utility and public infrastructure. By developing the plaza, we will create an area for gathering, connecting with friends and enjoying small performances.

3. Provide a timeline for the implementation of the downtown revitalization/economic development project/activity.
 The stadium and plaza projects most directly supported by this grant must be complete no later than March 31, 2019. Ground breaking has taken place and demolition will begin by Sept. 22, 2017. The private development will be completed on a similar time line.

4. Include photos of the area where the project/activity will take place and provide a description of the photos below.
 Attached is a picture of the area to be redeveloped as it existed in 2013 during one of our festivals. Also attached is a rendering of the stadium. The plaza area to be supported by this grant is not yet designed, but is on the street side of the stadium between the historic hotel (to the left) and the new development area (to the right). The design for the plaza will be an integral connector between multiple downtown/urban renewal projects and will be carefully designed with place making in mind to invite community gathering.

Applicant Certifications

The attached statements and exhibits are hereby made part of this application, and the undersigned representative of the applicant certifies that the information in this application and the attached statements and exhibits are true, correct, and complete to the best of the signatory's knowledge and belief. The signatory further certifies:

- 1 as Authorized Representative, the signatory has been authorized to file this application;
- 2 that the governing body or agrees that if a grant is awarded, the applicant will provide proper and timely submittal of all documentation requested by the Grantor Agency;
- 3 that the applicant has substantially complied with or will comply with all federal, state, and local laws, rules, regulations, and ordinances as applicable to this project; and
- 4 that as of the date listed below, the applicant is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 143-6A-4. This list, along with additional information about the Iran Divestment Act, is available on the Treasurer's Office site: <https://www.nctreasurer.com/inside-the-department/OpenGovernment/Pages/Iran-Divestment-Act-Resources.aspx>

 Signature of Chief Elected Official or Authorized Representative

Nat Robertson
 Typed Name

Mayor
 Typed Title

8/11/17
 Date

Complete proposals should be submitted no later than September 15, 2017 by one of the follow delivery options:

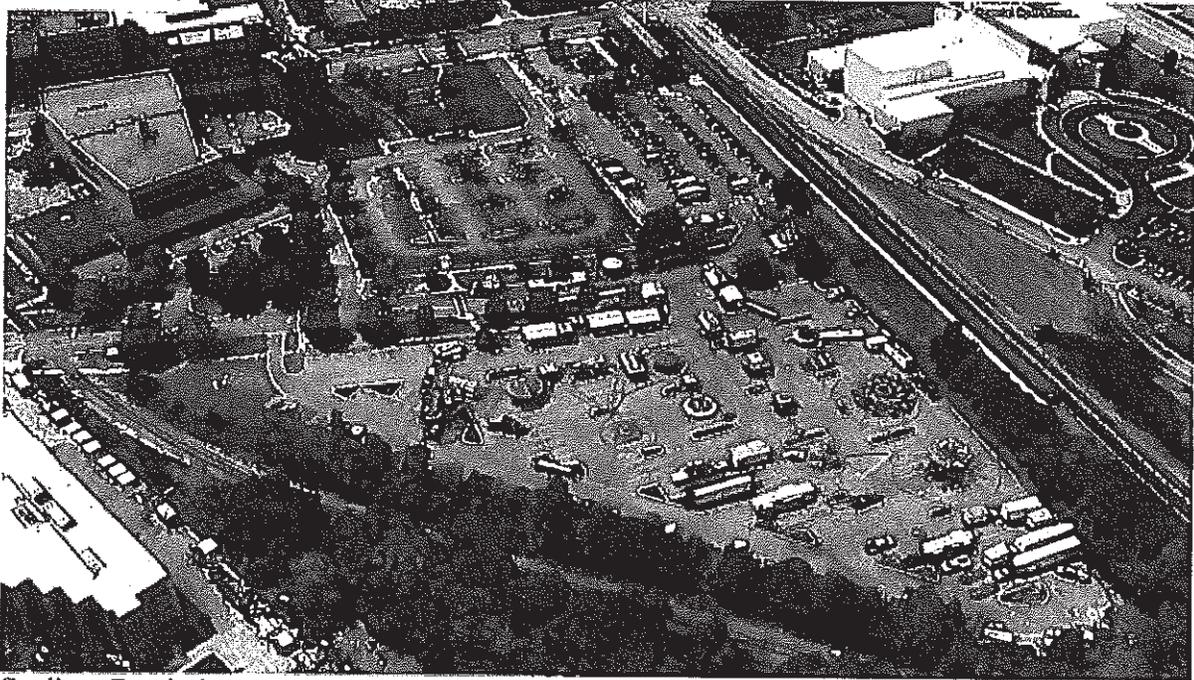
Via e-mail as a signed PDF to: rgpreports@nccommerce.com

Or

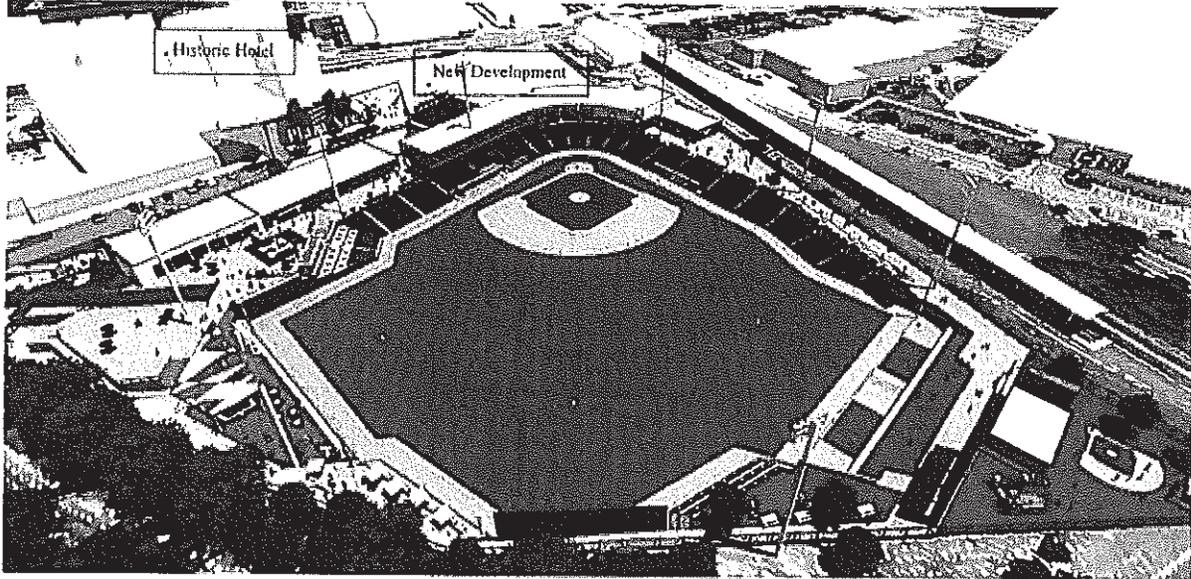
Via postal or overnight delivery to:

Melody Adams, Director, Rural Grant Programs
 North Carolina Department of Commerce, Rural Economic Development Division
 301 N. Wilmington Street (For Overnight Delivery Services)
 4346 Mail Service Center (For US Postal Service)
 Raleigh, NC 27699

Existing Conditions:



Stadium Rendering



Preliminary Plaza Plan – Event Activity



Preliminary Plaza Plan – Daily Activity



View from Hay Street



City of Fayetteville

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

City Council Action Memo

File Number: 17-394

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.06

TO: Mayor and Members of City Council

THRU: Jay F. Reinstein, Assistant City Manager

**FROM: Craig Harmon, Senior Planner, AICP, CZO
Tracey Broyles, Budget & Evaluation Director**

DATE: October 23, 2017

RE:

Adoption of Special Revenue Fund Project Ordinance 2018-6 (Downtown Urban Design Plan)

COUNCIL DISTRICT(S):

2

Relationship To Strategic Plan:

Goal 2: Diverse and Viable Economy

Objective D: To invest in community places, revitalizing downtown as a focal point

Executive Summary:

The City has received notification from the State of a grant award in the amount of \$100,000 to fund the preparation of a Downtown Urban Design Plan. Special Revenue Fund Project Ordinance (SRO) 2018-6 will appropriate \$100,000 from the NC Department of Commerce, Rural Economic Development Division for professional services to prepare the plan.

Background:

The intention of the plan is to synthesize current community goals with previous planning efforts and policies; provide a clear guide and predictable framework that is useful for both developers and citizens; and serve as a powerful graphic tool for visualizing preferred downtown development. The plan will address downtown Fayetteville's immediate needs and be dynamic enough to serve as a guide for the foreseeable future (20 years).

The City will utilize a consultant with considerable experience in developing urban design plans for downtown areas that include establishing synergistic relationships between key land uses, enhancing vehicular and non-vehicular connectivity and integrating historic and contemporary building styles through a participatory planning process. The selected firm or team will be responsible for providing specific professional services to support the formulation of a Downtown Urban Design Plan for Fayetteville.

Issues/Analysis:

None

Budget Impact:

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

Options:

- 1) Adopt Special Revenue Fund Project Ordinance 2018-6.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2018-6 and provide additional direction to staff.

Recommended Action:

Staff recommends that Council move to adopt Special Revenue Fund Project Ordinance 2018-6 as presented.

Attachments:

SRO 2018-6 (Downtown Urban Design Plan)
NC Department of Commerce City of Fayetteville Urban Planning Grant Document

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2018-6

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

Section 1. The project authorized is for professional services to prepare a Downtown Urban Design Plan, as funded by a Revitalization and Economic Development Award from the State of North Carolina.

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

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

NC Department of Commerce, Rural Economic Development Division	<u>\$ 100,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 100,000</u>
----------------------	-------------------

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

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

Adopted this 23rd day of October, 2017.



ROY COOPER
Governor

ANTHONY M. COPELAND
Secretary

September 25, 2017

Mr. Doug Hewett
City Manager
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301-5537

Re: Contract Agreement for Grant Number 2018-026-1257-1534; Your Signature and Reply is Requested
Project Title: "City of Fayetteville Urban Planning"

Dear City Manager Hewett:

Enclosed for your review and signature are two complete sets of contract documents required to finalize the grant award pursuant to N.C. S.L. 2017-57 § 15.8 (b). Below is a description of the documents enclosed along with an explanation of the signatures required for each document.

Document:	Document Description:	Signed By:
Grant Agreement	Contract: Outlines the terms of Grant Agreement between the Department of Commerce and the Unit of Local Government.	Highest Elected Official - Unit of Local Government.
Exhibit A	Grantee Proposal: This document is incorporated into the agreement as the scope of the project.	Highest Elected Official - Unit of Local Government.
Exhibit B	Sample Final Report Form: This is a sample of the progress/final report due to Commerce by July 15, 2018 . Local governments should submit a final report detailing the outcomes and expenditures of the grant including copies of invoices/receipts for each expenditure paid with the grant funds. This form may be found on our website: http://www.nccommerce.com/rd/rural-grants-programs/forms within the Forms section.	Highest Elected Official - Unit of Local Government.
Exhibit C	Payment Request Form: This form outlines payment to be made from Commerce to the grantee. Please sign and date Section F.	Authorized Signatory - Unit of Local Government.
Exhibit D-1	Iran Divestment Act Certification	Highest Elected Official - Unit of Local Government.
Exhibit D-2	Iran Divestment Act Certification	Legal Property Owner listed on the Deed.

Execute two originals of these documents and return one of them to my attention at the address. If you have any questions regarding the enclosed documents, please contact me at (919) 814-4671.

Sincerely,

Nichole M. Gross
Data and Compliance Specialist

Enclosure

Rural Economic Development Grant Agreement
Revitalization and Economic Development

2018-026-1257-1534

The North Carolina Department of Commerce (“Commerce”), an agency of the State of North Carolina (“State”), enters into this Revitalization and Economic Development Grant Agreement (“Grant Agreement”) with the **City of Fayetteville** (the “Governmental Unit” or “Grantee” and, together with Commerce, the “Parties”), a local governmental unit.

WHEREAS, N.C. S.L. 2017-57 § 15.8 (b) (the “Authorizing Legislation”) authorized the awarding of Revitalization and Economic Development Grants or (“Revitalization and Economic Development Grant”) to provide grants to certain municipal governments to encourage revitalization and economic development through investment in **City of Fayetteville Urban Planning** referenced in the “Authorizing Legislation”; and

WHEREAS, Commerce, through its Rural Economic Development Division, administers the **Revitalization and Economic Development Grants**; and

WHEREAS, the Governmental Unit submitted a proposal and supporting materials (together, “Proposal”) to Commerce for a grant (the “Grant”) to fund a project (the “Project”) as described in Grantee Proposal (Exhibit A).

NOW, THEREFORE, in consideration of the mutual promises and such other valuable consideration as set out herein, the Parties mutually agree to the following terms and conditions:

1. Grant Agreement Documents.

This Grant Agreement consists of the following documents:

- (a). This Grant Agreement, including all documents incorporated by reference herein.
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- (e). Iran Divestment Act Certification (Exhibit D-2).

2. Changes in the Project or Other Conditions.

- (a). A “Project Change” is any material alteration, addition, deletion or expansion of the Project, including (without limitation) material changes to construction, rehabilitation, the matching investment in the Project and/or the other significant source of funding (if applicable). A “Project Change” also includes any filing of bankruptcy by the Governmental Unit. There shall be no Project Changes unless expressly approved of by Commerce in a separate, prior written agreement stating, if applicable, the costs and schedule for completing the Project Change.
- (b). Additionally, the Governmental Unit shall immediately notify Commerce of any change in conditions or local law, or any other event, which may significantly affect its ability to oversee, administer or perform this Grant Agreement or the Project. In its sole discretion, Commerce may deem such a change in conditions, local law or other event to constitute a Project Change.

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3. Term of Grant Agreement.

The effective period of this Grant Agreement shall commence on **7/1/2017** ("Effective Date") and shall terminate on **7/1/2019** unless terminated on an earlier date under the terms of this Grant Agreement (either one of which dates shall constitute the "Termination Date") or unless extended for an express term in writing by Commerce.

4. Funding.

Commerce grants to the Governmental Unit an amount not to exceed **\$100,000.00** for expenditures directly relating to the Project. The Governmental Unit hereby represents and warrants that all Grant funds shall be utilized exclusively for the purpose of the Project and consistent with this Grant Agreement, the Authorizing Legislation and all other applicable laws, rules, regulations and requirements. The Governmental Unit shall not make or approve of any improper expenditure of Grant funds, including any expenditure of Grant funds for salary or wages for employees of the grantee organization, and food or refreshment expenses.

5. Independent Status of the Governmental Unit.

- (a). The Governmental Unit is an entity independent from Commerce and the State. The Grant Agreement, the Project and any actions taken pursuant to them shall not be deemed to create a partnership or joint venture between or among the Governmental Unit, Commerce, the State or any third party. Nor shall the Grant Agreement or the Project be construed to make the Governmental Unit (including its employees, agents or contractors) or any third party into employees, agents, members or officials of Commerce or the State. Neither the Governmental Unit (including its employees, agents or contractors) nor any third party shall have the ability to bind Commerce or the State to any agreement for payment of goods or services or represent to any person that they have such ability.
- (b). The Governmental Unit shall be responsible for payment of all of its expenses, including rent, office expenses and all forms of compensation to its employees, agents and contractors. The Governmental Unit shall provide worker's compensation insurance to the extent required for its operations and shall accept full responsibility for payments of unemployment tax or compensation, social security, income taxes and any other charges, taxes or payroll deductions required by law in connection with its operations, for itself and its employees, agents and contractors who are performing work pursuant to this Grant Agreement. All expenses incurred by the Governmental Unit are its sole responsibility, and neither Commerce nor the State shall be liable for the payment of any obligations incurred in the performance of the Project.

6. Method of Payment.

Commerce shall endeavor to pay the Grant funds to the Governmental Unit within 30 calendar days of actual receipt of this Grant Agreement executed by Governmental Unit and the satisfaction of all other conditions precedent to payment of grant funds to Governmental Unit.

Funds may only be used in accordance with this Grant Agreement and the uses set forth in the Authorizing Legislation. Commerce may request, and the Governmental Unit must produce, any information from the Governmental Unit justifying the use of the Grant funds. The submission of any reports required by Exhibit B and Paragraph 8 below, or any requests for reimbursement required by this Paragraph or Exhibit B, representing that any work on the Project

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has been performed shall constitute a certification that the work represented has actually been performed.

7. Project Records.

- (a). The Governmental Unit shall maintain full, accurate and verifiable financial records, supporting documents and all other pertinent data for the Project in such a manner as to clearly identify and document the expenditure of the State funds provided under this Grant Agreement separate from accounts for any separate awards, monetary contributions or other revenue sources for this Project.
- (b). The Governmental Unit shall retain all financial records, supporting documents and all other pertinent records related to the Project for a period of five (5) years from the date of the last disbursement of Grant funds or the Termination Date, whichever is later. In the event such records are audited, all Project records shall be retained beyond the five-year period until the audit is concluded and any and all audit findings have been resolved.

8. Monitoring, Reports and Auditing.

- (a). The Governmental Unit agrees to ensure compliance and provide its assistance with such monitoring and auditing requirements as the State may request, including following the Termination Date of this Grant Agreement. Additionally, the Governmental Unit shall regularly monitor all performance under Grant-supported activities to ensure that time schedules are being met and other performance goals are being achieved. Further, the Grantee, or designated agent, shall maintain records and accounts that properly document and account for the application of all Grant funds for a minimum of five (5) years after the date of the last disbursement or the Termination Date, whichever is later.
- (b). The Governmental Unit shall furnish Commerce a detailed written final report within 30 days of the Termination Date. If the Termination Date is extended a final report shall be furnished within 30 days of the new Termination Date. The Governmental Unit shall furnish detailed written progress reports as otherwise requested by Commerce within 30 days of the request from Commerce. Such progress and final reports should describe the progress made by the Governmental Unit toward achieving the requirements and purpose(s) of the Project, and shall include detailed financial documentation proving funds were appropriately expended. Such descriptions should include the successes and problems encountered during the reporting period. In Commerce's sole discretion, failure to submit a required report by the scheduled submission date or submission of an inadequate report will trigger Repayment Requirements addressed in Paragraph 12(b) of this Grant Agreement.
- (c). The Governmental Unit acknowledges and agrees that, with regard to the Grant funds, it will be subject to the audit and reporting requirements prescribed by N.C.G.S §159-34, Local Government Finance Act - Annual Independent Audit; rules and regulations. Such audit and reporting requirements may vary depending upon the amount and source of Grant funding received by the Governmental Unit and are subject to change from time to time.
- (d). The Governmental Unit grants the State and any of its related agencies, commissions or departments (including, without limitation, Commerce, the North Carolina State Auditor and the North Carolina Office of State Budget and Management) and any of their authorized representatives, at all reasonable times and as often as necessary (including after the Termination Date), access to and the right to inspect, copy, monitor, and examine all of the books, papers, records and other documents relating to the Grant Agreement or the Project. Likewise, the Governmental Unit shall ensure that any third party it employs

or contracts with to work on the Project provides the same access. In addition, the Governmental Unit agrees to comply at any time, including after the Termination Date, with any requests by the State (including, without limitation, Commerce) for other financial and organizational materials to permit the State to comply with its fiscal monitoring responsibilities or to evaluate the short- and long-range impact of its programs.

9. Termination; Availability of Funds.

- (a). If the Governmental Unit fails to fulfill in a timely and proper manner its obligations or violates any of the covenants or stipulations under this Grant Agreement, the Governmental Unit agrees that Commerce has the right to terminate this Grant Agreement by giving the Governmental Unit written notice specifying the Termination Date, which Commerce may determine in its sole discretion. Upon such termination, Commerce shall have no responsibility to make additional Grant payments. Upon such termination, the Governmental Unit shall not expend any Grant funds without Commerce's express written authorization and shall return all unspent Grant funds to Commerce upon demand.
- (b). The obligations of Commerce to pay any amounts under this Grant Agreement are contingent upon the availability and continuation of funds for such purpose. If funds for the Grant become unavailable, the Governmental Unit agrees that Commerce has the right to terminate this Grant Agreement by giving written notice specifying the Termination Date, which Commerce shall determine in its sole discretion. Upon such termination, the State shall have no responsibility to make additional Grant payments. Further, upon such termination, the Governmental Unit shall not expend any Grant funds without Commerce's express written authorization and shall return all unspent Grant funds to Commerce upon demand.

10. Liabilities and Loss.

The Governmental Unit hereby agrees to release, indemnify and hold harmless the State (including, without limitation, Commerce), and their respective members, officers, directors, employees, agents and attorneys (together, the "Indemnified Parties"), from any claims of any third party arising out of any act or omission of the Governmental Unit or any third party in connection with the performance of this Grant Agreement or the Project, and for all losses arising from their implementation. Without limiting the foregoing, the Governmental Unit hereby releases the Indemnified Parties from, and agrees that such Indemnified Parties are not liable for, and agrees to indemnify and hold harmless the Indemnified Parties against, any and all liability or loss, cost or expense, including, without limitation, reasonable attorneys' fees, fines, penalties and civil judgments, resulting from or arising out of or in connection with or pertaining to, any loss or damage to property or any injury to or death of any person occurring in connection with the Project, or resulting from any defect in the fixtures, machinery, equipment or other property used in connection with the Project or arising out of, pertaining to, or having any connection with, the Project or the financing thereof (whether arising out of acts, omissions, or negligence of the Governmental Unit or of any third party), including any claims and losses accruing to or resulting from any and all subcontractors, material men, laborers and any other person, firm or corporation furnishing or supplying work, services, materials or supplies in connection with the Project.

11. Governmental Unit Representations and Warranties.

The Governmental Unit hereby represents and warrants that:

- (a). The execution and delivery of this Grant Agreement have been duly authorized by all necessary Governmental Unit action and are not in contravention of law or in contravention of the provisions of any indenture agreement or undertaking to which the Governmental Unit is a party or by which it is bound.
- (b). There is no action, suit proceeding, or investigation at law or in equity or before any court, public board or body pending, or to the knowledge of the Governmental Unit, threatened against or affecting it that could or might adversely affect the Project or any of the transactions contemplated by this Grant Agreement or the validity or enforceability of this Grant Agreement or the abilities of the Governmental Unit to discharge its obligations under this Grant Agreement. If it is subsequently found that an action, suit, proceeding, or investigation did or could threaten or affect the development of the Project, Commerce can, in its discretion, terminate the Grant Agreement upon notice and require the Governmental Unit to repay to Commerce the entire amount of the Grant.
- (c). No consent or approval is necessary from any governmental authority as a condition to the execution and delivery of this Grant Agreement by the Governmental Unit or the performance of any of its obligations hereunder, or all such requisite governmental consents or approvals have been obtained. The Governmental Unit shall provide Commerce with evidence of the existence of any such necessary consents or approvals at the time of the execution of this Grant Agreement.
- (d). The Governmental Unit is solvent.

12. Additional Repayment Requirements and Remedies.

- (a). The repayment requirements and remedies addressed in this Paragraph 12 are in addition to those repayment requirements and other remedies set forth elsewhere in this Grant Agreement, including the requirements to repay unspent Grant funds. No remedy conferred or reserved by or to the State is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy provided for in this Grant Agreement, or now or hereinafter existing at law, in equity, or by statute, and any such right or power may be exercised from time to time and as often as may be deemed expedient.
- (b). If there is a breach of any of the requirements, covenants or agreements in this Grant Agreement (including, without limitation, any reporting requirements), or if there are any representations or warranties which are untrue as to a material fact in this Grant Agreement or in relation to the Project (including the performance thereof), the Governmental Unit agrees that Commerce may require repayment from the Governmental Unit of an amount of Grant funds to be determined in Commerce's sole discretion but not to exceed the amount of Grant funds the Governmental Unit has already received under this Grant Agreement.

13. No Waiver by the State.

Failure of the State (including, without limitation, Commerce) at any time to require performance of any term or provision of this Grant Agreement shall in no manner affect the rights of the State at a later date to enforce the same or to enforce any future compliance with or performance of any of the terms or provisions hereof. No waiver of the State of any condition or the breach of any term, provision or representation contained in this Grant Agreement, whether by conduct or otherwise, in any one or more instances, shall be deemed to be or construed as a further or continuing waiver of any such condition or of the breach of that or any other term, provision or representation.

14. Waiver of Objections to Timeliness of Legal Action.

The Governmental Unit knowingly waives any objections it has or may have to timeliness of any legal action (including any administrative petition or civil action) by the State (including, without limitation, Commerce) to enforce its rights under this Grant Agreement. This waiver includes any objections the Governmental Unit may possess based on the statutes of limitations or repose and the doctrines of estoppel or laches.

15. Special Provisions and Conditions.

- (a). Non-discrimination. The Governmental Unit agrees not to discriminate by reason of age, race, religion, color, sex, national origin or disability related to the activities of this Grant Agreement.
- (b). Conflict of Interest. The Governmental Unit shall forward to Commerce along with the executed copies of this Grant Agreement a copy of its policy and any ordinance or resolution it has adopted addressing conflicts of interest that may arise involving the members of the Governmental Unit's governing body and/or any of its employees or officers involved in the Grant or the Project. Such policy, ordinance or resolution shall address situations in which any of these individuals may directly or indirectly benefit, other than through receipt of their normal compensation in their capacities as the Governmental Unit's employees, officers or members of its governing body, from the Grant or the Project, and shall include actions to be taken by the Governmental Unit or the individual, or both, to avoid conflicts of interest and the appearance of impropriety. Additionally, the Governmental Unit certifies that, as of the date it executes this Grant Agreement, no such individuals have such a conflict of interest or will directly or indirectly benefit, except in the capacities described above, from the Grant or Project. Throughout the duration of this Grant Agreement and the Project, the Governmental Unit has the duty to promptly inform Commerce of any such conflict of interest or direct or indirect benefit of which it becomes aware.
- (c). Compliance with Laws. The Governmental Unit shall at all times observe and comply with all laws, regulations, codes, rules, ordinances and other requirements (together, "Laws") of the state, federal and local governments which may in any manner affect the performance of the Grant Agreement or the Project.
- (d). Non-Assignability. The Governmental Unit shall not assign or transfer any interest in the Agreement without the prior written consent of Commerce; provided, however, that claims for money due to Governmental Unit from Commerce under this Grant Agreement may be assigned to any commercial bank or other financial institution without such approval.

Rural Economic Development Grant Agreement
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16. Notice.

All notices required or permitted to be delivered hereunder and all communications in respect hereof shall be in writing and shall be deemed given when personally delivered or when deposited in the United States mails, certified, return receipt requested, first class, postage prepaid and addressed as follows:

If to the Rural Authority or Commerce: Attn: **Melody Adams**
North Carolina Department of Commerce
Rural Economic Development Division
301 North Wilmington Street
4346 Mail Service Center
Raleigh, North Carolina 27699-4346

If to the Governmental Unit: Attn: **Mr. Doug Hewett**
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301-5537

or addressed to such other address or to the attention of such other individual as Commerce or the Governmental Unit shall have specified in a notice delivered pursuant to this subsection.

17. Entire Agreement.

This Grant Agreement supersedes all prior agreements between Commerce and the Governmental Unit with regard to the Project and expresses their entire understanding with respect to the transactions contemplated herein, and shall not be amended, modified or altered except pursuant to a writing signed by both Commerce and the Governmental Unit.

18. Execution.

This Grant Agreement may be executed in one or more counterparts, each of which, when executed, shall be deemed an original, and such counterparts, together, shall constitute one and the same Grant Agreement which shall be sufficiently evidenced by one of such original counterparts.

19. Construction.

This Grant Agreement shall be construed and governed by the laws of the State of North Carolina.

20. Severability.

Each provision of this Grant Agreement is intended to be severable and, if any provision of this Grant Agreement is held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect or impair any other provision of this Grant Agreement, but this Grant Agreement shall be construed as if such invalid, illegal or unenforceable provision had not been contained herein.

Rural Economic Development Grant Agreement
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21. Acceptance.

If the Governmental Unit agrees to the Grant conditions as stated, please return the executed documents specified in Paragraph 1. This Grant may be withdrawn if Commerce has not received such documents within ten (10) days from the date of the cover letter from Commerce to the Governmental accompanying this Grant Agreement and its Exhibits.

IN WITNESSETH WHEREOF, the parties hereto have executed this Grant Agreement as of the date first above written.

City of Fayetteville

Signature: *Douglas J. Hewett*  [SEAL]

Printed Name: Douglas J. Hewett

Title: City Manager

Date: 10/05/17

North Carolina Department of Commerce

Signature: *George Shenell, for* [SEAL]

Printed Name: Napoleon Wallace

Title: Deputy Secretary for Rural Economic Development and Workforce Solutions

Date: 9/26/17

2017-2018 Downtown Revitalization/Economic Development Proposal Form

Local Government Information

Legal Name of Local Government: City of Fayetteville County: Cumberland Tier # 2
Name of Chief Elected Official: Nat Robertson Title: Mayor
Mailing Address: 433 Hay Street Street Address: 433 Hay Street
City: Fayetteville State: NC Zip: 28301
Primary Telephone(s): 910 433-1992 Fax: 910 4331948
Email: mayor@ci.fay.nc.us Federal Tax ID #: 56 6001226

Local Government Project Contact:

Name: Doug Hewett Title: City Manager
Primary Telephone: 910433-1990 Email: dhewett@ci.fay.nc.us

Grant Administrator (if applicable)

City of Fayetteville
Mailing Address: 433 Hay Street Street Address: 433 Hay Street
City: Fayetteville State: NC Zip: 28301
Name: Craig Harmon Title: Senior Planner
Primary Telephone: 910 433-1417 Fax: 910 433-1948
Email: CHarmon@ci.fay.nc.us Federal Tax ID #: 56-6001226

Community Information

- | | | Check One | |
|---|--|-------------------------------------|-------------------------------------|
| | | Yes | No |
| 1 | Is your community designated by the Department of Commerce as a NC Main Street community? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2 | Is your community designated by the Department of Commerce as a NC Small Town Main Street community? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3 | Is your community receiving downtown strategic economic development planning services through the NC Main Street & Rural Planning Center's Downtown Associate Community program? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4 | Has your community received strategic economic development planning services through the NC Main Street & Rural Planning Center's Rural Planning program in the last 3 years? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5 | Would you like for the staff at the Department of Commerce, NC Main Street & Rural Planning Center to contact you regarding strategic economic development planning services? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

L If yes, please provide the contact information for the person to contact:

Name: Victor Sharpe Title: Community Development Director
Phone: 910 433-1690 Email: vsharpe@ci.fay.nc.us

Project Information

- 1 Provide a description of the downtown revitalization/economic development activities to be funded by the grant along with the estimated cost for each activity.

Consultant preparation of a Downtown Urban Design Plan for Fayetteville, NC to include: a written implementation strategy; graphic illustrations; suggestions regarding regulatory changes necessary to implement the proposed design concepts; policy recommendations; and a matrix outlining implementation components.

Fee including all reimburseables \$100,000.00

2. Provide a description of the proposed outcomes of the downtown revitalization/economic development project/activity.

See Attachment #1

3. Provide a timeline for the implementation of the downtown revitalization/economic development project/activity.

See Attachment #2

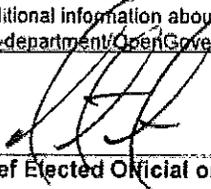
4. Include photos of the area where the project/activity will take place and provide a description of the photos below.

See Attachment #3, #4 and #5

Applicant Certifications

The attached statements and exhibits are hereby made part of this application, and the undersigned representative of the applicant certifies that the information in this application and the attached statements and exhibits are true, correct, and complete to the best of the signatory's knowledge and belief. The signatory further certifies:

- 1 as Authorized Representative, the signatory has been authorized to file this application;
- 2 that the governing body or agrees that if a grant is awarded, the applicant will provide proper and timely submittal of all documentation requested by the Grantor Agency;
- 3 that the applicant has substantially complied with or will comply with all federal, state, and local laws, rules, regulations, and ordinances as applicable to this project; and
- 4 that as of the date listed below, the applicant is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 143-6A-4. This list, along with additional information about the Iran Divestment Act, is available on the Treasurer's Office site: <https://www.nctreasurer.com/inside-the-department/OpenGovernment/Pages/Iran-Divestment-Act-Resources.aspx>.



Signature of Chief Elected Official or Authorized Representative

Nat Robertson

Typed Name

Mayor

Typed Title

8/11/17

Date

Complete proposals should be submitted no later than September 15, 2017 by one of the follow delivery options:

Via e-mail as a signed PDF to: rgpreports@nccommerce.com

Or

Via postal or overnight delivery to:

Melody Adams, Director, Rural Grant Programs
North Carolina Department of Commerce, Rural Economic Development Division
301 N. Wilmington Street (For Overnight Delivery Services)
4346 Mail Service Center (For US Postal Service)
Raleigh, NC 27699

Attachment #1

- Evaluation of key Downtown assets and anchors; Recommendations for infill development, parking, pedestrian and bicycle transportation infrastructure to create a more walkable and interconnected Downtown.
- Relationships explored between the expanded Veterans Park, proposed Civil War History Center, Catalyst Site One, the Cape Fear River and the possible Performing Arts Center.
- Connection of Downtown businesses to major employers and major traffic generators.
- Comprehensive guide for Downtown urban design that fosters sustainable economic growth.
- Promotion of sustainable development that will result in aesthetically-pleasing design and synergistic land use combinations.
- Incorporation of policies and initiatives from New Urbanism, USGBC LEED-Neighborhood Design, and other best practices.
- Outline of a flexible development process to achieve high quality development utilizing clear graphic design.
- Policy tool recommendations to guide desired physical form through new development.
- Evaluation of the physical relationships between existing public infrastructure (buildings, parks, public amenities, street network, streetscapes, parking, trash collection/recycling, etc.) to determine how that infrastructure can be leveraged to support new or expanded Downtown development, including the baseball stadium complex.
- Strengthening of the linkages and reinforce gateways and corridors between the surrounding neighborhoods and Downtown; and reinforce corridors related to Downtown.
- Policy recommendations that help realize and promote a healthy mix of land uses within the Downtown, including the need for additional open space.
- Evaluation of known infrastructure plans and capital improvements, such as utility projects, that can be leveraged to enhance urban design.

Attachment #2

By or before:

Sept. 15, 2017

Grant Proposal Form submitted to State Dept. of Commerce, Rural Economic Development Division (State)

Oct. 15, 2017

Grant Contract received from State

Oct. 23, 2017

City Council approves contract; Contract executed with the State for grant funds

Jan. 1, 2018

RFP Process; Contract awarded; Consultant work commences

July 15, 2018

Progress report to State

Sept. 17, 2018

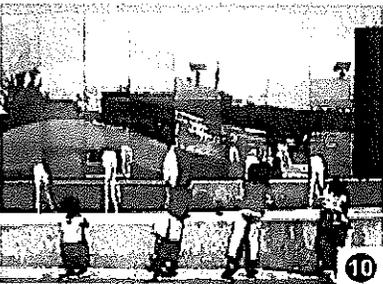
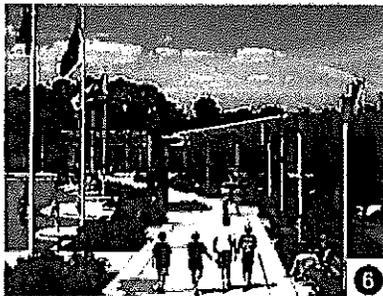
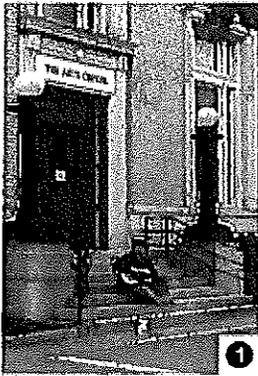
Final Urban Design Plan deliverables received by City

Oct. 15, 2018

Contract completed; All grant funds expended; Final

report to State

Attachment #4



Downtown Image Gallery

Attachment #5

DOWNTOWN IMAGE GALLERY GUIDE

- 1- **Arts Council** of Fayetteville/Cumberland County with busker in front. Located at 301 Hay Street.
- 2- **Market House**, National Historic Register Landmark. Located at Green, Person, Hay, & Gillespie Streets.
- 3- **300 Hay Retail & Condominiums**. Located at 300 Hay Street.
- 4- **Hay Street** looking east toward Market House, Winner of 2013 Great Places Award by the NC Chapter of the American Planning Association & 2014 Best Restoration of a Historical Property by Fayetteville/Cumberland County Joint Appearance Commission. Located at 100, 200, & 300 blocks of Hay Street.
- 5- **Franklin Street Parking Garage**, Winner of 2013 Carolinas Parking Association Award of Excellence for New Facility Design, and 2013 International Parking Institute Award of Excellence. Located at 208 Franklin Street.
- 6- **Pedestrian Connection** between NC Veterans Park and Airborne & Special Operations Museum. See item 10, below. Located at 200 Bragg Boulevard.
- 7- **Festival Park**, Winner of 2007 AIA NC Merit Award, 2008 AIA Triangle Honor Award, and 2009 Inform Magazine Design Award, Corner of Ray Avenue & Rowan Street.
- 8- **Cameo Art House Theatre**, Winner of 2002 Carraway Award for Historic Preservation, 225 Hay Street.
- 9- **Wayfinding Signage**, Greater Fayetteville Area.
- 10- **North Carolina Veterans Park**, Winner of 2013 National Public Works Project of the Year by APWA, 2014 Tri-State Design Recognition Award in General Design by NC-ASLA, and 2014 Marvin Collins Award in Planning Implementation by APA-NC. Located at 300 Bragg Boulevard.
- 11- **Liberty Point & Person Street Retail**. View of Person Street looking west from Bow and Franklin Streets.

REQUEST FOR PROPOSALS – DOWNTOWN URBAN DESIGN PLAN FOR FAYETTEVILLE, NORTH CAROLINA

PROJECT SUMMARY: The City of Fayetteville, North Carolina seeks consultant services to develop an Urban Design Plan for Downtown Fayetteville.

DATE RFP ISSUED: _____

DEADLINE FOR QUESTIONS: _____

RESPONSES TO QUESTIONS POSTED: _____

PROPOSAL SUBMITTAL DEADLINE: _____ / 5:00 PM

Submissions must be received at the address provided below by the date and time noted above. Any proposal received by the City of Fayetteville after the exact time specified will not be considered.

**SUBMIT PROPOSALS
AND QUESTIONS TO:**

SELECTION COMPLETION: _____

COMMENCEMENT OF PROJECT: _____

Exhibits and the contents of this RFP may be found under the _____ section of the City of Fayetteville website at: www.fayettevillenc.gov.

Overview

The City of Fayetteville (herein after referred to as the *City*) seeks the services of a qualified consultant or consultant team with considerable experience in developing urban design plans for Downtown areas that include establishing synergistic relationships between key land uses, enhancing vehicular and non-vehicular connectivity and integrating historic and contemporary building styles through a participatory planning process. The selected firm or team will be responsible for providing specific professional services to support the formulation of a Downtown Urban Design Plan for Fayetteville, North Carolina (hereinafter referred to as the *Plan*).

The *Plan* must include: a written implementation strategy; graphic illustrations; suggestions regarding regulatory changes necessary to implement the proposed design concepts; policy recommendations; and a matrix outlining *Plan* implementation components. The intention of the *Plan* is to synthesize current community goals with previous planning efforts and policies; provide a clear guide and predictable framework that is useful for both developers and citizens; and serve as a powerful graphic tool for visualizing preferred Downtown development. The *Plan* should be detailed enough to address Downtown Fayetteville's immediate needs and dynamic enough to serve as a guide for the foreseeable future (20 years).

The *Plan* is guided by both the *City* and a representative group of Downtown interests. An advisory committee has been established to guide *Plan* development in a manner that facilitates the goals of all interests.

Study Area Characteristics

Downtown Fayetteville is approximately .55 square miles in area and is generally bounded by Rowan, Russell, Robeson and Cool Spring Streets. The Downtown hosts an economically and racially diverse mix of people who live and work among historic buildings and landmarks, award winning cultural organizations, mixed-use work spaces, major parks and museums, a movie theater, a charter K-6 arts school, many independent restaurants, the multi-modal center, Amtrak station, coffee shops, and many small businesses. The following map illustrates many of these features.



Downtown Fayetteville is being managed as an Arts and Entertainment District; The newly formed Cool Spring Downtown District is an independent body funded by public/private sources and focused on branding, programming and marketing of the Downtown. Their input will be invaluable to this process.

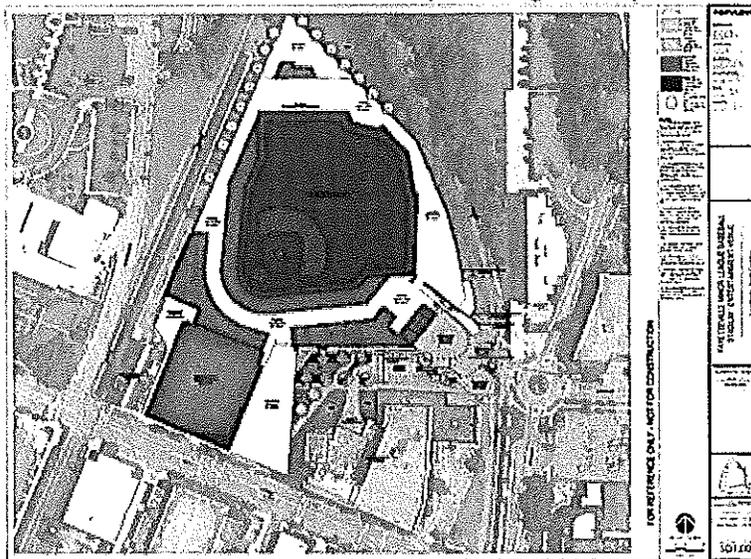
Downtown Fayetteville already contains:

- An eclectic mix of historically preserved buildings and locally-owned and operated retail shops and restaurants.
- Fully-realized pedestrian streetscapes (specifically Hay/Person Street).
- A new Multimodal Center.
- An Amtrak station.
- North Carolina's first "green street" (a section of Person Street).
- Two museums (Airborne and Special Operations Museum and the Fayetteville Transportation Museum).
- Three parks (the North Carolina Veterans Park, the Linear Trail, and Festival Park).
- An award-winning parking garage (2013 winner of the International Parking Association Small Parking Garage of the Year category).
- A growing, diverse Downtown housing market.

Many community events occur in Downtown Fayetteville throughout the year including these major events: All American Marathon, Dogwood Festival, Kids Fest, African World Peace Festival, International Folk Festival, Dogwood Fall Festival, and the Dickens Holiday.

A baseball stadium complex is being designed that will result in a minor-league stadium (Houston Astros affiliation), an urban hotel, and nearly 300 additional residential units. Part of this project involves the renovation of an historic hotel into retail, restaurant and residential mixed-use. The stadium will have a seating capacity of roughly 4,500 seats and be designed for events and activities 365 days a year in addition to the 70 home games the Houston Astros affiliate team will play each year. Events may result in 2,000 or more vehicles parking in and around Downtown in a variety of parking locations; there will be limited assigned parking for the stadium.

Illustration of stadium complex design concept



In addition to the above existing and programmed venues and features, the following projects have the potential to be constructed in Downtown or near Downtown over the next five years:

- An expansion of the North Carolina Veterans Park on land released by the NC DOT for the realignment of the Rowan Street Bridge.
- A major skate park facility to be constructed off Russell Street.
- A culinary incubator to be constructed off Russell Street.
- A Performing Arts Center (location undefined but likely on the eastern edge of Downtown).
- A redevelopment project site, referred to as Catalyst Site One, to be located on the Murchison Road corridor immediately north of the realigned Rowan Street Bridge.

Related Studies

There are a number of existing, recent studies that have relevance to this Urban Design *Plan* project. These range from a Main Street study to an Urban Land Institute Technical Advisory Panel report to an analysis of the area as an Arts and Entertainment District. Links to these studies are provided below.

Main Street Market Study

<http://www.visitdowntownfayetteville.com/wp-content/uploads/2015/05/Market-Analysis-and-Transformation-Strategy-Report-FINAL.pdf>

ULI TAP Report

<http://fayettevillenc.gov/home/showdocument?id=4952>

Redrock Global Strategic Economic Development Plan

<http://fayettevillenc.gov/home/showdocument?id=6543>

Renaissance Plan (this plan includes the Arts and Entertainment District area)

http://www.theartscouncil.com/Cultural%20Arts%20Center/Fayetteville_RenaissancePlanUpdate_042013.pdf

Arts & Entertainment Report

<http://www.visitdowntownfayetteville.com/wp-content/uploads/2015/05/Fayetteville-AED-Report-8-24-16.pdf>

Objectives/Desired Planning Outcomes

The *Plan* should address the following urban design issues while effectively involving the public in both the planning process and implementation phases:

- Evaluate key Downtown assets and anchors and provide recommendations for infill development, parking, pedestrian and bicycle transportation infrastructure that would create a more walkable and interconnected Downtown.
- Explore relationships between the expanded Veterans Park, proposed Civil War History Center, Catalyst Site One, the Cape Fear River and the possible Performing Arts Center.

- Connect Downtown businesses to major employers and major traffic generators.
- Provide a comprehensive guide for Downtown urban design that fosters sustainable economic growth.
- Promote sustainable development that will result in aesthetically-pleasing design and synergistic land use combinations.
- Incorporate policies and initiatives from New Urbanism, USGBC LEED-Neighborhood Design, and other best practices.
- Outline a flexible development process to achieve high quality development utilizing clear graphic design.
- Suggest policy tools that can be used to ensure that new development results in the desired physical form.
- Evaluate the physical relationships between existing public infrastructure (buildings, parks, public amenities, street network, streetscapes, parking, trash collection/recycling, etc.) to determine how that infrastructure can be leveraged to support new or expanded Downtown development, including the baseball stadium complex.
- Strengthen the linkages and reinforce gateways and corridors between the surrounding neighborhoods and Downtown; and reinforce corridors related to Downtown.
- Provide policy recommendations that help realize and promote a healthy mix of land uses within the Downtown, including the need for additional open space.
- Evaluate known infrastructure plans and capital improvements, such as utility projects, that can be leveraged to enhance urban design.

Selection Process Overview

The selection process begins with the receipt of responses to the RFP outlined herein. Following review of the submissions, a short-list of consultant firms or teams will be identified by the Urban Design Advisory Committee, a group of *City* staff and representative group of Downtown interests. *City* staff will initiate interviews with the top-ranked consultant firms or teams by the Urban Design Advisory Committee. The Committee will then select a finalist firm or team and recommend selection to the City Manager. *City* staff will develop a contract with the selected firm or team.

Local Small Disadvantaged Business Enterprise Program

The *City* has adopted a Local Small Disadvantaged Business Enterprise Program to encourage participation by minority businesses in the award of contracts. Participants are hereby notified that this RFP process is subject to the provisions of the Local Small Disadvantaged Business Enterprise Program. Questions regarding the Local Small Disadvantaged Business Enterprise Program may be directed to Kimberly Toon of the *City* Purchasing Department at 910-433-1942 or Ktoon@ci.fay.nc.us.

Other Terms

The *City* reserves the right to accept or reject any or all Requests for Proposals, with or without cause. All decisions related to this solicitation by the *City* will be final. The *City* reserves the right to request clarification of information submitted and to request additional information from one or more respondents. Costs for preparing the Request for Proposals are solely the responsibility of the respondent.

Selection Criteria

Consultant proposals will be evaluated by the Urban Design Advisory Committee using the following criteria as a measure of the applicant's ability to successfully complete the project scope of work.

- Qualifications and previous related work of key personnel and or subcontractors.
- Depth of relevant technical experience of the consultant team with efforts of this type.
- The level of utilization of innovative approaches and solutions in the consultant firm or team's past projects.
- Depth of interdisciplinary skills related to urban design, land use planning, and analysis.
- Level of understanding of the *Plan's* project goals, Downtown Fayetteville's issues and local needs.
- Level of experience with municipalities of similar size, government structure, complexity and issues.
- The demonstrated ability to organize and lead effective, productive public meetings and in-house project meetings.
- Ability to meet time frame required to complete the *Plan* and phasing of deliverables.
- Quality of sample materials and qualifications package submitted.

Final Deliverables

The following is a list of projected deliverables for the final product of the *Plan*. This list is subject to change and will be finalized with the consultant firm or team as part of the final contract.

- Twenty-five hard copies of the *Plan*.
- A digital copy in PDF.
- A citizen summary format of the *Plan* capable of simple reproduction, the format of which is negotiable but should emphasize the visualization of the *Plan*. The consultant team will be encouraged to be innovative when negotiating this format.
- All deliverables should be compatible with Windows operating systems, Microsoft Office, ArcMap and other formats as determined during the project work program. It is desired that any three dimensional modeling of the *Plan* be compatible with SketchUp format.
- All deliverables should be presented to the *City* in both hard copy and electronic formats whenever possible.
- Rights to all data, work products, etc. revert to the *City* upon completion of contract.
- The *Plan* format must be accessible in its entirety via the internet.

Submittal Requirements and Procedures

In order to be considered a valid submittal, each response to this Request for Proposals must provide at a minimum the following required items by section in the order listed below, with the entire proposal not to exceed 15 pages:

- Cover page with the consultant firm or team's name and contact(s), and the title: RFP Response, Downtown Fayetteville Urban Design Plan.
- Section 1- Attachment A - The attachment A provided in this RFP must be signed by an officer of your company who can be held accountable for all representations.
- Section 2- Statement of Understanding - A statement describing the applicant's understanding of the objectives defined for the *Plan* and the special skills and innovative thinking that the firm or team would bring to the table.
- Section 3 - Proposed Project Team Members - Submit a written description of the applicant's organizational composition, disciplines and the primary role of each firm or individual on the team. Also include an organization chart. The information must clearly indicate the applicant's designated team leader for this project and the responsible party in each firm who will be providing the required professional experience.
- Section 4 - Individual Experience - Provide background of the key members of each firm in the team and their specific participation in previous projects that would directly relate to this project.
- Section 5 - Specific Project Experience - Provide information on similar or relevant projects that the applicant has executed. Include graphic representation. Note: please identify those projects completed within budget and schedule.
- Section 6 - Project Approach - Describe the applicant's proposed approach to and philosophy regarding elements of the project.
- Section 7 - Additional Information - Provide other information you feel is relevant to indicate the applicant's abilities to successfully complete a project of this nature.
- Section 8- List of References - Provide a minimum of three client references with which the applicant has provided similar planning/design services within the last five years. References shall include name and telephone number of a contact person. The applicant may include additional references from earlier work if the applicant feels it is pertinent and better defines the team's capacity. Each listed reference shall include a description of the services provided to the client and the applicant's specific role.
- Fifteen (15) copies of the application package as well as one complete copy of the submittal in portable document format (PDF) on a flash drive must be submitted. (The PDF file should include all maps, plats, renditions, photographs, or other graphics or materials that were included in the bound copies.)

Submittals should be mailed or delivered to the attention of: **Fayetteville City Hall**

Attn: Kimberly Toon, Purchasing Manager
433 Hay Street
Fayetteville, NC 28306

North Carolina Department of Commerce
Rural Economic Development Division
Rural Grant Programs

Downtown Revitalization and Economic Development Progress and Final Report Form

Progress Report

Final Report

GRANTEE INFORMATION (to be completed by Grantee)

Reporting Period

Contract Information

From: _____
(date)

Contract Ref# _____ 2018-026-1257-1534

To: _____
(date)

Grantee Name: City of Fayetteville Project Title: City of Fayetteville Urban Planning

Project Contact Completing this Form: _____ Title: _____

Primary Telephone: _____ Email: _____

PROJECT SUMMARY

1) Please provide a detailed description of the project progress to date. 2) Provide a detailed list of expenditures including the item and cost. 3). Attach copies of invoices/receipts for each expenditure paid with grant funds.

[Empty box for project summary]

Douglas J. Hewett 10/05/17
SIGNATURE OF CHIEF ELECTED OFFICIAL/AUTHORIZED REPRESENTATIVE Date
Douglas J. Hewett City Manager
TYPED NAME AND TITLE

Local Government Certification

Name of Entity: _____

Address of Entity: _____

**IRAN DIVESTMENT ACT CERTIFICATION
REQUIRED BY N.C.G.S. 147-86.59**

As of the date listed below, the entity listed above is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 147-86.58.

The undersigned hereby certifies that he or she is authorized by the entity listed above to make the foregoing statement.

Signature *Douglas J. Hewitt* Date *10/05/17*
Douglas J. Hewitt Printed Name Title *City Manager*

Notes to persons signing this form:

N.C.G.S. 143C-6A-5(a) requires this certification for bids or contracts with the State of North Carolina, a North Carolina Local government, or any other political subdivision of the State of North Carolina. The certification is required at the following times:

- When a bid is submitted
- When a contract is entered into (if the certification was not already made when the vendor made its bid)
- When a contract is renewed or assigned

N.C.G.S. 143-6A-5(b) requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List.

The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.

Property Owner Certification

Name of Entity: _____

Address of Entity: _____

**IRAN DIVESTMENT ACT CERTIFICATION
REQUIRED BY N.C.G.S. 147-86.59**

As of the date listed below, the entity listed above is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 147-86.58.

The undersigned hereby certifies that he or she is authorized by the entity listed above to make the foregoing statement.

Signature *Douglas J. Hewett* Date *10/05/17*
Printed Name *Douglas J. Hewett* Title *City Manager*

Notes to persons signing this form:

N.C.G.S. 143C-6A-5(a) requires this certification for bids or contracts with the State of North Carolina, a North Carolina Local government, or any other political subdivision of the State of North Carolina. The certification is required at the following times:

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The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.

City of Fayetteville

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

City Council Action Memo

File Number: 17-459

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.07

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, Deputy City Manager

**FROM: Robert Stone, P.E., Director of Public Services
Tracey Broyles, Budget and Evaluation Director**

DATE: October 23, 2017

RE:

**Adoption of Special Revenue Project Ordinance 2018-7 and Budget Ordinance
Amendment 2018-3 for the City of Fayetteville Parking Management Plan**

COUNCIL DISTRICT(S):

2

Relationship To Strategic Plan:

Goal II: Diverse and Viable Economy

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

Executive Summary:

The City of Fayetteville has been awarded a \$100,000 Rural Economic Development Grant from the North Carolina Department of Commerce to fund a parking management plan for the downtown area. Special Revenue Fund Project Ordinance (SRO) 2018-7 will appropriate the \$100,000 state award and Budget Ordinance Amendment (BOA) 2018-3 will reduce \$100,000 from the General Fund budget that had been set aside for the parking study in the event that the anticipated grant was not received.

Background:

The area defined as the downtown for the purposes of this plan is the area bounded by Eastern Boulevard, Russell Street, Robeson Street/Bragg Boulevard and Grove Street/Rowan Street. The plan will consider current parking capacity and operations, and

how upcoming development will alter the demand on these facilities. Known upcoming development includes the stadium complex and the Prince Charles redevelopment, which will reduce the available existing parking downtown by approximately 800 parking spaces. Additional parking demands will arise with the increase of events hosted in the stadium.

The plan funded by this grant will inventory and assess existing parking facilities, operations, fee schedules, revenues, and parking program administration. The plan will analyze the existing parking program and make recommendations for amendments based on expected impacts of the upcoming development and parking demands related to the diverse nature of the special events that occur downtown. Recommendations will address, but not be limited to, additional on/off-street capacities, parking structures, staffing, smart parking technology, fees, ordinances, signage, and zoning. The analysis will include comparisons to Fayetteville's peer cities within NC and consider the multi-modal nature of the downtown area.

Issues/Analysis:

None.

Budget Impact:

Funding for the parking study was appropriated in the Fiscal Year 2018 adopted budget in the event that the anticipated grant was not received. Upon receipt of the grant, the expenditure appropriation for the Community Investment portfolio and the planned fund balance appropriation in the General Fund are each being reduced by \$100,000.

Options:

- 1) Adopt Special Revenue Fund Project Ordinance 2018-7 and Budget Ordinance Amendment 2018-3.
- 2) Do not adopt the Special Revenue Fund Project Ordinance or Budget Ordinance Amendment and provide additional direction to staff.

Recommended Action:

Staff recommends that Council move to adopt Special Revenue Fund Project Ordinance 2018-7 and Budget Ordinance Amendment 2018-3 as presented.

Attachments:

Downtown Parking Management Plan Grant Packet
SRO 2018-7 (Parking Management Plan)
BOA 2018-3 (General Fund)



ROY COOPER
Governor

ANTHONY M. COPELAND
Secretary

September 25, 2017

Mr. Doug Hewett
City Manager
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301-5537

Re: Contract Agreement for Grant Number 2018-025-1257-1534; Your Signature and Reply is Requested
Project Title: "City of Fayetteville Parking Management Plan"

Dear City Manager Hewett:

Enclosed for your review and signature are two complete sets of contract documents required to finalize the grant award pursuant to N.C. S.L. 2017-57 § 15.8 (b). Below is a description of the documents enclosed along with an explanation of the signatures required for each document.

Document:	Document Description:	Signed By:
Grant Agreement	Contract: Outlines the terms of Grant Agreement between the Department of Commerce and the Unit of Local Government.	Highest Elected Official - Unit of Local Government.
Exhibit A	Grantee Proposal: This document is incorporated into the agreement as the scope of the project.	Highest Elected Official - Unit of Local Government.
Exhibit B	Sample Final Report Form: This is a sample of the progress/final report due to Commerce by July 15, 2018 . Local governments should submit a final report detailing the outcomes and expenditures of the grant including copies of invoices/receipts for each expenditure paid with the grant funds. This form may be found on our website: http://www.nccommerce.com/rd/rural-grants-programs/forms within the Forms section.	Highest Elected Official - Unit of Local Government.
Exhibit C	Payment Request Form: This form outlines payment to be made from Commerce to the grantee. Please sign and date Section F.	Authorized Signatory - Unit of Local Government.
Exhibit D-1	Iran Divestment Act Certification	Highest Elected Official - Unit of Local Government.
Exhibit D-2	Iran Divestment Act Certification	Legal Property Owner listed on the Deed.

Execute two originals of these documents and return one of them to my attention at the address. If you have any questions regarding the enclosed documents, please contact me at (919) 814-4671.

Sincerely,

Nichole M. Gross
Data and Compliance Specialist

Enclosure

The North Carolina Department of Commerce ("Commerce"), an agency of the State of North Carolina ("State"), enters into this Revitalization and Economic Development Grant Agreement ("Grant Agreement") with the **City of Fayetteville** (the "Governmental Unit" or "Grantee" and, together with Commerce, the "Parties"), a local governmental unit.

WHEREAS, N.C. S.L. 2017-57 § 15.8 (b) (the "Authorizing Legislation") authorized the awarding of Revitalization and Economic Development Grants or ("Revitalization and Economic Development Grant") to provide grants to certain municipal governments to encourage revitalization and economic development through investment in **City of Fayetteville Parking Management Plan** referenced in the "Authorizing Legislation"; and

WHEREAS, Commerce, through its Rural Economic Development Division, administers the **Revitalization and Economic Development Grants**; and

WHEREAS, the Governmental Unit submitted a proposal and supporting materials (together, "Proposal") to Commerce for a grant (the "Grant") to fund a project (the "Project") as described in Grantee Proposal (Exhibit A).

NOW, THEREFORE, in consideration of the mutual promises and such other valuable consideration as set out herein, the Parties mutually agree to the following terms and conditions:

1. Grant Agreement Documents.

This Grant Agreement consists of the following documents:

- (a). This Grant Agreement, including all documents incorporated by reference herein.
- (b). Grantee Proposal (Exhibit A).
- (c). Sample Progress/Final Report (Exhibit B).
- (d). Payment Request Form (Exhibit C)
- (d). Iran Divestment Act Certification (Exhibit D-1).
- (e). Iran Divestment Act Certification (Exhibit D-2).

2. Changes in the Project or Other Conditions.

- (a). A "Project Change" is any material alteration, addition, deletion or expansion of the Project, including (without limitation) material changes to construction, rehabilitation, the matching investment in the Project and/or the other significant source of funding (if applicable). A "Project Change" also includes any filing of bankruptcy by the Governmental Unit. There shall be no Project Changes unless expressly approved of by Commerce in a separate, prior written agreement stating, if applicable, the costs and schedule for completing the Project Change.
- (b). Additionally, the Governmental Unit shall immediately notify Commerce of any change in conditions or local law, or any other event, which may significantly affect its ability to oversee, administer or perform this Grant Agreement or the Project. In its sole discretion, Commerce may deem such a change in conditions, local law or other event to constitute a Project Change.

Rural Economic Development Grant Agreement
Revitalization and Economic Development

2018-025-1257-1534

3. Term of Grant Agreement.

The effective period of this Grant Agreement shall commence on 7/1/2017 ("Effective Date") and shall terminate on 7/1/2019 unless terminated on an earlier date under the terms of this Grant Agreement (either one of which dates shall constitute the "Termination Date") or unless extended for an express term in writing by Commerce.

4. Funding.

Commerce grants to the Governmental Unit an amount not to exceed \$100,000.00 for expenditures directly relating to the Project. The Governmental Unit hereby represents and warrants that all Grant funds shall be utilized exclusively for the purpose of the Project and consistent with this Grant Agreement, the Authorizing Legislation and all other applicable laws, rules, regulations and requirements. The Governmental Unit shall not make or approve of any improper expenditure of Grant funds, including any expenditure of Grant funds for salary or wages for employees of the grantee organization, and food or refreshment expenses.

5. Independent Status of the Governmental Unit.

- (a). The Governmental Unit is an entity independent from Commerce and the State. The Grant Agreement, the Project and any actions taken pursuant to them shall not be deemed to create a partnership or joint venture between or among the Governmental Unit, Commerce, the State or any third party. Nor shall the Grant Agreement or the Project be construed to make the Governmental Unit (including its employees, agents or contractors) or any third party into employees, agents, members or officials of Commerce or the State. Neither the Governmental Unit (including its employees, agents or contractors) nor any third party shall have the ability to bind Commerce or the State to any agreement for payment of goods or services or represent to any person that they have such ability.
- (b). The Governmental Unit shall be responsible for payment of all of its expenses, including rent, office expenses and all forms of compensation to its employees, agents and contractors. The Governmental Unit shall provide worker's compensation insurance to the extent required for its operations and shall accept full responsibility for payments of unemployment tax or compensation, social security, income taxes and any other charges, taxes or payroll deductions required by law in connection with its operations, for itself and its employees, agents and contractors who are performing work pursuant to this Grant Agreement. All expenses incurred by the Governmental Unit are its sole responsibility, and neither Commerce nor the State shall be liable for the payment of any obligations incurred in the performance of the Project.

6. Method of Payment.

Commerce shall endeavor to pay the Grant funds to the Governmental Unit within 30 calendar days of actual receipt of this Grant Agreement executed by Governmental Unit and the satisfaction of all other conditions precedent to payment of grant funds to Governmental Unit.

Funds may only be used in accordance with this Grant Agreement and the uses set forth in the Authorizing Legislation. Commerce may request, and the Governmental Unit must produce, any information from the Governmental Unit justifying the use of the Grant funds. The submission of any reports required by Exhibit B and Paragraph 8 below, or any requests for reimbursement required by this Paragraph or Exhibit B, representing that any work on the Project

has been performed shall constitute a certification that the work represented has actually been performed.

7. Project Records.

- (a). The Governmental Unit shall maintain full, accurate and verifiable financial records, supporting documents and all other pertinent data for the Project in such a manner as to clearly identify and document the expenditure of the State funds provided under this Grant Agreement separate from accounts for any separate awards, monetary contributions or other revenue sources for this Project.
- (b). The Governmental Unit shall retain all financial records, supporting documents and all other pertinent records related to the Project for a period of five (5) years from the date of the last disbursement of Grant funds or the Termination Date, whichever is later. In the event such records are audited, all Project records shall be retained beyond the five-year period until the audit is concluded and any and all audit findings have been resolved.

8. Monitoring, Reports and Auditing.

- (a). The Governmental Unit agrees to ensure compliance and provide its assistance with such monitoring and auditing requirements as the State may request, including following the Termination Date of this Grant Agreement. Additionally, the Governmental Unit shall regularly monitor all performance under Grant-supported activities to ensure that time schedules are being met and other performance goals are being achieved. Further, the Grantee, or designated agent, shall maintain records and accounts that properly document and account for the application of all Grant funds for a minimum of five (5) years after the date of the last disbursement or the Termination Date, whichever is later.
- (b). The Governmental Unit shall furnish Commerce a detailed written final report within 30 days of the Termination Date. If the Termination Date is extended a final report shall be furnished within 30 days of the new Termination Date. The Governmental Unit shall furnish detailed written progress reports as otherwise requested by Commerce within 30 days of the request from Commerce. Such progress and final reports should describe the progress made by the Governmental Unit toward achieving the requirements and purpose(s) of the Project, and shall include detailed financial documentation proving funds were appropriately expended. Such descriptions should include the successes and problems encountered during the reporting period. In Commerce's sole discretion, failure to submit a required report by the scheduled submission date or submission of an inadequate report will trigger Repayment Requirements addressed in Paragraph 12(b) of this Grant Agreement.
- (c). The Governmental Unit acknowledges and agrees that, with regard to the Grant funds, it will be subject to the audit and reporting requirements prescribed by N.C.G.S §159-34, Local Government Finance Act - Annual Independent Audit; rules and regulations. Such audit and reporting requirements may vary depending upon the amount and source of Grant funding received by the Governmental Unit and are subject to change from time to time.
- (d). The Governmental Unit grants the State and any of its related agencies, commissions or departments (including, without limitation, Commerce, the North Carolina State Auditor and the North Carolina Office of State Budget and Management) and any of their authorized representatives, at all reasonable times and as often as necessary (including after the Termination Date), access to and the right to inspect, copy, monitor, and examine all of the books, papers, records and other documents relating to the Grant Agreement or the Project. Likewise, the Governmental Unit shall ensure that any third party it employs

or contracts with to work on the Project provides the same access. In addition, the Governmental Unit agrees to comply at any time, including after the Termination Date, with any requests by the State (including, without limitation, Commerce) for other financial and organizational materials to permit the State to comply with its fiscal monitoring responsibilities or to evaluate the short- and long-range impact of its programs.

9. Termination; Availability of Funds.

- (a). If the Governmental Unit fails to fulfill in a timely and proper manner its obligations or violates any of the covenants or stipulations under this Grant Agreement, the Governmental Unit agrees that Commerce has the right to terminate this Grant Agreement by giving the Governmental Unit written notice specifying the Termination Date, which Commerce may determine in its sole discretion. Upon such termination, Commerce shall have no responsibility to make additional Grant payments. Upon such termination, the Governmental Unit shall not expend any Grant funds without Commerce's express written authorization and shall return all unspent Grant funds to Commerce upon demand.
- (b). The obligations of Commerce to pay any amounts under this Grant Agreement are contingent upon the availability and continuation of funds for such purpose. If funds for the Grant become unavailable, the Governmental Unit agrees that Commerce has the right to terminate this Grant Agreement by giving written notice specifying the Termination Date, which Commerce shall determine in its sole discretion. Upon such termination, the State shall have no responsibility to make additional Grant payments. Further, upon such termination, the Governmental Unit shall not expend any Grant funds without Commerce's express written authorization and shall return all unspent Grant funds to Commerce upon demand.

10. Liabilities and Loss.

The Governmental Unit hereby agrees to release, indemnify and hold harmless the State (including, without limitation, Commerce), and their respective members, officers, directors, employees, agents and attorneys (together, the "Indemnified Parties"), from any claims of any third party arising out of any act or omission of the Governmental Unit or any third party in connection with the performance of this Grant Agreement or the Project, and for all losses arising from their implementation. Without limiting the foregoing, the Governmental Unit hereby releases the Indemnified Parties from, and agrees that such Indemnified Parties are not liable for, and agrees to indemnify and hold harmless the Indemnified Parties against, any and all liability or loss, cost or expense, including, without limitation, reasonable attorneys' fees, fines, penalties and civil judgments, resulting from or arising out of or in connection with or pertaining to, any loss or damage to property or any injury to or death of any person occurring in connection with the Project, or resulting from any defect in the fixtures, machinery, equipment or other property used in connection with the Project or arising out of, pertaining to, or having any connection with, the Project or the financing thereof (whether arising out of acts, omissions, or negligence of the Governmental Unit or of any third party), including any claims and losses accruing to or resulting from any and all subcontractors, material men, laborers and any other person, firm or corporation furnishing or supplying work, services, materials or supplies in connection with the Project.

11. Governmental Unit Representations and Warranties.

The Governmental Unit hereby represents and warrants that:

- (a). The execution and delivery of this Grant Agreement have been duly authorized by all necessary Governmental Unit action and are not in contravention of law or in contravention of the provisions of any indenture agreement or undertaking to which the Governmental Unit is a party or by which it is bound.
- (b). There is no action, suit proceeding, or investigation at law or in equity or before any court, public board or body pending, or to the knowledge of the Governmental Unit, threatened against or affecting it that could or might adversely affect the Project or any of the transactions contemplated by this Grant Agreement or the validity or enforceability of this Grant Agreement or the abilities of the Governmental Unit to discharge its obligations under this Grant Agreement. If it is subsequently found that an action, suit, proceeding, or investigation did or could threaten or affect the development of the Project, Commerce can, in its discretion, terminate the Grant Agreement upon notice and require the Governmental Unit to repay to Commerce the entire amount of the Grant.
- (c). No consent or approval is necessary from any governmental authority as a condition to the execution and delivery of this Grant Agreement by the Governmental Unit or the performance of any of its obligations hereunder, or all such requisite governmental consents or approvals have been obtained. The Governmental Unit shall provide Commerce with evidence of the existence of any such necessary consents or approvals at the time of the execution of this Grant Agreement.
- (d). The Governmental Unit is solvent.

12. Additional Repayment Requirements and Remedies.

- (a). The repayment requirements and remedies addressed in this Paragraph 12 are in addition to those repayment requirements and other remedies set forth elsewhere in this Grant Agreement, including the requirements to repay unspent Grant funds. No remedy conferred or reserved by or to the State is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy provided for in this Grant Agreement, or now or hereinafter existing at law, in equity, or by statute, and any such right or power may be exercised from time to time and as often as may be deemed expedient.
- (b). If there is a breach of any of the requirements, covenants or agreements in this Grant Agreement (including, without limitation, any reporting requirements), or if there are any representations or warranties which are untrue as to a material fact in this Grant Agreement or in relation to the Project (including the performance thereof), the Governmental Unit agrees that Commerce may require repayment from the Governmental Unit of an amount of Grant funds to be determined in Commerce's sole discretion but not to exceed the amount of Grant funds the Governmental Unit has already received under this Grant Agreement.

13. No Waiver by the State.

Failure of the State (including, without limitation, Commerce) at any time to require performance of any term or provision of this Grant Agreement shall in no manner affect the rights of the State at a later date to enforce the same or to enforce any future compliance with or performance of any of the terms or provisions hereof. No waiver of the State of any condition or the breach of any term, provision or representation contained in this Grant Agreement, whether by conduct or otherwise, in any one or more instances, shall be deemed to be or construed as a further or continuing waiver of any such condition or of the breach of that or any other term, provision or representation.

14. Waiver of Objections to Timeliness of Legal Action.

The Governmental Unit knowingly waives any objections it has or may have to timeliness of any legal action (including any administrative petition or civil action) by the State (including, without limitation, Commerce) to enforce its rights under this Grant Agreement. This waiver includes any objections the Governmental Unit may possess based on the statutes of limitations or repose and the doctrines of estoppel or laches.

15. Special Provisions and Conditions.

- (a). Non-discrimination. The Governmental Unit agrees not to discriminate by reason of age, race, religion, color, sex, national origin or disability related to the activities of this Grant Agreement.
- (b). Conflict of Interest. The Governmental Unit shall forward to Commerce along with the executed copies of this Grant Agreement a copy of its policy and any ordinance or resolution it has adopted addressing conflicts of interest that may arise involving the members of the Governmental Unit's governing body and/or any of its employees or officers involved in the Grant or the Project. Such policy, ordinance or resolution shall address situations in which any of these individuals may directly or indirectly benefit, other than through receipt of their normal compensation in their capacities as the Governmental Unit's employees, officers or members of its governing body, from the Grant or the Project, and shall include actions to be taken by the Governmental Unit or the individual, or both, to avoid conflicts of interest and the appearance of impropriety. Additionally, the Governmental Unit certifies that, as of the date it executes this Grant Agreement, no such individuals have such a conflict of interest or will directly or indirectly benefit, except in the capacities described above, from the Grant or Project. Throughout the duration of this Grant Agreement and the Project, the Governmental Unit has the duty to promptly inform Commerce of any such conflict of interest or direct or indirect benefit of which it becomes aware.
- (c). Compliance with Laws. The Governmental Unit shall at all times observe and comply with all laws, regulations, codes, rules, ordinances and other requirements (together, "Laws") of the state, federal and local governments which may in any manner affect the performance of the Grant Agreement or the Project.
- (d). Non-Assignability. The Governmental Unit shall not assign or transfer any interest in the Agreement without the prior written consent of Commerce; provided, however, that claims for money due to Governmental Unit from Commerce under this Grant Agreement may be assigned to any commercial bank or other financial institution without such approval.

Rural Economic Development Grant Agreement
Revitalization and Economic Development

2018-025-1257-1534

16. Notice.

All notices required or permitted to be delivered hereunder and all communications in respect hereof shall be in writing and shall be deemed given when personally delivered or when deposited in the United States mails, certified, return receipt requested, first class, postage prepaid and addressed as follows:

If to the Rural Authority or Commerce: Attn: **Melody Adams**
North Carolina Department of Commerce
Rural Economic Development Division
301 North Wilmington Street
4346 Mail Service Center
Raleigh, North Carolina 27699-4346

If to the Governmental Unit: Attn: **Mr. Doug Hewett**
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301-5537

or addressed to such other address or to the attention of such other individual as Commerce or the Governmental Unit shall have specified in a notice delivered pursuant to this subsection.

17. Entire Agreement.

This Grant Agreement supersedes all prior agreements between Commerce and the Governmental Unit with regard to the Project and expresses their entire understanding with respect to the transactions contemplated herein, and shall not be amended, modified or altered except pursuant to a writing signed by both Commerce and the Governmental Unit.

18. Execution.

This Grant Agreement may be executed in one or more counterparts, each of which, when executed, shall be deemed an original, and such counterparts, together, shall constitute one and the same Grant Agreement which shall be sufficiently evidenced by one of such original counterparts.

19. Construction.

This Grant Agreement shall be construed and governed by the laws of the State of North Carolina.

20. Severability.

Each provision of this Grant Agreement is intended to be severable and, if any provision of this Grant Agreement is held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect or impair any other provision of this Grant Agreement, but this Grant Agreement shall be construed as if such invalid, illegal or unenforceable provision had not been contained herein.

Rural Economic Development Grant Agreement
Revitalization and Economic Development

2018-025-1257-1534

21. Acceptance.

If the Governmental Unit agrees to the Grant conditions as stated, please return the executed documents specified in Paragraph 1. This Grant may be withdrawn if Commerce has not received such documents within ten (10) days from the date of the cover letter from Commerce to the Governmental accompanying this Grant Agreement and its Exhibits.

IN WITNESSETH WHEREOF, the parties hereto have executed this Grant Agreement as of the date first above written.

City of Fayetteville

Signature: *Douglas J. Hewett*  [SEAL]
Printed Name: Douglas J. Hewett
Title: City Manager
Date: 10/05/17

North Carolina Department of Commerce

Signature: *Napoleon Wallace* [SEAL]
Printed Name: Napoleon Wallace
Title: Deputy Secretary for Rural Economic Development and Workforce Solutions
Date: 9/26/17

2017-2018 Downtown Revitalization/Economic Development Proposal Form

Local Government Information

Legal Name of Local Government: City of Fayetteville County: Cumberland Tier # _____
Name of Chief Elected Official: Nat Robertson Title: Mayor
Mailing Address: 433 Hay Street Street Address: 433 Hay Street
City: Fayetteville State: NC Zip: 28301
Primary Telephone(s): 910-433-1992 Fax: 910-433-1948
Email: mayor@ci.fay.nc.us Federal Tax ID #: 56-6001226

Local Government Project Contact:

Name: Douglas J. Hewett Title: City Manager
Primary Telephone: 910-433-1990 Email: dhewett@ci.fay.nc.us

Grant Administrator (if applicable)

City of Fayetteville
Mailing Address: 433 Hay Street Street Address: 433 Hay Street
City: Fayetteville State: NC Zip: 28301
Name: Jay Reinstein Title: Assistant City Manager
Primary Telephone: 910-433-1994 Fax: 910-433-1948
Email: jreinstein@ci.fay.nc.us Federal Tax ID #: 56-6001226

Community Information

- | | | Check One | |
|---|--|-------------------------------------|-------------------------------------|
| | | Yes | No |
| 1 | Is your community designated by the Department of Commerce as a NC Main Street community? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2 | Is your community designated by the Department of Commerce as a NC Small Town Main Street community? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3 | Is your community receiving downtown strategic economic development planning services through the NC Main Street & Rural Planning Center's Downtown Associate Community program? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4 | Has your community received strategic economic development planning services through the NC Main Street & Rural Planning Center's Rural Planning program in the last 3 years? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5 | Would you like for the staff at the Department of Commerce, NC Main Street & Rural Planning Center to contact you regarding strategic economic development planning services? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

1. If yes, please provide the contact information for the person to contact

Name: Craig Harmon Title: Senior Planner
Phone: 910-433-1417 Email: CHarmon@ci.fay.nc.us

Project Information

- 1 Provide a description of the downtown revitalization/economic development activities to be funded by the grant along with the estimated cost for each activity.

This grant will be funding a parking management plan for the downtown area in the City of Fayetteville. The area defined as the downtown for the purposes of this plan is the area bounded by Eastern Boulevard, Russell Street, Robeson Street/Bragg Blvd and Grove Street/Rowan Street. The plan will consider current parking capacity/operations and how upcoming developments will alter the demand on these facilities. These developments include a minor league baseball stadium complex with retail amenities, a hotel, and a conversion of an existing hotel to residential units with a retail component. The estimated cost of the plan is \$100,000.

2. Provide a description of the proposed outcomes of the downtown revitalization/economic development project/activity.

The parking management plan will inventory existing parking facilities, operations, fee schedules, revenues and parking program administration. The plan will analyze the existing and future parking program and make recommendations based on existing and upcoming developments, such as the baseball stadium. The plan will also analyze parking demands related to the diverse nature of the special events that occur downtown. These recommendations should include, but not be limited to, additional on/off-street capacities, parking structures, staffing, smart parking technology, fees, ordinances, signing and zoning. These recommendations should include comparisons to Fayetteville's peer cities within NC and consider the multi modal nature of the downtown area

3. Provide a timeline for the implementation of the downtown revitalization/economic development project/activity.

After funds for the study are secured, a request for proposals will be drafted and advertised. Interviews may be conducted to select the most qualified consultant(s) for the plan. This process will take approximately 2 months. The draft plan should be completed and presented to City Council for approval within 16 months after procurement of a consultant(s), for a total process time of 18 months.

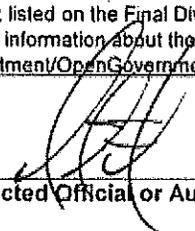
4. Include photos of the area where the project/activity will take place and provide a description of the photos below.

Included is a map that defines the existing parking capacity/operation and a map that defines the boundaries of the downtown area for the purpose of this plan.

Applicant Certifications

The attached statements and exhibits are hereby made part of this application, and the undersigned representative of the applicant certifies that the information in this application and the attached statements and exhibits are true, correct, and complete to the best of the signatory's knowledge and belief. The signatory further certifies:

- 1 as Authorized Representative, the signatory has been authorized to file this application;
- 2 that the governing body or agrees that if a grant is awarded, the applicant will provide proper and timely submittal of all documentation requested by the Grantor Agency;
- 3 that the applicant has substantially complied with or will comply with all federal, state, and local laws, rules, regulations, and ordinances as applicable to this project; and
- 4 that as of the date listed below, the applicant is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 143-6A-4. This list, along with additional information about the Iran Divestment Act, is available on the Treasurer's Office site: <https://www.nctreasurer.com/inside-the-department/OpenGovernment/Pages/Iran-Divestment-Act-Resources.aspx>.



Signature of Chief Elected Official or Authorized Representative

Typed Name

Typed Title

9/11/17
Date

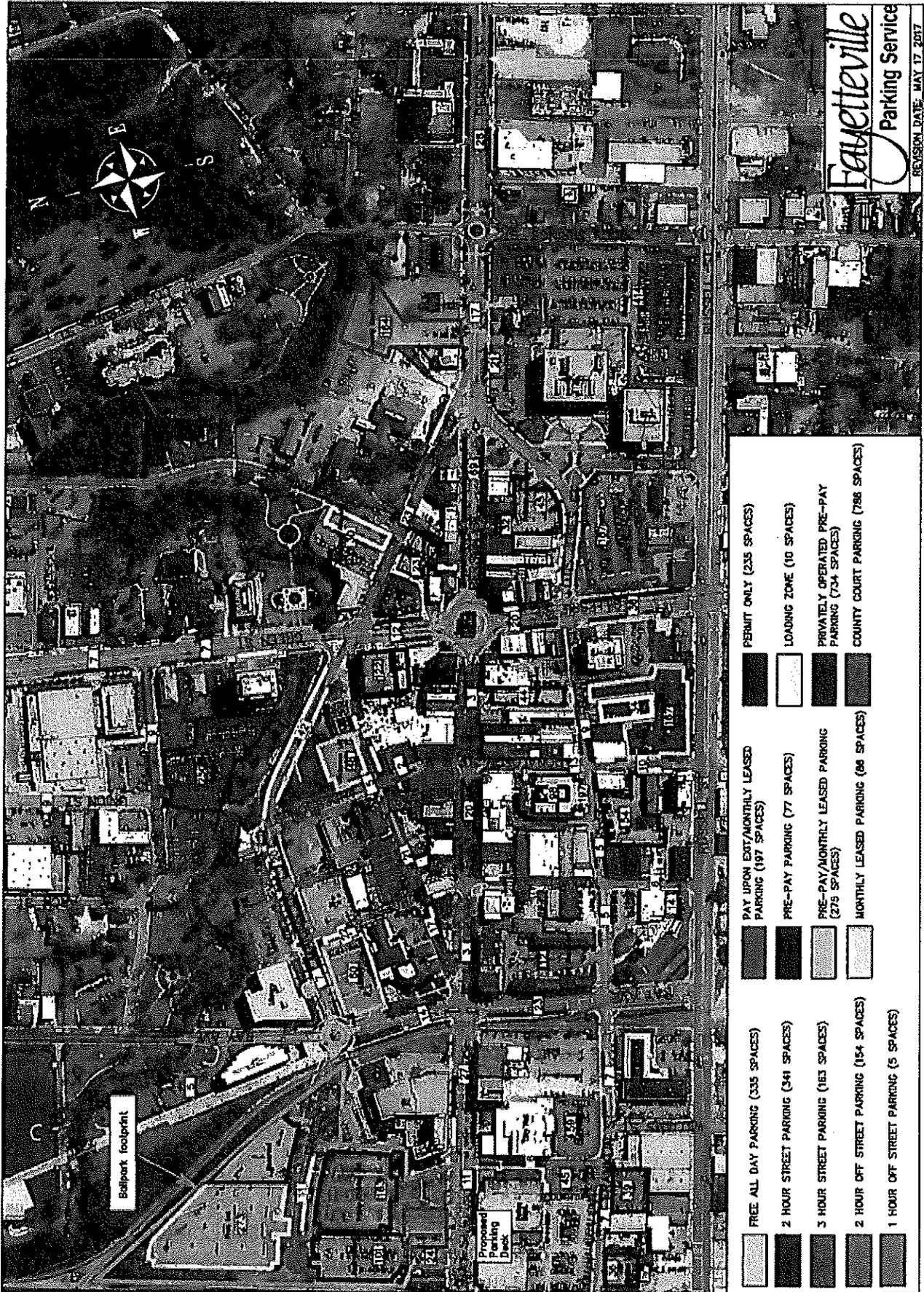
Complete proposals should be submitted no later than September 15, 2017 by one of the follow delivery options:

Via e-mail as a signed PDF to: rgreports@nccommerce.com

Or

Via postal or overnight delivery to:

Melody Adams, Director, Rural Grant Programs
North Carolina Department of Commerce, Rural Economic Development Division
301 N. Wilmington Street (For Overnight Delivery Services)
4346 Mail Service Center (For US Postal Service)
Raleigh, NC 27699



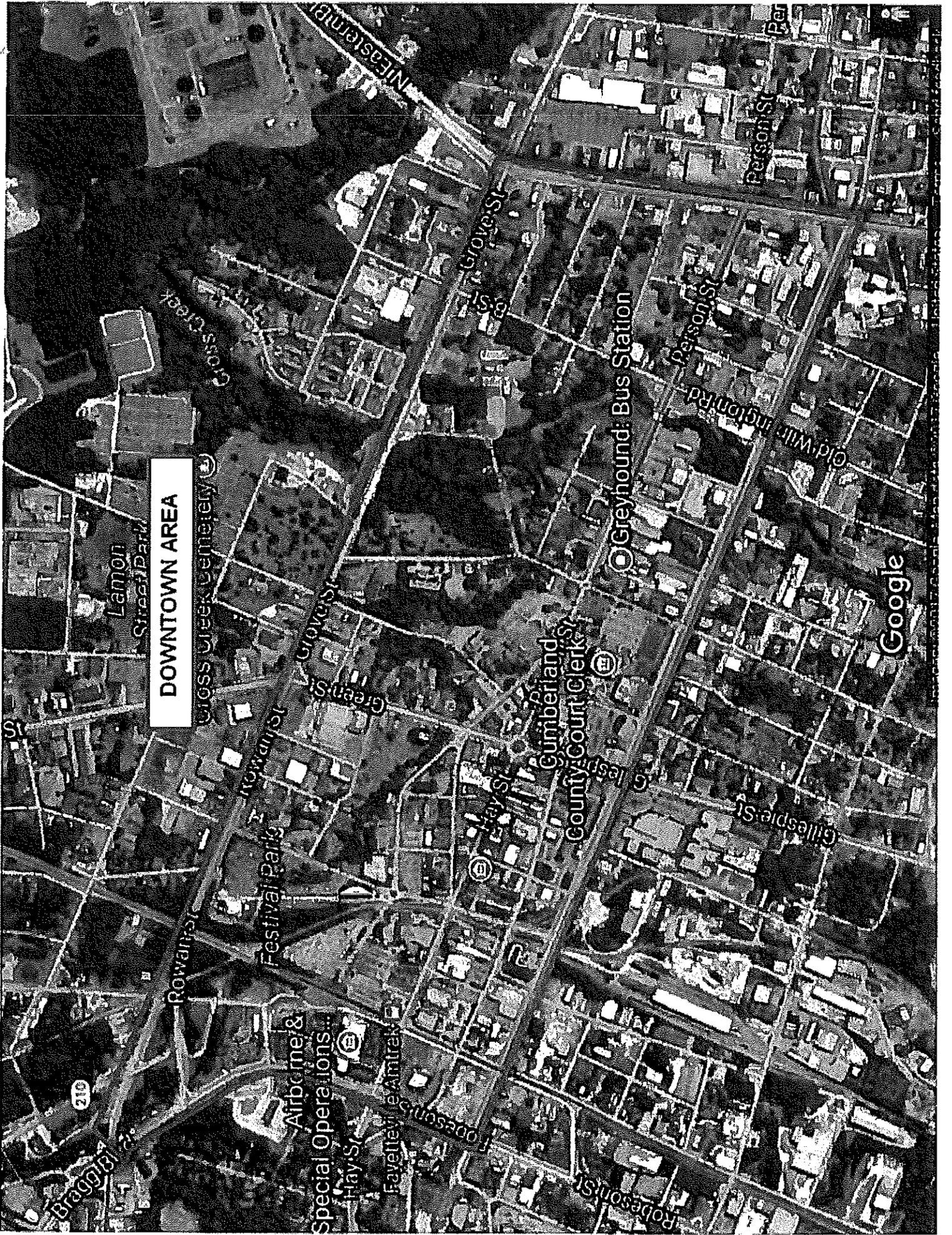
Ballpark footprint

Proposed Parking Deck



- FREE ALL DAY PARKING (335 SPACES)
- 2 HOUR STREET PARKING (341 SPACES)
- 3 HOUR STREET PARKING (163 SPACES)
- 2 HOUR OFF STREET PARKING (154 SPACES)
- 1 HOUR OFF STREET PARKING (5 SPACES)
- PAY UPON EXIT/MONTHLY LEASED PARKING (197 SPACES)
- PRE-PAY PARKING (77 SPACES)
- PRE-PAY/MONTHLY LEASED PARKING (275 SPACES)
- MONTHLY LEASED PARKING (86 SPACES)
- PERMIT ONLY (235 SPACES)
- LOADING ZONE (10 SPACES)
- PRIVATELY OPERATED PRE-PAY PARKING (734 SPACES)
- COUNTY COURT PARKING (786 SPACES)

Fayetteville
Parking Service
REVISION DATE: MAY 17 2017



DOWNTOWN AREA

Lamon Street Park

Gross Creek

Gross Creek Cemetery

Festival Park

Airborne & Special Operations

Hay St

Fayetteville

Crosby St

Grove St

Cumberland County Clerk's Office

Grove St

Greyhound Bus Station

Person St

Gillespie St

Old Mill Rd

Google

210

Bragg St

Rowan St

Robeson St

Person St

Last St

North Carolina Department of Commerce
Rural Economic Development Division
Rural Grant Programs

Downtown Revitalization and Economic Development Progress and Final Report Form

Progress Report

Final Report

GRANTEE INFORMATION (to be completed by Grantee)

Reporting Period

Contract Information

From: _____
(date)

Contract Ref# _____ 2018-025-1257-1534

To: _____
(date)

Grantee Name: City of Fayetteville Project Title: City of Fayetteville Parking Management Plan

Project Contact Completing this Form: _____ Title: _____

Primary Telephone: _____ Email: _____

PROJECT SUMMARY

1) Please provide a detailed description of the project progress to date. 2) Provide a detailed list of expenditures including the item and cost. 3). Attach copies of invoices/receipts for each expenditure paid with grant funds.

[Empty box for project summary]

[Handwritten Signature]

SIGNATURE OF CHIEF ELECTED OFFICIAL/AUTHORIZED REPRESENTATIVE



10/9/17
Date

NAT ROBERTSON, MAYOR
TYPED NAME/AND TITLE

Local Government Certification

Name of Entity: _____

Address of Entity: _____

**IRAN DIVESTMENT ACT CERTIFICATION
REQUIRED BY N.C.G.S. 147-86.59**

As of the date listed below, the entity listed above is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 147-86.58.

The undersigned hereby certifies that he or she is authorized by the entity listed above to make the foregoing statement.

Signature *Douglas J. Hewett* Date *10/05/17*
Printed Name *Douglas J. Hewett* Title *City Manager*

Notes to persons signing this form:

N.C.G.S. 143C-6A-5(a) requires this certification for bids or contracts with the State of North Carolina, a North Carolina Local government, or any other political subdivision of the State of North Carolina. The certification is required at the following times:

- When a bid is submitted
- When a contract is entered into (if the certification was not already made when the vendor made its bid)
- When a contract is renewed or assigned

N.C.G.S. 143-6A-5(b) requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List.

The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.

Property Owner Certification

Name of Entity: _____
Address of Entity: _____

**IRAN DIVESTMENT ACT CERTIFICATION
REQUIRED BY N.C.G.S. 147-86.59**

As of the date listed below, the entity listed above is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 147-86.58.

The undersigned hereby certifies that he or she is authorized by the entity listed above to make the foregoing statement.

Signature *Douglas J. Hewett* Date *10/05/17*

Printed Name *Douglas J. Hewett* Title *City Manager*

Notes to persons signing this form:

N.C.G.S. 143C-6A-5(a) requires this certification for bids or contracts with the State of North Carolina, a North Carolina Local government, or any other political subdivision of the State of North Carolina. The certification is required at the following times:

- When a bid is submitted
- When a contract is entered into (if the certification was not already made when the vendor made its bid)
- When a contract is renewed or assigned

N.C.G.S. 143-6A-5(b) requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List.

The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2018-7

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

Section 1. The project authorized is for professional services to prepare a City of Fayetteville Parking Management Plan, as funded by a Revitalization and Economic Development Award from the State of North Carolina.

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

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

NC Department of Commerce, Rural Economic Development Division	<u>\$ 100,000</u>
--	-------------------

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

Project Expenditures	<u>\$ 100,000</u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

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

Adopted this 23rd day of October, 2017.

2017-2018 BUDGET ORDINANCE AMENDMENT
CHANGE 2018-3

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

That the City of Fayetteville Budget Ordinance adopted June 26, 2017 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, 2017, and ending June 30, 2018, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Fund Balance Appropriation	\$ 4,432,521	\$ (100,000)	\$ 4,332,521
All Other General Fund Revenues and OFS	166,592,478	-	166,592,478
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 171,024,999</u>	<u>\$ (100,000)</u>	<u>\$ 170,924,999</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, 2017, and ending June 30, 2018, 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>			
Community Investment	\$ 5,877,492	\$ (100,000)	\$ 5,777,492
All Other General Fund Appropriations	165,147,507	-	165,147,507
Total Estimated General Fund Expenditures	<u>\$ 171,024,999</u>	<u>\$ (100,000)</u>	<u>\$ 170,924,999</u>

Adopted this 23rd day of October, 2017.

City of Fayetteville

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

City Council Action Memo

File Number: 17-497

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.08

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, Deputy City Manager

FROM: Rob Stone, PE, Public Services Director
Tracey Broyles, Budget and Evaluation Director

DATE: October 23, 2017

RE:

Adoption of Budget Ordinance Amendment 2018-4 (Stormwater Management Fund) and Capital Project Ordinance Amendment 2018-25 to Appropriate Additional Funding for Fiscal Year 2017 Stormwater Drainage Improvement Projects

COUNCIL DISTRICT(S):

Districts 4, 5, 6, 7, & 9

Relationship To Strategic Plan:

Goal 1: Safe and Secure Community

Goal 3: High Quality Built Environment

Goal 4: Desirable Place to Live, Work and Recreate

Executive Summary:

Budget Ordinance Amendment (BOA) 2018-4 will appropriate \$130,000 from Stormwater Management Fund net assets to transfer to the Fiscal Year 2017 Stormwater Drainage Improvement Project through Capital Project Ordinance Amendment (CPOA) 2018-25. The additional funding is needed in the capital project to supplement the original funding that was included for the Beaver Creek Watershed Study.

Background:

On June 27, 2016, City Council appropriated funding for the stormwater drainage improvement projects planned for funding in fiscal year 2017, including \$420,000 for the Beaver Creek Watershed Study.

The watershed study includes analysis of the hydrological characteristics and hydraulic capabilities unique to the Beaver Creek watershed. The scope of work will include:

- Field survey data collection to help establish and/or verify existing inventory.
- A public involvement program that will educate, inform and engage citizens and businesses about stormwater-related issues and the benefits of watershed master planning to the quality of life in and around the City of Fayetteville.
- Hydrologic and hydraulic modeling, to include future conditions considerations, which will be the basis for the design of alternatives to address level of service deficiencies identified throughout the watershed, including drainage sensitive areas.
- Completion of a watershed master plan, to include flood hazard mitigation, water quality retrofits and bank stabilization alternatives, evaluation of capital construction costs, and a prioritization of projects based upon defined criteria.

Issues/Analysis:

The fee proposal received for the study is \$542,200, as compared to the \$420,000 budget appropriation for the study. The initial budget was estimated based upon the allocated budgets of prior watershed studies. After review, in relation to the most recent watershed study, the following was determined:

- This watershed is approximately 58% larger (i.e. more sub-basins to analyze).
- The length of stream to model is approximately 94% greater.
- There are three times the number of crossings to analyze (total).
- The increased number of crossings results in 67% more primary system projects anticipated and included.
- A significant amount of the primary system does not have an existing FEMA model as a starting point; in previous plans, all primary system had FEMA models from which to start.
- Detailed field survey data collection is included for portions of the primary system and all secondary systems.
- This plan includes future condition model since this watershed is not built-out.
- A robust public involvement / awareness effort (including a formal Public Involvement Plan) is included with a sub-consultant specializing in this area.

Budget Impact:

Budget Ordinance Amendment 2018-4 will appropriate \$130,000 of Stormwater Management Fund net assets to transfer to the capital project to provide \$122,200 for the current proposal overage and to provide \$7,800 for any unanticipated related costs.

Options:

- Adopt Budget Ordinance Amendment 2018-4 and Capital Project Ordinance Amendment 2018-25 to provide the additional funding needed for the watershed study.

- Do not adopt the budget ordinance amendment or the capital project ordinance amendment and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to adopt Budget Ordinance Amendment 2018-4 and Capital Project Ordinance Amendment 2018-25 as presented.

Attachments:

Budget Ordinance Amendment 2018-4 (Stormwater Management Fund)
Capital Project Budget Ordinance Amendment 2018-25 (FY17 Stormwater Drainage Improvements)

2017-2018 BUDGET ORDINANCE AMENDMENT
CHANGE 2018-4

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

That the City of Fayetteville Budget Ordinance adopted June 26, 2017 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, 2017, and ending June 30, 2018, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule I: Stormwater Management Fund</u>			
Net Assets Appropriation	\$ 78,439	\$ 130,000	\$ 208,439
All Other Stormwater Management Fund Revenues and OFS	7,962,190	-	7,962,190
Total Estimated Stormwater Management Fund Revenues and Other Financing Sources	<u>\$ 8,040,629</u>	<u>\$ 130,000</u>	<u>\$ 8,170,629</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, 2017, and ending June 30, 2018, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule I: Stormwater Management Fund</u>			
Total Estimated Stormwater Management Fund Expenditures	<u>\$ 8,040,629</u>	<u>\$ 130,000</u>	<u>\$ 8,170,629</u>

Adopted this 23rd day of October, 2017.

2017-2018 BUDGET ORDINANCE AMENDMENT
CHANGE 2018-4

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

That the City of Fayetteville Budget Ordinance adopted June 26, 2017 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, 2017, and ending June 30, 2018, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule I: Stormwater Management Fund</u>			
Net Assets Appropriation	\$ 78,439	\$ 130,000	\$ 208,439
All Other Stormwater Management Fund Revenues and OFS	7,962,190	-	7,962,190
Total Estimated Stormwater Management Fund Revenues and Other Financing Sources	<u>\$ 8,040,629</u>	<u>\$ 130,000</u>	<u>\$ 8,170,629</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, 2017, and ending June 30, 2018, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule I: Stormwater Management Fund</u>			
Total Estimated Stormwater Management Fund Expenditures	<u>\$ 8,040,629</u>	<u>\$ 130,000</u>	<u>\$ 8,170,629</u>

Adopted this 23rd day of October, 2017.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2018-25 (CPO 2017-6)**

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

Section 1. The project change authorized is to Capital Project Ordinance 2017-6, adopted July 1, 2017, as amended, for the funding of FY2017 storm water drainage improvements and other capital expenditures including, but not limited to, a street sweeper, two flatbed trucks, the Beaver Creek Watershed Study, improvement projects at Max Abbott (Phase I), McGilvary Street, Broyhill Drive, Boonie Doone (Area 2), Sycamore Dairy Road, and culvert replacement at Shoreline Drive, and other miscellaneous drainage improvements.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Interfund Transfer from the Stormwater Fund	<u>\$ 2,803,774</u>	<u>\$ 130,000</u>	<u>\$ 2,933,774</u>

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

Project Expenditures	<u>\$ 2,803,774</u>	<u>\$ 130,000</u>	<u>\$ 2,933,774</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the project.

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

Adopted this 23th day of October, 2017.

City of Fayetteville

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

City Council Action Memo

File Number: 17-496

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.09

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, Deputy City Manager

**FROM: Rob Stone, PE, Engineering & Infrastructure Director
Tracey Broyles, Budget & Evaluation Director**

DATE: October 23, 2017

RE:

Adoption of Budget Ordinance Amendment 2018-5 (Stormwater Management Fund) and Capital Project Ordinance Amendment 2018-27 for the Person Street Innovative Stormwater Greenscape Project

COUNCIL DISTRICT(S):

2

Relationship To Strategic Plan:

Goal 3: High Quality Built Environment

Goal 4: Desirable Place to Live, Work and Recreate

Executive Summary:

Budget Ordinance Amendment (BOA) 2018-5 will appropriate \$18,283 from Stormwater Management Fund net assets to transfer to the Person Street Innovative Stormwater Greenscape project through Capital Project Ordinance Amendment (CPOA) 2018-27. There is a \$29,500 change order required to complete the project, and available project budget of only \$11,517.

Background:

On June 22, 2015, Council appropriated \$382,391 to fund an innovative project on Person Street to incorporate a network of stormwater treatment methods within the existing rights-of-way. The full street improvement project includes new curb, sidewalks, driveway aprons, on-street parking, resurfacing, irrigation and landscaping. In addition, utility infrastructure for power, cable, telephone and fiber optic were moved underground by the utility companies.

The stormwater components of the project received a grant award of \$309,500 from the Clean Water Management Trust Fund (CWMTF) and the balance of the initial funding was provided from local stormwater management funds and associated investment income.

On January 25, 2016, Council approved an additional appropriation of \$115,000 from Stormwater Management Fund net assets for the project as the lowest bid received exceeded the project budget.

Browe Construction, Inc. was awarded the construction contract for the project and utilized minority subcontractors for over 20% of the work and utilized local subcontractors and local suppliers for over 45% of the work.

Additional work beyond the original project scope was needed to address insufficient drainage in the bio-retention structures known as BIBO's (Bio-infiltration bump outs). A \$29,800 contract change order was required to install sub-drains in the BIBO's.

Issues/Analysis:

None

Budget Impact:

Budget Ordinance Amendment 2018-5 will appropriate \$18,283 from Stormwater Management Fund net assets for the transfer to the capital project.

Options:

- Adopt Budget Ordinance Amendment 2018-5 and Capital Project Ordinance Amendment 2018-27 to allow for the completion of the project.
- Do not adopt Budget Ordinance Amendment 2018-5 or Capital Project Ordinance Amendment 2018-27 and provide additional direction to staff.

Recommended Action:

Staff recommends that Council move to adopt Budget Ordinance Amendment 2018-5 and Capital Project Ordinance Amendment 2018-27 as presented.

Attachments:

Budget Ordinance Amendment 2018-5 (Stormwater Management Fund)
Capital Project Ordinance Amendment 2018-27 (Person St. Innovative Stormwater Greenscape)

2017-2018 BUDGET ORDINANCE AMENDMENT
CHANGE 2018-5

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

That the City of Fayetteville Budget Ordinance adopted June 26, 2017 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, 2017, and ending June 30, 2018, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As*</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule I: Stormwater Management Fund</u>			
Net Assets Appropriation	\$ 208,439	\$ 18,283	\$ 226,722
All Other Stormwater Management Fund Revenues and OFS	7,962,190	-	7,962,190
Total Estimated Stormwater Management Fund Revenues and Other Financing Sources	<u>\$ 8,170,629</u>	<u>\$ 18,283</u>	<u>\$ 8,188,912</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, 2017, and ending June 30, 2018, according to the following schedules:

<u>Item</u>	<u>Listed As*</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule I: Stormwater Management Fund</u>			
Total Estimated Stormwater Management Fund Expenditures	<u>\$ 8,170,629</u>	<u>\$ 18,283</u>	<u>\$ 8,188,912</u>

Adopted this 23rd day of October, 2017.

* Reflects presumed adoption of Budget Ordinance Amendment 2018-4 also presented for Council consideration on October 23, 2017.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2018-27 (CPO 2015-27)**

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

Section 1. The project change authorized is to Capital Project Ordinance 2015-27, adopted June 22, 2015, as amended, for the funding of the Person Street Innovative Stormwater Greenscape Project.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
North Carolina Clean Water Management Trust Fund	\$ 309,500	\$ -	\$ 309,500
Interfund Transfer from the Stormwater Fund	138,172	18,283	156,455
Investment Income	49,719	-	49,719
	<u>\$ 497,391</u>	<u>\$ 18,283</u>	<u>\$ 515,674</u>

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

Project Expenditures	<u>\$ 497,391</u>	<u>\$ 18,283</u>	<u>\$ 515,674</u>
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Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the project.

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

Adopted this 23th day of October, 2017.

City of Fayetteville

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

City Council Action Memo

File Number: 17-505

Agenda Date: 10/23/2017

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.010

TO: Mayor and Members of City Council

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

**FROM: Kristoff Bauer, Deputy City Manager
Tracey Broyles, Budget and Evaluation Director**

DATE: October 23, 2017

RE:

**Adoption of Budget Ordinance Amendment 2018-6 (General Fund) for the
Downtown Development Agreement Second Amendment**

COUNCIL DISTRICT(S):

2

Relationship To Strategic Plan:

Goal 4: Desirable Place to Live, Work and Recreate

Executive Summary:

The Council authorized the execution of the Downtown Development Agreement Second Amendment ("DDA II") on Oct. 9. It included a provision to reimburse PCH for design costs of up to \$125,000 should the Council decide not to proceed with the next phase of the project. The City's Finance Director has decided that this contingent liability triggers the pre-audit obligation and, therefore, requires a budget ordinance amendment prior to its execution. Budget Ordinance Amendment 2018-6 is attached for Council approval.

Background:

DDA II addressed a number of issues the most prominent of which is the partnership with PCH to develop a mixed use building with a public parking deck, hotel, and residential development. Site conditions including unsuitable and contaminated soils and an increase in development intensity have increased the estimated cost of foundations and other supporting structures. Council has requested additional information before making a final decision regarding public participation in this project. That more detailed analysis can only be made available after additional design and engineering work.

A key provision of the DDA II committed PCH to moving forward with completing that work on an accelerated timeline with the City committing to reimburse the design costs should it ultimately decide not to support the project.

Issues/Analysis:

None

Budget Impact:

The City's is committed to pay up to \$125,000 of design costs for the parking garage only if the City does not move forward with the construction of the garage. As the debt service for the garage would be paid through Capital Funding Plan resources, the agreement to pay the design costs, should that become necessary, will be funded through appropriation of Capital Funding Plan fund balance.

Options:

Adopt Budget Ordinance Amendment 2018-6 to appropriate funds to permit the encumbrance of the contract commitment.

Do not adopt the budget ordinance amendment and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to adopt Budget Ordinance Amendment 2018-6 as presented.

Attachments:

Budget Ordinance Amendment 2018-6

2017-2018 BUDGET ORDINANCE AMENDMENT
CHANGE 2018-6

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

That the City of Fayetteville Budget Ordinance adopted June 26, 2017 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, 2017, and ending June 30, 2018, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As*</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Fund Balance Appropriation	\$ 4,332,521	\$ 125,000	\$ 4,457,521
All Other General Fund Revenues and OFS	166,592,478	-	166,592,478
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 170,924,999</u>	<u>\$ 125,000</u>	<u>\$ 171,049,999</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, 2017, and ending June 30, 2018, 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>			
Community Investment	\$ 5,777,492	\$ 125,000	\$ 5,902,492
All Other General Fund Appropriations	165,147,507	-	165,147,507
Total Estimated General Fund Expenditures	<u>\$ 170,924,999</u>	<u>\$ 125,000</u>	<u>\$ 171,049,999</u>

Adopted this 23rd day of October, 2017.

* Reflects presumed adoption of Budget Ordinance Amendment 2018-3 also presented for Council consideration on October 23, 2017.

City of Fayetteville

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

City Council Action Memo

File Number: 17-480

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.011

TO: Mayor and Members of City Council

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

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

DATE: October 23, 2017

RE:

Adopt a Resolution Authorizing the Conveyance of an Easement of City Owned Real Property to Parkview of Fayetteville Townhome Association, Inc. for a Traffic Turn-Around

COUNCIL DISTRICT(S):

2

Relationship To Strategic Plan:

Desirable Place to Live, Work and Recreate

Executive Summary:

Parkview Townhomes would like to install a gate at the entrance to their community. As a part of the review for this project it was determined that a turn-around would be required by NCDOT for any traffic that might turn in and need to turn around due to the gate being installed. With the design, an easement is needed from the City to construct the turn-around. The property in question for the easement is a part of the Freedom Trail and currently is being utilized for utilities. The existing curb and gutter is to be moved back to provide more adequate space for vehicles to turn around. The gate that is being installed is being installed on the existing private street known as Schwarzkopf Way further up within the development. A map is attached showing the needed easement area. Easement values are calculated at a 75% land value for the requested square footage. This easement has a value of \$75.92. This is calculated by using the 2017 tax value of the land which is \$6,656 for a total of 31,363.2 square feet. This equates to \$0.21 per square foot and the needed easement is a total of 482 square feet.

Background:

The City executed a Master Development Agreement with Parkview of Fayetteville, LLC for the townhome community located on Bragg Boulevard in June of 2013. The development has been constructed and would like to install a security gate within the private street located within the facility. In reviewing the plans it was requested by NCDOT that a turn-around be installed to allow for traffic that might turn in and need to exit without entering the gate. An easement is needed from the City to construct the turn-around to allow for safer traffic movements. The easement is within a parcel that is being utilized as the Freedom Trail and has City utilities within it. The easement however, will not adversely affect any utilities in the area but will require some sprinklers to be relocated at the developer's expense. The 2017 tax value of the land is \$6,656 for a total of 31,363.2 square feet. Easements are calculated at 75% of the needed land value calculation. This easement is for 482 square feet which calculated to \$75.92.

Issues/Analysis:

None

Budget Impact:

There is no significant impact to the budget.

Options:

- Approve the Resolution Authorizing the Conveyance of an Easement to the Parkview of Fayetteville Townhomes, Inc. for a Traffic Turn-Around.
- Reject the Resolution Authorizing the Conveyance of an Easement to the Parkview of Fayetteville Townhomes, Inc. for a Traffic Turn-Around.

Recommended Action:

- Staff recommends approval of the easement for the NCDOT required turn-around.

Attachments:

Resolution
Easement Map
Aerial Photo

A RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO THE PARKVIEW OF FAYETTEVILLE TOWNHOMES, INC. FOR A TRAFFIC TURN-AROUND

WHEREAS, the City of Fayetteville owns a property being identified by the Tax Parcel Number 0437-35-8913; portion of said parcel described as follows;

BEGINNING at the southwest corner of an existing 50 foot wide ingress, egress, regress and utility easement as shown on Plat Book 132, Page 156 of the Cumberland County, North Carolina Registry and running with the southern margin of said existing easement North 87 degrees 13 minutes 30 seconds East, 33.67 feet to a point; thence leaving the existing easement and running South 40 degrees 54 minutes 05 seconds West, 23.00 feet to a point; thence South 80 degrees 52 minutes 06 seconds West, 22.00 feet to a point in the property line between the City of Fayetteville property (Tract 2 - Plat Book 132, Page 156) and the Parkview of Fayetteville Townhome Association, Inc. property (Deed Book 9408, Page 0592); thence with said property line with a curve to the left on a radius of 350.00 feet an arc distance of 19.50 feet (chord North 09 degrees 18 minutes 23 seconds East, 19.50 feet) to the POINT OF BEGINNING and containing 482 Square Feet.

And being an additional easement area lying adjacent to and south of the existing 50 foot wide ingress, egress, regress and utility easement as referenced above, said additional easement being for the construction of a traffic turn-around.

AND WHEREAS, Parkview of Fayetteville Townhomes, Inc. has requested that the above portion of the City-owned lot be conveyed to them as an easement to continue with the completion of the traffic turn-around needed for the installation for a security gate;

WHEREAS, North Carolina General Statute § 160A-273 permits the City to convey an easement 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 transfer an easement in the above described property.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 25th day of September 2017; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

(SEAL)

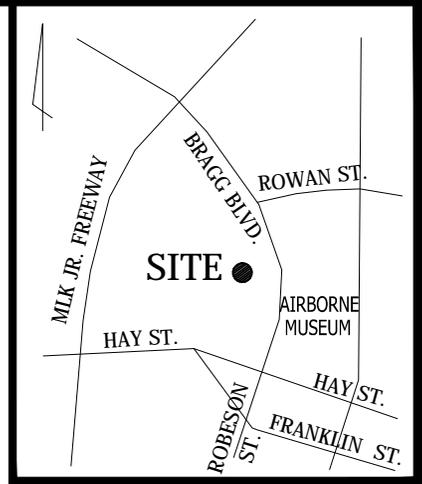
By: _____
NAT ROBERTSON, Mayor

ATTEST:

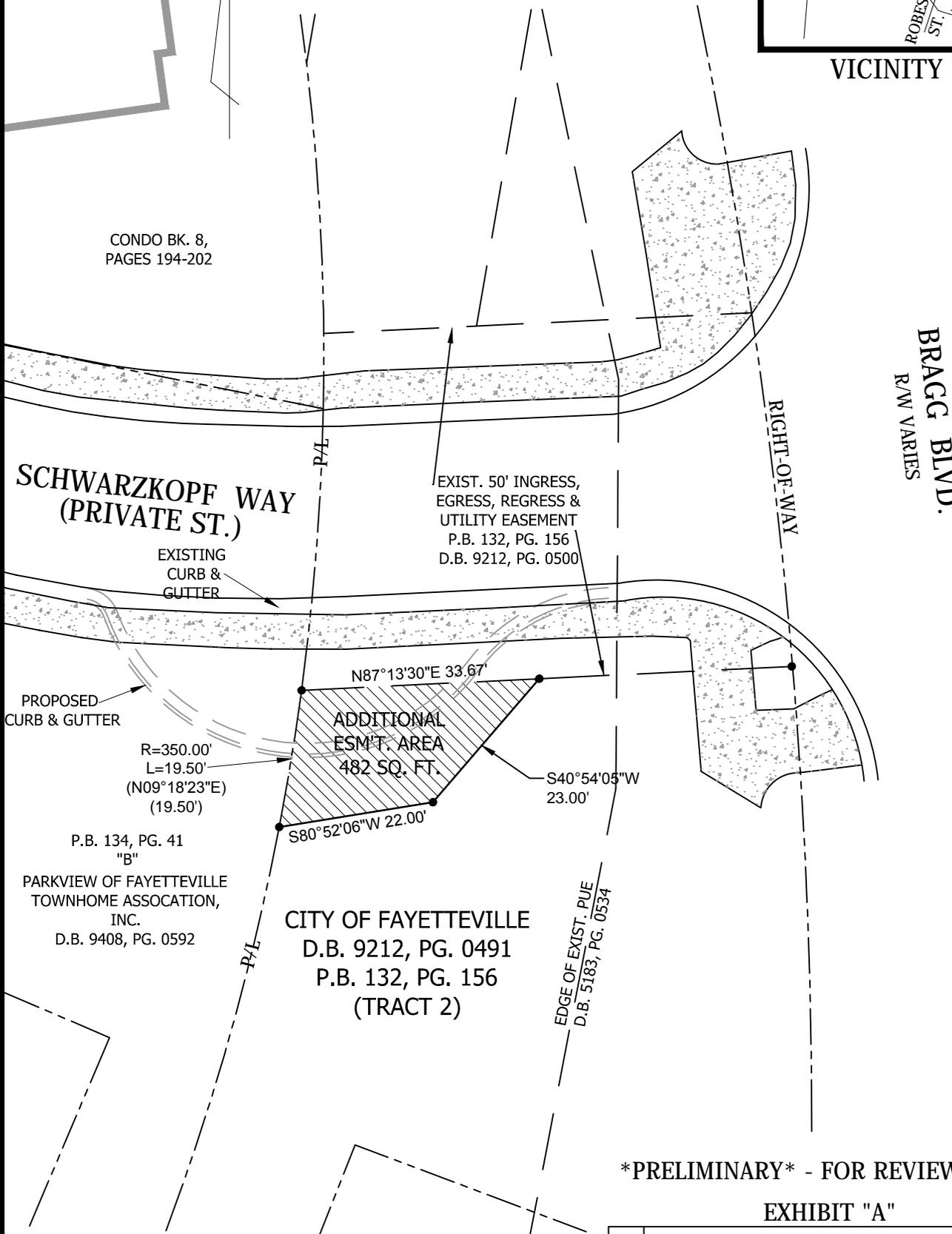
PAMELA MEGILL, City Clerk

I, Randall S. Williams, certify that this map was drawn under my supervision (deed description recorded in Book 9212, Page 0491); that the boundaries not surveyed are clearly indicated as drawn from information found in Plat Book 132, Page 156; that the ratio of precision as calculated is 1:15,000; that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600). Witness my original signature, license number and seal this 22nd day of August, 2017.

N.C. License No. L-3307



VICINITY MAP



***PRELIMINARY* - FOR REVIEW ONLY**
EXHIBIT "A"

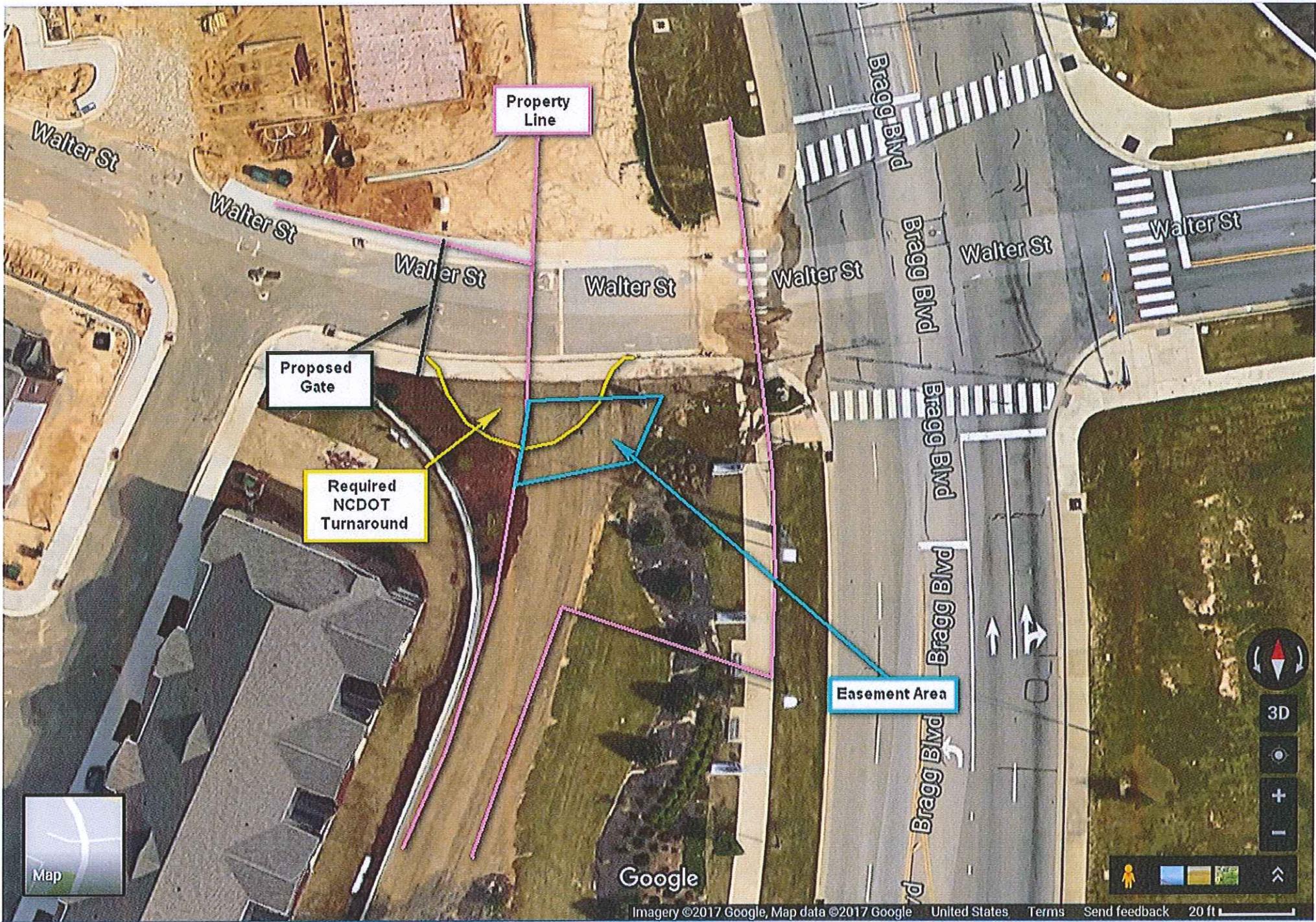
NEW PERM. ESM'T. AREA REQD. = 482 SQ. FT.

LEGEND

- LINES SURVEYED
- - - LINES BY DEED/PLAT
- - - EX. ESM'T. LINE
- NEW ESM'T. LINE

- PLAT CORNER
 - EASEMENT CORNER
- Based on a partial survey by:
MOORMAN, KIZER & REITZEL, INC.
115 BROADFOOT AVE.
FAYETTEVILLE, N.C. 28305

SYM	DESCRIPTION	BY
REVISIONS		
ADDITIONAL EASEMENT ACROSS PROPERTY OF THE CITY OF FAYETTEVILLE		
DRAWN BY	RSW	DATE AUGUST 22, 2017
CHECKED BY	J.M.K., JR.	SCALE 1"= 20'
APPROVED BY	A	1 of 1



Property Line

Proposed Gate

Required NCDOT Turnaround

Easement Area

Map

Google

City of Fayetteville

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

City Council Action Memo

File Number: 17-486

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.012

TO: Mayor and Members of City Council

THRU: Jay Reinstein, Assistant City Manager

FROM: Gloria Wrench, PWC Procurement Manager

DATE: October 23, 2017

RE: Adopt Resolution Authorizing the Sale of Personal Property by Public Auction - 2007 Crane Carrier Refuse Truck

COUNCIL DISTRICT(S): All

Relationship To Strategic Plan:

Sustainable Organizational Capacity

Executive Summary:

The City currently owns the following equipment which has been determined to be surplus to the needs of the City:

1 ea. 2007 Crane Carrier Refuse Truck, VIN #1CYCCB4807T048301

Adoption of the attached Resolution will authorize this personal property to be disposed of by public auction.

Background:

North Carolina General Statute 160A-270 permits the City to sell personal property valued at \$30,000 or more at public auction upon approval by the City Council and after publication of a notice announcing the auction.

Issues/Analysis:

There are no known issues associated with this request.

Budget Impact:

There will be no negative budgetary impact to the City.

Options:

- 1 - Adopt the resolution as recommended.
- 2 - Do not adopt the resolution and provide direction to staff.

Recommended Action:

Adopt resolution authorizing the sale by public auction of the following equipment:

- 1 ea. 2007 Crane Carrier Refuse Truck, VIN #1CYCCB4807T048301

Attachments:

Resolution

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

Resolution R2017-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AUTHORIZING THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION**

WHEREAS, the City of Fayetteville owns personal property described as one (1) 2007 Crane Carrier Refuse Truck, VIN #1CYCCB4807T048301; that is surplus to its needs; and

WHEREAS, North Carolina General Statute § 160A-270 permits the City to sell personal property at public auction upon approval by the City Council and after publication of a notice announcing the auction.

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

1. The City Council authorizes the sale at public auction of the personal property described as one (1) 2007 Crane Carrier Refuse Truck, VIN #1CYCCB4807T048301.
2. The auction will be conducted electronically through GovDeals on the website www.govdeals.com, beginning at 8:00 a.m., Monday, November 6, 2017, and will be open for a period of 14 days.
3. The terms of the sale are (a) that the property is sold in its current condition, as is, and the City gives no warranty with respect to the usability of the property; (b) that the buyer will pay the full amount of his or her bid before the conclusion of the auction, whether in cash or with a certified check or cashier's check, and (c) such other terms of sale as posted on the GovDeals website, which will include a minimum bid price for the property.
4. The Chief Corporate Services Officer of the Public Works Commission is hereby authorized to dispose of the property of the auction on behalf of the City.

ADOPTED this _____ day of _____, 2017 by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE, NORTH CAROLINA

(SEAL)

By: _____
Nat Robertson, 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: 17-487

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.013

TO: Mayor and Members of City Council

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

FROM: Rob Stone, P.E., Director of Public Services

DATE: October 23, 2017

RE:

Approval of Resolution to apply for a NCDOT Bicycle Planning Grant

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal IV: Desirable place to Live, Work and Recreate

Objective IV.C: To improve mobility and connectivity by investing in traffic flow strategies, sidewalks, trails and bike lanes

Executive Summary:

The City is submitting this application to NCDOT for their Bicycle and Pedestrian Planning Grant Program. The Bicycle and Pedestrian Planning Grant Initiative is a matching grant program that encourages municipalities to develop comprehensive bicycle plans and pedestrian plans. The Division of Bicycle and Pedestrian Transportation (DPBT) and the Transportation Planning Branch (TPB) sponsor this grant. The Bicycle Planning Grant is the next step of the Grant process and based on Council's adopted FY 2017 Strategic Plan (Goal 4) referring to a Target for Action to seek an alternative funding source for the approved Bicycle Master Plan. As directed by City Council, staff submitted an application in November 2016 for last years' program but was not selected for funding. Based on that, staff is requesting City Council approve this resolution of support to submit an application for funding in this years' program.

Background:

Communities throughout North Carolina have begun to place more emphasis on

providing facilities for biking and walking. A desire for better modal choices, the demand for more walkable and bikeable communities and a focus on smart growth initiatives have combined to highlight the need for better, more complete bicycle and pedestrian transportation systems.

In 2011, the City participated in the Fayetteville Bikes and Walks plan that was facilitated by the Fayetteville Area Metropolitan Planning Organization (FAMPO). Although this plan identified bicycle improvement locations, it was a comprehensive plan for the entire FAMPO area including other municipalities in Cumberland County.

Council's adopted FY 2017 Strategic Plan (Goal 4), identified a Target for Action to seek alternative funding for an approved Bicycle Master Plan. Based on that TFA, City Council approved a resolution to apply for the program in 2016 but was not selected for funding; therefore, staff is requesting Council approve this resolution to apply for the 2017 Bicycle Planning Grant Program. This grant will identify locations and prioritized projects for improvement of bicycle safety in our City.

Issues/Analysis:

The Bicycle Planning Grant requires a resolution from the municipality supporting the bicycle plan. The deadline for applying for these grants is November 9, 2017. Recipients will be selected in March of 2018.

Budget Impact:

The estimated cost of the Bicycle Planning Grant for a municipality similar to Fayetteville is estimated to be in the range of \$95,000 to \$190,000. If selected, the City would be required to provide 50% matching funds of the total estimated amount. These matching funds were included in the FY 2018 budget.

Options:

- City Council to approve the resolution to apply for the bicycle planning grant
- City Council deny the resolution to apply for the bicycle planning grant and provide direction to staff

Recommended Action:

Staff recommends Council approve the resolution to apply for the bicycle planning grant.

Attachments:

Resolution Supporting Grant Application
Bicycle Planning Grant Program Overview

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO APPLY FOR A NCDOT BICYCLE PLANNING GRANT

WHEREAS, NCDOT Division of Bicycle and Pedestrian Transportation has placed a call for applications for a Bicycle and Pedestrian Planning Grant Initiative and;

WHEREAS, the City Council's FY 2017 Strategic Plan 5-Year Goal of a Desirable Place to Live, Work and Recreate has identified a Target for Action to seek an alternative funding source for a Bicycle Master Plan and;

WHEREAS, if selected this planning grant will allow staff to administer the development of a bicycle plan to identify safety improvement locations and prioritize projects for implementation and:

NOW, THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, this Council does hereby resolve that the City of Fayetteville, North Carolina, supports and endorses the application for the NCDOT Bicycle Planning Grant. The City Manager is directed to execute the any supporting documents necessary to pursue these improvements.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 23rd day of October, 2017; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

NAT ROBERTSON, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

Bicycle and Pedestrian Planning Grant Initiative Program Overview

The Bicycle and Pedestrian Planning Grant Initiative is a matching grant program that encourages municipalities to develop comprehensive bicycle plans and pedestrian plans. The Division of Bicycle and Pedestrian Transportation (DBPT) and the Transportation Planning Branch (TPB) sponsor this grant. All North Carolina municipalities are eligible and are encouraged to apply. Counties with populations of less than 50,000 may apply on behalf of incorporated or unincorporated communities within their jurisdiction. Calls for proposals open annually.

Program Background

Communities throughout North Carolina have begun to place more emphasis on providing facilities for biking and walking. A desire for better modal choices, the demand for more walkable and bikeable communities and a focus on smart growth initiatives have combined to highlight the need for better, more complete bicycle and pedestrian transportation systems. Comprehensive planning documents are an integral part of developing these systems, and can guide both local and state efforts to improve conditions for bicycling and walking.

To encourage the development of comprehensive local bicycle plans and pedestrian plans, the NCDOT Division of Bicycle and Pedestrian Transportation (DBPT) and the Transportation Planning Branch (TPB) have created a matching grant program to fund plan development. This program was initiated through a special allocation of funding approved by the North Carolina General Assembly in 2003 along with federal funds earmarked specifically for bicycle and pedestrian planning by the TPB. The planning grant program was launched in January 2004, and it is currently administered through NCDOT-DBPT. Over the past fourteen grant cycles, 183 municipal plans have been selected and funded from 429 applicants. A total of approximately \$5 million has been allocated. Funding for 2018 is around \$400,000. Additional annual allocations will be sought for subsequent years.

Who Can Apply

All North Carolina municipalities are eligible and are encouraged to apply for a planning grant. **Counties with populations of less than 50,000** may also apply on behalf of incorporated or unincorporated communities within their jurisdiction. Due to the limited amount of funding, counties with populations greater than 50,000 are not eligible to apply, nor are colleges/universities or other non-municipal entities. Applications submitted and received for previous grant cycles do not carry over — municipalities/counties must re-apply each year to be considered within the current process. Please note that all applications and relevant documents will be accepted via email only (see Application Instructions for more information).

Municipalities/counties who currently have bicycle plans and/or pedestrian plans, either through this grant program or otherwise, may also apply to update their plan provided it is at least five years old.

Smaller municipalities (below 5,000 population) are eligible to apply for a **joint bicycle and pedestrian plan**, but still have the option of applying for a stand-alone pedestrian or a standalone bicycle plan. Municipalities/counties with populations of 5,000 and over may choose to apply for funding to undertake either a bicycle plan or a pedestrian plan in any given fiscal year. Municipalities/counties may apply for funding for the other type of plan in subsequent years. Funding is intended to support the development of a comprehensive bicycle or pedestrian transportation plan. If neighboring municipalities wish to file a

joint application, please contact DBPT for instructions and guidance.

Submitting an application for planning funds is a competitive process. However, an effort will be made to award grants based not only on the merit of the proposal but to achieve statewide geographic distribution as well. Consideration will be given to funding a cross-section of municipality types.

In addition to the traditional bike and pedestrian planning grants, DBPT recently opened up the application process for **corridor plans**. Any municipality eligible for a planning grant has the option to apply for a more targeted planning grant in a specific location within their municipality. Examples include downtown business districts, targeted higher education corridors, potential shared use path connections, etc. Like the planning grants mentioned above, selection of these projects will be based on a competitive review process.

The Role of MPO's and RPO's

The relevant approval processes and procedures of MPO and RPO organizations should be followed by any municipality applying for funding. **A resolution by the local MPO and or RPO is required.** It is strongly encouraged that the appropriate resolution be sent in with the grant application (via email), which is due by 5:00 pm on Thursday, November 9, 2017. Staff from the MPO or RPO may assist with preparation of the application and should also be part of the steering committee guiding development of the plan.

Important Dates

Key dates for the 2018 NCDOT Bicycle and Pedestrian Planning Grant Initiative are shown below. (Subject to change.)

Activity	Date
Issue Call for Proposals	August 7, 2017
Application submission deadline - 5:00 pm (Thursday)	November 9, 2017
Awards Committee makes recommendations to NCDOT	January, 2018
Board of Transportation gives approval	March, 2018
Municipalities notified of award	March, 2018
Municipal Reimbursement Agreement executed and Notice to Proceed issued	Within 6 months from award notification
Plan completion deadline	Within 12 to 18 months from Notice to Proceed

Plan Development

Plans shall be developed by consultants that are prequalified by NCDOT. Also, a full-time permanent employee of the municipality must be assigned as project manager to oversee/coordinate the plan development. A task force/steering committee must also be formed to oversee development of the plan.

This group should include relevant local staff, regional planning staff, advocates and representatives of stakeholder groups as well as a DBPT staff member. The level of funding provided to a municipality for plan development will be determined by estimated cost and a matching grant formula.

Any plan developed with these funds must be comprehensive in nature and be a stand-alone plan. While NCDOT encourages the inclusion of bicycle and pedestrian elements in local comprehensive plans, transportation plans, land use plans, recreation plans, greenway and open space plans, etc., applications for funding to develop such elements is not within the scope of this grant.

An outline of required content standards has been developed to assure that plans are comprehensive in nature and to help the municipality/county identify all bicycle or pedestrian needs, priorities and opportunities for improvements. (See documents under Content Standards for NCDOT Bicycle and Pedestrian Plans, (<https://connect.ncdot.gov/municipalities/PlanningGrants/Pages/Planning-Grant-Initiative.aspx>). This tool will assist communities to address not only the infrastructure needs of users but also to develop construction project priorities; review local policies and guidelines and recommend favorable changes; identify opportunities for the implementation of education, enforcement and safety programs; and to develop encouragement and awareness initiatives. In addition, the plan will identify projects that can be integrated into the local and county Comprehensive Transportation Plans and project prioritization.

Other resources for plan development may be found at the bottom of the Planning Grant Initiative page. Links to planning and design guidelines, safety and education programs and initiatives and current research and development for bicycle and pedestrian planning can be found in this section. <https://www.ncdot.gov/bikeped/>

Completed plans can be found in this section. <https://connect.ncdot.gov/municipalities/PlanningGrants/Pages/default.aspx>.

Matching Grant Formula

NCDOT planning grant funds will be provided on a sliding scale, based on municipal/county population, as shown in the table below. Neither in-kind services nor other state or federal funds from NCDOT can be used for local participation.

Municipal Population	DOT Participation	Local Participation
Less than 5,000	90%	10%
5,000 to 10,000	80%	20%
10,000 to 50,000	70%	30%
50,000 to 100,000	60%	40%
Over 100,000	50%	50%

Estimated Costs

Average costs associated with the development of comprehensive bicycle and pedestrian plans vary greatly depending upon the size of the municipality/county and the complexity of issues to be addressed. A range of estimated costs for plans developed by consultants is shown below. The cost of all plans funded through this initiative shall be within these established ranges. After awardee

notification, the specific cost of the plan will be determined through discussions between NCDOT and the municipality/county and through contract negotiations between NCDOT/municipality/county and the selected consultant.

Population	Estimated Consultant Costs		
	<i>Bicycle Plan</i>	<i>Pedestrian Plan</i>	<i>Corridor Plan</i>
Less than 5,000	Combined - \$35,000 to \$40,000		\$30,000-\$60,000
5,000 to 10,000	\$40,000-\$50,000	\$35,000-\$40,000	
10,000 to 50,000	\$45,000-\$70,000	\$40,000-\$60,000	
50,000 to 100,000	\$65,000-\$100,000	\$55,000-\$75,000	
Over 100,000	\$95,000-\$190,000	\$70,000-\$110,000	

Smaller municipalities (below 5,000 population) are eligible to apply for a joint bicycle and pedestrian plan, but still have the option of applying for a stand-alone pedestrian or a standalone bicycle plan. Smaller municipalities (<5,000 population) applying for a stand-alone plan should use the estimated costs for the 5,000 to 10,000 population.

Staff costs and in-house services are not eligible for reimbursement with these grant funds. Allowable expenses include consultant costs associated with plan development and delivery; GIS/mapping services, as appropriate; preparation of technical illustrations and graphic design/layout of plan undertaken by consultant; non-staff costs associated with data collection and public involvement activities; and, printing/copying of plan and maps.

All electronic files, maps, technical illustrations, etc. produced with these funds will become the property of the NCDOT Division of Bicycle and Pedestrian Transportation and the funded municipality/county.

Selection Process

DBPT and key planning professionals will conduct a preliminary review of all applications for completeness and general appropriateness. Applications that pass the initial screening will then be reviewed by the Planning Grant Initiative Awards Committee. This group will include DBPT and individuals with professional experience in developing, administering, and/or implementing bicycle plans and pedestrian plans. These individuals will represent municipalities of varying sizes, MPO's and RPO's, COG's and other appropriate agencies and organizations. The Awards Committee will review each proposal and evaluate it based on the stated vision, goals and needs of the municipality; comprehensiveness of scope; understanding of issues and opportunities; level of local commitment; and, feasibility of successful plan completion. The Awards Committee will forward their recommendations to the NCDOT for final approval.

Selection Criteria

The Awards Committee will consider the following elements in evaluating applications for bicycle and pedestrian planning grant funds. Successful proposals will address the following:

- Identify critical local needs for planning and/or implementation of infrastructure improvements
- Identify targeted roadway, adjacent land and existing conditions for corridor plan that are most realistic for maximizing existing infrastructure and improving conditions
- Demonstrate an understanding of needs of the particular modal user (bicyclist, pedestrian)
- Recognize the need to serve diverse populations
- Focus on the development of a comprehensive bicycle or pedestrian transportation system
- Identify how having a bicycle or pedestrian plan would help improve the health of a community
- Assure assignment of appropriate level of staff to oversee / undertake plan development
- Consider policy issues and describe how multi-modal transportation needs will be incorporated into municipal processes
- Recognize the value of developing education, enforcement and awareness initiatives
- Demonstrate widespread local support:
 - Include a strong local endorsement to undertake plan
 - Demonstrate commitment of elected officials and senior staff to carry out recommendations of plan
- Demonstrate an understanding of interrelationships with other plans:
 - Recognize opportunities to integrate with Comprehensive Transportation Plan
 - Identify potential projects for state funding
 - Identify opportunities to coordinate with other municipal, county, regional and state plans
- Demonstrate involvement of local, regional and state organizations:
 - Involve appropriate local and regional agencies and organizations in plan development
 - Appoint or utilize a local steering committee / task force
 - Identify valid partnerships for various plan development and implementation elements.
 - Include letters / endorsements that reflect type, variety and strength of support from partnering agencies, organizations and individuals
- Promote current transportation plans and initiatives:
 - Build on existing municipal or regional initiatives; coordinates with regional or neighboring community plans
 - Communicate potential for implementing existing goals and policies
- Develop realistic aspirations:
 - Show an awareness of / describe a realistic plan implementation strategy
 - Identify tasks and include a realistic time line for plan development
- Address development of modal interconnectivity (where applicable)

Conditions of Project Award

NCDOT offers the option to the local government to either handle the grant administrative responsibilities (RFP, consultant selection, project invoicing, etc.) themselves or delegate this to NCDOT-DBPT. Described below are the overall process and primary responsibilities. Dates are estimates.

NCDOT Administration of Grant Process

- In March 2018, DBPT will send the local government a municipal reimbursement agreement.

BICYCLE AND PEDESTRIAN PLANNING GRANT INITIATIVE

- NCDOT/DBPT maintains a short on-call list of experienced, pre-qualified consultants to prepare bicycle and pedestrian plans funded through the Planning Grant Initiative Program. DBPT staff will select a firm to prepare a community's plan whose skills match the needs of the local jurisdiction (with input from the local government when necessary). Consultant assignment will also be influenced by current workload/available staff. Final plan development cost will be negotiated between DBPT and the selected cost with final cost falling within the plan cost range noted earlier in this document.
- Agreements between the locality and NCDOT will be signed in April – July 2018. The locality will be responsible for the local match at this time.
- Plan start date is anticipated in July/August 2018.
- The consultant will be responsible for submitting quarterly progress reports to NCDOT.
- NCDOT-DBPT will handle all consultant invoicing and all other related documentation.
- The local government will establish the project steering committee consisting of local citizenry. A primary local contact will serve as the liaison between the locality, consultant and NCDOT.

Local Government Administration of Grant Process

- In March 2018, DBPT will send the local government various documentation including a municipal reimbursement agreement and grant recipient administrative procedures spelling out local responsibilities.
- The local government will draft a request for proposal and post the request for proposal and solicit firms. (DBPT will review and approve.)
- The local government will develop and document an equitable consultant selection process.
- Once the firm is chosen by the local government, the locality and selected consultant will develop a contract and scope. (DBPT and NCDOT External Audit will review and approve.)
- Agreements between the locality and NCDOT will be signed in April – July 2018.
- Plan start date varies, but based on prior experience, will likely occur 6 or more months after award notification, so September/October 2018 or later.
- The local government will establish the project steering committee consisting of local citizenry. A primary local contact will serve as the liaison between the locality, consultant and NCDOT.
- The local government will submit to NCDOT quarterly progress reports.
- The consultant will bill the local government directly throughout the plan development process. After payment, the local government can request reimbursement monthly to quarterly from NCDOT based on local match percentage. Supporting documentation is required.
- Unspent funds may be withdrawn from municipalities that fail to meet timely benchmarks in the plan development process.
- After project completion, the locality will need to maintain all documentation, accounting records, project records, etc. to substantiate costs incurred for 5 years from the date of final payment.

- Since this program is partially funded with federal dollars, the local government will be subject to certain federal audit requirements. Expectations will be spelled out in the agreement.

As outlined above, whichever grant administration process pursued, the funded municipality/county must be willing to execute a legal agreement with the NCDOT prior to receiving funding. This agreement will outline the responsibilities of each party, the terms of reimbursement and the deliverables. This agreement must be executed within six months of being awarded the grant.

The municipality/county must be willing to submit the final plan to the Town/City/County Council or other approving authority for adoption.

Costs incurred before receipt of a Notice to Proceed are not a reimbursable expense.

For grant processes administered locally, it is expected that awarded municipalities/counties will have twenty-four months from the date of receipt of an NCDOT written Notice to Proceed to complete the plan. For plans administered by NCDOT, it is anticipated that selected consultants will have twelve months from the date of receipt of an NCDOT written Notice to Proceed to complete the plan. Final timeframes will be determined during creation of agreements and finalization of consultant contracts.

Municipalities/counties must credit the North Carolina Department of Transportation for project participation in the plan document, in all press releases and other announcements and promotional materials related to the project.

All electronic files, maps, technical illustrations, etc. produced with these funds will become the property of the NCDOT Division of Bicycle and Pedestrian Transportation and the funded municipality/county. GIS files created for plan development must adhere to NCDOT's PBIN geodatabase standards (for more information see: <https://connect.ncdot.gov/projects/BikePed/Pages/PBIN.aspx>).

Additional Conditions of Project Award

According to General Statute legislation, NCDOT's Division of Bicycle and Pedestrian Transportation is required to produce an annual report on the implementation of projects identified in funded plans. Therefore, local governments receiving funds for the development of bike and/or pedestrians will be required to annually respond to a project implementation survey mechanism.

As stated in the legislation (§ 136-41.5): "The Division of Bicycle and Pedestrian Transportation of the Department of Transportation shall submit an annual report by May 15 on the progress of projects identified in plans (i) submitted to the Division over the 10-year period prior to the report and (ii) funded from Bicycle and Pedestrian Planning Grant funds. The Division shall submit the report required by this section to the chairs of the House of Representatives Appropriations Committee on Transportation, the chairs of the Senate Appropriations Committee on the Department of Transportation, and the Fiscal Research Division of the General Assembly."

Administration / Technical Assistance

Staff from the NCDOT Division of Bicycle and Pedestrian Transportation (DBPT) will be available to either (a) directly administer the grant process as described above or (b) to assist the municipality/county with administering the grant process by answering questions and providing guidance in developing an RFP to solicit consultants, as well as, final consultant selection and approval. DBPT staff will also provide various forms of technical assistance, attend steering committee meetings and review/approve plan drafts throughout the plan development process.

How to Apply

The application deadline is 5:00 pm Thursday, November 09, 2017

1. The application form is available as a fillable PDF document. The application is designed so that applicants can download the application form and complete the form electronically for submittal. Application form and relevant documents will be accepted in digital format only and should be emailed to Nick Scheuer at nrscheuer@ncdot.gov, with subject title, 2018 Planning Grant Initiative Application – Your Municipality (or County) Name. Every effort should be made to convert any additional files to PDF format. (There is a maximum 25 megabyte application packet size for emailing per municipality).
2. Please use only the space provided to answer the questions. The *2018 Planning Grant Application* and *Application Instructions* can be found in the right-hand column of the following page: (<https://connect.ncdot.gov/municipalities/PlanningGrants/Pages/Planning-Grant-Initiative.aspx>).
3. The signature of an authorized City/Town/County staff member is required in the space provided on the first page of the application for the proposal to be eligible for consideration (e.g. City/Town/County Manager, Administrator, Mayor, etc.). Please also print the name and title of this signatory in the space provided. The first page should then be scanned and either added to the application or included as a separate document.
4. A resolution from the municipality is required. A resolution from an MPO or RPO, as appropriate, is also required. Arrangements should be made far enough in advance to allow time to acquire the appropriate resolution so that it may be sent in with the application.
5. Other specific information on how each application packet should be formatted may be found under “Submission Instructions” section of the *Application Instructions* document (<https://connect.ncdot.gov/municipalities/PlanningGrants/Pages/Planning-Grant-Initiative.aspx>)
6. Applications will be accepted via e-mail only.
 - Maximum application packet size per municipality must be no larger than 25 megabytes.
 - Completed application form and relevant scanned documents should be converted to PDF format.
 - Online/links references to large files like maps is preferred.

Email to:

Nick Scheuer at nrscheuer@ncdot.gov

Subject: 2018 Planning Grant Initiative Application – Your Municipality Name

For questions:

Nick Scheuer, 919.707.2608

City of Fayetteville

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

City Council Action Memo

File Number: 17-492

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.014

TO: Mayor and Members of City Council

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

FROM: Jay Reinstein, Assistant City Manager

DATE: October 23, 2017

RE:

Resolution to Execute and File Applications for State Assistance through the Hazard Mitigation Grant Program (HMGP)

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal II: Diverse and Viable Economy

Goal IV: High Quality Built Environment

Executive Summary:

The City of Fayetteville is receiving an HMGP allocation of \$4,700,000. Of the 207 applications received from residents, thirty-three properties that met the expedited criteria and that are cost effective are eligible to be funded under the HMGP and can be accommodated under this cap. These eligible properties are attached, and were either substantially damaged or had an occupant in the Transitional Shelter Assistance (TSA) program.

Currently the North Carolina Department of Public Safety (NC DPS) is preparing City applications for the three forms of mitigation to submit to FEMA. Council is being asked to authorize the City Manager to execute those applications when available. There is an anticipated funding release date of June 2018 to begin mitigation.

Background:

North Carolina Emergency Management (NCEM) completed its analysis of nearly 3,000 structures submitted for potential mitigation throughout the Hurricane Matthew disaster zone for consideration for the (HMGP). Just under 800 properties qualified for the program throughout the impacted area based on availability of funding and eligibility criteria.

NCEM assessed six criteria to determine maximum impact to housing stock, and overlaid these against Federal Emergency Management Agency (FEMA) cost effectiveness requirements. The criteria are as follows:

- Homeowner was displaced in TSA as of Feb 2017; and/or
- Homeowner is eligible for a FEMA Mobile Home Unit; and/or
- Homeowner reported to local officials or NCEM during intake that they were displaced with family/friends; and/or
- Local government designated properties for expedited criteria based on local conditions and/or;
- Property was deemed substantially damaged by a local floodplain administrator and/or
- Property's FEMA-Verified structural loss is greater than 50% of the Building Value (an NCEM criteria to determine any additional severely damaged structures)

Thirty-three properties within the City of Fayetteville qualified for the program with funding valued at \$4,700,000.

During the week of July 10, 2017, the City sent letters to the thirty-three qualified homeowners to get signed and notarized responses and another letter was sent to 174 residents that applied but did not qualify for the funds. The original process deadline of July 31, 2017 was extended by NC DPS at the City's request, based on the brief timeline and the need to reach homeowners that were out of state.

Issues/Analysis:

The HMGP funding is an additional area of FEMA assistance beyond the initial recovery funding. This does not mean that the unsuccessful applicants did not receive other recovery assistance. NC DPS has also identified additional HMGP funding that will be distributed to the hardest hit counties with more details forthcoming.

Budget Impact:

None

Options:

Authorize the City Manager to execute and file applications for state assistance on behalf of the City of Fayetteville for the purpose of obtaining certain state financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act or as

otherwise available.

Do not authorize the City Manager to execute and file applications for the state assistance program and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to authorize the City Manager to execute and file applications for state assistance on behalf of the City of Fayetteville for the purpose of obtaining certain state financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act or as otherwise available.

Attachments:

Resolution

HMGP Approved Properties spreadsheet

RESOLUTION
DESIGNATION OF APPLICANT'S AGENT
North Carolina Division of Emergency Management

Organization Name (hereafter named Organization): City of Fayetteville, North Carolina	Disaster Number: 4285
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate): North Carolina Department of Crime Control and Public Safety	
Applicant's Fiscal Year (FY) FY 2017	Month: _____ Day: _____
Applicant's Federal Employer's Identification Number: 56-6001226	
Applicant's Federal Information Processing Standards (FIPS) Number: 051-22920-00	

PRIMARY AGENT	SECONDARY AGENT
Agent's Name Douglas J. Hewett	Agent's Name Jay Reinstein
Organization City of Fayetteville Administration	Organization City of Fayetteville Administration
Official Position City of Fayetteville City Manager	Official Position Assistant City Manager
Mailing Address 433 Hay Street	Mailing Address 433 Hay Street
City, State, Zip Fayetteville, NC 28301	City, State, Zip Fayetteville, NC 28301
Daytime Telephone 910-433-1998	Daytime Telephone 910-433-1998
Facsimile Number 910-433-1990	Facsimile Number 910-433-1990
Pager or Cellular Number 910-709-2796	Pager or Cellular Number 910-391-9280

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and **the assurances printed on the reverse side hereof**. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally.

PASSED AND APPROVED this _____ day of _____, 20__.

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title	Name
Daytime Telephone	Douglas J. Hewett
Name and Title	Official Position
	City of Fayetteville City Manager
Name and Title	Daytime Telephone
	910-433-1998

CERTIFICATION

I, Douglas J. Hewett (Name) duly appointed and City Manager (Title) of the Governing Body,
 City of Fayetteville City Council (Organization) on the _____ day of _____, 2017.

Date: _____

Signature: _____

Item No.	Project Type	Owner Last Name	Owner First Name
1	Elevation	White	John & Anita
2	Elevation	Highsmith	Robert
3	Elevation	Johnson	Jessica
4	Acquisition	Burnette	Scott
5	Acquisition	Jones	Mae
6	Acquisition	Garner	Joseph
7	Acquisition	Taylor	Thomas
8	Acquisition		
9	Acquisition	Gallagher	Wendy
10	Acquisition	Habig	Lawrence
11	Acquisition	Manning	Arry
12	Acquisition	Gladden	Ellen
13	Acquisition	Scott	John
14	Acquisition	Phillips	Charles & Debra
15	Acquisition	Babb	Judy
16	Acquisition	Shropshire	Melvin
17	Acquisition	Cheruiyot	Philomena
18	Acquisition	Dowe, Jr.	Jesse
19	Acquisition	Pendergrass	Sila
20	Acquisition	Haskins	Angeleo
21	Acquisition	Graham, Jr.	William
22	Acquisition	Ellis	Pauline
23	Acquisition	Mouton	Helen
24	Acquisition	Johnson	Cornedica
25	Acquisition	Gray	Nancy
26	Acquisition	Miller	Eva
27	Acquisition	McNeill	LaTonya
28	Acquisition	Williams	Leticia
29	Acquisition	Williams	Annie
30	Acquisition	Kolath	Victoriya
31	Reconstruction	Fisher	Jerry & Phyllis
32	Reconstruction	Evans	Eddie
33	Reconstruction	Evans	Eddie

Parcel Number	PIN Number (If available)	Latitude (dd.ddddd)	Longitude (dd.ddddd)	Street No.
0437-74-9283-		35.052829	-78.873039	309
0407-52-8644-		35.048667	-78.980883	955
0407-52-8482-		35.048064	-78.980858	961
0416-45-3108-		35.028180	-78.952280	1313
0436-09-5183-		35.038878	-78.897688	1326
0436-08-5919-		35.038610	-78.898080	1332
0438-08-4906-		35.038461	-78.898357	1336
		35.038165	-78.898761	1402
0406-76-8500-		35.031810	-78.973990	1405
0406-76-9993-		35.033010	-78.973340	1452
0438-33-5256-		35.077770	-78.887710	1505
0437-37-4723-		35.062707	-78.888168	507
0437-60-2395-		35.042296	-78.878761	521
0406-73-9140-		35.022510	-78.973520	5710
0406-83-0200		35.022730	-78.973320	5711
0407-52-6030-		35.047230	-78.981010	6059
0407-52-5065-		35.047320	-78.981240	6101
0407-52-5009-		35.047435	-78.981486	6105
0437-29-8599-		35.067582	-78.890084	824
0407-53-7021-		35.049710	-78.980950	945
0407-52-8934-		35.049510	-78.980940	947
0407-52-7739-		35.049090	-78.980920	951
0407-52-8742-NAD		35.048890	-78.980890	953
0407-52-7364		35.047837	-78.980837	963
0406-73-9371-		35.022968	-78.973393	5709
0407-52-8566-		35.048466	-78.980871	957
0407-52-7285-		35.047640	-78.980790	965
0417-42-3129-		35.047404	-78.952166	837
0417-42-3184-		35.047269	-78.851939	841
0437-60-7046-		35.041527	-78.877271	332
0406-77-8110-		35.033421	-78.973893	1445
0437-61-7288-		35.045016	-78.877072	306
0437-61-8236-		35.044941	-78.876926	308

Property Address	City	County	State	Zip Code
Hawley Ln.	Fayetteville	Cumberland	NC	28304
Louise Cir.	Fayetteville	Cumberland	NC	28314
Louise Cir.	Fayetteville	Cumberland	NC	28314
Odom Dr.	Fayetteville	Cumberland	NC	28304
Waterless St.	Fayetteville	Cumberland	NC	28306
Waterless St.	Fayetteville	Cumberland	NC	28301
Waterless St.	Fayetteville	Cumberland	NC	28306
Waterless St.	Fayetteville	Cumberland	NC	
Carnsmore Dr.	Fayetteville	Cumberland	NC	28304
Blairwood Dr.	Fayetteville	Cumberland	NC	28304
Howell St.	Fayetteville	Cumberland	NC	28301
Murchison Rd.	Fayetteville	Cumberland	NC	28301
S. Cool Spring St.	Fayetteville	Cumberland	NC	28301
Lochness Ct.	Fayetteville	Cumberland	NC	28304
Lochness Ct.	Fayetteville	Cumberland	NC	28304
Louise St.	Fayetteville	Cumberland	NC	28314
Louise St.	Fayetteville	Cumberland	NC	28314
Louise St.	Fayetteville	Cumberland	NC	28314
Cumberland St.	Fayetteville	Cumberland	NC	28301
Louise Cir.	Fayetteville	Cumberland	NC	28314
Louise Cir.	Fayetteville	Cumberland	NC	28314
Louise Cir.	Fayetteville	Cumberland	NC	28314
Louise Cir.	Fayetteville	Cumberland	NC	28314
Louise Cir.	Fayetteville	Cumberland	NC	28314
Lochness Ct.	Fayetteville	Cumberland	NC	28304
Louise Cir.	Fayetteville	Cumberland	NC	28314
Louise Cir.	Fayetteville	Cumberland	NC	28314
Stonekirk Dr.	Fayetteville	Cumberland	NC	28314
Stonekirk Dr.	Fayetteville	Cumberland	NC	28314
Kingdom Estate Dr.	Fayetteville	Cumberland	NC	28301
Blairwood Dr.	Fayetteville	Cumberland	NC	28304
Campbell Ave.	Fayetteville	Cumberland	NC	28301
Campbell Ave.	Fayetteville	Cumberland	NC	28301

City of Fayetteville

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

City Council Action Memo

File Number: 17-499

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.015

TO: Mayor and Members of City Council

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

FROM: Rob Stone, PE, Public Services Director

DATE: October 23, 2017

RE:

Bid Recommendation - McGilvary Street Drainage Improvements and Waterline Relocation

COUNCIL DISTRICT(S):

District 2

Relationship To Strategic Plan:

High Quality Built Environment

Executive Summary:

Bids were received for the McGilvary Street Drainage Improvements and Waterline Relocation contract. The recommended lowest responsive, responsible bidder is Sandy's Hauling and Backhoe Service, Roseboro, NC, in the total amount of \$811,632.50.

Background:

This project will address the failing stormwater pipe and damaged roadway along McGilvary St. spanning from Mclver St. to Bradford Ave. This project will also include the relocation of PWC's water main from Mclver St. to Bradford Ave.

Bids were received on September 28, 2017 as follows:

Bidders	Total Cost
---------	------------

Sandy's Hauling and Backhoe Service, Roseboro, NC	\$	811,632.50
T.A. Loving Company, Goldsboro, NC	\$	816,326.25
Lanier Construction Company, Snow Hill, NC	\$	1,028,593.00

Issues/Analysis:

Bids were received from 3 contractors as outlined above which include no local participation. The lowest bidder, Sandy's Hauling and Backhoe Service, is recommended.

Budget Impact:

PWC will reimburse the City for the utility work included in the contract. Based on the recommended bid, the estimate for reimbursement is \$425,585.00, however actual amounts will be invoiced.

Options:

Award the contract as recommended to the lowest, responsive, responsible bidder.
Do not award the contract and provide additional direction to staff.

Recommended Action:

Award contract for McGilvary Street Drainage Improvements and Waterline Relocation to Sandy's Hauling and Backhoe Service, Roseboro, NC, the lowest responsive, responsible bidder in the total amount of \$811,632.50.

Attachments:

N/A

City of Fayetteville

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

City Council Action Memo

File Number: 17-509

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.016

TO: Mayor and Members of City Council

THRU:

FROM: Douglas Hewett, ICMA - CM, City Manager

DATE: October 23, 2017

RE:

Waiver of Fees for a Community Event

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Develop and maintain strong community connections.

Executive Summary:

It is recommended to approve the requested waiver of fees for the Latino Community Connects Relief Effort event proposed for Sunday, October 29, 2017, with the following:

The organizer provides a Certificate of Insurance showing a minimum of \$1,000,000 in General Liability coverage, listing the City of Fayetteville as additional insured.

The organizer is held responsible for returning the facility to pre-event condition at the immediate conclusion of the event.

The Police Department will schedule five officers to be onsite during the event.

Traffic Services installs a single lane closure of Ray Ave to be removed by the Police Department at the conclusion of the event.

Background:

The event organizer requested waiver of the park and special event permit fees in order to facilitate a relief effort on behalf of the hurricane recovery in Puerto Rico.

Issues/Analysis:

N/A

Budget Impact:

Festival Park rental and deposit fees	\$1,050.00
Special Event permit Tier II fees	\$350.00
Police officers	\$1,050.00
Traffic Services	\$316.75

Options:

1. Approve the fee waivers with additional recommended actions
2. Do not approve the fee waivers

Recommended Action:

Approve the fee waivers with additional actions

Attachments:

Memorandum from Parks and Recreation Department

Fayetteville Cumberland PARKS & RECREATION

Memorandum

To: Doug Hewett
City Manager

From: Special Events Committee

Date: October 18, 2017

Re: Latino Community Connects Relief Effort

The waiver of fees for the Latino Community Connects Relief Effort event is contingent upon the event being classified as City Sponsored.

The Latino Community Connects Relief Effort event has been reviewed by Parks and Recreation, Police and Traffic Services with the following recommendations:

It is the recommendation of Fayetteville-Cumberland Parks and Recreation to approve the requested waiver of fees for the Latino Community Connects Relief Effort event proposed for Sunday, October 29, 2017 at Festival Park.

The parks and recreation fees to be waived include the following:

Festival Park Rental Fee: \$500

Festival Park Deposit: \$250

Festival Park Concession Rental Fee: \$75

Festival Par Concession Deposit: \$200

Special Event Permit Tier II Fee: \$150

Special Event Permit Tier II Deposit: \$200

It is the recommendation of Fayetteville-Cumberland Parks and Recreation that the event organizer provide a Certificate of Insurance showing a minimum of \$1,000,000 in General Liability coverage, listing the City of Fayetteville as additional insured.

It is the recommendation of Fayetteville-Cumberland Parks and Recreation that the event organizer be held responsible for returning the facility to pre-event condition at the immediate conclusion of the event. And, if the facility is not returned to pre-event condition, the event organizer will be charged the council approved fees.

It is the recommendation of the Police Department to schedule 5 officers to be onsite during the event (5 officers X \$30 per officer/per hour X 7 hours = \$1,050).

It is the recommendation of Traffic Services to install a single lane closure of Ray Avenue, with Police removing the closure at the conclusion of the event (estimated cost of \$316.75).

City of Fayetteville

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

City Council Action Memo

File Number: 17-510

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.017

TO: Mayor and Members of City Council

THRU:

FROM: Douglas Hewett, ICMA - CM, City Manager

DATE: October 23, 2017

RE:

Waiver of Fees for Veterans' Home Repairs

COUNCIL DISTRICT(S):

Relationship To Strategic Plan:

Develop and maintain strong community connections.

Executive Summary:

It is recommended to approve the requested waiver of building permit fees to allow the collaboration of three entities to repair homes of two veterans residing in Fayetteville.

Background:

Purple Heart Homes with Home Depot Foundation and Fort Bragg Credit Union through National League of Cities and Mayor Robertson, requested waiver of any building permit fees in order to facilitate the repairs for two approved veterans that they may live safely in their homes.

Issues/Analysis:

N/A

Budget Impact:

Currently unknown

Options:

1. Approve fee waivers for necessary building permits
2. Do not approve fee waivers

Recommended Action:

Approve the fee waivers

Attachments:

Memorandum from Purple Hearts Homes requesting the waiver.



October 17, 2017

Ms. Jennifer Ayre
Senior Administrative Assistant, City Clerk's Office
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301-5537

Dear Jennifer:

REQUEST – PERMIT FEES WAIVED FOR:

Veteran Name	Veteran Address
Eric B McMurren 655 Prestige Blvd Fayetteville, NC 28314	Pamela Corr 1436 Blairwood Drive Fayetteville, NC 28304
Scope of work	Scope of work
<ul style="list-style-type: none">• Replace flooring in foyer and hallway approx. 145 square feet• Paint hallway bath and master bath• Replace ceiling fan in spare bedroom	<ul style="list-style-type: none">• Bathroom needs repairs – contractor re-routed air duct in closes• Dryer vent outside – now vents into air return causing condensation to collect in the floor• Master bath needs to be finished• Permits were pulled by home owner

The National League of Cities, Mayor Nat Robertson, Purple Heart Homes, The Home Depot Foundation and Fort Bragg Credit Union are collaborating to help two approved veterans residing in Fayetteville with needed home repairs to enable them to live safely in their homes.

Work is planned to begin the week of October 30 and slated to be completed by November 6, when the Mayor, Purple Heart Homes, the National League of Cities, Fort Bragg Federal Credit Union will hold a press event at the home of Eric McMurren to pay tribute to their service on behalf of our country as the nation honors and celebrates veterans on Veteran's Day.

We are requesting that any permitting fees for these two projects be waived.

If you have any questions, please feel free to contact Vicki Thomas, Director of Purple Heart Homes Operation Veteran Home Renovation at 203-984-2138

Thanking you in advance.

Vicki Thomas
Director Purple Heart Homes Operation Veteran Home Renovation
Phone: 203-984-2138
Email: vthomas@phhusa.org

City of Fayetteville

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

City Council Action Memo

File Number: 17-502

Agenda Date: 10/23/2017

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Reports From
Boards and Commissions

Agenda Number: 7.01

TO: Mayor and Members of City Council

THRU: Douglas Hewett, City Manager

FROM: Elizabeth Somerindyke, Internal Audit Director

DATE: October 23, 2017

RE:

Annual Report of the Audit Committee for Fiscal Year Ending June 30, 2017

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Goal 5: Sustainable Organizational Capacity

Objective A: To ensure strong financial management with fiduciary accountability and plan for the future sustainability by aligning resources with City priorities.

Executive Summary:

City Council established the Audit Committee as an advisory committee whose primary purpose is to assist the City Council in fulfilling its oversight responsibilities for the overall stewardship of the City's financial affairs.

Background:

In accordance with the guidelines set forth in the City of Fayetteville's Audit Committee Charter, the Audit Committee met four times, at least quarterly, over the past fiscal year. The Audit Committee has assisted the City Council by reviewing financial information and management reports, and by providing independent recommendations regarding the scope, priority, and methods of audit related activities within the City.

The Audit Committee has six voting members consisting of three City Council members, one member from the Fayetteville Public Works Commission, and two members of the business community with experience in the finance industry.

The Audit Committee voting members include: Mayor Nat Robertson, Chairperson, Dr. Pamela Jackson, Vice-Chairperson, Councilmember, William Crisp, Councilmember Robert Hurst, PWC Chairperson, Evelyn Shaw, and Michelle Hall.

A brief report will be presented by Dr. Pamela Jackson, Vice-Chairperson.

Issues/Analysis:

None

Budget Impact:

None

Options:

Receive the report, or request additional information before accepting the report.

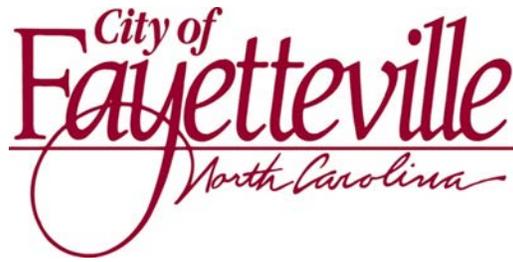
Recommended Action:

Receive the report

Attachments:

Internal Audit Annual Report for Fiscal Year 2017

Office of Internal Audit



Internal Audit Annual Report

Fiscal Year 2017

Director of Internal Audit

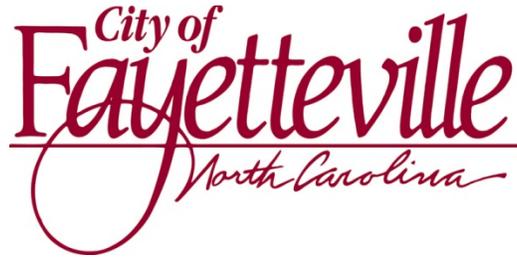
Elizabeth Somerindyke

Senior Internal Auditor

Rose Rasmussen

Internal Auditor

Traci Carraway



OUR MISSION

Provide independent, objective assurance and consulting services designed to add value and improve the City of Fayetteville’s operations.

Director of Internal Audit

Elizabeth Somerindyke

Senior Internal Auditor

Rose Rasmussen

Internal Auditor

Traci Carraway

TABLE OF COMMENTS

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<http://fayettevillenc.gov/government/city-departments/internal-audit>

Mailing Address: 433 Hay Street, Fayetteville, NC 28301

INTRODUCTION

According to *City of Fayetteville, NC Internal Audit Charter*, the Internal Audit Director will annually report to the Audit Committee and the City Manager on the internal audit activity's purpose, authority, responsibility and performance relative to its annual audit plan. The Internal Audit Director is also responsible for reporting significant risk exposures, control issues, fraud risks, governance issues, and other matters needed or requested by the Audit Committee and the City Manager.

PURPOSE/MISSION

The mission of the Office of Internal Audit is to provide independent, objective assurance and consulting services designed to add value and improve the City of Fayetteville's operations. The Office of Internal Audit helps the City of Fayetteville's management team accomplish its objectives by bring a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

<u>Key Performance Measures</u>	<u>FY 2016 Actual</u>	<u>FY 2017 Actual</u>	<u>FY 2018 Target</u>
% of Internal Audit recommendations accepted by management	100%	100%	100%

Acceptance of audit recommendations is an indicator of service quality. In fiscal year 2017, management accepted and provided estimated implementation dates for 39 of 39 recommendations included in four audit reports issued during the fiscal year. These results exceed the 92% industry benchmark published by the Association of Local Government Auditors.

AUTHORITY

The Office of Internal Audit shall have full, free, and unrestricted access to any and all of the City of Fayetteville's records, physical properties and personnel pertinent to carrying out any engagement. All employees are expected to assist the Office of Internal Audit in fulfilling its roles and responsibilities. The internal auditors will also have free and unrestricted access to the City Council and the Audit Committee.

RESPONSIBILITY

Audit coverage will encompass, as deemed appropriate by the Internal Audit Director, independent reviews and evaluations of any and all management operations and activities to appraise:

- Measures taken to safeguard assets, including tests of existence and ownership as appropriate.
- Reliability, consistency, and integrity of financial and operating information.
- Compliance with policies, plans, standards, laws, and regulations that could have significant impact on operations.
- Economy and efficiency in the use of resources.
- Effectiveness in the accomplishment of the mission, objectives, and goals established for the City's operations and projects.
- Managing and responding to the Fraud hotline.

AUDIT SERVICES

AUDITS	STATUS
<p>Permitting and Inspections (A2016-02) Generally, there was a need for improvement in internal controls, lack of compliance with the North Carolina General Statutes, North Carolina State Building Code, Fayetteville City Code and other regulations, insufficient management oversight, management practices, lack of training and documentation of policies and procedures in the Permitting and Inspections Department. In addition, the software program, Cityworks, also known as FayWorx, was not meeting the needs of the department with respect to reliable data for managing workload, supporting decision-making and tracking permit status.</p>	<p>Report Issued October 2016</p>
<p>City-wide Travel and Training (A2017-01) The travel and training expenditures reviewed appeared to be for legitimate City business. However, controls for travel and training expenditures need improvement to ensure compliance. In addition, to the violations of the existing City policy, there were instances noted in which existing City policy on travel and training could provide better guidance not only to ensure a better understanding but to assist in preventing fraud, waste and abuse.</p>	<p>Report Issued January 2017</p>
<p>Police Department Confidential Funds (A2017-02) The Police Department's Special Investigation Division updated policies and procedures related to the utilization and maintenance of confidential funds. These updates contributed to stronger controls and a general adherence to policies and procedures over confidential funds. However, an audit of the Police Department's evidence and property will be included on the Fiscal Year 2018 Annual Audit Plan.</p>	<p>Report Issued April 2017</p>
<p>Unannounced Review of Petty Cash and Change Funds Follow-up (A2015-04F) Based on the audit work performed, the Office of Internal Audit concluded the Finance Department updated policies and/or implemented procedures to effectively remediate issues as noted in the original audit report.</p>	<p>Report Issued April 2017</p>
<p>Procurement Card Follow-up (A2015-03F) The audit report will be presented to the Audit Committee on August 3, 2017. Based on the audit work performed, the Office of Internal Audit concluded the Finance Department did not adequately address the issues noted in the original audit report.</p>	<p>Report Completed</p>
<p>Contract Practices and Procedures (A2016-06) The audit work and report are currently in review and should be presented to the Audit Committee in October 2017.</p>	<p>Report in Review</p>

SPECIAL PROJECTS & CONSULTING SERVICES	STATUS
<p>Finance Department Select Balance Sheet Accounts and Grant Funding Review (R2016-02) Based on a request from the Finance Department, Internal Audit was asked to perform a review of select financial balance sheet accounts and grant funding in the capital project funds as of March 31, 2016. Due to insufficient information provided by the Finance Department, Internal Audit was unable to complete the review as requested. However, Internal Audit did assist the Finance Department by performing a review and providing observations regarding balance sheet accounts and multi-year expenditure and revenue accounts as of June 30, 2016. Internal Audit also provided guidance on the preparation of the government-wide and fund financial statements along with the combining and individual fund financial statements and schedules for the FY16 Comprehensive Annual Financial Report. In addition, Internal Audit continued to provide support for the Finance Department during the FY16 closing of funds and annual audit.</p>	<p>Complete November 2016</p>

FRAUD, WASTE AND ABUSE INVESTIGATIONS

The Office of Internal Audit also manages suspected cases of fraud, waste and abuse reported by employees, vendors and citizens. Such cases may be reported in various ways to include: in-person, telephone, e-mail or the City's Fraud Hotline. The City's Fraud Hotline is operated by a third party and reports can be made anonymously either over the telephone or online.

For fiscal year 2017, there were 15 incidents reported of which 47% were reported through the Fraud Hotline. Table 1 summarizes the various types of allegations received.

TABLE 1	47%	53%	100%
ALLEGATION TYPE	HOTLINE	NON-HOTLINE	TOTAL
Accounting/Audit Irregularities	0	1	1
Conflicts of Interest	3	0	3
Employee Relations	1	0	1
Falsification of Company Records	0	1	1
Policy Issues	1	6	7
Theft of Time	2	0	2
TOTAL	7	8	15

Allegations may be investigated by the Office of Internal Audit, referred to a City department (generally for lower risk issues), referred to a non-City agency (if relating to matters outside City jurisdiction or requiring external law enforcement), and/or deemed non-actionable. Non-actionable allegations result from insufficient or dated information, prior corrective action, immateriality or inappropriate use of the Hotline. If referred to a City department, the Office of Internal Audit generally requests the department to investigate, take appropriate action and communicate the results to the Office of Internal Audit within 30 days.

Resolved allegations are categorized as: Substantiated (allegation was validated); Substantiated – No Violation (conditions cited were accurate but did not constitute a violation); Unsubstantiated; Department Resolution; or Inconclusive (available evidence is not sufficient to determine the validity of the allegation).

Table 2 summarized assignments and dispositions for allegations reported and/or resolved during fiscal year 2017.

TABLE 2	ASSIGNMENT		
DISPOSITION	REFER	INVESTIGATE	TOTAL
Department Resolution	3	0	3
Non-Actionable	N/A	N/A	0
Unsubstantiated	0	0	0
Open/Ongoing Allegations	0	3	3
Substantiated	0	4	4
Substantiated – No Violation	0	1	1
Inconclusive	0	4	4
TOTAL	3	12	15

The City's Fraud, Waste and Abuse Policy is intended to enhance employee awareness and reporting of suspected fraud, waste and abuse. Allegations resolved during fiscal year 2017 resulted in the following:

- Improved procedures and/or management controls;
- Enhanced awareness of and/or compliance with existing regulations and/or policies governing use of time and equipment and conflict of interest; and
- Situation appropriate personnel-related actions.

LEADERSHIP AND OTHER ACCOMPLISHMENTS

The City's "Doing What's Right" campaign was the feature story of a Fayetteville Focus episode in September 2016. The Office of Internal Audit marketed the Fraud Waste and Abuse Hotline to residents to assist in reducing the incidents of fraud, waste and abuse that could affect the City of Fayetteville. Additionally, in October 2016 Internal Audit personnel began providing training regarding fraud, waste and abuse to approximately 125 new employees during new employee orientation (NEO). This training is on an ongoing basis, whereas, Internal Audit personnel participates in the fraud, waste and abuse training bi-weekly.

On a quarterly basis a Management Implementation Status Report was prepared and distributed to the Audit Committee members to help Committee members fulfill their responsibilities of oversight. Additionally, the Audit Committee members were presented a summary presentation from the City's external auditors regarding the annual financial report.

Internal Audit's training and career development for fiscal year 2017 included completing the COBIT 5 Foundation Course and passing the examination, and completing the COBIT 5 Implementation and Risk Course. This will assist the City in implementing a framework for the governance and management of enterprise information technology. Additionally, personnel began studying for the Certified Internal Auditor certification exams. Internal Audit personnel are members of ALGA (Association of Local Government Auditors), the AICPA (American Institute of Certified Public Accountants), the NCACPA (North Carolina Association of Certified Public Accountants), the IIA (Institute of Internal Auditors) and the ACFE (Association of Certified Fraud Examiners).

Each staff member contributed at least three hours towards the United Way's Days of Caring by volunteering for the Fayetteville Urban Ministry. Internal Audit assisted in the food pantry and clothing closet by shelving food and putting away clothing, etc.

SUMMARY

In summary, Internal Audit staff took on new endeavors and made a strong effort to complete as many audits and projects as possible during the past fiscal year. Internal Audits success this past fiscal year was made possible as a result of the support of the City Manager's office, and the hard work of each of the department's personnel. Over the past year the strengths and skills of Internal Audit personnel developed in a way that contributed to the success of the Office. Internal Audit strived to ensure the scope of each audit engagement added value to the organization and good customer service was provided.

City of Fayetteville

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

City Council Action Memo

File Number: 17-478

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Public Hearing

Agenda Number: 8.01

TO: Mayor and Members of City Council

THRU: Jay Reinstein, Assistant City Manager

FROM: Victor Sharpe, AICP, Economic & Community Development Director
Robert M. Van Geons, CEcD, Fayetteville Cumberland County
Economic Development Corporation

DATE: October 23, 2017

RE:

Public hearing to consider an economic development incentive package for
Project Nano 2.

COUNCIL DISTRICT(S):

All Districts

Relationship To Strategic Plan:

Goal 2: Diverse and Viable Economy

Executive Summary:

A public hearing is being held to consider an economic development incentive package for Project Nano 2 (also referred to by the company as More Cowbell). The proposed project will create 140 new full-time jobs with an average salary of approximately \$32,371. The Company is also in talks with Cumberland County and the State of NC regarding potential discretionary, infrastructure, training, and incentive grants, to support this project.

The local incentive grant being requested includes:

- A seven (7) year incentive grant equal to 75% of the new Real and Personal Property taxes paid to the City. This grant would be subject to a performance based, incentive agreement. To receive the proposed incentives, the company would be required to meet performance benchmarks, including documenting the creation of 140 jobs.

- Reimburse the Company 25% of their building permit fees to be paid after completion of construction.

Background:

In addition to requesting assistance from the City, the Fayetteville Cumberland Economic Development Corporation (FCEDC) is working with Cumberland County, NCDOT, the Community College System and the State of North Carolina to secure support for this project. If approved, funds from the City and County would be eligible to qualify as “matching funds” for discretionary grants from the State of North Carolina.

Issues/Analysis:

The proposed project would create:

- 140 Full-time employees - Average Wage - \$32,371/ approx. \$15.56 hour.
- Employees would be eligible for a comprehensive benefits package.
- It is projected that 100% of the employees would be new hires.
- The company would invest approximately \$44.6 million in a new building, equipment, and site improvements.

As part of an incentive agreement, 140 jobs would have to be created and maintained in Fayetteville for the duration of the incentive agreement. Over 10 years, the project would generate approximately \$1.3 million in fees & tax revenue. This would be in addition to the economic benefits associated with the construction, full time jobs and ongoing operations.

Budget Impact:

Over 10 years, the company would pay approximately \$2.1 million in taxes and receive approximately \$1.1 million in incentive grants. It is projected that the City’s reimbursement of 25% of Building Inspections fees would be in an amount to up \$100,000.

Options:

To approve an economic development incentive package for Project Nano 2.

Not approve an economic development incentive package for Project Nano 2 and provide additional direction to staff.

Recommended Action:

City Council to approve an economic development incentive package for Project Nano 2, consisting of: 1). A seven (7) year incentive grant, equal to 75% of the new Real and Personal Property taxes paid to the City. This grant would be subject to a performance based, incentive agreement. To receive the proposed incentives, the company would be

required to meet performance benchmarks, including documenting the creation of 140 jobs. 2). Reimburse the Company 25% of their building permit fees up to \$100,000 to be paid after completion of construction.

Attachments:

None

City of Fayetteville

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

City Council Action Memo

File Number: 17-491

Agenda Date: 10/23/2017

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Administrative
Reports

Agenda Number: 9.01

TO: Mayor and Members of City Council

THRU: Jay Reinstein, Assistant City Manager

FROM: Pamela Megill, City Clerk

DATE: October 23, 2017

RE:

Monthly Statement of Taxes - September, 2017

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Executive Summary:

This report has been furnished to the Mayor and governing body of the City of Fayetteville for the month of September 2017. The report separated the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

For information purposes.

Attachments:

Monthly Statement of Taxes - Septeber 2017

JOSEPH R. UTLEY, JR.
Tax Administrator



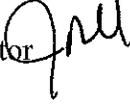
CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

AMY B. KINLAW
Chief of Assessment and Collections

TAMI K. BOTELLO
Chief of Real Estate and Mapping

OFFICE OF THE TAX ADMINISTRATOR

To: Pamela Megill, Fayetteville City Clerk

From: Joseph R. Utley Jr., Tax Administrator 

Date: October 2, 2017

Subject: Monthly Statement of Taxes

Attached hereto is the report that has been furnished to the Mayor and governing body of your municipality for the month of September 2017. This report separates the distribution of real property and personal property from motor vehicle property taxes, and provides detail for the current and delinquent years.

Should you have questions regarding this report, please contact Catherine Carter at 678-7587.

JU/cc
Attachment

FAYETTEVILLE MACC LEDGER

2007-2017

September 2017

DATE	REPORT #	REMITTED TO FINANCE	2017 CC	2017 VEH	2017 REVIT CC	2017 REVIT VEH	2017 FVT	2017 FTT	2017 STORM WATER	2017 FAY S WASTE FEE
09/01/17	2017-045	249,930.86	166,918.01	0.00	5,420.84	0.00	0.00	0.00	60,022.55	13,742.21
09/04/17	2017-046	HOLIDAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/05/17	2017-047	430,349.50	341,448.75	0.00	363.83	0.00	0.00	0.00	48,287.83	35,042.63
09/06/17	2017-048	238,143.25	191,600.27	0.00	438.80	0.00	0.00	0.00	19,335.85	24,746.52
09/07/17	2017-049	97,230.81	66,048.65	0.00	6.51	0.00	0.00	0.00	10,895.69	8,017.38
09/08/17	2017-050	197,274.32	144,158.98	0.00	601.66	0.00	0.00	0.00	24,904.47	25,405.81
09/11/17	2017-051	363,818.91	288,092.97	0.00	41.23	0.00	0.00	0.00	47,683.17	26,797.13
09/12/17	2017-052	107,788.35	83,823.35	0.00	307.75	0.00	0.00	0.00	14,621.82	7,311.86
09/13/17	2017-053	172,564.44	133,869.34	0.00	39.62	0.00	0.00	0.00	21,776.27	15,854.64
09/14/17	2017-054	80,871.96	64,312.53	0.00	32.11	0.00	0.00	0.00	6,161.53	8,511.95
09/15/17	2017-055	488,498.68	82,908.06	0.00	(10.03)	0.00	0.00	0.00	390,851.53	13,689.65
09/18/17	2017-056	185,593.52	147,504.09	0.00	61.75	0.00	0.00	0.00	19,194.97	16,809.82
09/19/17	2017-057	86,445.34	66,295.50	0.00	7.53	0.00	0.00	0.00	7,995.14	11,314.88
09/20/17	2017-058	90,683.17	69,273.06	0.00	0.00	0.00	0.00	0.00	10,707.20	10,686.08
09/21/17	2017-059	119,648.53	93,504.94	0.00	996.51	0.00	0.00	0.00	14,783.19	9,134.84
09/22/17	2017-060	56,737.55	39,035.69	0.00	12.33	0.00	0.00	0.00	8,876.02	8,017.49
09/25/17	2017-061	262,394.97	210,916.94	221.13	873.09	0.00	0.00	0.00	27,069.29	19,199.16
09/26/17	2017-062	107,881.69	84,068.50	0.00	2,920.72	0.00	0.00	0.00	10,699.32	8,293.40
09/27/17	2017-063	180,118.28	158,507.95	0.00	0.00	0.00	0.00	0.00	12,687.76	5,069.31
09/28/17	2017-064	100,785.12	76,728.22	0.00	1,160.67	0.00	0.00	0.00	10,909.91	9,819.36
09/29/17	2017-065	87,767.54	64,363.89	0.00	106.97	0.00	0.00	0.00	8,846.30	9,769.33
			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS		3,704,526.79	2,573,379.69	221.13	13,381.89	0.00	0.00	0.00	776,309.81	287,233.45

TRUE

MACC: MONTHLY ACCOUNTING (TOTALS COLLECTED FOR MONTH)
 CC: INCLUDES REAL & PERSONAL, LATE LIST, & PUBLIC SERVICE

FVT: FAYETTEVILLE VEHICLE TAX (\$5.00)

FAYETTEVILLE MACC LEDGER
2007-2017

2017 ANNEX	2016 CC	2016 VEH	2016 REVIT CC	2016 REVIT VEH	2016 FVT	2016 FTT	2016 STORM WATER	2016 FAY S WASTE FEE	2016 ANNEX	2015 CC	2015 VEH
0.00	2,680.36	0.00	0.00	0.00	0.00	0.00	339.23	113.35	0.00	102.51	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	3,537.51	0.00	12.33	0.00	0.00	0.00	281.28	275.04	0.00	282.07	0.00
0.00	1,294.94	0.00	0.00	0.00	0.00	0.00	90.00	88.00	0.00	13.48	0.00
0.00	6,950.47	0.00	0.00	0.00	0.00	0.00	340.18	508.62	0.00	2,402.97	0.00
0.00	1,314.14	0.00	0.00	0.00	0.00	0.00	177.93	173.97	0.00	0.00	0.00
0.00	691.83	0.00	0.00	0.00	0.00	0.00	90.00	44.00	0.00	29.80	0.00
0.00	1,009.45	0.00	0.00	0.00	0.00	0.00	180.00	176.00	0.00	5.37	0.00
0.00	582.08	0.00	0.00	0.00	0.00	0.00	14.75	14.42	0.00	0.00	0.00
0.00	435.09	0.00	0.00	0.00	0.00	0.00	90.00	88.00	0.00	425.25	0.00
0.00	663.48	0.00	0.00	0.00	0.00	0.00	90.00	44.00	0.00	48.99	0.00
0.00	1,486.58	0.00	0.00	0.00	0.00	0.00	92.72	89.00	0.00	19.50	0.00
0.00	668.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	(210.10)	0.00	0.00	0.00	0.00	0.00	0.00	(44.00)	0.00	57.01	0.00
0.00	541.72	0.00	0.00	0.00	0.00	0.00	225.00	44.00	0.00	29.42	0.00
0.00	649.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	48.44	0.00
0.00	2,964.87	0.00	0.00	0.00	0.00	0.00	450.00	44.00	0.00	144.71	0.00
0.00	1,635.00	0.00	0.00	0.00	0.00	0.00	45.00	44.00	0.00	0.00	0.00
0.00	1,695.00	0.00	0.00	0.00	0.00	0.00	137.16	134.11	0.00	126.27	0.00
0.00	1,524.72	0.00	0.00	0.00	0.00	0.00	45.00	44.00	0.00	48.89	0.00
0.00	2,341.79	0.00	0.00	0.00	0.00	0.00	144.83	151.55	0.00	580.31	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	32,456.86	0.00	12.33	0.00	0.00	0.00	2,833.08	2,032.06	0.00	4,364.99	0.00

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2015 REVIT CC	2015 REVIT VEH	2015 FVT	2015 FTT	2015 STORM WATER	2015 FAY STORM WATER	2015 FAY S WASTE FEE	2015 ANNEX	2014 CC	2014 VEH	2014 REVIT CC	2014 REVIT VEH	2014 FVT
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	40.02	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	220.46	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	25.34	50.68	250.33	0.00	274.27	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.11	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	95.67	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	15.00	30.00	44.00	0.00	42.02	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	26.42	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	23.53	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	44.11	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30.95	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	45.44	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	15.00	30.00	44.00	0.00	9.13	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	38.68	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	6.76	13.54	24.13	0.00	121.84	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	56.54	113.08	297.85	0.00	139.26	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	118.64	237.30	660.31	0.00	1,201.91	0.00	0.00	0.00	0.00

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2014 FTT	2014 STORM WATER	2014 FAY STORM WATER	2014 FAY S WASTE FEE	2014 ANNEX	2013 & PRIOR CC	2013 & PRIOR VEH	2013 & PRIOR REVIT CC	2013 & PRIOR REVIT VEH	2013 & PRIOR FVT	2013 & PRIOR FTT	2013 & PRIOR STORM WATER	2013 & PRIOR FAY STORM WATER
0.00	0.00	0.00	0.00	0.00	41.25	61.31	0.00	0.00	35.00	25.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	23.26	89.35	0.00	0.00	20.00	10.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	5.57	173.41	0.00	0.00	41.05	25.00	0.00	0.00
0.00	15.00	27.00	40.00	0.00	11.59	164.91	0.00	0.00	15.00	15.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	258.45	0.00	0.00	26.47	25.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	6.79	23.96	0.00	0.00	30.00	10.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	126.00	0.00	0.00	10.00	10.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	48.09	73.93	0.00	0.00	25.00	15.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	244.83	0.00	0.00	30.36	5.36	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	32.99	0.00	0.00	5.00	5.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	27.17	0.00	0.00	15.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	39.67	0.00	0.00	5.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	115.31	0.00	0.00	15.00	10.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	181.85	0.00	0.00	20.00	20.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	13.51	0.00	0.00	5.00	5.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	18.31	0.00	0.00	0.00	3.47	3.47	0.00	0.00
0.00	0.00	0.00	0.00	0.00	24.88	499.34	0.00	0.00	91.10	50.48	41.54	83.10
0.00	13.06	23.52	34.84	0.00	25.53	138.06	0.00	0.00	11.21	11.22	0.00	0.00
0.00	30.00	54.00	200.00	0.00	18.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	58.06	104.52	274.84	0.00	224.23	2,264.05	0.00	0.00	403.66	245.53	41.54	83.10

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2013 & PRIOR FAY S WASTE FEE	2013 & PRIOR ANNEX	FAY INTEREST	REVIT INTR	STORM WATER INTR - 15 & Prior	FAY STORM WATER INTEREST - 2015 & prior	STORM WATER INTEREST 2017	STORM WATER INTEREST 2016	Annex Interest	S WASTE INTEREST	FTT INTEREST	TOTAL TAX & INTEREST
0.00	0.00	334.29	0.00	0.00	0.00	0.00	28.85	0.00	10.60	15.48	249,930.86
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	414.78	0.19	0.00	0.00	0.00	18.21	0.00	17.77	4.21	430,349.50
0.00	0.00	260.64	0.00	0.00	0.00	0.00	7.27	0.00	7.09	15.36	238,143.25
0.00	0.00	1,020.90	0.00	8.97	17.31	0.00	25.81	0.00	92.15	6.08	97,230.81
0.00	0.00	144.34	0.00	0.00	0.00	0.00	14.56	0.00	14.22	4.21	197,274.32
0.00	0.00	256.82	0.00	0.00	0.00	0.00	7.30	0.00	3.57	10.34	363,818.91
0.00	0.00	172.34	0.00	0.00	0.00	0.00	14.58	0.00	14.23	5.60	107,788.35
0.00	0.00	149.55	0.00	0.00	0.00	0.00	0.11	0.00	0.11	5.86	172,564.44
0.00	0.00	371.69	0.00	2.57	5.14	0.00	7.25	0.00	14.62	2.66	80,871.96
0.00	0.00	123.50	0.00	0.00	0.00	0.00	10.90	0.00	7.10	2.09	488,498.68
0.00	0.00	252.50	0.00	0.00	0.00	0.00	7.08	0.00	6.92	2.89	185,593.52
0.00	0.00	75.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	86,445.34
0.00	0.00	70.60	0.00	0.00	0.00	0.00	0.12	0.00	(3.53)	6.42	90,683.17
0.00	0.00	108.72	0.00	0.00	0.00	0.00	14.79	0.00	0.38	12.22	119,648.53
0.00	0.00	52.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	56,737.55
0.00	0.00	331.38	0.00	2.57	5.13	0.00	36.06	0.00	11.11	3.89	262,394.97
0.00	0.00	101.34	0.00	0.00	0.00	0.00	3.24	0.00	3.17	4.07	107,881.69
0.00	0.00	739.22	0.00	2.20	4.38	0.00	12.18	0.00	14.31	31.72	180,118.28
0.00	0.00	211.69	0.00	3.95	7.10	0.00	3.60	0.00	14.04	6.53	100,785.12
0.00	0.00	342.17	0.00	17.67	33.79	0.00	22.90	0.00	136.35	0.00	87,767.54
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	5,534.19	0.19	37.93	72.85	0.00	234.81	0.00	364.21	139.63	3,704,526.79