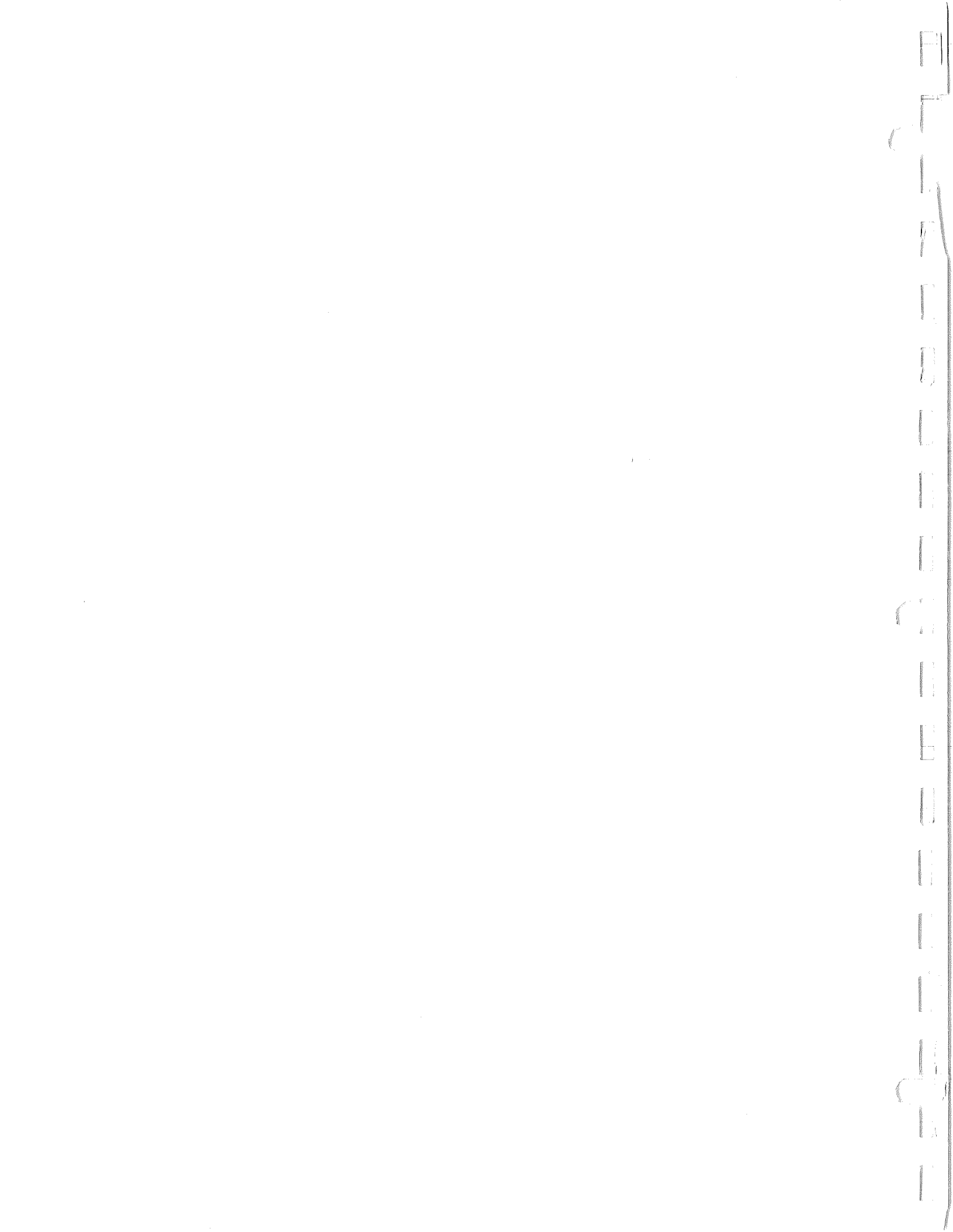


FAYETTEVILLE CITY COUNCIL  
AGENDA  
REGULAR MEETING  
MAY 18, 1992  
7:00 P.M.



FAYETTEVILLE CITY COUNCIL  
AGENDA  
REGULAR MEETING  
CITY HALL COUNCIL CHAMBER  
MAY 18, 1992  
7:00 p.m.

*P. Harw absent*

INVOCATION - PLEDGE OF ALLEGIANCE

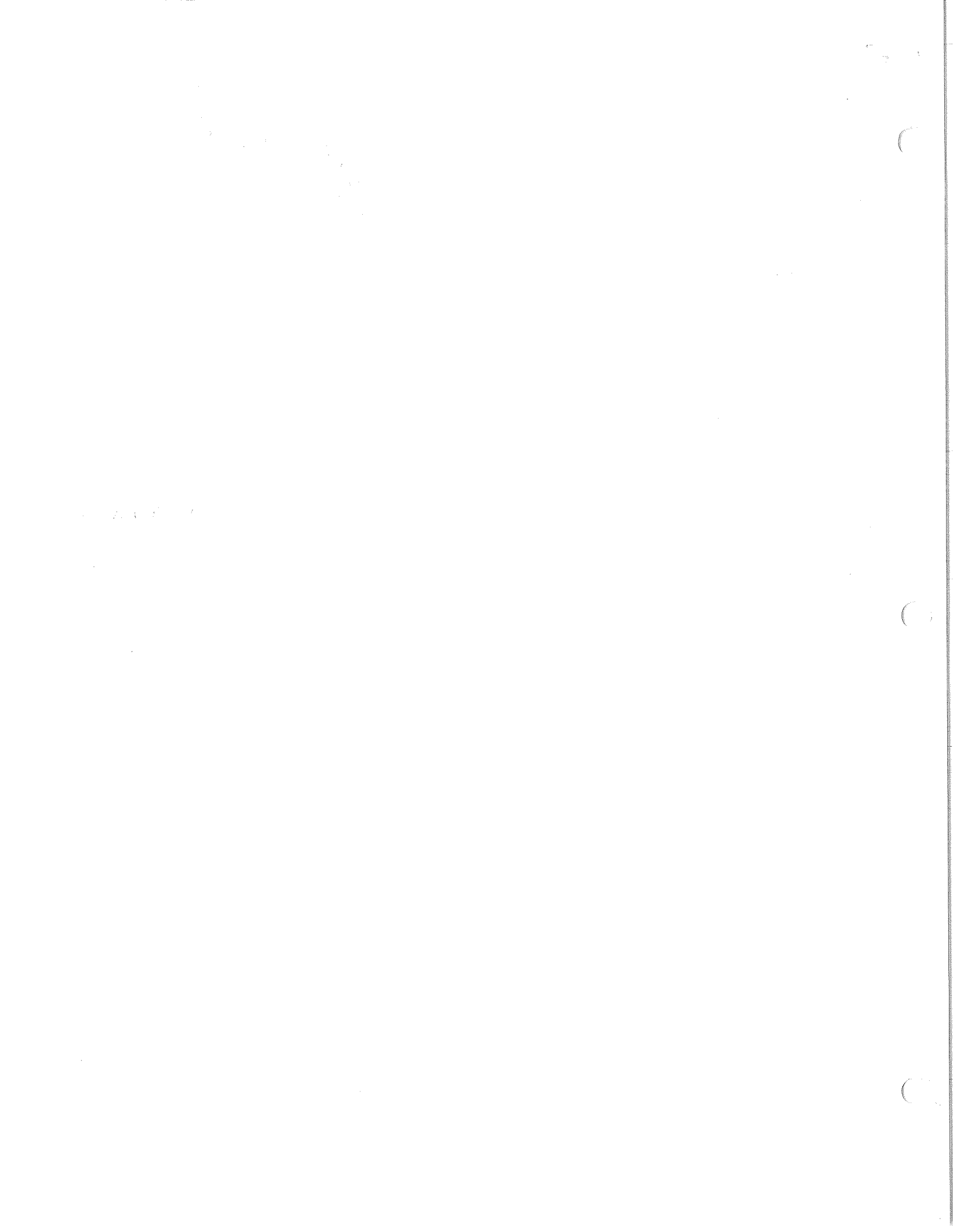
RECOGNITION:

ITEM 1. Approval of Agenda

ITEM 2. Consent:

*A  
8/10*

- A. Approve minutes of Information Meeting of April 27, 1992.
- B. Set public hearing for June 15, 1992, to consider the rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification for an area located at 5323 Morganton Road. (P92-37)
- C. Set public hearing for June 15, 1992, to consider an application by Barden Lanier for the Rosemyer Corporation for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances from Chapter 32, Article IV, Section 32-30, Item (14) to allow mini-warehousing in a C3 Heavy Commercial District for an area located on the north side of Bragg Boulevard, west of Carol Street. (P92-39)
- D. Approve the initial zoning to R10 Residential District or to a more restrictive zoning classification for an area located at the north end of Hastings Drive, north of Country Club Drive (US 401 Bypass). Being all of Annexation No. 92-3-349, known as "The Greens, Section One, Part One." (P92-33)
- E. Approve the rezoning from C1P Shopping Center District to R5 Residential District or to a more restrictive zoning classification for an area located on the north side of Carver's Falls Road (SR 1713) and the east side of Raleigh Road. (P92-34)
- F. Adopt resolution declaring cost and ordering preparation of preliminary assessment roll and setting time and place for public hearing on preliminary assessment roll for the following: (Public Hearing date: June 1, 1992)
  - 1. Coronada Parkway (from Owen Drive to Eldorado Road)
  - 2. Mawood Avenue (from Old Gate Road to Old Gate Road)
- G. Approve the following Finance matters:
  - 1. Adopt Grant Project Ordinance 92-1 (Transit Planning Grant).
  - 2. Adopt the following Capital Project Ordinances:
    - (a) Amendment 92-12 (reallocate program year 17 CDBG)
    - (b) Adopt Special Revenue Fund Project Ordinance 92-3.
- H. Award contract for the McPherson Church Road/Morganton Road Intersection Improvement (Engineering Project No. B10-408-91) to low bidder, Barnhill Contracting Company, Inc.
- I. Approval of bid award to WESCO, low bidder, for Mobile Substation.
- J. Approval of bid award to Weeks Construction, low bidder, for POD No. 3 69kV transmission lines.



K. Approval of bid award to Lake City Electric, low bidder, for a 350 hp, 2400/460 volt, 1200 RPM Electric Motor (replacement for No. 4 High Pressure Pump at the Hoffer Water Treatment Plant).

ITEM 3. Public Hearings:

A. Consideration of adoption of resolution confirming assessment roll and levying assessments for ~~sidewalk~~ <sup>street</sup> improvement projects on the following locations:

- A 8/0 → 1. Jarvis Street (from Ruritan Drive to Dead End)
- A 8/0 → 2. Buie Circle (from Campground Road to Nix Road)
- A 8/0 → 3. Tarheel Drive (from Wintergreen Drive to Ruritan Drive)
- A 8/0 → 4. Nix Road (from Buie Circle to Campground Road)

PRESENTED BY: City Attorney

RECOMMENDED ACTION: Adoption of resolutions

ITEM 4. Planning Board Matters:

A 8/0  
A. Consideration of the rezoning from C1P Shopping Center District to C3 Heavy Commercial District or to a more restrictive zoning classification for an area located at 110 Carver's Falls Road. (P92-36)

PRESENTED BY: Planning Board Staff

RECOMMENDED ACTION: Planning Board recommends approval

ITEM 5. Consideration of adoption of resolution authorizing sale of property located at 225-227 Hay Street.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Adopt resolution

Out to 6/1/92

5/3 Grant, Head, Ross

ITEM 6. Consideration of adoption of resolution authorizing the sale of City property.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Adopt resolution

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ITEM 7. Consideration of adoption of a proposed City/County Interlocal Agreement - Clean Water Act of 1987 - National Pollutant Discharge Elimination System (NPDES) Permit - Part I.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Adoption

A 8/10

ITEM 8. Consideration of award of contracts for AIP 12 grant project (Fire Training Facility) at Fayetteville Regional Airport 

PRESENTED BY: Assistant Airport Manager



RECOMMENDED ACTION: Approval

A 8/10

ITEM 9. Consideration of conveyance of properties in the Wilmington Road Neighborhood Development Program to Habitat for Humanity.

PRESENTED BY: Community Services Director

RECOMMENDED ACTION: Approval

A 8/10

ITEM 10. Consideration of award of contract for commercial garbage collection.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Approval

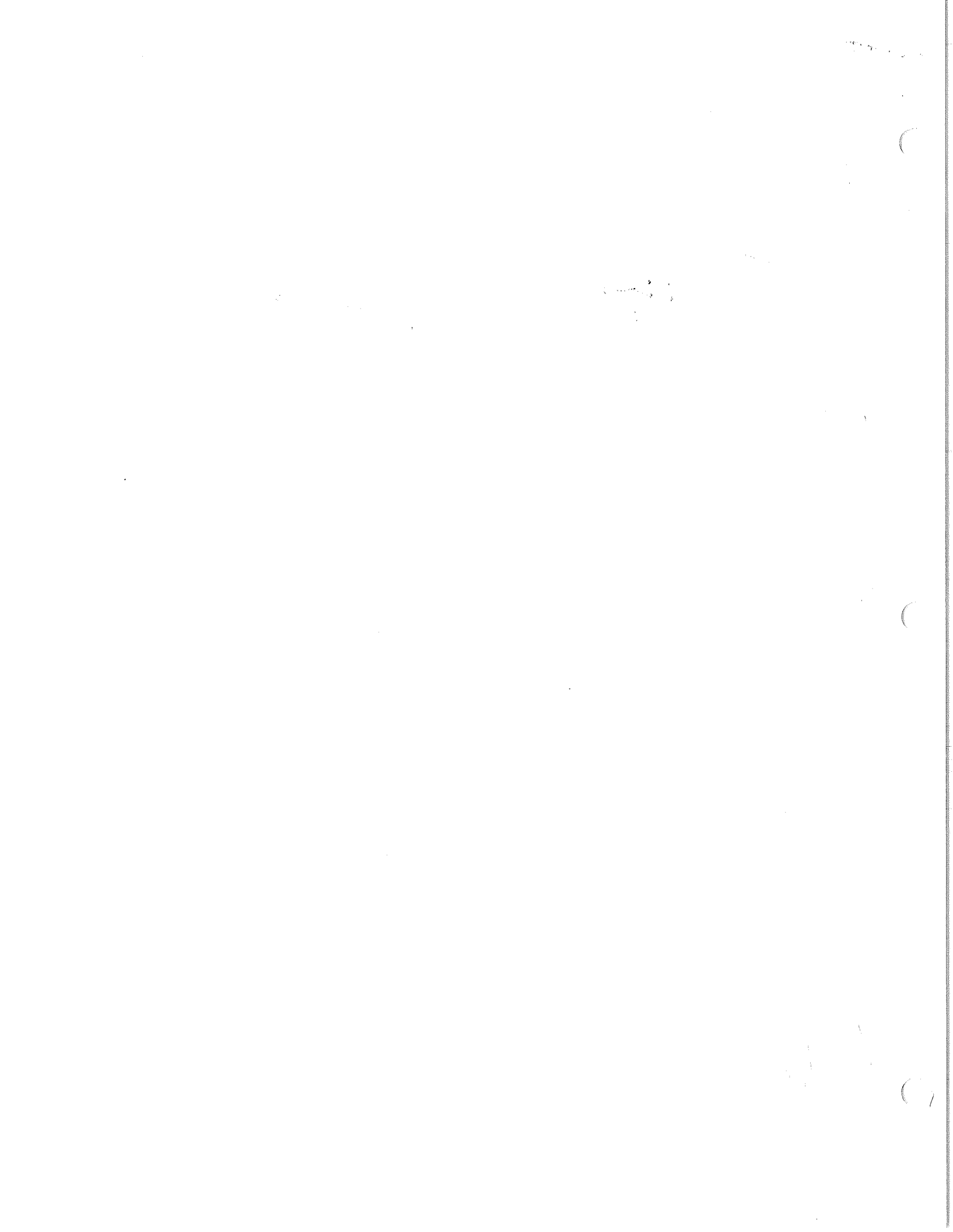
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6/2 (Cheer, MeB)

ITEM 11. Consideration of adoption of ordinance amending Chapter 20 of the Fayetteville City Code implementing maximum truck weight limits for City street.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Adoption

A 8/10





ITEM 12. Consideration of request for local bill authorizing enforcement authority in City-owned parking lots.

PRESENTED BY: City Attorney

RECOMMENDED ACTION: Approval

*A 8/10*

ITEM 13. Appointments:

A. Nominations to fill one vacancy on Board of Appeals on Dwellings and Buildings.

*John McCants*

ITEM 14. Administrative Reports:

A. Statement of taxes collected for the month of April 1992 from the Cumberland County Tax Collector.

B. Update on applications for drug funds to implement Mayor's Drug Task Force report.

*15. Litigation - Exec. Session*



FAYETTEVILLE CITY COUNCIL  
AGENDA  
REGULAR MEETING  
CITY HALL COUNCIL CHAMBER  
MAY 18, 1992  
7:00 p.m.

**INVOCATION - PLEDGE OF ALLEGIANCE**

**RECOGNITION:**

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3. Tarheel Drive (from Wintergreen Drive to Ruritan Drive)
4. Nix Road (from Buie Circle to Campground Road)

PRESENTED BY: City Attorney

RECOMMENDED ACTION: Adoption of resolutions

**ITEM 4. Planning Board Matters:**

- A. Consideration of the rezoning from C1P Shopping Center District to C3 Heavy Commercial District or to a more restrictive zoning classification for an area located at 110 Carver's Falls Road. (P92-36)

PRESENTED BY: Planning Board Staff

RECOMMENDED ACTION: Planning Board recommends approval

**ITEM 5. Consideration of adoption of resolution authorizing sale of property located at 225-227 Hay Street.**

PRESENTED BY: City Manager

RECOMMENDED ACTION: Adopt resolution

**ITEM 6. Consideration of adoption of resolution authorizing the sale of City property.**

PRESENTED BY: City Manager

RECOMMENDED ACTION: Adopt resolution

**ITEM 7. Consideration of adoption of a proposed City/County Interlocal Agreement - Clean Water Act of 1987 - National Pollutant Discharge Elimination System (NPDES) Permit - Part I.**

PRESENTED BY: City Manager

RECOMMENDED ACTION: Adoption

**ITEM 8. Consideration of award of contracts for AIP 12 grant project (Fire Training Facility) at Fayetteville Regional Airport.**

PRESENTED BY: Assistant Airport Manager

RECOMMENDED ACTION: Approval

**ITEM 9.** Consideration of conveyance of properties in the Wilmington Road Neighborhood Development Program to Habitat for Humanity.

**PRESENTED BY:** Community Services Director

**RECOMMENDED ACTION:** Approval

**ITEM 10.** Consideration of award of contract for commercial garbage collection.

**PRESENTED BY:** City Manager

**RECOMMENDED ACTION:** Approval

**ITEM 11.** Consideration of adoption of ordinance amending Chapter 20 of the Fayetteville City Code implementing maximum truck weight limits for City street.

**PRESENTED BY:** City Manager

**RECOMMENDED ACTION:** Adoption

**ITEM 12.** Consideration of request for local bill authorizing enforcement authority in City-owned parking lots.

**PRESENTED BY:** City Attorney

**RECOMMENDED ACTION:** Approval

**ITEM 13.** Appointments:

A. Nominations to fill one vacancy on Board of Appeals on Dwellings and Buildings.

**ITEM 14.** Administrative Reports:

A. Statement of taxes collected for the month of April 1992 from the Cumberland County Tax Collector.

B. Update on applications for drug funds to implement Mayor's Drug Task Force report.

#### **POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS**

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

#### **POLICY REGARDING PUBLIC HEARING AGENDA ITEMS**

Individuals wishing to speak at a public hearing must register in advance with the City Clerk. The Clerk's Office is located in Room 217, 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 and 7:00 p.m.

#### **POLICY REGARDING CITY COUNCIL MEETING PROCEDURES SPEAKING ON PUBLIC AND NON-PUBLIC HEARING ITEMS**

Individuals who have not made a written request to speak on a non-public hearing item may submit written materials to the City Council on the subject matter by providing fifteen (15) 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.



R E C O G N I T I O N

1. North Carolina Pee Wee (1st, 2nd, & 3rd Grade)  
Double Dutch Championship second and third place  
winners
2. Webelos Pack #40, Scoutmaster Wayne Daddetto -  
they are working on their citizenship award
3. Presentation of Proclamation: Project Graduation  
Awareness to Project Graduation Student Chairman  
Allison Coppernoll





DRAFT

FAYETTEVILLE CITY COUNCIL  
INFORMATION MEETING MINUTES  
CITY HALL COUNCIL CHAMBERS  
433 HAY STREET  
MONDAY, APRIL 27, 1992  
7:00 P.M.

Present: Mayor J. L. Dawkins

Councilmembers Mildred Evans (at-large); Milo McBryde (at-large);  
Nat Robertson (at-large); Tommy Bolton (District 1); Ida Ross  
(District 2); Thelbert Torrey (District 4); Suzan Cheek (District  
5); and Mark Kendrick (District 6)

Absent: Joseph Pillow (District 3) - excused

Others Present: John P. Smith, City Manager  
Roger L. Stancil, Deputy City Manager  
John B. Brown, Jr., Assistant City Manager for Administration  
and Finance  
Jimmy Teal, Assistant City Manager for Planning and  
Development  
Robert C. Cogswell, Jr., City Attorney  
Louis Chalmers, Traffic Engineer  
Mike Walker, City Engineer  
Jennings McArthur, Engineer Technician  
Randy Lane, Engineer Technician  
Jerome Brown, Transit Director  
Members of the Press

(Numbers at the beginning of each item correspond with the meeting agenda and  
are included for reference purposes.)

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Assistant City Manager for Administration  
and Finance, Ben Brown, followed by the Mayor leading in the Pledge of  
Allegiance to the American Flag.

At this time Mayor Dawkins stated that Councilmember Joseph Pillow was in  
the hospital with a broken leg and would need to be excused from this meeting  
as well as the May 4 Regular Meeting. Councilmember McBryde moved to excuse  
Councilmember Pillow from both meetings as requested, seconded by  
Councilmember Bolton and carried unanimously 8 to 0.

At this time Mayor Dawkins recognized Mr. Jean Berry present in the  
audience who was voted into the Duke University Hall of Fame.

1. Approval of Agenda

Councilmember Kendrick moved to approve the Agenda, seconded by  
Councilmember Torrey and carried unanimously 8 to 0.

2. Public Hearing

Mayor Dawkins reminded everyone that the time limit for speakers had been  
withdrawn by Council at the last meeting.

A. Consideration of Adoption of Street Standards for the City of  
Fayetteville.

This item was presented by City Manager John Smith, Louis Chalmers,  
Traffic Engineer, and Mike Walker, City Engineer. A slide presentation  
showing different asphalt and concrete curbs and street widths and  
conditions throughout the City were shown by Jennings McArthur and Randy Lane  
of the Engineering Department. The recommendation was for Council to adopt  
the Street Standards Policy submitted.

The public hearing was opened at 7:59 p.m. Mr. William L. Arent,  
Director of Engineers for Carolina Ready-Mixed Concrete Association in  
Charlotte, stated that asphalt deteriorated with age and concrete gets  
stronger. He encouraged Council not to abandon their concrete curb and  
gutter of the Street Standards.

Walter C. Moorman, Moorman & Kizer, stated they were concerned with the lack of flexibility in the proposed Street Standards. The local engineers, developers, and builders have met together and are submitting a revised street standards at this meeting they feel will have the flexibility that is needed without making drastic changes. Gordon Rose, Rose Group Engineering Firm, stated they feel there is a need for Street Standards but Council needs to consider affordability. Dohn Broadwell, Developer, also addressed the affordability because the streets in small subdivisions or the residential areas do not need to be as wide as City streets. If building the streets in the subdivisions becomes too costly, then the middle-income and lower-income people will not be able to afford to buy a home. F. Royal (Buzz) Loyd, Developer, Calvin Riddle, Builder/Developer, and Jim Kizer, Engineer, also spoke in opposition to the many restraints that this would put on their developments. They also addressed the flexibility and aesthetics. Mr. Moorman showed slides of various curbs and street widths throughout the City. They concluded by asking Council to adopt the revised policy or refer this to a balanced study group.

June Lancaster, 2612 Fashion Lane, addressed Council requesting that they consider their petitions that were submitted almost a year ago for streets to be accepted by the City. They do not have a Homeowners Association and feel they are very vulnerable. Rowland Carroll, 2208 Hanbury Lane, also expressed the same concerns as stated by Mrs. Lancaster.

John Floyd, 3305 Krista, representing Tree Haven Land Owners Association, stated they also had had a petition with the City requesting acceptance of their streets. The builder of their subdivision went bankrupt.

There being none further to be heard on this matter, the public hearing was closed at 9:25 p.m.

Councilmember McBryde recommended another task force to include developers and builders along with City employees and Council Policy Committee.

Councilmember Bolton moved to refer this to the City Council Policy Committee and invite builders, developers, and others interested to attend. The motion was seconded by Councilmember Cheek. Councilmember Kendrick stated he felt that this needs immediate action because private streets are being developed every day. Mayor Dawkins called for a vote and the motion carried 7 to 1 with Councilmember Kendrick voting in opposition.

Councilmember McBryde, Chairman of the Policy Committee, set the next Policy Committee meeting for May 12, 1992.

Councilmember Cheek stated she was concerned with notification to homeowners if private streets are allowed. She wanted to make sure that adequate disclosure was addressed by the Policy Committee. City Attorney Bob Cogswell responded that the Homeowners Association document is Restricted Covenants and this should be on the deeds when the homeowners make their purchase. Dr. Cheek stated there may be an even better way to flag it.

Councilmember Kendrick moved to place the three petitions for streets to be accepted by the City (Tree Haven, Briarwood Gardens, and Stonebridge Subdivisions) on the May 4 Agenda. The motion was seconded by Councilmember Evans and carried unanimously 8 to 0.

3. Presentation on Feasibility Study for County-wide Public Transportation System.

This item was presented by City Manager John Smith stating that this study was discussed during one of the budget workshops and the materials were placed in the Agenda packet for this meeting. This would be a six to nine month study to cost approximately \$100,000.00 to be paid for by 10% from the City with the other 90% being Federal Grant. Mr. Smith added that this was approved in the adopted budget. He is recommending that Council authorize the Mayor to appoint a Steering Committee and authorize staff to contact the institutions, businesses, military facilities and others that are going to be requested to serve on the Steering Committee.

Councilmember McBryde moved to follow the recommendation, seconded by Councilmember Ross carried unanimously 8 to 0.

4. Consideration of Adoption of Resolution Cancelling the Existing Lease Between City of Fayetteville and CSX Transportation for AMTRAK Station.

This item was presented by City Attorney Bob Cogswell stating that the agenda item shows adoption of a Resolution, but it should be just a cancellation of the existing lease. He recommended Council approve the cancelling of the existing lease.

Councilmember Bolton moved to approve the cancellation of the lease as recommended, seconded by Councilmember Cheek and carried unanimously 8 to 0.

5. Consideration of Approval of Lease Agreement between City of Fayetteville and National Railroad Passenger Corporation for AMTRAK Station.

The City Attorney presented this item and recommended approval of the lease agreement.

Councilmember Robertson moved to follow the recommendation for approval of the lease agreement as recommended, seconded by Councilmember Kendrick and carried unanimously 8 to 0.

6. Consideration of Request for Legal Representation

This item was presented by City Attorney Bob Cogswell, requesting that Anderson, Broadfoot, Johnson, Pittman & Lawrence be engaged at \$85.00 per hour to represent Police Officer Randy F. Podobinski in the case of ADA Christine Pope vs. City of Fayetteville.

Councilmember McBryde moved to follow the recommendations, seconded by Councilmember Ross and carried unanimously 8 to 0.

There being no further business, the meeting was adjourned at 9:50 p.m. upon motion and second.

Respectfully submitted,

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Bobbie A. Joyner, City Clerk

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J. L. Dawkins, Mayor

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# PLANNING DEPARTMENT

Post Office Box 1829  
Fayetteville, NC 28302  
Telephone (919) 678-7600

## CUMBERLAND COUNTY JOINT PLANNING BOARD

John Britt  
CHAIRMAN

George Vaughan  
PLANNING DIRECTOR

May 18, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P92-37. THE REZONING FROM R10 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT 5323 MORGANTON ROAD. (FAYETTEVILLE ORDINANCE)

ACTION: THE NINE MEMBERS PRESENT AT THE APRIL 21, 1992 REGULAR MEETING VOTED TO UNANIMOUSLY TO DENY THE REQUESTED REZONING. MR. MAXWELL ABSTAINED FROM VOTING ON THIS MATTER.

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends denial of the requested rezoning to C1 Local Business District based on the following:

1. Approval of the C1 Local Business District would promote further strip commercial development along Morganton Road.

The Planning staff finds that all or any portion of this site is not suitable for the R6, R5A and R5 Residential, P1 and P2 Professional, P3 Flex Office and C1A Commercial Districts.

Mr. Lloyd reviewed the zoning history of this tract with the Board.

Mr. Butch Harris, representing the petitioner, appeared before the Board stating that the property has been for sale for a number of years, and there have been no requests to purchase it for residential uses. He stated that the only interest in the property has been for commercial or professional uses. He stated that the five-lane road, traffic volume and CP&L office with flood-lights at night along the adjoining property present problems in selling the property for residential use. He stated that the applicant wants to use the property for a school of gymnastics, and it would be a benefit to the neighborhood as well as a suitable buffer for the existing residences.

Mr. Rick Joeckel, owner of Omega Gymnastics, appeared before the Board stating that the Inspections Department indicated that rezoning to P2 Professional District would enable the property to be used for the school of gymnastics.

ITEM 2.B.



He stated that he has had the school in another location for fifteen years offering gymnastics. He stated that he has several successful graduates placed in universities on scholarships, and there is a growing interest in gymnastics. He stated the residents on Morganton Road have no opposition to this site being zoned commercially and presented letters in support. He stated that the character of the area has been changed by the widening of Morganton Road.

Mr. Hubert Noble, resident of Hearthstone Drive, appeared before the Board in opposition. He recited the history of fighting commercial rezoning requests in the area and stated that they have been successful beyond the Planning Board in defeating commercial rezonings. Mr. Noble cited the draft of the new Commercial Land Use Plan and stated that this document supports the position of limiting strip commercial zoning along this street.

Mr. Charles Astrike of Tarheel Drive appeared before the Board stating that he zoning administrator had not ruled that a gym would be allowed in the P2 Professional District, and he had a letter to that effect from the Inspections Department. He stated that the reason that the people across from the proposed site support commercial rezoning is because that would enable them to have their properties rezoned commercial much easier. He stated that 100 students equal 100 cars. He stated that he would rather see townhouses or apartments on the property. Mr. Astrike stated that there were over 600 names on the last petition opposing the rezoning of this property.

**A motion was made by Ms. Vick and seconded by Mr. Maxwell to deny the requested rezoning.**

Chairman Britt stated that in considering this case, the Board must consider all of the uses allowed in the C1 Shopping Center District, not merely the proposed use of the gymnastics center.

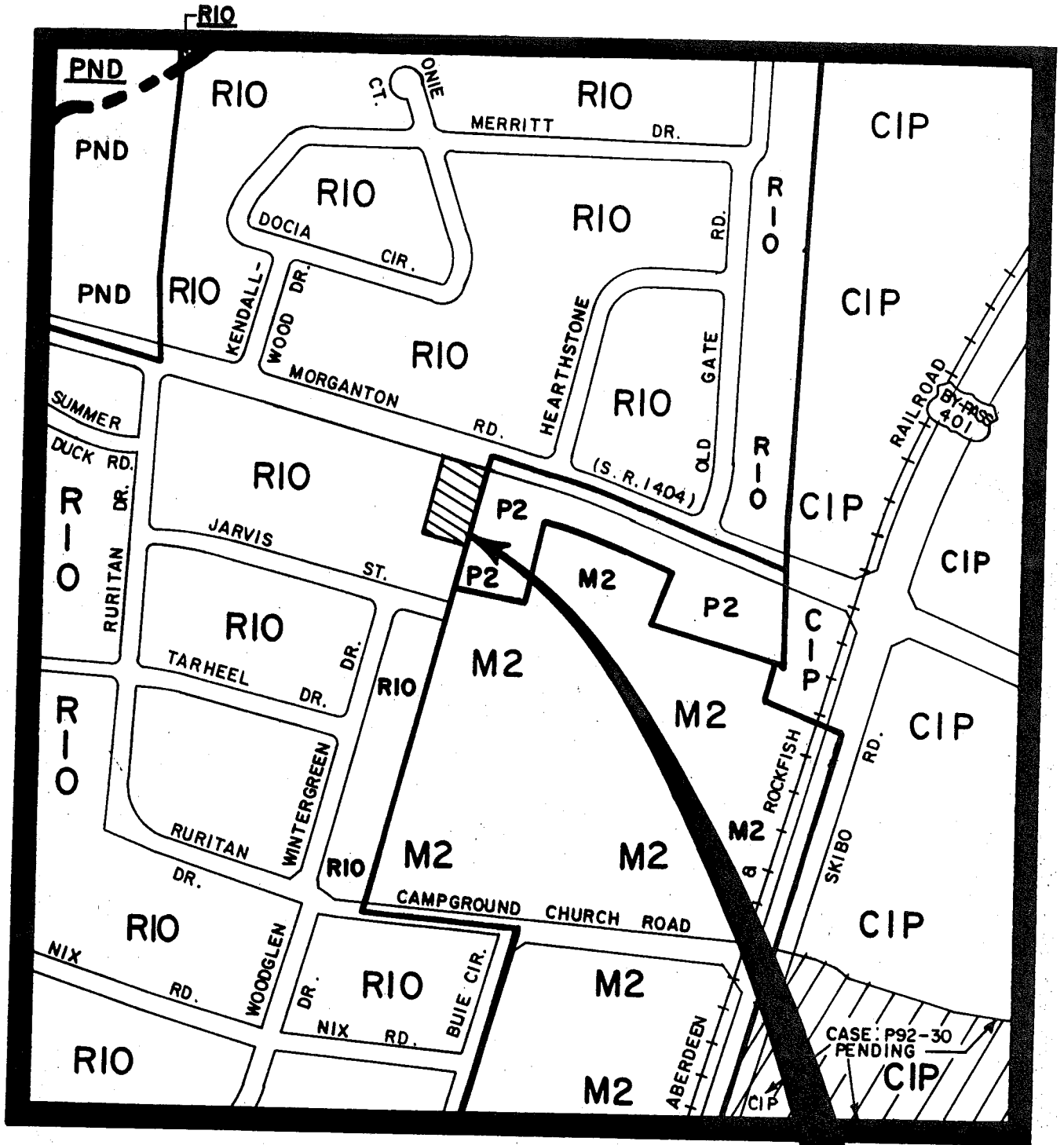
**The motion passed unanimously with Mr. Maxwell abstaining.**

Attachment

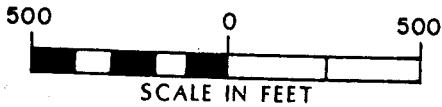
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# PLANNING DEPARTMENT

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## CUMBERLAND COUNTY JOINT PLANNING BOARD

John Britt  
CHAIRMAN

George Vaughan  
PLANNING DIRECTOR

May 18, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P92-39. AN APPLICATION BY BARDEN LANIER FOR THE ROSEMYER CORPORATION FOR A SPECIAL USE PERMIT AS PROVIDED FOR BY THE CITY OF FAYETTEVILLE CODE OF ORDINANCES FROM CHAPTER 32, ARTICLE IV, SECTION 32-30., ITEM (14) TO ALLOW MINI-WAREHOUSING IN A C3 HEAVY COMMERCIAL DISTRICT FOR AN AREA LOCATED ON THE NORTH SIDE OF BRAGG BOULEVARD, WEST OF CAROL STREET. (FAYETTEVILLE ORDINANCE)

ACTION: THE NINE MEMBERS PRESENT AT THE APRIL 21, 1992 REGULAR MEETING VOTED UNANIMOUSLY TO APPROVE THE SPECIAL USE PERMIT

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area and a site plan for the proposed Special Use Permit.

Mr. Lloyd stated that the Planning staff finds that the proposed Special Use Permit meets the findings required to approve a Special Use Permit.

No one appeared in opposition to the Special Use Permit.

Mr. Keith Stark appeared before the Board stating that Double A Self-Storage desires to offer mini-warehousing facilities in the Fayetteville area. He stated that the facility will be climate controlled.

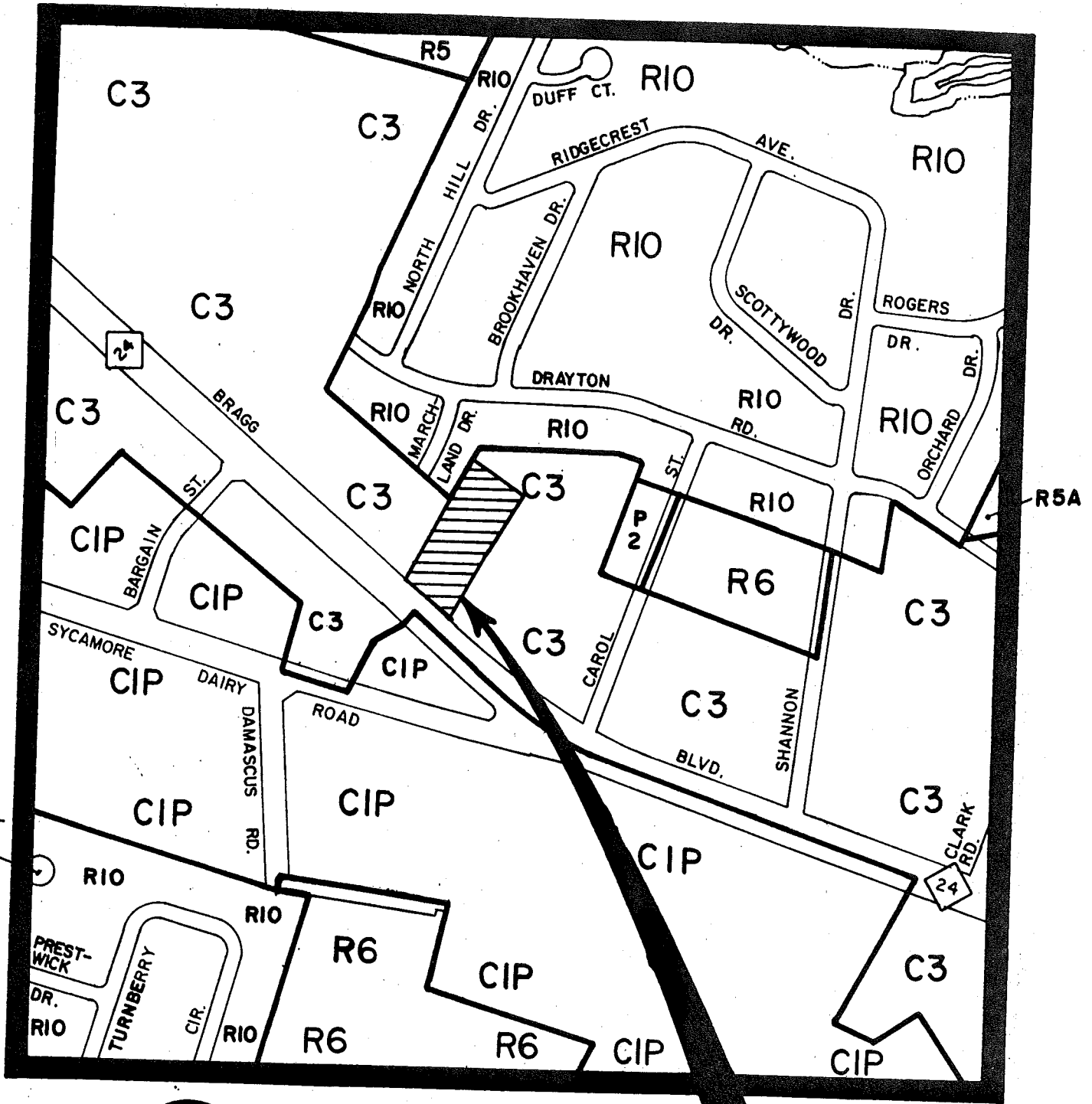
After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. McNeill and seconded by Mr. Schmidt to approve the Special Use Permit with the limitation of the hours contained in the permit application of 6:00 a.m. to 10:00 p.m. The motion passed unanimously.

Attachments

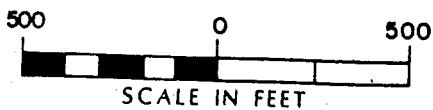
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**ITEM 2.C.**

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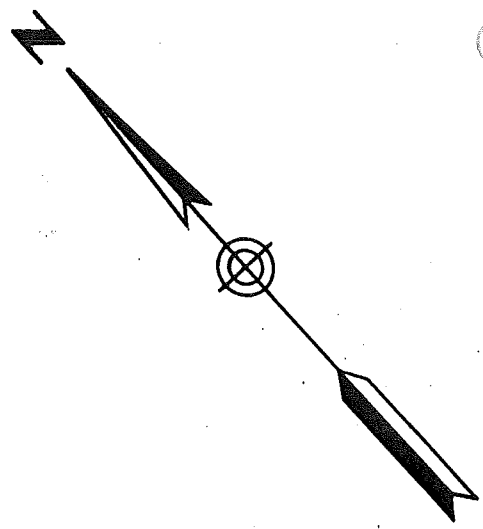
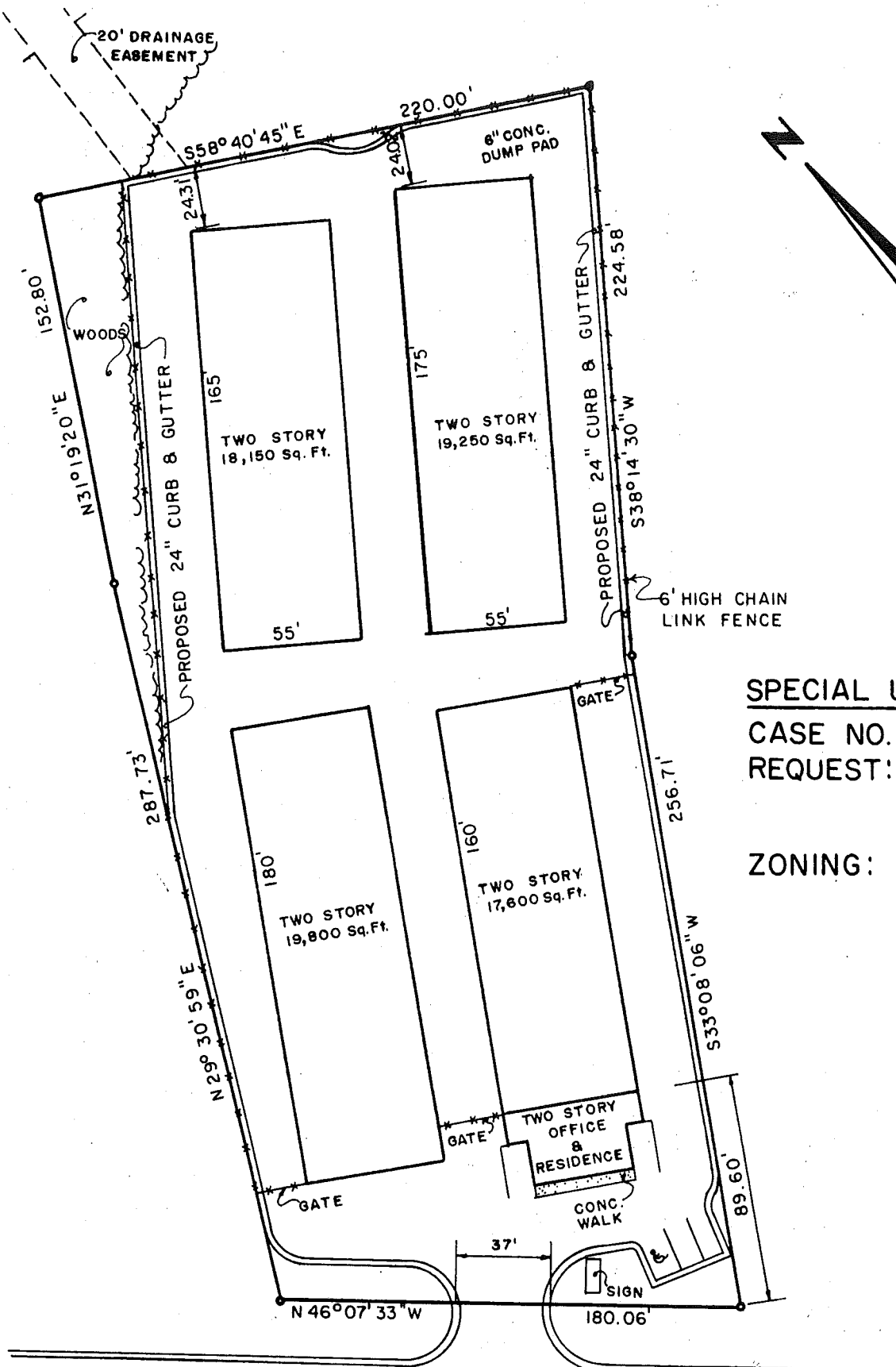


NORTH



## SPECIAL USE PERMIT

ACREAGE: 2.05 AC. ±	HEARING NO: P92-39	
ORDINANCE: FAYETTEVILLE	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		



SPECIAL USE PERMIT  
 CASE NO. P92-39  
 REQUEST: STORAGE UNITS  
RENTAL, OFFICE  
& RESIDENCE  
 ZONING: C3 SCALE: 1"=60'

N.C. HWY. 24 - BRAGG BOULEVARD 130' R/W

# PLANNING DEPARTMENT

Post Office Box 1829  
Fayetteville, NC 28302  
Telephone (919) 678-7600

## CUMBERLAND COUNTY JOINT PLANNING BOARD

John Britt  
CHAIRMAN

George Vaughan  
PLANNING DIRECTOR

May 18, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P92-33. THE INITIAL ZONING TO R10 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT THE NORTH END OF HASTINGS DRIVE, NORTH OF COUNTRY CLUB DRIVE (U.S. 401 BYPASS). BEING ALL OF ANNEXATION NO. 92-3-349, KNOWN AS "THE GREENS, SECTION ONE, PART ONE." (FAYETTEVILLE ORDINANCE)

ACTION: THE NINE MEMBERS PRESENT AT THE APRIL 21, 1992 REGULAR MEETING VOTED UNANIMOUSLY TO APPROVE THE REQUESTED INITIAL ZONING

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends approval of the initial zoning to R10 Residential District based on the following:

1. The proposed City zoning is consistent with the previous County zoning.

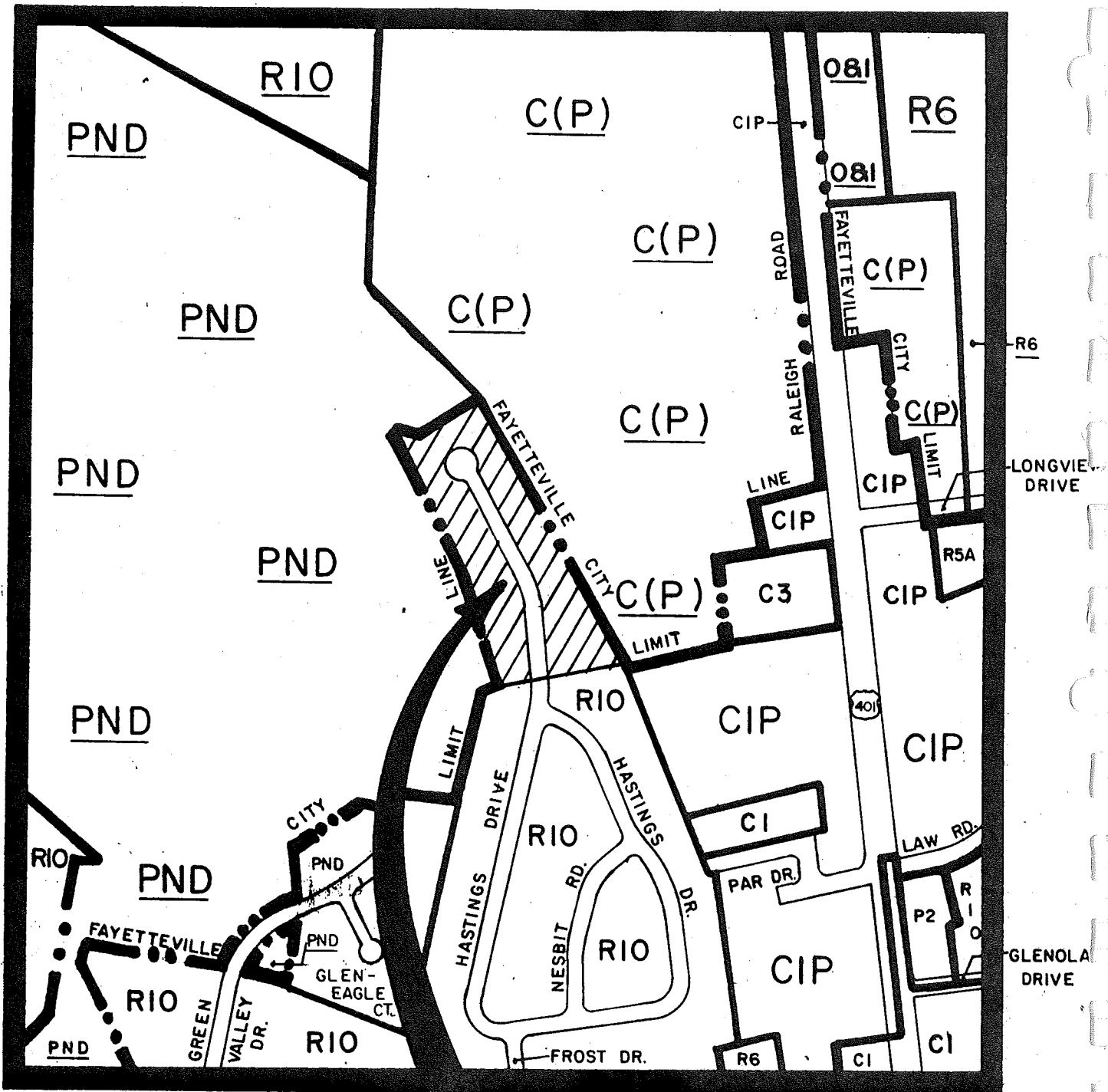
No one appeared in favor of or in opposition to the initial zoning.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. Schmidt and seconded by Mr. Maxwell to approve the initial zoning. The motion passed unanimously.

Attachments

bs

ITEM 2.D.



NORTH



SCALE IN FEET

## INITIAL ZONING TO RIO

ACREAGE: 7.31 AC.±

HEARING NO: P92-33

ORDINANCE: FAYETTEVILLE

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD



# PLANNING DEPARTMENT

Post Office Box 1829  
Fayetteville, NC 28302  
Telephone (919) 678-7600

## CUMBERLAND COUNTY JOINT PLANNING BOARD

John Britt  
CHAIRMAN

George Vaughan  
PLANNING DIRECTOR

May 18, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P92-34. THE REZONING FROM C1P SHOPPING CENTER DISTRICT TO R5 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE NORTH SIDE OF CARVER'S FALLS ROAD (SR 1713) AND THE EAST SIDE OF RALEIGH ROAD (U.S. 401 NORTH). (FAYETTEVILLE ORDINANCE)

ACTION: THE TEN MEMBERS PRESENT AT THE MAY 5, 1992 REGULAR MEETING VOTED UNANIMOUSLY TO APPROVE THE REQUESTED REZONING. MR. MCLAURIN WAS NOT PRESENT FOR VOTING.

### Minutes of May 5, 1992

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that after receiving additional information on the floodway and floodplain for this site, the Planning staff recommends approval of the requested rezoning to R5 Residential District based on the following:

1. The site meets the location criteria for high density residential development.

The Planning staff finds that all or any portion of this site is suitable for the P1 and P2 Professional, P3 Flex Office and C1A Commercial Districts.

Mr. Stacy Weaver appeared before the Board representing the petitioner. He stated that the site meets the criteria for high density development in that it has access to sewer, has water available and is on a major arterial.

No one appeared in opposition to the requested rezoning.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. Lucas and seconded by Vice-Chairman Davis to approve the requested rezoning.

ITEM 2. E.

Mr. Lucas asked for clarification on the 100-year flood plain building restrictions. Mr. Vaughan explained the restrictions.

The motion passed unanimously. Mr. McLaurin was not present for voting.

Minutes of April 21, 1992

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends denial of the requested rezoning to R5 Residential District and approval of R5A Residential District based on the following:

1. The location meets the criteria for medium density residential development, and medium density residential development is more appropriate than high density residential development in this area.

The Planning staff finds that all or any portion of this site is suitable for the P1 and P2 Professional, P3 Flex Office and C1A Commercial Districts.

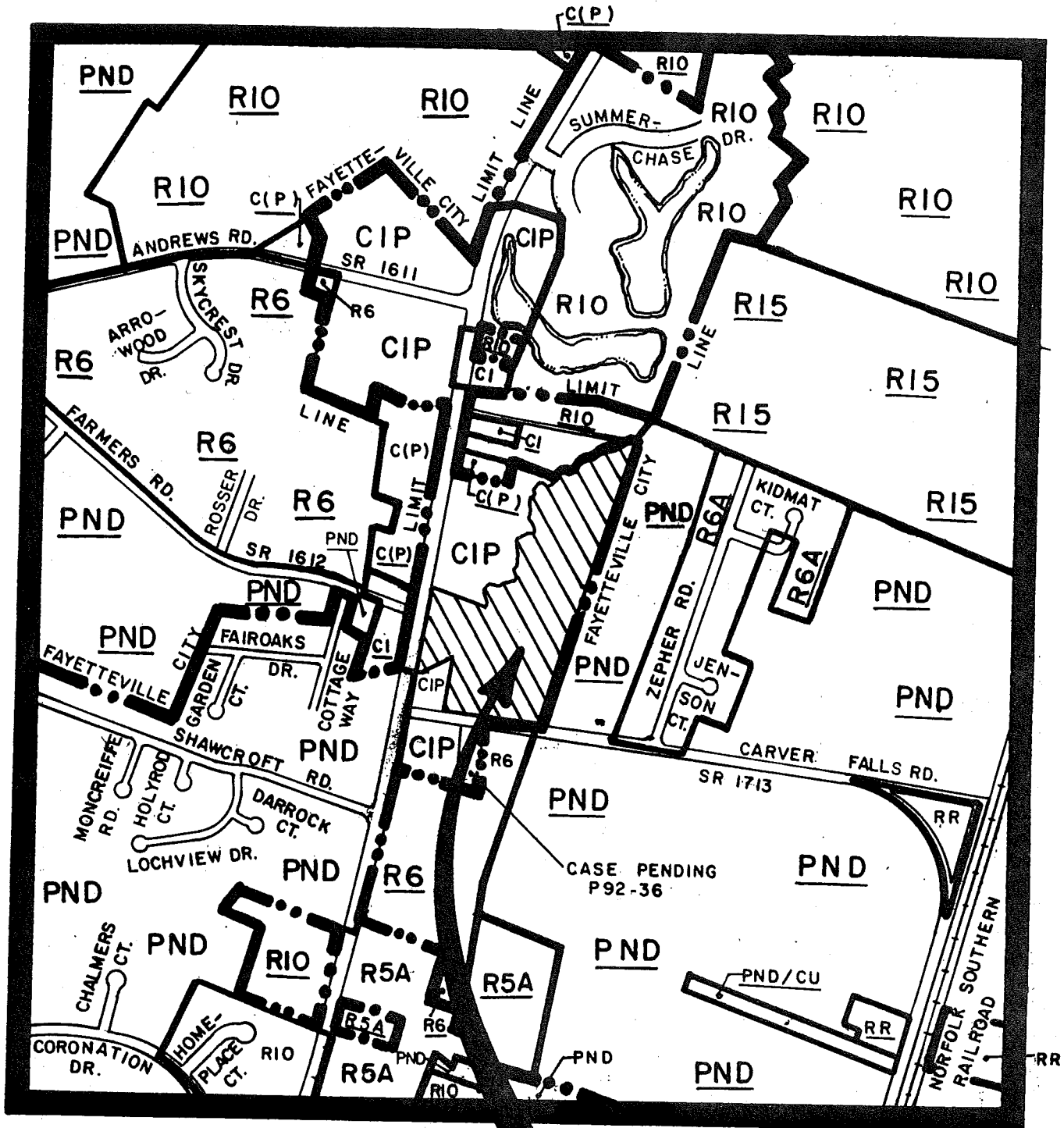
Mr. Richard Wiggins appeared before the Board representing John Koenig, the owner. He stated that the owner had determined that this site is not suitable for commercial uses. He stated that high density residential uses are appropriate, and they plan to have 400 units which is more than the R5A zoning will allow.

No one appeared in opposition to the requested rezoning.

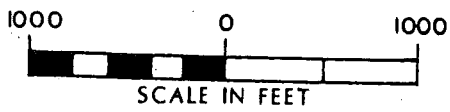
A motion was made by Ms. Vick and seconded by Mr. Morine to follow the staff recommendation.

A substitute motion was made by Mr. McNeill and seconded by Mr. Maxwell to delay the case for two weeks in order for the staff and applicant to work out the rezoning combination of R5 and R5A Residential Districts which would allow the number of units requested. The motion passed 5 to 4 with Messrs. McLaurin, Morine and Schmidt and Ms. Vick voting in opposition.

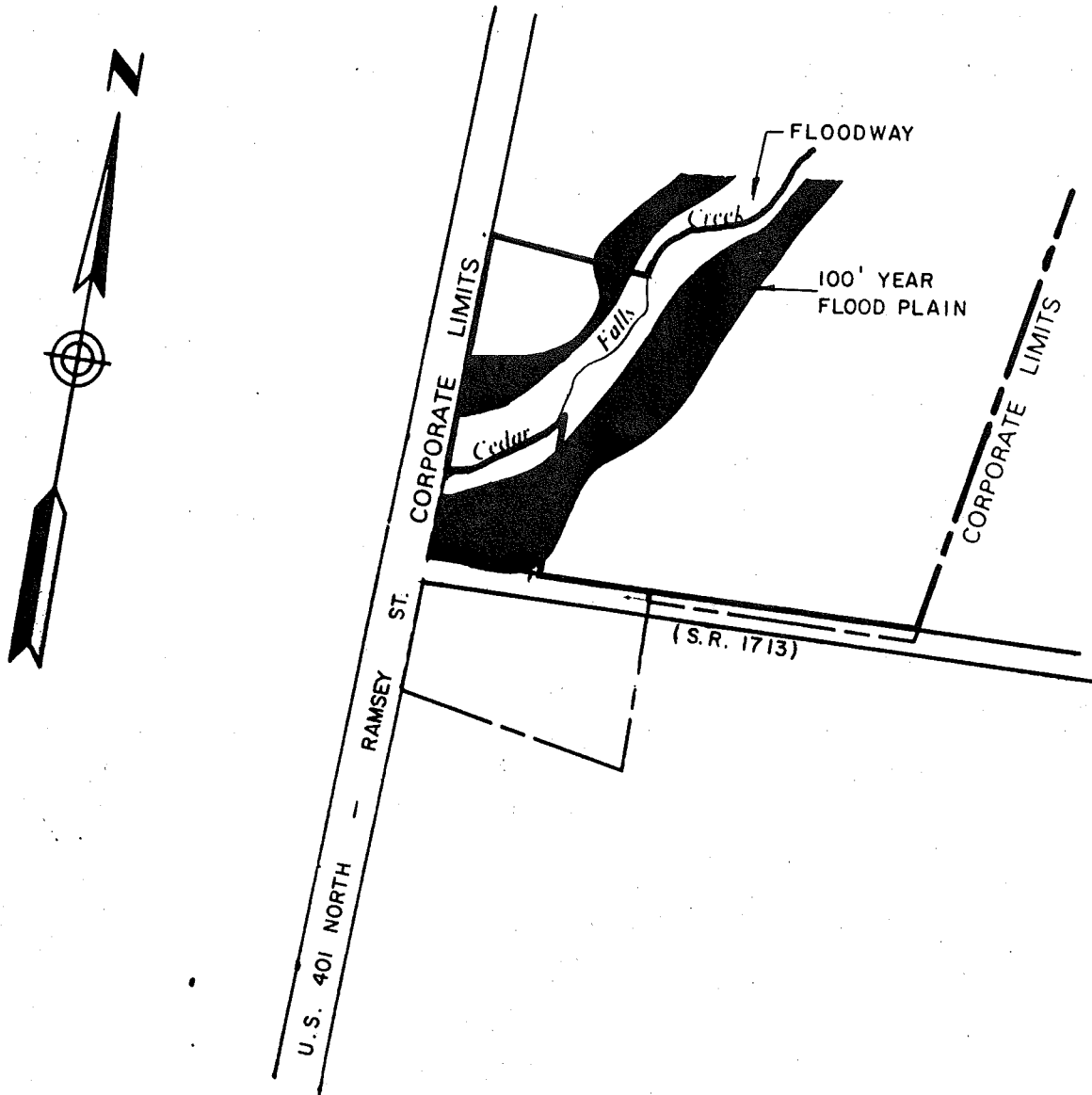
bs



NORTH



REQUESTED REZONING		
CIP TO R5		
ACREAGE: 24.8 AC. ±	HEARING NO: P92-34	
ORDINANCE: FAYETTEVILLE	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

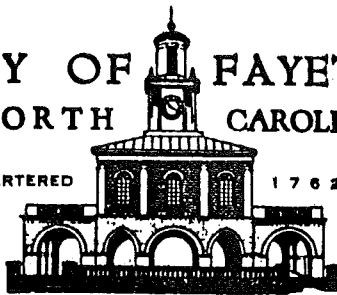


FLOOD MAP

CASE : P92-34 SCALE : 1" = 400'

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1782



CITY ATTORNEY  
P.O. BOX 1513  
FAYETTEVILLE, NC 28302-1513

ROOM 211, CITY HALL  
433 HAY STREET  
(919) 433-1985  
FAX # (919) 433-1980

May 13, 1992

MEMORANDUM

TO: John P. Smith  
City Manager

FROM: Robert C. Cogswell, Jr.  
City Attorney

SUBJECT: **Setting of Public Hearing**

Please place the following street paving assessments on the consent agenda for the setting of the public hearing for June 1, 1992, for Confirmation of the Final Rolls.

1. Coronada Parkway (from Owen Drive to Eldorado Road)
2. Mawood Avenue (from Old Gate Road to Old Gate Road)

RCC/jkp

19

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

ITEM 2.F.



Resolution No. R1992-

RESOLUTION DECLARING COST  
AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL  
AND SETTING TIME AND PLACE FOR PUBLIC HEARING  
ON PRELIMINARY ASSESSMENT ROLL  
FOR MAWOOD AVENUE (FROM OLD GATE ROAD TO OLD GATE ROAD)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 20th day of November, 1989, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements have been determined;

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

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Attorney is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 1st day of June, 1992.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 1st day of June, 1992, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Attorney is hereby directed to issue public notice of the above-described public hearing, to be published on the 22nd day of May, 1992, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. If confirmed, any assessment paid before the expiration of thirty (30) days from the date notice is published of the confirmation of the assessment roll pursuant to North Carolina General Statutes Section 160A-229, will receive a thirty percent (30%) discount.

7. That the City Attorney is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the \_\_\_\_\_ day of May, 1992.

\_\_\_\_\_  
J. L. DAWKINS, MAYOR

ATTEST:

\_\_\_\_\_  
BOBBIE A. JOYNER, CITY CLERK

The following City Councilmembers voted for the passage of the above resolution:

\_\_\_\_\_  
\_\_\_\_\_

The following City Councilmembers against the passage of the above resolution:

\_\_\_\_\_  
\_\_\_\_\_

RDC



Resolution No. R1992-

RESOLUTION DECLARING COST  
AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL  
AND SETTING TIME AND PLACE FOR PUBLIC HEARING  
ON PRELIMINARY ASSESSMENT ROLL  
FOR CORONADA PARKWAY (FROM OWEN DRIVE TO ELDORADO ROAD)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 3rd day of June, 1991, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements have been determined;

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

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Attorney is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 1st day of June, 1992.
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7. That the City Attorney is hereby directed no later than ten (10) days before the public hearing to mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

This the \_\_\_\_\_ day of May, 1992.

\_\_\_\_\_  
J. L. DAWKINS, MAYOR

ATTEST:

\_\_\_\_\_  
BOBBIE A. JOYNER, CITY CLERK

The following City Councilmembers voted for the passage of the above resolution:

\_\_\_\_\_  
\_\_\_\_\_

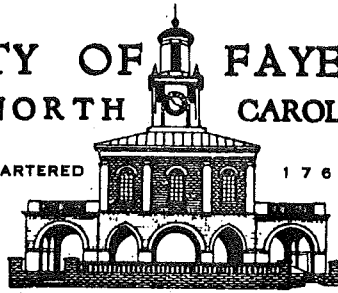
The following City Councilmembers against the passage of the above resolution:

\_\_\_\_\_  
\_\_\_\_\_

RDC

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



FINANCE DEPARTMENT  
2ND FLOOR, CITY HALL

433 HAY STREET  
P.O. DRAWER D

FAYETTEVILLE, NC 28302-1746

MEMORANDUM

MAY 13, 1992

TO: John B. Brown, Assistant City Manager for Administration and Finance

THROUGH: Kai D. Nelson, Finance Director *KAN*

FROM: Michael E. McNair, Management Analyst *MEME*

SUBJECT: Grant Project Ordinance #92-1, Special Revenue Fund Project Ordinance #92-3 and Capital Project Ordinance Amendment #92-12

Please find enclosed copies of the subject ordinances. A synopsis of each action can be found below.

Grant Project Ordinance #92-1

The City has been awarded a Planning Grant from the Urban Mass Transportation Administration which has been supplemented with a similar grant from the North Carolina DOT. Funding components of the project are; (1) Federal Share-\$193,376; (2) State Share-\$24,172; and (3) Local Shares-\$24,172 for a project total of \$241,720. This ordinance establishes the necessary group of accounts as required by the grant agreement.

#Capital Project Ordinance Amendment #92-12 and Special Revenue Fund Project Ordinance #92-3

Pursuant to the recommendations of the City's auditors, it has been determined the Program Year 17 Community Development Block Grant is best represented as a non-capital project. These two ordinances serve to reclassify it from a capital to a non-capital project in the Federal and State Special Revenue Fund.

It is respectfully recommended that Grant Project Ordinance #92-1, Special Revenue Fund Project Ordinance #92-3 and Capital Project Ordinance Amendment #92-12 be submitted to the Council for favorable consideration.

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City of



Affirmative Action Employer  
Dogwoods

ITEM *2 G*

GRANT PROJECT ORDINANCE  
GPO 92-1

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 grant project ordinance is hereby adopted:

Section 1. The project authorized is for Transit Planning Grant.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various grant and loan 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:

UMTA Grant	\$193,376
NCDOT Grant	24,172
Local Match-General Fund	15,583
Local Match-Cumberland County	<u>8,589</u>
	<u>\$241,720</u>

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

Project Expenditures	<u>\$241,720</u>
----------------------	------------------

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

Adopted this 18th day of May, 1992.

CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 92-12 (CAP-92-6)

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 CAP-92-6 adopted December 2, 1991 for Community Development Block Grant awarded by the U.S. Department of Housing and Urban Development.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various grant and loan 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:

Community Development Block Grant (\$1,112,000)

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

Project Expenditures (\$1,112,000)

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 this project.

Adopted this 18th day of May, 1992.

SPECIAL REVENUE FUND PROJECT ORDINANCE  
ORD 92-3

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Chapter 159 of the General Statutes of North Carolina, the following Special Revenue Fund project ordinance is hereby authorized:

Section 1. The project authorized is for Community Development Block Grant awarded by the U.S. Department of Housing and Urban Development.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various grant and loan 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:

HUD-Community Development Block Grant                    \$1,112,000

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

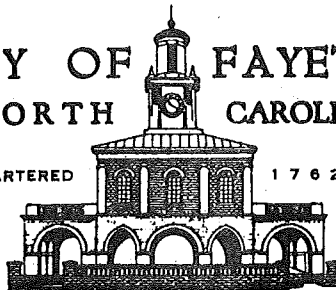
Project Expenditures    \$1,112,000

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

Adopted this 18th day of May, 1992.

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



ENGINEERING DEPARTMENT  
433 HAY STREET

FAYETTEVILLE, NC 28301-5537  
(919) 433-1656

May 12, 1992

MEMORANDUM

TO: Mr. John P. Smith, City Manager

THROUGH: Jimmy Teal, Assistant City Manager  
Planning/Development

FROM: Michael L. Walker, P.E., City Engineer *MW*

SUBJECT: City Engineering Department Project Number B10-408-91  
McPherson Church Road/Morganton Road Intersection  
Improvement - N.C.D.O.T. Municipal Agreement Number  
9.8069744 (U-1656P)

Bids were opened on this project on May 12, 1992 at 2:00 p.m.  
The purpose of this project is to add additional turning lanes at  
all four quadrants of the intersection.

These additional turning lanes will:

- a) Improve traffic flow.
- b) Reduce the long lines to turn left or right which is  
currently a major problem at this intersection.

The City, North Carolina Department of Transportation and the  
Public Works Commission are all participating in the cost of this  
project.

A total of three (3) bids were received. The bids are tabulated  
below:

Barnhill Contracting Co., Inc.	\$250,661.62
Crowell Constructors, Inc.	\$254,519.20
McDonald Grading Company	\$317,481.00
CITY ESTIMATE	\$260,881.50

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City of



Affirmative Action Employer  
Dogwoods

ITEM 2.H.

MEMORANDUM

Mr. John P. Smith  
Page Two  
May 12, 1992

We recommend awarding the contract to the low bidder, Barnhill Contracting Company, Inc., based on the contract unit prices as submitted in their above referenced bid. The project is to be completed by November 20, 1992 and the liquidated damages are fifty cents (\$.50) per day per \$1,000 of the bid amount for each day of overrun.

It should be pointed out that this project will include several hundred feet of construction along both the east and west sides of Morganton Road. This road is currently maintained by the North Carolina Department of Transportation. N.C.D.O.T. will reimburse the City for all construction work and right-of-way acquisition required along this portion of the project. That portion of the cost is estimated to be \$156,100.

In order to install the new turning lanes, most of PWC's existing overhead electrical lines will have to be relocated behind the new curb. The total estimated costs for these overhead relocations have been estimated to be approximately \$200,000 and the City is required to fund one-half of this amount, or \$100,000. PWC has let a separate contract to complete this portion of the project.

The following chart summarizes the net cost to the City after all construction has been completed and all reimbursements to the City have been made:

	INITIAL COST TO CITY	AMOUNT TO BE REIMBURSED TO CITY <u>BY N.C.D.O.T.</u>
1. Overhead Utility Line Relocation (Total Cost: \$200,000)	\$100,000.00	
2. All Turning Lane Construction	<u>\$250,661.62</u>	<u>\$156,100.00</u>
	\$350,661.62	\$156,100.00
<b>NET COST TO CITY</b>		<b><u>\$194,561.62</u></b>



M E M O R A N D U M

Mr. John P. Smith  
Page Three  
May 12, 1992

We realize that the general public and area merchants will have concerns and potential complaints to the City during construction of this project. As with all projects, especially one at such a critical location, the Engineering Department will make every reasonable effort to resolve any undesirable conditions or business owner complaints which may arise from this project.

A meeting has been scheduled by the City Manager's office to discuss with the merchants the phasing of the construction, traffic congestion, critical dates during the construction period and, most importantly, to demonstrate that we intend to accomplish this project in a timely manner in coordination with the concerns of the area merchants.

MLW/mak

Enclosure: Bid Tabulation

cc: Roger L. Stancil, Deputy City Manager

12 MAY 1992  
10-408-91

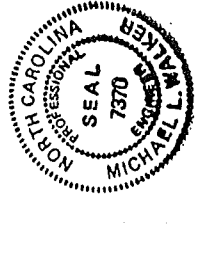
CITY ENGINEERING DEPARTMENT, FAYETTEVILLE, NORTH CAROLINA  
ENGR PROJ. 10-408-91

STREET CONSTRUCTION VARIOUS STREETS  
DEPARTMENT, FAYETTEVILLE, NORTH CAROLINA  
ENGR PROJ. 10-408-91

PROPOSAL ITEM #	DESCRIPTION	QUANTITY/UNITS	City	EXT	Crowell Const	Barnhill Contract	EXT	McDonald Grading
1	MOBILIZATION	1 LS	\$10,000.00	\$10,000.00	\$9,848.00	\$5,854.00	\$5,854.00	\$12,500.00
2	EROSION CONTROL	1 LS	\$1,200.00	\$1,200.00	\$3,300.00	\$5,160.00	\$5,160.00	\$4,500.00
3	R & D ASPHALT/CONC PVMT	100 SY	\$2.75	\$275.00	\$2.60	\$3.50	\$350.00	\$10.00
4	R & D CONC SLABS	330 SY	\$3.70	\$1,221.00	\$3.25	\$5.00	\$1,650.00	\$5.00
5	R & D C&G	1998 LF	\$2.75	\$5,494.50	\$2.50	\$3.49	\$6,973.02	\$5.00
6	R & D BUMPER CURB	73 SY	\$2.75	\$200.75	\$4.50	\$3.50	\$255.50	\$7.50
7	R & D CONC SIDEWALK	502 SY	\$3.75	\$1,882.50	\$3.00	\$4.80	\$2,309.20	\$5.00
8	RELOCATE GUARD RAIL	316 LF	\$10.00	\$3,160.00	\$6.00	\$8.00	\$2,528.00	\$10.00
9	ADJUST EXISTING MANHOLES	14 EA	\$150.00	\$2,100.00	\$110.00	\$125.00	\$1,750.00	\$250.00
10	ADJUST EXISTING WATER VALVE	13 EA	\$75.00	\$975.00	\$95.00	\$100.00	\$1,300.00	\$175.00
11	R & D DRIVEWAYS	125 EA	\$12.00	\$1,500.00	\$3.25	\$5.00	\$625.00	\$7.50
12	REBUILD, TIE-IN D/W	475 SY	\$27.00	\$12,825.00	\$23.00	\$28.00	\$13,300.00	\$28.00
13	SELECT BORROW PIPE	2674 CY	\$5.75	\$15,375.50	\$5.60	\$2.50	\$6,685.00	\$11.50
14	MANHOLES 4" DIA 0-6	4 EA	\$850.00	\$3,400.00	\$700.00	\$750.00	\$3,000.00	\$750.00
15	CATCH BASINS 0-6 DEPTH	9 EA	\$650.00	\$5,850.00	\$750.00	\$695.00	\$6,255.00	\$825.00
16	15" RCP 0-6	45 LF	\$22.50	\$1,012.50	\$23.00	\$37.40	\$1,683.00	\$26.00
17	PIPE TIE-IN EXIST STRUCTURE	320 LF	\$275.00	\$88,800.00	\$26.50	\$19.85	\$6,332.00	\$21.50
18	CONVERT CB TO JB	8 EA	\$250.00	\$2,000.00	\$160.00	\$150.00	\$1,200.00	\$350.00
19	30" CONC VERTICAL CURB	7 EA	\$11.00	\$77.00	\$610.00	\$500.00	\$3,500.00	\$550.00
20	BIT CONC SURFACE i-1	2508 LF	\$27.00	\$67,716.00	\$9.50	\$8.80	\$22,070.40	\$12.50
21	BIT CONC ASPH H-BINDER	1045 TONS	\$26.50	\$27,697.50	\$28.00	\$30.95	\$32,342.75	\$31.00
22	CRUSH-RUN STONE, COMPACTED	523 tn	\$14.50	\$7,583.50	\$15.50	\$32.75	\$17,128.25	\$31.00
23	UNDERCUT EXCAVATION	1008 TONS	\$5.75	\$5,820.00	\$5.00	\$20.60	\$20,764.80	\$20.00
24	SELECT BORROW	2674 CY	\$4.50	\$12,033.00	\$5.00	\$1.65	\$4,412.10	\$4.50
25	UNCLASS EXCAVATION	2674 CY	\$6.25	\$16,716.00	\$5.00	\$7.00	\$18,718.00	\$7.00
26	SEED & MULCH	1.47 AC	\$2,200.00	\$3,256.25	\$5.00	\$11.80	\$17,336.60	\$4.50
27	PROFILING BY MILLING	15800 SY	\$2.50	\$39,500.00	\$2.00	\$1.80	\$28,440.00	\$2.00
TOTAL SECTION A				\$236,999.00	\$219,807.45	\$223,074.12	\$279,571.50	

PROPOSAL ITEM #	DESCRIPTION	QUANTITY/UNITS	City	EXT	Crowell Const	Barnhill Contract	EXT	McDonald Grading
1	TRAFFIC CONTROL	1 LS	\$8,500.00	\$8,500.00	\$17,250.00	\$10,000.00	\$10,000.00	\$20,500.00
TOTAL SECTION B - TRAFFIC CONTROL				\$8,500.00	\$17,250.00	\$10,000.00	\$10,000.00	\$20,500.00

PROPOSAL ITEM #	DESCRIPTION	QUANTITY/UNITS	City	EXT	Crowell Const	Barnhill Contract	EXT	McDonald Grading
1	WHITE SKIP & MINI-SKIP	2850 LF	\$0.45	\$1,282.50	\$0.46	\$0.45	\$1,311.00	\$0.42
2	WHITE 90 MIL GORE LINE	500 LF	\$0.50	\$250.00	\$0.85	\$0.70	\$425.00	\$0.80
3	WHITE 120 MIL STOP BAR	600 LF	\$4.00	\$2,400.00	\$5.00	\$3.00	\$3,000.00	\$4.50
4	YELLOW 120 MIL CENTER LINE	6000 LF	\$0.45	\$2,700.00	\$0.45	\$0.37	\$2,250.00	\$0.42
5	1833 SP ONLY 120 MIL	28 EA	\$125.00	\$3,500.00	\$78.00	\$200.00	\$5,600.00	\$93.50
6	1835 LEFT TURN ARROW	24 EA	\$50.00	\$1,200.00	\$78.00	\$60.00	\$1,440.00	\$77.00
7	1839 RIGHT TURN ARROW	22 EA	\$50.00	\$1,100.00	\$78.00	\$60.00	\$1,320.00	\$77.00
8	1842 STRAIGHT ARROW	45 EA	\$50.00	\$2,250.00	\$78.00	\$60.00	\$2,700.00	\$77.00
9	REFLECT PVMT MARKERS YELLOW	45 EA	\$180.00	\$8,100.00	\$4.25	\$5.00	\$225.00	\$6.50
10	REFLECT PVMT MARKER CRYSTAL	130 EA	\$4.00	\$520.00	\$4.25	\$5.00	\$650.00	\$6.50
TOTAL BID ALL SECTIONS				\$15,382.50	\$17,461.75	\$17,587.50	\$250,661.62	\$317,481.00



THE LOW BID WAS SUBMITTED BY BARNHILL CONSTRUCTORS, INC \$250,661.62

THE ABOVE TABULATION IS A COMPLETE AND ACCURATE LISTING OF ALL BIDS RECEIVED.  
Michael L. Walker, P.E.  
City Engineer

AWARD OF CONTRACT  
EXERPT OF MEETING OF THE CITY COUNCIL  
CITY OF FAYETTEVILLE, NORTH CAROLINA

At a regular meeting of the Mayor and City Council of the City of Fayetteville, North Carolina, duly held on the 18th day of May, 19 92, in City Hall, pursuant to due and lawful notice, the following action was taken:

The acceptance of proposals and the award of a contract incorporated in the INVITATION FOR BIDS, PROPOSAL, ETC., contained in the CONTRACT DOCUMENTS FOR McPherson Church and Morganton Road Intersection Improvement Engineering Project #B10-408-91

The bids on the aforementioned work, having been received and opened in public, were recorded in the minutes of the City Council of the City of Fayetteville; thereupon, after consideration of the bids by the City Council in consultation with the Engineer and/or the City Manager, it was determined that the acceptance of the proposal and bid of Barnhill Contracting, Inc. (hereinafter CONTRACTOR) would be in the best interest of the City of Fayetteville, and consequent upon which the following action was proposed by \_\_\_\_\_ and seconded by \_\_\_\_\_.

All of the bids duly and regularly made on the parts of several works specifically referred to in the Proposal were duly opened, read, tabulated and canvassed, and after due consideration, it was determined that the acceptance of the Bid of CONTRACTOR would best conserve the interests of the City of Fayetteville. Therefore, be it known that the City of Fayetteville does award the Contract for all of said parts of said work to said CONTRACTOR at and for the rates and prices set out in said Proposal, said award being subject to all conditions and stipulations set out in the Contract Documents above mentioned and the Mayor and City Clerk are hereby authorized and directed to execute said contract on behalf of the City of Fayetteville.

Council Persons voting aye, \_\_\_\_\_

Council Persons voting no, \_\_\_\_\_

Council Persons absent or abstaining \_\_\_\_\_

\_\_\_\_\_  
DEPUTY CITY CLERK

\_\_\_\_\_  
MAYOR

Approved as to form and legal sufficiency:

\_\_\_\_\_  
CITY ATTORNEY

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ROBERT C. WILLIAMS, CHAIRMAN  
 W. LYNDY TIPPETT, VICE CHAIRMAN  
 WILLIAM H. OWEN, SECRETARY  
 ROBERT O. MCCOY, TREASURER  
 TIMOTHY WOOD, GENERAL MANAGER

**PUBLIC WORKS COMMISSION**  
 OF THE CITY OF FAYETTEVILLE

508 PERSON STREET  
 P.O. DRAWER 1089  
 FAYETTEVILLE, NORTH CAROLINA 28302-1089  
 TELEPHONE (AREA CODE 919) 483-1401  
 FAX (AREA CODE 919) 483-1429

**ELECTRIC & WATER UTILITIES**

May 13, 1992

MEMO TO: John Smith, City Manager

FROM: Tim Wood, General Manager *Wood*

SUBJECT: PWC Items For City Council Agenda - May 18, 1992

2. I. Approval of bid award in the amount of \$ 647,374.00 to WESCO, low bidder, for Mobile Substation. Bids were received April 14, 1992, as follows:

WESCO	\$647,374.00
R. W. Chapman & Co.	\$649,137.00
National Transformer Sales	\$667,412.00

2. J. Approval of bid award in the amount of \$123,820.34 to Weeks Construction, low bidder, for POD #3 69kV transmission lines from: (A) Railroad Street to Wilmington Road, and (B) Morganton Road At McPherson Church Road Intersection Widening. Bids were received April 28, 1992, as follows:

	(A)	(B)	Total Bid
Weeks Construction	\$56,389.52	\$ 67,430.82	\$123,820.34
Stackhouse, Inc.	\$67,920.19	\$ 92,854.60	\$160,774.79
C. W. Wright Construction	\$87,485.70	\$100,825.95	\$188,311.65
Sumter Builders, Inc.	\$79,166.17	\$110,447.92	\$189,614.09

2. K. Approval of bid award in the amount of \$29,962.23 to Lake City Electric, low bidder, for a 350 hp, 2400/460 volt, 1200 RPM Electric Motor (replacement for No. 4 High Pressure Pump at the Hoffer Water Treatment Plant). Bids were received April 15, 1992, as follows:

Lake City Electric	\$29,962.23
Electrotek	\$31,000.00

TW/gm



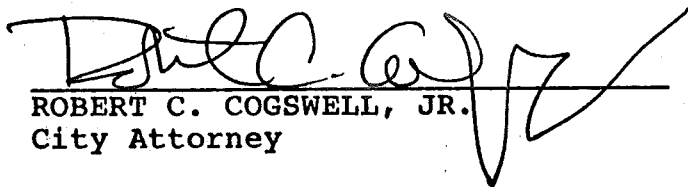
RECEIVED  
MAY 10 1964  
U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C.

CERTIFICATE SHOWING NOTICES OF THE HEARINGS ON  
PRELIMINARY ASSESSMENT ROLLS WERE MAILED TO  
OWNERS OF PROPERTY SHOWN ON THE ROLLS

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF  
FAYETTEVILLE:

I, Robert C. Cogswell, Jr., City Attorney of the City of Fayetteville, North Carolina, do hereby certify that notices of the preliminary Assessment Rolls for the following sidewalk improvement projects were mailed by first class mail on the 7th day of May, 1992, to the owners of the property shown on the preliminary Assessment Rolls.

1. Jarvis Street (from Ruritan Drive to Dead End)
2. Buie Circle (from Campground Road to Nix Road)
3. Tarheel Drive (from Wintergreen Drive to Ruritan Drive)
4. Nix Road (from Buie Circle to Campground Road)

  
ROBERT C. COGSWELL, JR.  
City Attorney

CERTIFY.5

ITEM 3.A.





RESOLUTION CONFIRMING ASSESSMENT ROLL  
AND LEVYING ASSESSMENTS

WHEREAS, the City Council of the City of Fayetteville has on May 18, 1992, held a public hearing, after due notice as required by law, on the Assessment Roll for the improvement of Jarvis Street (from Ruritan Drive to Dead End) for paving;

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

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

1. The Assessment Roll for the improvement of Jarvis Street (from Ruritan Drive to Dead End) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll, attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.
3. The City Attorney is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
4. Pursuant to the policy of the City Council of the City of Fayetteville adopted on September 21, 1987, a thirty percent (30%) discount shall be applied to any assessments paid before the expiration of thirty (30) days from the date that notice is published of confirmation of the Assessment Roll pursuant to Chapter 160A, Section 229, of the General Statutes of North Carolina.
5. The Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina.

6. The Deputy Tax Collector is hereby further directed to publish once on the 17th day of June, 1992, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

This the 18th day of May, 1992, at \_\_\_\_\_ p.m.

\_\_\_\_\_  
J. L. DAWKINS, MAYOR

ATTEST:

\_\_\_\_\_  
BOBBIE A. JOYNER, CITY CLERK

The following City Councilmembers voted for the passage of the above resolution:

\_\_\_\_\_  
\_\_\_\_\_

The following City Councilmembers voted against the passage of the above resolution:

\_\_\_\_\_  
\_\_\_\_\_

CONFIRM.21

Property Length = 1,951.65'  
 Construction Length = 980.0'  
 Construction Cost = \$45,672.77  
 3.5% Engineering Cost = 1,598.55  
 Total Cost = \$47,271.32  
 Assessment Rate = \$10.00/Foot

JARVIS STREET  
 ASSESSMENT ROLL FOR PAVING  
 (FROM RURITAN DRIVE TO DEAD END)

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

Construction Approved by City Council - 5/20/91

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
PER COUNCIL ACTION DATED 1-1-88				
<u>N/S From Ruritan Drive, East</u>				
Thomas James and Shizuko Gravley 107 Ruritan Club Drive Fayetteville, NC 28314-1430	0408-20-70-991Z 107 Ruritan Club Drive Lot 9, Plat 18/57 Kendall Development, Section 1, Block A	1143-477	144.64'	\$1,446.40
Thomas James and Shizuko Gravley 107 Ruritan Club Drive Fayetteville, NC 28314-1430	0408-20-80-0957 Lot 8, Plat 18/57 Kendall Development, Block A	2315-308	100.00'	\$1,000.00
William D. and Joanne M. Bunce 5400 Jarvis Street Fayetteville, NC 28314-1433	0408-20-80-1976 5400 Jarvis Street Lot 7, Plat 18/57 Kendall Development, Block A	931-503	110.00'	\$1,100.00
William D. and Joanne M. Bunce 5400 Jarvis Street Fayetteville, NC 28314-1433	0408-20-80-2973 Lot 6, Plat 18/57 Kendall Development, Block A	1181-595	110.00'	\$1,100.00
William D. and Joanne M. Bunce 5400 Jarvis Street Fayetteville, NC 28314-1433	0408-20-80-4839 Lots 4 & 5, Plat 18/57 Kendall Development, Block A	2582-313	220.00'	\$2,200.00
Robert L. and Theima A. Alexander 526 Clifford Avenue Fayetteville, NC 28314-2049	0408-20-80-5895 Lot 3, Plat 18/57 Kendall Development, Block A	2582-74	110.00'	\$1,100.00

Property Length = 1,951.65'  
 Construction Length = 980.0'  
 Construction Cost = \$45,672.77  
 3.5% Engineering Cost = 1,598.55  
 Total Cost = \$47,271.32  
 Assessment Rate = \$10.00/Foot

JARVIS STREET  
 ASSESSMENT ROLL FOR PAYING  
 (FROM RURITAN DRIVE TO DEAD END)

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

Construction Approved by City Council - 5/20/91

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
PER COUNCIL ACTION DATED 1-1-88				
George Wm. and Frances L. Sevits Route 6, Box 1319 Sanford, NC 27331-1319	0408-20-80-7850 Lots 1 & 2, Plat 18/57 Kendall Development, Block A	2053-403	221.60'	\$2,216.00
<u>S/S From Ruritan Drive, East</u>				
Doris S. Taylor 205 Ruritan Club Drive Fayetteville, NC 28314-1423	0408-20-70-9706 205 Ruritan Club Drive Lot 1, Plat 63/94 Mr. and Mrs. Bobby L. Brown, Holly Properties	3401-64	144.64'	\$1,446.40
Bobby L. and Holly Trimble Brown 5421 Jarvis Street Fayetteville, NC 28314-1410	0408-20-80-0733 5421 Jarvis Street Lot 2, Plat 63/94 Mr. and Mrs. Bobby L. Brown, Holly Properties	3736-884	132.26'	\$1,322.60
Mike E. Bobbitt 342 Devane Street Fayetteville, NC 28305-5273	0408-20-80-1740 Lot 37, Plat 40/8 Carolina Pines	2359-521	109.16'	\$1,091.60
Mike Bobbitt 342 Devane Street Fayetteville, NC 28305-5273	0408-20-80-2657 Lot 36, Plat 40/8 Carolina Pines	2359-521	110.00'	\$1,100.00

Property Length = 1,951.65'  
 Construction Length = 980.0'  
 Construction Cost = \$45,672.77  
 3.5% Engineering Cost = 1,598.55  
 Total Cost = \$47,271.32  
 Assessment Rate = \$10.00/Foot

JARVIS STREET  
 ASSESSMENT ROLL FOR PAVING  
 (FROM RURITAN DRIVE TO DEAD END)

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

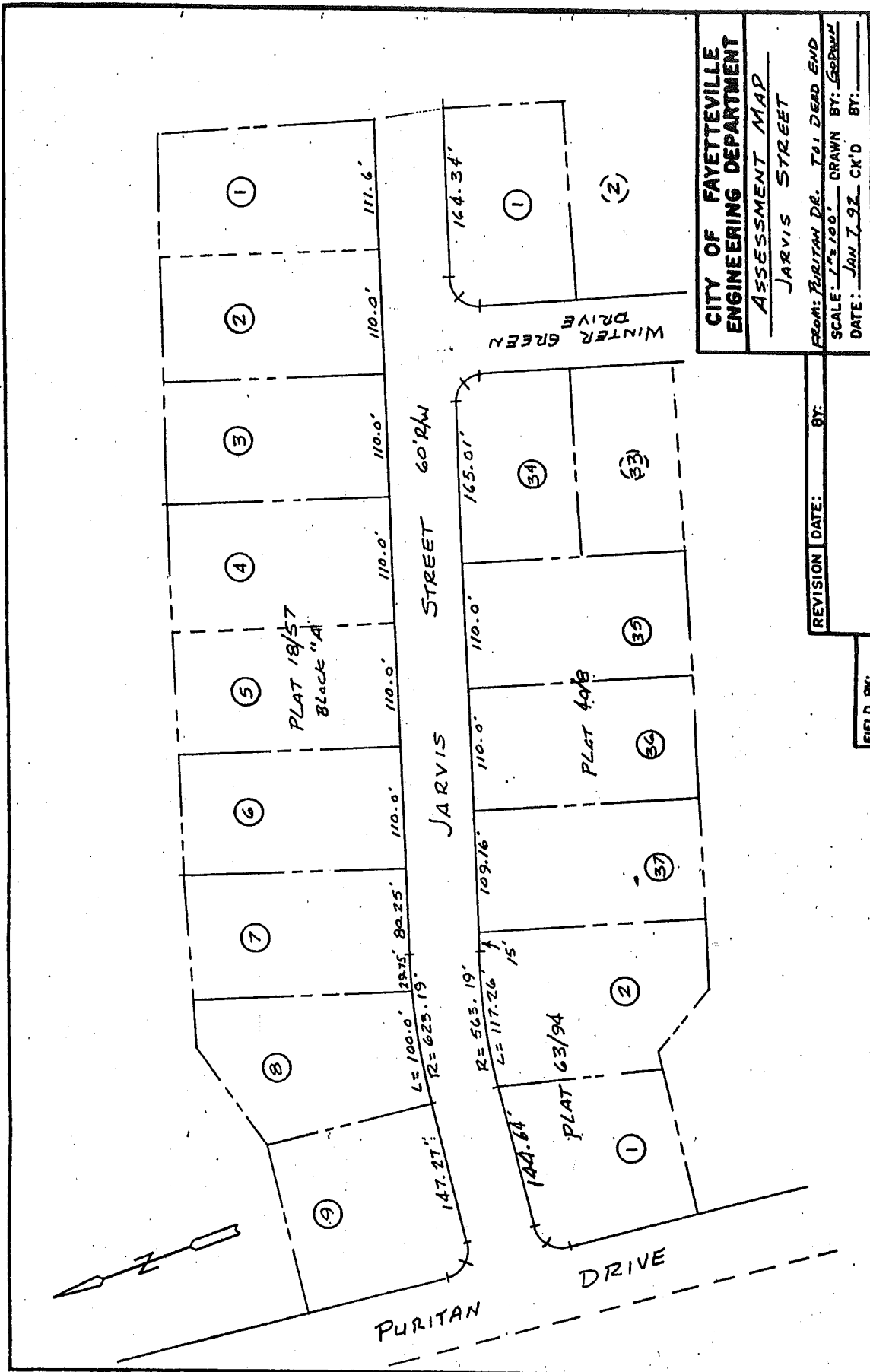
Construction Approved by City Council - 5/20/91

PER COUNCIL ACTION DATED 1-1-88

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
Richard A. and Linda D. McAuley 202 Wintergreen Drive Fayetteville, NC 28314-1428	0408-20-80-3654 Lot 35, Plat 40/8 Carolina Pines	2894-75	110.00'	\$1,100.00
Vance L. Cobb 202 Wintergreen Drive Fayetteville, NC 28314-1428	0408-20-80-5604 202 Wintergreen Drive Lot 34, Plat 40/8 Carolina Pines	3722-594	165.01'	\$1,650.10
Patrick D. and Shannon E. Byrd 203 Wintergreen Drive Fayetteville, NC 28314-1425	0408-20-80-7529 203 Wintergreen Drive Lot 1, Plat 40/8 Carolina Pines	3678-408	164.34'	\$1,643.40
COST TO CITY = \$27,754.82 (58.71%) COST TO OWNERS = 19,516.50 (41.29%) TOTAL = \$47,271.32				

Sidewalk to be assessed at the rate of \$10.00 per foot upon the lots and parcels of land abutting upon the improved sidewalk portion according to the extent of the respective frontage thereon by an equal rate per foot of such frontage, to be paid after completion of such work and within thirty (30) days after notice of assessment, in cash with no interest, or in five equal annual installments, bearing annual interest at eight percent (8%), payable annually.

Robert C. Cogswell, Jr.  
 City Attorney



CITY OF FAYETTEVILLE  
 ENGINEERING DEPARTMENT  
 ASSESSMENT MAP  
 JARVIS STREET

FROM: PURITAN DR. TO: DEAD END  
 SCALE: 1"=100' DRAWN BY: GORRILL  
 DATE: JAN 7, 92 CK'D BY:

REVISION DATE: BY:

FIELD BK:

PUBLIC HEARING - SPEAKERS

①

SUBJECT: ASSESSMENTS - PAVING JARVIS ST.

DATE: May 18, 1992

PROPONENT (In Favor)

(Name - Print)

(Address - Print)

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
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(Name - Print)

OPPONENT - (Against)

(Address - Print)

- 1. Thomas J. Grayley
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_

- 107 Ruritan Dr. OR 5424 JARVIS
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
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- \_\_\_\_\_
- \_\_\_\_\_

**PUBLIC HEARING - SPEAKERS**

**SUBJECT:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**C I T I Z E N   I N P U T**

**(Name - Print)**

**(Address - Print)**

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RESOLUTION CONFIRMING ASSESSMENT ROLL  
AND LEVYING ASSESSMENTS

WHEREAS, the City Council of the City of Fayetteville has on May 18, 1992, held a public hearing, after due notice as required by law, on the Assessment Roll for the improvement of Nix Road (from Buie Circle to Campground Road) for paving;

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

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

1. The Assessment Roll for the improvement of Nix Road (from Buie Circle to Campground Road) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll, attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.
3. The City Attorney is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
4. Pursuant to the policy of the City Council of the City of Fayetteville adopted on September 21, 1987, a thirty percent (30%) discount shall be applied to any assessments paid before the expiration of thirty (30) days from the date that notice is published of confirmation of the Assessment Roll pursuant to Chapter 160A, Section 229, of the General Statutes of North Carolina.
5. The Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina.

6. The Deputy Tax Collector is hereby further directed to publish once on the 17th day of June, 1992, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

This the 18th day of May, 1992, at \_\_\_\_\_ p.m.

\_\_\_\_\_  
J. L. DAWKINS, MAYOR

ATTEST:

\_\_\_\_\_  
BOBBIE A. JOYNER, CITY CLERK

The following City Councilmembers voted for the passage of the above resolution:

\_\_\_\_\_  
\_\_\_\_\_

The following City Councilmembers voted against the passage of the above resolution:

\_\_\_\_\_  
\_\_\_\_\_

CONFIRM.23

Property Length = 1,200.00'  
 Construction Length = 690.00'  
 Construction Cost = \$36,366.88  
 3.5% Engineering Cost = 1,272.84  
 Total Cost = \$37,639.72  
 Assessment Rate = \$10.00/Foot

NIX ROAD  
 ASSESSMENT ROLL FOR PAVING  
 (FROM BUIE CIRCLE TO CAMPGROUND ROAD)

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

Construction Approved by City Council - 10/23/89

PER COUNCIL ACTION DATED 1-1-88

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
<u>N/S From Buie Circle</u>				
William L. and Brenda C. Stevens, Jr. 4604 Nix Road Fayetteville, NC 28314-1415	<u>0407-08-89-9302</u> 4604 Nix Road Lot 12, Plat 17/56 Campground Subdivision	3493-766	100.0'	\$1,000.00
Benjamin C. and Irene S. Weldon P.O. Box 35183 Fayetteville, NC 28303-0183	<u>0407-08-89-8303</u> 4608 Nix Road Lot 11, Plat 17/56 Campground Subdivision	1046-527	100.0'	\$1,000.00
Patricia S. Howe 4612 Nix Road Fayetteville, NC 28314-1415	<u>0407-08-89-7303</u> 4612 Nix Road Lot 10, Plat 17/56 Campground Subdivision	3285-314	100.0'	\$1,000.00
Liesel L. McLain 4616 Nix Road Fayetteville, NC 28314-1415	<u>0407-08-89-6304</u> 4616 Nix Road Lot 9, Plat 17/56 Campground Subdivision	2447-410	100.0'	\$1,000.00
Cletus E. and Kare Cronrath 4620 Nix Road Fayetteville, NC 28314-1415	<u>0407-08-89-5305</u> 4620 Nix Road Lot 8, Plat 17/56 Campground Subdivision	2483-560	100.0'	\$1,000.00

Property Length = 1,200.00'  
 Construction Length = 690.00'  
 Construction Cost = \$36,366.88  
 3.5% Engineering Cost = 1,272.84  
 Total Cost = \$37,639.72  
 Assessment Rate = \$10.00/Foot

NIX ROAD  
 ASSESSMENT ROLL FOR PAVING  
 (FROM BUFE CIRCLE TO CAMPGROUND ROAD)

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

PER COUNCIL ACTION DATED 1-1-88  
 Construction Approved by City Council - 10/23/89

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
Johnny E. and Toni Adams Sullivan 4624 Nix Road Fayetteville, NC 28314-1415	<u>0407-08-89-4306</u> 4624 Nix Road Lot 7, Plat 17/56 Campground Subdivision	2367-747	100.0'	\$1,000.00
<u>S/S From Bufe Circle</u> Joe and Magdalena Castillo 4514 Rutherford Drive El Paso, TX 79924-6811	<u>0407-08-89-8036</u> 4605 Nix Road Lot 13, Plat 17/56 Campground Subdivision	1007-639	100.0'	\$1,000.00
Gilbert M. and Dorothy R. Renfrow 4609 Nix Road Fayetteville, NC 28314-1414	<u>0407-08-89-7027</u> 4609 Nix Road Lot 14, Plat 17/56 Campground Subdivision	1008-363	100.0'	\$1,000.00
Sarah B. Black P.O. Box 53144 Fayetteville, NC 28305-3144	<u>0407-08-89-6038</u> 4613 Nix Road Lot 15, Plat 17/56 Campground Subdivision	2739-193	100.0'	\$1,000.00
Herbert A. and Della F. McCaskey 4617 Nix Road Fayetteville, NC 28314-1414	<u>0407-08-89-5039</u> 4617 Nix Road Lot 16, Plat 17/56 Campground Subdivision	2359-777	100.0'	\$1,000.00

Property Length = 1,200.00'  
 Construction Length = 690.00'  
 Construction Cost = \$36,366.88  
 3.5% Engineering Cost = 1,272.84

NIX ROAD  
 ASSESSMENT ROLL FOR PAVING  
 (FROM BUJE CIRCLE TO CAMPGROUND ROAD)

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

Total Cost = \$37,639.72

Assessment Rate = \$10.00/Foot

Construction Approved by City Council - 10/23/89

PER COUNCIL ACTION DATED 1-1-88

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
James E. and Oneida S. Ferguson 4619 Nix Road Fayetteville, NC 28314-1414	0407-08-89-4130 4619 Nix Road Lot 17, Plat 17/56 Campground Subdivision	1004-587	100.0'	\$1,000.00
William C. Angstadt 105 Pixie Moss Trail Medford, NJ 08055-9102	0407-08-89-3131 4621 Nix Road Lot 18, Plat 17/56 Campground Subdivision	2871-577	100.0'	\$1,000.00

COST TO CITY = \$25,639.72 (68.12%)  
 COST TO OWNERS = 12,000.00 (31.88%)

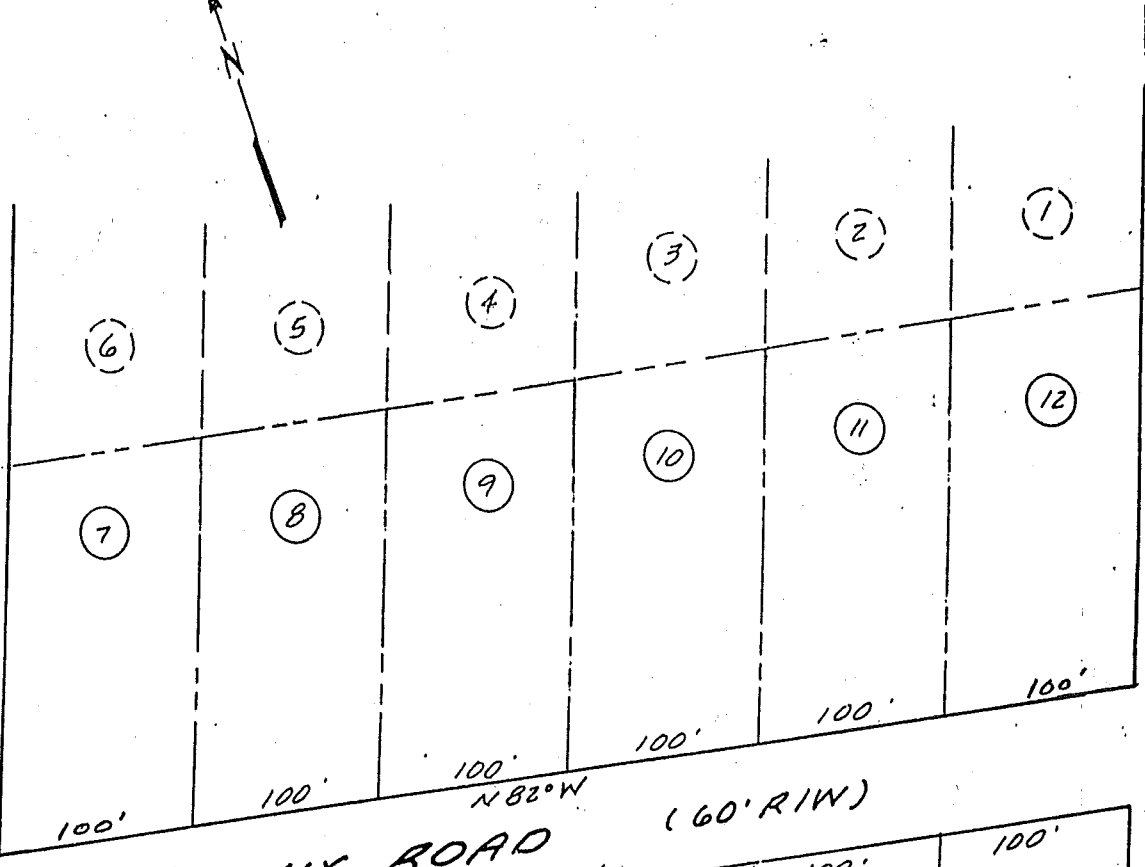
TOTAL = \$37,639.72

Sidewalk to be assessed at the rate of \$10.00 per foot upon the lots and parcels of land abutting upon the improved sidewalk portion according to the extent of the respective frontage thereon by an equal rate per foot of such frontage, to be paid after completion of such work and within thirty (30) days after notice of assessment, in cash with no interest, or in five equal annual installments, bearing annual interest at eight percent (8%), payable annually.

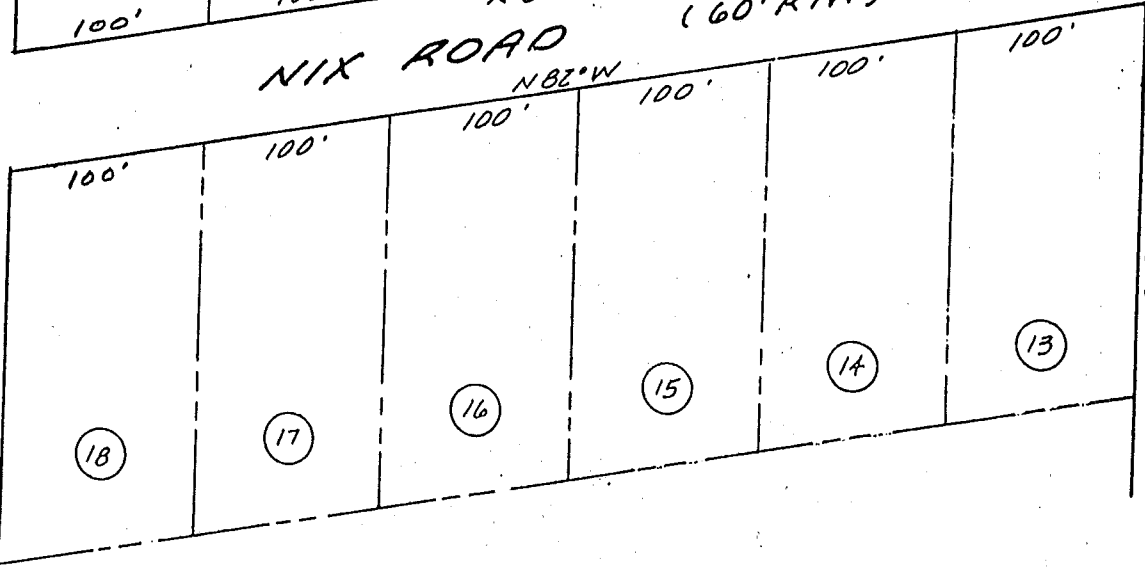
Robert C. Cogswell, Jr.  
 City Attorney



CAMPGROUND RD. (60' R/W)  
N18°30'E  
518'30"W



518'30"W  
N05°15'E  
BUIE CIRCLE (60' R/W)



CITY OF FAYETTEVILLE ENGINEERING DEPARTMENT	
ASSESSMENT MAP NIX ROAD	
FROM: BUIE CIR. TO: CAMPGROUND RD.	
DATE <u>12-04-89</u>	DRAWN BY <u>JD</u>
SCALE <u>1" = 100'</u>	FLD BK _____

SEE PLAT BK 17 PG. 56

REVISION	DATE

FIELD BK: \_\_\_\_\_

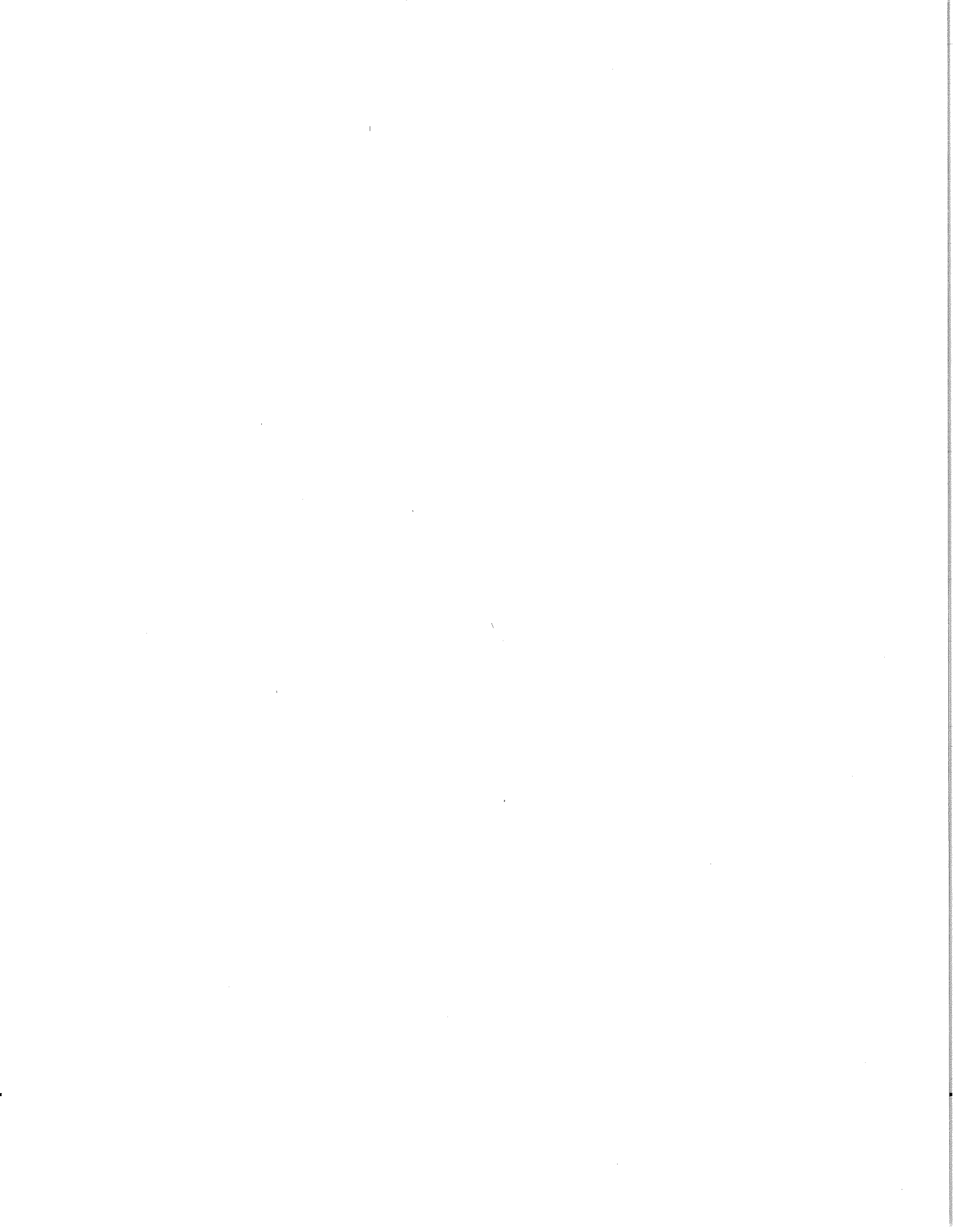
OFFICE OF THE CITY COUNCIL  
433 HAY STREET  
FAYETTEVILLE, NC 28301

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# COVER SHEET

Duplicate Copies for the Office OF  
The City Council

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16 May 1992

Property Owners  
Campground Sub-Division  
Nix Road (from Buie Circle to Campground Road )  
Fayetteville, NC 28314  
(Attn Herbert A. McCaskey )

City Council Members  
City Of Fayetteville  
433 Hay Street  
Fayetteville, NC 28310-5797

Dear Council Members:

I Herbert A. McCaskey, 4617 Nix Road, acting as spokesman for the property owners on Nix Road (from Buie Circle to Campground Road ) Herewith, submit a petition signed by 83% (Eighty Three Percent ) of said property owners, requesting street improvement assessment roll of \$10 ( Ten Dollars ) per front foot on all lots and parcels abutting upon said improvements, be rescinded and the costs of such improvements be absorbed by Street Bonds set aside for such improvements required for newly annexed properties.

Prior to annexation Nix Road and adjoining roads (Buie Circle and Campground Road ) were in excellent to Good condition paved roads and should have required little if any improvements. However during the installation of the unwanted sewer (Sanitary Sewer ) the street was completely destroyed, requiring re-pavement of the entire length of Nix Road and Buie Circle. The only thing we really gained was an inadequate roll back type gutter with sewer drops at the Buie Circle end only, which are unable to handle the run-off water (during heavy rain storms) because the grates on the drop sewers are clogged with trash and pine needles most of the time. This , among several other reasons is why we think that the assessment Roll should be rescinded....

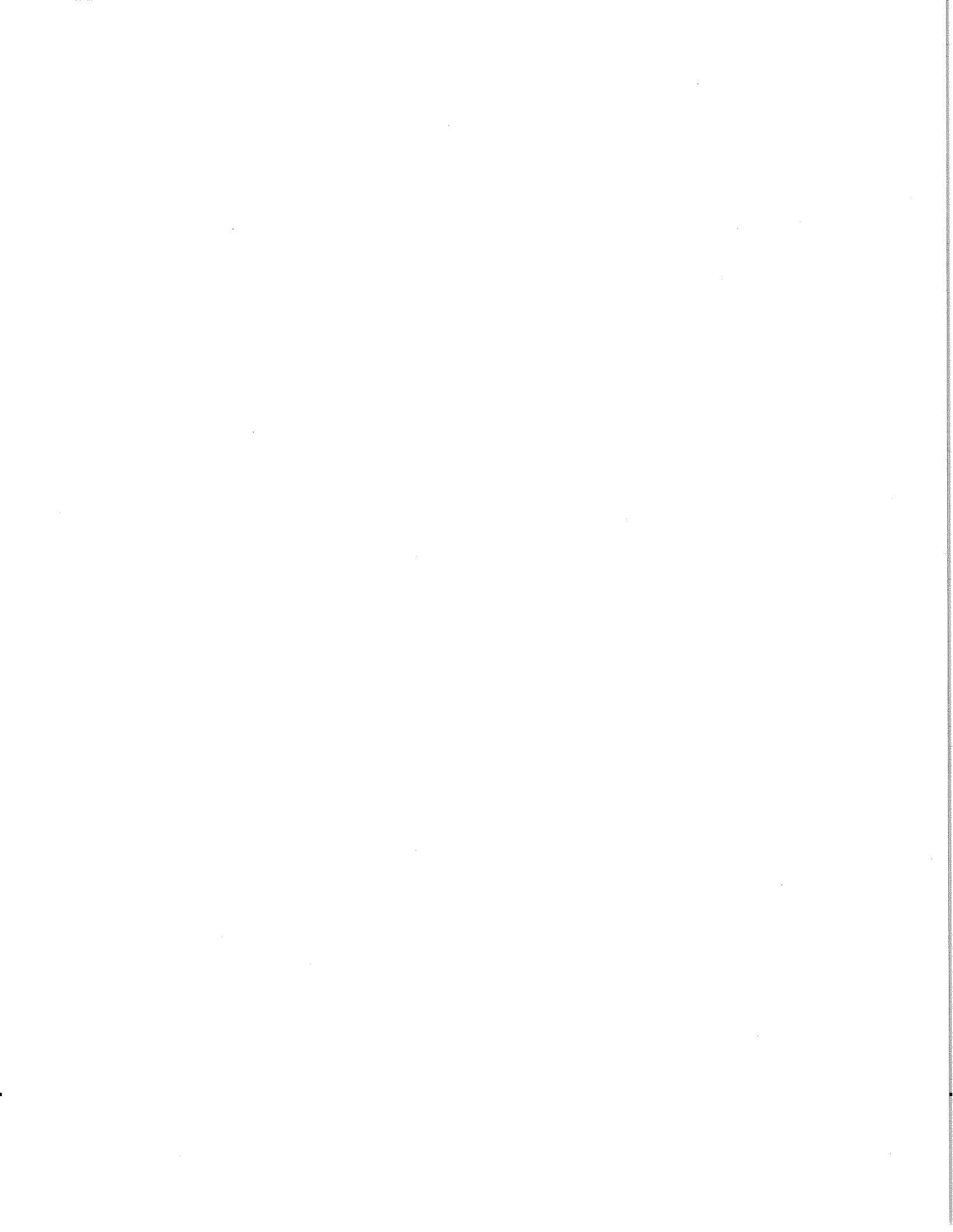
We the property owners of Nix Road anxiously await the City Council and all other decision making powers in this matter..

Sincerely



Herbert A. McCaskey  
Spokesman for  
The Property Owners  
Nix Road  
Phone 867-2510

cc: City Mayors Office  
City Engineers Office  
City Planning Board  
All Property Owners Nix Road



DATE 16 May 1992

We, the undersigned residents of Nix Road Campground Sub-Division

From Bute Circle To Campground Road

Do hereby petition the City Council to: Rescind the assessment roll for street improvement on Nix Road (from Bute Circle to Campground Road). This assessment roll is for the paving of Nix Road, which was an excellent to good paved street before the contractor installing the sanitary sewer completely destroyed the street and most of the shoulder. We the undersigned think in all fairness that this assessment should be rescinded and the cost absorbed by sewer bonds as agreed on by the City Council.

at the City Council Meeting of 12 February 1990.....

PRINTED NAME ADDRESS TELEPHONE # SIGNATURE

Brenda C. Stevens	4604 Nix Rd	864-7324	Brenda Stevens
William K. Stevens	4604 Nix Rd	864-7324	William K. Stevens
Terrence A. Alderson	4608 Nix Rd	919-867-3434	Terrence A. Alderson
Greg S. Weldon	4608 Nix Rd	919-867-3434	Greg S. Weldon
Patricia S. Houze	4612 Nix Rd	864-7392	Patricia S. Houze

Charles McEwan	4616 Nix Rd	919-867-7661	Charles McEwan
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Clarus Connerath	4620 Nix Rd	919-864-0880	Clarus Connerath
Karson Connerath	4620 Nix Rd	919-864-0880	Karson Connerath
Johnny Sullivan	4624 Nix Rd	919-867-8475	Johnny Sullivan
Tom Sullivan	4624 Nix Rd	919-867-8475	Tom Sullivan
William Anagnost	4621 Nix Road	ME AT STRUT WEASLES THIS HOME HE LIVES IN 0855 RT 105 PLYM MESS TEAR WILFORD ST.	ME AT STRUT WEASLES THIS HOME HE LIVES IN 0855 RT 105 PLYM MESS TEAR WILFORD ST.

James E Ferguson	4619 Nix Rd	867-9571	James E Ferguson
Melba Ferguson	4619 Nix Rd	867-9571	Melba Ferguson
Robert A M Caskey	4619 Nix Rd	919-867-2510	Robert A M Caskey
Debra F M Caskey	4619 Nix Rd	919-867-2510	Debra F M Caskey
Sarah B Bick	4613 Nix Rd	864-2472	Sarah B Bick

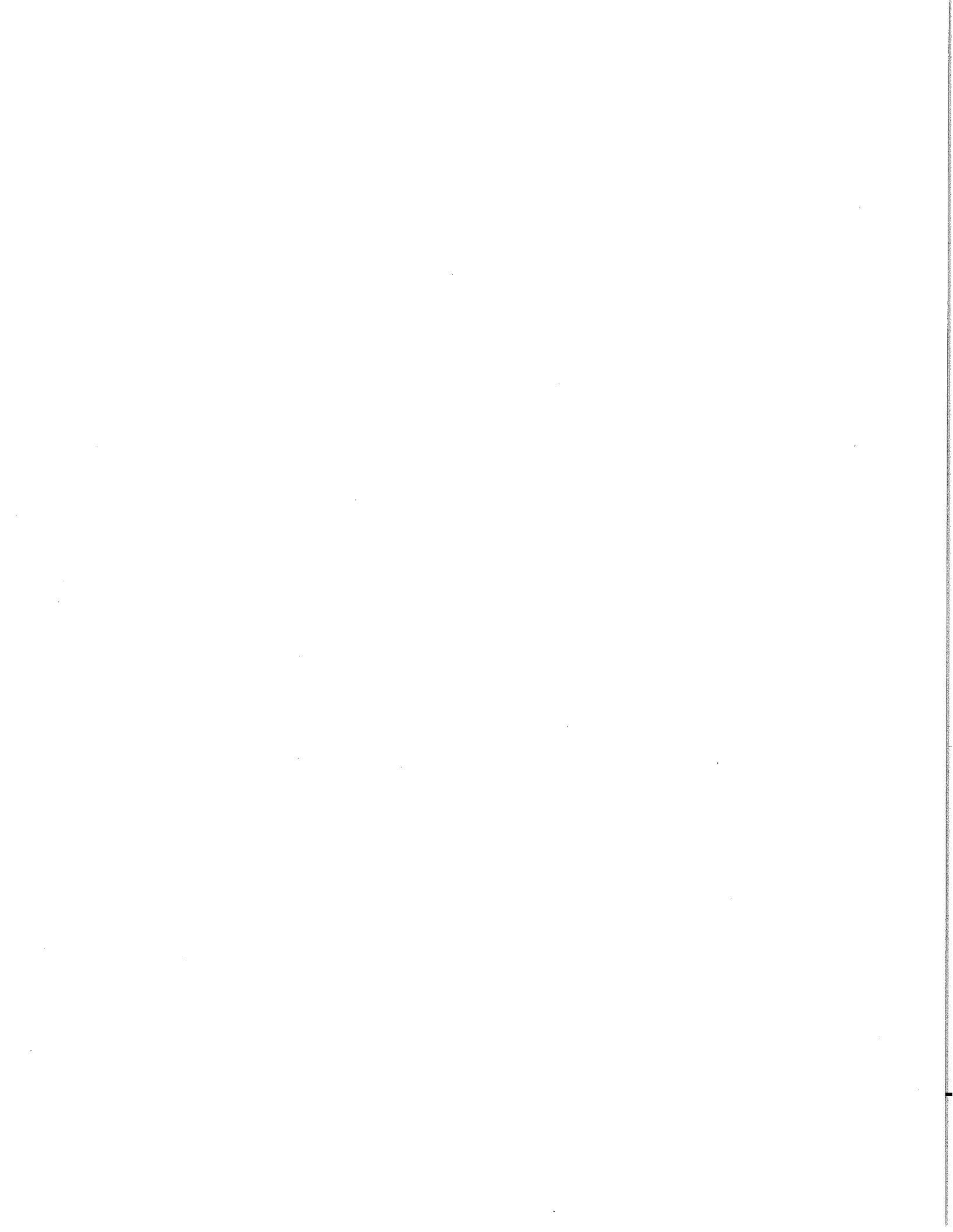
Gilbert Ferguson	4609 Nix Rd	919-867-0327	Gilbert Ferguson
Josiah Ferguson	4609 Nix Rd	919-867-0327	Josiah Ferguson
Joseph Costello	4605 Nix Rd		Joseph Costello

NOTE: MR COSTELLO WEASLES THIS HOME HE LIVES IN THROUGH HOMEOWNERS RTD (CENTRAL) PASOS TX 867-816

~~FAST ITEM~~

~~FAST ITEM~~

Herbert A. McCaskey Spokesman 919-867-2510



PUBLIC HEARING - SPEAKERS

(4)

SUBJECT: ASSESSMENTS - PAVING - NIX ROAD

DATE: May 18, 1992

PROPONENT (In Favor)

(Name - Print)

(Address - Print)

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_

OPPONENT - (Against)

(Name - Print)

(Address - Print)

- \* 1. Herbert A Mc Caskey  
HERBERT A McCASKEY 4619 NIX ROAD
- \* 2. Benjamin C Weldon  
Benjamin C Weldon 4608 Nix Road
- 3. Dorene S Weldon  
Dorene S Weldon 4608 Nix Road
- 4. ~~Simon~~ Mc Elain  
~~Simon~~ Mc Elain 4616 NIX Rd.
- 5. Dorothy Renfrow  
Dorothy Renfrow 4609 Nix Rd.
- 6. Gilbert Renfrow  
Gilbert Renfrow
- 7. \_\_\_\_\_

PUBLIC HEARING - SPEAKERS

SUBJECT: \_\_\_\_\_

DATE: \_\_\_\_\_

CITIZEN INPUT

(Name - Print)

(Address - Print)

- |     |       |       |
|-----|-------|-------|
| 1.  | _____ | _____ |
| 2.  | _____ | _____ |
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| 9.  | _____ | _____ |
| 10. | _____ | _____ |

RESOLUTION CONFIRMING ASSESSMENT ROLL  
AND LEVYING ASSESSMENTS

WHEREAS, the City Council of the City of Fayetteville has on May 18, 1992, held a public hearing, after due notice as required by law, on the Assessment Roll for the improvement of Buie Circle (from Campground Road to 29' Beyond South Margin of Nix Road) for paving;

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

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

1. The Assessment Roll for the improvement of Buie Circle (from Campground Road to 29' Beyond South Margin of Nix Road) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll, attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.
3. The City Attorney is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
4. Pursuant to the policy of the City Council of the City of Fayetteville adopted on September 21, 1987, a thirty percent (30%) discount shall be applied to any assessments paid before the expiration of thirty (30) days from the date that notice is published of confirmation of the Assessment Roll pursuant to Chapter 160A, Section 229, of the General Statutes of North Carolina.
5. The Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina.

6. The Deputy Tax Collector is hereby further directed to publish once on the 17th day of June, 1992, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

This the 18th day of May, 1992, at \_\_\_\_\_ p.m.

\_\_\_\_\_  
J. L. DAWKINS, MAYOR

ATTEST:

\_\_\_\_\_  
BOBBIE A. JOYNER, CITY CLERK

The following City Councilmembers voted for the passage of the above resolution:

\_\_\_\_\_  
\_\_\_\_\_

The following City Councilmembers voted against the passage of the above resolution:

\_\_\_\_\_  
\_\_\_\_\_

CONFIRM.25



Property Length = 913.06'  
 Construction Length = 480.00'  
 Construction Cost = \$28,195.84  
 3.5% Engineering Cost = 986.85  
 Total Cost = \$29,182.69  
 Assessment Rate = \$10.00/Foot

BUIE CIRCLE  
 ASSESSMENT ROLL FOR PAYING  
 (FROM CAMPGROUND ROAD TO 29' BEYOND  
 SOUTH MARGIN OF NIX ROAD)

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

Construction Approved by City Council - 10/23/89

PER COUNCIL ACTION DATED 1-1-88

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
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E/S South From Campground Road

Belk Enterprises, Inc. P.O. Box 1029 Fayetteville, NC 28302-1029	0407-08-99-1385 4525 Campground Road Lot 6, Plat 60/122 Combined America Properties	3327-375	484.06'	\$4,840.60
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M/S South From Campground Road

Chester J. and Hwa S. Flammini 206 Livermore Drive Fayetteville, NC 28314-8616	0407-08-89-9551 4607 Campground Road Lot 1, Plat 17/56 Campground Subdivision	3136-694	200.00'	\$2,000.00
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William L. and Brenda C. Stevens, Jr.

4604 Nix Road Fayetteville, NC 28314-1415	0407-08-89-9302 4604 Nix Road Lot 12, Plat 17/56 Campground Subdivision	3493-766	200.00'	\$2,000.00
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Joe and Magdalene R. Castillo

4514 Rutherford Drive El Paso, TX 79924-6811	0407-08-89-8036 4605 Nix Road Lot 13, Plat 17/56 Campground Subdivision	1007-639	29.00'	\$290.00
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Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

BUIE CIRCLE  
 ASSESSMENT ROLL FOR PAVING  
 (FROM CAMPGROUND ROAD TO 29' BEYOND  
 SOUTH MARGIN OF NIX ROAD)

Property Length = 913.06'  
 Construction Length = 480.00'  
 Construction Cost = \$28,195.84  
 3.5% Engineering Cost = 986.85

Total Cost = \$29,182.69  
 Assessment Rate = \$10.00/Foot

Construction Approved by City Council - 10/23/89

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
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PER COUNCIL ACTION DATED 1-1-88

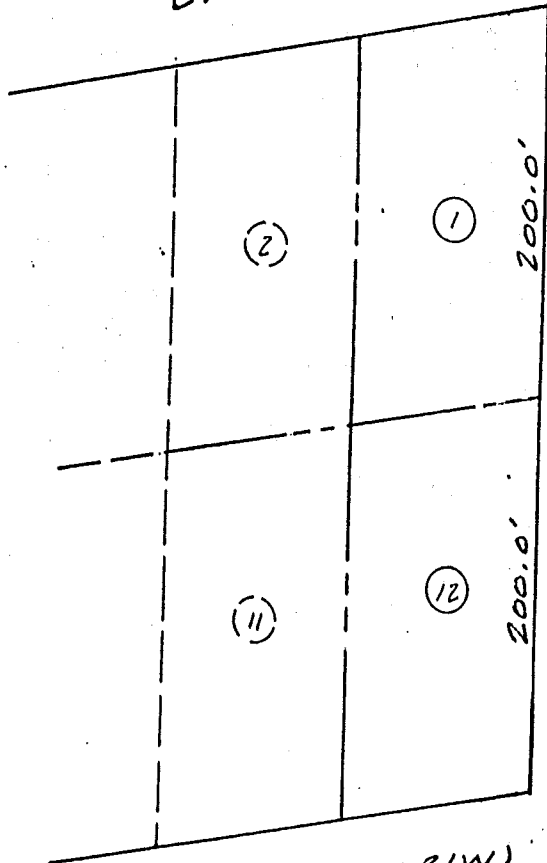
COST TO CITY = \$20,052.09 (68.71%)  
 COST TO OWNERS = 9,130.60 (31.29%)  
 TOTAL = \$29,182.69

Sidewalk to be assessed at the rate of \$10.00 per foot upon the lots and parcels of land abutting upon the improved sidewalk portion according to the extent of the respective frontage thereon by an equal rate per foot of such frontage, to be paid after completion of such work and within thirty (30) days after notice of assessment, in cash with no interest, or in five equal annual installments, bearing annual interest at eight percent (8%), payable annually.

Robert C. Cogswell, Jr.  
 City Attorney



CAMPGROUND ROAD

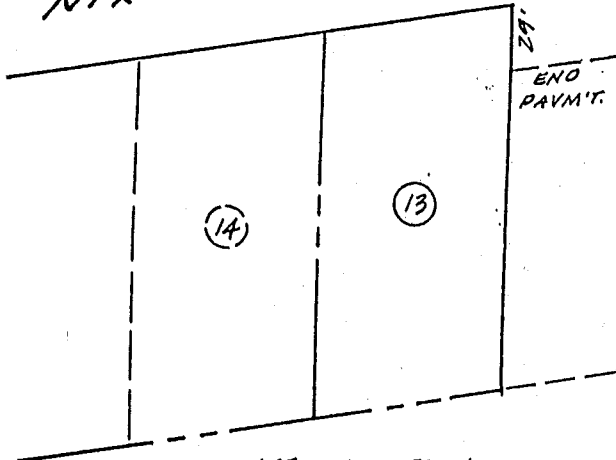


BUIE CIRCLE (60' R/W)

38.48'

464.82'

NIX RD. (60' R/W)



CITY OF FAYETTEVILLE  
ENGINEERING DEPARTMENT

ASSESSMENT MAP  
BUIE CIRCLE

FROM: CAMPGROUND RD. TO: 29'S/NIX RD

DATE 12-04-89 DRAWN BY pa

SCALE 1"=100' FLD BK

SEE PG 17-56 + PG 60-122

REVISION  
DATE

FIELD BK:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

PUBLIC HEARING - SPEAKERS

②

SUBJECT: ASSESSMENTS - PAVING BLUE CIRCLE

DATE: May 18, 1992

PROPONENT (In Favor)

(Name - Print)

(Address - Print)

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

OPPONENT - (Against)

(Name - Print)

(Address - Print)

- 1. CHARLES SKINNER  
BEUC SERVICE CENTER
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_

- 4525 CAMPGROUND RD, FALETTEVILLE
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**PUBLIC HEARING - SPEAKERS**

SUBJECT: \_\_\_\_\_

DATE: \_\_\_\_\_

**CITIZEN INPUT**

(Name - Print)

(Address - Print)

1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

RESOLUTION CONFIRMING ASSESSMENT ROLL  
AND LEVYING ASSESSMENTS

WHEREAS, the City Council of the City of Fayetteville has on May 18, 1992, held a public hearing, after due notice as required by law, on the Assessment Roll for the improvement of Tarheel Drive (from Wintergreen Drive to Ruritan Drive) for paving;

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

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

1. The Assessment Roll for the improvement of Jarvis Street (from Ruritan Drive to Dead End) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll, attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.
3. The City Attorney is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
4. Pursuant to the policy of the City Council of the City of Fayetteville adopted on September 21, 1987, a thirty percent (30%) discount shall be applied to any assessments paid before the expiration of thirty (30) days from the date that notice is published of confirmation of the Assessment Roll pursuant to Chapter 160A, Section 229, of the General Statutes of North Carolina.
5. The Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina.

6. The Deputy Tax Collector is hereby further directed to publish once on the 17th day of June, 1992, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

This the 18th day of May, 1992, at \_\_\_\_\_ p.m.

\_\_\_\_\_  
J. L. DAWKINS, MAYOR

ATTEST:

\_\_\_\_\_  
BOBBIE A. JOYNER, CITY CLERK

The following City Councilmembers voted for the passage of the above resolution:

\_\_\_\_\_  
\_\_\_\_\_

The following City Councilmembers voted against the passage of the above resolution:

\_\_\_\_\_  
\_\_\_\_\_

CONFIRM.27



Property Length = 1,374.06'  
 Construction Length = 715.00'  
 Construction Cost = \$40,625.03  
 3.5% Engineering Cost = 1,421.88  
 \$42,046.91  
 Total Cost = \$42,046.91  
 Assessment Rate = \$10.00/Foot

TARHEEL DRIVE  
 ASSESSMENT ROLL FOR PAVING  
 (FROM WINTERGREEN DRIVE TO RURITAN DRIVE)

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

Construction Approved by City Council - 10/23/89

PER COUNCIL ACTION DATED 1-1-88  
 Deed Book/Page  
 Property Description  
 Frontage  
 Assessment

N/S West From Wintergreen

Billy E. and Frankie D. Williams 214 Wintergreen Drive Fayetteville, NC 28314-1428	0408-20-80-4327 214 Wintergreen Drive Lot 27, Plat 40/8 Carolina Pines Subdivision	3509-591	164.43'	\$1,644.30
Enoch L. and Beverly M. White 5406 Tarheel Drive Fayetteville, NC 28314-1432	0408-20-80-3415 5406 Tarheel Drive Lot 29, Plat 40/8 Carolina Pines Subdivision	2842-729	95.0'	\$950.00
Severo O. and Helga B. Ochoa 5410 Tarheel Drive Fayetteville, NC 28314-1432	0408-20-80-2427 5410 Tarheel Drive Lot 30, Plat 40/8 Carolina Pines Subdivision	2594-418	95.0'	\$950.00
James H. Kinne 5414 Tarheel Drive Fayetteville, NC 28314-1432	0408-20-80-1439 5414 Tarheel Drive Lot 31, Plat 40/8 Carolina Pines Subdivision	3728-201	95.0'	\$950.00
Hildabrand and Mary Elizabeth Cooper Marsh, Jr. 5418 Tarheel Drive Fayetteville, NC 28314-1432	0408-20-80-0532 5418 Tarheel Drive Lot 32, Plat 40/8 Carolina Pines Subdivision	2584-867	103.61'	\$1,036.10

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

TARHEEL DRIVE  
 ASSESSMENT ROLL FOR PAVING  
 (FROM WINTERGREEN DRIVE TO RURITAN DRIVE)

Property Length = 1,374.06'  
 Construction Length = 715.00'  
 Construction Cost = \$40,625.03  
 3.5% Engineering Cost = 1,421.88  
 Total Cost = \$42,046.91  
 Assessment Rate = \$10.00/Foot

Construction Approved by City Council - 10/23/89

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
PER COUNCIL ACTION DATED 1-1-88				
Dennis Ray and Karen Baker Hill 211 Ruritan Drive Fayetteville, NC 28314-1423	0408-20-70-9507 211 Ruritan Drive Unnumbered Lot Carolina Pines Subdivision, Block B	3495-459	139.80'	\$1,398.00
S/S West From Wintergreen				
Donald E. McDaniel 222 Wintergreen Drive Fayetteville, NC 28314-1462	0408-20-80-3281 222 Wintergreen Drive Lot 15, Plat 40/8 Carolina Pines Subdivision	3362-432	164.89'	\$1,648.90
Charles Hugo and Colleen Fae Astrie, Jr. 5407 Tarheel Drive Fayetteville, NC 28314-1424	0408-20-80-2135 5407 Tarheel Drive Lot 26, Plat 40/8 Carolina Pines Subdivision	2640-165	100.00'	\$1,000.00
Robert M. Hill, Jr. 5411 Tarheel Drive Fayetteville, NC 28314-1424	0408-20-80-1138 5411 Tarheel Drive Lot 25, Plat 40/8 Carolina Pines Subdivision	2754-479	100.00'	\$1,000.00
Franklin G. and Carol J. Campbell, Jr. 5415 Tarheel Drive Fayetteville, NC 28314-1424	0408-20-80-0252 5415 Tarheel Drive Lot 24, Plat 40/8 Carolina Pines Subdivision	3195-324	114.61'	\$1,146.10

Property Length = 1,374.06'  
 Construction Length = 715.00'  
 Construction Cost = \$40,625.03  
 3.5% Engineering Cost = 1,421.88  
 Total Cost = \$42,046.91  
 Assessment Rate = \$10.00/Foot

TARHEEL DRIVE  
 ASSESSMENT ROLL FOR PAVING  
 (FROM WINTERGREEN DRIVE TO RURITAN DRIVE)

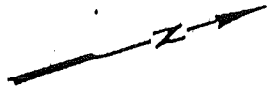
Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

Construction Approved by City Council - 10/23/89

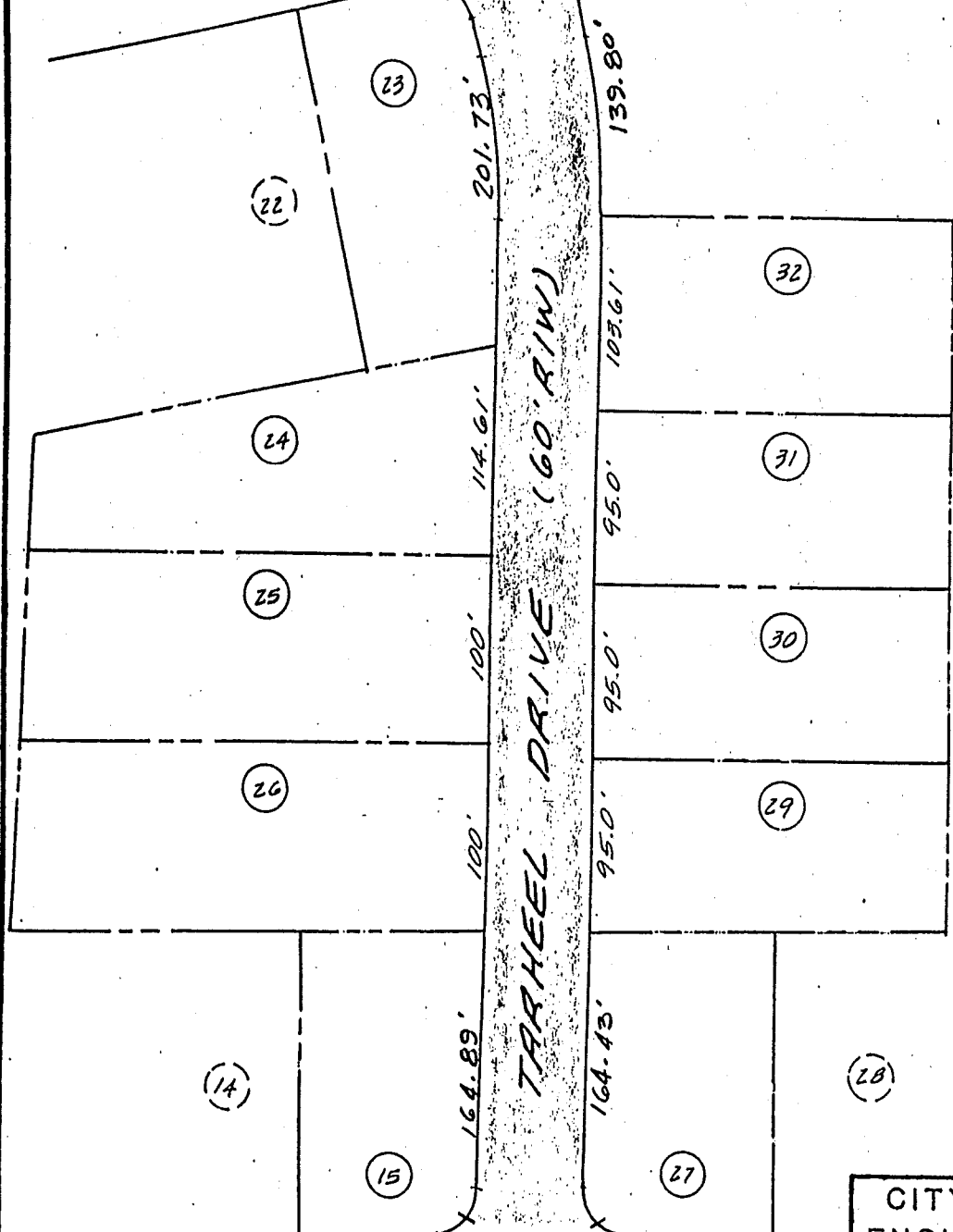
Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
Marshall D. and Christl M. Hall	0408-20-70-9303 223 Ruritan Drive Fayetteville, NC 28314-1473	3042-189	201.73'	\$2,017.30
COST TO CITY = \$28,306.21 (67.32%) COST TO OWNERS = 13,740.70 (32.68%) TOTAL = \$42,046.91				

Sidewalk to be assessed at the rate of \$10.00 per foot upon the lots and parcels of land abutting upon the improved sidewalk portion according to the extent of the respective frontage thereon by an equal rate per foot of such frontage, to be paid after completion of such work and within thirty (30) days after notice of assessment, in cash with no interest, or in five equal annual installments, bearing annual interest at eight percent (8%), payable annually.

Robert C. Cogswell, Jr.  
 City Attorney



RURITAN DRIVE (60' R/W)



WINTERGREEN DR. (60' R/W)

CITY OF FAYETTEVILLE  
 ENGINEERING DEPARTMENT  
 ASSESSMENT MAP  
 TARHEEL DRIVE  
 FROM: WINTERGREEN DR. TO: RURITAN DR.  
 DATE 12-04-89 DRAWN BY *ja*  
 SCALE 1" = 100' FLD. BK.

SEE PLAT 40-08

REVISION  
DATE

FIELD BK:

PUBLIC HEARING - SPEAKERS

(3)

SUBJECT: ASSESSMENT - PAVING - TARHEEL STREET

DATE: May 18, 1992

PROPONENT (In Favor)

(Name - Print)

(Address - Print)

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
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- 4. \_\_\_\_\_
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- 6. \_\_\_\_\_
- 7. \_\_\_\_\_

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- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(Name - Print)

OPPONENT - (Against)

(Address - Print)

- 1. Helga B. Ochoa
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_

- 5410 Tarheel Str.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**PUBLIC HEARING - SPEAKERS**

SUBJECT: \_\_\_\_\_

DATE: \_\_\_\_\_

**C I T I Z E N   I N P U T**

(Name - Print)

(Address - Print)

- |     |       |       |
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| 9.  | _____ | _____ |
| 10. | _____ | _____ |

# PLANNING DEPARTMENT

Post Office Box 1829  
Fayetteville, NC 28302  
Telephone (919) 678-7600

## CUMBERLAND COUNTY JOINT PLANNING BOARD

John Britt  
CHAIRMAN

George Vaughan  
PLANNING DIRECTOR

May 18, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P92-36. THE REZONING FROM C1P SHOPPING CENTER DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT 110 CARVER'S FALLS ROAD. (FAYETTEVILLE ORDINANCE)

ACTION: THE NINE MEMBERS PRESENT AT THE APRIL 21, 1992 REGULAR MEETING VOTED UNANIMOUSLY TO APPROVE THE REQUESTED REZONING

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends denial of the requested rezoning to C3 Heavy Commercial District based on the following:

1. The proposed rezoning allows more intensive commercial uses than is allowed on the adjoining commercially zoned property.

Mr. Lloyd explained that the property was originally zoned C(P) Planned Commercial District in the County. Upon annexation, it was zoned C1P Shopping Center District. He stated that the City C3 Heavy Commercial District is more similar to the County zoning than the City C1P Shopping Center District zoning.

Mr. Neil Yarborough appeared before the Board representing Nathan and Cindy Page, the applicants. He stated that staff had followed the policy prescribed by the Planning Board, and in this case it is somewhat limiting. He presented a petition of residents in the area in favor of the rezoning and stated that since the City does not have Conditional Use District, rezoning the property to C3 Heavy Commercial District is the only alternative. Mr. Yarborough displayed pictures of the existing condition of the property and the described the method by which Mr. and Mrs. Page operate their business.

No one appeared in opposition to the requested rezoning.

Mr. McNeill asked for the dimensions of the lot. Mr. Lloyd stated that the lot is 110 by 285 feet.

**ITEM 4.A.**

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. McNeill and seconded by Mr. McLaurin to approve the request based on fact that the setbacks of the C1P Shopping Center District would severely limit the use of the site.

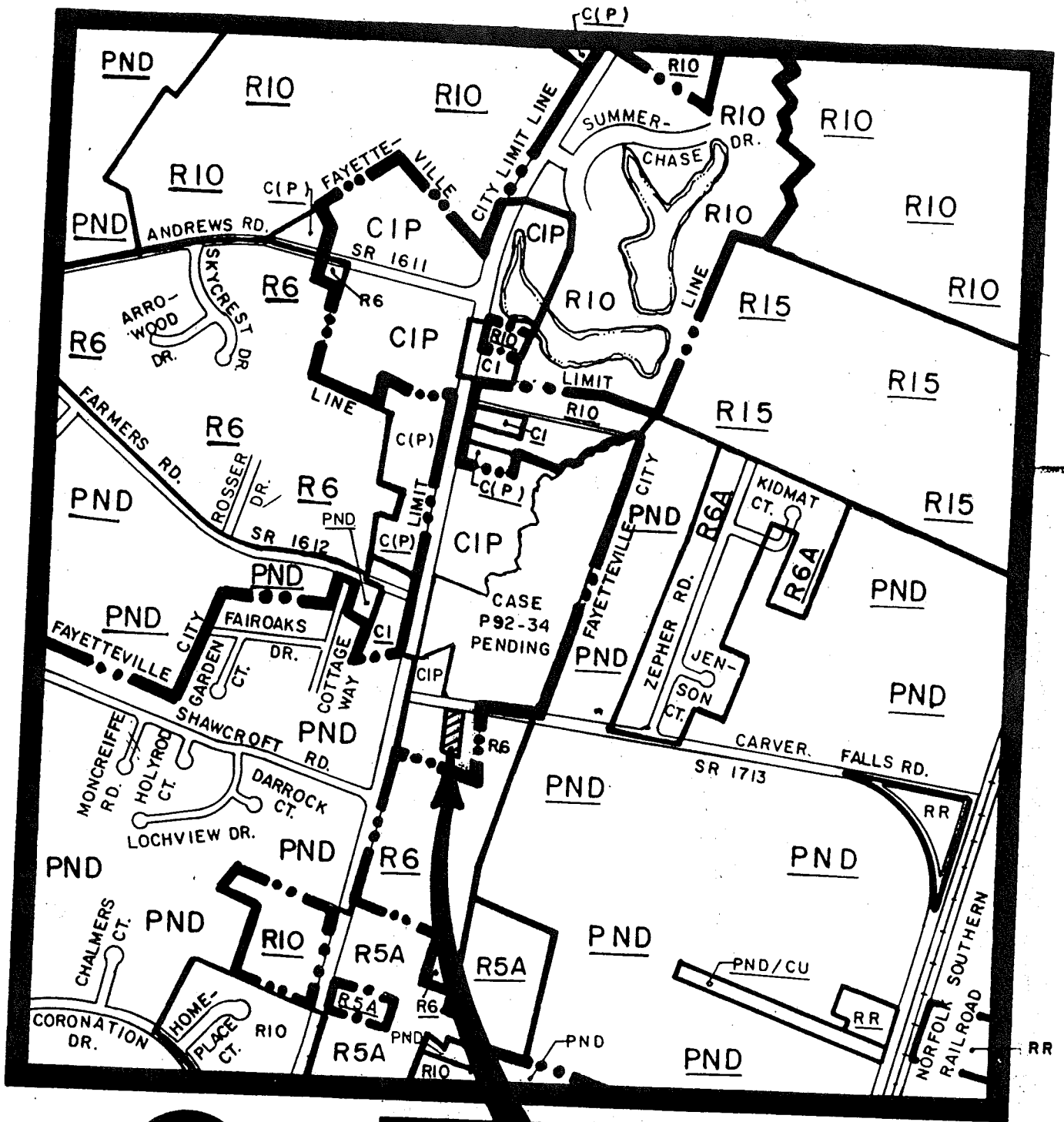
Ms. Vick questioned the landscaping and buffering of the site. Mr. Lloyd stated that the area is governed by the City Landscape Ordinance.

The motion passed unanimously.

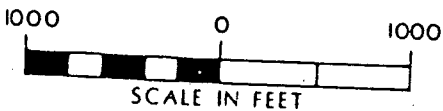
Attachments

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NORTH



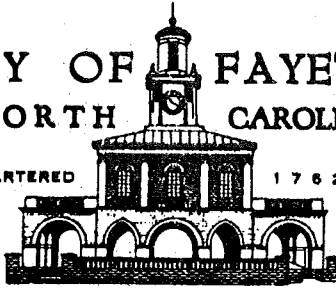
## REQUESTED REZONING CIP TO C3

ACREAGE: 0.37 AC. ±	HEARING NO: P92-36	
ORDINANCE: FAYETTEVILLE	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

THE UNIVERSITY OF CHICAGO

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

MAY 14, 1992

MEMORANDUM

TO: The Mayor and Members of City Council

FROM: John P. Smith, City Manager *JPS*

SUBJECT: Sale of 225/227 Hay Street

Attorney Neil Yarborough has asked to address the Council on this issue. He represents the demolition contractor (see attached letter). This item was held off the last agenda to allow time for our request for documentation of his claim.

I do not feel that we should delay the approval of the sale any further.

JPS:ssm

Attachment

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

ITEM 5



RESOLUTION AUTHORIZING THE SALE OF  
CITY OF FAYETTEVILLE PROPERTY

WHEREAS, the City of Fayetteville owns certain real property more particularly described in Deed Book 3654, Page 219, Cumberland County Registry;

AND WHEREAS Olde Fayetteville Investments has made an offer to the City of Fayetteville to purchase said property for the sum of \$5,000.00;

AND WHEREAS a summary of the terms of the offer to purchase to be satisfied by the purchaser are as follows:

1. The purchase price to be paid at closing in cash;
2. Construction of \$140,800.00 of improvements to the property in accordance with an Attachment B to the offer of purchase including a general dry-in of the building, roof replacement, facade repairs, recreation of historic storefront, other interior improvements, installation of an HVAC system, electrical, lighting, rest rooms, and other improvements;
3. Completion of all improvements within 110 days from date of closing or the City shall re-initiate the condemnation procedures on the building; and
4. The purchaser accepts all structural deficiencies and agrees to repair all areas of concern as set forth in Attachment B to the offer of purchase; and purchaser agrees that within 48 hours from the date of closing, the property will be secured, boarded, barred and maintained in order to prevent the reasonable and unauthorized entry on the premises.

AND WHEREAS said offer was duly advertised pursuant to N.C.G.S. §160A-269 and no upset bids were received;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fayetteville that said offer to purchase as set forth herein and more fully described in the written offer to purchase dated April 16, 1992, is hereby accepted and that said property shall be conveyed to Olde Fayetteville Investments for the sum of \$5,000.00.

ADOPTED this the \_\_\_\_\_ day of May, 1992.

CITY OF FAYETTEVILLE

By \_\_\_\_\_  
J. L. Dawkins, Mayor

ATTEST:

\_\_\_\_\_  
Bobbie A. Joyner, City Clerk

0001.4

# AFFIDAVIT OF PUBLICATION

NORTH CAROLINA,  
Cumberland County.

**NOTICE OF SALE OF CITY-OWNED PROPERTY**  
 Notice is hereby given that Old Fayetteville Investments, Inc., has made an offer to the City of Fayetteville to purchase the property located at 225-227 Hay Street. The purchase price shall be the sum of \$5,000.00. The property offered for purchase is more particularly described as follows:  
**BEGINNING** at a point in the southern margin of Hay Street 40 feet South 70 degrees east from its intersection with the eastern margin of Maxwell Street and running thence along Hay Street south 70 degrees east 40.75 feet to Verdery's corner; thence with the center line of the brick wall south 20 degrees west 100 feet to the northern margin of the 15 foot alley; thence with it north 70 degrees west 40.75 feet to Kress and Company's corner; thence with the center line of the brick wall north 20 degrees east 100 feet to the beginning.  
 This conveyance is subject to all easements and rights-of-way of record and in part as referred to in deed recorded in Book 451 of Page 6 of the Cumberland County Registry, to which reference is made for this purpose.  
 Tax Parcel No.: 0437-54-6210  
 Additional terms of the offer to purchase to be satisfied by the purchaser are as follows:  
 1. The purchase price to be paid in closing in cash.  
 2. Construction of \$140,000.00 of improvements to the property in accordance with an Attachment B to the offer of purchase including a general drive-in of the building, roof replacement, facade repair, reconstruction of historic storefront, other interior improvements, installation of an HVAC system, electrical, plumbing, rest rooms, and other improvements.  
 3. Completion of all improvements within 180 days from the date of closing or the City shall re-initiate the condemnation procedures on the building; and  
 4. The purchaser accepts all structural deficiencies and agrees to repair all areas of concern as set forth in Attachment B to the offer of purchase; and purchaser agrees that within 48 hours from the date of closing, the property will be secured, boarded, barred and maintained in order to prevent the reasonable and unauthorized entry on the premises.  
 The offer of purchase may be seen in the Office of the City Attorney, Room 211, City Hall, 433 Hay Street, Fayetteville, NC 28301.  
 Anyone interested in purchasing said property may do so by filing within ten days of the publication of this notice an upset bid of not less than 10 percent of the first \$1,000.00 and 5 percent of the remainder with the City Clerk. Any upset bid must be for cash payment, and comply with a minimum with all terms and conditions of the proposed offer from Old Fayetteville Investments, Inc. The City Council reserves the right at any time to reject any and all offers.  
 City of Fayetteville  
 By: Robert C. Cogswell, Jr.  
 City Attorney

Before the undersigned, a Notary Public of said County and State, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared **ANN M. SEAGLE** who, being duly sworn or affirmed, according to law, doth depose and say that he/she is

**LEGAL SECRETARY** of THE FAYETTEVILLE PUBLISHING COMPANY, a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as THE FAYETTEVILLE OBSERVER, in the City of Fayetteville, County and State aforesaid, and that as such he/she makes this affidavit; that he/she is familiar with the books, files and business of said Corporation and by reference to the files of said publication the attached advertisement of

**NOTICE  
SALE OF PROPERTY**

of **CITY OF FAYETTEVILLE** was inserted in the aforesaid newspaper in space, and on dates as follows:

**APRIL 24**

and at  
qualific

The

ion The Fayetteville Observer was a newspaper meeting all the requirements and No. 1-597 G. S. of N. C. from the books and files of the aforesaid corporation and publication.

*Ann M. Seagle*  
**LEGAL SECRETARY**

Title

Sworn or affirmed to, and subscribed before me, this **30TH** day

**APRIL**, A.D., 19**92**

In Testimony Whereof, I have hereunto set my hand and affixed my official seal, e day and year aforesaid.

*Mary Carter George*  
Notary Public

My commission expires **7TH** day of **FEBRUARY**, 19**96**.

MAIL TO:  
CITY OF FAYETTEVILLE  
CITY ATTORNEY'S OFFICE  
PO BOX 1513  
FAYETTEVILLE, NC 28302

File Affidavit  
to 225-227 HAY  
ST  
11-4115-0254

111007

STATE OF NORTH CAROLINA

PURCHASE AGREEMENT

COUNTY OF CUMBERLAND

THIS PURCHASE AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, 1992, by and between: Olde Fayetteville Investments, Inc. as Buyer, hereby agrees to purchase and The City of Fayetteville, as Seller, hereby agrees to sell and convey, all that plot, piece or parcel of land described below, together with all improvements located thereon and such personal property as is listed below (the real and personal property are collectively referred to as "the Property"), in accordance with the Standard Provisions and upon the following terms and conditions:

**SECTION I. REAL PROPERTY:**

Located in the City of Fayetteville, County of Cumberland, State of North Carolina, being known as and more particularly described as: Street Address: 225 Hay Street  
Legal Description: Situs 0437-(54)-6210  
Tax Map Book 3654, Page 219

**SECTION II. PERSONAL PROPERTY:**

All contents within or attached to structure.

**SECTION III. PURCHASE PRICE:**

The purchase price is \$5,000.00 (five thousand dollars and no cents) and shall be paid as follows:

(a) \$250.00 (two hundred fifty dollars and no cents), in earnest money paid by certified check with the delivery of this contract, to be held in escrow by City of Fayetteville, as Seller's agent, until the sale is closed, at which time it will be credited to Buyer, or until this agreement is otherwise terminated and it is disbursed in accordance with the Standard Provisions.

(b) \$4,750.00 (four thousand seven hundred fifty dollars and no cents), the balance of the purchase price in cash at closing.

**SECTION IV. CONDITIONS:**

(a) There must be no restrictions, easement, zoning or other governmental regulation that



would prevent the reasonable use of the real property for C-2S zoned uses.

Attachments "B" and "C" of the business plan (attached) shall apply with respect to:

1. Seller agrees that Phase I, Paragraph 1 as described will relieve the condemnation judgment against said property.

2. Buyer agrees to accomplish work of same within 110 days from date of closing. If said work is not completed in contract time, Buyer agrees to general statutory conditions of condemnation.

3. Buyer agrees that reasonable consideration will be given to accomplish all work as described in Phase II, III, and IV of Attachment "B" and in a reasonable timely manner, as described in Attachment "C".

(c) Buyer accepts all structural deficiencies, and agrees to repair all areas of concern as described in Attachment "B".

(d) Buyer agrees that within 48 hours from the date of closing, said property(s) will be secured, boarded, barred and maintained in such that to prevent the reasonable and unauthorized entry into aforementioned premises.

#### SECTION V. ASSESSMENTS:

Seller warrants that there are no encumbrances or special assessments, either pending or confirmed, for sidewalk, paving, water, sewer or other improvements on or adjoining the Property.

#### SECTION VI. OTHER PROVISIONS AND CONDITIONS:

1. **EARNEST MONEY:** In the event this offer is not accepted, or in the event that any of the conditions hereto are not satisfied, or in the event of a breach of this contract by Seller, then the earnest money shall be returned to Buyer, but such return shall not affect any other remedies available to Buyer for such breach. In the event this offer is accepted and Buyer breaches this contract, then the earnest money shall be forfeited, but such forfeiture shall not affect any other remedies available to Seller for such breach.

**8. ASSIGNMENTS:**

This contract may not be assigned without the written agreement of all parties, but if the same is assigned by agreement, then the same shall be binding on the Assignee and his heirs.

**9. PARTIES:**

This contract shall be binding and shall inure to the benefit of the parties and their heirs, successors and assigns. The Provisions herein contained with respect to promissory notes and deeds of trust shall be binding upon and shall inure to the benefit of all parties to the same as well as subsequent owners of the Property and the said notes and deeds of trust. As used herein words in the singular include the plural and the masculine includes the feminine and neuter genders, as appropriate.

**10. SURVIVAL:**

Any provision herein contained which by its nature and effect if required to be observed, kept or performed after the closing shall survive the closing and remain binding upon and for the benefit of the parties hereto until fully observed, kept or performed.

**11. ENTIRE AGREEMENT:**

Buyer acknowledges that he has inspected the above-described property. This contract contains the entire agreement of the parties and there are no representations, inducements, or other provisions other than those expressed in writing. All changes, additions or deletions hereto must be in writing and signed by all parties.

**SECTION VII. CLOSING:**

All parties agree to execute any and all documents and papers necessary in connection with closing and transfer of title within two (2) weeks from the acceptance of the offer to purchase on a particular date agreeable to both parties and at a place designated by Seller. Deed is to be made to: Olde Fayetteville Investments, Inc.

**SECTION VIII. POSSESSION:**

Possession shall be delivered at time of closing; in the event that Buyer has agreed that possession is not delivered at

closing, then Seller agrees to pay to Buyer the sum of \$50.00 per day to and including the date that possession is to be delivered as above set forth.

**SECTION IX. COUNTERPARTS:**

This Offer shall become a binding contract when signed by both Buyer and Seller and is executed in two counterparts with executed counterparts being retained by each agent hereto.

Date of Offer: April 16, 1992

Date of Acceptance: \_\_\_\_\_

I hereby acknowledge receipt of the earnest money herein set forth in accordance with the terms hereof.

April 16, 1992  
Date

City of Fayetteville  
Agent/Firm

By: *[Signature]*

**SELLER: CITY OF FAYETTEVILLE**

\_\_\_\_\_  
(SEAL)  
City Manager

ATTEST:

\_\_\_\_\_  
(SEAL)  
Bobbie A. Joyner, City Clerk

**BUYER: OLDE FAYETTEVILLE INVESTMENTS, INC.**

By: *[Signature]* (SEAL)  
Vice President

ATTEST:

*[Signature]* (SEAL)  
Dawn C. Berg, Secretary

ATTACHMENT B

PRELIMINARY CONSTRUCTION ESTIMATE  
(225 Hay Street)

PHASE I \$55,600.

A general dry-in of the entire building to include:  
remove and replace roof, facade structural repairs,  
recreation of historic store front, replace  
all exterior doors (front and rear), provide 400 amp  
electrical service, repair all floor systems, remove  
all interior non-load bearing walls, and clean up.

Fire Suppression System (\$15,000.)

Elevator Installation (\$24,000.)

PHASE II \$10,200.

Install HVAC System, electrical, lighting, restrooms,  
and wall sections as appropriate to the restaurant  
plan. (upfit by others)

PHASE III \$45,300.

Install HVAC System, electrical, lighting, restrooms,  
provide walls, floor covering, painting, etc. for  
second floor finished office space.

PHASE IV \$16,900.

Install HVAC System, electrical service and restrooms  
for uncommitted first floor space to be upfitted to suit  
tenant.

Construction	<u>\$128,000.</u>
Contingencies 10%	<u>12,800.</u>

PROJECT TOTAL: \$140,800.  
=====

NOTE: See monthly cash flow chart (attachment H )  
for monthly construction expenditures.

See appraisal comparison (attachment E )  
for estimated property value after construction.

**ATTACHMENT C**

**PROJECT TIME LINE 1992  
(225 Hay Street)**

<b>DATE</b>	<b>DESCRIPTION</b>
May 1 - July 31	Phase I - Construction
Aug 1 - Sept 31	Phase II and III - Construction
Oct 1 -	Restaurant begins Construction
Oct 1 -	Open offices of Olde Fayetteville Investments, Inc. and Main Street Concepts, Inc.
Oct 1 - Oct 31	Phase IV - Construction
Nov 1	Prime ground floor available
Nov 15	Grand Opening of Restaurant

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

APRIL 15, 1992

Mr. Joe McLaughlin  
J&J Speedy Demolition  
316 Nevile Street  
Fayetteville, NC 28301

Dear Mr. McLaughlin:

Enclosed is the City's check for \$3000. This payment is to reimburse you for costs incurred to this point in pursuit of our contract dated December 24, 1991, for the demolition of 225-227 Hay Street

This letter also serves as notice to you to stop all work under this contract immediately. If the City Council authorizes us to proceed with this contract, we will notify you immediately to begin work under the original terms and conditions of the contract for the balance of \$13,000.

If Council authorizes us to terminate this contract, we will consider this payment of \$3000 to satisfy our obligations unless you submit to the City Manager documentation of additional costs incurred. This documentation must be submitted to this office within seven (7) days of our official notice to you that this contract is terminated. Any decision on additional payment by the City Manager will be final.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stancil", is written over the word "Sincerely,".

ROGER L. STANCIL  
Deputy City Manager

RLS:ssm

xc: Frank Simpson  
Inspections Superintendent

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

Garris Neil Yarborough  
Attorney-at-Law

Heritage Building, Suite A  
200 Dick St., Fayetteville, N.C.

Facsimile: (919) 433-2233

April 24, 1992

Telephone: (919) 433-4433

Mr. Roger L. Stancil  
Deputy City Manager  
433 Hay Street  
Fayetteville, NC 28301-5537

Re: 225-227 Hay Street

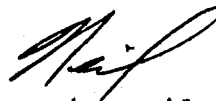
Dear Roger:

This is to inform you that I represent Joe McLaughlin d/b/a J. & J. Speedy Demolition in regards to his contract with the City dated December 24, 1991 on the above referenced project. Mr. McLaughlin appreciates your letter of April 15, 1992, and interim payment. This will assist him covering some of the expenses he has already occurred in preparing to do this work, however, Mr. McLaughlin wishes for me to make very clear, that this is by no means all the expenses he has occurred in preparation for this project, or is it any where near his total damage figure, if the contract is terminated. It appears from what I have read in the paper and from what Mr. McLaughlin has told me that the City has been entering into bilateral negotiations with a possible purchaser of this property, when those negotiations should have been trilateral, including Mr. McLaughlin in that he not only has a contract to do the work for \$16,000.00, but he also has the salvage rights. "All salvage material becomes property of the Contractor."

Please take no further steps in concluding any third party transaction with the property you have under contract with Mr. McLaughlin until we have had an opportunity to appear before the City Council and express our concerns, or until some other suitable arrangement has been made regarding Mr. McLaughlin's contract rights.

Thank you for your cooperation in this matter. If you have any questions in this matter please feel free to contact me.

Yours Truly,



Garris Neil Yarborough

cc: Bob Cogswell, City Attorney  
Frank Simpson, Inspections Superintendent  
Mr. Joe McLaughlin

Mailing Address: Post Office Box 705, Fayetteville, N.C. 28302

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1782

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

CITY MANAGER

APRIL 30, 1992

Garris Neil Yarborough  
Attorney-at-Law  
Heritage Building, Suite A  
200 Dick Street  
Fayetteville, NC 28301

Dear Neil:

Please refer to my letter of April 15 to Mr. McLaughlin which I discussed with him by telephone and to which he agreed before he picked up his check. In the last paragraph of that letter, Mr. McLaughlin is requested to "submit to the City Manager documentation of additional costs incurred". At this time, we have received no documentation from him.

Please inform Mr. McLaughlin that we will be happy to review any documentation he may wish to submit that verifies costs incurred or any other damages he may wish to claim.

Sincerely,



ROGER L. STANCIL  
Deputy City Manager

RLS:ssm

xc: ✓ Robert Cogswell, City Attorney  
Frank Simpson, Inspections Superintendent

An Equal Opportunity  
City of

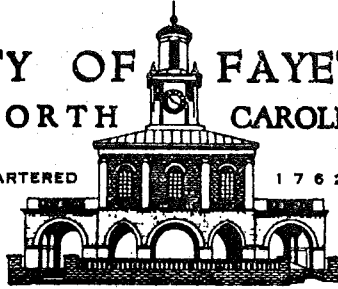


Affirmative Action Employer  
Dogwoods



THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



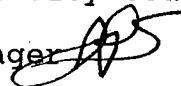
CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

MAY 14, 1992

MEMORANDUM

TO: The Mayor and Members of City Council  
FROM: John P. Smith, City Manager   
SUBJECT: Surplus Property on Waterless Street

Two bids were received on this property which are far below the tax value (see attached memorandum). The Council has three options:

1. Approve the sale to the highest bidder.
2. Reject the bids and readvertise with a minimum bid requirement based on the tax value.
3. Reject the bids, have the property appraised and readvertise the property with a minimum bid based upon the appraised value.

I recommend option one.

JPS:ssm

Attachment

An Equal Opportunity  
City of

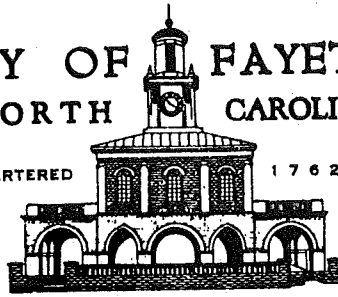


Affirmative Action Employer  
Dogwoods

ITEM 6

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



ENGINEERING DEPARTMENT  
433 HAY STREET

FAYETTEVILLE, NC 28301-5537  
(919) 433-1656

May 12, 1992

MEMORANDUM

TO: Mr. John P. Smith, City Manager  
THROUGH: Roger L. Stancil, Deputy City Manager  
FROM: Carol A. Doherty, Paralegal *CAD*  
SUBJECT: Consideration of Adoption of a Resolution Accepting the High Bid for the Sale of Surplus City Property Located on the Southern Margin of Waterless Street, P.I.N. 0436-05-08-6777, Zoned M-1

The bid opening for the sale of subject property was held at 10:00 a.m., May 12, 1992 and the following bids were submitted:

	<u>BID</u>	<u>DEPOSIT</u>
Hilton E. Cashion	\$516.23	\$26.00
William H. Corne	\$500.00	\$25.00

Subject property was advertised for sale with no minimum bid on April 11, 1992. The adjacent property owners, as well as several other interested parties, were notified of the proposed sale.

The property has been rendered not buildable because the 30-foot side lot lines building setback requirement for the present M-1 zoning takes up all but 2.5 feet of the width of the property. Furthermore, a major portion of the usable space is encumbered by a CP&L 50-foot wide transmission line easement.

The City is reserving a strip of land approximately 8 feet wide along the northern margin of the property for future street right-of-way.

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

MEMORANDUM

Mr. John P. Smith  
Page Two  
May 12, 1992

The current Cumberland County assessed value of the land is \$9,715.

CAD/mak

Enclosures: Parcel Map  
Resolution

**RESOLUTION AUTHORIZING THE SALE  
OF  
CITY OF FAYETTEVILLE PROPERTY**

**WHEREAS,** the City of Fayetteville owns a certain tract of land, zoned M-1, P.I.N. 0436-05-08-6777, located on the southern margin of Waterless Street, more particularly described as Lots 150, 151 and 152, Pleasant View Extension #3, Plat Book 14, Page 20, as recorded at the Cumberland County Registry.

**AND WHEREAS,** the above-described tract is subject to the following:

1. A Carolina Power and Light Company 50-foot wide easement for a power transmission line right-of-way across said property.
2. Easements and conditions of record.

**AND WHEREAS,** a portion of the aforementioned tract is reserved for future right-of-way, more particularly described as follows:

**BEGINNING** at a point in the existing southern right-of-way margin of Waterless Street (50-foot right-of-way), said point being the northeast corner of Lot 150, Pleasant View Extension #3, Plat Book 14, Page 20, Cumberland County Registry, and running thence with the eastern line of said lot South 17 degrees 22 minutes East 7.87 feet to a point; thence as a new Waterless Street right-of-way South 58 degrees 50 minutes West 62.62 feet to a point in the western line of Lot 152 of the aforementioned subdivision; thence with said western line on a computed bearing North 16 degrees 30 minutes 42 seconds West (plat bearing North 16 degrees 30 minutes West) 7.90 feet to the northwest corner of said Lot 152; thence North 58 degrees 50 minutes East 62.5 feet to the point of **BEGINNING** ..... containing 478.13 square feet, more or less.

**AND WHEREAS,** the City Council authorized the advertisement for sale of said property by the sealed-bid method.

**AND WHEREAS,** said bid opening was duly advertised pursuant to North Carolina General Statutes, Chapters 160A-268 and 143-129.

**AND WHEREAS,** on the 12th day of May, 1992, Mr. Hilton E. Cashion submitted the following high bid to the City of Fayetteville to purchase said property:

Lots 150, 151 and 152,                   \$516.23  
Pleasant View Extension #3  
Plat Book 14, Page 20,  
Cumberland County Registry

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fayetteville, North Carolina, that said offer to purchase is hereby accepted and that said property shall be conveyed to Hilton E. Cashion for the sum of \$516.23.

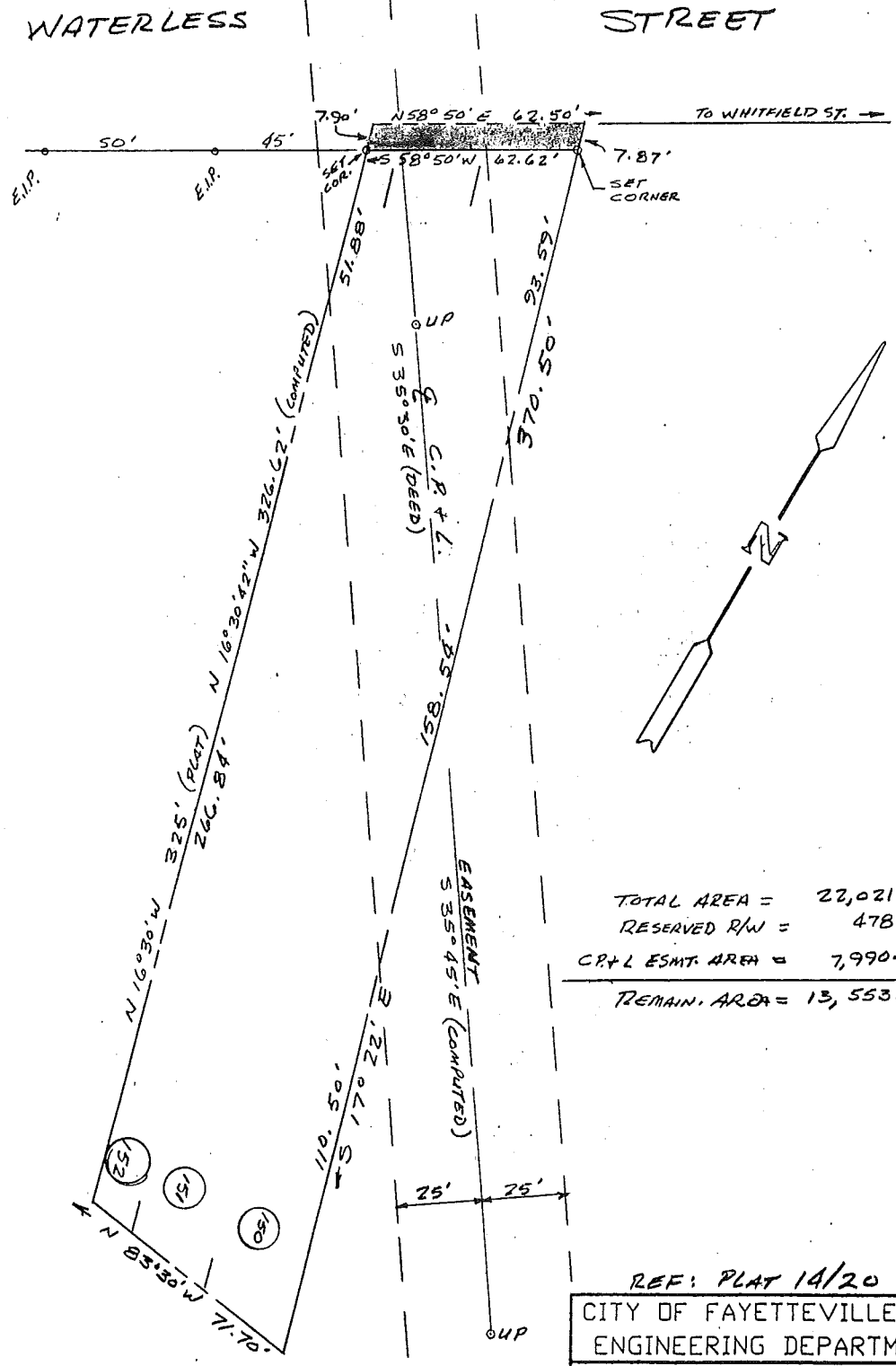
**ADOPTED** this 18th day of May, 1992.

**CITY OF FAYETTEVILLE**

**BY:** \_\_\_\_\_  
J. L. Dawkins, Mayor

**ATTEST:**

\_\_\_\_\_  
Deputy City Clerk



TOTAL AREA = 22,021.38 SF  
 RESERVED R/W = 478.13 SF  
 CR+L ESMT. AREA = 7,990.18 SF  
 REMAIN. AREA = 13,553.07 SF

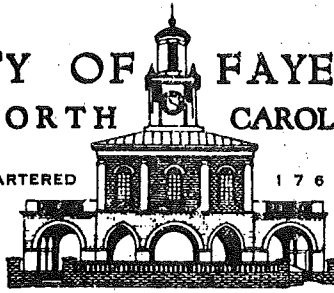
REF: PLAT 14/20  
 CITY OF FAYETTEVILLE, N.C.  
 ENGINEERING DEPARTMENT

CITY PROPERTY  
 0436-05-08-6777  
 DATE 4-3-92 DRAWN BY GODWIN  
 SCALE 1"=40' CK'D BY

FIELD BK	REVISION	
	DATE	BY

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

MAY 13, 1992

MEMORANDUM

TO: The Mayor and Members of City Council

FROM: John P. Smith, City Manager *JPS*

SUBJECT: NPDES Storm Water Permit

This is a federally mandated program through the State of North Carolina. Initially only North Carolina cities over 100,000 population were designated for this requirement. Cumberland County was designated because of its urban non-municipal population. In a recent decision by the State of North Carolina, Fayetteville has been added to the list of designated cities.

As Mike Walker's memo indicates, the City can save money by joining in the County's study which is already underway. The purpose of this federal environmental mandate is to monitor the quality of storm water run-off. The City has already commissioned a massive study to measure the quantity of storm water run-off in various water sheds. This study was part of the storm water bond package. The only source of funds for this mandated study is storm water bond funds. What this means is that in order to carry out this unfunded federal mandate, the City will have to leave undone some future storm water capital projects.

This is only one more example of how unfunded federal and state mandates impact on local government budgets. So long as Washington and Raleigh continue to require local units of government to pay for national and state programs, local officials will be faced with raising local taxes while you also cut other local services in order to pay for national and state programs.

JPS:ssm

Attachment

An Equal Opportunity  
City of

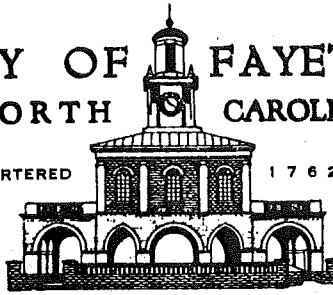


Affirmative Action Employer  
Dogwoods

ITEM 7

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



ENGINEERING DEPARTMENT  
433 HAY STREET

FAYETTEVILLE, NC 28301-5537  
(919) 433-1656

May 12, 1992

MEMORANDUM

TO: Mr. John P. Smith, City Manager

THROUGH: Jimmy Teal, Assistant City Manager

FROM: Michael L. Walker, P.E., City Engineer *MW*

SUBJECT: Proposed City/County Interlocal Agreement - Clean Water Act of 1987 - National Pollutant Discharge Elimination System (NPDES) Permit - Part I

The purpose of this proposed City/County agreement is to establish financial and administrative procedures between the City and County for the preparation of a NPDES Permit - Part I by a consulting engineering firm. Item 8B of the 4/6/92 City Council agenda packet contained a three page memo describing what is being required of our City in order to comply with the above referenced regulations.

A brief summary of that memo follows:

a. As a result of the Clean Water Act of 1987, all stormwater discharges from municipalities with population over 100,000 requires a permit which will regulate such discharges. The State of North Carolina, acting for the Environmental Protection Agency (EPA) has combined Cumberland County and the City of Fayetteville into a single urban area for the purpose of this legislation.

b. This NPDES Permit - Part I application is a very complex and lengthy document. It includes identification of pollutant sources, identification of individual discharges which are appropriate for individual permits and formulation of a strategy to characterize all discharges. The total cost of this permit is estimated to be \$834,000 and is proposed to be shared equally between the City and County (\$417,000 each). Had the City chose to submit a separate "City only" permit, the cost was estimated to be \$581,000. Submitting a joint application will save the City an estimated \$164,000.

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods



MEMORANDUM

Mr. John P. Smith  
Page Two  
May 12, 1992

c. This application is due to be submitted to the N. C. State Department of Environment, Health and Natural Resources on September 18, 1992. As the City Manager indicated at the 4/6/92 City Council meeting, this is another federally mandated program for which no federal or state funds have been furnished.

d. Once the state evaluates the NPDES Permit - Part I Application, a second Part II application will be required by June 30, 1993. Part II is the municipality's program to control the discharge of pollutants. The cost and extent of this part will be determined by the state after they review our Part I permit application.

We recommend that the following action be taken:

a. That the proposed City/County agreement be approved. Both the City Attorney and Finance Director have reviewed this proposed agreement.

b. That the City Manager be authorized to use the monies he considered most appropriate to fund this work.

MLW/mak

Enclosure: Draft/Proposed Interlocal Agreement

NORTH CAROLINA  
CUMBERLAND COUNTY

CONTRACT FOR  
INTERLOCAL UNDERTAKING

THIS CONTRACT, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 1992, by and between CUMBERLAND COUNTY, a body politic and corporate of the State of North Carolina, hereinafter referred to as the COUNTY, party of the first part, and the CITY OF FAYETTEVILLE, a municipality duly incorporated under the laws of North Carolina, hereinafter referred to as the CITY, party of the second part;

WITNESSETH

WHEREAS, the COUNTY is required by Federal regulations to submit an application for a National Pollutant Discharge Elimination System (NPDES) Permit for it's separate storm sewer system in accordance with the final rules and regulations published in the Federal Register, Volume 55 No. 222 ; and

WHEREAS, the North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management has mandated the CITY fully comply with the provisions of the NPDES Storm Water Permit Application regulations ; and

WHEREAS, the Federal regulations Section 122.26 (d) provides that where more than one public entity owns or operates a municipal separate storm sewer system within a geographic area, such operators may be a coapplicant to the same application ; and

WHEREAS, the North Carolina Division of Environmental Management encourages the COUNTY and the CITY become coapplicants to a single NPDES Storm Water Permit Application ; and

WHEREAS, the governing bodies of the COUNTY and the CITY have found and determined that it is in the public interest and for public benefit to become coapplicants to the same application ; and

WHEREAS, the COUNTY is currently under contract with Ogden Environmental and Energy Services, formerly ERCE, hereinafter referred to as the ENGINEER, to prepare the NPDES Storm Water Permit Application ; and

WHEREAS, the CITY desires the COUNTY amend it's agreement with Ogden to include the CITY in all aspects of the permit application ; and

WHEREAS, the governing bodies of the COUNTY and the CITY have by resolution duly recorded in their minutes ratified provisions of this agreement ;

NOW THEREFORE, for and in consideration of the mutual covenants herein contained and of the mutual benefits to result therefrom, the parties hereby agree as follows:

1. Purpose: The purpose of this Agreement is to establish an interlocal undertaking, as provided in N.C. General Statute, Chapter 160A, Article 20, Part I, whereby the COUNTY and the CITY as coapplicants submit a single NPDES Storm Water Permit Application pursuant to the requirements of Part 122 - EPA Administered Permit Programs: The National Pollutant Discharge Elimination System published in the Federal Register; Volume 55, Number 222, dated November 16, 1990. The methods and procedures which shall be followed by the COUNTY and the CITY to implement this undertaking shall be as follows:
  - a. The COUNTY shall amend its Agreement with the ENGINEER, to include the CITY in all aspects of the NPDES Storm Water Permit Application as described in Attachment 2 - Services for Storm Water Management Plan Development and NPDES Permit Application in said Agreement and take the necessary budgetary actions.
  - b. The CITY shall appoint a representative from the City Engineering Department to act as co-manager with the County Engineer for this project. Each party shall be separately responsible for the appointment, selection, and employment of personnel for this interlocal undertaking, and as such each party shall be responsible for the personnel administration, and provision of salaries and benefits to its respective employees.
  - c. The governing bodies of the COUNTY and the CITY shall approve the submission of Part 1 of the NPDES Storm Water Permit Application on or before September 1, 1992 and Part 2 of the application on or before June 1, 1993.
2. Duration: This Contract shall expire on December 31, 1993 unless this Agreement is sooner terminated as hereinafter provided.
3. Finances: The total cost of services performed by the ENGINEER for this project shall not exceed \$834,000 without prior written authorization from the governing bodies of the COUNTY and the CITY. The engineering costs shall be equally shared by the COUNTY and the CITY. The COUNTY shall request reimbursement from the CITY for 50 percent of the ENGINEER's monthly payment requests which shall include prior payments to the ENGINEER for work under this project. The CITY shall make payment to the COUNTY within 30 days of said request for reimbursement and upon presentation of the ENGINEER's monthly pay request.
4. Ownership of Property: This interlocal undertaking does not require the purchase, acquisition, or disposition of real property by either party during the term of the agreement.
5. Amendment: This Contract may be amended at anytime by mutual agreement between the parties in writing and duly ratified by the governing bodies of the COUNTY and the CITY.

6. Termination: This Contract may be terminated by either party upon written notice duly authorized by its governing body of one party to the other party. Any costs of services performed by the ENGINEER until the time of termination shall be paid by the COUNTY and the CITY as herein provided.

THEREFORE, the parties hereunto have set their hands and seals the said year first above written.

CITY OF FAYETTEVILLE

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

CUMBERLAND COUNTY

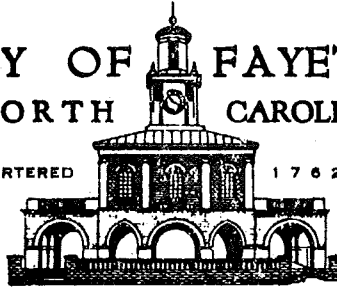
By: \_\_\_\_\_  
Chairman, Board of Commissioners

ATTEST:

\_\_\_\_\_  
County Clerk

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



AIRPORT MANAGER  
(919) 483-4468

FAYETTEVILLE AIRPORT COMMISSION  
Post Office Box 64218  
Fayetteville, NC 28306

Phone: (919) 433-1621

May 12, 1992

MEMORANDUM:

TO: John Smith, City Manager  
THROUGH: Roger Stancil, Deputy City Manager  
FROM: William T. Ray, Airport Manager *wtr*  
SUBJECT: Award of contracts for the Fire Training Facility

The Airport Commission met in special session, Thursday, May 7, 1992, to consider bids for subject project. Copies of correspondence to the Airport Commission from the Airport Manager and consulting engineering firm Wilbur Smith Associates attached with bid tabulations. The Commission voted to recommend that the City Council award the work to the low bidders as shown below:

<u>CONTRACTOR</u>	<u>WORK DESCRIPTION</u>	<u>BID AMOUNT</u>
Sigma Construction Company	General Construction	\$1,058,456
L. J.'s Electric Company	Electrical	153,404
T. R. Driscoll, Inc.	Heating & Air Conditioning	51,726
Town & Country Plumbing	Plumbing	58,000
Contraves U.S.A.	Propane Systems	<u>1,878,000</u>
Total Construction Award Amount		\$3,199,586

I concur with the recommendation by the Airport Commission to award the project to the low bidders in work areas specified above.

The FAA has indicated that it will amend the AIP 12 grant by the maximum 15%, which would be \$544,826. Of this amount \$504,265 will be applied to the construction of the facilities and the remaining \$40,561 will go towards the purchase of AIP eligible training equipment and furnishings for the project.

If you have questions or desire additional information, please call me.

EMN/en

Enclosures - Letters and Bid Tabulations

An Equal Opportunity  
City of

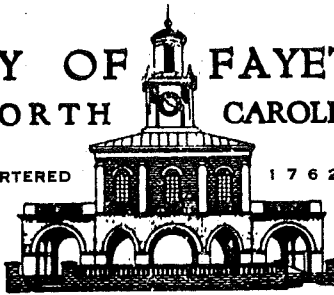


Affirmative Action Employer  
Dogwoods

ITEM 8

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



AIRPORT MANAGER  
(919) 483-4468

FAYETTEVILLE AIRPORT COMMISSION  
Post Office Box 64218  
Fayetteville, NC 28306

Phone: (919) 433-1621

April 22, 1992

**MEMORANDUM:**

**TO:** AIRPORT COMMISSION MEMBERS  
**FROM:** William T. Ray, Airport Manager *wtr*  
**SUBJECT:** Fire Training Facility

The attached letter from the FAA tells us that they have limited funding for our fire training facility. As a result, we need to operate under the limits of the AIP 12 grant as amended. They have assured us there will be no problem amending up to 15 percent of the amount of the grant making the total increase available \$544,826. I am recommending to you that we delete the items below at this time; and that the low bidders below be selected for award of the contracts.

Drill Tower  
Burn Pit Alternate of 125 feet  
Electrical Panel Fire  
Small Aircraft Hangar Fire  
Burn Building

<u>CONTRACTOR</u>	<u>WORK DESCRIPTION</u>	<u>BID AMOUNT</u>
Sigma Construction Company	General Construction	\$1,058,456
L. J.'s Electric Company	Electrical	153,404
T. R. Driscoll, Inc.	Heating & Air Conditioning	51,726
Town & Country Plumbing	Plumbing	58,000
Contraves U.S.A.	Propane Systems	<u>1,878,000</u>
Total Construction Award Amount		\$3,199,586

I suggest recommending that the City Council award the contracts to the low bidders as shown above.

emr

Enclosures - Two letters w/two attachments

cc: Mr. Kai Nelson, Finance Director, w/enclosures ✓  
Mr. Craig Hampton, Purchasing Agent, w/enclosures ✓  
Mr. Bob Cogswell, City Attorney, w/enclosures ✓

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

# WILBUR SMITH ASSOCIATES

ENGINEERS • ARCHITECTS • ECONOMISTS • PLANNERS

NCNB TOWER • P.O. BOX 92 • COLUMBIA, SC 29202 • (803) 738-0580 • CABLE WILSMITH • FAX (803) 251-2064 • TELEX 573439 • WILSMITH CLB

April 22, 1992

Mr. William T. Ray  
Airport Manager  
Fayetteville Regional Airport  
Post Office Box 64218  
Fayetteville, North Carolina 28306

RE: Fayetteville Fire Fighting Facilities Project  
Fayetteville Regional Airport  
Fayetteville, North Carolina

Dear Tom:

As you know, we have submitted to the FAA a proposed breakout of work for the referenced project to incorporate their desire to have a 125 foot burn pit. Our recommendation included utilization of all monies in AIP 12 plus the issuance of a new grant (AIP 13) to cover the additional costs (reference your letter to FAA of April 9, 1992).

Assuming that additional funds are not committed by FAA for the larger burn pit option, then WSA would recommend eliminating the following items from the total package:

- Drill Tower
- Burn Pit Alternate of 125 feet
- Electrical Panel Fire
- Small Aircraft Hangar Fire
- Burn Building

The remaining items would make-up this construction project and total \$3,472,625 (see attachment). This will require that the AIP grant be amended by approximately \$504,265 (13.9%) which is within their guidelines.

The recommendation for award of contracts based on this proposed construction level would be:

- General Contractor - Sigma Construction Company in the amount of \$1,058,456.
- Electrical Contractor - L.J.'s Electric Company in the amount of \$153,404.
- HVAC Contractor - T.R. Driscoll, Inc. in the amount of \$51,726.
- Plumbing Contractor - Town and Country in the amount of \$58,000.
- Propane Systems Contractor - Contraves U.S.A. in the amount of \$1,878,000.

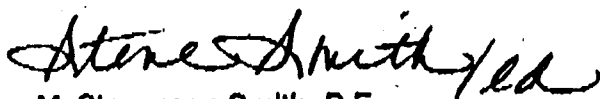
Mr. Tom Ray  
Page Two  
April 22, 1992

Should FAA provide additional funding, the project elements will change and evaluation of low bidders would have to be reassessed.

Please let me know if you need any additional information.

Very truly yours,

WILBUR SMITH ASSOCIATES



M. Stevenson Smith, P.E.  
Vice President and Project Manager

MSS:ld  
Enclosure



# FAYETTEVILLE REGIONAL AIRPORT

April 22, 1992

## FIRE TRAINING FACILITY

<u>WORK SCOPE</u>	<u>AMOUNT</u>
Training Building	\$1,254,235
Smoke Training Area	71,641
Burn Pit (75')	1,208,135
Wing/Engine/Wheel Fire	496,715
Propane Storage & Distribution	152,821
Storm Water Pump System	5,484
CCTV Monitor	<u>10,555</u>
Total Construction	\$3,199,586
Engineering	<u>273,039</u>
<b>TOTAL</b>	<b>\$3,472,625</b>
 AIP 12	
Total Projects	\$4,035,749
Security	-874,718
Environmental Assessment	-105,700
Truck Rehabilitation	-55,000
Land	<u>-88,000</u>
<b>Funds Available for FF Facilities</b>	<b>\$2,912,331</b>
Funds Needed	\$3,472,625
Funds Available	<u>-2,912,331</u>
Additional Needs	\$ 560,294
FAA Share of Additional Needs = <u>\$560,294 x 90 %</u> =	\$ 504,265
This represents a 13.9% Increase in AIP 12 grant agreement	

**FAYETTEVILLE REGIONAL AIRPORT**  
**March 30, 1992**

**FIRE TRAINING FACILITY**

<u>Scope of Work</u>	<u>Amount</u>	
Training Building	\$1,245,011	
Burn Building	146,885	
Drill Tower	152,175	
Smoke Training Area	59,095	
Burn Pit (75')	1,206,510	
Wing/Engine	495,900	
Electrical Panel	236,000	
Small Aircraft Hangar	325,000	
Propane Storage	151,970	
Storm Water Pump	5,110	
CCTV Monitor	9,800	
Alternate #1 -(125' Pit)	<u>733,848</u>	
<b>Total Construction</b>	<b>\$4,767,304</b>	
<b>Engineering</b>	<b><u>273,039</u></b>	
<b>Total</b>	<b>\$5,040,343</b>	
<b>AIP 12</b>		
<b>Total Projects</b>	<b>\$4,035,749</b>	
Security	- 874,718	
Environmental Assessment	- 105,700	
Truck Rehabilitation	- 55,000	
Land	<u>- 88,000</u>	
<b>Funds Available</b>	<b>\$2,912,331</b>	
<b>Short</b>	<b>\$2,128,012</b>	
Alternate #3 Drill Tower	- 152,175	(1,975,837)
Alternate #1 (125' Pit)	- 733,848	(1,241,989)
Alternate #7 Electrical Panel	- 236,000	(1,005,989)
Alternate #8 Small Aircraft Hangar	- 325,000	( 680,989)
Alternate #2 Burn Building	- 146,885	( 534,104)

+ 15% of \$4,035,749 = \$605,362  
+ 15% of \$3,632,174 = \$544,826

# BID TABULATION - RECAP

PROJECT: FIRE FIGHTING TRAINING CENTER  
FAYETTEVILLE REGIONAL AIRPORT

BID DATE: MARCH 19, 1982 / 2:00 p.m.

CONTRACT #	BID ITEM 1 TRAINING BUILDING	BID ITEM 2 BURN BUILDING	BID ITEM 3 DRILL TOWER	BID ITEM 4 737 SMOKE TRAINER	BID ITEM 5 BURN PIT	BID ITEM 6 WING/ENGINE/WHEEL FIRE	BID ITEM 7 ELECT. PANEL FIRE	BID ITEM 8 SMALL A/C HANGAR FIRE	BID ITEM 9 PROPANE STD. & DIST. WATER PUMP SYSTEM	BID ITEM 10 STORM SYSTEM	BID ITEM 11 CCTV MONITOR	ALTERNATE #1 ENLARGE BURN PIT
1 - GEN. CONTR.	A=513,793 B=542,573 \$1,056,366	\$103,086	\$128,575	\$11,952								\$27,848
2 - ELECT.	\$128,491 +SITE ELEC.+ DIST. TO PIT, ETC.	\$15,400	\$8,900	\$5,555	\$5,510	\$1,900			\$970	\$5,110	\$9,800	NO BID
3 - HVAC	\$47,153	\$60,389		\$9,586								
4 - PLUMBING	\$58,000	\$8,000	\$14,800									
5 - PROPANE				\$32,000	\$1,201,000	\$484,000	\$236,000	\$325,000	\$151,000			\$706,000
TOTALS	\$1,245,010	\$146,885	\$152,175	\$58,095	\$1,206,510	\$485,900	\$236,000	\$325,000	\$151,970	\$5,110	\$9,800	\$733,848

# BID TABULATION - CONTRACT 1 - GENERAL CONTRACTOR

PROJECT: FIRE FIGHTING TRAINING CENTER  
FAYETTEVILLE REGIONAL AIRPORT

BID DATE: MARCH 19, 1992 2:00 p.m.

CONTRACTOR	BID ITEM 1	BID ITEM 1A	BID ITEM 1B	BID ITEM 2	BID ITEM 3	BID ITEM 4	ALTERNATE #1	ADD. #1	ADD. #2	ADD. #3	ADD. #4	CONTRACTOR LICENSE #	DBE COMPL. CERT	NON-SEG FAC CERT	NON-COL AFFIDAVIT	BID SECURITY BK								
HATCHER \$2,712,292.00+	\$1,113,720.32 <i>TRUCKING BLDG</i>	\$465,000.00	\$646,720.32	\$253,000.00 <i>BUILDING BLDG</i>	\$190,000.00 <i>DRILL TOWER</i>	\$31,000.00 <i>750 3 more DIAMETERS</i>	21 - \$ 1,000.00 22 - \$ 2,000.00 23 - \$ 3,000.00 24 - \$ 4,000.00 25 - \$ 5,000.00 26 - \$ 6,000.00 27 - \$ 7,000.00 28 - \$ 8,000.00 29 - \$ 9,000.00 30 - \$ 10,000.00 31 - \$ 11,000.00 32 - \$ 12,000.00 33 - \$ 13,000.00 34 - \$ 14,000.00 35 - \$ 15,000.00 36 - \$ 16,000.00 37 - \$ 17,000.00 38 - \$ 18,000.00 39 - \$ 19,000.00 40 - \$ 20,000.00 41 - \$ 21,000.00 42 - \$ 22,000.00 43 - \$ 23,000.00 44 - \$ 24,000.00 45 - \$ 25,000.00 46 - \$ 26,000.00 47 - \$ 27,000.00 48 - \$ 28,000.00 49 - \$ 29,000.00 50 - \$ 30,000.00 51 - \$ 31,000.00 52 - \$ 32,000.00 53 - \$ 33,000.00 54 - \$ 34,000.00 55 - \$ 35,000.00 56 - \$ 36,000.00 57 - \$ 37,000.00 58 - \$ 38,000.00 59 - \$ 39,000.00 60 - \$ 40,000.00 61 - \$ 41,000.00 62 - \$ 42,000.00 63 - \$ 43,000.00 64 - \$ 44,000.00 65 - \$ 45,000.00 66 - \$ 46,000.00 67 - \$ 47,000.00 68 - \$ 48,000.00 69 - \$ 49,000.00 70 - \$ 50,000.00 71 - \$ 51,000.00 72 - \$ 52,000.00 73 - \$ 53,000.00 74 - \$ 54,000.00 75 - \$ 55,000.00 76 - \$ 56,000.00 77 - \$ 57,000.00 78 - \$ 58,000.00 79 - \$ 59,000.00 80 - \$ 60,000.00 81 - \$ 61,000.00 82 - \$ 62,000.00 83 - \$ 63,000.00 84 - \$ 64,000.00 85 - \$ 65,000.00 86 - \$ 66,000.00 87 - \$ 67,000.00 88 - \$ 68,000.00 89 - \$ 69,000.00 90 - \$ 70,000.00 91 - \$ 71,000.00 92 - \$ 72,000.00 93 - \$ 73,000.00 94 - \$ 74,000.00 95 - \$ 75,000.00 96 - \$ 76,000.00 97 - \$ 77,000.00 98 - \$ 78,000.00 99 - \$ 79,000.00 100 - \$ 80,000.00	X	X	X	X	X	8470	X	X	X	X	X	X	X	X	X	X	
RATLEY CONSTRUCTION \$2,384,193.00+	\$1,056,366.00	\$513,793.00	\$542,573.00	\$103,086.00	\$128,575.00	\$11,952.00		X	X	X	X	8088	X	X	X	X	X							
NEW SOUTH CONSTRUCTION \$2,624,896.00+	\$1,153,937.00	\$510,537.00	\$643,170.00	\$143,000.00	\$133,000.00	\$19,000.00		X	X	X	X	20987	X	X	X	X	X							
ELLIS WALKER BUILDERS \$2,482,506.00+	\$1,059,424.48	\$482,114.00	\$591,310.48	\$151,802.00	\$159,369.00	\$35,643.00	21 - \$ 1,000.00 22 - \$ 2,000.00 23 - \$ 3,000.00 24 - \$ 4,000.00 25 - \$ 5,000.00 26 - \$ 6,000.00 27 - \$ 7,000.00 28 - \$ 8,000.00 29 - \$ 9,000.00 30 - \$ 10,000.00 31 - \$ 11,000.00 32 - \$ 12,000.00 33 - \$ 13,000.00 34 - \$ 14,000.00 35 - \$ 15,000.00 36 - \$ 16,000.00 37 - \$ 17,000.00 38 - \$ 18,000.00 39 - \$ 19,000.00 40 - \$ 20,000.00 41 - \$ 21,000.00 42 - \$ 22,000.00 43 - \$ 23,000.00 44 - \$ 24,000.00 45 - \$ 25,000.00 46 - \$ 26,000.00 47 - \$ 27,000.00 48 - \$ 28,000.00 49 - \$ 29,000.00 50 - \$ 30,000.00 51 - \$ 31,000.00 52 - \$ 32,000.00 53 - \$ 33,000.00 54 - \$ 34,000.00 55 - \$ 35,000.00 56 - \$ 36,000.00 57 - \$ 37,000.00 58 - \$ 38,000.00 59 - \$ 39,000.00 60 - \$ 40,000.00 61 - \$ 41,000.00 62 - \$ 42,000.00 63 - \$ 43,000.00 64 - \$ 44,000.00 65 - \$ 45,000.00 66 - \$ 46,000.00 67 - \$ 47,000.00 68 - \$ 48,000.00 69 - \$ 49,000.00 70 - \$ 50,000.00 71 - \$ 51,000.00 72 - \$ 52,000.00 73 - \$ 53,000.00 74 - \$ 54,000.00 75 - \$ 55,000.00 76 - \$ 56,000.00 77 - \$ 57,000.00 78 - \$ 58,000.00 79 - \$ 59,000.00 80 - \$ 60,000.00 81 - \$ 61,000.00 82 - \$ 62,000.00 83 - \$ 63,000.00 84 - \$ 64,000.00 85 - \$ 65,000.00 86 - \$ 66,000.00 87 - \$ 67,000.00 88 - \$ 68,000.00 89 - \$ 69,000.00 90 - \$ 70,000.00 91 - \$ 71,000.00 92 - \$ 72,000.00 93 - \$ 73,000.00 94 - \$ 74,000.00 95 - \$ 75,000.00 96 - \$ 76,000.00 97 - \$ 77,000.00 98 - \$ 78,000.00 99 - \$ 79,000.00 100 - \$ 80,000.00							X	X	X	X	10808	X	X	X	X	X	
R. G. SNYDER, INC. \$3,233,857.00+	\$1,488,653.00	\$574,174.00	\$594,478.00	\$108,675.00	\$141,898.00	\$17,574.00		X	X	X	X	21523	X	X	X	X	X							
SIGMA CONSTRUCTION CO. \$2,387,308.00+	\$1,030,455.75	\$501,770.00	\$528,685.75	\$157,000.00	\$125,000.00	\$28,000.00	21 - \$ 1,000.00 22 - \$ 2,000.00 23 - \$ 3,000.00 24 - \$ 4,000.00 25 - \$ 5,000.00 26 - \$ 6,000.00 27 - \$ 7,000.00 28 - \$ 8,000.00 29 - \$ 9,000.00 30 - \$ 10,000.00 31 - \$ 11,000.00 32 - \$ 12,000.00 33 - \$ 13,000.00 34 - \$ 14,000.00 35 - \$ 15,000.00 36 - \$ 16,000.00 37 - \$ 17,000.00 38 - \$ 18,000.00 39 - \$ 19,000.00 40 - \$ 20,000.00 41 - \$ 21,000.00 42 - \$ 22,000.00 43 - \$ 23,000.00 44 - \$ 24,000.00 45 - \$ 25,000.00 46 - \$ 26,000.00 47 - \$ 27,000.00 48 - \$ 28,000.00 49 - \$ 29,000.00 50 - \$ 30,000.00 51 - \$ 31,000.00 52 - \$ 32,000.00 53 - \$ 33,000.00 54 - \$ 34,000.00 55 - \$ 35,000.00 56 - \$ 36,000.00 57 - \$ 37,000.00 58 - \$ 38,000.00 59 - \$ 39,000.00 60 - \$ 40,000.00 61 - \$ 41,000.00 62 - \$ 42,000.00 63 - \$ 43,000.00 64 - \$ 44,000.00 65 - \$ 45,000.00 66 - \$ 46,000.00 67 - \$ 47,000.00 68 - \$ 48,000.00 69 - \$ 49,000.00 70 - \$ 50,000.00 71 - \$ 51,000.00 72 - \$ 52,000.00 73 - \$ 53,000.00 74 - \$ 54,000.00 75 - \$ 55,000.00 76 - \$ 56,000.00 77 - \$ 57,000.00 78 - \$ 58,000.00 79 - \$ 59,000.00 80 - \$ 60,000.00 81 - \$ 61,000.00 82 - \$ 62,000.00 83 - \$ 63,000.00 84 - \$ 64,000.00 85 - \$ 65,000.00 86 - \$ 66,000.00 87 - \$ 67,000.00 88 - \$ 68,000.00 89 - \$ 69,000.00 90 - \$ 70,000.00 91 - \$ 71,000.00 92 - \$ 72,000.00 93 - \$ 73,000.00 94 - \$ 74,000.00 95 - \$ 75,000.00 96 - \$ 76,000.00 97 - \$ 77,000.00 98 - \$ 78,000.00 99 - \$ 79,000.00 100 - \$ 80,000.00	X	X	X	X	X	X		X	X	X	X	17443	X	X	X	X	X

\*



# BID TABULATION - CONTRACT 3 - HVAC

PROJECT: FIRE FIGHTING TRAINING CENTER  
 FAYETTEVILLE REGIONAL AIRPORT

BID DATE: MARCH 31, 1992

CONTRACTOR AND SUBCONTRACTORS	BID ITEM 1	BID ITEM 2	BID ITEM 4	ADD. #1	ADD. #2	ADD. #3	ADD. #4	CONTRACTOR LICENSE #	DBE COMPL. CERT	NON-SEG FAC CERT	NON-COIL AFFIDAVIT	BID SECURITY 5%
REFRIGERATION & HEATING CO. \$117,140	\$47,153	\$60,399	\$2,506	X	X	X	X	10181	X	X	X	X
I. R. DRISCOLL, INC. \$121,261	\$46,778	\$68,535	\$4,947	X	X	X	X	2558	X	X	X	X
J. J. BARNES, INC. \$124,927	\$60,857	\$55,945	\$8,095	X	X	X	X	1127	X	X	X	X

\*

# BID TABULATION - CONTRACT 4 - PLUMBING

PROJECT: FIRE FIGHTING TRAINING CENTER  
FAYETTEVILLE REGIONAL AIRPORT

BID DATE: MARCH 19, 1992 2:00 P.M.

CONTRACTOR	BID ITEM 1 <i>TRADING SOLD</i>	BID ITEM 2 <i>EVAN K-DC</i>	BID ITEM 3 <i>DRILL TOWER</i>	ADD. #1	ADD. #2	ADD. #3	ADD. #4	CONTRACTOR LICENSE #	DBE COMPL. FAC CERT	NON-SEQ FAC CERT	NON-COLL AFFIDAVIT	BID SECURITY \$K
MORTS PLUMBING \$92,253	\$68,392	\$9,875	\$13,986	X	X	X	X	550	X	X	X	X
J.J. BARNES, INC. \$113,657	\$85,769	\$9,946	\$17,942	X	X	X	X	1127	X	X	X	X
TOWN & COUNTRY \$80,800	\$58,000	\$8,000	\$14,800	X	X	X	X	2068	X	X	X	X
INMAN PLUMBING & HEATING CO. \$98,075	\$73,050	\$6,985	\$19,030	X	X	X	X	1441	X			X

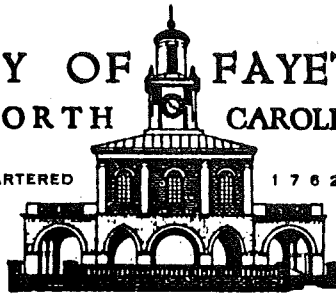
\*





THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY ATTORNEY  
P.O. BOX 1513  
FAYETTEVILLE, NC 28302-1513

ROOM 211, CITY HALL  
433 HAY STREET  
(919) 433-1985  
FAX # (919) 433-1980

May 13, 1992

MEMORANDUM

TO: The Mayor and Members of the City Council

FROM: Robert C. Cogswell, Jr. *RC*  
City Attorney

SUBJECT: Conveyance of Properties in Wilmington Road  
Neighborhood Development Program to Habitat for  
Humanity

General Statute 160A-456(b) permits the City Council to exercise directly those powers granted by law to a municipal housing authority. General Statute 159-9, which is one of the laws regulating housing authorities, allows a housing authority "to sell, exchange, transfer, assign or pledge any property, real or personal, or any interest therein to any person, firm, corporation, municipality, city or government." That same statutory provision further provides that "no provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless its legislature shall specifically so state."

I have discussed the aforementioned statutes with the Institute of Government, and it is their opinion these statutes permit the City to convey to the Habitat for Humanity for \$1 the properties described on the attached plats for the Wilmington Road Redevelopment Area. I recommend that the deed contain a recital that the property is conveyed to Habitat for Humanity, Inc., a nonprofit corporation, solely for the purposes set forth in their charter and if the property should ever cease to be used for the same, that it shall revert to the City of Fayetteville.

RCC/jkp

Attachment

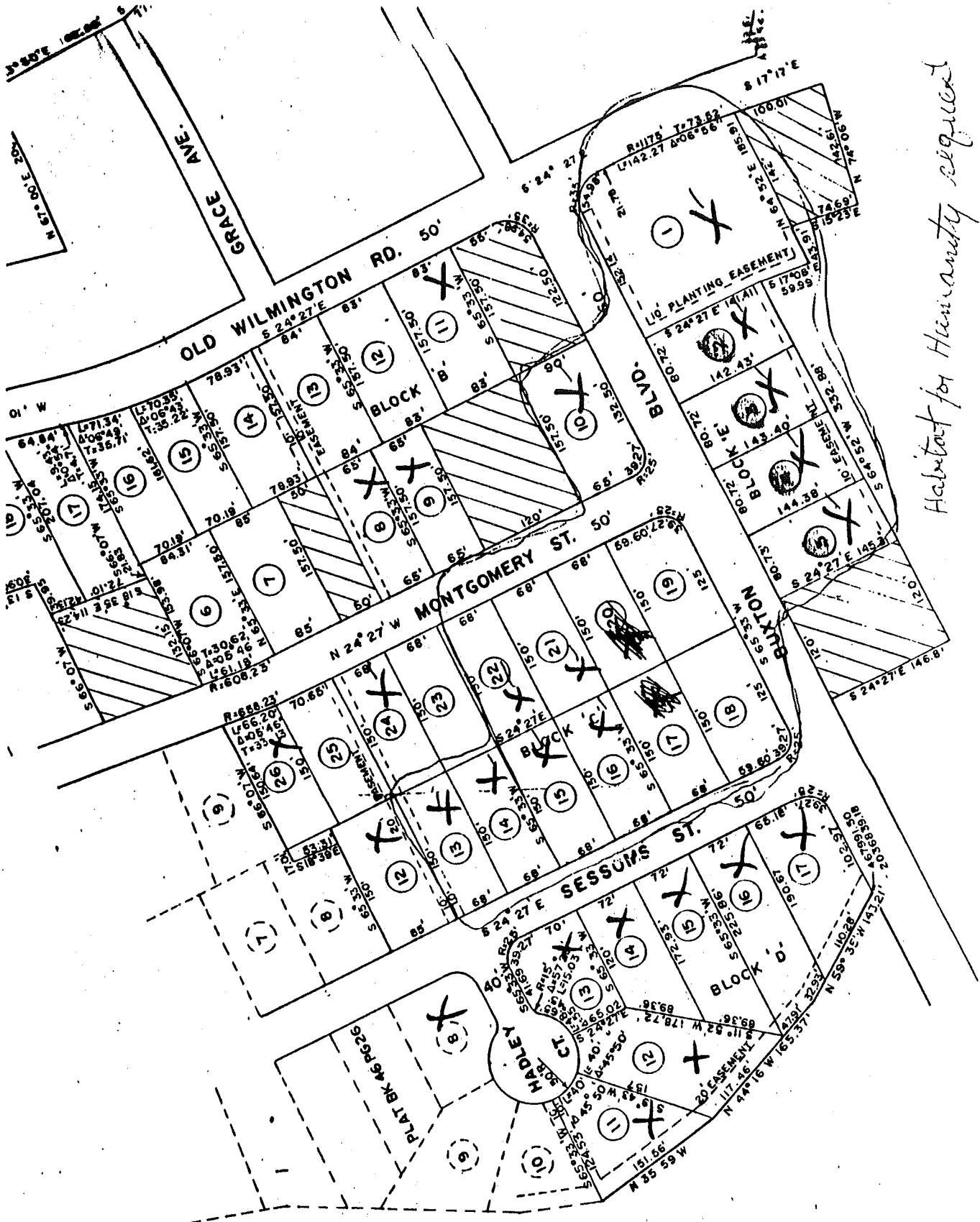
17

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

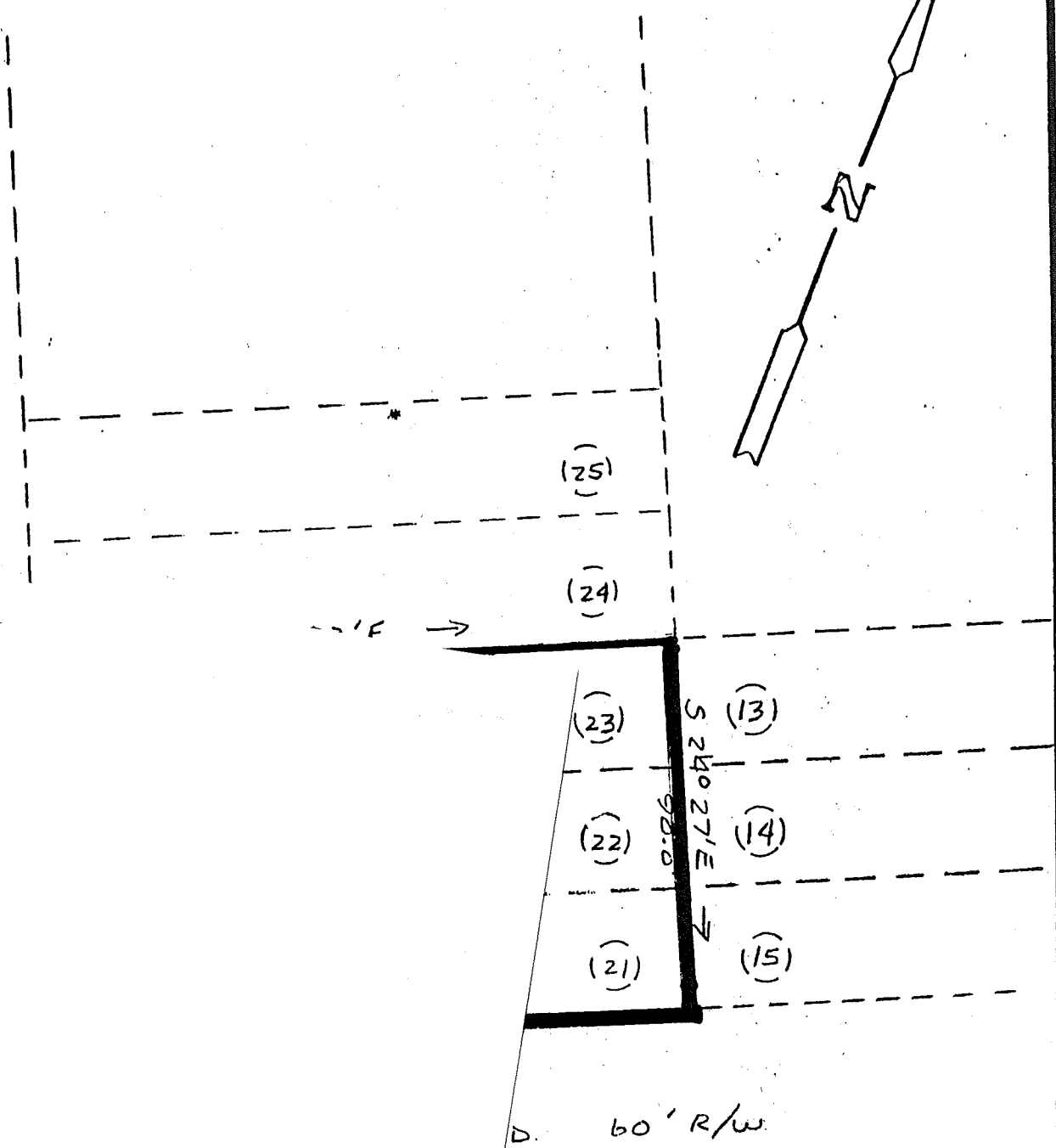
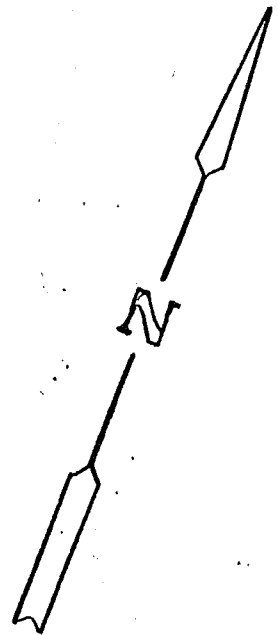
ITEM 9



*Habitat for Humanity request*

46830.96  
203611.20

50' R/W



CITY OF FAYETTEVILLE, N.C.  
ENGINEERING DEPARTMENT

PROPOSED SALE  
CITY PROPERTY

0/51

REVISION

DATE \_\_\_\_\_ BY \_\_\_\_\_

DATE 5-8-92 DRAWN BY CAD  
SCALE 1" = 40' CK'D BY \_\_\_\_\_

FIELD BK

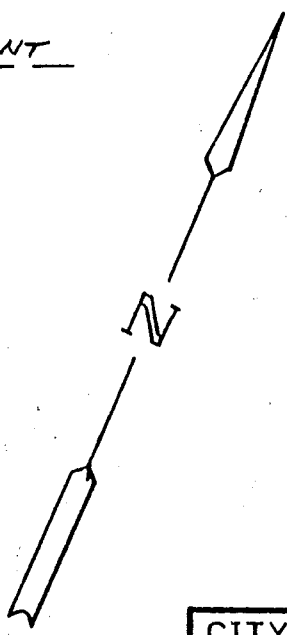
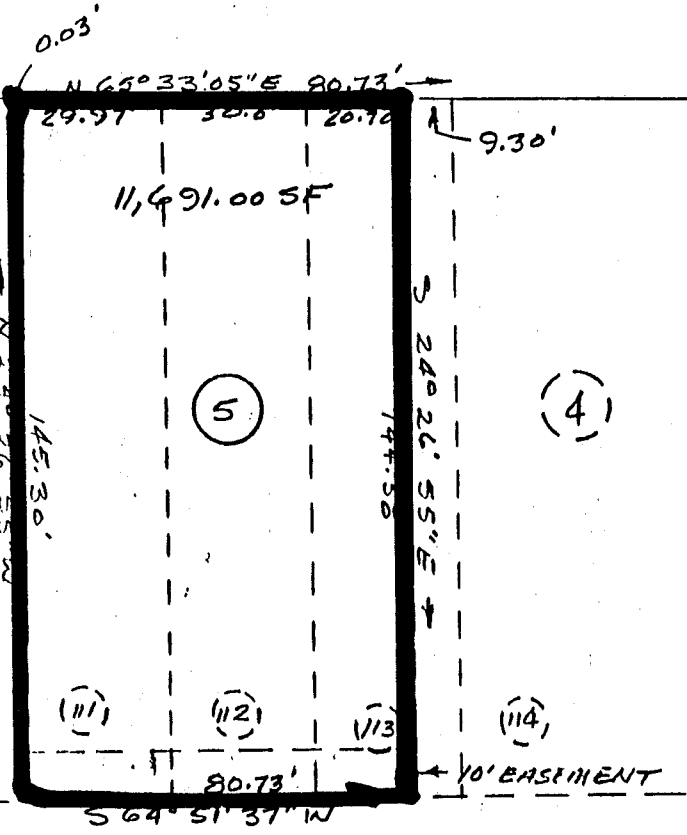
BEGINNING at a point in the eastern margin of Montgomery Street (50-foot right-of-way), said point being the northwest corner of Lot 23, Raines' property subdivision, as recorded in Plat Book 10, Page 51, at the Cumberland County Registry; running thence with the northern line of said lot North 65 degrees 33 minutes East 157.50 feet to the northeast corner of said Lot 23; thence South 24 degrees 27 minutes East 90.0 feet to a point in the northern margin of Buxton Boulevard (60-foot right-of-way), said point being the southeast corner of Lot 21 of the aforementioned subdivision; thence with the northern margin of Buxton Boulevard South 65 degrees 33 minutes West 132.50 feet to the point of curvature of a curve; thence with the curve to the right, with a radius of 25.0 feet, an arc length of 39.27 feet to a point in the eastern margin of Montgomery Street; thence with said margin North 24 degrees 27 minutes West 65.0 feet to the BEGINNING and being Lots 21, 22 and 23, as recorded in Plat Book 10, Page 51, at the Cumberland County Registry . . . containing 14,040.87 square feet, more or less.

10BUXTON

Buxton Boulevard - Lot 10 on Unrecorded Map 1426-A

MONTGOMERY  
ST.  
50' R/W

BUXTON BLVD. 60' R/W



REF: PLAT 10/51

CITY OF FAYETTEVILLE, N.C.  
ENGINEERING DEPARTMENT  
PROPOSED SALE  
CITY PROPERTY

REVISION	DATE	BY

DATE 5-8-92 DRAWN BY Cooper  
SCALE 1"=60' CK'D BY

BEGINNING at a point in the southern margin of Buxton Boulevard (60-foot right-of-way); said point being located North 65 degrees 33 minutes 05 seconds East 0.03 feet from the northwest corner of Lot 111, as recorded in Plat Book 10, Page 51, at the Cumberland County Registry; running thence with the southern margin of said Boulevard North 65 degrees 33 minutes 05 seconds East 80.73 feet to a point in said margin; said point being 9.30 feet from the northeast corner of Lot 113 on the aforementioned plat; thence South 24 degrees 26 minutes 55 seconds East 144.38 feet to a point in the southern line of Lot 113; thence South 64 degrees 51 minutes 37 seconds West 80.73 feet to a point; thence North 24 degrees 26 minutes 55 seconds West 145.30 feet to the point of BEGINNING and being the eastern 29.97 feet of Lot 111, all of Lot 112 and the western 20.70 feet of Lot 113, as recorded in Plat Book 10, Page 51, at the Cumberland County Registry . . . containing 11,691.00 square feet, more or less.

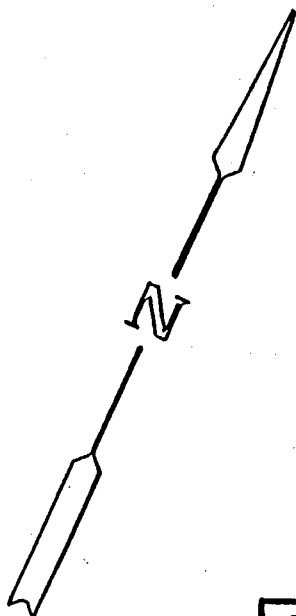
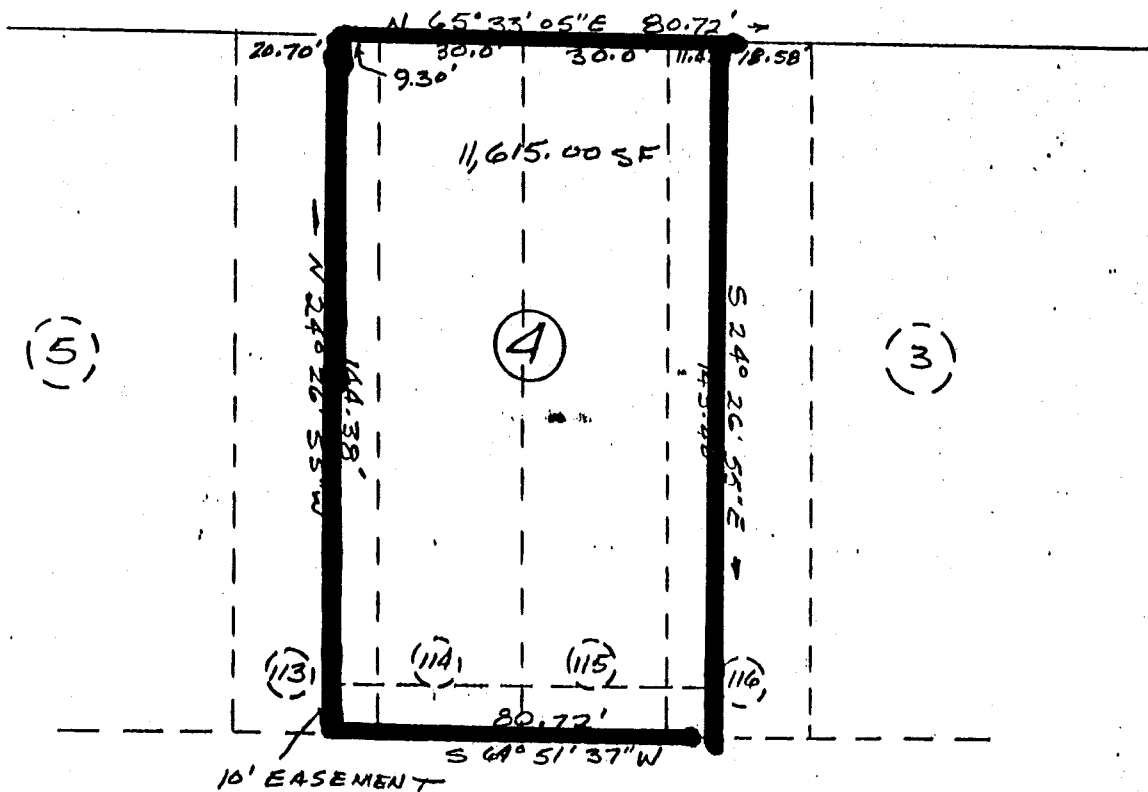
The above described tract is subject to a 10-foot wide easement along the southern line of said tract.

5BUXTON

Buxton Boulevard - Lot 5

MONTGOMERY  
ST. 50' R/W

BUXTON BLVD. 60' R/W



REF: 10/51

REVISION

DATE \_\_\_\_\_ BY \_\_\_\_\_

CITY OF FAYETTEVILLE, N.C.  
ENGINEERING DEPARTMENT

PROPOSED SALE  
CITY PROPERTY

DATE 5-8-92 DRAWN BY GODWIN  
SCALE 1"=40' CK'D BY \_\_\_\_\_

FIELD BK

BEGINNING at a point in the southern margin of Buxton Boulevard (60-foot right-of-way); said point being located North 65 degrees 33 minutes 05 seconds East 20.70 feet from the northwest corner of Lot 113, as recorded in Plat Book 10, Page 51, at the Cumberland County Registry; running thence North 65 degrees 33 minutes 05 seconds East 80.72 feet to a point in said margin; said point being 18.58 feet from the northeast corner of Lot 116 on the aforementioned plat; thence South 24 degrees 26 minutes 55 seconds East 143.40 feet to a point in the southern line of Lot 116; thence South 64 degrees 51 minutes 37 seconds West 80.72 feet to a point; thence North 24 degrees 26 minutes 55 seconds West 144.38 feet to the point of BEGINNING and being the eastern 9.30 feet of Lot 113, all of Lots 114 and 115 and the western 11.42 feet of Lot 116, as recorded in Plat Book 10, Page 51, at the Cumberland County Registry . . . containing 11,615.00 square feet, more or less.

The above described tract is subject to a 10-foot wide easement along the southern line of said tract.

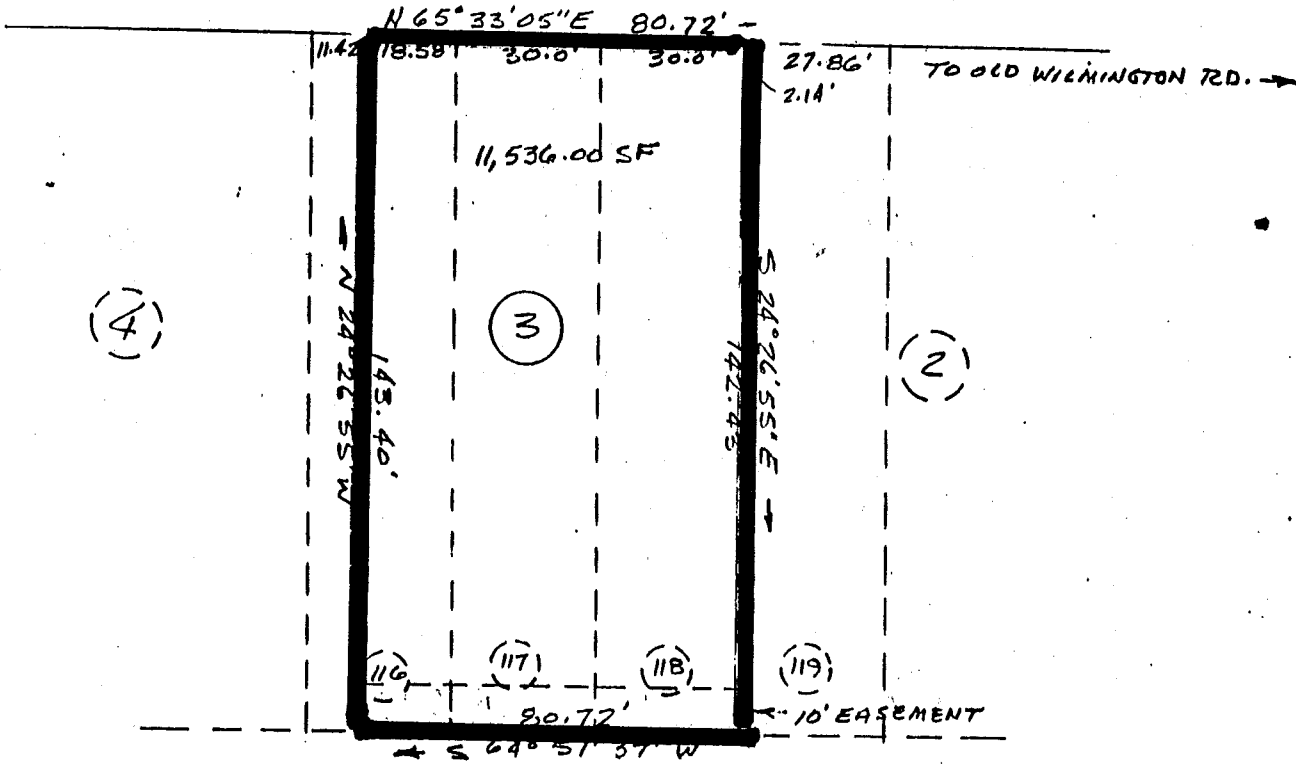
4BUXTON

Buxton Boulevard - Lot 4



MONTGOMERY ST. 50' R/W

BUXTON BLVD. 60' R/W



CITY OF FAYETTEVILLE, N.C.  
 ENGINEERING DEPARTMENT  
 PROPOSED SALE  
 CITY PROPERTY

DATE 5-8-92 DRAWN BY GODWIN  
 SCALE 1" = 40' CK'D BY \_\_\_\_\_

REF: PLAT 10/51

REVISION

DATE \_\_\_\_\_ BY \_\_\_\_\_

ELD BK

BEGINNING at a point in the southern margin of Buxton Boulevard (60-foot right-of-way); said point being located North 65 degrees 33 minutes 05 seconds East 11.42 feet from the northwest corner of Lot 116, as recorded in Plat Book 10, Page 51, at the Cumberland County Registry; running thence North 65 degrees 33 minutes 05 seconds East 80.72 feet to a point in said margin; said point being 27.86 feet from the northeast corner of Lot 119 on the aforementioned plat; thence South 24 degrees 26 minutes 55 seconds East 142.43 feet to a point in the southern line of Lot 119; thence South 64 degrees 51 minutes 37 seconds West 80.72 feet to a point; thence North 24 degrees 26 minutes 55 seconds West 143.40 feet to the point of BEGINNING and being the eastern 18.58 feet of Lot 116, all of Lots 117 and 118 and the western 2.14 feet of Lot 119, as recorded in Plat Book 10, Page 51, at the Cumberland County Registry . . .containing 11,536.00 square feet, more or less.

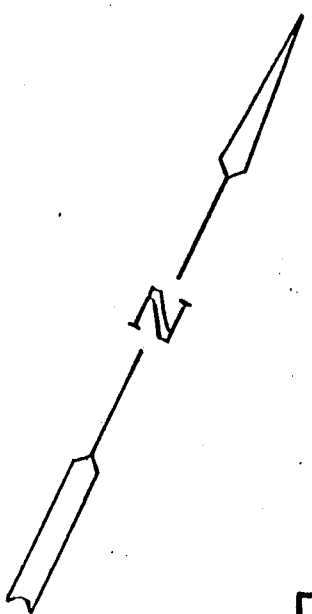
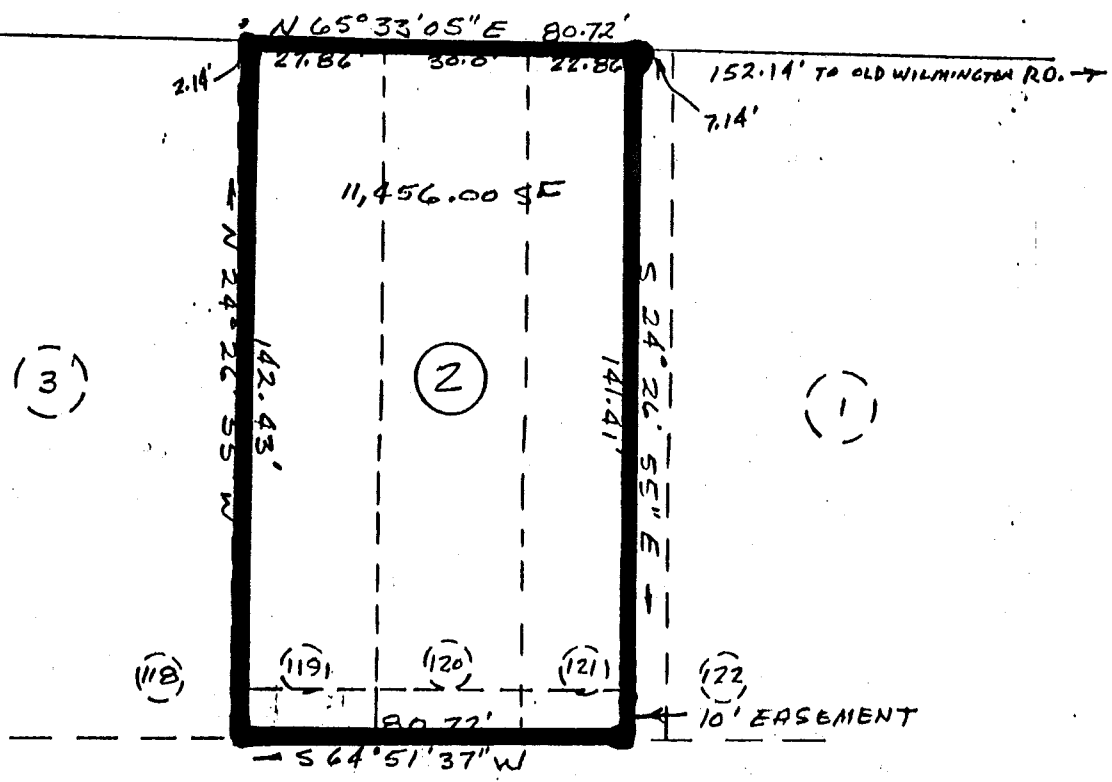
The above described tract is subject to a 10-foot wide easement along the southern line of said tract.

3BUXTON

Buxton Boulevard - Lot 3

MONTGOMERY ST.  
60' R/W

BUXTON BLVD. 60' R/W



CITY OF FAYETTEVILLE, N.C.  
 ENGINEERING DEPARTMENT  
 PROPOSED SALE  
 CITY PROPERTY  
 DATE 5-8-92 DRAWN BY Godwin  
 SCALE 1"=40' CK'D BY \_\_\_\_\_

REVISION \_\_\_\_\_  
 DATE \_\_\_\_\_ BY \_\_\_\_\_  
 REF: PLAT 10/51

FIELD BK.

BEGINNING at a point in the southern margin of Buxton Boulevard (60-foot right-of-way); said point being located North 65 degrees 33 minutes 05 seconds East 2.14 feet from the northwest corner of Lot 119, as recorded in Plat Book 10, Page 51, at the Cumberland County Registry; running thence North 65 degrees 33 minutes 05 seconds East 80.72 feet to a point in said margin; said point being 7.14 feet from the northeast corner of Lot 121 on the aforementioned plat; thence South 24 degrees 26 minutes 55 seconds East 141.41 feet to a point in the southern line of Lot 121; thence South 64 degrees 51 minutes 37 seconds West 80.72 feet to a point; thence North 24 degrees 26 minutes 55 seconds West 142.43 feet to the point of BEGINNING and being the eastern 27.86 feet of Lot 119, all of Lot 120 and the western 22.86 feet of Lot 121, as recorded in Plat Book 10, Page 51, at the Cumberland County Registry . . . containing 11,456.00 square feet, more or less.

The above described tract is subject to a 10-foot wide easement along the southern line of said tract.

2BUXTON

Buxton Boulevard, - Lot 2

CUMBERLAND COUNTY

This Agreement is made as of the 1st day of July, 1992, by and between the City of Fayetteville, a North Carolina municipal corporation, hereinafter referred to as the "City", and ARS Waste Management, Ltd., the "Contractor."

Now, Therefore, in consideration of the premises, covenants and undertakings set forth, the City and the Contractor agree as follows:

1. Definitions.

1.1 "Solid Waste" means all material customarily referred to as garbage, refuse, trash, and other discarded material including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid hazardous waste or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended.

1.2 "Hazardous Waste" means solid waste, or a combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

1.2.1 cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitative reversible illness; or

1.2.2 pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

1.3 "Commercial and industrial establishments," also referred herein as "Customers," means those service locations within the corporate limits of the City of Fayetteville containing one (1) or more approved commercial container units identified and described as Exhibit A, attached hereto, which upon mutual agreement between the Contractor and the Director of Environmental Services of the City, may be adjusted from time to time.

1.4 "Collection and hauling services" means the act of removing solid waste generated by the Customer at its place of business and transporting the solid waste to an approved disposal site.

1.5 "Commercial solid waste containers" means those approved steel container units measured in cubic yards, containing sleeves for dumping by a front-end loading vehicle.

This Agreement does not confer any special or exclusive rights to the Contractor to provide containers nor constitute any endorsement of any container source.

1.6 "Disposal Fee" means the fee assessed by the Cumberland County Board of Commissioners for the acceptance of commercial solid waste entering an approved landfill site designated by the County. The parties acknowledge the current landfill disposal fee as of July 1, 1991, is \$25.00 per ton of solid waste.

1.7 "Collection and Hauling Fees" means compensation paid by the Customer to the Contractor for additional collections and hauls in excess of the number recited in Paragraphs 6.1 through 6.3.

2. Engagement. The City hereby engages the Contractor to provide Solid Waste collection and hauling services for commercial and industrial establishments in accordance with the terms, conditions and provisions of this Agreement.

3. Duties. The Contractor shall provide Solid Waste collection and hauling services for all commercial and industrial establishments within the corporate limits of the City of Fayetteville with such services to include, but not be limited to, the furnishing of all necessary labor, vehicles, equipment, and, where applicable, front load commercial dumpster containers.

4. Territory. The territory covered by this Agreement shall be the corporate limits of the City of Fayetteville.

5. Term. The term of this Agreement shall be for one year from July 1, 1992, to June 30, 1993.

6. Services; Charges. The Contractor shall provide services as follows:

6.1 City shall pay Contractor \$.51 (fifty-one cents) per cubic yard for the collection of each customer's solid waste container(s) for one time pickup per week. Contractor will bill City for services at end of month for which services were rendered. City will make payment on invoice within fifteen (15) days of receipt.

6.2 Contractor shall bill customer an amount not to exceed \$.54 (fifty-four cents) per cubic yard for the collection of customer's solid waste who desires service over and above that required of the Contractor pursuant to Section 6.1

6.3 Contractor shall bill customer \$1.00 (one dollar) per cubic yard for disposal fee for each and every pickup described in Sections 6.1 and 6.2. The disposal fee shall be based on the current disposal fee of \$25.00 per ton as charged by the Cumberland County Landfill. Should Cumberland County change this rate either higher or lower, then the disposal fee will be adjusted proportionately. The effective date of any change in the disposal fee shall coincide with the effective date of any change of the landfill charge as set by Cumberland County. City shall retain the option to require Contractor to implement



individualized container weighing at any time during the term of this contract as submitted in Contractor's Proposal dated January 21, 1992.

6.4 Because fuel costs are a significant portion of the cost of Contractor's services provided hereunder, the charges for collection and hauling as recited in Paragraphs 6.1 and 6.2 may be amended upon mutual and written approval by the Contractor and the City to reflect the changes in the cost of fuel.

The Contractor shall have the right to terminate service, including those collections and hauls cited in Paragraphs 6.1 through 6.2 as "no charge" to any Customer pursuant to its Customer contract for non-payment of any charge. Any request for waste materials to be handled "special" or hauled to a specified atypical location is outside the scope of this Agreement, and this Agreement does not vest in Contractor any exclusive jurisdiction to serve such request.

7. Disposal Site. The Contractor shall utilize the Cumberland County landfill for the disposal of all solid waste covered by this Agreement and the City will not furnish a landfill site. In the event that Cumberland County ceases to supply a landfill site, the City and the Contractor shall coordinate efforts in order to furnish a proper landfill with the provision that the City will not provide a landfill free of charge. In the event that there is a change in the location of the landfill, the Contractor will be permitted, upon mutual

agreement between the City and Contractor, to increase or decrease its collection and hauling fees to reflect the increase or decrease in costs of hauling to relocated landfill facilities.

8. Routes and Schedules. The Contractor shall provide the City with maps, schedules of collection routes, customer listings and service levels and shall keep such information current. In the event of changes in routes or schedules that will alter the day of pick-up, the Contractor will be responsible for notifying the Environmental Services Director of the City.

9. Manager; Complaints. The Contractor shall provide supervision by a designated local manager available to the City during all operational hours and shall provide a maintenance shop and business office within Cumberland County with a local telephone number open to the public for a minimum of (40) hours per week during regular business hours to answer questions and receive complaints, and will handle all complaints within twenty-four (24) hours from time of notification. The Contractor shall maintain a daily log of all incoming complaints and the disposition of each; and the daily log will be available for inspection at any reasonable time by the City or its duly authorized representatives.

10. Vehicles. The Contractor shall maintain with the City a current list showing the size, age, make, serial number and identification number of all vehicles used to perform services under this Agreement, and shall make the vehicles available for inspection upon request of the City.

All vehicles used in providing collection and hauling service shall have clearly visible on each side of the vehicle the number along with the identity and telephone number of the Contractor. All vehicles used in providing collection and hauling services shall be washed and cleaned thoroughly at least once each week and shall be maintained in a condition acceptable to the City and to the Cumberland County Health Department.

11. Compliance. The Contractor shall conduct operations in compliance with all applicable federal, state and local laws, regulations, and ordinances.

12. Employees. The Contractor shall not, in the performance of this Agreement, discriminate against any employee or applicant for employment because of race, color, creed, national origin or ancestry.

13. Insurance. The Contractor shall purchase and maintain from a company or companies licensed to engage in business in the State of North Carolina the insurance coverages as set forth below:

13.1 Automobile Bodily Injury and Automobile Property Damage Liability covering all owned, non-owned and hired automobiles for limits of not less than \$500,000 for each person, \$1,000,000 for each occurrence Bodily Injury Liability, and \$500,000 for each occurrence for Property Damage Liability.

13.2 Comprehensive General Liability, including coverages for products, completed operations and contractual liability assumed under the indemnity provision of this Agreement for not less than \$1,000,000 combined single limit.

13.3 Workmen's Compensation and Occupational Safety and Health insurance meeting the statutory requirements of the State of North Carolina and Employer's Liability insurance for an amount of not less than \$500,000.

13.4 Excess Umbrella Liability insurance for an amount not less than \$5,000,000.

The policy or policies will name the City as additional insured and shall contain a clause that the insurer will not cancel or decrease the insurance coverage without the City's permission and providing the City thirty (30) days notice in writing. The Contractor shall furnish the City all certificates of insurance or other evidence satisfactory to the City to the effect that such insurance has been procured and is enforced.

14. Access. The Contractor shall have all of the rights and privileges and access to property and solid waste storage areas that the City has under the North Carolina General Statutes, whether such storage areas are on public or private premises.

15. Contract Rights. The Contractor shall be the only person or organization contracted with by the City to provide waste collection and hauling services for commercial and industrial establishments within the territory described in Paragraph 3 above during the term of this Agreement or any extension thereof.

16. The City's Representations and Warranties. The City represents and warrants:

16.1 That the City has the legal authority to enter into this Agreement.

16.2 That the execution and delivery of this Agreement by the persons whose signatures are appended hereto constitute the duly authorized act of the City and, upon execution hereof, the same shall constitute a valid and enforceable Contract or Agreement of the City.

16.3 Unless required by law, this Agreement is not cancelable or terminable by the City during the term hereof, except upon breach by the Contractor or failure to negotiate mutually acceptable terms when required by this Agreement.

16.4 That all acts necessary or proper to authorize the execution hereof have been fully performed by the City in accordance with all applicable laws, regulations, rules, ordinances and charter provisions.

17. The Contractor's Representatives and Warranties. The Contractor represents and warrants:

17.1 That it has legal authority to enter into this Agreement.

17.2 That the execution and delivery hereof by the Contractor have been duly authorized by its directors.

17.3 That this Agreement constitutes a binding obligation of the Contractor.

17.4 That the Contractor shall conduct operations in compliance with all applicable laws.

17.5 That there is no pending or threatened claim or litigation against Contractor that would prohibit the execution and compliance of the terms of this Agreement.

18. Changes in Commercial Climate. In the event that federal, state or other governmental agencies enact laws, ordinances, rules or regulations that affect the services required by the City, or in the event of any changes in required equipment or technology, the City and the Contractor shall negotiate a resolution to assure prompt compliance with all required changes.

19. Breach; Termination. Material breach by the Contractor shall mean substantial failure to perform its obligations hereunder for a period of four (4) consecutive days after written receipt of notice from the City, unless the failure to perform is caused by an act beyond the control of the Contractor. Acts beyond the control of the Contractor, include but are not limited to civil disorder and acts of bad and inclement weather so severe that safe travel is made impossible. This Agreement may be terminated by either party upon a Material Breach that is not cured within four (4) days after receipt of written notice from the other party. If the Contractor is unable to perform for more than one (1) day for any reason except those beyond the control of the Contractor, the City will service or have caused to be serviced the Contractor's service territory, and the Contractor shall pay a nonperformance fee of \$2,500 per day, up to five (5) days. After that time, the City shall terminate this Agreement, all liability of the City under this Agreement to the Contractor shall cease, the Contractor shall forfeit the performance bond, and the City shall be free to negotiate with other Contractors for operating collection and hauling services.

In the event of any lesser breach of this Agreement by the Contractor, the City may give the Contractor written notice of the nature of the breach and demand its correction, and if the Contractor does not within thirty (30) days of receipt of such notice correct the condition causing the breach, the City

may terminate this Agreement on the last day of any month by giving written notice to the Contractor, on or prior to the 15th day of such month, after the City Council has approved the termination.

20. Performance Bond. The Contractor shall furnish to the City a Performance Bond as prescribed by the City for the faithful performance of this Agreement (See Exhibit D, attached hereto). It shall be executed by a surety company licensed to do business in North Carolina and is to be in the amount of \$20,000. The Contractor will pay all premiums chargeable for the bond and will keep the same in full force and effect during the term of this Agreement. The bond shall contain a provision that it shall not terminate or otherwise expire prior to thirty (30) days after written notice is provided the City. In lieu of the performance bond, Contractor may provide to the City cash, a certified check or cashier's check in the amount of \$20,000.

21. Permits, Licenses, and Taxes. Contractor shall be responsible for obtaining all permits and licenses required for operating a business in Fayetteville, Cumberland County, and the State of North Carolina. Contractor shall be liable for any and all ad valorem taxes if any are assessed against the vehicles used for the purpose of this Agreement whether owned or leased by the Contractor.

22. Contractor shall provide collection and hauling services of commercial solid waste containers owned or leased by the City with no charge for the services. The Contractor shall



provide the City with the same frequency of collections and hauls as cited in Paragraphs 6.1 through 6.2 with no charge for the services to the City for City owned or leased containers identified as described in Exhibit C. This Exhibit may be changed periodically during the term of this Agreement at no additional charge to the City. Contractor shall charge the City the disposal fee as recited in Paragraph 6.3 pursuant to its Customer contract provisions.

23. Former City Employees. Contractor agrees to accept into its work force those employees of the City of Fayetteville who were employed by Waste Industries for their portion of the contract requirements on July 1, 1991, who desire employment and comply with pre-employment requirements, including drug-screening. Employees shall suffer no loss of (net compensation) as a result of this transfer. Employees who reject Contractor's offer on this basis are no longer covered by this section.

24. Recycling. Contractor shall adhere to and perform the necessary requirements for recycling as specified by the state of North Carolina.

25. Notices. For purposes of this Agreement, notices and other communications provided for herein shall be sufficient if sent by U.S. mail, return receipt requested, postage prepaid, addressed to the parties as follows:

CITY:

John P. Smith  
City Manager  
City of Fayetteville  
433 Hay Street  
Fayetteville, NC 287301

CONTRACTOR:

ARS Waste Management, Ltd.  
600 Pinehurst South  
Suite 100, Box 1  
Pinehurst, NC 28374

26. Indemnification. The Contractor shall indemnify and hold the City harmless from and against any and all actions, liability, judgments, executions, loss, cost, expense, and damages, including reasonable attorney's fees, arising out of the Contractor's negligent performance of its duties hereunder. The City reserves the right to retain counsel of its choice or alternatively, to approve counsel obtained by the Contractor.

27. Binding Effect; Assignment. This Agreement shall be binding on the parties, their successors and assigns. The Contractor may not assign this Agreement without written consent of the City.

28. Amendment. No change shall be made in this Agreement unless the same is in writing and approved by both parties.

In Witness Whereof, the City and the Contractor have caused their names to be subscribed hereto by their duly authorized officers, the day and year first above written.

CITY OF FAYETTEVILLE

By: \_\_\_\_\_  
\_\_\_\_\_

ATTEST: \_\_\_\_\_

ARS WASTE MANAGEMENT, LTD.

By: \_\_\_\_\_  
Authorized Representative

ATTEST: \_\_\_\_\_

THIS INSTRUMENT HAS BEEN PREAUDITED IN THE MANNER REQUIRED BY THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

\_\_\_\_\_  
Kai D. Nelson  
City Finance Director

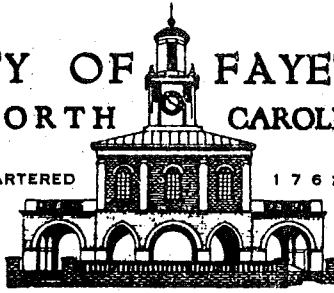
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Approved as to form:

\_\_\_\_\_  
Robert C. Cogswell, Jr.  
City Attorney



THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

MAY 14, 1992

TO: John P. Smith, City Manager

FROM: Roger L. Stancil, Deputy City Manager *RLS*

RE: Truck Weight Ordinance

Attached is a proposed ordinance addressing the concerns raised by Council about the damage overweight trucks cause to City streets. This ordinance has been reviewed by Police, Traffic Services, and City Engineering. We recommend its adoption.

RLS:ssm

Attachment

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

ITEM 11

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Ordinance No. S1992-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
ENACTING A NEW SCHEDULE NO. 5, LIGHT TRUCK TRAFFIC,  
SECTION 20-106 OF THE CODE OF ORDINANCES  
OF THE CITY OF FAYETTEVILLE

BE IT ORDAINED, that Schedule No. 5, of Section 20-106, of the Code of Ordinances of the City of Fayetteville, is hereby designated as Light Truck Traffic.

It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

CITY OF FAYETTEVILLE

By:

J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

0038.6

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING ARTICLE VI, TRUCK ROUTES,  
OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE

THAT WHEREAS, GS 160A-296 gives the City of Fayetteville general authority and control over all public streets, alleys, bridges and other ways of public passage within its corporate limits except to the extent that authority and control over certain streets and bridges is vested in the Department of Transportation;

AND WHEREAS said general authority and control includes the duty to keep the public streets, alleys, and bridges in proper repair and to regulate the use of public streets, alleys, and bridges;

AND THAT WHEREAS, GS 20-118, et seq, sets forth certain restrictions on the weight of vehicles and loads of said vehicles upon the streets and highways maintained by the Department of Transportation, but is not applicable to streets, alleys, bridges and public passageways maintained by the City of Fayetteville;

AND THAT WHEREAS, the City Council of the City of Fayetteville after studying the recommendations made by the Streets and Roads Committee of the City Council, finds that it is necessary and in the best interest of the public health, safety, and welfare to impose certain weight and load limitations upon vehicles that operate on public streets, alleys, bridges and public passageways within the corporate limits of the City of Fayetteville;



THEREFORE, BE IT ORDAINED by the the City Council of the City of Fayetteville, North Carolina, that:

Section 1. A new Section 20-64, "Maximum weight limits for trucks on City-maintained streets, alleys, bridges, and public passageways", is created as follows:

Sec. 20-64. Maximum weight limits for trucks on City-maintained streets, alleys, bridges, and public passageways.

(a) For purposes of this ordinance, the provisions of GS 20-118 are incorporated by reference as if fully set forth herein and where there is a conflict between the provisions of this ordinance and GS 20-118, the provisions of GS 20-118 shall prevail. Where the words "Department of Transportation" appear in GS 20-118, the words "City of Fayetteville" shall be substituted therefor and where the words "highway(s) on the state highway system" appear, the words "streets, alleys, bridges and public passageways" shall be substituted therefor.

(b) The maximum weight limits as set forth in GS 20-118 are hereby imposed upon trucks driving upon streets, alleys, bridges and public passageways operated and maintained by the City of Fayetteville within the corporate limits of the City of Fayetteville. Any truck found in violation of the provisions of GS 20-118 and operating on a street, alley, bridge and public passageway maintained by the City of Fayetteville shall be penalized as set forth in GS 20-118. The provisions of this ordinance shall not apply to a truck being operated on a street, alley, bridge and public passageway that is part of the state highway system and maintained by the North Carolina Department of Transportation.

(c) The City Council of the City of Fayetteville shall designate on Schedule No. 5, Light Truck Traffic, of Section 20-106 any street, alley, bridge or public passageway within the corporate limits of the City of Fayetteville as a light-traffic road when in the opinion of the City Engineer, such street, alley, bridge or public passageway is inadequate to carry and will be injuriously affected by vehicles using the said road carrying the maximum axle weight. All such streets, alleys, bridges and public passageways so designated shall be conspicuously posted as light-traffic roads and the maximum axle weight authorized shall be displayed on proper signs erected thereon. The exceptions as set

forth in GS 20-118(c) shall apply to light-traffic roads within the corporate limits of the City of Fayetteville.

(d) Any law enforcement officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same either by means of North Carolina Department of Transportation approved portable or stationary scales, and may require that such vehicle be driven to the nearest North Carolina Department of Transportation stationary scales or stationary scales approved by the North Carolina Department of Agriculture in the event such scales are within five miles. The law enforcement officer may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum therefore specified in GS 20-118. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. Any person who refuses to permit a vehicle being operated by him or her to be weighed as in this section provided or who refuses to drive said vehicle upon the scales provided for weighing for the purpose of being weighed shall be in violation of this article. No vehicle more than two miles from North Carolina Department of Transportation stationary scales may be required to be driven to such scales unless the law enforcement officer knows or reasonably suspects that the vehicle was driven so as to avoid being weighed at the scales.

(e) Any penalty imposed for violation herein shall be collected in a civil action in the nature of a debt pursuant to Sec. 20-96 of this Code of Ordinances. Except where a specific dollar amount for a violation is specified in Sec. 20-96, the penalty imposed by this section shall be substituted therefor.

Section 2. A new Section 20-65, "Temporary truck routes; permits", is created as follows:

**Sec. 20-65. Temporary truck routes; permits.**

If the City Engineer or his designee shall determine that due to construction at a particular site and the attendant hauling of materials and debris to and from the construction site would cause damage to City streets, alleys, bridges or public passageways, the City Engineer shall establish a temporary truck route during the period of said construction project and the contractor shall be

required to submit an application for a Temporary Truck Route Permit (hereinafter permit) and post an indemnity permit bond in an amount sufficient to reimburse the City of Fayetteville for any repairs made necessary as a result of damage caused by the hauling operations of the contractor, his employees, agents or subcontractors. The procedure to obtain a permit, inspection, and release of indemnity bond shall be as follows:

- (a) Upon determination by the City Engineer and/or his designee, or a contractor, that a temporary truck route shall be established, the contractor shall make application upon a form as provided by the City Engineer;
- (b) Upon receipt of the application, the City Engineer and/or his designee shall inspect the proposed temporary truck route and make a written report, which report shall be provided to and receipted for in writing by the contractor;
- (c) Upon receipt of the inspection report, the contractor shall provide the City Engineer and/or his designee with an indemnity permit bond in the amount determined by the City Engineer within 15 days of receipt of the inspection report and upon receipt of a satisfactory indemnity permit bond, the permit shall be issued to the contractor;
- (d) Upon completion of the construction work, the City Engineer and/or his designee shall reinspect the temporary truck route and a written report of any damages shall be provided to and receipted for in writing by the contractor;
- (e) Any damages reported by the City Engineer shall be paid by the contractor within 30 days of receipt of the written final inspection report or the indemnity permit bond shall be forfeited to the City;
- (f) Upon satisfactory payment of any damages reported by the City Engineer in the final inspection report, the indemnity permit bond shall be discharged;

(g) In the event that the contractor shall disagree with any decision of the City Engineer, the contractor may appeal that decision to the City Manager within 15 days, and the City Manager, after affording the contractor an opportunity to be heard on the matter, shall make a final decision. Where the decision of the City Engineer involves the determination of either the amount of the bond to be posted or the amount of damages after final inspection, as an alternative to appeal to the City Manager, the City Engineer and the contractor shall jointly select a professional registered engineer to make the determination, and any expenses incurred by said professional engineer shall be paid by the contractor. The decision of the City Manager or the independent professional engineer shall be final.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

CITY OF FAYETTEVILLE

By:

J. L. Dawkins, Mayor

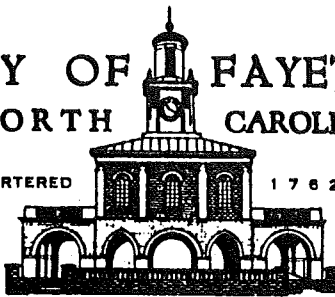
ATTEST:

Bobbie A. Joyner, City Clerk

0038

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY ATTORNEY  
P.O. BOX 1513  
FAYETTEVILLE, NC 28302-1513

ROOM 211, CITY HALL  
433 HAY STREET  
(919) 433-1985  
FAX # (919) 433-1980

May 14, 1992

MEMORANDUM

TO: The Mayor and Members of the City Council

FROM: Robert C. Cogswell, Jr. *RCC*  
City Attorney

SUBJECT: Enforcement of Parking Violations in City Employee  
Parking Lot

Currently, the General Statutes do not permit a municipality to ordinance a city-owned parking lot that is used exclusively for parking of city employees. This prohibits us from citing non-City employees for violations or being able to tow non-City employees for violations. In order to tow a vehicle, we have to separately put a sign on each space and treat it as a leased parking space. I have discussed this with members of the faculty at the Institute of Government as well as attorneys with the North Carolina League of Municipalities and they concur with my assessment of the statutes. I have previously written the League of Municipalities and suggested that they consider introduction of a bill that would amend the General Statutes allowing all cities to do this. Because of the heavy schedule during the last session, they were unable to do this.

With the advent of the reopening of the hotel, and the proximity of the train station and the Social Services building to our City employee parking lot, it is recommended that we request the Legislative Delegation to introduce a local bill so that we can have this authority. This would not preclude later state-wide legislation. But in the meantime, it would give us the authority to sanction violators.

I have attached a copy of the proposed local bill, along with the statute that it would be amending. This will become part of our Charter if adopted by the General Assembly.

RCC/jkp  
Attachment

1

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

ITEM 12

A BILL TO BE ENTITLED

"AN ACT TO AMEND G.S. 160A-301 TO PROVIDE FOR ENFORCEMENT FOR  
PARKING VIOLATIONS ON PUBLICLY OWNED PARKING LOTS"

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-301(d) as amended by revising the  
first sentence thereof to read as follows:

The City of Fayetteville may, by ordinance, regulate the stopping, standing or parking of vehicles in specified areas of any parking areas or driveways of a hospital, shopping center, apartment house, condominium complex, commercial office complex, or government office complex, or any other publicly or privately owned vehicular area as defined by G.S. 20-4.01(32), or prohibit such stopping, standing or parking during any specific hours, provided the owner or person in general charge of the operation and control of that area requests in writing that such an ordinance be adopted.

UNDERLINED WORDS ARE NEW LANGUAGE

§ 160A-301. Parking.

(a) On-Street Parking. — A city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city. When parking is permitted for a specified period of time at a particular location, a city may install a parking meter at that location and require any person parking a vehicle therein to place the meter in operation for the entire time that the vehicle remains in that location, up to the maximum time allowed for parking there. Parking meters may be activated by coins or tokens. Proceeds from the use of parking meters on public streets must be used to defray the cost of enforcing and administering traffic and parking ordinances and regulations.

(b) Off-Street Parking. — A city may by ordinance regulate the use of lots, garages, or other facilities owned or leased by the city and designated for use by the public as parking facilities. The city may impose fees and charges for the use of these facilities, and may provide for the collection of these fees and charges through parking meters, attendants, automatic gates, or any other feasible means. The city may make it unlawful to park any vehicle in an off-street parking facility without paying the established fee or charge and may ordain other regulations pertaining to the use of such facilities.

Revenues realized from off-street parking facilities may be pledged to amortize bonds issued to finance such facilities, or used for any other public purpose.

(c) Nothing contained in Public Laws 1921, Chapter 2, Section 29, or Public Laws 1937, Chapter 407, Section 61, shall be construed to affect the validity of a parking meter ordinance or the revenues realized therefrom.

(d) The governing body of any city may, by ordinance, regulate the stopping, standing, or parking of vehicles in specified areas of any parking areas or driveways of a hospital, shopping center, apartment house, condominium complex, or commercial office complex, or any other privately owned public vehicular area, or prohibit such stopping, standing, or parking during any specified hours, provided the owner or person in general charge of the operation and control of that area requests in writing that such an ordinance be adopted. The owner of a vehicle parked in violation of an ordinance adopted pursuant to this subsection shall be deemed to have appointed any appropriate law-enforcement officer as his agent for the purpose of arranging for the transportation and safe storage of such vehicle. (1917, c. 136, subch. 5, s. 1; 1919, cc. 136, 237; C.S., s. 2787; 1941, c. 153, ss. 1, 2; c. 272; 1947, c. 7; 1953, c. 171; 1965, c. 945; 1971, c. 698, s. 1; 1973, c. 426, s. 48; 1979, c. 745, s. 2.)

CASE NOTES

Editor's Note. — Most of the cases cited below were decided under former § 160-200(31).

A municipality may require a motorist who parks his vehicle in a parking meter zone to set the meter in operation by depositing a coin, provided that the deposit of the coin is

the method selected by its governing body in the exercise of its discretion for the purpose of regulating parking in the interest of the public convenience and not as a revenue raising measure. State v. Scoggin, 236 N.C. 1, 72 S.E.2d 97 (1952).

The deposit of a coin by a motorist

161 through 162B

Chapters

Chapter 161

161 through 162B

f. **Contract carrier of property vehicles.** — Vehicles used for the transportation of property under a franchise permit of a regulated contract carrier issued by the Utilities Commission or the Interstate Commerce Commission.

(31a) **Provisional Licensee.** — A person under the age of 18 years.

(32) **Public Vehicular Area.** — Any area within the State of North Carolina that is generally open to and used by the public for vehicular traffic, including by way of illustration and not limitation any drive, driveway, road, roadway, street, alley, or parking lot upon the grounds and premises of:

a. Any public or private hospital, college, university, school, orphanage, church, or any of the institutions, parks or other facilities maintained and supported by the State of North Carolina or any of its subdivisions; or

b. Any service station, drive-in theater, supermarket, store, restaurant, or office building, or any other business, residential, or municipal establishment providing parking space for customers, patrons, or the public; or

c. Any property owned by the United States and subject to the jurisdiction of the State of North Carolina. (The inclusion of property owned by the United States in this definition shall not limit assimilation of North Carolina law when applicable under the provisions of Title 18, United States Code, section 13.)

The term "public vehicular area" shall also include any beach area used by the public for vehicular traffic as well as any road opened to vehicular traffic within or leading to a subdivision for use by subdivision residents, their guests, and members of the public, whether or not the subdivision roads have been offered for dedication to the public. The term "public vehicular area" shall not be construed to mean any private property not generally open to and used by the public.

(33)(a) **Flood Vehicle.** — A motor vehicle that has been submerged or partially submerged in water to the extent that damage to the body, engine, transmission, or differential has occurred.

(b) **Non-U.S.A. Vehicle.** — A motor vehicle manufactured outside of the United States and not intended by the manufacturer for sale in the United States.

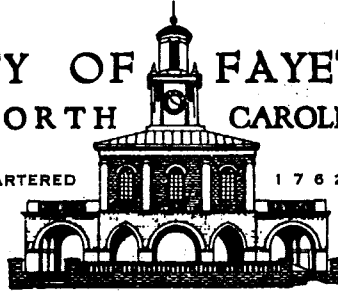
(c) **Reconstructed Vehicle.** — A motor vehicle of a type required to be registered hereunder that has been materially altered from original construction due to removal, addition or substitution of new or used essential parts; and includes glider kits and custom assembled vehicles.

(d) **Salvage Motor Vehicle.** — Any motor vehicle damaged by collision or other occurrence to the extent that the cost of repairs to the vehicle and rendering the vehicle safe for use on the public streets and highways would exceed seventy-five percent (75%) of its fair retail mar-



THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY CLERK  
433 HAY STREET

(919) 433-1989  
FAX (919) 433-1780

FAYETTEVILLE, NC 28301-5537

May 13, 1992

MEMORANDUM

TO: John P. Smith, City Manager  
FROM: Bobbie A. Joyner, City Clerk  
SUBJECT: AGENDA ITEM MAY 18, 1992 CITY COUNCIL MEETING -  
NOMINATIONS TO BOARDS AND COMMISSIONS

A. BOARD OF APPEALS ON DWELLINGS AND BUILDINGS - 1 Vacancy

Meets when needed, 7:00 p.m., City Hall.

Nominations are still needed to fill the vacancy of Mrs. Jane Cherry (W/F) who has served two terms. The term will expire May 31, 1994. (See attached recommendation from staff representative.)

Blank Nomination Forms are also attached for your use.

Attachments

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

ITEM 13.

NOMINATION FORM  
BOARDS, COMMITTEES AND COMMISSIONS  
CITY OF FAYETTEVILLE

STAFF RECOMMENDATION

(PLEASE PRINT OR TYPE)

NOMINATION FOR VACANCY ON THE BOARD OF APPEALS

BY COUNCILMEMBER \_\_\_\_\_ DATE: 5/18/92

(Mr.) / Mrs. / Ms. JON McCANTS DOES LIVE IN CITY LIMITS AND IS NOT SERVING ON ANOTHER BOARD OR COMMISSION

ADDRESS 614 Mc LAMB DR ZIP: 28301  
(Street and/or P.O. Box)

TELEPHONE: HOME unlisted BUSINESS 488-8549

BUSINESS \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

RACE B SEX M

ACTIVITIES: \_\_\_\_\_

OTHER INFORMATION: Retired from City Inspections Dept.

Received by City Clerk 5/13 \_\_\_\_\_ (date)

Elected: YES \_\_\_\_\_ NO \_\_\_\_\_ Letter: \_\_\_\_\_

**NOMINATION FORM**  
**BOARDS, COMMITTEES AND COMMISSIONS**  
**CITY OF FAYETTEVILLE**

(PLEASE PRINT OR TYPE)

NOMINATION FOR VACANCY ON THE \_\_\_\_\_

BY COUNCILMEMBER \_\_\_\_\_ DATE: \_\_\_\_\_

Mr./Mrs./Ms. \_\_\_\_\_ DOES LIVE IN CITY LIMITS AND IS  
NOT SERVING ON ANOTHER BOARD OR  
COMMISSION

ADDRESS \_\_\_\_\_ ZIP: \_\_\_\_\_  
(Street and/or P.O. Box)

TELEPHONE: HOME \_\_\_\_\_ BUSINESS \_\_\_\_\_

BUSINESS \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

RACE \_\_\_\_\_ SEX \_\_\_\_\_

ACTIVITIES: \_\_\_\_\_

OTHER INFORMATION: \_\_\_\_\_

Received by City Clerk \_\_\_\_\_ (date)

Elected: YES \_\_\_\_\_ NO \_\_\_\_\_ Letter: \_\_\_\_\_

THE UNIVERSITY OF CHICAGO LIBRARY

**NOMINATION FORM**  
**BOARDS, COMMITTEES AND COMMISSIONS**  
**CITY OF FAYETTEVILLE**

(PLEASE PRINT OR TYPE)

NOMINATION FOR VACANCY ON THE \_\_\_\_\_

BY COUNCILMEMBER \_\_\_\_\_ DATE: \_\_\_\_\_

Mr./Mrs./Ms. \_\_\_\_\_ DOES LIVE IN CITY LIMITS AND IS  
NOT SERVING ON ANOTHER BOARD OR  
COMMISSION

ADDRESS \_\_\_\_\_ ZIP: \_\_\_\_\_  
(Street and/or P.O. Box)

TELEPHONE: HOME \_\_\_\_\_ BUSINESS \_\_\_\_\_

BUSINESS \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

RACE \_\_\_\_\_ SEX \_\_\_\_\_

ACTIVITIES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER INFORMATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Received by City Clerk \_\_\_\_\_ (date)

Elected: YES \_\_\_\_\_ NO \_\_\_\_\_ Letter: \_\_\_\_\_

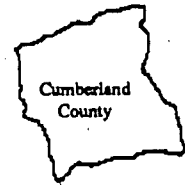
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FAYE S. PARRISH  
TAX COLLECTOR

# COUNTY OF CUMBERLAND TAX COLLECTOR

P.O. Drawer 449  
Fayetteville, North Carolina 28302-0449  
Telephone: (919) 678-7700



E.T. SESSOMS  
ASSISTANT TAX COLLECTOR

MAY 1, 1992

MR. JOHN SMITH  
CITY MANAGER  
CITY OF FAYETTEVILLE  
DRAWER 1448  
FAYETTEVILLE, NORTH CAROLINA 28302

DEAR SIR,

THE FOLLOWING IS A STATEMENT OF TAXES COLLECTED FOR THE  
MONTH OF APRIL 1992. GENERAL STATUTES # 105-370 REQUIRES  
THAT THIS REPORT BE MADE TO THE CITY COUNCIL AT EACH REGULAR  
MEETING.

1991 TAXES	84,460.40
FAY. VEHICLE TAX	2,306.54
1990 TAXES	18,841.19
1989 TAXES	3,727.87
1988 & PRIOR REAL & PERSONAL TAXES	1,723.59
TOTAL INTEREST	8,327.91
TAXES ON CITY OWNED PROPERTY DEDUCTED	
 TOTAL COLLECTIONS	 119,387.50

YOURS TRULY,

FAYE S. PARRISH  
TAX COLLECTOR

ABJ/BF

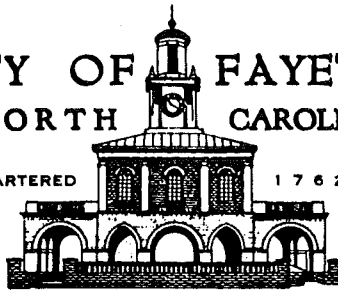
ITEM 14.A.

THE UNIVERSITY OF CHICAGO



THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

May 14, 1992

MEMORANDUM

TO: John P. Smith, City Manager

FROM: Jimmy Teal, Assistant City Manager for Planning and Development

SUBJECT: Drug Task Force Update

*JA*

The Drug Task Force Report adopted by the City Council earlier this year included thirteen (13) recommendations. Recommendation Two called for the City to create a contingency fund for the purpose of leveraging money from other sources, as well as matching grants, that may become available from public and private resources. An amount of \$250,000 was set aside for this purpose.

Since the adoption of the Drug Task Force Report, the City has submitted six (6) applications for matching grants as outlined in the Report. The six (6) grant applications included programs focused on property crimes, neighborhood foot patrol, surveillance and undercover activities, assistance for victims, safe streets crime prevention and recreational activities for "at risk" children.

The two (2) grants approved were the Urban Park and Recreation Recovery (UPARR) program and the combining of the Neighborhood Foot Patrol and Safe Streets Now programs into a single grant. The Crisis Intervention Outreach application, which assists victims of crime, is still pending. The remaining grant applications were not approved.

The UPARR program as designed by the City is entitled "TEAM." "TEAM" stands for Teaching-Exercise-Alternatives-Mainstreaming which provides stimulating fitness, cultural and preventive substance abuse/crime programs for "at risk" children between the ages of eight and fourteen. This program addresses Recommendation 10 of the report which suggests youth programs at recreation centers in high-risk areas be adequately equipped and operated at times to meet the needs of neighborhood youth. The grant also includes the purchase of

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

ITEM 14.B.

John P. Smith

Page 2

May 14, 1992

a van for transporting neighborhood youth to the centers as outlined in Recommendation 11. This is a one-year grant totalling \$142,000 with the City's share being \$42,000.

The combined Neighborhood Foot Patrol and Safe Streets Now grant touches several recommendations, such as the purchase of a mobile police substation, the expansion of the Neighborhood Watch Program and the enhancement of the Neighborhood Foot Patrol. This is a two-year grant totalling \$200,000 with the City's share being \$50,000.

The Committee appointed by you for grant review is now in the process of submitting a five-year budget summary on both grants. The Committee's intent is to outline the budgetary impact of these grants for future years. The Committee continues to search for the availability of other grants supportive of the recommendations in the Drug Task Force Report.

Should you have any questions, please let me know.

JT/kbla

  
The Arts Council  
OF FAYETTEVILLE/CUMBERLAND COUNTY, INC.  
822 ARSENAL AVENUE • POST OFFICE BOX 318 • FAYETTEVILLE, NC 28302-0318  
919/323-1776

May 5, 1992

Mr. John Smith  
City Manager  
433 Hay Street  
Fayetteville, NC 28301

Dear John,

We have a truly amazing city! Thanks to the extraordinary commitment from you and City Services, Sunday On The Square is not only back, but front, sideways, up and down better than ever.

Thank you so much for sharing your enthusiasm for the festival with so many people. We are most grateful to each department for providing people power and time toward one of our best-ever events. Kudos to Roger Stancil, Robert Barefoot, Jeff Rainwater, Lt. Harrell, Clark Dill, Louis Chalmers, Alan Nobles, and Connie Fort. These are our heroes!

The Arts Council is indebted to the City for its remarkable contributions to the cultural life of Fayetteville/Cumberland. Again, our heartfelt thanks.

Sincerely,



Libby McNeill Seymour  
Executive Director

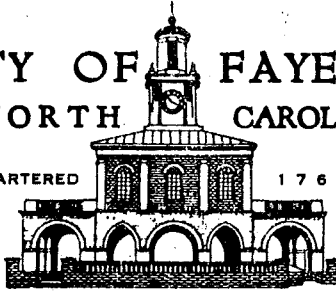
cc: Roger Stancil, Robert Barefoot, Jeff Rainwater, Lt. Harrell,  
Clark Dill, Louis Chalmers, Alan Nobles, Connie Fort

**INFORMATION**



THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



COMMUNITY SERVICES  
DEPARTMENT


POST OFFICE BOX 635  
(919) 433-1595

FAYETTEVILLE, NC 28302-0635

May 6, 1992

**MEMORANDUM**

TO: Mayor J. L. Dawkins and Members of the City Council

FROM: Richard Herrera, Director 

SUBJECT: Conference on Sexual Harassment

On April 23, 1992, your City of Fayetteville Human Relations Commission staff conducted a highly successful **Conference on Sexual Harassment** with 84 participants from the business community, local and state agencies and city departments. The awareness of this issue is so great that some organizations, and some city departments, had multiple attendees with one large local corporation registering 11 participants.

In his keynote address, Victor Boone, Esq., Director of East Central Community Legal Services, presented information and insight relative to Title VII of the Civil Rights Act of 1964. MSGT. W. Dennis White, Chief of EEO at Pope AFB, an Ex-Officio member of the Fayetteville Human Relations Commission, spoke on the effects of sexual harassment. Ms. Katherine Harrelson, Regional Director of the North Carolina Council for Women, made a presentation on third party victims and presented highlights of North Carolina law relating to sexual harassment. EEO Specialist John Jones from Ft Bragg provided guidelines for preventing sexual harassment. Ms. Mary Snead, Director of the South Carolina Human Affairs Commission and Vice President of the National Association of Human Rights Workers, discussed the legal aspects of harassment and Mr. Richard Walz, Director of the US Equal Opportunity Commission, explained how the EEOC investigates claims of sexual harassment.

The conference was a huge success with a great amount of fruitful dialogue. I appreciate the encouragement that the Commission and the staff have received from both elected and appointed officials in presenting workshops of which both the public and private markets can avail themselves in an effort to "MAKE THINGS A LITTLE BIT BETTER".

c: Mr. Elmer Floyd  
Human Relations Director

COMMUNITY DEVELOPMENT-HUMAN SERVICES-INSPECTION-REDEVELOPMENT-REVITALIZATION

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City of



Affirmative Action Employer  
Dogwoods

**INFORMATION**

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



# Fayetteville Historic Resources Commission

May 8, 1992

John P. Smith  
City Manager  
City of Fayetteville  
P.O. Box 1513  
Fayetteville, NC 28302-1513

RE: LaFayette Hotel

Dear Mr. Smith:

On April 28, 1992, the Fayetteville Historic Resources Commission heard remarks by Dr. Menno Pennink and other potential investors seeking to explore ways to purchase the oldest portion of the LaFayette Hotel and bring the building up to code.

The Commission adopted two resolutions in this matter. It requested that 1). Impending demolition of the building be delayed and 2). That the City and Dr. Pennink's group explore financial arrangements which would preserve the building and also be mutually beneficial for the City and developers.

A little over a year ago, Lisa Novick, Ron Wilson and I discussed with you the benefits the Commission saw in preserving the building. By unanimously passing these resolutions, the present Commission seems to affirm this position.

The oldest portion of the LaFayette Hotel occupies the north end of the site which the City apparently plans to buy for parking. Its footprint extends approximately 150 feet along Hay Street and approximately 50 feet along Donaldson Street.

We believe this building is a significant architectural and historical element of downtown. It was constructed in 1887-89 during a period of commercial expansion and economic optimism only 22 years after the destruction of the Arsenal on Haymount Hill. The local Engineer Builder was T. A. Klutz, who also built the Cape Fear and Yadkin Valley Railway Depot. Innovations in construction techniques, which were being developed for commercial architecture in industrial cities across the Nation, were incorporated in this building.


Page 2  
May 8, 1992

As Chairperson of a Commission entrusted by the City to preserve our cultural resources, including historic buildings, I wish to do whatever you and the Historic Resources Commission deem appropriate to save this building.

Please feel free to call me at 484-4989 or Lisa Novick at 678-7623 to set up a meeting to work toward the resolution of this matter which would be mutually beneficial to all parties concerned and make the LaFayette once again economically viable.

Thank you for your consideration.

Sincerely,



W. Wayne McGary  
Chairperson

WWM/bm

cc: Historic Resources Commission  
Lisa Novick





# Fayetteville Historic Resources Commission

29 April 1992

## MEMORANDUM

TO: The Mayor and Members of the City Council  
John P. Smith, City Manager

FROM: Lisa Novick, Historic Resources Planner

SUBJECT: The LaFayette Hotel

I am writing at the direction of the Historic Resources Commission to respectfully request your consideration in the matter of the LaFayette Hotel due to new developments. Yesterday Dr. Menno Pennink appeared before the Commission to discuss possible development strategies for the hotel.

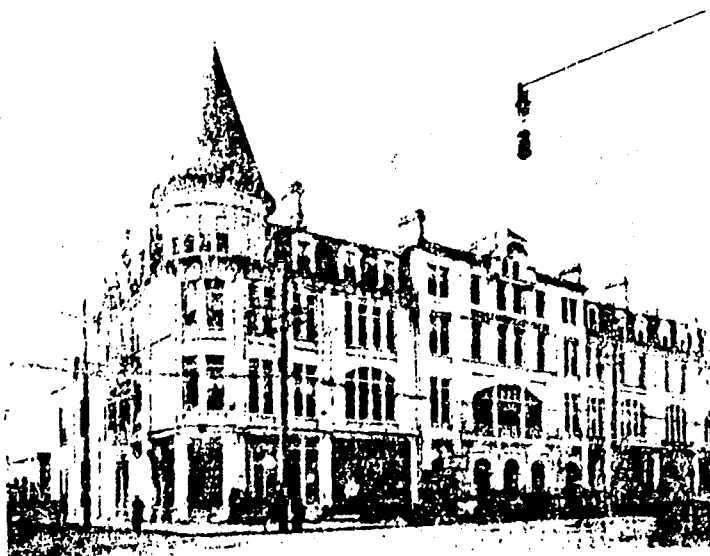
As you recall, this has been a topic of great concern to the Commission since August 1990. After considerable discussion by Dr. Pennink the Commission voted unanimously to ask for your consideration of two items.

First that the demolition of the LaFayette Hotel be delayed. Second, that the City explore the idea of other alternatives to demolition that would include discussion with Dr. Pennink and his group of investors and the property owner for the main structure of the hotel.

Rehabilitation of the LaFayette Hotel would result in the creation of new jobs during construction and after, increased property and sales taxes, and finally the removal of a deteriorating building with the replacement through rehabilitation of one of the City's historic hotel buildings which would stimulate tourism.

cc: HRC  
Matt Rooney  
Roger Stancil  
George Vaughan

201-213 HAY STREET: LAFAYETTE HOTEL (1889)



ARCHITECTURAL DESCRIPTION AND EVIDENCE:

Three-story brick structure with four-story center section along Hay Street and four-story annex along Donaldson Street. First level occupied by seven stores, all store fronts greatly altered from original appearance. Cast iron pilasters visible in wall between 203 and 205 Hay Street. Second level contains 1/1 sash in double, triple and quadruple arrangements, all with transoms. Quadruple windows have segmental arches. Third level contains 1/1 sash with transoms only at corner and in first eight windows at left, above 201 and 203 Hay Street. Fourth level, four bays wide with 1/1 sash and semicircular panels above lintels, duplicated in top floor of annex. Projecting eaves and cornices with hipped roofs surmount walls between fourth levels and parapet. Lower walls have decorative band of soldier course brick below parapet wall. Annex windows are paired, 1/1 sash. Photograph in Fayetteville (p.23) and sketch in Fayetteville Observer (November 28, 1889) show the building with conical tower at north-east corner, Mansard roof with dormers in fourth story, clipped gable attic story in center bay and arched entrances to lobby. 1930s post cards (NCC,CH) show Mansard roof removed and facade changed at first level.

HISTORY:

City directories:

- 1909/10: 201: Upton-Sedberry Jewelry Co.; 203: Armfield's Dry Goods; 205-209: LaFayette Hotel; 211: No listing; 213: Jackson, Williams & Co., men's clothing.
- 1915/16: 201: Sutton, Judge & Hart Co., real estate and insurance; 203: Enterprise Sales Co., shoes; 205: The Hub Cigars; 207-209: LaFayette Hotel; 211: LaFayette Hotel Barber Shop; 213: F.D. Williams, men's clothing (shop front in Fayetteville. p.30).

(continued)

# PLANNING DEPARTMENT

Post Office Box 1829  
Fayetteville, NC 28302  
Telephone (919) 678-7600

## CUMBERLAND COUNTY JOINT PLANNING BOARD

John Britt  
CHAIRMAN

George Vaughan  
PLANNING DIRECTOR

MINUTES  
CUMBERLAND COUNTY JOINT PLANNING BOARD  
APRIL 21, 1992  
7:30 P.M.

Members Present

John Britt, Chairman  
David Hasan  
W.A. Maxwell, Sr.  
Merrill McLaurin  
Robert McNeill  
Ernest Morine  
Roland Schmidt  
Steven Shaw  
Peggy Vick

Members Absent

John Davis, Vice-Chairman  
John Canady  
James Lucas  
William E. Tew

Staff Present

George Vaughan  
Thomas J. Lloyd  
Hope Barnhart  
Peggy Crumpler  
Denise Sykes  
Roy Taylor  
Tina Shepard  
Barbara Swilley

1. ROLL CALL AND APPROVAL OF THE MINUTES OF THE APRIL 7, 1992 REGULAR MEETING

Chairman Britt called the meeting to order at 7:30 p.m. in Public Hearing Room #3 of the Old County Courthouse. He asked if there were any corrections to the Minutes. A motion was made by Mr. Schmidt and seconded by Mr. McLaurin to approve the Minutes of April 7, 1992 as written. The motion passed unanimously.

2. REQUESTS FOR PUBLIC HEARING DEFERRALS

Mr. Lloyd stated that Case No. P92-32 was withdrawn by the applicant today.

3. ABSTENTIONS BY BOARD MEMBERS

Mr. Maxwell stated that he will abstain from discussion and voting on Case No. P92-37.

4. READING OF POLICY STATEMENT REGARDING TIME LIMITS FOR PUBLIC HEARINGS

Mr. Lloyd read the Planning Board's policy on time limits for public hearings and the City of Fayetteville Appeals Procedure.

**INFORMATION**

5. PUBLIC HEARINGS

- A. CASE NO. P92-3. THE ADDITION OF CONDITIONAL USE OVERLAY DISTRICT TO ALLOW A PRIVATELY OWNED BORROW PIT AND DEMOLITION LANDFILL IN AN RR RURAL RESIDENTIAL DISTRICT FOR AN AREA LOCATED WEST OF DOC BENNETT ROAD (SR 2212) AND SOUTH OF I-95 BYPASS. (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area and a site plan for the proposed conditional use district. He stated that this case was originally heard by the Board in January as a requested rezoning to a manufacturing district, and after listening to complaints from the neighborhood, the Board requested that the applicant find an alternate access or satisfy the complaints of the neighbors. He stated an agreement had been reached, and the Planning staff now recommended approval of the Conditional Use Overlay District.

Mr. Graham Moore, president of Crowell Constructors, appeared before the Board stating that he had met with the residents and promised to fix the road and keep it maintained. He stated that this rezoning is necessary to obtain a permit from the State for a demolition type of landfill.

No one appeared in opposition to the Conditional Use Overlay District.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. Morine and seconded by Mr. Maxwell to approve the request subject to the conditions outlined in the Conditional Use Permit application. The motion passed unanimously.

- B. CASE NO. P92-31. THE REZONING FROM R6 RESIDENTIAL DISTRICT TO R5A RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT THE NORTHWEST END OF BERKSHIRE ROAD, NORTH OF ALDEN STREET. (FAYETTEVILLE ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends denial of the requested rezoning to R5A Residential District based on the following:

1. The 1971 Land Use Plan calls for low density residential development in this area.

No one appeared in favor of the requested rezoning.

Ms. A.J. Gasper appeared before the Board in opposition stating that she is a resident of Glendale, and there are 287 homes, and there is already a high traffic volume. She stated that the neighborhood is trying to reduce speed limits, and more units will lead to more problems.

Ms. Betty Carter appeared before the Board in opposition stating that she lives further down the road, and the existing apartments in the area show no respect for the neighborhood. She stated that there are an increasing number of breakins. She presented a petition with eighty names of residents in opposition to the rezoning.

A motion was made by Mr. McLaurin and seconded by Ms. Vick to deny the requested rezoning. The motion passed unanimously.

C. CASE NO. P92-33. THE INITIAL ZONING TO R10 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT THE NORTH END OF HASTINGS DRIVE, NORTH OF COUNTRY CLUB DRIVE (U.S. 401 BYPASS). BEING ALL OF ANNEXATION NO. 92-3-349, KNOWN AS "THE GREENS, SECTION ONE, PART ONE." (FAYETTEVILLE ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends approval of the initial zoning to R10 Residential District based on the following:

1. The proposed City zoning is consistent with the previous County zoning.

No one appeared in favor of or in opposition to the initial zoning.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. Schmidt and seconded by Mr. Maxwell to approve the initial zoning. The motion passed unanimously.

D. CASE NO. P92-34. THE REZONING FROM C1P SHOPPING CENTER DISTRICT TO R5 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE NORTH SIDE OF CARVER'S FALLS ROAD (SR 1713) AND THE EAST SIDE OF RALEIGH ROAD (U.S. 401 NORTH). (FAYETTEVILLE ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends denial of the requested rezoning to R5 Residential District and approval of R5A Residential District based on the following:

1. The location meets the criteria for medium density residential development, and medium density residential development is more appropriate than high density residential development in this area.

The Planning staff finds that all or any portion of this site is suitable for the P1 and P2 Professional, P3 Flex Office and C1A Commercial Districts.

Mr. Richard Wiggins appeared before the Board representing John Koenig, the owner. He stated that the owner had determined that this site is not suitable for commercial uses. He stated that high density residential uses are appropriate, and they plan to have 400 units which is more than the R5A zoning will allow.

No one appeared in opposition to the requested rezoning.

A motion was made by Ms. Vick and seconded by Mr. Morine to follow the staff recommendation.

A substitute motion was made by Mr. McNeill and seconded by Mr. Maxwell to delay the case for two weeks in order for the staff and applicant to work out the rezoning combination of R5 and R5A Residential Districts which would allow the number of units requested. The motion passed 5 to 4 with Messrs. McLaurin, Morine and Schmidt and Ms. Vick voting in opposition.

- E. CASE NO. P92-35. THE REZONING FROM C(P) PLANNED COMMERCIAL DISTRICT TO R6A RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT THE WESTERN CORNER OF THE INTERSECTION OF RUNWAY ROAD AND SNOW HILL ROAD (SR 2219). (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends approval of the requested rezoning to R6A Residential District based on the following:

1. The R6A Residential District is the logical extension of the R6A Residential District located to the west and south of the property.

The Planning staff finds that all or any portion of this site is suitable for the R6 Residential and C1 Local Business Districts and is not suitable for the O&I Office and Institutional Districts.

Mr. Wilder, the petitioner was present. No one appeared in opposition to the requested rezoning.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. McLaurin and seconded by Mr. Shaw to approve the requested rezoning. The motion passed unanimously.

F. CASE NO. P92-36. THE REZONING FROM C1P SHOPPING CENTER DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT 110 CARVER'S FALLS ROAD. (FAYETTEVILLE ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends denial of the requested rezoning to C3 Heavy Commercial District based on the following:

1. The proposed rezoning allows more intensive commercial uses than is allowed on the adjoining commercially zoned property.

Mr. Lloyd explained that the property was originally zoned C(P) Planned Commercial District in the County. Upon annexation, it was zoned C1P Shopping Center District. He stated that the City C3 Heavy Commercial District is more similar to the County zoning than the City C1P Shopping Center District zoning.

Mr. Neil Yarborough appeared before the Board representing Nathan and Cindy Page, the applicants. He stated that staff had followed the policy prescribed by the Planning Board, and in this case it is somewhat limiting. He presented a petition of residents in the area in favor of the rezoning and stated that since the City does not have Conditional Use District, rezoning the property to C3 Heavy Commercial District is the only alternative. Mr. Yarborough displayed pictures of the existing condition of the property and the described the method by which Mr. and Mrs. Page operate their business.

No one appeared in opposition to the requested rezoning.

Mr. McNeill asked for the dimensions of the lot. Mr. Lloyd stated that the lot is 110 by 285 feet.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. McNeill and seconded by Mr. McLaurin to approve the request based on fact that the setbacks of the C1P Shopping Center District would severely limit the use of the site.

Ms. Vick questioned the landscaping and buffering of the site. Mr. Lloyd stated that the area is governed by the City Landscape Ordinance.

The motion passed unanimously.

G. CASE NO. P92-37. THE REZONING FROM R10 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT 5323 MORGANTON ROAD.  
(FAYETTEVILLE ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends denial of the requested rezoning to C1 Local Business District based on the following:

1. Approval of the C1 Local Business District would promote further strip commercial development along Morganton Road.

The Planning staff finds that all or any portion of this site is not suitable for the R6, R5A and R5 Residential, P1 and P2 Professional, P3 Flex Office and C1A Commercial Districts.

Mr. Lloyd reviewed the zoning history of this tract with the Board.

Mr. Butch Harris, representing the petitioner, appeared before the Board stating that the property has been for sale for a number of years, and there have been no requests to purchase it for residential uses. He stated that the only interest in the property has been for commercial or professional uses. He stated that the five-lane road, traffic volume and CP&L office with floodlights at night along the adjoining property present problems in selling the property for residential use. He stated that the applicant wants to use the property for a school of gymnastics, and it would be a benefit to the neighborhood as well as a suitable buffer for the existing residences.

Mr. Rick Joeckel, owner of Omega Gymnastics, appeared before the Board stating that the Inspections Department indicated that rezoning to P2



Professional District would enable the property to be used for the school of gymnastics. He stated that he has had the school in another location for fifteen years offering gymnastics. He stated that he has several successful graduates placed in universities on scholarships, and there is a growing interest in gymnastics. He stated the residents on Morganton Road have no opposition to this site being zoned commercially and presented letters in support. He stated that the character of the area has been changed by the widening of Morganton Road.

Mr. Hubert Noble, resident of Hearthstone Drive, appeared before the Board in opposition. He recited the history of fighting commercial rezoning requests in the area and stated that they have been successful beyond the Planning Board in defeating commercial rezonings. Mr. Noble cited the draft of the new Commercial Land Use Plan and stated that this document supports the position of limiting strip commercial zoning along this street.

Mr. Charles Astrike of Tarheel Drive appeared before the Board stating that he zoning administrator had not ruled that a gym would be allowed in the P2 Professional District, and he had a letter to that effect from the Inspections Department. He stated that the reason that the people across from the proposed site support commercial rezoning is because that would enable them to have their properties rezoned commercial much easier. He stated that 100 students equal 100 cars. He stated that he would rather see townhouses or apartments on the property. Mr. Astrike stated that there were over 600 names on the last petition opposing the rezoning of this property.

A motion was made by Ms. Vick and seconded by Mr. Maxwell to deny the requested rezoning.

Chairman Britt stated that in considering this case, the Board must consider all of the uses allowed in the C1 Shopping Center District, not merely the proposed use of the gymnastics center.

The motion passed unanimously with Mr. Maxwell abstaining.

H. CASE NO. P92-38. THE REZONING FROM A1 AGRICULTURAL DISTRICT TO RR RURAL RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT THE INTERSECTION OF SR 2242 (BRAXTON ROAD) AND SR 2284 AND THE EAST SIDE OF I-95. (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends approval of the requested rezoning to RR Rural Residential District based on the following:

1. The site is located within the Urban Services area.

Ms. Cindy Baker appeared before the Board on behalf of the owners stating that they would like to put in one or two mobile homes on this lot. She stated that there are presently two houses on the lot, but neither of them are habitable.

No one appeared in opposition to the requested rezoning.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. McLaurin and seconded by Chairman Britt to approve the requested rezoning. The motion passed unanimously.

- I. CASE NO. P92-39. AN APPLICATION BY BARDEN LANIER FOR THE ROSEMYER CORPORATION FOR A SPECIAL USE PERMIT AS PROVIDED FOR BY THE CITY OF FAYETTEVILLE CODE OF ORDINANCES FROM CHAPTER 32, ARTICLE IV, SECTION 32-30., ITEM (14) TO ALLOW MINI-WAREHOUSING IN A C3 HEAVY COMMERCIAL DISTRICT FOR AN AREA LOCATED ON THE NORTH SIDE OF BRAGG BOULEVARD, WEST OF CAROL STREET. (FAYETTEVILLE ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area and a site plan for the proposed Special Use Permit.

Mr. Lloyd stated that the Planning staff finds that the proposed Special Use Permit meets the findings required to approve a Special Use Permit.

No one appeared in opposition to the Special Use Permit.

Mr. Keith Stark appeared before the Board stating that Double A Self-Storage desires to offer mini-warehousing facilities in the Fayetteville area. He stated that the facility will be climate controlled.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. McNeill and seconded by Mr. Schmidt to approve the Special Use Permit with the limitation of the hours contained in the permit application of 6:00 a.m. to 10:00 p.m. The motion passed unanimously.

- J. CASE NO. P92-40. THE REZONING FROM R10 RESIDENTIAL DISTRICT TO RR RURAL RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE NORTH SIDE OF ROCKFISH ROAD (SR 1112), WEST OF LOVE DRIVE. (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends approval of the requested rezoning to RR Rural Residential District based on the following:

1. The 1971 Land Use Plan calls for suburban density residential development, and the 1982 Hope Mills Plan calls for low density residential development.

The Planning staff finds that all or any portion of this site is suitable for the R15 Residential District.

The owner was present. No one appeared in opposition to the requested rezoning.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. Schmidt and seconded by Mr. Morine to approve the requested rezoning. The motion passed unanimously.

- K. CASE NO. P92-41. THE REZONING FROM RR RURAL RESIDENTIAL DISTRICT AND C3 HEAVY COMMERCIAL DISTRICT TO R5 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE WEST SIDE OF U.S. HWY 301, SOUTH OF THE INTERSECTION OF CHURCH STREET, SR 1815 (WADE-STEDMAN ROAD) AND SR 1857 (COVINGTON LANE). (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends denial of the requested rezoning to the R5 Residential District and approval of the R15 Residential District based on the following.

1. Water from the Town of Wade is available to the site; however, no sanitary sewer is available in the area.

The Planning staff finds that all or any portion of the commercially zoned area is appropriate for the O&I Office and Institutional, C1 Local Business or C(P) Planned Commercial Districts. The staff further finds that the commercially zoned area is not appropriate for the R10, R6, R6A or R5A Residential Districts. The Planning staff finds that all or any portion of the residentially zoned portion of the tract is not suitable for the R10, R6, R6A or R5A Residential Districts.

Mr. Cory Daughtry appeared before the Board stating that an old hotel exists on this site, and the Town of Wade has received a block grant to rehabilitate the property for single-family dwellings.

No one appeared in opposition to the requested rezoning.

A motion was made by Mr. McLaurin and seconded by Ms. Vick to follow the staff recommendations. The motion passed unanimously.

- L. CASE NO. P92-42. THE REZONING FROM O&I OFFICE AND INSTITUTIONAL DISTRICT TO R6 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT 3436 NORTH MAIN STREET. (HOPE MILLS ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends approval of the requested rezoning to R6 Residential District based on the following:

1. The Hope Mills Land Use Plan calls for medium density development at this location.

The Planning staff finds that all or any portion of this site is not suitable for the R5A or R5 Residential Districts.

The applicant was present. No one appeared in opposition to the requested rezoning.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. McNeill and seconded by Mr. Morine. The motion passed unanimously.

M. CASE NO. P92-43. THE CONSIDERATION OF AMENDMENTS AND REVISIONS TO THE CUMBERLAND COUNTY CODE OF ORDINANCES, BY AMENDING APPENDIX A, "ZONING," ARTICLE VII, "LOT AND YARD REGULATION," SECTION 7.2. "YARD REGULATION," SUBSECTION 7.28. "LOCATION OF ACCESSORY BUILDINGS IN ANY DISTRICT" BY DELETING THE WORD "BUILDING" AND ADDING THE WORD "STRUCTURE;" AND BY INSERTING THE WORDS "MINIMUM SETBACK REQUIREMENTS FOR A" AFTER THE WORD "THE" AND BEFORE THE WORD "PRINCIPAL" IN THE LAST SENTENCE OF THE PARAGRAPH. (COUNTY ORDINANCE)

Mr. Lloyd explained the background of the proposed amendment.

Mr. Lloyd stated that the Planning staff recommends approval of the amendment with a proviso that the accessory structure permitted in the building area should not be any closer to the street than buildings on the adjoining lots.

No one appeared in opposition to the amendment.

Ms. Roberta Waddle, chairman of the Cumberland County Board of Adjustment appeared before the Board and explained the reasons the Board of Adjustment is requesting the change.

A motion was made by Mr. McNeill and seconded by Mr. Hasan to approve the amendment based on the staff recommendation. The motion passed unanimously.

N. CASE NO. P92-45. THE REZONING FROM R10 RESIDENTIAL DISTRICT TO R6A RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT 3095 CAMDEN ROAD. (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area.

Mr. Lloyd stated that the Planning staff recommends approval of the R6A Residential District based on the following:

1. The tract meets the purpose and intent statement of the R6A Residential District in that there is an inner mixture of conventional and manufactured housing in the area.

Mr. Gerald McDowell, pastor, appeared before the Board stating that the church needs a parsonage, and they want to use a mobile home.

No one appeared in opposition to the requested rezoning.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. Shaw and seconded by Mr. McLaurin to approve the requested rezoning. The motion passed unanimously.

6. DISCUSSION

A. DRAFT LAND USE PLAN MAP

Ms. Hope Barnhart appeared before the Board and explained the draft Land Use Plan map for the year 2010 which will be presented to the Governmental Association on April 30, 1992.

7. ADJOURNMENT

There being no further business, the meeting adjourned at 9:18 p.m.

bs

# PLANNING DEPARTMENT

Post Office Box 1829  
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Telephone (919) 678-7600

## CUMBERLAND COUNTY JOINT PLANNING BOARD

John Britt  
CHAIRMAN

George Vaughan  
PLANNING DIRECTOR

MINUTES  
CUMBERLAND COUNTY JOINT PLANNING BOARD  
APRIL 7, 1992  
7:30 P.M.

Members Present

John Britt, Chairman  
John Davis, Vice-Chairman  
David Hasan  
Merrill McLaurin  
Robert McNeill  
Roland Schmidt  
Steven Shaw  
Peggy Vick

Members Absent

John Canady  
James Lucas  
W.A. Maxwell, Sr.  
Ernest Morine  
William E. Tew

Staff Present

George Vaughan  
Will A. Denning  
Michael Osbourn  
Matt Rooney  
Roy Taylor  
Barbara Swilley

1. ROLL CALL AND APPROVAL OF THE MINUTES OF THE MARCH 17, 1992 REGULAR MEETING

Chairman Britt called the meeting to order at 7:30 p.m. in Public Hearing Room #3 of the Old County Courthouse. He asked if there were any corrections to the Minutes. A motion was made by Vice-Chairman Davis and seconded by Mr. Schmidt to approve the Minutes of March 17, 1992 as written. The motion passed unanimously.

2. REQUESTS FOR PUBLIC HEARING DEFERRALS

Chairman Britt asked if there were any requests for public hearing deferrals. There were none.

3. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

4. PUBLIC HEARINGS

- A. CASE NO. P92-30. THE INITIAL ZONING TO C1P SHOPPING CENTER DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE EAST SIDE OF SKIBO ROAD (U.S. 401 BYPASS) AND SOUTH OF MORGANTON ROAD (SR 1404). (FAYETTEVILLE ORDINANCE)

Mr. Vaughan displayed a map outlining the existing zoning and land use in the area.

**INFORMATION**

Mr. Vaughan stated that the Planning staff recommends approval of the proposed initial zoning to C1P Shopping Center District based on the following:

1. The proposed zoning reflects the proposed development of the site and is in accordance with the City Council policy to grant a more restrictive initial zoning when requested by the applicant.

No one appeared in favor of or in opposition to the requested initial zoning.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Vice-Chairman Davis and seconded by Mr. Schmidt to follow the staff recommendation.

Ms. Vick questioned the proposed landscaping for the area. Mr. Al Rumbough, applicant, replied that the K Mart landscaping requirements exceed those of the City of Fayetteville, and they will be following the K Mart requirements.

The motion passed unanimously.

5. PLATS AND PLANS

- A. CASE NO. 92-104. THE CONSIDERATION OF THE MERCURIO PROPERTY IN AN M1 PLANNED INDUSTRIAL DISTRICT FOR PRELIMINARY SITE PLAN DEVELOPMENT REVIEW FOR AN AREA LOCATED ON THE WEST SIDE OF SR 2954 (DOC BENNETT ROAD) AND NORTH OF DELBERT DRIVE. (COUNTY ORDINANCE)

Mr. Vaughan explained the reason for the preliminary site plan development review and stated that there the applicant has no problem with the conditions.

A motion was made by Vice-Chairman Davis and seconded by Mr. McLaurin to approve the preliminary site plan development review subject to the conditions listed in the packets.

Ms. Vick questioned why engineers were not involved in this project, and the applicant pointed out that engineers at SEKO were involved in this review and would do the actual drawings once this site plan is approved by the Planning Board.

The motion passed unanimously.



6. DISCUSSION

A. U.S. ARMY CORPS OF ENGINEERS PRESENTATION ON WETLANDS

Ms. Cherry Smith from the North Carolina Division of Environmental Management spoke on the scientific definition of wetlands and their function and importance in North Carolina.

Mr. Ernie Jenkins from the Corps of Engineers explained the Corps' role in defining wetlands and regulating discharge of dredged or fill materials into the waterways of the United States. He also explained the permits issued for development in wetland areas.

Mr. Ron Farrell from the North Carolina Division of Environmental Management reviewed with the Board the role of the Division of Environmental Management in issuing permits in conjunction with the Corps of Engineers' determination of what constitutes wetlands in North Carolina and how the Planning Board could help with the mapping and identification of important wetlands in Cumberland County.

B. DR. SUZAN CHEEK TO EXPLAIN AND EXTEND AN INVITATION TO ATTEND THE LEADERSHIP SUMMIT SPONSORED BY METRO VISIONS MAY 14-16, 1992

Dr. Cheek explained the purpose of the Leadership Summit and encouraged the Planning Board members to attend. The Summit is \$50 per person and will be held at Fayetteville State University May 15-16, 1992. Mr. Vaughan assured Dr. Cheek that the applications will be distributed to the Board members when received by the Planning Department.

C. G. ALLEN MITCHELL CONTINUATION OF PLANNING BOARD WORK PROGRAM FOR 1993 THROUGH 1996

Mr. Vaughan briefed the Board on the status of the Work Program for the Planning Department for 1993-96.

7. ADJOURNMENT

There being no further business, the meeting adjourned at 9:03 p.m.

bs

