

FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
JULY 6, 1992
7:00 P.M.



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REGULAR MEETING
JULY 6, 1992
7:00 P.M.

INVOCATION - PLEDGE OF ALLEGIANCE

RECOGNITION:

ITEM 1. Approval of Agenda

ITEM 2. Consent:

- A. Approve minutes of budget session of June 6, 1991.
- B. Approve minutes of budget session of June 10, 1991.
- C. Approve minutes of regular meeting of May 18, 1992.
- D. Approve minutes of regular meeting of June 1, 1992.
- E. Approve minutes of budget workshop of June 8, 1992.
- F. Approve minutes of budget session of June 10, 1992.
- G. Approve minutes of regular meeting of June 15, 1992.
- H. Approve tax refunds over \$100.(See attached list)
- I. Approve the following budget matters for FY 91-92:
 - 1. Budget Ordinance Amendment 92-13
 - 2. Capital Project Ordinance Amendment 92-13
 - 3. Capital Project Ordinance Closeout 92-18
 - 4. Special Revenue Project Ordinance Amendment 92-4

ITEM 3. Consideration of acceptance of certification of results of June 2, 1992, municipal election from the Cumberland County Board of Elections.

PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Acceptance of election results

Recess Meeting

ITEM 4. Seating of Mayor and New City Council

- A. Oaths of Office to be administered to the City Council by the Honorable Sol Cherry, Chief District Court Judge.
- B. Oath of Office to be administered to the Mayor by the Honorable Sol Cherry, Chief District Court Judge.

ITEM 5. Organization of the City Council - Election of Mayor Pro-Tempore.

ITEM 6. Consent:

- A. Set public hearing for August 3, 1992, to consider the rezoning from C1P Shopping Center District to C3 Heavy Commercial District or to a more restrictive zoning classification for an area located on the south side of Tamarack Drive, west of Rosehill Road (SR 1616) (P92-68)
- B. Adopt resolution declaring cost and ordering preparation of preliminary assessment roll and setting time and place for public hearing on preliminary assessment roll for installation of sanitary sewer collection system in US 401 North (west side) (PWC). (Set public hearing for July 20, 1992)
- C. Adopt resolution declaring cost and ordering preparation of preliminary assessment roll and setting time and place for public hearing on preliminary assessment roll for installation of sanitary sewer collection system in the following streets: (PWC) (Set public hearing for July 20, 1992)
 - 1. Lynhurst Drive
 - 2. Blairmore Place
 - 3. Amstead Avenue
 - 4. Cliffdale Road
 - 5. Windermere Drive
- D. Adopt resolution declaring cost and ordering preparation of preliminary assessment roll and setting time and place for public hearing on preliminary assessment roll for installation of sanitary sewer collection system in the following streets: (PWC) (Set public hearing for August 3, 1992)
 - 1. Lansdowne Road
 - 2. Farmington Street
 - 3. Elstree Place
 - 4. Dahlgren Avenue
 - 5. Cornish Street
- E. Approve bid award for Sanitary Sewer Rehabilitation Project to Video Pipe Service, Inc., low bidder. (PWC)
- F. Approve Estoppel and Modification Agreement and extension of loan to Berry and Byrd, Attorneys.
- G. Approve Municipal Maintenance Agreement for Fayetteville Urban Area Traffic Signal Systems.
- H. Set public hearing for July 20, 1992, to consider petition for 25 MPH speed zone - Shannon Drive.
- I. Set public hearing for July 20, 1992, to consider change in statutory references regarding Historic Resources Commission.
- J. Approve amendment to Adams Court contract.

ITEM 7. Public Hearings:

A. Consideration of resolution declaring cost and ordering preparation of preliminary assessment rolls for installation of Water and Sanitary Sewer Utilities into the following streets: (PWC)

1. Oakwood Street
2. Kathy Street
3. Blanton Road

PRESENTED BY: PWC Staff

RECOMMENDED ACTION: Adoption

B. Consideration of paving Englewood Drive from Cedar Creek Road to Dead End.

PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Approval

ITEM 8. Consideration of request to address City Council from Humane Society. (Appearing: Peter MacQueen, President)

ITEM 9. Consideration of adoption of resolution authorizing sale of City of Fayetteville property located at 331-333 Hay Street.

PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Adoption of resolution

ITEM 10. Consideration of readoption of resolution of intent to reimburse Public Works Commission from proceeds of tax exempt financing.

PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Adoption of resolution

ITEM 11. Consideration of amendments to Chapter 4 of the Fayetteville City Code (Airport Commission):

- A. Increasing size of quorum
- B. Clarification of increase in membership of Airport Commission

PRESENTED BY: City Attorney

RECOMMENDED ACTION: Adoption

ITEM 12. Consideration of contract for Occupational Health Care Services.

PRESENTED BY: Assistant City Manager for Administration

RECOMMENDED ACTION: Authorize City Manager to negotiate contract

ITEM 13. Consideration of Lease Agreement with Olde Fayetteville Carriages for space in Cape Fear-Yadkin Valley Depot building.

PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Authorize City Manager to negotiate and execute lease

ITEM 14. Consideration of resolutions directing the Clerk to investigate petitions for annexation received under G.S. 160A-31:

- A. McLean and Thompson Properties (western side of McArthur Road):
 - 1. Property of McLean Development Corporation
 - 2. Property of Paul Thompson Trust #1 and Trust #2
- B. Perry Property (eastern side of Cedar Creek Road, south of Lock's Creek Subdivision) (Property of Randy and Cynthia Perry)
- C. Country Club North, Section 6, Part A, Phase 3 (Hilliard Drive) (Property of March Development Corporation)
- D. Greystone Farms, Section 2 (eastern side of Ramsey Street) (Property of Broadwell Land Company)
- E. Country Club Hills, Remainder of Land (Site of former Green Valley Country Club) (Property of Broadwell Land Company)
- F. Southland Pines (southern side of Southland Drive)
 - 1. Tract 1 - Property of Broadwell Land Company
 - 2. Tract 2 - Property of Broadwell Land Company

PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Adoption of resolutions

ITEM 15. Consideration of setting of joint meeting with Public Works Commission. (Suggested date: July 27, 1992)

ITEM 16. Consideration of request from Councilmember Breeden Blackwell for workshop to consider City Council long range planning.

RECOMMENDED ACTION: Instruct City Manager to arrange a City Council planning retreat in early Fall, 1992, at City Hall to begin process for setting goals and objectives for FY 93-94 and beyond

ITEM 17. Appointments:

- A. Nominations to fill one vacancy on Joint Planning Board.
- B. Election of nominee to Public Works Commission Retirement Board.
- C. Election of nominees to Fayetteville Board of Adjustments.

ITEM 18. Administrative Reports:

- A. Tax refunds less than \$100.
- B. Report on recycling and commercial garbage contracts.

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

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**POLICY REGARDING CITY COUNCIL MEETING PROCEDURES
SPEAKING ON A 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.



*Consent & P. 1100
ENCLOSED*

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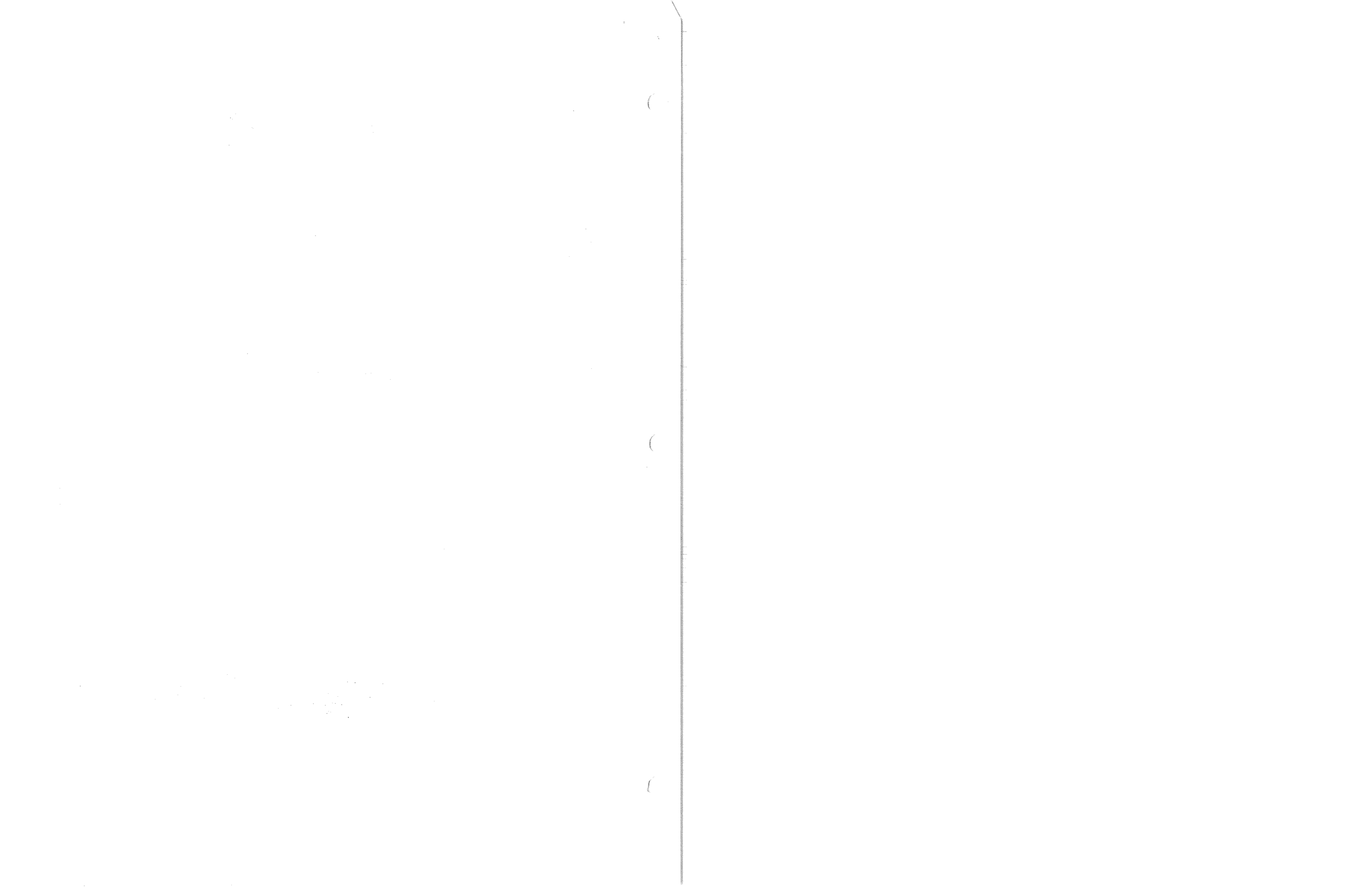
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PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Acceptance of election results

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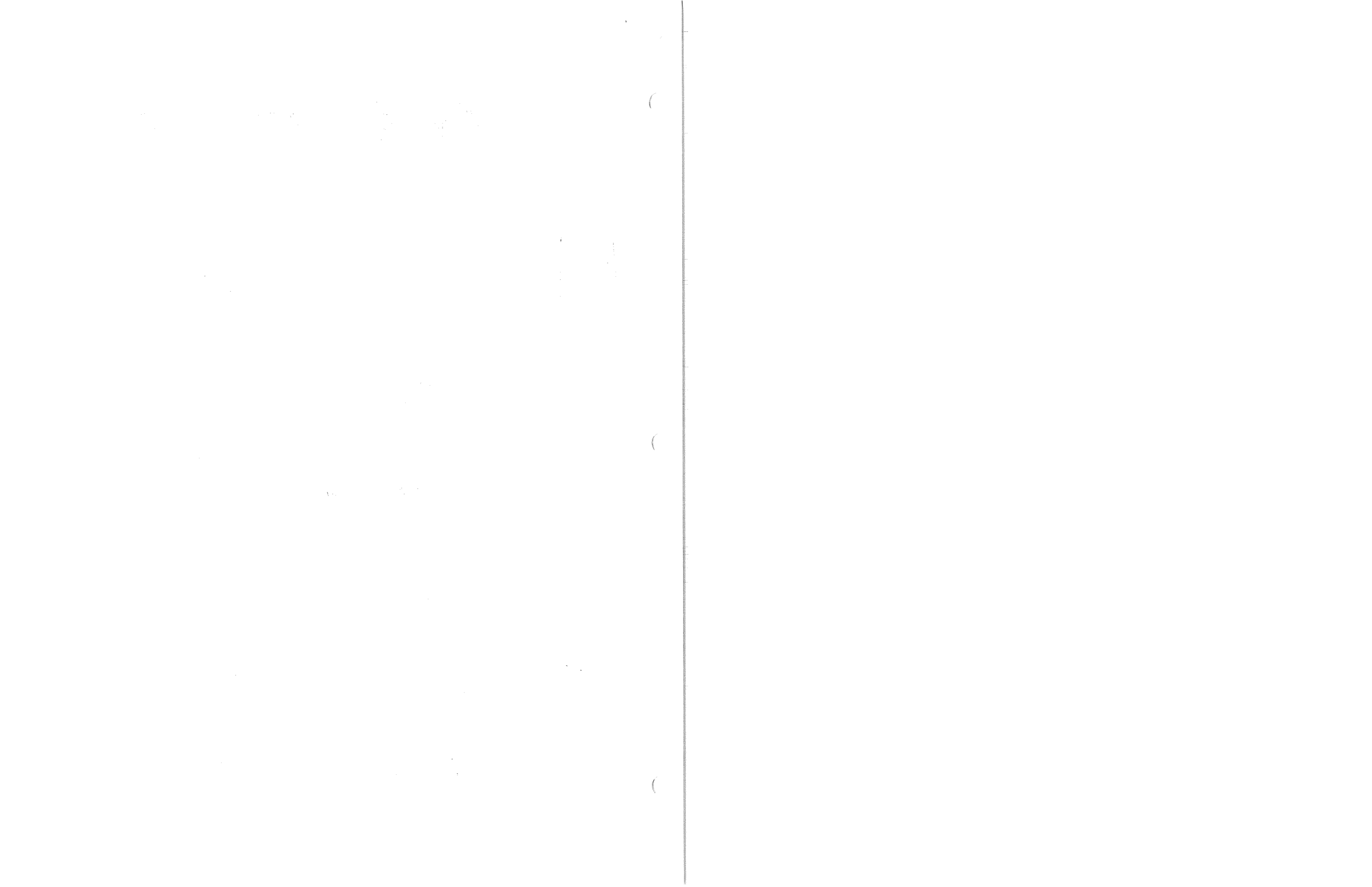
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PRESENTED BY: PWC Staff

RECOMMENDED ACTION: Adoption

Write letter to Mrs. Surice

- B. Consideration of paving Englewood Drive from Cedar Creek Road to Dead End.

PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Approval

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PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Adoption of resolution

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 2. Clarification of increase in membership of Airport Commission

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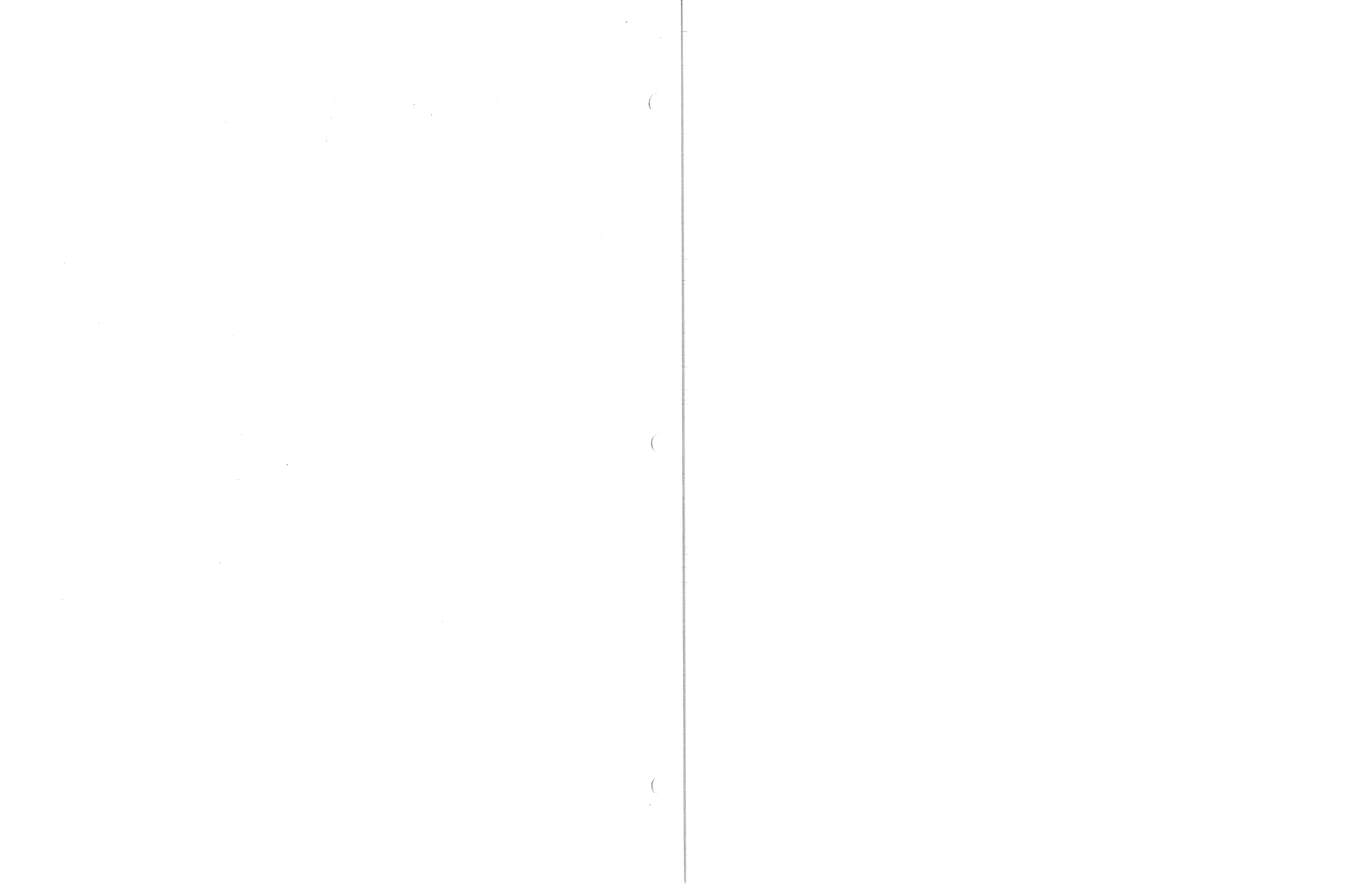
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PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Adoption of resolutions

ITEM 15. Consideration of setting of joint meeting with Public Works Commission. (Suggested date: July 27, 1992)

A 9/10 Here 7:00 p.m.

ITEM 16. Consideration of request from Councilmember Breeden Blackwell for workshop to consider City Council long range planning.

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RECOMMENDED ACTION: Instruct City Manager to arrange a City Council planning retreat in early Fall, 1992, at City Hall to begin process for setting goals and objectives for FY 93-94 and beyond

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- A 9/10
- A. Nominations to fill one vacancy on Joint Planning Board.
Carl Legatski, Jonathan Chalkotau
 - B. Election of nominee to Public Works Commission Retirement Board.
Colman Adams
 - C. Election of nominees to Fayetteville Board of Adjustments.
Lancaster
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FAYETTEVILLE CITY COUNCIL
BUDGET SESSION
CITY HALL MULTIPURPOSE ROOM
433 HAY STREET
THURSDAY, JUNE 6, 1991
7:00 P.M.

Present: Mayor J. L. Dawkins

Councilmembers Mildred Evans, Milo McBryde, Nat Robertson, Ida Ross,
Joseph Pillow, Thelbert Torrey, Suzan Cheek, and Mark Kendrick

Absent: Councilmember Tommy Bolton

Others Present: John P. Smith, City Manager
Roger L. Stancil, Assistant City Manager for Operations
John B. Brown, Jr., Assistant City Manager for Administration
and Finance
Robert C. Cogswell, Jr., City Attorney

Mayor Dawkins called the meeting to order and recognized City Manager John Smith for a brief, formal presentation regarding the results of a Fayetteville Police Department survey that he had previously submitted to Council. Council discussed this survey with Mr. Smith, Police Chief Ron Hansen, and other members of the Fayetteville Police Department.

Council next considered the recommended budget. Mr. Smith discussed the activities of State government regarding revenue reductions to local governments and Cumberland County's recycling decisions. He also discussed the proposed 3.15 percent reductions in each departments' personnel budget. Mr. Smith also indicated that he had recommended a 4.5 percent pay increase in the budget, some of the money to be used for cost of living and the other portion to be used for merit increases. He stated the City must wait until the State decides what money it will return to local governments before making a decision on how the 4.5 percent is to be allocated.

Upon motion by Mayor Pro-Tem Evans, seconded by Councilmember Robertson, Council voted unanimously to recess until Monday, June 10, 7:00 p.m. in the City Hall Multipurpose Room.

Roger L. Stancil, Deputy City Clerk

ITEM 2.A.



FAYETTEVILLE CITY COUNCIL
BUDGET SESSION
CITY HALL MULTIPURPOSE ROOM
433 HAY STREET
MONDAY, JUNE 10, 1991
7:00 P.M.

Present: Mayor J. L. Dawkins

Councilmembers Mildred Evans, Milo McBryde, Ida Ross, Joseph Pillow,
Thelbert Torrey, Suzan Cheek, and Mark Kendrick

Absent: Councilmembers Tommy Bolton and Nat Robertson

Others Present: John P. Smith, City Manager
Roger L. Stancil, Assistant City Manager for Operations
John B. Brown, Jr., Assistant City Manager for Administration
and Finance
Robert C. Cogswell, Jr., City Attorney

Mayor Dawkins called the meeting to order and recognized City Manager John Smith to continue his review of the City departmental budget request. The Council concluded its review of General Fund departments. Upon motion by Councilmember Kendrick, seconded by Councilmember Torrey, Council voted unanimously to adjourn.

Roger L. Stancil, Deputy City Clerk

ITEM 2.B.



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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBERS
433 HAY STREET
MONDAY, MAY 18, 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
Jason Brady, Public Information Officer
Mike Walker, City Engineer
Al Mitchell, Assistant City/County Planning Director
Richard Herrera, Community Services 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 John Smith, City Manager, followed by Webelo Pack No. 40 leading in the Pledge of Allegiance to the American Flag. Mayor Dawkins recognized and presented trophies and certificates to L'Tanya Jamel, Alexis Powell, Monique Ford, Shawn Parker, A Mer Ria McClain, and Latoria Ackins for their outstanding performance in the North Carolina Pee Wee Double Dutch Championship Competition held April 11, 1992, in Winston-Salem, North Carolina.

RECOGNITION:

Mayor Dawkins recognized Webelos Pack No. 40 and their Scoutmaster Wayne Dadetto.

POSTGRADUATION AWARENESS - STUDENT CHAIRMAN, ALLISON COPPERNOLL

Mayor Dawkins presented a Proclamation to Miss Coppernoll on behalf of the City and County.

The Fayetteville Youth Council presented Mayor Dawkins with a Certificate of Appreciation for his support of their organization.

1. Approval of Agenda:

City Manager John Smith requested Item 3A be corrected to reflect the assessments were for street improvements rather than sidewalk improvements. He also stated that Mr. Cogswell, City Attorney, had requested an executive session for the purposes of discussing litigation.

Councilmember McBryde moved to approve the agenda as corrected, seconded by Councilmember Cheek and carried unanimously.

Councilmember Bolton moved that Councilmember Pillow be excused from the meeting, seconded by Councilmember Kendrick, carried unanimously.

2. Consent:

Mayor Dawkins presented the consent agenda and asked if any items should be removed before calling for action. There being none Councilmember McBryde moved to approve the consent agenda, seconded by Councilmember Cheek, carried unanimously.

Councilmember Cheek commended the staff on their timeliness and good work in the widening and adding turn lanes project at the Morganton Road-McPherson Church Road intersection.

- A. Approve minutes of Information Meeting of April 27, 1992.
- B. Setting 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. Setting 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 Fall 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 paving of the following: (Public Hearing date: June 1, 1992)

1. CORONADO PARKWAY (FROM OWEN DRIVE TO ELDORADO ROAD)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF A PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON A PRELIMINARY ASSESSMENT ROLL ON CORONADO PARKWAY (FROM OWEN DRIVE TO ELDORADO ROAD). RESOLUTION NO. R1992-061.

2. MAWOOD AVENUE (FROM OLD GATE ROAD TO OLD GATE ROAD)

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF A PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON A PRELIMINARY ASSESSMENT ROLL FOR MAWOOD AVENUE (FROM OLD GATE ROAD TO OLD GATE ROAD). RESOLUTION NO. R1992-060.

Copies of the foregoing resolutions are on file in the Clerk's office in the Resolution's Book R1992.

- G. Approve the following Finance matters:

1. Adopt Grant Project Ordinance 92-1 (Transit Planning Grant).

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.

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.

These two ordinances serve to reclassify the program year 17 Community Development Block Grant from a capital to a noncapital project in the Federal and State Special Revenue Fund.

MBT

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., in the amount of \$250,661.62. Bids received were as follows:

*Barnhill Contracting Company, Inc.	\$250,661.62
Crowell Constructors, Inc.	\$254,519.20
McDonald Grading Company	\$317,481.00

I. Approve bid award to WESCO, for mobile substation, low bidder, in the amount of \$647,374. (PWC) Bids received were as follows:

*WESCO	\$647,374.00
R. W. Chapman and Company	\$649,137.00
National Transformer Sales	\$667,412.00

J. Approve bid award in the amount of \$123,820.34 to Weeks Construction, low bidder, for POD No. 369kV transmission lines from:

- Railroad Street to Wilmington Road, and
- Morganton Road at McPherson Church Road intersection widening. (PWC) Bids received were as follows:

	<u>A Bid</u>	<u>B Bid</u>	<u>Total Bid</u>
*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 Constr.	\$87,485.70	\$100,825.95	\$188,311.65
Sumter Builders, Inc.	\$79,166.17	\$110,447.92	\$189,614.09

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

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

3. Public Hearings:

Mayor Dawkins read the policy on time limit for speakers at public hearing and non-public hearing items. City Attorney Bob Cogswell explained the payment process and early pay discount for the assessments. This is the advertised public hearing for this date and hour. Mr. Cogswell certified that notices have been sent first class mail to the owners of the property shown on the preliminary assessment rolls.

A. Consideration of adoption of resolutions confirming assessment roll and levying assessments for paving improvement projects on the following locations:

- Jarvis Street (from Ruritan Drive to Dead End)

The public hearing was opened at 7:22 p.m. and there was none to speak in favor. Mr. Thomas J. Gravly, 107 Ruritan Drive, was recognized in opposition. Mr. Gravly stated he thought this project was being done with bond money and there would be no charge to the residents of this street. He also stated there were only four houses fronting Jarvis Street and there was insufficient street lighting for the area.

There being none further to speak on this matter, the public hearing was closed at 7:25 p.m.

Councilmember McBryde expressed the desire to make it clear that this paving improvement was not a bond project which had been voted on by the citizens of Fayetteville. Mr. Smith stated that Jarvis Street was done by petition.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS.
RESOLUTION NO. R1992-062.

Councilmember Kendrick introduced the foregoing resolution and moved its adoption, seconded by Mayor Pro-Tem Evans and carried unanimously 8 to 0.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1992.

Councilmember Cheek requested that the staff check into the spacing of the street lights on Jarvis Street and the surrounding streets to determine if additional lighting is needed.

2. Buie Circle (from Campground Road to Nix Road)

The public hearing was opened at 7:28 p.m. and there was none to speak in favor of this item.

Mr. Charles Skinner, representative of the Belks Service Center, 4525 Campground Road, appeared in opposition. Mr. Skinner stated Buie Circle was only a connection street and Belks had received no benefit to their property as a result of the paving improvement and had not requested the annexation.

There being none further to speak on this matter, the public hearing was closed at 7:31 p.m.

Councilmember McBryde requested that Mr. Cogswell explain the requirement that an appraisal must be done which shows that property has not been benefited by an improvement before the disallowment of an assessment can be done by the City Council. Mr. Cogswell addressed this issue and a discussion was held.

Councilmember Evans moved that the assessments on Buie Circle be continued for 60 days. There was no second and the motion died.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS.
RESOLUTION NO. R1992-063.

Councilmember Kendrick moved that the foregoing resolution be adopted, seconded by Councilmember Torrey and carried unanimously 8 to 0.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1992.

3. Tarheel Drive (from Wintergreen Drive to Ruritan Drive)

The public hearing was opened at 7:40 p.m. and there were none to speak in favor. Speaking in opposition was Helga Ochoa, 5410 Tarheel Drive. Ms. Ochoa addressed the Council and requested an itemized statement showing the cost of materials and labor for this project. Mr. Cogswell stated that the construction cost was \$40,625.03 with an engineering cost of 3.5% of \$1,421.88 for a total cost of \$42,046.91. Ms. Ochoa was told the original contract is available at the City Engineering Department. The public hearing was closed at 7:44 p.m.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS
TARHEEL DRIVE (WINTERGREEN DRIVE TO RURITAN DRIVE). RESOLUTION NO.
R1992-064.

Councilmember Bolton introduced the foregoing resolution and moved its adoption, seconded by Councilmember Cheek, unanimously approved 8 to 0.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1992.

4. Nix Road (from Buie Circle to Campground Road)

The public hearing was opened at 7:45 p.m. and there was none present in favor. Mr. Herbert A. McCaskey, 4617 Nix Road, expressed his opposition to the levying of this assessment. He stated he was speaking for all of the residents of Nix Road and was expressing all of their dissatisfaction at being annexed into the City and not receiving the benefits they were promised. The residents are unhappy with the garbage pickup, the lack of street lights, the posted speed limits and their street being unnecessarily torn up and repaved. Mr. McCaskey presented a petition to the Council requesting that the assessment be rescinded.

Mr. Benjamin C. Weldon, 4608 Nix Road, also spoke in opposition. Mr. Weldon stated he had had to buy dirt to redo his yard and felt this was

unfair. He also expressed his concern over the speed limit and the lack of stop signs. There being no one else to speak in opposition, the public hearing closed at 7:59 p.m.

Mayor Dawkins called upon Mike Walker, City Engineer, and asked for clarification on the construction of Nix Road. Mr. Walker stated a physical inspection was made of this area after it was annexed into the City. The staff found the streets to be in poor condition. In using a rating scale of 0 (worse) to 100 (perfect), Nix Road was classified as a 35 to 40. It was then decided that the road would need to be reconstructed rather than patched.

John Smith stated that when water and sewer are installed and the street is patched, the cost is included in the PWC project cost. If a road is reconstructed, it must be done to meet City Standards, and the cost is assessed to the property owner at a rate of \$10 per foot in frontage.

Mayor Dawkins directed the staff to check into the PWC matters, speed limit questions, street lights, and stop signs.

Councilmember Kendrick requested that the City staff and PWC check out the situation at 4608 Nix Road and report back to the Council in 30 days on all matters.

Mayor Pro-Tem Evans asked Mr. McCaskey to submit a petition to the City on the speed limits and stop signs. She assured him the Council would act on his petition.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS.
RESOLUTION NO. R1992-065.

Councilmember Bolton introduced the foregoing resolution and moved its adoption, seconded by Councilmember Cheek and carried unanimously 8 to 0.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1992.

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)

This item was presented by Assistant Planning Director Al Mitchell. Mr. Mitchell explained the overlay district regulations and reviewed what is located in this area now. He stated the petitioners have plans to build a garage/body shop on this property. The Planning Board recommended approval.

Councilmember McBryde moved to approve, seconded by Mayor Pro-Tem Evans. A discussion followed.

Councilmember Cheek raised the issue of whether this request could be considered spot zoning. After questioning Mr. Cogswell and Mr. Mitchell, Councilmember Ida Ross made a substitute motion to hold a public hearing on June 1, 1992. After further discussion, Mr. Cogswell expressed his opinion that it was spot zoning but not illegal spot zoning.

Councilmember Ross withdrew her substitute motion. Councilmember McBryde repeated his motion to approve, seconded by Mayor Pro-Tem Evans, carried unanimously.

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

This item was presented by City Manager John Smith. A recap was given of the events preceding this meeting. Mr. Smith stated he felt the \$3,000 paid to Mr. McLaughlin by the City was adequate compensation for the work performed. He further stated that no documentation of additional costs incurred by Mr. McLaughlin has been submitted to the City as requested.

Mr. Garris Neil Yarborough, attorney for Joe McLaughlin, addressed the Council and stated the additional amount owed by the City to Mr. McLaughlin is \$22,500. This is giving the City credit for the \$3,000 already paid.

Following a lengthy discussion by the City Council members, Councilmember McBryde asked Mr. Cogswell to address the question as to what Mr. McLaughlin could legally recover. Mr. Cogswell stated the contract requires that Mr. McLaughlin be compensated for the work done to this point plus the cost of the salvaged materials. Mr. Cogswell further stated that at this time, he would like to see Mr. McLaughlin's contract to sell salvaged materials and other proof of the additional claims for damage. He stated he could not offer an opinion as to the exact cost involved without first reviewing this material.

Councilmember Ida Ross moved that the property be sold. Discussion ensued and Ms. Ross withdrew her motion.

Mr. John Smith recommended this item be delayed until the June 1 meeting in order that the new information presented could be reviewed by management.

Councilmember Robertson moved that the demolition of 225-227 Hay Street proceed and that the sale of this property be denied, seconded by Councilmember Kendrick.

Councilmember Cheek offered a substitute motion that voting be delayed on this issue until the next meeting, seconded by Councilmember McBryde, carried by a vote of 5 to 3, with Councilmembers Ross, Robertson, and Kendrick voting against the delay.

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

City Manager John Smith presented this item. He recommended the approval of the sale of lots 150, 151, and 152 Pleasant View Extension No. 1, Plat Book 14, page 20, as recorded in the Cumberland County Registry for the high bid of \$516.23 to Hilton E. Cashion.

RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY.
RESOLUTION NO. R1992-066.

Councilmember Kendrick moved to adopt the foregoing resolution, seconded by Councilmember Robertson and carried unanimously 8 to 0.

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.

Mr. Smith stated this is a federally mandated program through the state of North Carolina. The purpose of this federal environmental mandate is to monitor the quality of storm water run-off. In order to carry out this unfunded federal mandate, the City will have to leave undone some future storm water capital projects.

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 chosen 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.

Mr. Smith recommended approval of this contract for interlocal undertaking. Councilmember Robertson moved to approve, seconded by Councilmember Ross and carried unanimously 8 to 0.

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

This item was presented by Ralph Hamilton, Assistant Airport Manager. Mr. Joe Rogers of Wilbur Smith and Associates was also present.

An inquiry was made by Councilmember Bolton regarding the availability of additional federal funds. Mr. Hamilton stated there are no federal funds available for this project at this time, because the City has used up all of its entitlements.

Mayor Dawkins asked the City Manager for his input. Mr. Smith stated that if the entire project to include the alternate phases were awarded, then Ratley Construction would have been the low bidder. Because there was no funding available from the FAA for all of the parts that were bid and because

the base contract exceeded the original estimates, Wilbur Smith and Associates recommended the deletion of certain alternate phases and the awarding of the contract on the base bid to include the site improvements to the low bidder, Sigma Construction Company.

Mr. Smith further stated that he had attended the Airport Commission meeting at which this recommendation by Wilbur Smith and Associates was unanimously approved. It was his impression that their recommendation to include the site improvements in the base contract was based on the following facts:

1. There may be funds available in two to three years for the alternate project.
2. To go ahead and have the site improvement included in this contract would be less costly to do now than later on in separate contracts.
3. To change the site improvement plans now would necessitate a change in the drainage plan which would require repermitting, redesigning of the project, and rebidding.

Mr. Smith stated that he concurred with the recommendation of the Airport Commission because of the savings of City monies.

Mr. Joe Rogers addressed the Council regarding his company's recommendation. He stated the overall savings for the contract would be approximately \$40,000 which would result in a savings to the City of about \$2,000.

Councilmember Cheek inquired as to whether the bid packet specified that the bid item was separate and distinct. The Council was informed that the bid tabulation reflected that this was in fact the way the bid process was done. A copy of the bid tabulation is attached to these minutes.

Councilmember Evans moved to award the contract to the low bidders, seconded by Councilmember Ross and carried 7 to 1 with Councilmember Bolton voting against. The bids awarded were as follows:

<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 & County Plumbing	Plumbing	58,000
Contraves U.S.A.	Propane Systems	1,878,000
Total Construction Award Amount		\$3,199,586

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

This item was presented by Mr. Cogswell, City Attorney. He stated that after discussing this matter with the Institute of Government, it was his opinion that the City can convey to the Habitat for Humanity, Inc., for \$1 the property from the Wilmington Road redevelopment area. Mr. Cogswell further recommended 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, it shall revert to the City of Fayetteville.

Councilmember Kendrick moved to approve the aforementioned conveyance of properties, seconded by Councilmember Ross and carried unanimously 8 to 0.

Mr. Cogswell stated for the record that his church is building one of these houses and that he is involved. Mr. Smith announced that Mr. Brown is on the board for Habitat.

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

Mr. Smith presented this item. He stated this contract was prepared pursuant to the Council's vote to accept an option of an exclusive one-year contract with ARS for commercial garbage collection services beginning July 1, 1992.

Councilmember Ross moved to approve the award for commercial garbage collection, seconded by Mayor Pro-Tem Evans, carried by a vote of 6 to 2 with Councilmembers McBryde and Cheek voting against.

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

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. ORDINANCE NO. S1992-008.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLES VI, TRUCK ROUTES OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1992-009.

Councilmember Kendrick moved to adopt the foregoing ordinances, seconded by Councilmember Bolton, carried unanimously 8 to 0.

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book S1992.

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

This item was presented by Robert C. Cogswell, City Attorney. The bill is as follows:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991
HOUSE DRH3287-LK344(6.9)

Short Title: Fayetteville Parking Regulation (Local)

Sponsors: Representative Hurley

Referred to:

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR ENFORCEMENT FOR PARKING VIOLATIONS
ON PUBLICLY OWNED PARKING LOTS IN FAYETTEVILLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-301(d) reads as rewritten:

"(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, commercial office complex, or government office complex, or any other publicly or privately owned public vehicular area as defined in G.S. 20-4.01(32), 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 any 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."

Sec. 2. This act applies to the City of Fayetteville only.

Sec. 3. This act is effective upon ratification.

Councilmember Ross moved to approve the aforementioned bill, seconded by Councilmember Cheek and carried unanimously 8 to 0.

13. Appointments:

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

Councilmember Kendrick nominated Jon McCants to replace Jane Cherry on the Board of Appeals on Dwellings and Buildings. This appointment will be voted on at the June 1, 1992, City Council meeting.

14. Administrative Reports:

- A. Statement of taxes collected for the month of April 1992 from the Cumberland County Tax Collector in the amount of \$119,387.50.

Councilmember Kendrick moved that the Council go into executive session for the purpose of the litigation, seconded by Councilmember Torrey and carried unanimously 8 to 0. The Council went into executive session at 9:25 p.m., returning to Council Chambers at 9:30 p.m. declaring the executive session closed. Mayor Dawkins reported the Council had discussed the issue of appealing the G&T Investment court decision. A motion not to appeal the decision was made by Councilmember Bolton, seconded by Mayor Pro-tem Evans and carried unanimously.

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

There being no further business, the meeting was adjourned at 9:35 p.m. upon motion by Councilmember Kendrick and seconded by Councilmember McBryde.

Report was submitted in packet.

Respectfully submitted,

Janet C. Jones, Deputy City Clerk

J. L. Dawkins, Mayor

beo

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	BID ITEM 5	ALTERNATE #1	ADD. #1	ADD. #2	ADD. #3	ADD. #4	CONTRACTOR LICENSE #	DBE COMPL	NON-SEG FAC CERT	NON-COLL AFFIDAVIT	BID SECURITY							
HATCHER \$2,712,292.00+	\$1,113,720.37 TRAINING CENTER	\$465,000.00	\$646,720.32	\$233,000.00	\$190,000.00	\$31,000.00		1 - \$ 1,000.00 2 - 1,000.00 3 - 1,000.00 4 - 1,000.00 5 - 1,000.00 6 - 1,000.00 7 - 1,000.00 8 - 1,000.00 9 - 1,000.00 10 - 1,000.00 11 - 1,000.00 12 - 1,000.00 13 - 1,000.00 14 - 1,000.00 15 - 1,000.00 16 - 1,000.00 17 - 1,000.00 18 - 1,000.00 19 - 1,000.00 20 - 1,000.00 21 - 1,000.00 22 - 1,000.00 23 - 1,000.00 24 - 1,000.00 25 - 1,000.00 26 - 1,000.00 27 - 1,000.00 28 - 1,000.00 29 - 1,000.00 30 - 1,000.00 31 - 1,000.00 32 - 1,000.00 33 - 1,000.00 34 - 1,000.00 35 - 1,000.00 36 - 1,000.00 37 - 1,000.00 38 - 1,000.00 39 - 1,000.00 40 - 1,000.00 41 - 1,000.00 42 - 1,000.00 43 - 1,000.00 44 - 1,000.00 45 - 1,000.00 46 - 1,000.00 47 - 1,000.00 48 - 1,000.00 49 - 1,000.00 50 - 1,000.00 51 - 1,000.00 52 - 1,000.00 53 - 1,000.00 54 - 1,000.00 55 - 1,000.00 56 - 1,000.00 57 - 1,000.00 58 - 1,000.00 59 - 1,000.00 60 - 1,000.00 61 - 1,000.00 62 - 1,000.00 63 - 1,000.00 64 - 1,000.00 65 - 1,000.00 66 - 1,000.00 67 - 1,000.00 68 - 1,000.00 69 - 1,000.00 70 - 1,000.00 71 - 1,000.00 72 - 1,000.00 73 - 1,000.00 74 - 1,000.00 75 - 1,000.00 76 - 1,000.00 77 - 1,000.00 78 - 1,000.00 79 - 1,000.00 80 - 1,000.00 81 - 1,000.00 82 - 1,000.00 83 - 1,000.00 84 - 1,000.00 85 - 1,000.00 86 - 1,000.00 87 - 1,000.00 88 - 1,000.00 89 - 1,000.00 90 - 1,000.00 91 - 1,000.00 92 - 1,000.00 93 - 1,000.00 94 - 1,000.00 95 - 1,000.00 96 - 1,000.00 97 - 1,000.00 98 - 1,000.00 99 - 1,000.00 100 - 1,000.00	6470	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							8089	X	X	X	X							
NEW SOUTH CONSTRUCTION \$2,524,896.00+	\$1,153,937.00	\$510,537.00	\$643,170.00	\$143,000.00	\$133,000.00	\$19,000.00							20987	X	X	X	X							
ELLIS WALKER BUILDERS \$2,482,506.00+	\$1,059,424.49	\$462,114.00	\$591,310.49	\$151,802.00	\$159,359.00	\$35,643.00							10909	X	X	X	X							
R. G. SNYDER, INC. \$3,233,857.00+	\$1,488,853.00	\$674,174.00	\$594,478.00	\$108,675.00	\$141,898.00	\$17,574.00							21523	X	X	X	X							
SIGMA CONSTRUCTION CO. \$2,387,308.00+	\$1,030,455.75	\$501,770.00	\$528,686.75	\$157,000.00	\$125,000.00	\$28,000.00							17443	X	X	X	X							

*

DRAFT

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBERS
433 HAY STREET
MONDAY, JUNE 1, 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); Thelbert Torrey (District 4); Suzan Cheek (District 5); and Mark Kendrick (District 6)

Absent: Ida Ross (District 2) and 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
Jason Brady, Public Information Officer
Mike Walker, City Engineer
Louis Chalmers, Traffic Services Director
Robert Barefoot, Parks & Recreation Director
Tim Wood, PWC Manager
Kai D. Nelson, Finance 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 Reverend Gary Strickland, Mt. Carmel Pentecostal Holiness Church, followed by the Mayor leading the Pledge of Allegiance to the American Flag.

RECOGNITION:

Mayor Dawkins presented service pins to the City Council members who have served at least five years. The pins were presented in recognition of their service to the City of Fayetteville and its citizens. The Councilmembers were awarded service pins as follows:

Councilmember Thelbert Torrey	5 years
Councilmember Mark Kendrick	5 years
Councilmember Tommy Bolton	5 years
Councilmember Joseph Pillow	5 years (absent)
Councilmember Ida Ross	5 years (absent)
Councilmember Milo McBryde	10 years (13 years total service)
Councilmember Mildred Evans	10 years (14 years total service)

Mayor Dawkins' wife, Mary Anne, presented him with a 15-year pin. The Mayor's son John, daughter Dawn, and her husband Jim Cason were present for the presentation.

1. Approval of Agenda

City Manager John Smith addressed the Council regarding funds of \$116,000.00 which the City had to pay to the federal government treasury. These federal arbitrage rebates were mandated in the 1986 tax reform package. The refunds consist of interest earned on revenue bonds in excess of the interest paid on the bonds by the City. (Ex: City pays 6% - earns 8% on investments - federal treasury gets 2% excess.) Mr. Smith stated in 1991 the U.S. Treasury received over \$90 million from municipalities across the country.

Mr. Smith asked to add Item 2.0, the Minutes of the May 4, 1992, City Council Meeting, to the Agenda for approval.

Mayor Dawkins announced Mr. Cogswell will be the legal representative for Glenn E. Odom in the request in Item 2.N.

ITEM 2.D.

Councilmember McBryde moved to approve the agenda, seconded by Councilmember Bolton, carried unanimously 7 to 0.

2. Consent:

Mayor Dawkins presented the consent agenda and asked if any item should be removed before calling for action. Councilmember Kendrick asked that Item 2D be pulled. Councilmember Bolton moved to approve the consent agenda exclusive of Item 2D, seconded by Mayor Pro-Tem Evans, carried unanimously 7 to 0.

Councilmember Kendrick asked what benefits the City receives from transferring the maintenance of streets from the North Carolina Department of Transportation in Item 2D. Mr. Smith stated that the streets would become a part of the City system and their mileage would count toward funds received from Powell Bills. Councilmember Kendrick moved to approve the transfer, seconded by Mayor Pro-Tem Evans, carried unanimously 7 to 0.

The following items were unanimously approved.

A. Approve minutes of information meeting of March 23, 1992.

B. Approve tax refunds over \$100.

<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
David Pere	Correct tax district to Westarea	Personal only	\$246.05

C. Approve request for fireworks display on June 6, 1992, from the Fayetteville Generals.

D. Approve proposed transfer of State (N.C. DOT) maintained roads to the City, effective July 1, 1992.

CITY OF FAYETTEVILLE, NORTH CAROLINA RESOLUTION AUTHORIZING THE ACCEPTANCE OF STREETS. RESOLUTION NO. R1992-067.

A copy of the foregoing resolution is on file in the clerk's office in Resolution Book R1992.

E. Adopt ordinance amending Chapter 20, Motor Vehicles and Traffic, of the City of Fayetteville Code of Ordinance for stop intersections on Sandystone Circle and Amberhill Court.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. NS1992-028.

A copy of the foregoing ordinance is on file in the clerk's office in Ordinance Book NS1992.

F. Adopt Capital Project Ordinance Closeouts 92-9, 92-10, 92-11, 92-12, 92-13, 92-14, 92-15, 92-16 and 92-17.

CPOC #92-9

The South East Fayetteville Gravity Drainage project has been completed. The purpose of the project was to replace a pumping station on Eastern Boulevard with a gravity drainage system to improve overall drainage capacity in the area.

CPOC 92-10

This project authorized the procurement of a Safety Training Advancement Robot (STAR). The robot is taken to area schools where it is used to promote safety awareness.

CPOC 92-11

The period of performance for the FY 1991 Juvenile Restitution Program has expired. The program was approved by Council on February 4, 1991. The purpose of the program was to provide a sentencing alternative which holds the offender accountable for their actions and encourages them to avoid further criminal involvement. This program was renewed for FY 1992.

CPOC 92-12

Airport Improvement Project No. 09 has been completed. The project was authorized for air carrier apron paving and lighting, construct internal airport access road and to construct parking lots at the Fayetteville Regional Airport.

CPOC 92-13, 92-14 and 92-15

Three Transit planning grants (NC90.2054, NC90.2073 and NC90.2073) have been completed. The purpose of these grants was to support annual and ongoing transportation planning activities mutually contracted between the City and the County.

CPOC 92-16

Transit Capital grant NC05.0040 has been completed. The purpose of the grant was to purchase major capital maintenance items, purchase shop equipment, purchase of support vehicles, purchase computer hardware and software, purchase miscellaneous equipment and project administration.

CPOC 92-17

The Pedestrian Linkages project has been completed. The purpose of the project was to design and construct pedestrian linkages from off-street parking areas to the Hay Street Transit Mall.

G. Adopt an ordinance amending Demolition Ordinance NS1992-023.

AN ORDINANCE AMENDING ORDINANCE NO. NS1992-023 OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. NS1992-029.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1992.

H. Set public hearing for June 15, 1992, for public input on Recommended Budget for FY 1992-1993.

I. Award contract for furnishing and installing prefabricated metal control building for Waters Edge Substation to Ellis-Walker Builders, Inc., low bidder, in the amount of \$98,527.00. (PWC) Bids received were as follows:

*Ellis-Walker Builders, Inc.	\$ 98,527.00
Bowness Construction	\$101,222.00
Cape Fear	\$109,695.00

J. Award contract for furnishing and installing prefabricated metal control building for Reilly Road Switching Station to Ellis-Walker Builders, Inc., low bidder in the amount of \$60,454.00. (PWC) Bids received were as follows:

Ellis-Walker Builders, Inc.	\$60,454.00
Bowness Construction	\$63,476.00
Cape Fear	\$69,302.00

K. Award contract for the construction of the Reilly Road 230kV Switching Station to Stackhouse, Inc., low bidder, in the amount of \$61,069.19. (PWC) Bids received were as follows:

*Stackhouse, Inc.	\$61,069.19
New River	\$65,466.00
Aubrey Silvey	\$65,620.00
C. W. Wright	\$66,466.00
Weeks Construction	\$69,574.00
Harrison-Wright	\$72,646.00
Eastern Utility	\$80,115.00

L. Award contract for the construction of the Waters Edge 230-66kV Substation to Eastern Utility, low bidder, in the amount of \$244,110.00. (PWC) Bids received were as follows:

*Eastern Utility	\$244,110.00
Aubrey Silvey	\$273,295.00
Stackhouse, Inc.	\$279,556.62
New River	\$283,596.00
C. W. Wright	\$291,824.00
Weeks Construction	\$298,699.00
Harrison-Wright	\$324,750.05

M. Award contract for the purchase of Hydraulic Fusion Machine to Fife Pipe Company, low bidder, in the amount of \$30,395.50. (PWC) Bids received were as follows:

*Fife Pipe Company	\$30,395.50
Consolidated Pipe	\$31,852.00

N. Approve request for legal representation by Glenn E. Odom.

Mr. Robert C. Cogswell, Jr., City Attorney, will be the legal representative for Mr. Odom.

O. Approve minutes of May 4, 1992, meeting.

3. Public Hearings:

Mayor Dawkins read the policy on the time limit for the public hearings and nonpublic hearings.

A. Consideration of adoption of resolution confirming assessment roll and levying assessments for street paving.

City Attorney Robert C. Cogswell explained the payment process and early-pay discount for the assessments. This is the advertised public hearing for this date and hour. Mr. Cogswell certified that notices have been sent first-class mail to the owners of the property shown on the preliminary assessment rolls.

1. Coronado Parkway (from Owen Drive to Eldorado Road).

The public hearing opened at 7:19 p.m. There was no one to speak in favor of this item.

Isadora Coachman, 2827 Coronado Parkway, spoke in opposition to the assessment. She stated the pavement is not as thick as before and that most citizens in this area are senior citizens who cannot afford the excessive charges being made against their property.

Lilly H. Bethea, 2828 Coronado Parkway, asked for clarification as to the payment of the assessment against her property.

Amelia Melvin, 2840 Coronado Parkway, asked about the curbing of the street and the payment plan. The annual installment plan was explained. There being no one else to speak, the public hearing was closed at 7:28 p.m.

Councilmember Kendrick asked the City staff to check to see if the petition on Coronado Parkway came in before the assessment fees went up from \$4.00 to \$10.00. Councilmember Bolton moved to table this item until the determination of the date of the petition could be made, seconded by Councilmember Robertson, carried unanimously 7 to 0.

2. Mawood Avenue (from Old Gate Road to Old Gate Road)

The public hearing opened at 7:30 p.m. There was no one to speak in favor of this item.

Mr. Roy Kerr, 5208 Mawood Avenue, spoke in opposition. He asked for clarification as to what the assessment was for. Mr. Mike Walker, City Engineer, stated that the assessment was for curbing, gutter, storm drains, or actually the entire roadway. Mr. Walker explained the overall cost of the project to the City and the method of assessing each property owner for the footage of their lot. A discussion ensued regarding the delay of the project by the contractor and the penalty imposed by the City. Mr. Kerr asked the City to consider the dollar effects that these assessments have on the residents.

Mr. D. H. Waters, 5245 Mawood Avenue, addressed the Council regarding the inconvenience of having the street project delayed. He felt that the property owner should receive the benefit directly for the penalty assessed against the contractor. He did not feel that his property had been benefited by this project. Mr. Waters stated he did not feel he should have to pay for concrete he already had.

Councilmember Cheek asked the staff to explain at the end of the public hearing why the street was rebuilt and how the assessment on Old Gate would be handled.

Mr. Earle Money, 5202 Mawood Avenue, spoke next. He wanted to know why Mawood received the concrete curbing and none of the other streets in the surrounding area have the same type curbing. Mayor Dawkins asked the staff to let the Council know about the City's curbing process.

Mr. Wilton King, 5218 Mawood Avenue, complained about the dust and mud. He stated he had been told his street would be strip paved and that was not what had happened. He also stated his deed shows 221 foot frontage and he's being billed for 227 feet.

Lieselotte Hunt also addressed the Council regarding her dissatisfaction of the current state of her yard.

The public hearing was closed at 7:59 p.m.

Councilmember Cheek moved that the damages which were collected from the contractor be deducted from the assessments of the property owners rather than from the whole project. No second was made.

Mayor Dawkins asked for clarification from Mr. Cogswell. Mr. Cogswell stated that this would run against the City Council's policy which states \$10 a square foot for paving. This action would have the effect of reducing the assessment rate from \$10.00 a foot. Mr. Cogswell asked that a continuation be granted for staff review of the situation. He would prefer to adjust the roll on a per lot basis.

Mayor Pro-Tem Evans asked the staff to prorate the assessments due to the delay in the performance of the contract. She made a substitute motion that this item be continued to June 15, 1992, seconded by Councilmember McBryde and carried unanimously 7 to 0.

Mayor Dawkins asked that a report be given to the Council answering the questions raised about the curbing and street construction on Mawood and the surrounding area. He felt that everyone should definitely be treated equally and an answer needed to be found.

Mr. Cogswell asked the Coronado Parkway item be readdressed. He stated that Council's policy on \$10.00 a foot was adopted on September 21, 1987, to be effective January 1, 1988. Mr. Cogswell explained that any petition received prior to December 31, 1987, would be assessed at \$4.00 per linear foot for each side of the street. The Coronado Parkway petition was dated April 12, 1990, with a cover memo dated May 29, 1991. It was received some time in 1990 or 1991. Mr. Cogswell expressed his opinion was the \$10.00 a foot fee would apply on this assessment roll.

RESOLUTION CONFIRMING ASSESSMENT ROLE AND LEVYING ASSESSMENTS.
RESOLUTION NO. R1992-068.

Councilmember Kendrick moved to approve the \$10.00 a foot assessment on Coronado Parkway, seconded by Councilmember Bolton, carried unanimously 7 to 0.

A copy of the foregoing resolution is on file in the clerk's office in Resolution Book R1992.

B. Consideration of adoption of resolution confirming assessment roll and levying assessments for installation of sanitary sewer collection system into the following areas: (PWC)

1. Calla Circle

The public hearing on Calla Circle was opened at 8:11 p.m. There was no one in favor of this item. Michael J. Frederickson addressed the Council and expressed his opposition to the assessment. Mr. Cogswell explained that North Carolina general statute requires that the assessments be based on the same charge per foot for each property owner on a street.

There being no one further to speak, the public hearing was closed at 8:16 p.m.

Councilmember Cheek asked if all of Mr. Frederickson's questions had been answered. Mr. Tim Wood, Manager of PWC, explained that no taxes are used in water or sanitary sewer projects by PWC. The projects are paid from revenues received by PWC from charges for services provided. Charges are made for monies expended for services being provided each home.

Councilmember Evans moved to approve the resolution on Calla Circle, seconded by Councilmember Bolton, carried unanimously 7 to 0 at 8:17 p.m.

2. Creed Street

The public hearing on Creed Street was opened at 8:19 p.m. There being no one to speak in favor or opposition, the public hearing was closed at 8:19 p.m.

Councilmember Robertson moved to adopt the resolution on Creed Street, seconded by Councilmember Cheek, carried unanimously 7 to 0 at 8:20 p.m.

3. Bragg Boulevard

No one being present to speak in favor or opposition, the public hearing on Bragg Boulevard was opened and closed at 8:20 p.m. Mr. Tim Wood, PWC Manager, asked the Council to reconsider this order of assessment and strike the order levying the assessment on Bragg Boulevard.

Mayor Pro-Tem Evans moved to strike this assessment, seconded by Councilmember McBryde, carried unanimously 7 to 0.

4. Vivian Drive

No one being present to speak in favor or opposition, the public hearing on Vivian Drive was opened and closed at 8:21 p.m.

Councilmember Robertson moved to adopt the resolution on Vivian Drive, seconded by Councilmember Bolton, carried unanimously 7 to 0 at 8:22 p.m.

5. Woodhaven Drive

No one being present to speak in favor or opposition, the public hearing on Woodhaven Drive was opened and closed at 8:23 p.m.

Councilmember Robertson moved to adopt the resolution on Woodhaven Drive, seconded by Councilmember Cheek, carried unanimously 7 to 0 at 8:24 p.m.

6. Arbutus Trail

No one being present to speak in favor or opposition, the public hearing on Arbutus Trail was opened and closed at 8:25 p.m.

Mayor Pro-Tem Evans moved to adopt the resolution on Arbutus Trail, seconded by Councilmember Robertson, carried unanimously 7 to 0 at 8:26 p.m.

7. Kinlaw Road

No one being present to speak in favor or opposition, the public hearing on Kinlaw Road was opened and closed at 8:27 p.m.

Councilmember Robertson moved to adopt the resolution on Kinlaw Road, seconded by Mayor Pro-Tem Evans, carried unanimously 7 to 0 at 8:32 p.m.

8. US 401 North

The public hearing on US 401 North was opened at 8:33 p.m. No one was present to speak in favor. John Keefe, 5833 Woodhouse Circle, addressed the Council and stated his opposition to this assessment. He stated he believed it was unfair to charge City residents for sewer that should be paid for by City taxes. He also stated he wished to protest PIN No. 0530-12-75-7770 Sewer Assessment. He was protesting this because he already had City water and sewer on this property for which he had paid.

Mr. Henry Powers of PWC addressed the Council. He stated that PIN No. 053-12-757770 was not where the sewer was located. He stated a different tract of land is involved. The public hearing closed at 8:35 p.m.

Councilmember Cheek moved to continue this item until the June 15, 1992, meeting, seconded by Councilmember Bolton, carried unanimously 7 to 0.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR INSTALLATION OF SANITARY SEWAGE COLLECTION SYSTEM. RESOLUTION NO. R1992-069.

The foregoing resolution was approved as stated above on Calla Circle, Creed Street, Vivian Drive, Woodhaven Circle, Arbutus Trail, and Kinlaw Road. A copy of the foregoing resolution is on file in the clerk's office in Resolution Book R1992.

C. Consideration of the paving of Inglewood Drive from Cedar Creek Road to Dead End.

There being no one present to speak in favor or opposition, the public hearing was opened and closed at 8:43 p.m. Mr. John Smith explained that because of the addition of a cul-de-sac at the end of this street, it no longer qualifies as a petition project. Therefore, it needs to be readvertised as a Council-ordered paving project. Petition projects require over 50 percent of the abutting property owners and over 50 percent of the footage. We still have 50 percent of the property owners but only 49 percent of the footage.

Mr. Smith recommended adoption of a new resolution restating the project as a Council-ordered project.

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT PETITION OF ENGLEWOOD DRIVE FROM CEDAR CREEK ROAD TO DEAD END. RESOLUTION NO. R1992-070.

Councilmember Bolton moved to adopt the foregoing resolution, seconded by Councilmember Kendrick, carried unanimously 7 to 0.

A copy of the foregoing resolution is on file in the clerk's office in Resolution Book R1992.

D. Consideration of adoption of an ordinance extending the corporate limits of the City of Fayetteville, North Carolina [Pepperidge Mobile Home Park, 1802 Shaw Road (petition-initiated contiguous area)].

Deputy City Manager Roger Stancil introduced this item and stated it was a mobile home park contiguous to the City which had been closed down by the Cumberland County Health Department because of septic tank problems. The current owner is planning to correct the problem and reopen the park. It is a requirement of the Health Department that the park be connected to public sewer. Pursuant to City policy, Mr. Hurt submitted a petition for annexation in order to extend the sewer into his park. Mr. Stancil recommended approval of the annexation.

Councilmember Kendrick asked for clarification as to whose inspection standards the mobile home park would have to adhere. Mr. Stancil stated each individual unit would be subject to the standards set by the City of Fayetteville.

The public hearing opened at 8:50 p.m. Mr. John Hurt, 2217 Stanton Road, the owner of the property, stated that he was not actually in favor of this annexation. He only requested the annexation because it was required in order for him to extend the sewer onto his property. He has paid PWC for that sewer. He didn't feel the City could help him and he would prefer to follow the County standards.

There being no one else to speak in favor or opposition, the public hearing closed at 8:52 p.m.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ANNEXATION ORDINANCE NO. 1992-06-351.

Councilmember Kendrick moved to deny the annexation, seconded by Councilmember Robertson.

A discussion ensued regarding the City's policy on forced annexation. Mr. Smith recommended adoption of this ordinance. The motion to deny annexation

failed by a vote of 4 to 3 with Councilmembers McBryde, Cheek, Evans, and Bolton voting in opposition and Councilmembers Kendrick, Robertson, and Torrey voting in favor.

Councilmember McBryde moved to approve the annexation ordinance, seconded by Councilmember Cheek, carried unanimously 7 to 0.

4. PWC Matters:

- A. Consideration of award of contract for expansion of Rockfish Creek Wastewater Treatment Plant, Section III (electrical) to Watson Electric Company. (PWC)

Councilmember Kendrick moved to award the contract, seconded by Councilmember Bolton, carried unanimously 7 to 0.

- B. Consideration of Budget Amendment No. 1 for:

1. Creek Capital Project Fund
2. Revenue Bonds Capital Project Fund
3. 1991-1992 PWC Budget

Councilmember McBryde moved that Items 1, 2, and 3 be approved, seconded by Mayor Pro-Tem Evans, carried unanimously 7 to 0.

5. Consideration of request to address City Council from Jennifer Gardner.

Ms. Gardner did not appear before Council. No action was taken.

6. Consideration of request to address City Council from Richard Spell, Executive Director, Cumberland County Dispute Resolution Center.

Mr. Richard Spell, Executive Director, asked the Council to reconsider their denial of request for five parking spaces in the Donaldson Street parking lot to be used by their employees and staff.

Councilmember McBryde requested the City staff to do a study of the use of this parking lot and report back to Council on June 15, 1992, seconded by Councilmember Robertson, carried unanimously 7 to 0.

7. Consideration of sale of property located at 225-227 Hay Street.

City Manager John Smith presented this item. He reviewed the offer of purchase by Olde Fayetteville Investments and the damage claim of approximately \$26,000.00 made by Mr. Joe McLaughlin and his attorney, Neil Yarborough. Mr. Smith presented a settlement claim which had been received on Saturday in the amount of \$22,000.00. Mr. Smith requested a delay of two weeks in order that the settlement offer could be given consideration.

At this time Mayor Dawkins announced that on a nonpublic hearing item only three speakers can be allowed to speak. Each person will have three minutes to speak for a total time of 9 minutes.

Wayne McGary, Chairperson, Fayetteville Historic Resources Commission; Bill Carey, Executive Director; Olde Fayetteville Association; Dawn Berg, Olde Fayetteville Investments, Inc.; Dr. Menno Penninck, Prince Charles Hotel, addressed the Council and asked for the approval of the sale of this property for the betterment of Downtown Fayetteville.

Attorney Neil Yarborough addressed the Council and asked them to protect his client's interests in this matter.

Councilmember Bolton moved to delay this item until the June 15 meeting, seconded by Councilmember Kendrick, carried unanimously 7 to 0.

8. Consideration of approval of operating agreement for use of Tokay Recreation Center.

Councilmember McBryde moved to approve the agreement, seconded by Councilmember Kendrick, carried unanimously 7 to 0.

9. Consideration of request for release of lease agreement for a portion of Clark Park for Veterans Nursing Home.

Councilmember McBryde moved to authorize the City Manager to execute a release under the lease provisions of Clark Park for up to 12 acres located north of the Norfolk and Southern tracks for the purpose of the construction of a veterans home subject to the following conditions:

1. City of Fayetteville Parks & Recreation Department be granted input during the design process and be granted site plan review and approval throughout the project.
2. Access to the project not conflict with the current Clark Park access at Sherman Drive.

Motion was seconded by Councilmember Kendrick, carried unanimously 7 to 0.

10. Consideration of proposed railroad crossing improvement projects.

City Manager John Smith presented this item and recommended the approval of the agreement for the Franklin and Winslow Streets crossing.

Councilmember Bolton moved to approve the agreement, seconded by Councilmember Kendrick, carried unanimously 7 to 0.

A COPY OF THIS AGREEMENT IS ATTACHED AS EXHIBIT A AND INCORPORATED FULLY AS A PART OF THESE MINUTES.

Councilmember Kendrick asked when Cheselka Street railroad crossing would be done by the North Carolina Department of Transportation. Mr. Louis Chalmers reported that it would be three to five years before NCDOT will get to this project. He stated that the City could contract to do the project at a cost of approximately \$75,000.00.

Councilmember Cheek moved that we approach the Department of Transportation through our board representatives and other channels and express the urgency for these lights and ask that there be reconsideration of the priority of this crossing by the State Department of Transportation, seconded by Councilmember Robertson, carried unanimously 7 to 0.

11. Presentation of Revenue Budget for Fiscal Year 92-93.

John Smith, City Manager, presented the 1992-93 Proposed Budget. Budget workshops were set for June 8 and June 10 at 7:00 p.m. in the First Floor Multipurpose Room, City Hall.

12. Appointments.

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

Councilmember Kendrick moved to elect Jon McCants, seconded by Councilmember Bolton, carried unanimously 7 to 0.

B. Nominations to fill three vacancies on the Airport Commission.

Councilmember Kendrick nominated Dr. Dudley Miller for a second term. Mayor Pro-Tem Evans nominated Leonard Hedgepath for a first term. Councilmember Torrey nominated Monroe Evans and Ted Kenney. Councilmember Cheek nominated Delores Vaquez for a first term. Councilmember Bolton nominated Bob Norman for a first term.

Councilmember Cheek requested the staff do a feasibility study as to the placement of a travel agency business person on the Commission in either an official capacity or an ex-officio capacity.

C. Nominations to fill one vacancy on Public Works Commission.

Councilmember Kendrick nominated Lyndo Tippett to serve another four-year term.

D. Nominations to fill one vacancy on Public Works Commission Retirement Board.

There were no nominations to fill this vacancy.

E. Nominations to fill one vacancy on Joint Planning Board.

Councilmember Kendrick nominated Sue Bandy to fill the one vacancy on this board.

13. Administrative Reports:

A. Tax refunds of less than \$100.00

The following tax refunds of less than \$100 were approved for the month of April, 1992:

<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
Jones, Herbert A.	1986 Ford charged on Bill No. 4548998	Personal only	\$35.87
Hall, Johnnie D.	Adjust value per audit	T/A Johnnie Hall Real Estate	\$43.49
Ford, Steven G. & Mary Ann	1985 150 HP motor double listed in error	Lot 163, Montclair Sec 1 849 Stoneykirk Drive and Personalty	\$99.22
Ellis, George H., III	Clerical error; taxpayer listed a 1981 Buick not owned per bill of sale	Personal only	\$32.01
Dutton, Ronald E. & wife, Nancy E.	Illegal tax; vehicles are registered for South Dakota/Maryland plates	1989 Oldsmobile Cutlass Sierra SL 1987 Nissan Sentra	\$79.81
Cain & Cain, Inc.	Equipment cost figures in error per audit	Loc: 214 Fairway Drive, business personal property	\$18.99
McElveen, Alice	1977 Dodge failed to be deleted during data entry		\$12.73
Shepherd, Henry Kenneth	Illegal tax: 1987 Dodge located in Lenoir County	91 Disc, 1987 Dodge	\$36.89
Smith, Barbara Jean	Taxpayer was charged with a 1990 Honda in error during discoveries	1991 Disc, 1990 Plym & 1990 Honda	\$70.75
Wood, Jason D.	Outboard boat charged as an inboard boat in error		\$16.20

B. Report on concerns expressed by Nix Road residents.

This report was submitted in the agenda packet.

There being no further business, the meeting was adjourned at 9:40 p.m. by motion of Councilmember Bolton, seconded by Councilmember McBryde, carried unanimously 7 to 0.

Respectfully submitted,

Janet C. Jones
Deputy City Clerk

JCJ/bex

Attachments

FAYETTEVILLE CITY COUNCIL
BUDGET WORKSHOP
CITY HALL MULTIPURPOSE ROOM
433 HAY STREET
MONDAY, JUNE 8, 1992
7:00 P.M.

Present: Mayor J. L. Dawkins

Councilmembers Mildred Evans, Milo McBryde, Nat Robertson, Tommy Bolton, Thelbert Torrey, Suzan Cheek, and Mark Kendrick

Absent: Councilmembers Ida Ross and Joseph Pillow

Others Present: Incoming Councilmembers Robert Massey and Breeden Blackwell
John P. Smith, City Manager
Roger L. Stancil, Deputy City Manager
John B. Brown, Jr., Assistant City Manager for Administration
and Finance
Kai Nelson, Finance Director

Mayor Dawkins called the meeting to order. He recognized City Manager John Smith who presented highlights of both the recommended budget and the proposed budget from the Public Works Commission.

Councilmember McBryde suggested that the Council look closely at the Public Works Commission budget and also investigate the feasibility of operating a cablevision system. Mayor Pro-Tem Evans indicated there was little to change in the recommended budget and that the important issue was the tax rate. Councilmember Cheek suggested that the City Manager look at ways to provide a cost-of-living increase to employees within a 56-cent tax rate.

Upon motion by Councilmember McBryde, seconded by Councilmember Robertson, Council voted unanimously to recess until Wednesday, June 10, at 7:00 p.m. in the Multipurpose Room of City Hall.

Roger L. Stancil, Deputy City Clerk

ITEM 2.E.

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FAYETTEVILLE CITY COUNCIL
BUDGET SESSION
CITY HALL MULTIPURPOSE ROOM
433 HAY STREET
WEDNESDAY, JUNE 10, 1992
7:00 P.M.

Present: Mayor J. L. Dawkins

Councilmembers Milo McBryde, Nat Robertson, Tommy Bolton, Ida Ross, Thelbert Torrey, Suzan Cheek, and Mark Kendrick

Absent: Councilmembers Mildred Evans and Joseph Pillow

Others Present: Incoming Councilmember Robert Massey
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
Kai Nelson, Finance Director

Mayor Dawkins called the meeting to order. He recognized City Manager John Smith who discussed capital items which could be deleted from the recommended budget in order to find a cost-of-living increase for City employees. He recommended that these deleted items be considered along with PWC capital requests after the beginning of the fiscal year. Mr. Smith's proposal was a three (3) percent cost-of-living increase for all employees with one (1) year service. Starting rates in the pay plan will remain where they are. He suggested that Council consider adding the adoption of the budget to the next Council meeting agenda.

Upon motion by Councilmember McBryde, seconded by Councilmember Bolton, Council voted unanimously to meet with PWC no earlier than mid-July to discuss the City's capital needs. Councilmember McBryde stated this was a good budget and a good process. Upon motion by Councilmember McBryde, seconded by Councilmember Cheek, Council voted unanimously to adjourn at 7:50 p.m.

Roger L. Stancil, Deputy City Clerk

ITEM 2.F.



FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBERS
433 HAY STREET
MONDAY, JUNE 15, 1992
7:00 P.M.

DRAFT

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
Jason Brady, Public Information Officer
Al Mitchell, Assistant City/County Planning 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

Fire Chief Duke J. Piner gave the Invocation followed by the Mayor
leading in the Pledge of Allegiance to the American Flag.

Councilmember Bolton moved to excuse Councilmember Pillow, seconded by
Councilmember Ross and carried unanimously 8 to 0.

RECOGNITION:

Mayor Dawkins presented Councilmember Ross with her five-year service
pin.

1. Approval of Agenda

John Smith, City Manager, addressed the Council and asked that Item 16,
cancellation of the information meeting, be added at the end of the agenda.
He stated that Mr. Cogswell has called for an executive session to discuss
litigation as part of Item 8.

Councilmember McBryde moved to approve the agenda with the changes,
seconded by Councilmember Kendrick and carried unanimously 8 to 0.

2. Consent:

Mayor Dawkins presented the consent agenda and asked if any item should
be removed before calling for action. Councilmember Bolton moved to approve
the consent agenda, seconded by Councilmember Kendrick and carried unanimously
8 to 0.

- A. Set public hearing for July 20, 1992, to consider the rezoning from R10
Residential District to R5 Residential District or to a more restrictive
zoning classification for an area located at 3000 Lake Club Drive.
(P92-55)
- B. Approve the rezoning from C1P Shopping Center District to C3 Heavy
Commercial District or to a more restrictive zoning classification for
an area located on the north side of Legend Avenue, east of Skibo Road.
(P92-47)
- C. Adopt Special Revenue Project Ordinances 92-4 and 92-5 and Budget
Ordinance Amendment 92-12. The following is a synopsis of each action:

SRPO #92-4

The Parks and Recreation Department has been awarded an Urban Park
and Recreation Recovery (UPARR) grant in the amount of \$100,000
from the U.S. Department of the Interior. The grant agreement
requires the City to provide a local match of \$42,857 resulting in
a total project appropriation of \$142,857. The program is
designed to provide stimulating fitness, cultural and preventative
substance abuse/crime programs for impaired and at-risk youth ages
8-14. The grant expires September 30, 1993.

SRPO #92-5

The Police Department has awarded a State and Local Narcotics
Control grant in the amount of \$82,701 from the NC Department of

ITEM 2.G.

Crime Control & Public Safety. The grant agreement requires the City to provide a local match of \$27,567 resulting in a total project appropriation of \$110,268. The program is designed to provide a systematic approach to drug prevention and other criminal problems in neighborhoods. The grant expires June 30, 1993.

BOA #92-12

This action appropriates local matches totaling \$70,424 as required by the grant agreements of the previously mentioned UPARR and the State and Local Narcotics Control grants.

- D. Approve renewal of contract for professional audit services for Fiscal Year ending June 30, 1992, for a fee of \$61,425.
- E. Approve request for fireworks display on July 4, 1992, from the Fayetteville Generals.
- F. Set public hearing for July 20, 1992, to consider a Collector Street Plan for the City of Fayetteville.

3. Public Hearings:

Mayor Dawkins stated the policy on the time limit for the public hearing speakers as well as non-public hearing speakers. He announced that only three minutes would be allotted to each organization speaking during the 1992-93 Budget public hearing.

- A. Consideration of 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)

Al Mitchell, Assistant City/County Planning Director, presented this item. He informed the Council that the Planning Board recommended the denial of the petition to rezone.

Councilmember Bolton inquired as to why the recommendation was to deny. Mr. Mitchell stated the Board felt it would promote strip development down Morganton Road.

The public hearing opened at 7:17 p.m. Mr. Robert A. Lackey, 5322 Morganton Road, and Mr. Roland Harris, Jr., an employee of Bill Maxwell Realty, addressed the Council and expressed their support for the rezoning. Mr. Bill Maxwell asked to be heard after the opposition had appeared.

Mr. Wilton E. King, 5218 Mawood Street; James H. Kinne, 5414 Tarheel Drive; Tony Noble, 111 Hearthatone Drive; and Charles A. Strike, 5407 Tarheel Drive, stated their opposition to the rezoning. Mr. King had signatures of 196 residents of the area who were expressing their opposition also. Mr. Noble asked the Council to follow the advice of the Planning staff.

Mr. Bill Maxwell declined to address the Council at this time. There being no one further to speak, the public hearing closed at 7:40 p.m.

Mayor Pro-Tem Evans moved to deny the C1 rezoning, seconded by Councilmember Cheek and carried unanimously 8 to 0.

Councilmember Cheek asked Mr. Smith to have the Police Department review the speed limit enforcement situation on Morganton Road in this area.

- B. Consideration of 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)

Mr. Al Mitchell presented this Special Use Permit request and recommended its approval. He reminded the Council that the motion must include the findings as set out in Section 32-20 of the Fayetteville City Code.

Councilmember Cheek asked Mr. Mitchell to address the buffering issue.

Mr. Mitchell stated the 6 foot solid fencing requirement would have to be met as a buffer to the residential area.

The public hearing opened at 7:48 p.m. Mr. Barden Lanier, P.O. Box 1237, Jacksonville, NC, addressed the Council and asked that the Special Use Permit be issued. There being no one present in opposition, the public hearing closed at 7:50 p.m.

Councilmember Cheek moved to approve the Special Use Permit with the following findings of fact and conditions:

- (a) The proposed activity is free of objectionable characteristics such as noise, smoke, and fumes;

- (b) Pedestrian and vehicular traffic will not be obstructed by loading and unloading activities;
- (c) Existing first floor retailing activities along the block face containing the site are not disrupted by the proposed use;
- (d) The proposed use complies with the applicable fire code; and
- (e) A solid 6 foot fence be erected along the residential line as a buffer.

The motion was seconded by Councilmember McBryde and carried unanimously 8 to 0.

C. Consideration of adoption of resolution confirming assessment roll and levying assessments for installation of Sanitary Sewer Collection System into the following areas: (PWC)

1. Ruritan Drive

There being no one present to speak in favor or opposition, the public hearing opened and closed at 7:51 p.m.

2. Jarvis Street

The public hearing was opened at 7:52 p.m. No one appeared in favor. Mr. Thomas J. Gravley, 107 Ruritan Drive, appeared in opposition. He stated his objection to the charge of \$12.00 per foot and the amount of square footage for which he was being assessed. Mr. Henry Powers of PWC stated that the cost per foot for this project was \$44.47 with PWC paying 73 percent and the residents paying 27 percent. Mr. Powers stated the contracts and bids are available for public inspection at any time.

The public hearing was closed at 7:55 p.m.

3. Tarheel Drive

The public hearing was opened at 7:56 p.m. There was no one present to speak in favor. Mr. James H. Kinne, 5414 Tarheel Drive, appeared in opposition. Mr. Kinne asked for information regarding the hookup of his property to the sewer line that was placed in the street in front of his home. Mr. Henry Powers of PWC explained that an application must be made to PWC to hook up to the line. At the time of application, a fee of \$280.00 (through June 30, 1992) or \$420.00 (after July 1, 1992) must be paid. PWC will then provide hookup to the owner's property line with the owner being responsible for the completion of the connection to his private system. Mr. Kinne expressed his dissatisfaction with the multiple charges involved.

There being no one further to speak, the public hearing closed at 7:59 p.m.

Councilmember Robertson asked if PWC had notified the public of the changes in the charges being made that were effective July 1, 1992. Mr. Powers said no notice had been sent.

4. Nix Road

The public hearing opened at 8:00 p.m. There was no one present to speak in favor. Mr. Herbert A. McCaskey, 4617 Nix Road, addressed the Council in opposition. He expressed his concern regarding the bond procedures used by the City. Mayor Dawkins explained that the bonds in question were revenue bonds and were not paid back from taxes paid by the citizens of Fayetteville, but rather were paid out of revenues received from PWC customers. Mr. McCaskey raised questions about the cost of the project. Mayor Dawkins referred him to Mr. Powers of PWC and asked that the two of them get together and go over the bids on this project.

Mr. Benjamin C. Weldon declined to speak at this time. There being no one further to speak, the public hearing was closed at 8:13 p.m.

6. Bellflower Street

The public hearing on Bellflower Street was opened and closed at 8:14 p.m. Mr. Charlie J. Stokes, 5589 Bellflower Street, declined to speak after having signed up. There was no one further to speak in favor or opposition.

7. Bedell Place

The public hearing opened at 8:15 p.m. There was no one present to speak in favor.

Mr. Rick Ballard, 205 Bedell Place, spoke in opposition to the assessment. He presented a City certified document which stated that both sanitation and a storm drain had been installed on his property. He stated in fact that no storm drain had ever been installed on his property. Mr. Ballard further stated that he talked with the Engineering Department and they had verified the lack of a storm drain and advised him to present this information to the Council. Mr. Ballard requested that the Council have a storm drain installed on his property. He also requested that someone look at the

condition of the paving on his street. He stated that the paving on Bedell Place had been perforated and patched seven times in five years and he would like to see it restored to a decent condition.

Mr. Ballard also expressed his dissatisfaction with the linear footage method of assessment charges. He stated this method created inequities to the taxpayers, and in other communities in which he had lived, assessments were based on anticipated use. It was his opinion that each citizen should be treated in a like manner and the tax rate should be the same for all persons. It has been his experience that each family uses the services provided equally and he feels they should have to pay for it in the same manner. If this was done, then he felt the citizens would not be as frustrated.

Mayor Dawkins commended Mr. Ballard on his presentation. City Manager John Smith stated he would have the storm drain situation checked out and a report would be made at the next Council meeting.

The public hearing was closed at 8:21 p.m.

Councilmember McBryde asked PWC why the linear footage method was used. Mr. Powers responded that it was the most widely used method but it did have inequities.

Councilmember Cheek requested that each street be heard and voted on separately. She asked Mr. Smith if the two streets, which had been assessed without petitions, were Tarheel Drive and Nix Road. Mr. Smith answered in the affirmative. Councilmember Cheek then stated that after hearing the anguish of the citizens in the newly-annexed areas, she did not feel it was fair to assess them for both water and sewer and paving and that it was her intention to ask that Tarheel Drive and Nix Road not be assessed for water and sewer.

Mayor Dawkins called for the vote on the following streets:

1. Ruritan Drive

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR INSTALLATION OF SANITARY SEWER COLLECTION SYSTEM. RESOLUTION NO. R1992-071.

Councilmember McBryde moved to approve the foregoing resolution, seconded by Councilmember Bolton and carried 7 to 1 with Councilmember Torrey voting against (confirmed at 8:24 p.m.).

2. Jarvis Street

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR INSTALLATION OF SANITARY SEWER COLLECTION SYSTEM. RESOLUTION NO. R1992-072.

Councilmember McBryde moved to approve the foregoing resolution, seconded by Councilmember Bolton and carried 7 to 1 with Councilmember Torrey voting against (confirmed at 8:25 p.m.).

3. Tarheel Drive

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR INSTALLATION OF SANITARY SEWER COLLECTION SYSTEM. RESOLUTION NO. R1992-073.

Councilmember Cheek moved not to assess the residents of Tarheel Drive for sanitary sewer, seconded by Councilmember Robertson and motion defeated by a vote of 3 for and 5 against with Councilmembers Evans, Torrey, Bolton, McBryde, and Kendrick voting against.

Mayor Pro-Tem Evans moved to assess Tarheel Drive, seconded by Councilmember Kendrick and carried by a vote of 5 to 3 with Councilmembers Ross, Cheek, and Robertson voting against (confirmed at 8:28 p.m.).

Mayor Dawkins raised the question as to whether this would require a second vote with Mr. Cogswell. Mr. Cogswell stated that if there were a problem, these items would be brought up at the next City Council meeting.

4. Nix Road

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR INSTALLATION OF SANITARY SEWER COLLECTION SYSTEM. RESOLUTION NO. R1992-074.

Councilmember Cheek moved to not assess the residents of Nix Road, seconded by Councilmember Robertson and motion defeated by a 5 to 3 vote with Councilmembers Evans, Torrey, Bolton, McBryde, and Kendrick voting against.

Councilmember McBryde moved to assess Nix Road, seconded by Councilmember Bolton and carried 5 to 3 with Councilmembers Ross, Cheek, and Robertson voting against (confirmed at 8:30 p.m.).

There being no one to speak in favor or opposition, the public hearings on Buie Circle, Bellflower Street, Campground Road, and Wintergreen Drive were opened and closed at 8:31 p.m.

5. Bellflower Street

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR INSTALLATION OF SANITARY SEWER COLLECTION SYSTEM. RESOLUTION NO. R1992-075.

6. Bedell Place

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR INSTALLATION OF SANITARY SEWER COLLECTION SYSTEM. RESOLUTION NO. R1992-076.

7. Campground Road and Buie Circle

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR INSTALLATION OF SANITARY SEWER COLLECTION SYSTEM. RESOLUTION NO. R1992-077.

8. Wintergreen Drive

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR INSTALLATION OF SANITARY SEWER COLLECTION SYSTEM. RESOLUTION NO. R1992-078.

Councilmember McBryde moved to approve the assessments on Buie Circle, Bellflower Street, Bedell Place, Campground Road, and Wintergreen Drive, seconded by Councilmember Robertson and carried unanimously 8 to 0 (confirmed at 8:32 p.m.).

Copies of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1992.

A discussion ensued regarding the PWC tap-on fee increase from \$280.00 to \$420.00. Councilmember Evans moved to request PWC to delay the increase of the tap-on fees which were effective July 1, 1992, for 90 days on a City-wide basis, seconded by Councilmember Bolton.

Mayor Pro-Tem Evans stated that she felt strongly the public should be made aware of this increase.

Mayor Dawkins stated that he wanted to clarify that this motion was a request only and that PWC has the statutory authority to set these rates and not the City of Fayetteville.

Mayor Dawkins then called for a vote. The motion carried 7 to 1 with Councilmember Torrey voting against.

D. Consideration of Recommended Budget for fiscal year 1992-93.

City Manager John Smith presented the 1992-93 Recommended Budget. Mr. Smith recommended funding for outside agencies remain at the exact same level as appropriated in the 1991-1992 fiscal year budget with no deletions or additions being made as to the agencies receiving funds.

The public hearing was opened at 8:55 p.m. and the following representatives of outside agencies were recognized with requests for consideration of contributions from the City to be considered in the budget: Arts Council represented by Tony Rand; Fayetteville Museum of Art represented by Tom Grubb; Orange Street Restoration represented by W. Edward Murphy; Olde Fayetteville Association represented by Bill Carey, Rape Crisis Volunteer of Cumberland County represented by Brownie Smathers; CONTACT represented by Bill Carey; Retired Senior Volunteer Program represented by Ed Anderson; Fayetteville Historic Resources Commission represented by Wayne McGary; Ambassador Refuge Community Center represented by Reverend Mary Montgomery; Fayetteville Area Sentencing Center represented by Horace Thompson; Dispute Resolution Center represented by Richard Spell.

There being no one further to be heard on this matter, the public hearing was closed at 9:10 p.m.

Councilmember McBryde moved to adopt the budget for the fiscal year 1992-1993 to include a 3 percent pay raise for all full-time, regular and part-time, regular employees with one year or more of service to be effective with the pay period beginning on July 29, 1992; to include a pay raise of 3 percent for the Mayor, members of City Council, City Manager, and City Attorney to be effective with the pay period beginning on July 29, 1992; to include funding to outside agencies at the 1991-1992 fiscal year appropriation level; to set the tax rates for the General Fund operations of City government at \$.56 per \$100.00 of assessed valuation and the Central Business District tax at 8.5 cents per \$100.00 assessed valuation, seconded by Councilmember Bolton.

Councilmember Ross inquired about the possibility of funding new outside agencies. Councilmember McBryde stated his motion was to follow Mr. Smith's recommendation and no new agencies would be funded.

Mr. Smith explained that this ordinance essentially put into effect the request of City Council that the funds for capital items that were discussed

be deleted and moved into salaries. The budget ordinance itself reflects only the PWC operating budget to include the operating capital expenses. The only thing not included is the transfers to the bond projects in the 1992 capital projects. These items will be taken up at a later date by the Council.

A discussion followed regarding the funding request of the Ambassador Refuge Community Center. Councilmember Ross asked that funding be found. Councilmember Cheek expressed her belief that the City was helping the homeless through their support of other organizations addressing this problem. Mr. Smith states that he did not recommend funding because there are other established agencies and a task force working in the community on a coordinated basis. He stated that the City does not fund any agency 100 percent and at this time the request of the Ambassador Refuge Community Center was for 100 percent funding.

Mayor Dawkins called for the vote on the budget ordinance and it was approved unanimously 8 to 0.

Mayor Dawkins expressed his appreciation to the City administration, City employees, City department heads, and City Council for the good work done on this year's budget process.

4. Planning Board Matter:

- A. Consideration of the rezoning from P2 Professional District to C1 Local Business District or to a more restrictive zoning classification for an area located at 160 North McPherson Church Road. (P92-52)

Mr. Al Mitchell presented this item.

Mayor Pro-Tem Evans moved to follow the recommendation of the Planning Board to deny C1 Local Business District and to approve C1P Shopping Center District, seconded by Councilmember McBryde and carried unanimously 8 to 0.

Councilmember Kendrick inquired about the need for a buffer. Mr. Mitchell stated that if the building is redone, the landscape ordinance will have to be followed. If the existing building is used, no changes will be required.

- B. Consideration of the rezoning from C1 Local Business District to C3 Heavy Commercial District or to a more restrictive zoning classification for an area located on the north side of U.S. 401 Bypass (Pamalee Drive) and the west side of Blanton Road. (P92-57)

Mr. Al Mitchell stated that the Planning Board recommendation was to have the first 170 feet, which was parallel to Blanton Road, remain C1 and the rest of the tract rezoned to C3. There was no opposition to this plan from the petitioners.

Mayor Pro-Tem Evans moved to approve the Planning Board's recommendation, seconded by Councilmember Ross and carried unanimously 8 to 0.

5. PWC Matters:

- A. Consideration of adoption to Budget Ordinance Amendment No. 2.

Mr. Ray Britt, Comptroller of PWC, presented this item. He stated PWC had had a very good year and then presented the City with a transfer of \$1 million.

Councilmember Robertson moved to adopt the PWC Budget Ordinance Amendment No. 2, seconded by Councilmember Kendrick and carried unanimously 8 to 0.

6. Consideration of confirming assessment roll and levying assessments for street paving on Mawood Avenue (from Old Gate Road to Old Gate Road).

Councilmember Bolton moved not to assess Mawood Avenue from Old Gate Road to Old Gate Road for street paving, seconded by Councilmember Cheek and carried unanimously 8 to 0.

7. Consideration of adoption of resolution confirming assessment roll and levying assessments for installation of sanitary sewer collection system into the following areas: (PWC) (Continued from June 1, 1992, meeting.)

1. U.S. 401 North

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR INSTALLATION OF SANITARY SEWER COLLECTION SYSTEM. RESOLUTION NO. R1992-079.

Councilmember Kendrick moved to adopt the foregoing resolution, seconded by Councilmember Cheek and carried unanimously 8 to 0 (confirmed at 9:00 p.m.).

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1992.

8. Consideration of sale of property located at 225-227 Hay Street.

Attorney Neil Yarborough informed the Council that he had filed a lawsuit on this date to protect his client. He stated this action would not stop the negotiation process.

Mr. Joe McLaughlin of J&J Speedy Demolition stated that he wanted either to demolish the building or to be treated fairly in the contract.

Councilmember Bolton moved to go into executive session for the purpose of discussing litigation, seconded by Councilmember Robertson and carried unanimously. The Council went into executive session at 9:05 p.m. The regular meeting reconvened at 9:13 p.m.

RESOLUTION AUTHORIZING THE SALE OF THE CITY OF FAYETTEVILLE PROPERTY. RESOLUTION NO. R1992-080.

Councilmember McBryde moved to adopt the foregoing resolution, seconded by Councilmember Bolton and carried unanimously 8 to 0.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1992.

9. Consideration of expansion of Fayetteville Airport Commission.

City Manager John Smith presented this item. There was no staff recommendation.

Councilmember Cheek moved to expand the Fayetteville Airport Commission by the addition of a two-year nonrenewable voting position which would be designated for a travel industry representative. The appointment would be effective July 1, 1992, seconded by Councilmember McBryde.

A discussion was held regarding the possible conflicts of interest that might arise out of this appointment.

Mayor Dawkins called for a vote. The motion carried 6 to 2 with Councilmembers Torrey and Ross voting against.

10. Consideration of ordinance amending Section 24-5 of the Fayetteville City Code of Ordinances.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 24-5 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1992-010.

Mayor Pro-Tem Evans moved to adopt the ordinance, seconded by Councilmember Kendrick.

Councilmember Robertson asked for clarification regarding the towing of cars. Mr. Cogswell answered his questions.

The vote was called for by Mayor Dawkins. The ordinance was unanimously approved by a vote of 8 to 0.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinances Book S1992.

11. Consideration of request for traffic signal installation at Sycamore Dairy Road and Bargain Street.

Councilmember Cheek moved to approve this request, seconded by Mayor Pro-Tem Evans and carried unanimously 8 to 0.

12. Consideration of amendment to Section 26-46 of the Fayetteville City Code of Ordinances.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REPEALING SECTION 26-46 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1992-011.

Councilmember McBryde moved to approve the foregoing ordinance, seconded by Councilmember Kendrick and carried unanimously 8 to 0.

A copy of the foregoing ordinance is on file in the Clerk's officer in Ordinances Book S1992.

13. Consideration of offer to purchase 331-333 Hay Street from Suva Enterprises.

Mr. Smith introduced this offer to purchase for \$10,000.00 the surplus property located at 331-33 Hay Street.

Councilmember Bolton moved to authorize the advertisement for upset bids with the following conditions:

1. This offer is subject to obtaining a loan within forty-five (45) days to purchase and renovate the property.

2. Buyers will be developing the building to be used as retail store, or offices.
3. Buyers will complete remodeling and repairs to the building no later than nine (9) months from the sale of building to Buyers, otherwise the ownership of the building will revert back to the Sellers.
4. All repairs and renovations will meet all code requirements for the proposed use as retail space.
5. All celetex tiles will be replaced.
6. Repairs will be made to damaged railings.
7. The stairway area will be repaired.
8. Dented painted areas will be smoothed out.
9. Bathrooms will be put in working order.
10. Interior walls will be painted and/or wallpapered.
11. The carpet in 331 Hay Street will be cleaned.
12. Carpet will be installed in 333 Hay Street
13. The exterior of the building will be repaired and painted in cooperation with The Fayetteville Historic Resources Commission.

The motion was seconded by Councilmember Kendrick and carried unanimously 8 to 0.

14. Appointments:

- A. Nominations to fill three vacancies on Airport Commission.

The Council elected Dudley Miller, Leonard Hedgepath, and Monroe Evans to fill the vacancies on the Airport Commission. Delores Vacquez was elected as the travel industry representative. Her two-year term will be effective July 1, 1992.

- B. Election of nomination to Public Works Commission.

Councilmember McBryde moved to elect Lyndo Tippett for a second four-year term, seconded by Councilmember Kendrick and carried unanimously 8 to 0.

- C. Nominations to fill one vacancy on Public Works Commission Retirement Board

Councilmember Ross nominated Glenn B. Adams for the Attorney vacancy on the Public Works Commission Retirement Board.

- D. Election of nomination to Joint Planning Board.

Mayor Pro-Tem Evans moved to elect Sue Bandy for her first term, seconded by Councilmember Ross and carried unanimously 8 to 0.

- E. Nominations to fill two vacancies on Fayetteville Board of Adjustments.

Councilmember McBryde nominated Kenneth Lancaster, Jr., and Ralph Huff for a re-appointment to a second term.

15. Administrative Reports:

- A. Statement of taxes collected for the month of May 1992 from the Cumberland County Tax Collector in the amount of \$80,839.26.

- B. Report on Donaldson Street parking lot operations.

John Smith presented this item. He referred to the report in the packet and related that the staff would like to study the situation and come up with a solution to this problem.

Councilmember McBryde stated that he would like to go on record and say that it was his feeling that there should be no charge for parking in downtown Fayetteville.

Councilmember Cheek asked that reconsideration be given to the area which had been designated for a parking lot on the corner of Mason Street and Ray Avenue. She expressed her opinion the Linear Park should not be used as a parking lot. Mr. Smith stated he thought it was part of the park plan. Councilmember Cheek asked the staff to check into the situation and report back to the Council.

Councilmember Evans asked the staff to please do a study as to a possible new location and the cost involved in relocating the Police Department.

16. Cancellation of information meeting.

Councilmember McBryde moved to cancel the June information meeting scheduled for June 22, seconded by Councilmember Kendrick and carried unanimously.

Councilmember Robertson asked to speak. He expressed his appreciation to Mayor Pro-Tem Evans for the years of service she has given to the City Council and to the City of Fayetteville.

There being no further business, Councilmember McBryde moved to adjourn, seconded by Councilmember Torrey and carried unanimously. The meeting was adjourned at 10:16 p.m.

Respectfully submitted,

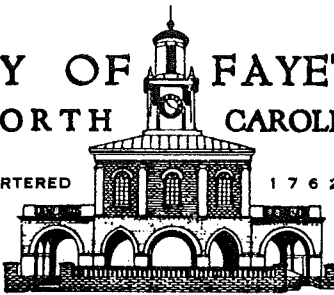
Janet C. Jones, Deputy City Clerk
JCJ/jkp

J. L. Dawkins, Mayor



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

June 18, 1992

MEMORANDUM

TO: John P. Smith, City Manager
FROM: Kai Nelson, Finance Director *KN*
SUBJECT: Tax Refunds

The following tax refunds for over \$100 have been requested:

<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
Taylor, Fred P. & Bonnie B.	Illegal tax: taxpayer listed vehicles that are registered in other states.		\$147.79

KN/be

FIN-183

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Dogwoods

ITEM 2. H.

TAXPAYER'S NAME TAYLOR, FRED P & BONNIE B

MAILING ADDRESS 157 ALOHA DR

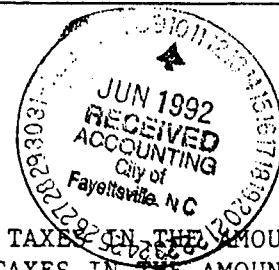
FAYETTEVILLE NC 28311-0291

BILL NUMBER 4421548

SOCIAL SECURITY/FEDERAL ID # 261-69-4582 589-18-2197

PROPERTY DESCRIPTION _____

CUMBERLAND COUNTY
SPECIAL BOARD OF E & R
PO DRAWER 449
FAYETTEVILLE NC 28302-0449



DEAF. BOARD MEMBERS AND CITY/TOWN COUNCIL MEMBERS:

DUE TO AN ERROR IN THE YEAR(S) 1991, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 173.13 AND CITY/TOWN OF FAYETTEVILLE TAXES IN THE AMOUNT OF \$ 147.79. I AM MAKING A WRITTEN DEMAND TO THE SPECIAL BOARD OF EQUALIZATION AND REVIEW AND TO THE CITY/TOWN OF FAYETTEVILLE FOR A REFUND OF OVERPAYMENT AS REQUIRED UNDER GENERAL STATUTE 105-381(b)(1).

NATURE OF CLERICAL ERROR: ILLEGAL TAX: TAXPAYER LISTED VEHICLES THAT ARE REGISTERED IN OTHER STATES.

SINCERELY,

Bonnie B Taylor SIGNATURE

April 15, 1992 DATE

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Horn DATE: MAY 27 1992

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Robert B. ... DATE: MAY 21 1992

ACTION TAKEN BY THE BOARD: APPROVED

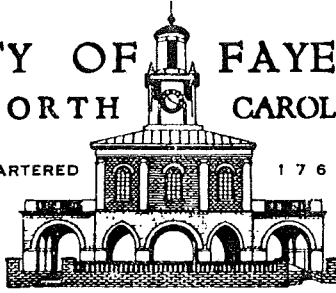
SIGNATURE: Lucisia Jarrell DATE: JUN 09 1992

VERIFIED BY THE CLERK TO THE BOARD: OK - Rhonda P Davis

DATE: 6-10-92

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

June 30, 1992

MEMORANDUM

TO: Kai D. Nelson, Finance Director *KDN*

FROM: Lisa T. Smith, Financial Planning & Reports Manager *LTS*

SUBJECT: Budget Ordinance Amendment 92-13

The attached budget ordinance amendment is necessary to take the following actions:

General Fund
Executive

Increase the appropriation by \$48,900. The increase is necessary due to an arrangement with HUD regarding the Community Services Director's salary. The director's salary will be charged entirely to the Executive Department for the period ending 6/30/92. The salary expenses will be recovered from the Community Development Block Grant through indirect cost reimbursements.

Administrative
Services

Increase the appropriation for the department by \$40,000 to cover costs incurred for the removal of underground storage tanks in compliance with EPA regulations.

Environmental
Services

Reduce the appropriation by \$88,900. The reduction is necessary to provide additional appropriations to the Executive and Administrative Services Departments (see above).

Traffic Services

Increase the appropriation by \$20,000 to cover utility expenses for street lights. The additional utility expenses will be reimbursed by the Public Works Commission.

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Dogwoods

ITEM 2.I.1.

Page 2
July 6, 1992

Central Business
Tax District Fund

Increase the appropriation by \$1,300 for tax collection services provided by the County. Additional tax collections will fund the increased appropriation.

Please submit Budget Ordinance Amendment 92-13 for Council consideration.

1991 - 1992 BUDGET ORDINANCE AMENDMENT
CHANGE 92 - 13

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

That the City of Fayetteville Budget Ordinance adopted July 15, 1991, as amended, is hereby amended as follows:

Section 1. It is estimated that the following revised anticipated revenues will be available during the fiscal year beginning July 1, 1991, and ending June 30, 1992 to meet the appropriations listed in Section 2.

<u>ITEM</u>	<u>LISTED AS</u>	<u>REVISION</u>	<u>REVISED AMOUNT</u>
<u>Schedule A:</u>			
General Fund			
Interfund Transfers	\$6,650,500	\$20,000	\$6,670,500
All Other General Fund Revenues	33,692,013	0	33,692,013
	<u>\$40,342,513</u>	<u>\$20,000</u>	<u>\$40,362,513</u>
<u>Schedule E:</u>			
Central Business Tax District			
Tax Revenue	\$61,150	\$1,300	\$62,450
All Other Central Business Tax District Revenues	122,370	0	122,370
	<u>\$183,520</u>	<u>\$1,300</u>	<u>\$184,820</u>

1991 - 1992 BUDGET ORDINANCE AMENDMENT
CHANGE 92 - 13

Section 2. The following revised amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 1991, and ending June 30, 1992, according to the following schedules:

<u>ITEM</u>	<u>LISTED AS</u>	<u>REVISION</u>	<u>REVISED AMOUNT</u>
Schedule A:			
General Fund			
Executive	\$487,971	\$48,900	\$536,871
Administrative Services	1,405,528	40,000	1,445,528
Traffic Services	1,534,567	20,000	1,554,567
Environmental Services	4,275,843	(88,900)	4,186,943
All Other General Fund Expenditures	32,638,604	0	32,638,604
	<u>\$40,342,513</u>	<u>\$20,000</u>	<u>\$40,362,513</u>
Schedule E:			
Central Business Tax District			
Total Estimated Central Business Tax District Expenditures	\$183,520	\$1,300	\$184,820

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



FAYETTEVILLE, NC 28302-1746

FINANCE DEPARTMENT
2ND FLOOR, CITY HALL

433 HAY STREET
P.O. DRAWER D

MEMORANDUM

JULY, 6 1992

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

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

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

SUBJECT: Capital Project Ordinance Admendment #92-13,
Capital Project Ordinance Closeout #92-18 and
Special Revenue Project Ordinance Admendment #92-4

Please find enclosed copies of subject Capital Project Ordinance Admendment (CPOA), Capital Project Ordinance Closeout (CPOC) and Special Revenue Project Ordinance Admendment (SRPOA). A synopsis of each action can be found below.

CPOA #92-13

During the 1992 fiscal year, the 1989 and 1991 bond sale proceeds earned interest in the amounts of \$124,873 and \$53,565 respectively. This ordinance recognizes the revenue and appropriates project expenditures.

CPOC #92-18 and SRPOA #92-4

These two ordinances are interrelated. CPOC #92-18 closes the Federal Forfeiture project and transfers a residual in the amount of \$15,273.00 to the State and Federal Special Revenue Fund. SRPOA #92-4 appropriates the residual from CPOC #92-18 to the Federal Forfeiture project established in the State and Federal Special Revenue Fund. This action completes the reclassification of Federal Forfeiture activities from capital to non-capital.

It is respectfully recommended that CPOA #92-13, CPOC #92-18 and SRPOA #92-4 be submitted to the Council for favorable consideration.

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Affirmative Action Employer
Dogwoods

ITEM 2.I.2.3,4

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 92-13 (CAP 88-834)

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 88-834, adopted July 20, 1987 for Bond Administration.

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:

Bond Interest - 1989 Sale	\$124,873
Bond Interest - 1991 Sale	<u>53,565</u>
	<u>\$178,438</u>

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

Project Expenditures - 1989 Sale	\$124,873
Project Expenditures - 1991 Sale	<u>53,565</u>
	<u>\$178,438</u>

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 6th day of July, 1992.

SPECIAL REVENUE PROJECT ORDINANCE AMENDMENT
CHANGE 92-4 (ORD 92-1)

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 project ordinance is hereby adopted:

Section 1. The project authorized is for Fayetteville Police Department utilizing Federal Forfeiture Funds.

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:

Federal Forfeiture Receipts	\$10,405
Interfund Transfer - Fund 44	15,273
	<u>\$25,678</u>

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

Project Expenditures	<u>\$25,678</u>
----------------------	-----------------

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

Adopted this 6th day of July, 1992.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 92-18 (CAP 89-980)

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 closed:

Section 1. The project closing is to CAP 89-980, adopted on July 5, 1988, amended on February 27, 1989, April 4, 1989, May 2, 1989, June 21, 1989, August 16, 1989, December 11, 1989, March 21, 1990, May 2, 1990, May 22, 1990, October 16, 1990, December 19, 1990, February 7, 1991, February 25, 1991, March 20, 1991, June 21, 1991, October 22, 1991, and November 5, 1991, for use the of Federal Forfeiture Funds by the Fayetteville Police Department. This project closeout will affect all of CAP 89-980.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of all grant and loan agreements outstanding.

Section 3. The following revenues were made available for the project:

Available	Used
Federal Forfeiture Receipts	\$333,374
Interest Earned - Federal Forfeiture Receipts	<u>8,450</u>
	<u>\$341,824</u>

Section 4. The following amounts were appropriated and expended for the project:

Estimated	Actual
Project Expenditures	<u>\$341,834</u>

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

Adopted this 6th day of July, 1992.

Cumberland County Board of Elections

Room 18 Cumberland County Courthouse
FAYETTEVILLE, NORTH CAROLINA 28301
919/678-7733

Geoffrey S. Smith, Jr. Chairman
Gladys C. Preston, Secretary
Andy McCall

Ann D. Barbour, Supervisor
Jane Barkley, Deputy

June 10, 1992

TO: BOBBIE A. JOYNER, CLERK
Fayetteville, NC

Enclosed is the certification of the City of Fayetteville election for Mayor and City Council held on June 2, 1992.

On June 4th, as mandated by law, the Cumberland County Board of Elections met and canvassed the returns of the election.

On June 8th Mr. Ben Watson submitted a request for a recount. The Board of Elections met on June 10th to consider the request. Mr. Watson asked for two precincts to be recounted in his race which was District # 3. Cross Creek # 9 and Cross Creek # 16 were recounted which resulted in a net gain of 2 votes for Mr. Ben Watson. This did not change the outcome of the election. Mr. Watson stated he was satisfied. The votes for Robert A. Massey, Jr. would be 667 and for Ben Watson 640.

Respectfully submitted,



Ann Barbour, Supervisor
of Elections

JUNE 4, 1992

CUMBERLAND COUNTY
NORTH CAROLINA

We, the undersigned Board of Elections of Cumberland County, North Carolina, do hereby certify that we met in the Courthouse at 11:00 AM on Thursday, June 4, 1992, and after canvassing the original returns of the Registrars and Judges of Election of the votes cast in the Municipal Election for Mayor and City Council in the City of Fayetteville, NC, held on June 2nd, 1992, we do hereby certify that the following are true and correct totals of votes cast for the following candidates in said returns:

<u>CANDIDATES</u>	<u>VOTES RECEIVED</u>
<u>FOR MAYOR</u>	
J. L. Dawkins	6,522
<u>FOR CITY COUNCIL</u>	
<u>DISTRICT # 1</u>	
Thomas M. (Tommy) Bolton, Jr.	619
<u>DISTRICT # 2</u>	
Irene Pittman Powell	329
Ida A. Ross	490
<u>DISTRICT # 3</u>	
Robert A. Massey, Jr.	667
Ben Watson	638
<u>DISTRICT # 4</u>	
Thelbert Torrey	1,091
<u>DISTRICT # 5</u>	
Suzan Cheek	1,165
<u>DISTRICT # 6</u>	
Mark Kendrick	1,107
<u>AT LARGE</u>	
J. Breeden Blackwell	4,871
Mildred Evans	4,052
Frank Milo McBryde	4,289
Nat Robertson, Jr.	4,283

We, therefore, certify that we have judicially determined that the votes received for candidates for Mayor and City Council resulted in the election of the following candidates:

FOR MAYOR:	J. L. Dawkins
FOR CITY COUNCIL	
District # 1:	Thomas M. Bolton, Jr.
District # 2:	Ida A. Ross
District # 3:	Robert A. Massey, Jr.
District # 4:	Thelbert Torrey
District # 5:	Suzan Cheek
District # 6:	Mark Kendrick
At Large:	J. Breeden Blackwell
	Frank Milo McBryde
	Nat Robertson, Jr.

Given under our hand and seal this 4th day of June, 1992.

CUMBERLAND COUNTY BOARD OF ELECTIONS

Guffey S. Smith CHAIRMAN

Gladys Preston MEMBER

[Signature] MEMBER

35
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

July 1, 1992

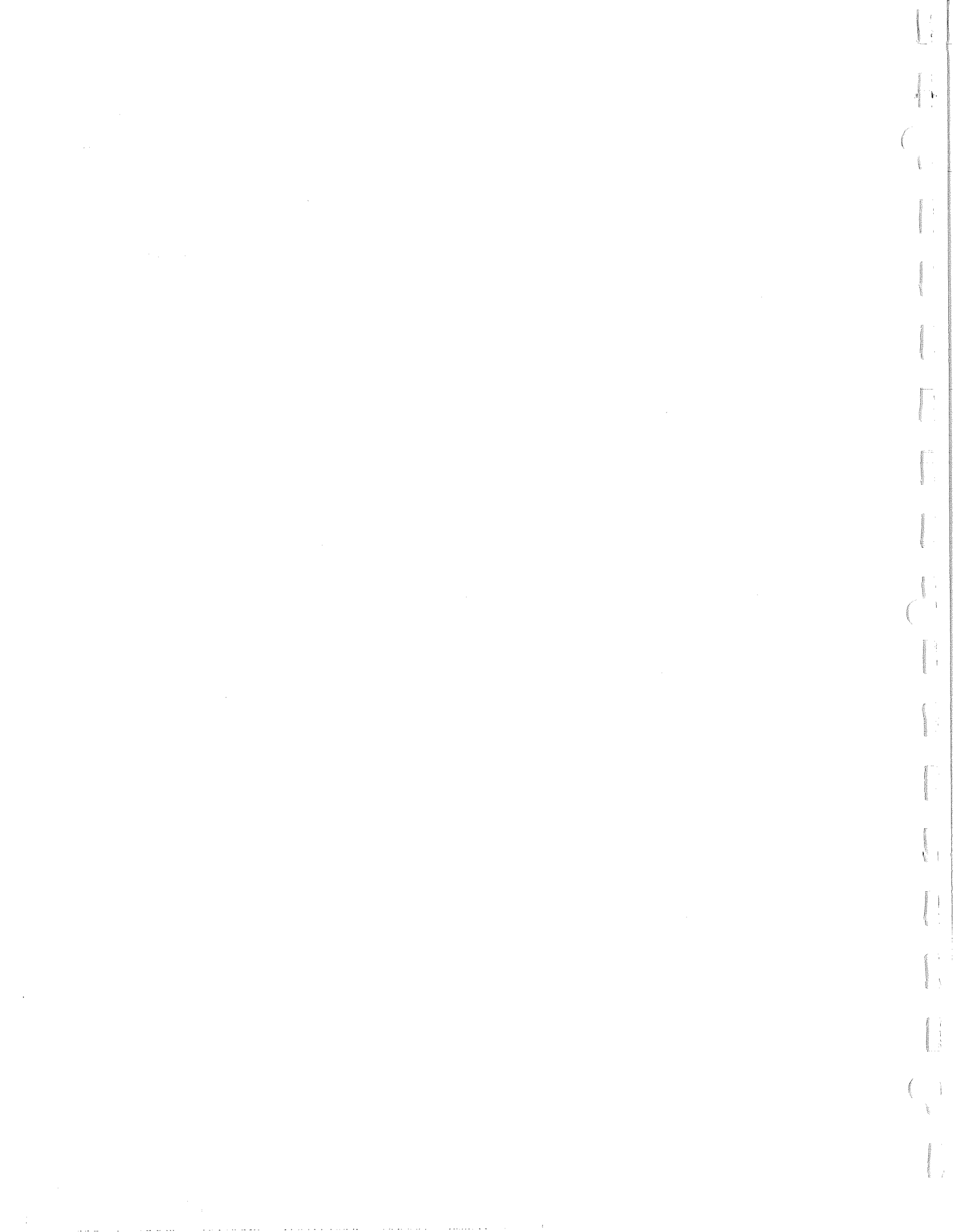
MEMO TO: FAYETTEVILLE CITY COUNCIL
FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD
SUBJECT: PUBLIC HEARING ITEM TO BE SET AT THE
JULY 6, 1992 CITY COUNCIL MEETING

- A. CASE NO. P92-68. THE REZONING FROM C1P SHOPPING CENTER DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE SOUTH SIDE OF TAMARACK DRIVE, WEST OF ROSEHILL ROAD (SR 1615). (FAYETTEVILLE ORDINANCE)

PLANNING BOARD DATE: JUNE 16, 1992
PLANNING BOARD ACTION: RECOMMENDED DENIAL
CITY COUNCIL SUGGESTED MEETING DATE: AUGUST 3, 1992

bs

ITEM 6.A.





ROBERT C. WILLIAMS, CHAIRMAN
W. LYNDO 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 I
PO DRAWER 1089
FAYETTEVILLE, NORTH CAROLINA 28302-1089
TELEPHONE (AREA CODE 919) 483-1401
FAX (AREA CODE 919) 483-1429

ELECTRIC & WATER UTILITIES

June 29, 1992

MEMO TO: John P. Smith, City Manager

FROM: Tim Wood, General Manager 

SUBJECT: PWC Items for City Council Agenda

6.B. Consider for adoption a Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place for Public Hearing on Preliminary Assessment Roll for Installation of Sanitary Sewer Collection System in **U.S. 401 North (west side)**.

Recommended Date: July 20, 1992

6.C. Consider for adoption a Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place for Public Hearing on Preliminary Assessment Roll for Installation of Sanitary Sewer Collection System in the following streets:

- a. Lynhurst Drive
- b. Blairmore Place
- c. Amstead Avenue
- d. Cliffdale Road
- e. Windermere Drive

Recommended Date: July 20, 1992

6.D. Consider for adoption a Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place for Public Hearing on Preliminary Assessment Roll for Installation of Sanitary Sewer Collection System in the following streets:

- a. Lansdowne Road
- b. Farmington Street
- c. Elstree Place
- d. Dahlgren Avenue
- e. Cornish Street

Recommended Date: August 3, 1992



Memo: John P. Smith
June 29, 1992
Page 2

6.E. Approval of bid award in the amount of \$166,519.25 to Video Pipe Service, Inc., low bidder, for Sanitary Sewer Rehabilitation Project. Bids were received June 2, 1992, as follows:

Video Pipe Service, Inc.	\$166,519.25
Precon Construction Company	\$185,836.80
Ocean Enterprizes (Bryant Electric)	\$186,677.00

TW:gm

enclosures

**RESOLUTION DECLARING COST
AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL
AND SETTING TIME AND PLACE FOR PUBLIC HEARING
ON PRELIMINARY ASSESSMENT ROLL
FOR INSTALLATION OF SANITARY SEWER COLLECTION SYSTEM**

WHEREAS, the extension of the sanitary sewer collection system ordered by Resolution of the City Council and duly passed on October 23, 1989, has been completed in accordance therewith into **U.S. 401 NORTH (west side, from the northeast corner of Lot 39, to southeast corner of Lot 23)**; and

WHEREAS, the cost of said improvements has been determined.

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

1. The property owner's share of the cost of the above described improvement has been computed and determined to be \$12.00 per front foot for sanitary sewer.

2. The Public Works Commission 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 benefitted by said improvements.

3. The City Clerk is hereby directed to make available during regular office hours, in his office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 20th day of July, 1992.

4. The Council will hold a public hearing in accordance with Chapter 160A Section 228 of the General Statutes of North Carolina, at 7:00 p.m., on the 20th day of July, 1992, at the Council Chamber in City Hall, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.

DRAFT

5. The Public Works Commission is hereby directed to issue public notice of the above described public hearing, to be published on the 10th day of July, 1992, and to secure publisher's affidavit certifying the advertisement of said hearing.

6. The Public Works Commission is hereby directed no later than ten (10) days before the public hearing to mail by first class mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

ADOPTED, this 6th day of July, 1992.

ATTEST:

J. L. Dawkins, Mayor

Bobbie Joyner, City Clerk

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

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

PUBLISH: July 10, 1992

**RESOLUTION DECLARING COST
AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL
AND SETTING TIME AND PLACE FOR PUBLIC HEARING
ON PRELIMINARY ASSESSMENT ROLL
FOR INSTALLATION OF SANITARY SEWER COLLECTION SYSTEM**

WHEREAS, the extension of the sanitary sewer collection system ordered by Resolution of the City Council and duly passed on November 20, 1989, has been completed in accordance therewith into **LYNHURST DRIVE, BLAIRMORE PLACE,, AMSTEAD AVENUE, CLIFFDALE ROAD, AND WINDEMERE DRIVE;** and

WHEREAS, the cost of said improvements has been determined.

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

1. The property owner's share of the cost of the above described improvement has been computed and determined to be \$12.00 per front foot for sanitary sewer.

2. The Public Works Commission 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 benefitted by said improvements.

3. The City Clerk is hereby directed to make available during regular office hours, in his office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 20th day of July, 1992.

4. The Council will hold a public hearing in accordance with Chapter 160A Section 228 of the General Statutes of North Carolina, at 7:00 p.m., on the 20th day of July 1992, at the Council Chamber in City Hall, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.

DRAFT

5. The Public Works Commission is hereby directed to issue public notice of the above described public hearing, to be published on the 10th day of July, 1992, and to secure publisher's affidavit certifying the advertisement of said hearing.

6. The Public Works Commission is hereby directed no later than ten (10) days before the public hearing to mail by first class mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

ADOPTED, this 6th day of July, 1992.

ATTEST:

J. L. Dawkins, Mayor

Bobbie Joyner, City Clerk

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

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

PUBLISH: July 10, 1992

**RESOLUTION DECLARING COST
AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL
AND SETTING TIME AND PLACE FOR PUBLIC HEARING
ON PRELIMINARY ASSESSMENT ROLL
FOR INSTALLATION OF SANITARY SEWER COLLECTION SYSTEM**

WHEREAS, the extension of the sanitary sewer collection system ordered by Resolution of the City Council and duly passed on November 20, 1989, has been completed in accordance therewith into **LANSDOWNE ROAD, FARMINGTON STREET, ELSTREE PLACE, DAHLGREN AVENUE, AND CORNISH STREET**; and

WHEREAS, the cost of said improvements has been determined.

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

1. The property owner's share of the cost of the above described improvement has been computed and determined to be \$12.00 per front foot for sanitary sewer.

2. The Public Works Commission 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 benefitted by said improvements.

3. The City Clerk is hereby directed to make available during regular office hours, in his office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 3rd day of August, 1992.

4. The Council will hold a public hearing in accordance with Chapter 160A Section 228 of the General Statutes of North Carolina, at 7:00 p.m., on the 3rd day of August, 1992, at the Council Chamber in City Hall, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.

DRAFT

5. The Public Works Commission is hereby directed to issue public notice of the above described public hearing, to be published on the 24th day of July, 1992, and to secure publisher's affidavit certifying the advertisement of said hearing.

6. The Public Works Commission is hereby directed no later than ten (10) days before the public hearing to mail by first class mail copies of the notice of hearing on the preliminary assessment roll to the owners of property listed thereon.

ADOPTED, this 6th day of July, 1992.

ATTEST:

J. L. Dawkins, Mayor

Bobbie Joyner, City Clerk

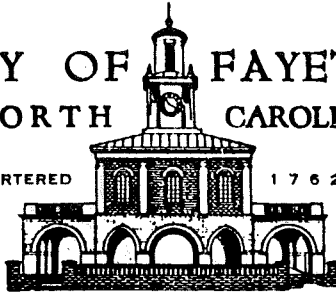
The following City Councilmembers voted for the passage of the above resolution:

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

PUBLISH: July 24, 1992

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

June 24, 1992

MEMORANDUM

TO: The Mayor and Members of the City Council

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

SUBJECT: Berry and Byrd; Redevelopment Loan

The attached memos and correspondence are self-explanatory. The owners have requested that the note be extended an additional five years. As you know, the renovation of the Sedberry-Holmes House by the Berry and Byrd law firm is one of the most attractive historical restorations in the downtown area and is an excellent example of the private/public joint venture to revitalize downtown. I concur with the request of the owners and the bank, and the recommendation of the Redevelopment Commission.

RCC/jkp

Attachments

An Equal Opportunity
City of

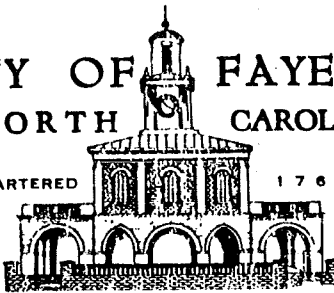


Affirmative Action Employer
Dogwoods

ITEM 6.F.

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



COMMUNITY SERVICES
DEPARTMENT

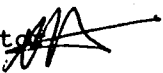
POST OFFICE BOX 635
(919) 433-1595

FAYETTEVILLE, NC 28302-0635

June 22, 1992

MEMORANDUM

TO: Robert C. Cogswell, Jr., City Attorney

FROM: Richard Herrera, Director 

SUBJECT: Estoppel and Modification Agreement; Extention of Loan to Berry and Byrd, Attorneys

Please be advised that at a June 22, 1992, Special Meeting of the Fayetteville Redevelopment Commission the extention of the loan repayment period for Berry and Byrd, Attorneys was approved.

Since you have previously made the presentation to the City Council after Commission approval, I will assume that you will do so with this one too.

COMMUNITY DEVELOPMENT-HUMAN SERVICES-INSPECTION-REDEVELOPMENT-REVITALIZATION

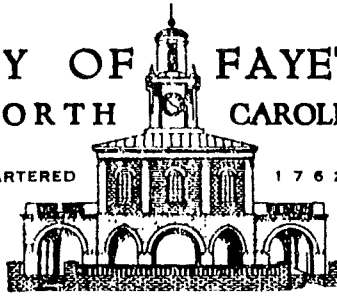
An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



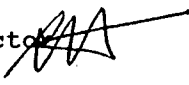
COMMUNITY DEVELOPMENT DEPARTMENT
FAYETTEVILLE REDEVELOPMENT COMMISSION
CITY HALL, 433 HAY STREET, ROOM 320
TELEPHONE (919) 433-1590

POST OFFICE BOX 635
FAYETTEVILLE, NORTH CAROLINA
28302

June 16, 1992

MEMORANDUM

TO: Robert C. Cogswell, Jr., City Attorney ,

FROM: Richard Herrera, Director 

SUBJECT: Estoppel and Modification Agreement; Extention of Loan to Berry and Byrd, Attorneys

Enclosed is an Estoppel and Modification Agreement on the Berry and Byrd property which was sent to me by Mr. Joe Temple. Please note that Mr. Temple would like to have the Agreement approved by June 30, 1992, however, it is my understanding that the City Council does not meet again this month. By copy of this memo, I am notifying Mr. Temple that the extention cannot be approved by his anticipated deadline.

If you need the Fayetteville Redevelopment Commission's approval, please let me know as soon as possible so that I may call a special meeting.

c: Mr. Joseph S. Temple

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

NationsBank of North Carolina, N.A.
P. O. Drawer 968
Fayetteville, NC 28302-0968
Tel 919 864-2020
Fax 919 864-4339

NationsBank

June 11, 1992


Mr. Richard Herrera
City of Fayetteville
Post Office Box 635
Fayetteville, North Carolina 28302-0635

**RE: Downtown Commercial Loan Program
City of Fayetteville/Berry & Byrd
Account No. CLS054311-26**

Dear Dick:

The referenced loan has matured and I wish to modify it for an additional five year period as per the attached Modification Agreement. Please obtain the necessary approval by the City and advise as soon as possible. The current interim modification expires 06/30/92 and it would be very helpful if your approval could be obtained by that date.

Sincerely,


Joseph S. Temple
Senior Vice President
City Executive

cdw

cc: Berry & Byrd

Enclosures

ESTOPPEL AND MODIFICATION AGREEMENT

We hereby certify that the note of Berry & Byrd Attorneys
to NationsBank of North Carolina, N.A. (formerly NCNB National Bank of NC) date
06-13-, 19 86, in the original amount of \$ 300,000.00, secured by Deed
of Trust recorded in the Public Registry of Cumberland County
in Book 3170, Page 734, is a valid and subsisting obligation of the undersigned maker (s
to the extent of \$ 188,334.03, the balance of the principal due thereon, with
interest from and after 06-30-, 19 92; that there are no defenses or offset
against the same and that the maturity and time of payment of the balance due on said note has been modified with the consent of th

undersigned so that the remainder of the principal and interest will be due in the following manner:
"NationsBank of North Carolina, National Association (sometimes abbreviated as NationsBank of NC
N.A.) is one and the same entity as NCNB National Bank of North Carolina, said Bank having chang
its name from NCNB National Bank of North Carolina, to NationsBank of North Carolina, National
Association, effective January 1, 1992."

Principal shall be paid in 59 equal monthly installments of \$1,500.00 each,
commencing on July 30, 1992, together with accrued interest and continue on the
same day of each successive month thereafter, with one final payment of all
unpaid principal plus accrued interest due on June 30, 1997. (Continued on reverse)

WITNESS my / our hand(s) and seals this _____ day of _____, 19 _____

NationsBank of North Carolina, N.A.
(all reference herein to "NationsBank" "Bank"
or "NCNB" or "North Carolina National
Bank" mean NationsBank of North Carolina, N.A.)

Berry & Byrd Attorneys

By: _____ (SEAL)
H. Dolph Berry, Partner

By: _____ (SEAL)
Wade E. Byrd, Partner

...there is a default under this Note (a) the entire balance outstanding hereunder and all other obligations of Obligors to Bank (however acquired) shall, at the option of Bank, become forthwith due and payable, without presentment, notice, protest or demand of any kind for the payment of any part hereof (all of which are expressly waived by Obligors), and/or (b) to the extent permitted by law, the rate of interest on the unpaid principal shall, at the option of Bank, be increased to the greater of (i) three percent (3%) over the contract rate (as shown on the face of this Note) or (ii) three percent (3%) over the Prime Rate of Bank (the rates of interest set forth in paragraph 4(b)(i) and 4(b)(ii) are herein alternatively called the "Default Rate"); and/or (c) to the extent permitted by law, a delinquency charge ("Late Fee") may be imposed in an amount not to exceed four percent (4%) of the unpaid portion of any payment in default for more than fifteen days in the event interest is payable in arrears or for more than thirty days in the event interest is payable in advance. Unless the terms of this Note call for repayment of the entire balance of this Note (both principal and interest) in a single payment and not for installments of interest or principal and interest, the four percent (4%) Late Fee may be imposed not only with respect to regular installments of principal, interest, or interest and principal, but also with respect to any other payment in default under this Note (other than a previous Late Fee), including, without limitation, a single payment of principal due at maturity of this Note. In the event any installment, or portion thereof, is not paid in a timely fashion, subsequent payments will be applied first to the past due balance (which shall not include any previous Late Fees), specifically to the oldest maturing installment, and a separate Late Fee will be imposed for each payment that becomes due until the default is cured. The provisions herein for a Default Rate and /or a Late Fee shall not be deemed to extend the time for any payment hereunder or to constitute a "grace period" giving Obligors a right to cure any default. If the Default Rate is a factor of the Prime Rate, the Default Rate will change each time and as of the date that the Prime Rate of Bank changes. At Bank's option, any accrued and unpaid interest, fees or charges may, for purposes of computing and accruing interest on a daily basis after the due date of this Note or any payment hereunder, be deemed to be a part of the principal balance under this Note, and interest shall accrue on a daily compounded basis after such date at the rate provided in this Note until the entire outstanding balance of principal and interest is paid in full. Failure at any time to exercise any of the aforesaid options or any other rights of Bank shall not constitute a waiver thereof, nor shall it be a bar to the exercise of any of the aforesaid options or rights at a later date. All rights and remedies of Bank shall be cumulative and may be pursued singly, successively or together, at the option of Bank. If this Note is payable on demand, the acceptance by Bank of any partial payment from any of Obligors shall not affect the demand tenor of this Note. Bank is hereby authorized at any time to charge against any deposit accounts of any party to this Note, as well as any other property of such party at or under the control of Bank, without notice, any and all obligations of such party, whether due or not.

All other terms and conditions remain the same, except for the addition of the above late fee provision set forth above and made a part hereof.

Berry & Byrd Attorneys

By:

H. Dolph Berry, Partner

By:

Wade E. Byrd, Partner

AMERICAN BANK NOTE COMPANY
NEW YORK, N.Y.
1948
AMERICAN BANK NOTE COMPANY
NEW YORK, N.Y.

BASE NOTE

548

Fayetteville, North Carolina

\$300,000.00

June 13, 1986

FOR VALUE RECEIVED, the undersigned, BERRY AND BYRD, ATTORNEYS, a North Carolina Partnership, hereinafter referred to as Borrower, promises to pay to the order of THE CITY OF FAYETTEVILLE, NORTH CAROLINA a body politic and corporate, at its principal office at Green Street, Fayetteville, North Carolina, (herein called "City") or at such other place as the holder hereof may designate in writing, in lawful money of the United States of America, the principal sum Three Hundred Thousand and no/100 (\$300,000.00) Dollars, or so much thereof as may be advanced to the Berry and Byrd by City pursuant to the Separate Loan Program referred to below, together with interest on the unpaid balance thereof calculated on the basis of a 360-day year at a per annum rate which is 70% of NCNB National Bank of North Carolina's prime rate, the same to be adjusted with said Bank's prime rate on the first day of each calendar quarter, as follows:

A.

Interest only on the principal sum, or so much thereof as may from time to time be advanced and outstanding, shall be payable on the 15th day of each month, and on the 15th day of each calendar month thereafter to and including November 15, 1986.

B.

The ~~principal sum~~, or so much thereof as may be advanced, shall be payable in ~~equal monthly installments of principal~~ December 1, 1986, and on the first day of each calendar month thereafter to and including November 1, 1991, such installments to be in the amount required to amortize over a period of fifteen (15) years the principal amount advanced and outstanding on December 1, 1986, with interest at the stipulated rate on the outstanding principal balance being due at the same time said principal installments are due.

C.

Unless extended by an agreement in writing between Berry and Byrd and the City, the entire unpaid balance of the principal sum, or so much thereof as may be advanced, together with all accrued interest thereon remaining unpaid, shall be payable on the fifth anniversary of the first payment of principal made on this Note.

D.

The City shall have the option to extend the term of this Note beyond the final pay-out date recited in "C" above, such extended Note to be subject to such terms and conditions as may be agreed upon by the City and the Berry and Byrd.

All payments shall be applied first to accrued interest and then to the reduction of principal.

The undersigned shall have the right to repay all or any portion of the principal hereof at any time and from time to time without penalty. Any such prepayment after December 1, 1986, shall be applied to the latest unpaid principal installment due hereunder.

This Note evidences indebtedness incurred for loan advances made and to be made pursuant to an agreement for Downtown Redevelopment among the City of Fayetteville and the NCNB National Bank of North Carolina entitled The Downtown Fayetteville Redevelopment Separate Loan Program dated June 13, 1986 (the "Loan Program") the terms and conditions of which are incorporated herein by reference.

Should any default be made in the payment of principal or interest, or both, on the date due or in the performance of any of the terms, agreement, or covenants contained in the Note, or the Loan Program, or should an Event of Default, as defined in the Loan Program, occur and remain uncured beyond any applicable grace or curative period, then the Noteholder may at its option, and without limiting any other rights or remedies it may have, declare the entire principal balance, and all interest accrued thereon, immediately due and payable. Payment of the amounts due hereunder may be enforced and recovered in whole or in part at any time by any one or more of the remedies provided in this Note or the Loan Program and in each such case the holder hereof shall be entitled to recover also all reasonable costs and expenses incident thereof including, but not limited to, reasonable attorneys' fees. After default, interest shall accrue on the unpaid principal at a rate not to exceed two (2) times the original rate, or two percent (2%) above prime rate, whichever is lower.

The maker of this Note shall not be deemed to be in default on the payment of interest or principal due on this Note until after the expiration of any applicable grace or curative periods as set forth in the above mentioned Loan Program.

The remedies of the Noteholder shall be cumulative and concurrent and may be pursued singly, successively, or together. Noteholder shall not by any act or omission be deemed to waive any of its rights or remedies hereunder unless such waiver be in writing signed by an authorized officer of Noteholder. A waiver of one event shall not be construed as continuing or as a bar to or waiver of such right or remedy on a subsequent event.

The liability of the undersigned Berry and Byrd, and recourse of the holder hereof, for payment of the principal hereof and the interest hereon, or in the event of default, shall be limited as set forth in the abovementioned Loan Program, incorporated herein by reference. This Note is secured by a Deed of Trust and such other instruments and property interests given and to be given in favor of the City of Fayetteville in connection with the City's loan program referred to in the Loan Program as follows: Berry and Byrd, a partnership, purchase and renovation of the Sedberry-Holmes House, 232 person Street, Fayetteville, North Carolina.

A default under the terms of any Note and/or Deed of Trust collaterally assigned to secure the herein Note shall constitute a simultaneous default under the terms of the herein Note. The City of Fayetteville has not, in any event, pledged its faith or credit to the payment of this Note, either principal or interest, or the taxing power.

The beginning rate of interest on this obligation as adjusted from time to time due to changes in the prime rate (the "Tax-Exempt Rate") shall be further adjusted as hereinafter provided upon the occurrence of any of the following events (the "Adjustment Events"):

- (1) a change in the Statutory Tax Rate (as defined below) as it applies to this obligation; or
- (2) a change (whether becoming effective before or after the date hereof) in the Disallowance Rate (as defined below) as it applies to this obligation; or
- (3) a change in the prime rate occurring at any time subsequent to a change described in (1) or (2) above.

The term "Statutory Tax Rate" shall mean the maximum incremental rate of income tax applicable to the Bank under Federal law and State law combined (such rate shall be based on the assumption that the Bank's taxable income is subject to the highest corporate income tax rates under such laws). The term "Disallowance Rate" shall mean the percentage of the Bank's interest expense allocable to this obligation which is not allowed as a federal income tax deduction by the Bank under the Internal Revenue Code, whether under Section 291, any successor provision therefor, or any other provision.

Upon the occurrence of any of the Adjustment Events, the Tax-Exempt Rate shall be adjusted by the following formula and interest on this obligation shall thereafter accrue and be payable at the new Adjusted Tax-Exempt Rate:

$$\text{Adjusted Tax-Exempt Rate} = \left(R_0 - (D_0 \times S_0 \times T) \right) \left(\frac{1 - \frac{S_n}{S_0}}{1 - \frac{S_n}{S_0}} \right) + (D_n \times S_n \times T)$$

five (5) days after receipt by the Borrower of written demand for such payment and does hereby agree to indemnify each such holder and former holder against any loss, cost, charge or expense with respect to any such change.

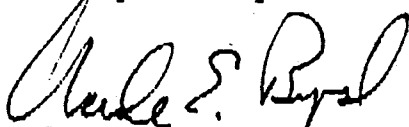
This Note and any loan documents or obligations made or issued in connection herewith may not be assigned or in any other manner transferred to or for the benefit of any Borrower/Redeveloper to whom a loan is made by the City of Fayetteville under the terms of the Loan Program.

IN WITNESS WHEREOF, the undersigned have duly executed this Note under seal as of the day and year first above written.

BERRY & BYRD, a partnership



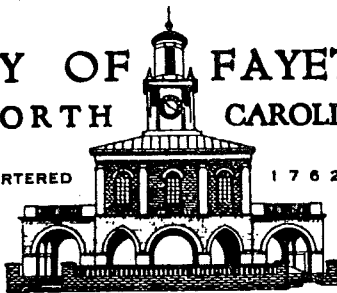
H. Dolph Berry



Wade E. Byrd

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



TRAFFIC SERVICES DEPARTMENT
433 HAY STREET
FAYETTEVILLE, NC 28301-5797
TEL. (919) 433-1660

SIGNS AND MARKINGS DIVISION 433-1795
SIGNAL MANAGEMENT DIVISION 433-1796
339 ALEXANDER STREET
FAYETTEVILLE, NC 28301-5797

June 30, 1992

MEMORANDUM

TO: John P. Smith, City Manager

FROM: Louis A. Chalmers, Jr., P.E. *LAC*
City Traffic Engineer

REFERENCE: Fayetteville Urban Area Traffic Signal System Maintenance
Municipal Agreement

During recent months, we have been reviewing drafts of a proposed Maintenance Agreement with NCDOT for operation of our Traffic Signal System.

The enclosed Municipal Agreement would reimburse the City \$47,000 for staffing and maintaining the Fayetteville Urban Area Computer Traffic Signal System.

We would recommend that City Council pass a resolution adopting the enclosed Municipal Agreement for 3 years effective 01/01/92.

LAC/psc

Enclosure: Municipal Agreement

cc: Roger L. Stancil, Deputy City Manager
Jimmy Teal, Assistant City Manager - Planning/Development
Kai Nelson, Finance Director
Thomas Hosack, Signal System Engineer

An Equal Opportunity



Affirmative Action Employer

ITEM 6.G.

NORTH CAROLINA
CUMBERLAND COUNTY

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

CITY OF FAYETTEVILLE

MUNICIPAL MAINTENANCE AGREEMENT
COMPUTER, PERIPHERALS, INTERCONNECT
EQUIPMENT AND SYSTEM OPERATION FOR
COMPUTERIZED TRAFFIC SIGNAL SYSTEM

THIS AGREEMENT, made and entered into this the _____ day of _____, 1992, between the DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the Department, and the CITY OF FAYETTEVILLE, a municipal corporation, hereinafter referred to as the Municipality,

W I T N E S S E T H:

WHEREAS, the Department and the Municipality, have jointly undertaken the implementation of a central computer based traffic signal system to control traffic signals within the Municipality, and,

WHEREAS, the construction of said computerized signal system is now complete, and,

WHEREAS, in the municipal agreement covering the construction of said computerized signal system, the Department and the Municipality agreed to, upon completion of the project, to enter into a separate municipal agreement for the maintenance of that portion of the project which is on the State Highway System, and,

WHEREAS, the provisions of the North Carolina General Statutes 136-66.1 and 136-18, authorize the Municipality to contract with the Department for the installation, repair and maintenance of highway signs and markings, electric traffic signals and other traffic control devices on State Highway System streets within the Municipality, and,

WHEREAS, the Department finds it desirable and advantageous to enter into a Cost Reimbursement Agreement with the Municipality under which the Municipality maintains and operates the computerized traffic signal system on streets on the State Highway System within the Municipality, and,

WHEREAS, the Municipality finds that it is in the best public interest to maintain and operate the computerized traffic signal system as hereinafter indicated on the streets on the State Highway System within the Municipality.

NOW, THEREFORE, the Department and the Municipality do hereby agree as follows:

1. The Municipality shall maintain and operate the computerized traffic signal system as indicated hereinafter.

A. The Department and the Municipality recognize that each party to this Agreement has an obligation and responsibility to provide for the safe, orderly, and efficient flow of traffic on their respective street systems.

B. The timing plans affecting intersections on the State Highway System, both at the hardware and software levels, utilized in system operation, will be subject to the approval of the Department and will reflect the needs of traffic on both the State Highway System and the City System. In the event the Department and the Municipality cannot agree on the selection of a given timing plan, the decision of the Department will be final.

2. The Department shall reimburse the Municipality based on an annual amount of thirty thousand dollars (\$30,000) for System Operation which will represent the operation of the master computer. This figure represents 86% of the cost of one full-time position and all expendable supplies associated with the total operation of the central computer control equipment.

3. The Department shall reimburse the Municipality for maintaining the Computer, Peripherals and Interconnect Equipment at the annual rates set out in Schedule "D", which is attached and made a part of this Agreement, for a period of three (3) years.

A. Upon termination of this Agreement and prior to execution of a new Agreement, the Municipality may request an adjustment of the annual rates based on actual cost records for the prior year. This request must indicate the new rate for each Schedule "D" item. Each rate must be verifiable by time sheets, salary rates, materials, equipment and other qualifying costs in conformance with the standards of allowability of costs set forth in Office of Management and Budget (OMB) Circular A-87. This shall be actual cost incurred with the exception of equipment owned by the Municipality. Reimbursement for rates of equipment owned by the Municipality cannot exceed the Department's rates in effect for the time period in which the work is performed.

B. The cost records may be audited by the Department to determine any adjustments or revisions in the new rates.

4. The rate for Item 19 shall represent 100% of the maintenance cost for this item at a State System intersection. The rates set out in Schedule "D" for Items 1-18 represent the Department's pro-rata share of 86% of the total maintenance cost, with the Department's pro-rata share being based on the ratio of the number of State System intersections to

the total number of intersections in the computerized traffic signal system. It is anticipated by both parties that Items 1-12 will be maintained by a maintenance contractor under contract to the Municipality. Items 13-19 will be maintained by the Municipality. The Department shall review and concur in any contract entered into by the Municipality for the purpose of maintenance of these items. The Department will reimburse the Municipality for its pro-rata share, as specified above for any maintenance contract in which it concurs. The Department shall have access to the maintenance contractor's records and documentation for audit which pertain to any rates billed to the Municipality for maintenance of Items 1-12 for a period of three (3) years after the close of each fiscal year.

5. Items of equipment secured under the original construction contract as non-participating items by the State (100 percent City costs) will continue as non-participating items with respect to maintenance.

6. This Agreement shall cover maintenance and operation of the Fayetteville Computerized Signal System for a period from January 1, 1992 through January 1, 1995 inclusive.

7. The Department shall be billed quarterly by the Municipality at the Department's Sixth Division Office for the cost of maintenance and operation of the computerized traffic signal system pursuant to this Agreement.

A. The Municipality shall submit a quarterly itemized invoice to the Department for said costs no later than six (6) months after the scheduled quarterly billing date.

B. The Department will reimburse the Municipality for the cost of maintenance and operation of the computerized traffic signal system performed by the Municipality for the quarterly billing period upon approval by the Department's Sixth Division Engineer and Fiscal Section.

C. The Municipality shall keep and maintain all cost records and supporting documentation for the work for which they bill the Department and shall make such information available to the Department upon request for audit for a period of three (3) years after closing of each fiscal year.

8. The Municipality shall furnish the Department's Sixth Division Engineer a monthly status report that details the maintenance and operation of the signal system. The status report shall indicate intersection failures, local and system detector failures, and the percent time the computer system was off-line.

9. The Municipality shall not install any Traffic Control Devices on the State Highway System streets which have not been approved by the Department pursuant to North Carolina General Statutes 20-169.

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, in triplicate, on the part of the Department and the Municipality by authority duly given, as evidenced by the attached certified copy of Resolution, Ordinance or Charter Provision, as the case may be.

ATTEST:

CITY OF FAYETTEVILLE

CLERK

BY: _____ CITY
MAYOR

(SEAL)

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

BY: _____
FINANCE OFFICER

DEPARTMENT OF TRANSPORTATION

BY: _____
STATE HIGHWAY ADMINISTRATOR

APPROVED AS TO FORM

2Y: _____
ASSISTANT ATTORNEY GENERAL

COPY OF RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, NORTH CAROLINA

A motion was made by _____ and seconded by
_____ for the adoption of the following
Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the North Carolina Department of Transportation and the City of Fayetteville had jointly undertaken the implementation of a centrally controlled, computerized signal system to control traffic signals within the Municipality; and,

WHEREAS, the construction of said computerized signal system is now complete; and,

WHEREAS, the Department and the Municipality proposed to enter into an Agreement for the maintenance of that portion of the project which is on the State Highway System; and,

WHEREAS, the Municipality has agreed to maintain and operate the computerized traffic signal system on the streets which are a part of the State Highway System within the Municipality, subject to reimbursement by the Department as set forth in this Agreement; and,

WHEREAS, this Agreement shall cover the maintenance and operation of this system for the period from January 1, 1992 through January 1, 1995 inclusive.

NOW, THEREFORE, BE IT RESOLVED, that this Agreement is hereby formally approved by the City Council of the Municipality of Fayetteville and that the City Manager and Clerk of this Municipality are hereby empowered to sign and execute the Agreement between the City of Fayetteville and the Department of Transportation.

I, _____, Clerk of the City of Fayetteville do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the ___ day of _____, 1992.

WITNESS, my hand and the official seal of said Municipality on this the _____ day of _____, 1992.

(SEAL)

CLERK CITY OF FAYETTEVILLE
NORTH CAROLINA

SCHEDULE "D"

MUNICIPAL MAINTENANCE AGREEMENT

COMPUTERIZED TRAFFIC SIGNAL SYSTEM

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>QTY.</u>	<u>ANNUAL MAINT. RATE</u>	<u>EXTENSION</u>
1	Model 3212 Processor w/4MB Memory	1	(86%) (\$1488)	\$1,279.68
2	Floating Point Processor	1	(86%) (\$264)	\$ 227.04
3	3200 Selector Channel	3	(86%) (\$126)	\$ 325.08
4	8 Line Communication Multiplexor	1	(86%) (\$204)	\$ 175.44
5	MMP Dot Matrix Printer	3	(86%) (\$222)	\$ 572.76
6	9 Track, 1600 CPI, Magnetic Tape Interface	1	(86%) (\$96)	\$ 82.56
7	9 Track, 1600 CPI, 45 IPS Magnetic Tape Drive	1	(86%) (\$822)	\$ 706.92
8	LP300 Line Printer	1	(86%) (\$702)	\$ 603.72
9	Line Printer Interface	1	(86%) (\$126)	\$ 108.36
10	168MB Microdisk Drive System	1	(86%) (\$570)	\$ 490.20
11	168MB Microdisk Expansion Drive	2	(86%) (\$408)	\$ 701.76
12	6312 CRT	3	(86%) (\$72)	\$ 185.76

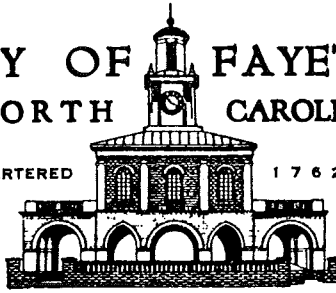
<u>ITEM</u>	<u>DESCRIPTION</u>	<u>QTY.</u>	<u>ANNUAL MAINT. RATE</u>	<u>ANNUAL EXTENSION</u>
13	CLT-7500 Line Conditioner	1	(86%) (\$42)	\$ 36.12
14	Map Display & Interface	1	(86%) (\$378)	\$ 325.00
15	Real Time Clock	1	(86%) (\$41)	\$ 35.00
16	System Detector (Each)	245	(86%) (\$6.40)	\$1,347.50
17	Central Communication MODEMS	66	(86%) (\$21.50)	\$1,220.00
18	<u>Interconnect Cable (See Below)</u>			

<u>#</u>	<u>CONDUCTORS</u>	<u>MILES</u>	<u>\$/MILE</u>	<u>ANNUAL EXTENSION 86%</u>
13	- 25	22.8	\$122.48	\$ 2401.59
26	- 50	11.6	173.76	\$ 1733.43
51	- 100	9.5	218.67	\$ 1786.53

19	Remote Communications Unit (Solid State) - (Each)	104	30.00	\$3,120.00
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THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



TRAFFIC SERVICES DEPARTMENT
433 HAY STREET
FAYETTEVILLE, NC 28301-5797
TEL. (919) 433-1660

SIGNS AND MARKINGS DIVISION 433-1795
SIGNAL MANAGEMENT DIVISION 433-1796
339 ALEXANDER STREET
FAYETTEVILLE, NC 28301-5797

June 30, 1992

MEMORANDUM

TO: John P. Smith, City Manager

FROM: Louis A. Chalmers, Jr., P.E., City Traffic Engineer

REFERENCE: Petition for 25 Miles Per Hour Speed Zone -
Shannon Drive

We have received a petition signed by the majority of residents on Shannon Drive requesting a 25 Miles Per Hour Speed Zone on their street.

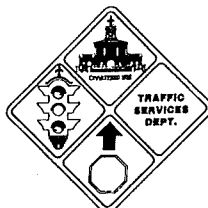
We would suggest that City Council hold a public hearing at their July 20, 1992 meeting to receive public input on this requested speed limit reduction.

LAC/psc

Enclosures
Petition
Map

cc: Roger L. Stancil, Deputy City Manager
Jimmy Teal, Assistant City Manager - Planning/Development
William H. Melvin, Signs and Markings Supervisor

An Equal Opportunity



Affirmative Action Employer

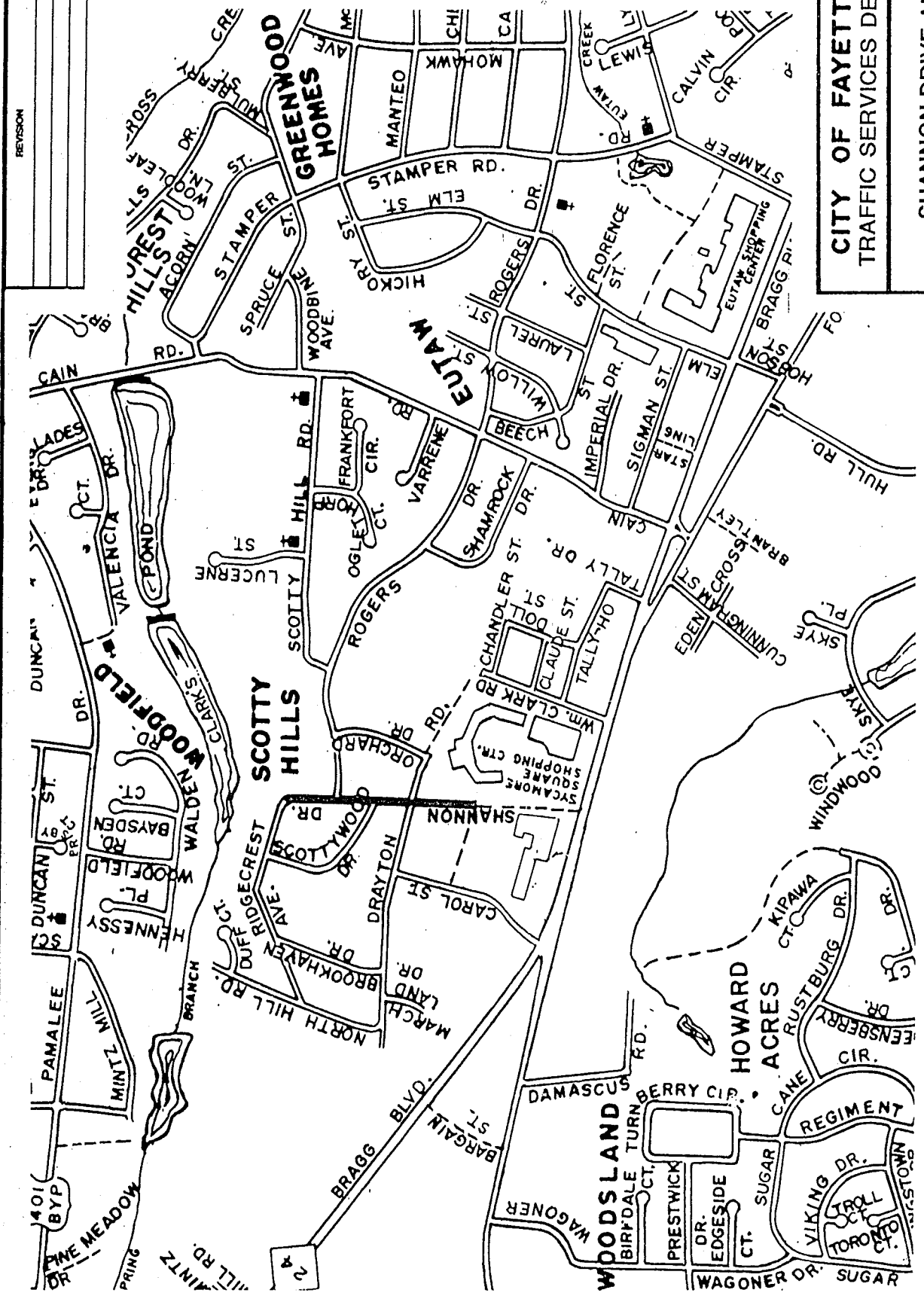
ITEM 6.H.

REVISION	DATE	BY



CITY OF FAYETTEVILLE
TRAFFIC SERVICES DEPARTMENT

SHANNON DRIVE AREA MAP

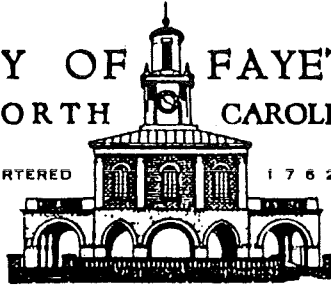


APPROVED	CITY TRAFFIC ENGINEER	
DESIGNED BY	DRAWN BY	FIELD BOOK NO.
SCALE	DATE	SHEET OF
1"=1000'	6-30-92	



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

June 23, 1992

MEMORANDUM

TO: The Mayor and Members of the City Council

FROM: Robert C. Cogswell, Jr. 
City Attorney

SUBJECT: **Historic Resources Commission; Change in Statutory References**

The Legislature has revised the statutes dealing with Historic Resources Commissions, and therefore the references in the current provisions of Chapter 2 establishing the Historic Resources Commission are incorrect. The attached ordinance would correct those references.

Because of the general statutory requirements, this has to be done pursuant to a public hearing. Therefore, I recommend that you set a public hearing to consider these changes at your next regularly scheduled Council meeting on July 10, 1992.

RCC/jkp

Attachment

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 6.I.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AMENDING SECTION 2-27 OF THE CODE OF ORDINANCES
OF THE CITY OF FAYETTEVILLE

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

Section 1. Subsections (a) and (b) of Section 2-27, Fayetteville Historic Resources Commission, are hereby amended by deleting therefrom the words and figures, to wit: Parts 3A and 3B, and substituting therefor the following words and figures: Part 3C.

Section 2. Section 2-27(d) is amended by deleting the reference to Section 160A-399.5 and substituting therefor the references 160A-400.5 and 160A-400.6.

Section 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

Adopted this the _____ day of _____, 1992.

CITY OF FAYETTEVILLE

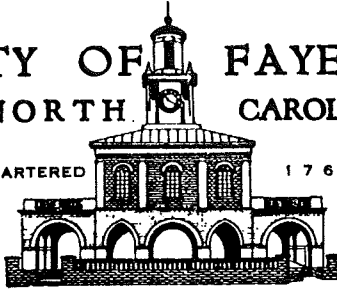
By: J. L. Dawkins, Mayor

ATTEST:

Janet C. Jones, Deputy City Clerk

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER JULY 1, 1992

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

MEMORANDUM

TO: The Mayor and Members of City Council
FROM: John P. Smith, City Manager *JPS*
SUBJECT: Adams Court Senior Citizens Housing Project

In reviewing the closing documents on this project we discovered that one of the CDBG loan documents has not been approved by City Council. The third paragraph of the attached document was not included in the package of materials submitted to City Council. Therefore I have executed this without a record of Council approval. There may be some question as to whether it requires Council approval. However in order to make the file complete for future reference, I would prefer formal Council ratification of this document, in that Council has acted on all of the other documents. It was inadvertently excluded from the Council packets. This part of the agreement ties the amortization of the loan to the net cash flow of the project. The amount of the loan is the value of site improvements funded with CDBG funds.

JPS:ssm

Attachment

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 6. J.

August 26, 1991

Mr. John C. Loving
Brown-Loving Co.
P. O. Box 51667
Raleigh, NC 27609-0667

RE: Adams Court Apartments for the Elderly

Gentlemen:

The City of Fayetteville agrees to modify its loan commitment to you dated January 7, 1991 as follows:

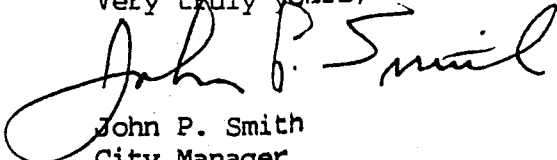
Interest Rate: There shall be no accrual of interest for the first five years. Starting with the beginning of the sixth year of operation of the apartments, interest shall be paid monthly at the rate of one percent (1%) for years six and seven. The rate shall be two percent (2%) in years eight and nine, three percent (3%) in years ten and eleven, four percent (4%) in years twelve and thirteen, and five percent (5%) in years fourteen through twenty.

If in any one year the cash flow of the apartments is not sufficient to make the second mortgage payments, it is agreed that the apartments shall pay no less than 75% of its net cash flow (after payment of all operating expenses and the debt service on the first and third mortgages) towards debt service on the second mortgage. Any unpaid interest shall be accrued and added to the balloon payment due at the end of the mortgage term.

Repayment: The balloon payment shall be due at the end of twenty years rather than twenty-one years.

The city also hereby modifies its contract to sell the Adams Court site to provide that the project be restricted for a period of twenty years rather than twenty-one years in conformance with the change in repayment provided above.

Very truly yours,


John P. Smith
City Manager

INTEREST RATE AND BALLOON PAYMENT DATE
APPROVED BY FAYETTEVILLE CITY COUNCIL
ON SEPTEMBER 3, 1991.


JANET JONES, DEPUTY CITY CLERK

Accepted this 5th day of September, 1991.


John C. Loving
General Partner, Brown-Loving Company



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
PO DRAWER 1089
FAYETTEVILLE, NORTH CAROLINA 28302-1089
TELEPHONE (AREA CODE 919) 483-1401
FAX (AREA CODE 919) 483-1429

ELECTRIC & WATER UTILITIES

June 23, 1992

MEMO TO: Bobbie Joyner, City Clerk
FROM: Glynda McLaurin, Administrative Assistant *gm*
SUBJECT: Assessments

The City Council set a public hearing date of July 6, 1992, concerning water and sanitary sewer assessments for Blanton Road, Kathy Street, and Oakwood Street. Enclosed are the following:

1. Assessment Rolls for Blanton Road, Kathy Street and Oakwood Street
2. Resolutions Confirming Assessment Roll and Levying Assessments for Water and/or Sanitary Sewer Utilities for Blanton Road, Kathy Street, and Blanton Road.
3. Certificate of Mailing of Notices of Preparation of Preliminary Assessment Roll and Public Hearing to Property Owners.

/gm

enclosures





ROBERT C. WILLIAMS, CHAIRMAN
W. LYNDO 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
PO DRAWER 1089
FAYETTEVILLE, NORTH CAROLINA 28302-1089
TELEPHONE (AREA CODE 919) 483-1401
FAX (AREA CODE 919) 483-1429


ELECTRIC & WATER UTILITIES

**CERTIFICATE OF MAILING OF NOTICES OF PREPARATION OF PRELIMINARY
ASSESSMENT ROLL AND PUBLIC HEARING TO PROPERTY OWNERS**

TO THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

I, Timothy Wood, General Manager, do hereby certify that notices of preparation of the Preliminary Assessment Roll for water distribution mains and sanitary sewer collection system in **BLANTON ROAD, OAKWOOD STREET AND KATHY STREET**, and of the public hearing thereon, were mailed by first class mail on the 19th day of June, 1992, to all the owners of real property shown thereon, indicating to each such owner the amount of the assessment against his property.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 22nd day of June, 1992.

 (SEAL)

Timothy Wood, General Manager



**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS
FOR INSTALLATION OF WATER DISTRIBUTION SYSTEM
AND
SANITARY SEWER COLLECTION SYSTEM**

WHEREAS, the City Council of the City of Fayetteville has on July 6, 1992, held a public hearing, after due notice as required by law, on the Assessment Roll for the extension of water distribution system and sanitary sewer collection system in:

BLANTON ROAD, west side, from the northwest corner of the 9.4 acre Katie B. Bunce Tract, to the southeast corner of the 5.38 acre Charles Backer Tract; **BLANTON ROAD**, east side, from the southwest corner of Lot 124 to the southwest corner of the 5.38 acre Charles Backer Tract (also being the northern property line of Briarcliff Condominiums; and

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

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

1. The Assessment Roll for the extension of water distribution main and sanitary sewer collection system in **BLANTON ROAD** 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 PWC 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 PWC Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina.
6. The PWC Deputy Tax Collector is hereby further directed to publish once on the 5th day of August, 1992, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

This the 6th day of July, 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 passage of the above resolution:

Publish: _____

**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS
FOR INSTALLATION OF WATER DISTRIBUTION SYSTEM**

WHEREAS, the City Council of the City of Fayetteville has on July 6, 1992, held a public hearing, after due notice as required by law, on the Assessment Roll for the extension of water distribution system in:

BLANTON ROAD, west side, from the northeast corner of the 5.38 acre Charles Backer Tract to the southeast corner of said tract; and

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

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

1. The Assessment Roll for the extension of water distribution system in **BLANTON ROAD** 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 PWC 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 PWC Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina.
6. The PWC Deputy Tax Collector is hereby further directed to publish once on the 5th day of August, 1992, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

This the 6th day of July, 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 passage of the above resolution:

Publish: _____

06/29/92
10:58:19

Public Works Commission
Assessment Roll For Water and Sewer
BLANTON ROAD

Page: 1
arrrlas

In order by Street, Site Address

Project: AREA 4 KORNBDW LAKE BLANTON CALLA CREED
Submitted to City Council : _____
Final Approval by City Council: _____
To City Clerk: _____
To PWC Tax Collector: _____

Property Owner	Property Description	Lot#	Book/Page	Frontage	Water	Sewer	Total
JAMES D JARVIS 4606 BLANTON ROAD Fayetteville NC 28303	0418-07-78-0585 4606 BLANTON ROAD 1/2AC & 6.2 BLANTON LD	UN	2893 755	100.00	800.00	1,200.00	2,000.00
CHARLES E BACKER 5512 BRAGG BOULEVARD Fayetteville NC 28303	0418-07-68-7507 BLANTON ROAD WEST SIDE 5.38 AC TR BLANTON LA	UN	2288 44	368.00	2,944.00	0.00	2,944.00
ALBERTA S MCRAINEY PO BOX 35805 Fayetteville NC 28303	0418-07-68-8815 BLANTON ROAD	UN	2068 515	66.35	530.80	796.20	1,327.00
KATIE B BUNCE 13 FAIR FOREST COURT COLUMBIA SC 29212	0418-07-78-1989 BLANTON ROAD 9.40AC BLANTON LD	6	3147 840	1,330.00	10,640.00	15,960.00	26,600.00
CHARLES E BACKER 5512 BRAGG BOULEVARD Fayetteville NC 28303	0000-00-00-7507 BLANTON ROAD EAST SIDE 5.38 AC TR BLANTON LD	UN	2288 44	265.00	2,120.00	3,180.00	5,300.00
					\$17,034.80	\$21,136.20	\$38,171.00
5 Owners					=====	=====	=====

Water main assessment equals: 8.00 per front footage of property abutting street.
Sanitary Sewer main assessment equals: 12.00 per front footage of property abutting street.
Assessments are to be paid within thirty (30) days after approval of assessment in cash with no interest, or in five (5) annual installments in accordance with N.C.G.S. 160A-232(2), bearing an annual interest of eight percent (8%) payable annually.

Vertical text along the right edge of the page, possibly a page number or header.

**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS
FOR INSTALLATION OF WATER DISTRIBUTION SYSTEM
AND
SANITARY SEWER COLLECTION SYSTEM**

WHEREAS, the City Council of the City of Fayetteville has on July 6, 1992, held a public hearing, after due notice as required by law, on the Assessment Roll for the extension of water distribution system and sanitary sewer collection system in:

KATHY STREET, west side, from the northeast corner of Lot 8 to the southeast corner of Lot 11; and

KATHY STREET, east side; from the northwest corner of Lot 18 to the southwest corner of Lot 21; and

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

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

1. The Assessment Roll for the extension of water distribution main and sanitary sewer collection system in **KATHY STREET** 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 PWC 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 PWC Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina.
6. The PWC Deputy Tax Collector is hereby further directed to publish once on the 5th day of August, 1992, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

This the 6th day of July, 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 passage of the above resolution:

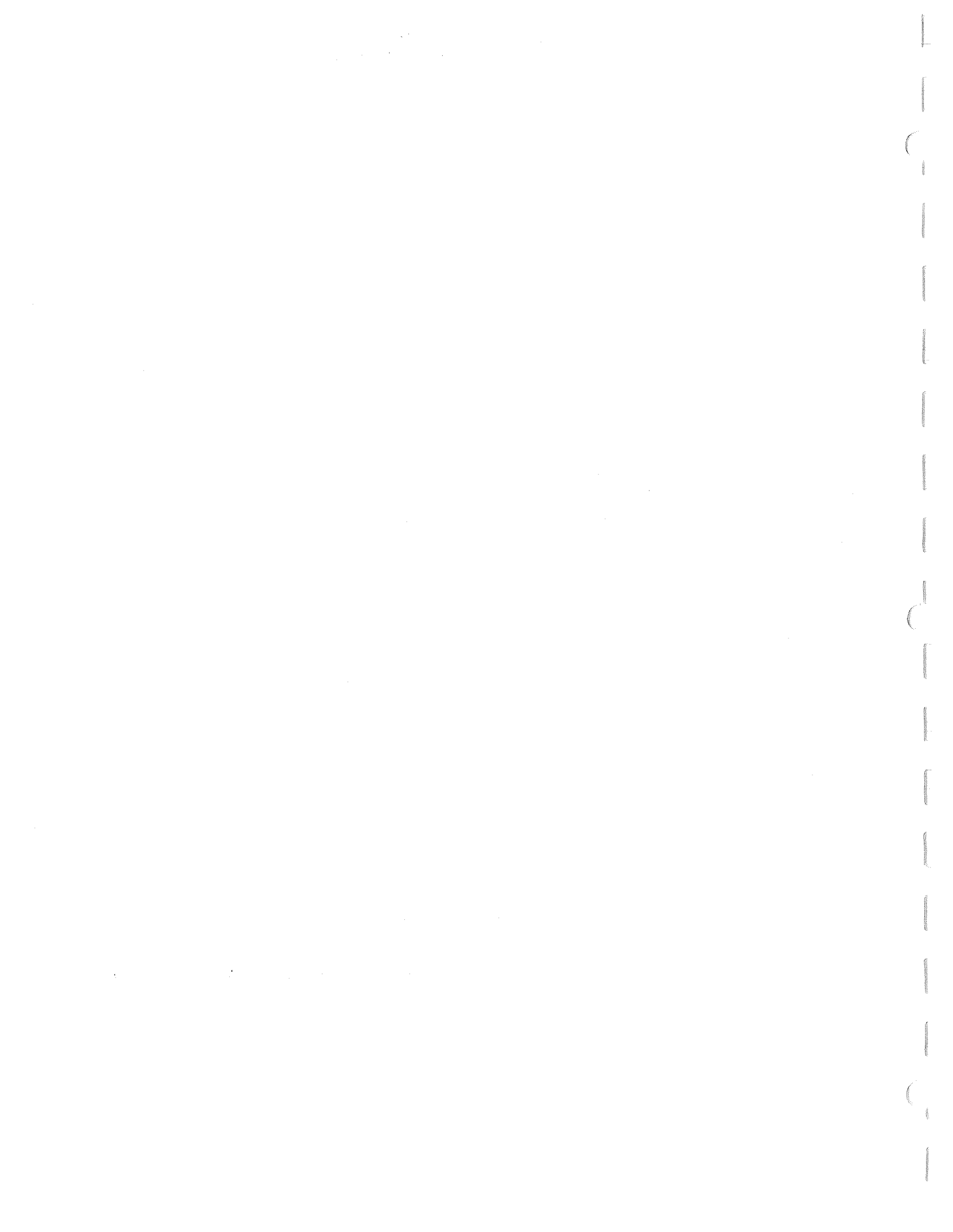
Publish: _____

In order by Street, Site Address

Project: AREA 5 KAREN LAKE OAKWOOD KATHY STREET'S
Submitted to City Council : _____
Final Approval by City Council: _____
To City Clerk: _____
To PWC Tax Collector: _____

Property Owner	Property Description	Lot#	Book/Page	Frontage	Water	Sewer	Total
GLYNDON BELL 4424 KATHY STREET FAYETTEVILLE NC 28303	0418-11-67-0424 4424 KATHY STREET THOMPSON SUB	19	0 0	110.50	884.00	1,326.00	2,210.00
GLYNDON BELL 4424 KATHY STREET Fayetteville NC 28303	0418-07-57-9562 KATHY STREET THOMPSON SUB	18	0 0	110.50	884.00	1,326.00	2,210.00
JOHN E KESSLING 1118 OAKWOOD STREET Fayetteville NC 28303	0418-11-57-6479 KATHY STREET THOMPSON SUB	8	0 0	75.00	600.00	900.00	1,500.00
ANN M EDDY 35 COLONIAL ACRES DRIVE HAMPTON VA 23664	0418-11-57-7440 KATHY STREET THOMPSON SUB	9	0 0	100.00	800.00	1,200.00	2,000.00
TERRY J ADAMS ETAL 102 GOODYEAR AVENUE FAYETTEVILLE NC 28303	0418-11-57-8271 KATHY STREET THOMPSON SUB	11	2899 503	183.00	1,504.00	2,256.00	3,760.00
ALVIN J LESLIE 4416 KAREN LAKE DRIVE FAYETTEVILLE NC 28303	0418-11-57-8302 KATHY STREET THOMPSON SUB	10	864 461	100.00	800.00	1,200.00	2,000.00
GLYNDON BELL 4424 KATHY STREET FAYETTEVILLE NC 28303	0418-11-67-0384 KATHY STREET THOMPSON SUB	20	0 0	109.50	876.00	1,314.00	2,190.00
					<u>\$6,348.00</u>	<u>\$9,522.00</u>	<u>\$15,870.00</u>
/ Owners					=====	=====	=====

Water main assessment equals: 8.00 per front footage of property abutting street.
Sanitary Sewer main assessment equals: 12.00 per front footage of property abutting street.
Assessments are to be paid within thirty (30) days after approval of assessment in cash with no interest, or in five (5) annual installments in accordance with N.C.G.S. 160A-232(2), bearing an annual interest of eight percent (8%) payable annually.



**RESOLUTION CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS
FOR INSTALLATION OF WATER DISTRIBUTION SYSTEM
AND
SANITARY SEWER COLLECTION SYSTEM**

WHEREAS, the City Council of the City of Fayetteville has on July 6, 1992, held a public hearing, after due notice as required by law, on the Assessment Roll for the extension of water distribution system and sanitary sewer collection system in:

OAKWOOD STREET, north side, from the southwest corner of Lot 13 to the southeast corner of Lot 17; and

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

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

1. The Assessment Roll for the extension of water distribution main and sanitary sewer collection system in **OAKWOOD STREET** 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 PWC 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 PWC Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina.
6. The PWC Deputy Tax Collector is hereby further directed to publish once on the 5th day of August, 1992, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

This the 6th day of July, 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 passage of the above resolution:

Publish: _____

06/29/92
10:59:53

Public Works Commission
Assessment Roll For Water and Sewer
OAKWOOD STREET

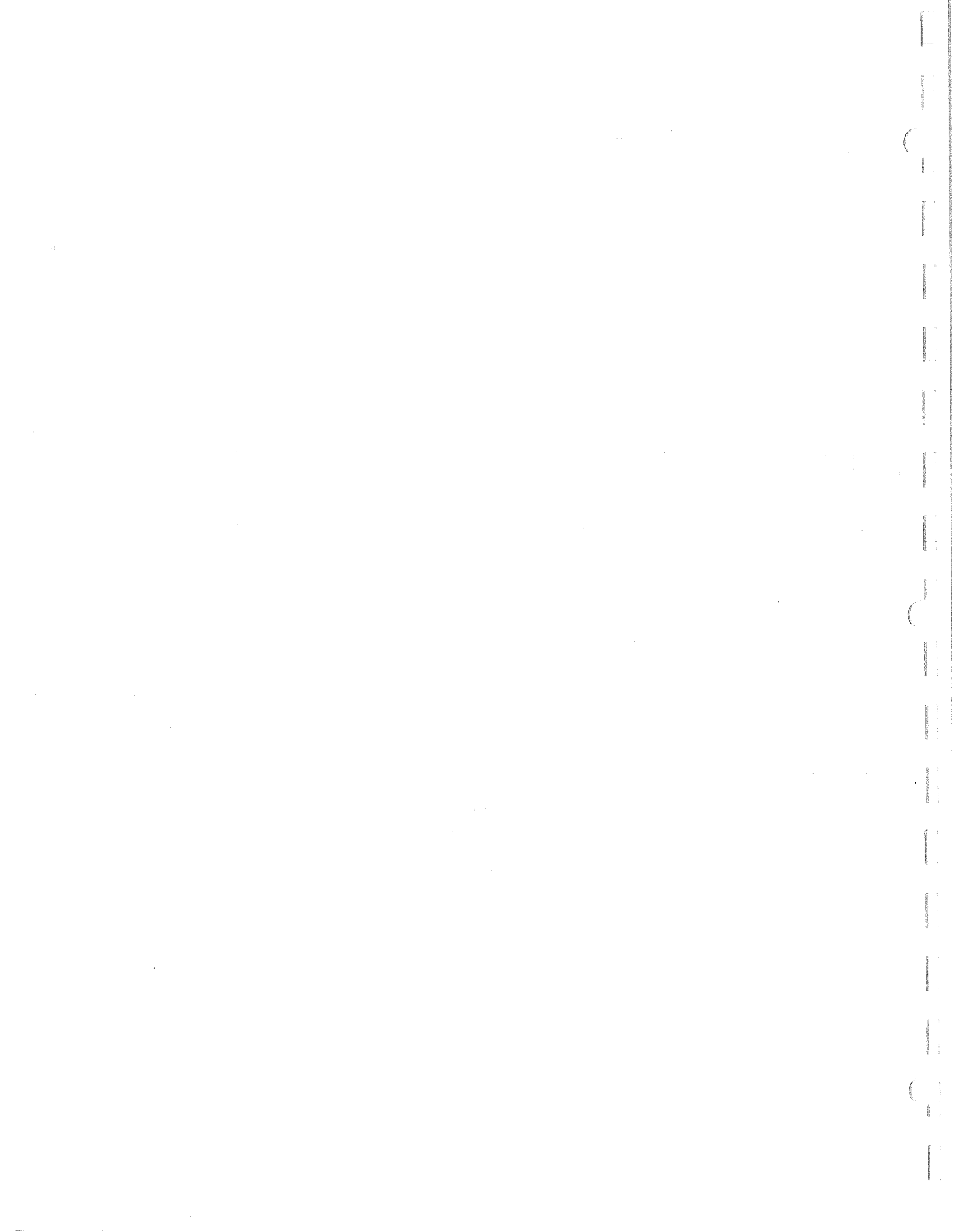
Page: 1
arrrlss

In order by Street, Site Address

Project: AREA 5 KAREN LAKE OAKWOOD KATHY STREETS
Submitted to City Council : _____
Final Approval by City Council: _____
To City Clerk: _____
To PWC Tax Collector: _____

Property Owner	Property Description	Lot#	Book/Page	Frontage	Water	Sewer	Total
DENNIS A RAMOS 5434 BIRCH ROAD Fayetteville NC 28304	0418-07-57-4637 1105 OAKWOOD STREET THOMPSON SUB	13	3542 865	120.00	960.00	1,440.00	2,400.00
MARY J EARP 1113 OAKWOOD STREET Fayetteville NC 28303	0418-07-57-5638 1113 OAKWOOD STREET THOMPSON SUB	14	2832 769	115.00	920.00	1,380.00	2,300.00
RUDDOLPH F MCJUFFIE 1119 OAKWOOD STREET Fayetteville NC 28303	0418-07-57-6740 1119 OAKWOOD STREET THOMPSON SUB	15	0 0	105.00	840.00	1,260.00	2,100.00
FRANCIS H BYNUM 1125 OAKWOOD STREET Fayetteville NC 28303	0418-07-57-7741 1125 OAKWOOD STREET THOMPSON SUB	16	0 0	105.00	840.00	1,260.00	2,100.00
JAMES H AUST 1131 OAKWOOD STREET Fayetteville NC 28303	0418-07-57-8762 1131 OAKWOOD STREET THOMPSON SUB	17	2254 525	110.00	880.00	1,320.00	2,200.00
					\$4,440.00	\$6,660.00	\$11,100.00
5 Owners					=====	=====	=====

Water main assessment equals: 8.00 per front footage of property abutting street.
Sanitary Sewer main assessment equals: 12.00 per front footage of property abutting street.
Assessments are to be paid within thirty (30) days after approval of assessment in cash with no interest, or in five (5) annual installments in accordance with N.C.G.S. 160A-232(2), bearing an annual interest of eight percent (8%) payable annually.



PUBLIC HEARING - SPEAKERS

SUBJECT: Assessment Roll for Water & Sewer/Oakwood St.

DATE: July 6, 1992

PROPONENT (In Favor)

(Name - Print)

(Address - Print)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

OPPONENT - (Against)

(Name - Print)

(Address - Print)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

PUBLIC HEARING - SPEAKERS

SUBJECT: _____

DATE: _____

CITIZEN INPUT

(Name - Print)

(Address - Print)

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

PUBLIC HEARING - SPEAKERS

SUBJECT: Assessment Roll for Water & Sewer - Kathyst

DATE: July 6, 1992

PROPONENT (In Favor)

(Name - Print)

(Address - Print)

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____

OPPONENT - (Against)

(Name - Print)

(Address - Print)

- 1. Leslie, Mildred 4416 KAREN LK, Dr. City
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____

PUBLIC HEARING - SPEAKERS

SUBJECT: _____

DATE: _____

CITIZEN INPUT

(Name - Print)

(Address - Print)

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

PUBLIC HEARING - SPEAKERS

SUBJECT: Assessment Roll for Water & Sewer/ Stanton Rd.

DATE: July 6, 1992

PROPONENT (In Favor)

(Name - Print)

(Address - Print)

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____

- _____
- _____
- _____
- _____
- _____
- _____
- _____

OPPONENT - (Against)

(Name - Print)

(Address - Print)

- 1. Ratie B. Bunce
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____

- (Property)
13 Fairforest Ct., Columbia S.C.
29212
- _____
- _____
- _____
- _____
- _____
- _____

PUBLIC HEARING - SPEAKERS

SUBJECT: _____

DATE: _____

CITIZEN INPUT

(Name - Print)

(Address - Print)

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

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



COMMUNITY SERVICES
DEPARTMENT

POST OFFICE BOX 635
(919) 433-1595

FAYETTEVILLE, NC 28302-0635

June 25, 1992

MEMORANDUM

TO: Mr. John P. Smith, City Manager

THROUGH: Roger L. Stancil, Deputy City Manager

FROM: Agnes P. Bundy, Real Estate Specialist *APB*
Real Estate Division

SUBJECT: Public Hearing to Consider the Paving Without
Petition of Englewood Drive

On June 1, 1992, Council adopted a resolution setting a public hearing for July 6, 1992 to consider the paving without petition of Englewood Drive from Cedar Creek Road to Dead End. This resolution was duly advertised in The Fayetteville Observer-Times on June 24, 1992, and all abutting property owners have been notified and invited to attend the public hearing.

Englewood Drive is shown on Plat Book 13, Page 72 as a dedicated right-of-way of 20'. However, evidence along the street indicates that some additional right-of-way was acquired prior to the City annexing the area. If the Council's decision is to pave the street, we request approval of acquisition of any rights-of-way needed to accommodate a 27' wide pavement within a 30' wide right-of-way and at the end of the street, a circular cul-de-sac would be constructed.

We recommend approval of the attached resolution ordering the street paved.

APB/mak

Enclosures: Final Resolution
Map

cc: Michael L. Walker, P.E., City Engineer

COMMUNITY DEVELOPMENT-HUMAN SERVICES-INSPECTION-REDEVELOPMENT-REVITALIZATION

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 7.8.

**FINAL RESOLUTION
REQUIRING THE PAVING WITHOUT A PETITION
OF
ENGLEWOOD DRIVE
FROM CEDAR CREEK ROAD TO DEAD END**

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

1) The public interest, safety, convenience and general welfare requires the paving and other below described improvements of Englewood Drive from Cedar Creek Road to Dead End.

AND

2) **THE RESOLUTION AND ORDER** adopted at its meeting on the 1st day of June, 1992, by the City Council of the City of Fayetteville, North Carolina, entitled **"PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT PETITION OF ENGLEWOOD DRIVE FROM CEDAR CREEK ROAD TO DEAD END"**, having been duly published on the 24th day of June, 1992, in **THE FAYETTEVILLE OBSERVER-TIMES**, a newspaper published in the City of Fayetteville, North Carolina, giving notice of a meeting of the City Council to be held on the 6th day of July, 1992, at 7:00 p.m. in the Council Chamber at City Hall of Fayetteville, North Carolina, when all objections to the legality of making the proposed improvement were to be made in writing, signed in person or by Attorney, filed with

the Clerk of the City of Fayetteville, at or before said time, and that any such objections not so made would be waived, and objections to the legality, as well as to the policy or expediency, of the making of said improvements not having been filed or made, (or having been filed or made, which objections were duly considered by said City Council, and none of said objections were sustained);

3) The property abutting on said street to be so paved and improved will be benefited by such pavement and improvement to the extent of the part of the cost thereof to be assessed, as stated below, against such abutting property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DOES ORDER THAT:

1) All that portion of Englewood Drive from Cedar Creek Road to Dead End shall be paved and curbs and gutters laid thereon, the cost of such improvements (exclusive of so much of said cost as is incurred at street intersections) to be specially assessed in an amount not to exceed TEN DOLLARS (\$10.00) thereof upon the lots and parcels of land abutting upon said improved street 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 (5) equal annual installments, bearing annual interest at eight percent (8%), payable annually.

2) Pursuant to the policy of the City Council adopted on September 21, 1987, a thirty percent (30%) discount shall be applied to any assessment paid before the expiration of thirty (30) days from the date that notice is published of confirmation of the assessment roll pursuant to N.C.G.S. 160A-229.

ADOPTED this 6th day of July, 1992, by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

BY: _____
J. L. Dawkins, Mayor

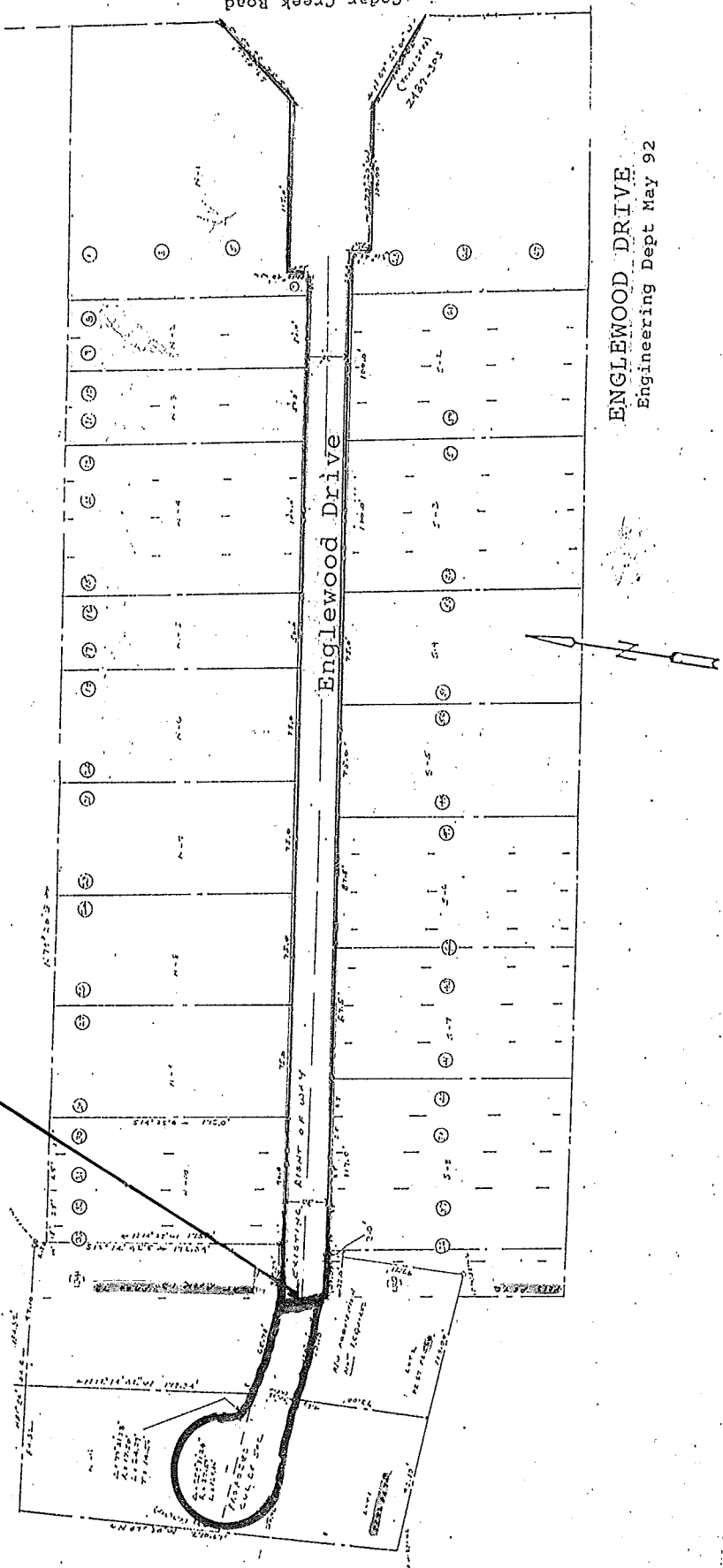
ATTEST:

Deputy City Clerk

PUBLISH: July 15, 1992

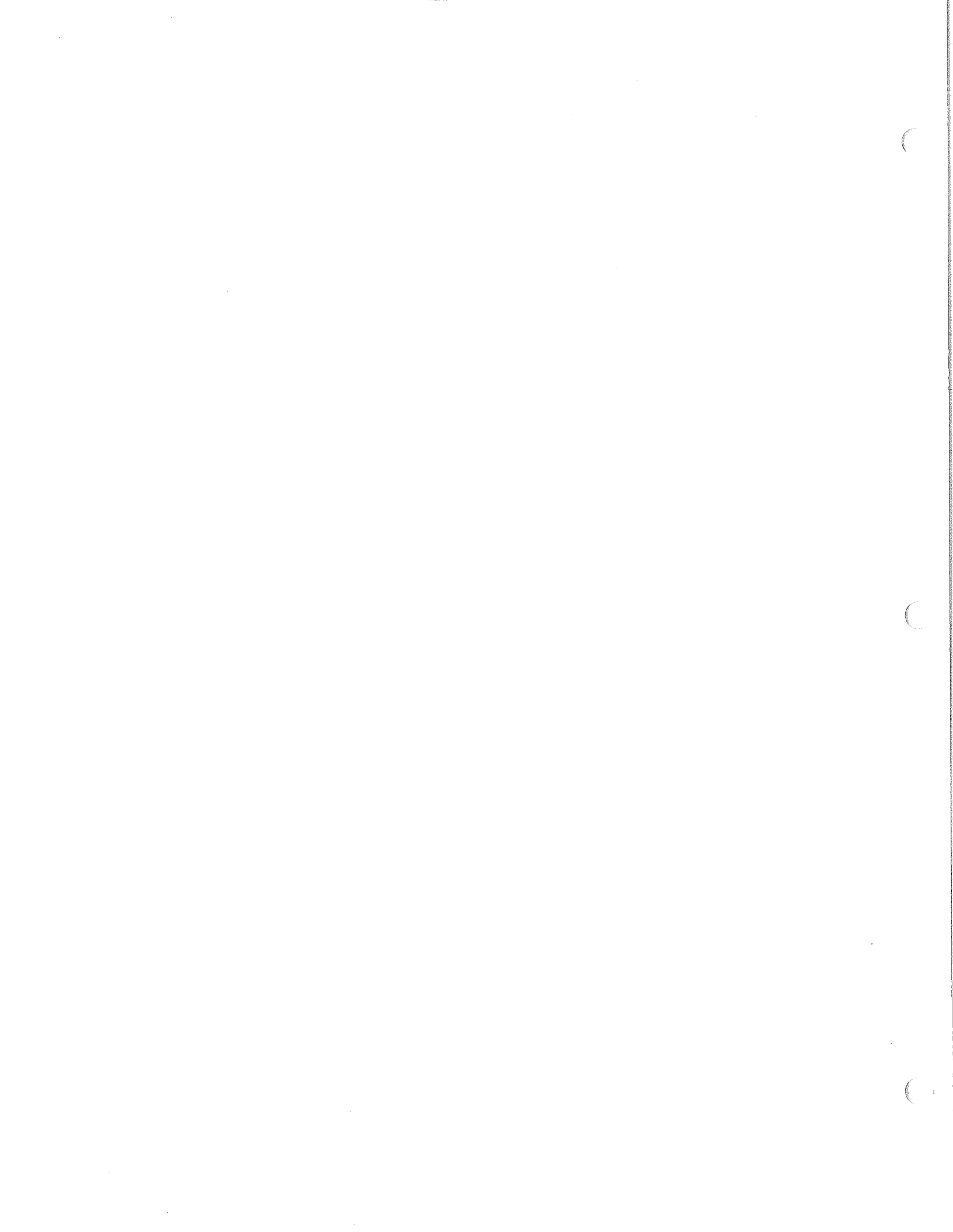
CITY
ATTY
COPY

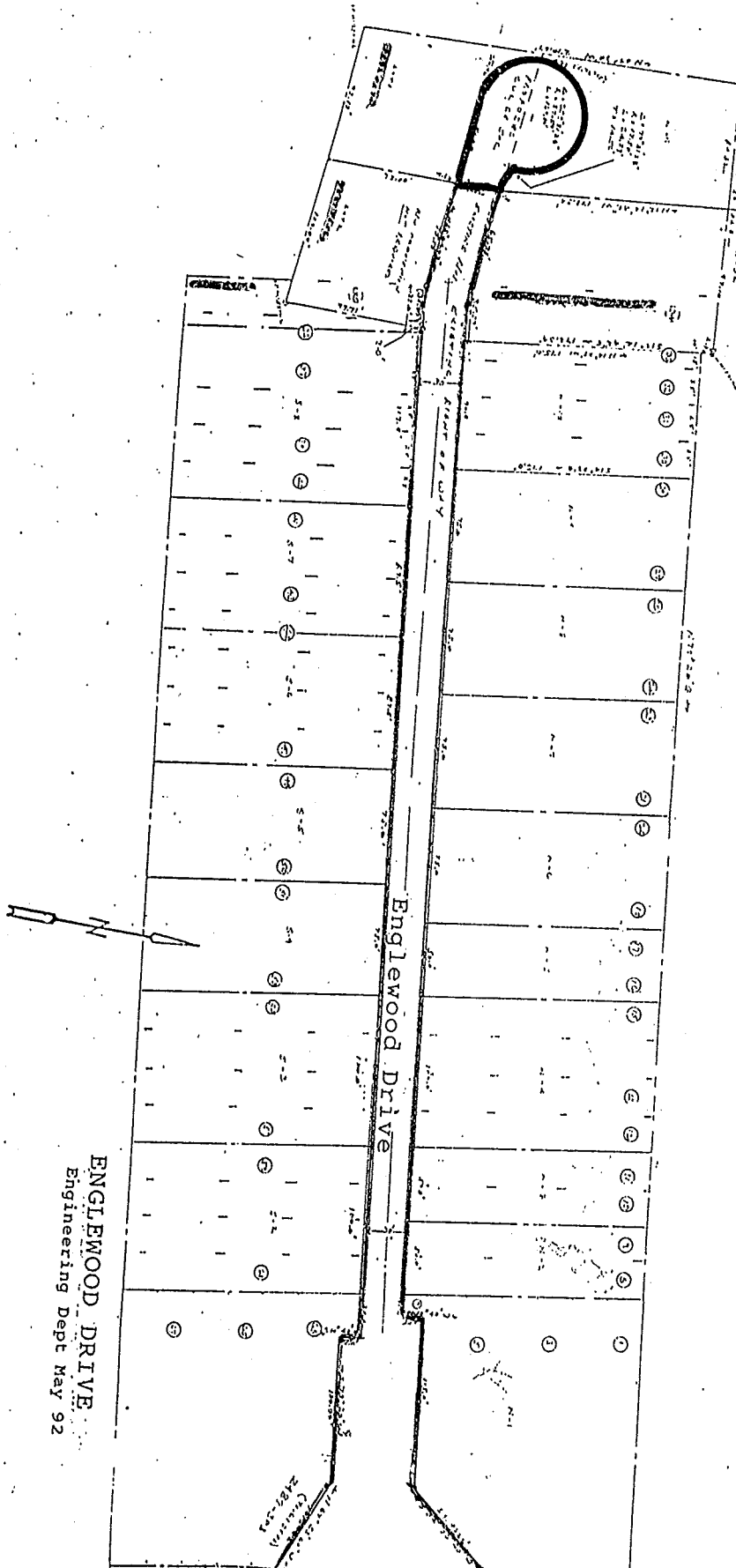
TERMINATION OF EXISTING CITY RIGHT-OF-WAY



ENGLEWOOD DRIVE
Engineering Dept May 92

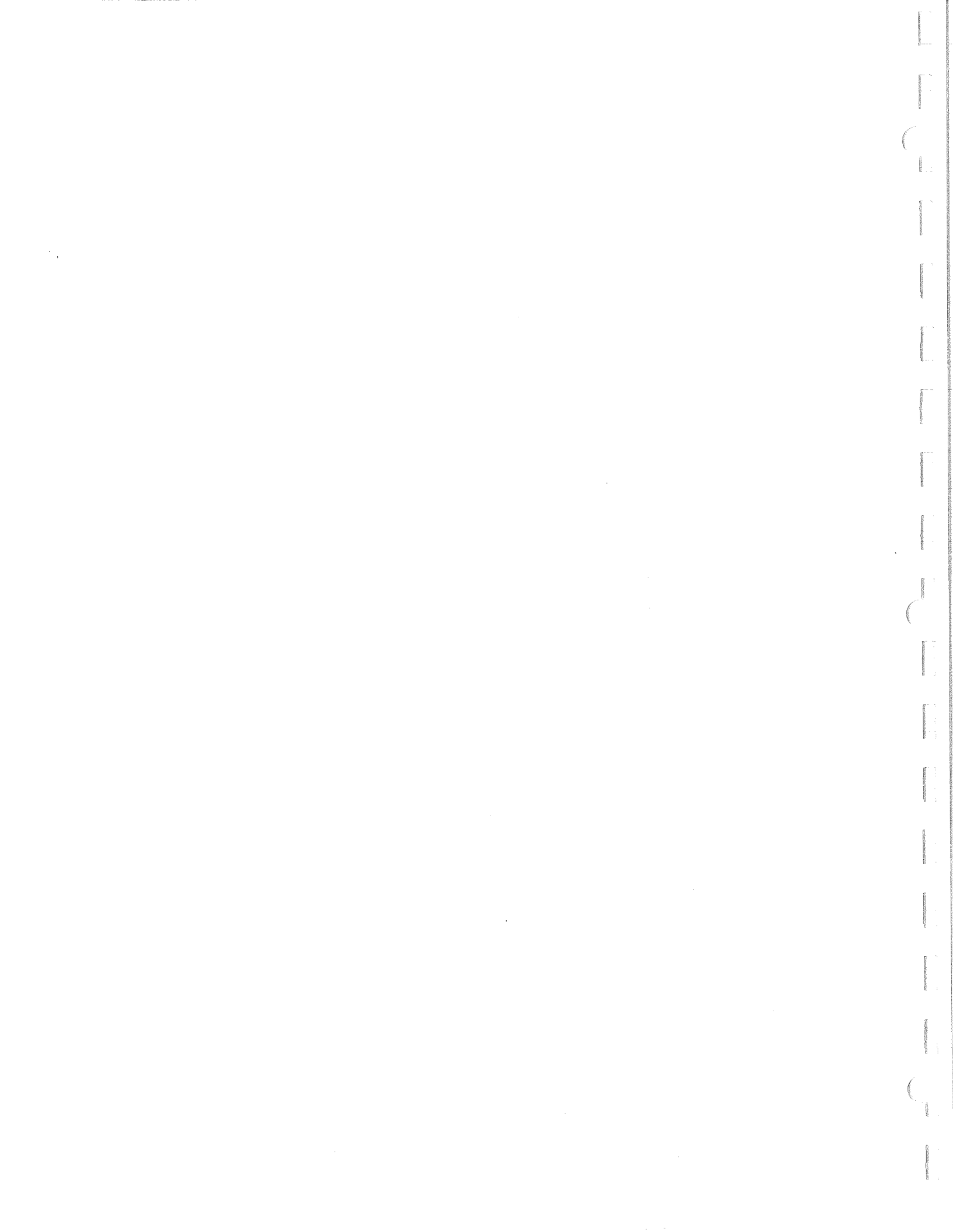
Cedar Creek Road
(NC 53 & 210)





ENGLEWOOD DRIVE
 Engineering Dept May 92

Cedar Creek Road
 (NC 53 & 210)



PUBLIC HEARING - SPEAKERS

SUBJECT: PAVING ENGLEWOOD DR.

DATE: July 6, 1992

PROPONENT (In Favor)

(Name - Print)

(Address - Print)

- 1. LULA JACKSON 1701 ENGLEWOOD DR
- 2. Norma Bass NB 1706 Englewood DR
- 3. Connie M GASON 1719 Englewood DR
- 4. _____
- 5. _____
- 6. _____
- 7. _____

OPPONENT - (Against)

(Name - Print)

(Address - Print)

- 1. DAH WILLIAMS 607 E. RAYMOND DR
- 2. LULA JACKSON 1701 Englewood Dr.
- 3. Kenneth Cain 1709 Englewood DR.
- 4. _____
- 5. _____
- 6. _____
- 7. _____

PUBLIC HEARING - SPEAKERS

SUBJECT: _____

DATE: _____

CITIZEN INPUT

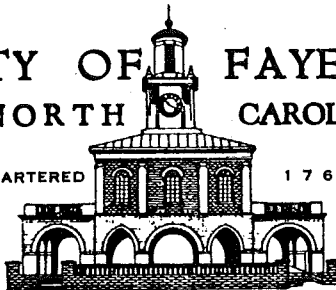
(Name - Print)

(Address - Print)

- | | | |
|-----|-------|-------|
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THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



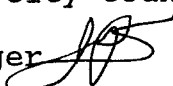
CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

JULY 1, 1992

MEMORANDUM

TO: The Mayor and Members of City Council
FROM: John P. Smith, City Manager 
SUBJECT: Appearance by Mr. Peter MacQueen

Mr. MacQueen has requested to be heard regarding the future disposition of Police patrol dogs by the City. Attached is a copy of your current policy. This request to appear is no doubt a result of the recent article in the Fayetteville Observer-Times. This article was the result of a "leaked" internal memo by the Chief of Police. The internal memo was written by the Chief of Police after an incident involving a former police patrol dog and a child. The Chief of Police is concerned both for the safety of the public and the potential liability of the City arising out of actions of animals no longer under City control.

Chief Hansen has not recommended any change in policy but was simply bringing these concerns to the attention of K-9 officers and their supervisors. I am confident that the individual responsible for leaking the memo was less interested in the welfare of animals than in creating dissention about the Police Chief. The newspaper headline and article simply sensationalized a non-issue. No police dog is currently being considered for "retirement". Your current policy requires a case by case consideration of each surplus animal. No change in that policy has been recommended or suggested. Each case will have to be carefully reviewed. With all due respect for the welfare of dogs, neither the Chief or I could responsibly recommend the release of any animal that in our opinion posed a threat to the welfare of the public. Our first responsibility is to the safety of our citizens.

JPS:ssm

Attachment

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 8

The Humane Society of Cumberland County

P.O. Box 40438

Fayetteville, N.C. 28309

6/9/92

Attention - Fayetteville City Council :

The Humane Society of Cumberland County would like to request a place on your agenda for the meeting scheduled for June 15th 1992.

The purpose of our request is to heard in regard to the future disposition of Police Dogs by the City.

Thank you for your assistance.

Sincerely,

Peter MacQueen III

President

SUBJECT	Number	Revised	Effective Date	Page 1 of 1
Law Enforcement - Disposal of Canines	130.2		10-23-89	

CITY COUNCIL POLICY ON
DISPOSAL OF POLICE CANINES

When a canine in service with the Fayetteville Police Department is retired due to age, injury, incompatibility, or other factors of unfitness, the City's first effort will be to place the canine with his handler. This can be done upon request by the handler, recommendation of the Chief of Police, and approval by the City Manager. Such placement may occur at a price of \$1.00 with an agreement releasing the City from liability.

RESOLUTION AUTHORIZING THE SALE OF
CITY OF FAYETTEVILLE PROPERTY

WHEREAS, the City of Fayetteville owns certain real property more particularly described as follows:

BEGINNING at the intersection of the southern margin of Hay Street with the eastern margin of Ray Avenue Extension, and running thence with the southern margin of Hay Street 67 degrees 15 minutes East 31.09 feet to a point; thence South 21 degrees 15 minutes West 40.00 feet to a point; thence North 67 degrees 15 minutes West 31.09 feet to a point in the eastern margin of Ray Avenue Extension; thence with aforesaid eastern margin North 21 degrees 15 minutes East 40.00 feet to a point of BEGINNING . . . containing 1,243.00 square feet, more or less, along with a two-story 1,243.17 square foot commercial building identified as 331 and 333 Hay Street.

AND WHEREAS Suva Enterprises, Inc., has made an offer to the City of Fayetteville to purchase said property for the sum of \$10,000.00;

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

1. This offer is subject to obtaining a loan within forty-five (45) days to purchase and renovate the property.
2. Buyers will be developing the building to be used as retail store, or offices.
3. Buyers will complete remodeling and repairs to the building no later than nine (9) months from the sale of building to Buyers, otherwise the ownership of the building will revert back to the Sellers.
4. All repairs and renovations will meet all code requirements for the proposed use as retail space.
5. All celetex tiles will be replaced.

6. Repairs will be made to damaged railings.
7. The stairway area will be repaired.
8. Dented painted areas will be smoothed out.
9. Bathrooms will be put in working order.
10. Interior walls will be painted and/or wallpapered.
11. The carpet in 331 Hay Street will be cleaned.
12. Carpet will be installed in 333 Hay Street
13. The exterior of the building will be repaired and painted in cooperation with The Fayetteville Historic Resources Commission.

AND WHEREAS said offer was duly advertised pursuant to N.C.G.S. Section 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 June 9, 1992, is hereby accepted and that said property shall be conveyed to Suva Enterprises, Inc., for the sum of \$10,000.00.

ADOPTED this the _____ day of July, 1992.

CITY OF FAYETTEVILLE

By: J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

NORTH CAROLINA

OFFER TO PURCHASE

CUMBERLAND COUNTY

I, Inge Gaspar do hereby Offer to Purchase the following described property from the City of Fayetteville, upon the terms and conditions set forth herein:

Description of Property: Beginning at the intersection of the southern margin of Hay Street with the eastern margin of Ray Avenue Extension, and running thence with the southern margin of Hay Street 67 degrees 15 minutes East 31.09 feet to a point; thence South 21 degrees 15 minutes West 40.00 feet to a point; thence North 67 degrees 15 minutes West 31.09 feet to a point in the eastern margin of Ray Avenue Extension; thence with aforesaid eastern margin North 21 degrees 15 minutes East 40.00 feet to a point of Beginning ... containing 1,243.00 square feet, more or less, along with a two-story 1,243.17 square foot commercial building identified as 331 and 333 Hay Street.

The terms and conditions of this offer are as follows:

- 1) The purchase price shall be Ten Thousand seven hundred fifty five dollars (\$10,755.00) .
- 2) Buyers tender herewith the sum of Six hundred dollars (\$600.00) as earnest money. In the event this offer is accepted and the transaction concluded, the sum paid as earnest money herein shall be applied towards the purchase price; in the event this offer is not accepted or the seller are unable to deliver a general warranty deed, the sum paid herein as earnest maney shall be refunded to buyer, otherwise same shall be forfeited by Buyers.
- 3) In the event this offer is accepted, Seller agree to deliver to Buyer a general warranty deed free and clear of all encumbrances; said deed to be delivered at the time of closing.
- 4) Buyer will be developing the building to be used as retail store or offices.
- 5) Buyer will complete remodeling and repairs to the building no later than nine month (9) from the sale of building to Buyers, otherwise the ownership of the building will revert back to the Sellers.
- 6) This offer shall remain open for acceptance until the period of advertising for offers has expired.

This offer made 2nd day of July 1992.

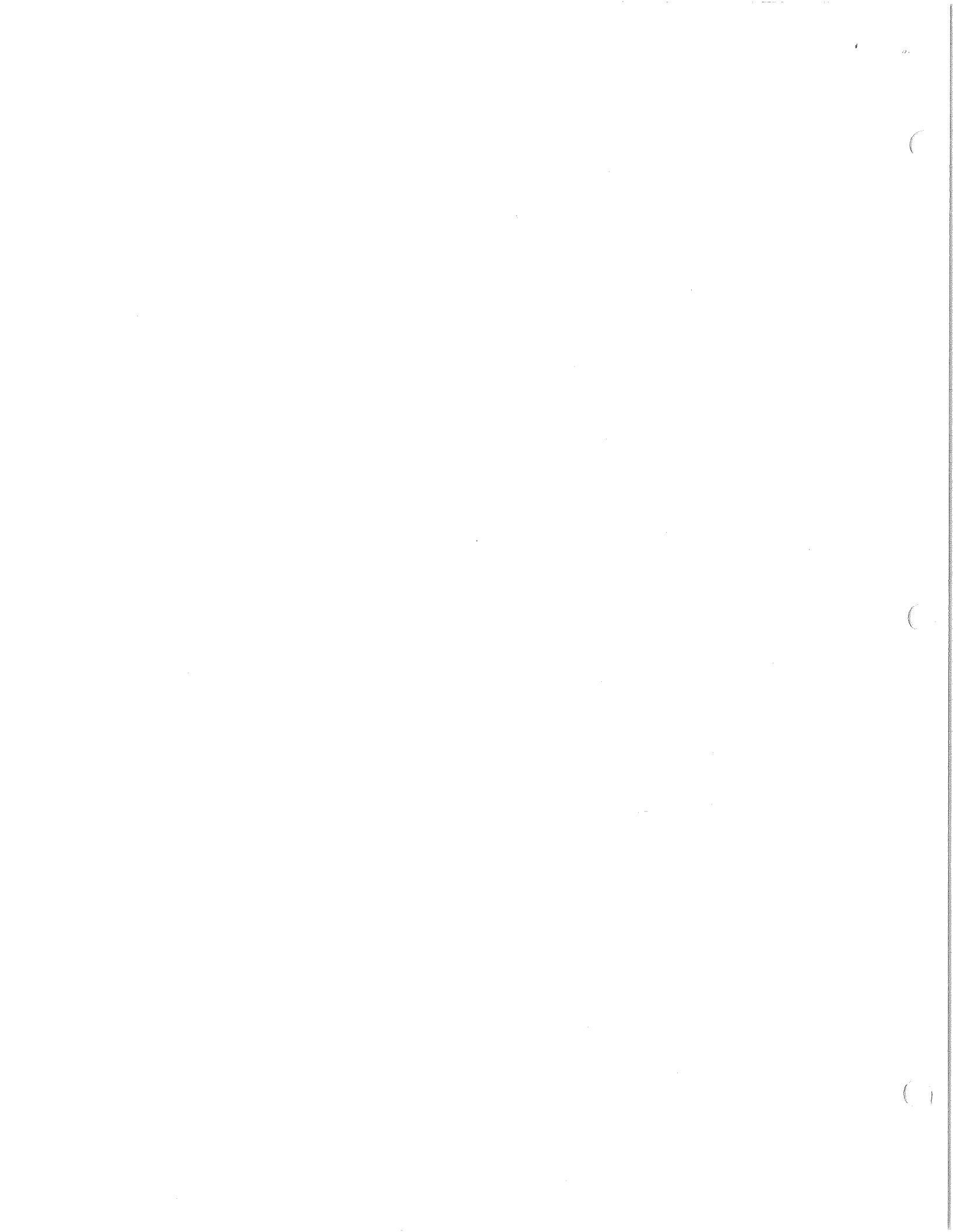
Inge U Gaspar
Inge Gaspar

WITNESS:

Janet C. Jones
ACCEPTED BY: Bobbie A. Joyner TITLE: City Clerk

This 2nd day of July, 1992

WITNESS: Janet C. Jones



ADDENDUM TO OFFER TO PURCHASE 331-333 HAY STREET

Dated July 2, 1992

Terms and Conditions of offer are ammended as follows:

1. Section 5 is ammended to include the following detailed list of repairs and renovations:

- All repairs and renovations will meet all code requirements for the proposed use as retail space.
- All celetex tiles will be replaced.
- Repairs will be made to damaged railings.
- The stairway area will be repaired.
- Dented painted areas will be smoothed out.
- Bathrooms will be put in working order.
- Interior walls will be painted and /or wallpapered.
- The carpet in 331 Hay Street will be cleaned.
- Carpet will be installed in 333 Hay Street.
- The exterior of the building will be repaired and painted in cooperation with the Fayetteville Historic Resources Commission.

DATE: 2 JULY 92

Inge Gaspar
Inge Gaspar

ACCEPTED BY : Bobbin A. Joyner TITLE: City Clerk

This 2nd day of July, 1992

WITNESS: Janet C. Jones



THIS DOCUMENT IS VOID IF GREEN BACKGROUND DOES NOT APPEAR ON THE FACE

FIRST
CITIZENS
BANK

CASHIER'S CHECK

044
BLDG #

July 2 19 92 No. 106721

PAY TO THE ORDER OF City Of Fayetteville

First Citizens Bank & Trust Company
Raleigh, N.C. 27602

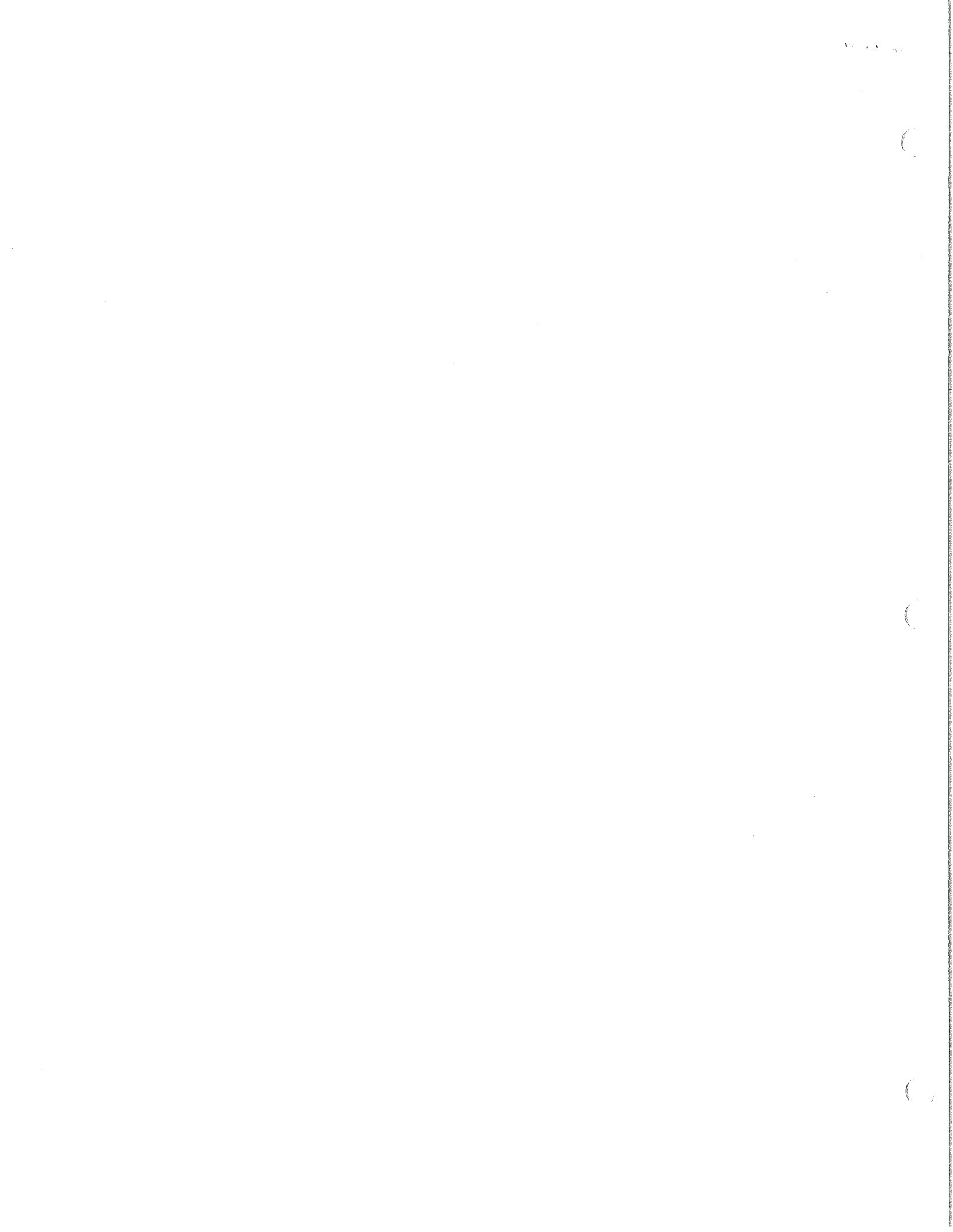
BRCH: #044 FIRST
CITIZENS BK. & TR.

REMITTER Ingre U Gaspar

Carolyn Thoy

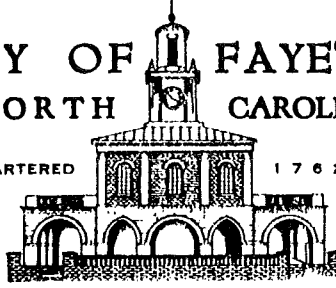
⑈ 106721 ⑆ ⑆ 053100300 ⑆ 9801994990 ⑆

*gave check to B. Lincoln, 7-2-92
at 4:25 P.M.*



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

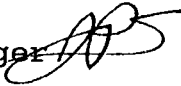
FAYETTEVILLE, NC 28301-5537

433 HAY STREET

June 30, 1992

MEMORANDUM

TO: Tim Wood, PWC Manager

FROM: John P. Smith, City Manager 

SUBJECT: PWC Capital Projects

Roger Stancil passed along to me your concerns regarding authorization by Council to continue contracts already underway on 1990 bond projects. Clearly the City Council does not intend for the 1990 bond fund projects to be halted. The question raised by Council when I presented the budget was whether these projects should be funded by issuance of the remainder of the revenue bonds or from electric retained earnings as recommended by the Public Works Commission. Because of the implications of this decision and the even more far-reaching implications of the generation project, a motion was made and passed to have a joint meeting with the Commission after the two new councilmembers were seated. The only issue I perceived with Council on the 1990 bond projects is the method of financing. This question also relates to City Council's ability to borrow funds for the City's other capital needs.

The 1990 bond fund project ordinance as amended on June 1, 1992, appropriates the entire amount needed to complete those projects in addition to the Glenville Lake Treatment Plant, which was added. In 1990 City Council adopted a resolution of intent to issue bonds for the entire amount. Unfortunately that resolution has been invalidated by a recent change in IRS regulations. In order to correct that technical flaw, I will ask City Council to adopt a corrected resolution at their July 6 meeting. This will allow PWC to use whatever funds it has available to continue the existing projects and retain the flexibility for City Council to decide whether to issue bonds as previously planned or to follow the recommendation of the Public Works Commission and not issue bonds to complete the 1990 bond projects.

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 10.

Mr. Tim Wood, PWC Manager
Page Two
June 30, 1992

I do not think it is in anyone's interest to push Council for a hasty decision; however, I do expect Council to call for a meeting with the Commission in July. It would be helpful if City Council could see the current status of bond projects under contract and the projected cash flow on each.

JPS/bpb

cc: Kai Nelson, Finance Director

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE DECLARING ITS INTENTION TO REIMBURSE THE
PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE
FROM THE PROCEEDS OF A TAX-EXEMPT FINANCING FOR CERTAIN
EXPENDITURES TO BE MADE IN CONNECTION WITH THE
ACQUISITION, CONSTRUCTION AND/OR EQUIPPING OF CERTAIN
CAPITAL IMPROVEMENTS**

WHEREAS, the Public Works Commission (the Commission) of the City of Fayetteville (the City) was created pursuant to Chapter VI of the City Charter of the City for the purposes of supervising and managing the City's utility systems; and

WHEREAS, the City is a political subdivision organized and existing under the laws of the State of North Carolina and is authorized by The State and Local Government Revenue Bond Act of North Carolina, Article 5 of Chapter 159 of the North Carolina General Statutes, to issue revenue bonds to finance the cost of acquisition, construction, reconstruction, enlargement, equipping, extension, betterment or improvements of utility system facilities; and

WHEREAS, the Commission has previously informed the City that it intends to seek permanent financing for the 1990 Revenue Capital Project Fund (the Project; as more fully described in Exhibit A attached hereto) through the issuance of revenue bonds; and

WHEREAS, the City adopted a A Resolution to Establish Intent for Financing Various Projects of the Public Works Commission on August 6, 1990, establishing the intention of the City to permanently finance all or a portion of the costs of the Project; and

WHEREAS, the City adopted a Bond Order Authorizing the Issuance of Public Works Commission Revenue Bonds on November 5, 1990, for the Series 1990 Bonds which bond order also authorizes additional bonds to complete the financing of the Project; and

WHEREAS, on January 30, 1992, the Internal Revenue Service issued final regulations addressing reimbursements from proceeds of bond issues for capital expenditures made prior to the closings and made those regulations effective for financings closed after March 2, 1992; and

WHEREAS, the Commission will make expenditures on and after the date hereof with respect to expenses incurred and to be incurred (the Expenditures) in connection with the acquisition, construction and/or equipping of the Project; and

WHEREAS, the City Council of the City of Fayetteville has determined that the funds advanced and to be advanced to pay Expenditures are or will be available for a temporary period and it is necessary to reimburse the Commission for Expenditures made on and after the date hereof with respect to the Project from the proceeds of one or more issues of tax-exempt bonds (the Bonds); and

WHEREAS, as of the date hereof, there are no funds of the City or of any other entity that is part of the controlled group of entities of which the City is a part (the Controlled Group), that are, or are reasonably expected to be, allocated on a long-term basis, reserved or otherwise available pursuant to the budgets of the City or any other entity that is part of the Controlled Group to finance the Project;

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

Section 1. The City Council hereby declares the intent of the City to reimburse the Commission with tax-exempt financing for Expenditures made on and after the date hereof with respect to the Project.

Section 2. All property that will become part of the Project will have an economic life of at least one year, determined as of the earlier of the date of issuance of the Bonds or the date on which the Project is placed in service.

Section 3. The City reasonably expects as of the date hereof that the Expenditures made with respect to the Project will be made from Electric and Water and Sewer Utility Funds of the Commission, and the debt service on the Bonds will be derived from fees and other charges with respect to the utility facilities.

Section 4. The adoption of this resolution is consistent with the budgetary and financial circumstances of the City and all other entities that are part of the Controlled Group.

Section 5. This resolution shall take effect immediately upon its passage.

Section 6. Beginning 10 days after the adoption of this resolution and ending on the date on which the Bonds are issued, this resolution will be reasonably and continuously available for inspection by the general public, on each business day and during normal business hours, at City Hall, 433 Hay Street, and will be maintained or otherwise supervised by the City Clerk.

PASSED and ADOPTED this _____ day of _____.

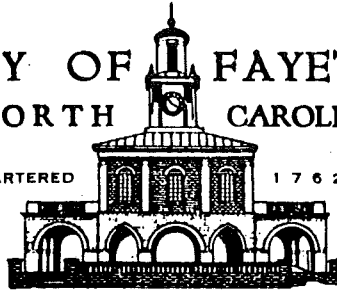
PUBLIC WORKS COMMISSION of the CITY OF FAYETTEVILLE
Schedule of Intent to Finance Various Projects
Exhibit A
(Includes Series 1990 Revenue Bonds)

Non-Departmental	
Warehouse Facility	\$1,640,000
Electric	
County Recreation Park 69-12kV Substation	1,198,000
Point of Delivery #3	7,465,000
Mobile Transformer 69-25kV 20mVA	750,000
Kelly Springfield Service Improvements	486,000
Raeford Road #2 69-12kV Substation Rebuild	1,080,000
Water/Sewer	
Cape Fear River Pump Station	4,544,000
5 MG & .5 MG Storage Tank/Pump Station	3,249,000
Glenville Lake Treatment Plant	7,173,000
Rockfish Creek WWTP Expansion	12,956,000
Total	\$40,541,000



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

June 30, 1992

MEMORANDUM

TO: The Mayor and Members of the City Council

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

SUBJECT: Airport Commission; Quorum Requirement

Currently, the City Code specifies that three members of the Airport Commission constitute a quorum. When the Commission was increased from five to six members, this was not changed. However, now that the Commission is comprised of seven voting members, it is recommended that you increase the size of the quorum requirement from three to four. The attached ordinance would accomplish this.

RCC/jkp

Attachment

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM II. A.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AMENDING SECTION 4-23 OF THE CODE OF ORDINANCES
OF THE CITY OF FAYETTEVILLE

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

Section 1. That Section 4-23, Officers; by-laws; meetings; quorum, of the Airport Commission of the Code of Ordinances of the City of Fayetteville, North Carolina, is amended by deleting from the last sentence thereof, the words and figures "three (3)" and substituting therefor the words and figures "four (4)".

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 the _____ day of _____, 1992.

CITY OF FAYETTEVILLE

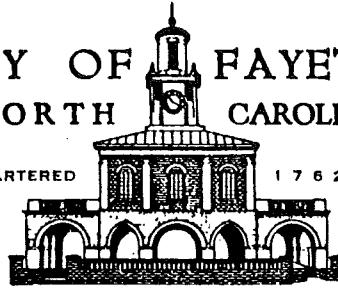
By: J. L. Dawkins, Mayor

ATTEST:

Janet C. Jones, Deputy City Clerk

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

June 29, 1992

MEMORANDUM

TO: The Mayor and Members of the City Council

FROM: Robert C. Cogswell, Jr. 
City Attorney

SUBJECT: Travel Industry Representative on Airport Commission

Please recall that your action at the last meeting was to create a two-year nonrenewable term for a member of the travel industry. When I prepared the change to the ordinance, two questions came to mind, which are:

1. Is the travel industry representative eligible for re-appointment, after waiting a year, as would any other Commission members who had to wait one year after two consecutive two-year terms?
2. Would the travel industry representative be eligible for appointment as a regular member at the conclusion of the two-year nonrenewable term?

Based upon your previous policy decisions in this regard, I have prepared the ordinance as you see it in the attached form. I would request that if this is acceptable to you, that you approve it once again so there is no question. Otherwise, this needs to be discussed and determined as to how you desire to resolve the questions I have raised.

RCC/jkp

Attachment

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 11.B.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AMENDING SECTION 4-22 OF THE CODE OF ORDINANCES
OF THE CITY OF FAYETTEVILLE

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

Section 1. That Section 4-22(a) of the Code of Ordinances of the City of Fayetteville, North Carolina, is amended by deleting the same in its entirety and substituting the following therefor:

Sec. 4-22. Membership.

(a) Composition, terms of members. The Fayetteville Airport Commission, which has been heretofore created, is enlarged in size from six to seven members. One of the seven members shall be a representative of the travel industry. All the members of the Fayetteville Airport Commission, with the exception of the representative of the travel industry, shall serve two-year staggered terms as heretofore created and shall not be permitted to serve more than two consecutive full terms without an intervening period of one year between appointments. The travel industry representative appointment shall be a two-year nonrenewable term, and shall not be permitted to serve again without an intervening period of one year between appointments. Further, the travel industry representative, if appointed as a regular member of the Commission at the conclusion of the nonrenewable term, shall not be eligible for re-appointment at the end of the regular member term without an intervening period of one year between appointments. Any current appointee who shall have previously served and will have served a total four years at the expiration of his or her current term, whether by one or more appointments, shall not be eligible for re-appointment without an intervening period of one year between appointments.

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 the _____ day of _____, 1992.

CITY OF FAYETTEVILLE

By: J. L. Dawkins, Mayor

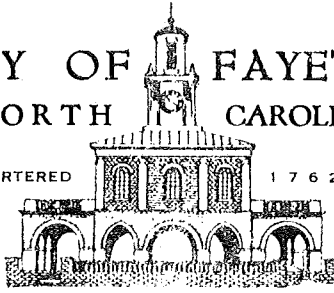
ATTEST:

Bobbie A. Joyner, City Clerk



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

May 13, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

SUBJECT: Review of City's Occupational Health Care Services and Selection of Provider

Since 1982, the City of Fayetteville has contracted for occupational health care services with a single provider. The contract for this service was executed in 1982 and has been extended by mutual agreement. Changes in costs, procedures, and protocol have been made over the years by mutual consent on an informal basis.

Earlier this year you directed me to form a special committee to review the City's current arrangement for occupational health care services and to reestablish the formal relationship with our current provider or with a different provider, if a new provider was determined to be in our best interest.

The Committee first concluded that the City should periodically put service agreements out for bid in order to ensure that we receive the best value available. To this end a formal Request for Proposals (RFP) was developed to focus the service needs identified by the Committee.

The Request for Proposals provided a specific outline of service expectations to include pre-employment physicals (for those job classifications for which they are currently required), fitness-for-duty evaluations, drug tests, and special occupational examinations (Hazardous Materials and Department of Transportation physicals).

Also included in the RFP was the requirement of the successful bidder to provide treatment and evaluation of work-related injuries and illnesses and to provide consultation services to the City's Occupational Health Nurse.

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 12.

John P. Smith, City Manager
Page 2
May 13, 1992

The RFP requires the provider to serve as a Medical Review Officer as required by Federal directives for the purpose of drug testing. Additionally, the provider will be required to assist the City in developing strategies to reduce occupational health care costs and to improve the overall wellness of our employee population.

Letters were sent to all providers of health care services in the Fayetteville area informing the recipients of the fact that the City was requesting responses to our RFP. Ten health organizations requested bid packets. Bid packets included the complete Request for Proposals and a detailed printout of the composition of the City's current work force by position classification, gender and age. The City received a total of three complete responses to our RFP.

The Committee developed a spreadsheet comparing the responses received to the specific criteria contained in the RFP. At this juncture, the Committee was expanded to add representatives of the Fire, Police, and Environmental Services Departments. These departments historically have been significant beneficiaries of the occupational health care program.

Based on the results of a comprehensive analysis of the spreadsheet comparisons, the Committee formulated a series of additional questions which were then provided to the bidders. We then scheduled meetings with each of the three bidders. The structured questions served as the format for the meetings.

The meetings with the bidders allowed for significant insight into each bidding organization. The Committee was impressed by the caliber of health care providers available in our community interested in providing this service to the City.

Following the meetings with the bidders, the Committee met to compare notes and to deliberate with regard to the relative strengths and weaknesses of the bidders. Again the spreadsheet format served us well as we compared the bidders to each other. To date, the Committee has met seventeen (17) times involving well over 200 man hours on this project.

It is the collective opinion of the Committee that all three bidders are competent and are capable of providing excellent medical treatment. Our deliberations centered around issues such as hours of operation, the number of available medical treatment facilities, how well those facilities are equipped and the primary type of care (acute or long term) rendered.

After thorough review of each proposal, Committee members unanimously agreed to recommend that the City contract with Doctors' Urgent Care Centre to provide all City-directed occupational health care services. Some of the many reasons for selecting Doctors' Urgent Care Centre follow:

John P. Smith, City Manager

Page 3

May 13, 1992

1. Doctors' Urgent Care Centre has expanded office hours. The Owen Drive facility is open 8:00 a.m. - 9:00 p.m., 7 days per week. The Ramsey Street facility is open 8:00 a.m. - 9:00 p.m., Monday through Friday and 8:00 a.m. - 6:00 p.m. on Saturday. These expanded hours are not only convenient, but will benefit the City by reducing the number of necessary visits to hospital emergency rooms, which will result in reduced occupational health care costs.
2. Doctors' Urgent Care Centre has two facilities in town (one on Owen Drive and one on Ramsey Street) which are well equipped with x-ray equipment and a small surgical and burn treatment facility at both sites. These facilities are more convenient to City worksites and are equipped to respond to our acute care needs without having to send employees to a second facility for necessary treatments or tests.
3. Doctors' Urgent Care Centre's focus is on acute care of individuals. Approximately 95% of our occupational injuries and illnesses require only acute or short-term care.
4. Reference checks reinforced the committee's confidence in the medical competence of Doctors' Urgent Centre and also impressed us with the level and quality of service, feedback, and report capabilities provided by this bidder.

Attached is a sheet containing the names of each person who participated on the Occupational Health Care Ad Hoc Committee.

JBB/dc

Attachment

ID-333

OCCUPATIONAL HEALTH CARE AD HOC COMMITTEE

John B. Brown, Jr., Chairman

John B. Brown, Jr.

Kathy McPhail, Safety Director

Kathy McPhail

Rebecca Jolly, Occupational Health Nurse

Rebecca Jolly RN

Alan Nobles, Assistant Fire Chief

Alan Nobles

George Moyd, Major of Police

George Moyd

Kai Nelson, Finance Director

Kai D. Nelson

George McCarthy, Risk Manager

George McCarthy

Clark Dill, Environmental Services Director

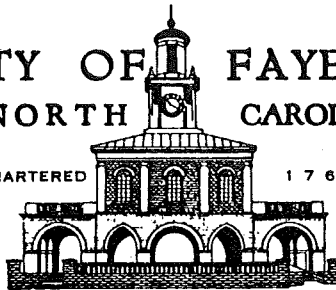
Clark Dill

Al McKenzie, Personnel Director

Al McKenzie

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

JULY 1, 1992

MEMORANDUM

TO: The Mayor and Members of City Council
FROM: Roger L. Stancil, Deputy City Manager *RLS*
RE: Lease Proposal - Cape Fear/Yadkin Valley Depot

Attached is a proposal from Lee Chancey of Olde Fayetteville Carriages through Robin Legg to lease the Depot. Although Mr. Chancey proposes only a nominal rent payment, he does propose to provide a valuable service to the City.

Whenever we visit the Depot, pigeons have gotten in and their droppings cover the floor. This is a health hazard and also contributes to the deterioration of the building. We cannot constantly monitor the building to secure it. Mr. Chancey proposes to do that for us.

Everything Mr. Chancey proposes to do has been reviewed with the Inspections Superintendent.

We believe it is in the City's best interest to enter into this agreement with Mr. Chancey on a month to month basis. We will coordinate with the Women's Center, Inspections and other departments affected before the agreement is signed. We recommend that you authorize the City Manager to negotiate and execute an agreement with Mr. Chancey.

RLS:ssm

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 13

June 30, 1992.

Mr. John P. Smith
City Manager
433 Hay Street
Fayetteville, N. C. 28301

Dear John:

As you know, Mr. Lee Chancey of Olde Fayetteville Carriage Rides has been operating in downtown since June 15, 1992. Apparently things are going nicely and Mr. Chancey is pleased with how well his business has been received.

We have been working with him to locate a site in the area to board his horse and store his carriage. He is currently driving the carriage to and from Yadkin Road each evening. He is interested in leasing the Cape Fear/Yadkin Valley Railroad Depot from the City of Fayetteville for this purpose. I am enclosing a proposal for Mr. Chancey and would like to request that we be placed on the agenda for the Monday, July 6, 1992 City Council meeting.

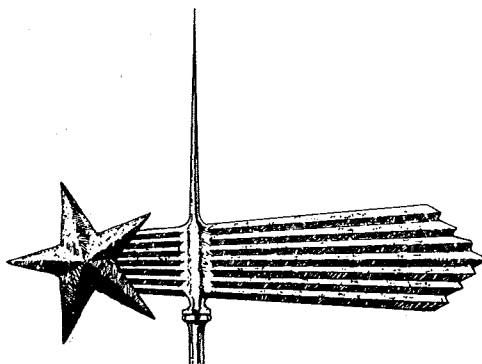
Thank you for your assistance. If you need additional information, please let me know.

Sincerely,



Robin Kelly Legg
Executive Director

Enclosure



OLDE FAYETTEVILLE

June 30, 1992

Mr. John P. Smith
City Manager
433 Hay Street
Fayetteville, N. C. 28301

Dear John:

Mr. Lee Chancey of Olde Fayetteville Carriages is interested in leasing the Cape Fear/Yadkin Valley Railroad Depot from the City of Fayetteville to board 1-2 horses and to store 1-2 carriages as part of his horse and carriage operation downtown. He proposes to lease the building for \$1.00 per month for one year in exchange for the following improvements he would make to the building, all according to any code ordinances or historic preservation standards that would apply:

- clean the first and second floors, including removing all pigeon droppings
- secure the building to prevent further entry by pigeons or other animals
- improve access to the second floor so that it is safe
- improve the lighting in and around the building

Mr. Chancey also proposes to do the following to the interior of the building as it relates to his business:

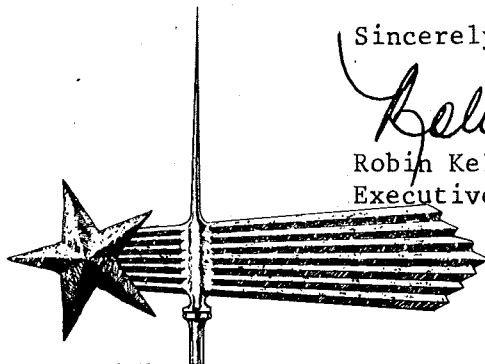
- construct two 15x15 stalls
- install no smoking signs
- clean the stalls on a daily basis
- store manure in air tight containers for removal on a weekly basis
- pay all utilities
- use Franklin Street door as main access to prevent interference with business at The Market

We appreciate your consideration and assistance. Please let me know if you need additional information.

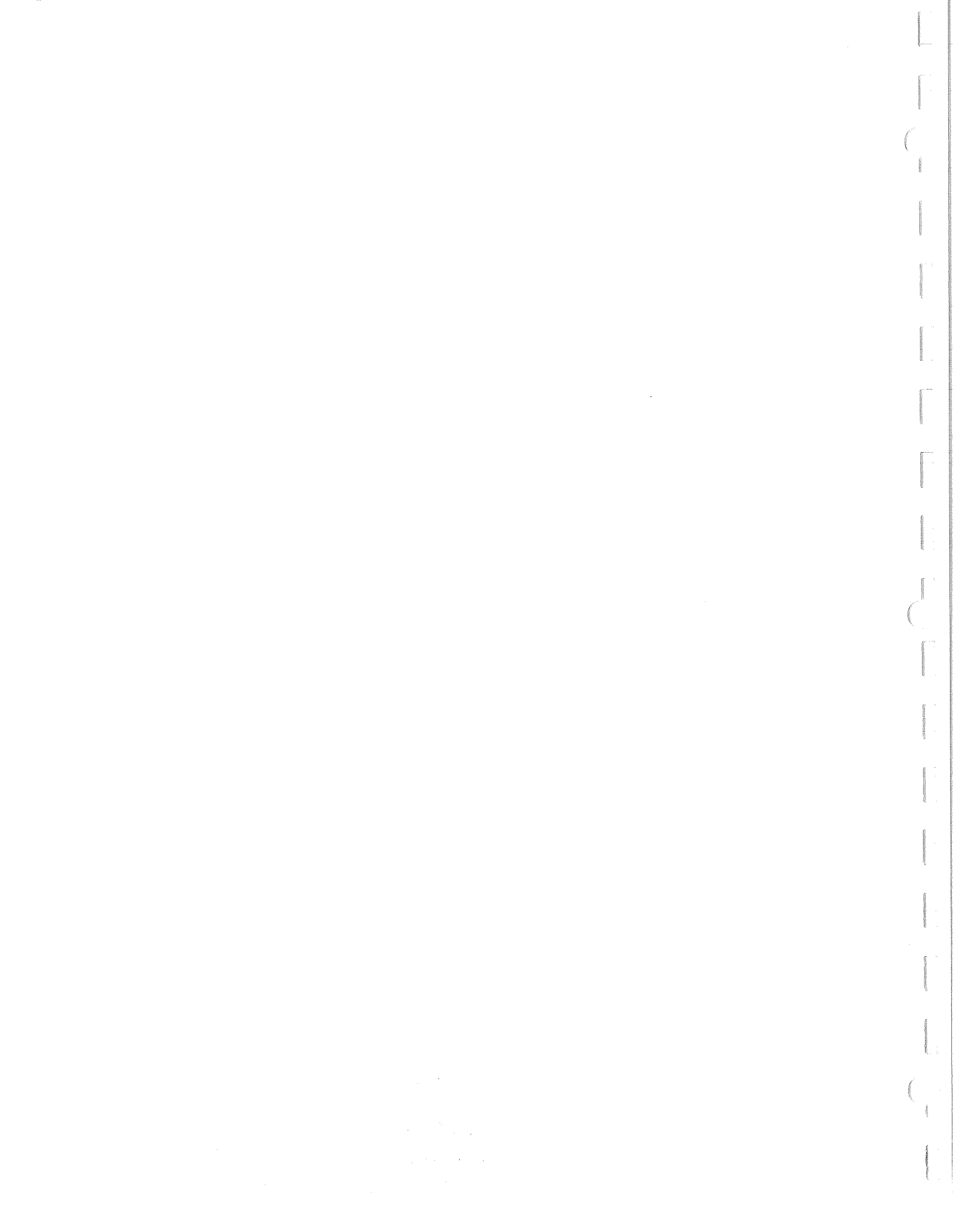
Sincerely,



Robin Kelly Legg
Executive Director

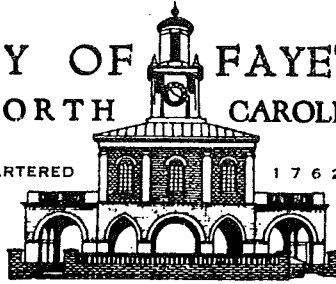


OLDE FAYETTEVILLE



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

June 30, 1992

MEMORANDUM

TO: Roger L. Stancil, Deputy City Manager

THROUGH: Jimmy Teal, Assistant City Manager, Planning & Development

FROM: David Nash, Annexation Studies Coordinator *DN*

SUBJECT: Agenda Item - Two Annexation Petitions - McLean and Thompson Properties -
McArthur Road

BACKGROUND - A new residential area has been proposed for construction on the western side of McArthur Road, west of the College Lakes area. (See Vicinity Map.)

The Rose Group, Inc., is providing engineering services for the developers of this new residential area. According to Sol Rose of The Rose Group, the developers have not yet selected a name for the proposed new residential area.

The proposed new residential area is made up of two separately owned properties. Therefore, two separate petitions have been submitted to the City staff. Each petition is discussed briefly below.

McLean Property

Date Petition Received: 6-15-92

Owner: McLean Development Corporation

Petition Signed By: Tom McLean, President, and Bob Measmer, Vice President

Number of Acres: 56.73

Proposed Number of Housing Units: 150

Is Property Contiguous? Yes

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 14.A.

Thompson Property

Date Petition Received: 6-29-92

Owner: Paul Thompson Trust #1 and Trust #2

Petition Signed By: Thomas R. McLean, Trustee

Number of Acres: 42.73

Proposed Number of Housing Units: 120

Is Property Contiguous? No, however the Thompson property is separated from the municipal boundary by the right-of-way of McArthur Road. The City has the authority to make the Thompson property contiguous by adding this road right-of-way. Also, in processing this property for annexation, it is assumed that the City staff will combine the Thompson property with the McLean property. Since the McLean property is contiguous, the Thompson property will be made contiguous.

REASONS FOR THE TWO PETITIONS - There are two utility policies which have an impact on annexation.

One policy states that property owners/developers requesting water and sanitary sewer extensions to areas immediately adjacent or contiguous to the City must file a petition for annexation as a prerequisite to utility extensions. The City Council has the freedom to approve or reject the petition. The purpose of the policy is to enable the City to enforce City development standards on developing property contiguous to the City.

As explained above, the McLean property is currently contiguous and the Thompson property can be made contiguous. Since both properties are proposed for residential development, they will both need water and sewer. Therefore, the owners of both properties are required to submit a petition for annexation.

A second policy states that if a property needing utilities is inside the City prior to the execution of a contract for utility extensions, then PWC will participate in one-third of the costs of utility extensions.

PROCESS - Pursuant to State Statute, the first step in the process is for each petition to be presented to City Council. For each petition, the Council can then consider adopting a Resolution Directing the City Clerk to Investigate the Sufficiency of a Petition. (To investigate the sufficiency of a petition means to verify that the person or persons signing the petition actually own the property.)

The following materials are submitted for the July 6, 1992, City Council meeting:

Vicinity Map

McLean Property

1. Copy of letter of transmittal
2. Copy of annexation petition (legal description is typed on petition.)
3. Copy of map submitted with petition
4. Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31

Roger L. Stancil
Page 3
June 30, 1992

Thompson Property

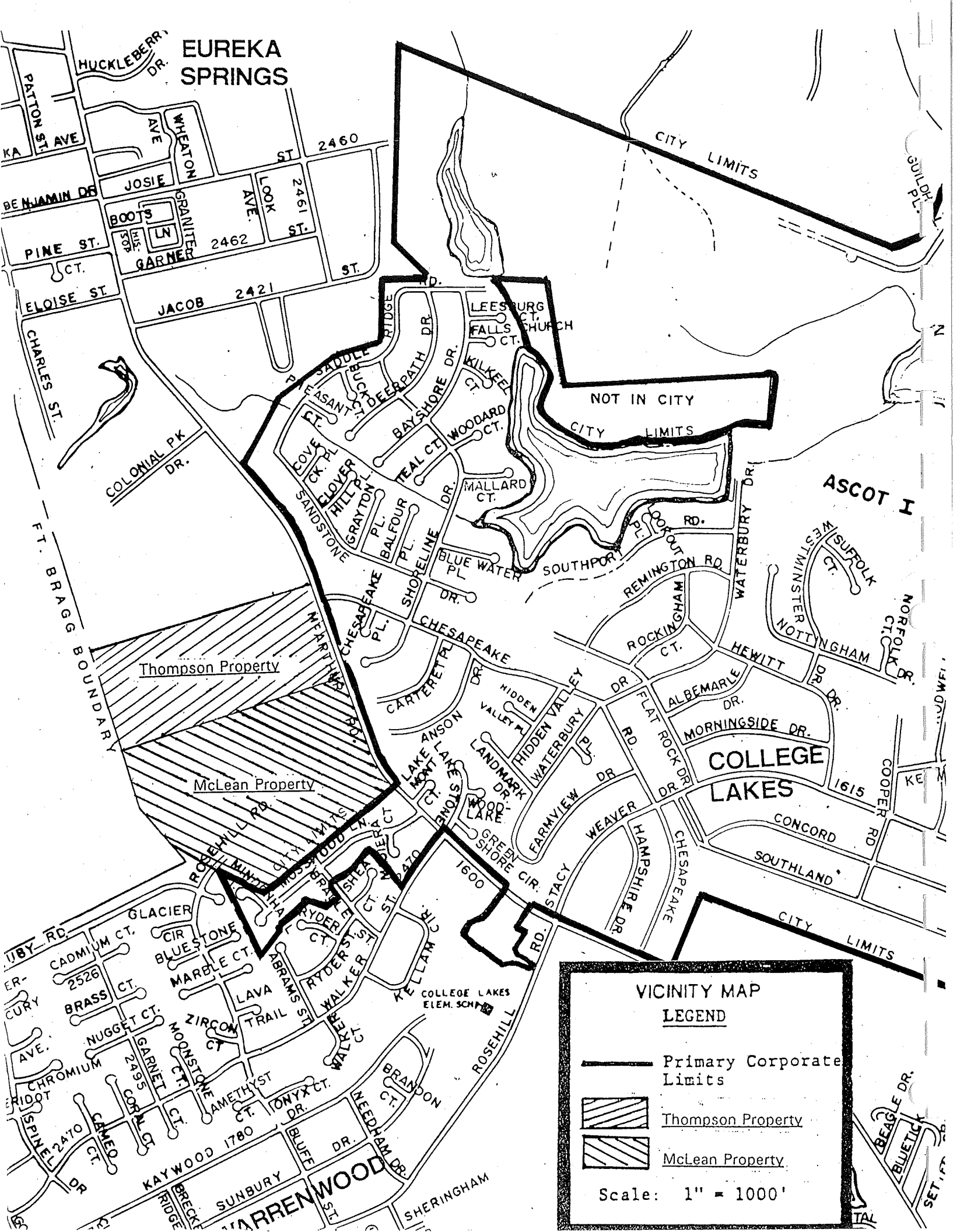
1. Copy of letter of transmittal
2. Copy of annexation petition (legal description is typed on petition.)
3. Copy of map submitted with petition
4. Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31

RECOMMENDATION - The City staff recommends that the annexation petition process be started for both the McLean and Thompson properties. The City staff recommends that the City Council adopt the attached resolutions.

DN/kbl

Attachments

EUREKA SPRINGS


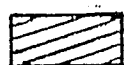



Thompson Property

McLean Property

VICINITY MAP

LEGEND

-  Primary Corporate Limits
-  Thompson Property
-  McLean Property

Scale: 1" = 1000'

RECEIVED 6-15-92

LETTER OF TRANSMITTAL

ROSE & PURCELL, INC.

104 Gillespie Street
P.O. Box 103
FAYETTEVILLE, NORTH CAROLINA 28302

(919) 323-3400
FAX (919) 323-1028

TO CITY OF FAYETTEVILLE

DATE	JUNE 15, 1992	JOB NO.	
ATTENTION	DAVID NASH		
RE:	PROPOSED ANNEXATION		

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
- Copy of letter Change order PETITION

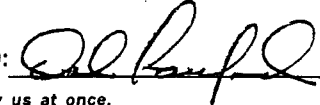
COPIES	DATE	NO.	DESCRIPTION
1			PETITION FOR ANNEXATION

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
- For your use Approved as noted Submit _____ copies for distribution
- As requested Returned for corrections Return _____ corrected prints
- For review and comment _____
- FOR BIDS DUE _____ 19 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO FILE

SIGNED: 

Received 6-15-92

PETITION REQUESTING ANNEXATION
(CONTIGUOUS AREA)

Date June 11, 1992

To the Mayor and City Council of the City of Fayetteville, North Carolina.

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Fayetteville, North Carolina.

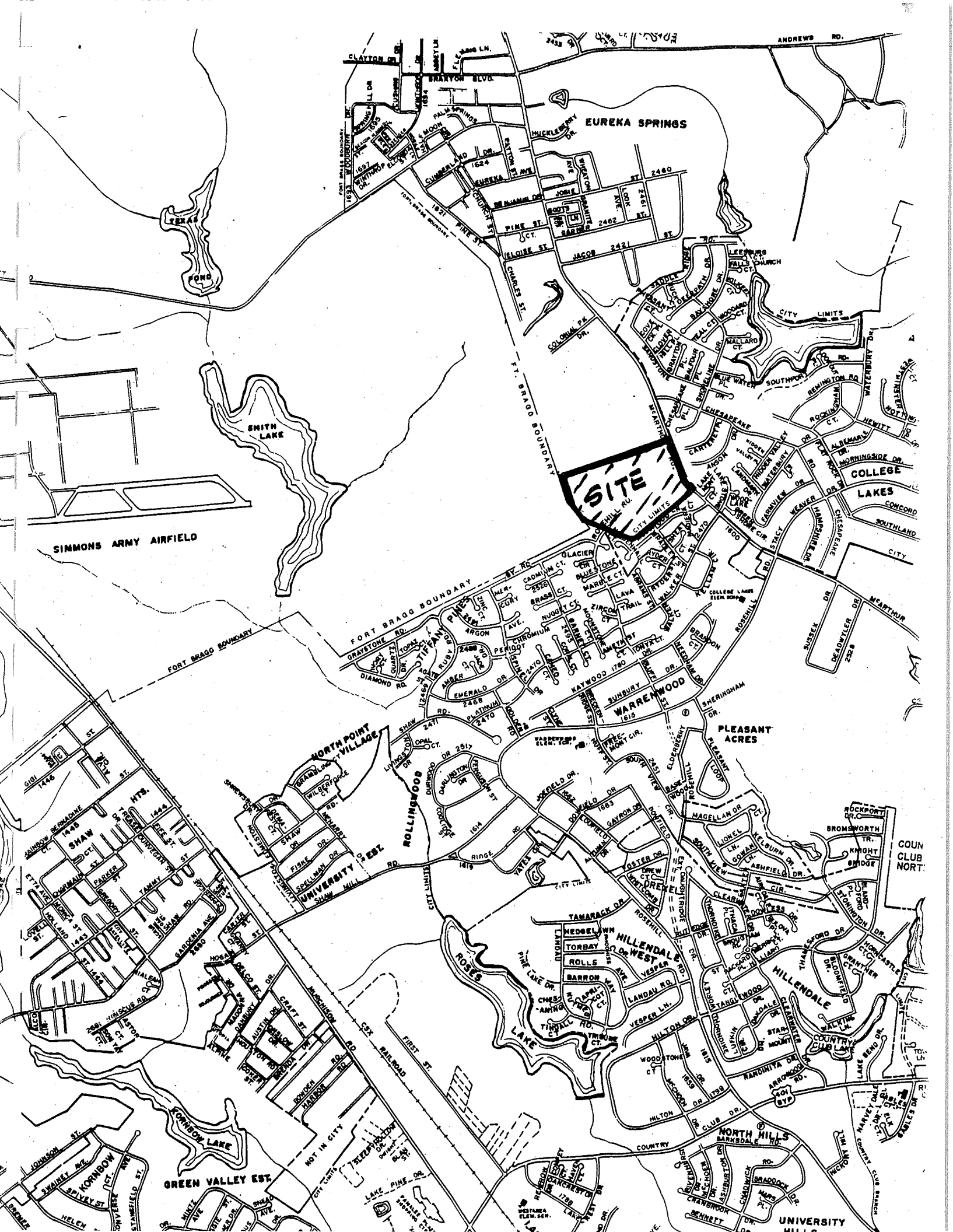
2. The area to be annexed is contiguous to the City of Fayetteville, and the boundaries of such territory are as follows:

(Insert Metes and Bounds Description of Boundaries)

BEGINNING at the southeast corner of Tract No. 8 of the original deed from Golden Belt Orchards in the line of the Fort Bragg Reservation; and running thence with it N 53° 18' 32" W 700.06 feet to an existing concrete monument; thence N 48° 33' 41" W 524.93 feet to an existing concrete monument; thence N 19° 55' 00" W 482.66 feet to an iron pipe; thence N 69° 34' 14" E 1956.50 feet to the western margin of McArthur Road; thence with it S 20° 29' 25" E 679.07 feet to the P.C. of a curve; (the radius of which is 955.00 feet) thence with said curve as it curves to the southeast, an arc distance of 460.71 feet (chord bearing and distance S 34° 18' 38" E 456.26 feet) to an existing iron pipe, the northeast corner of McArthur Place subdivision; thence with the northern line of it S 54° 25' 44" W 1505.30 feet to the beginning and containing 56.73 acres.

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Fayetteville.

<u>NAME</u>	<u>ADDRESS</u>
1. <u>McLean Development Corp.</u>	<u>Box 35850</u>
2. <u>Tom McLean, Pres.</u>	<u>Fayetteville, N.C.</u>
3. <u>Bob McLean, V.P.</u>	<u>34 28303</u>
4.	
5.	
6.	
7.	



MCLEAN DEVELOPMENT CORPORATION PROPERTY
(MCARTHUR ROAD)

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition has been received on July 6, 1992, by the City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Fayetteville deems it advisable to proceed in response to this request for annexation;

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

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED this 6th day of July, 1992.

J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

ROSE & PURCELL, INC.

104 Gillespie Street
 P.O. Box 103
 FAYETTEVILLE, NORTH CAROLINA 28302

(919) 323-3400
 FAX (919) 323-1028

TO CITY OF FAYETTEVILLE

LETTER OF TRANSMITTAL

DATE <u>JUNE 29, 1992</u>	JOB NO.
ATTENTION <u>DAVID NASH</u>	
RE: <u>PROPOSED ANNEXATION OF PAUL THOMPSON PROPERTY</u>	

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION
<u>1</u>			<u>ANNEXATION PETITION</u>

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ 19 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO _____

SIGNED: *[Signature]*

Received 6-29-92

PETITION REQUESTING ANNEXATION
(CONTIGUOUS AREA)

Date June 25th 1992

To the Mayor and City Council of the City of Fayetteville, North Carolina.

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Fayetteville, North Carolina.

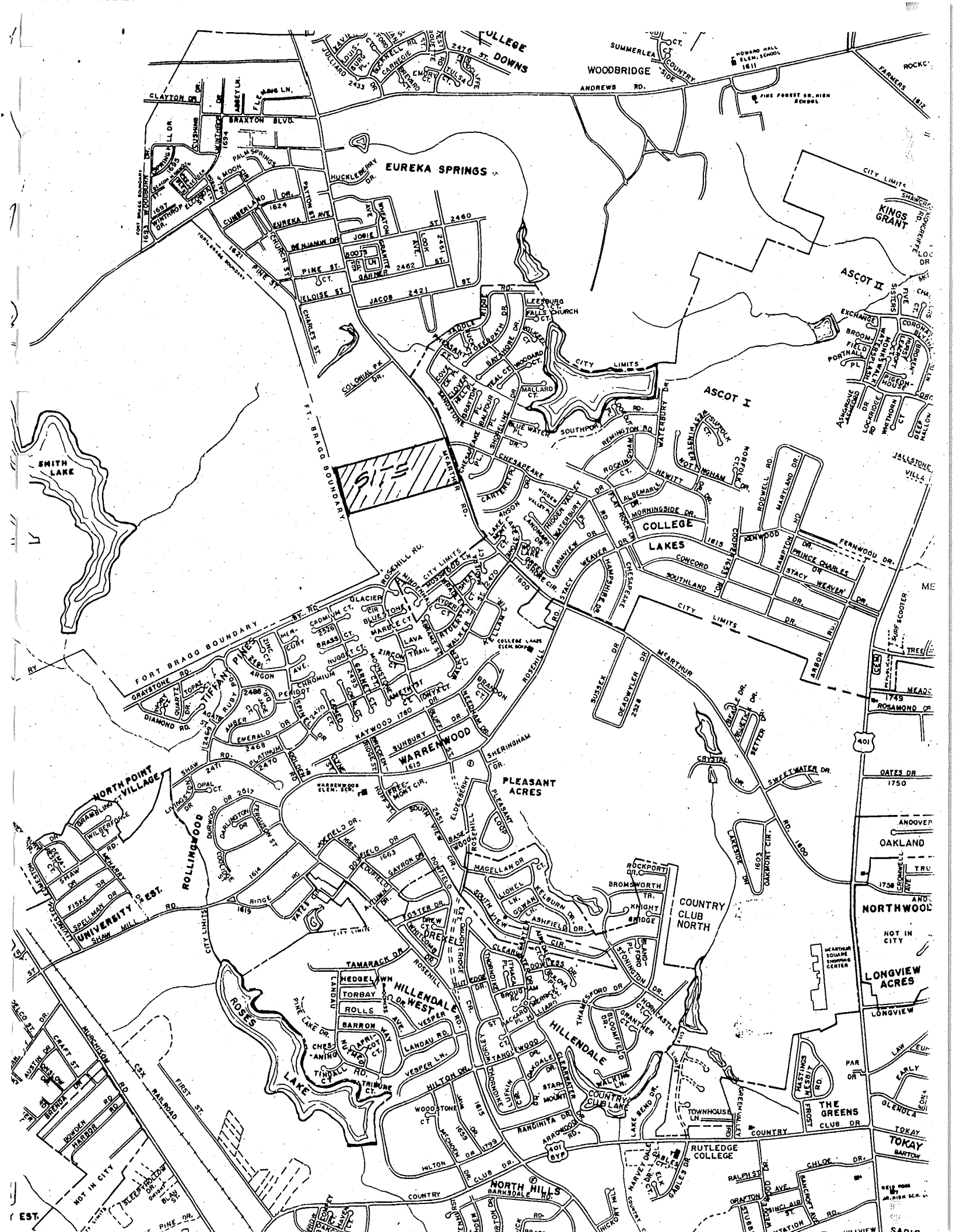
2. The area to be annexed is contiguous to the City of Fayetteville, and the boundaries of such territory are as follows:

(Insert Metes and Bounds Description of Boundaries)

BEGINNING at a concrete monument in the eastern line of the Fort Bragg Reservation, same being also the southwest corner of the 29.52 acre tract sold to Carolina Power and Light Company, as per survey by Linwood E. Byrd, Inc. and running thence with the southern lien of said tract N 59° 05' 26" E 1981.48 feet to a concrete monument in the western right-of-way margin of McArthur Road thence with it as it curves to the south (the radius of which is 1,339.64 feet) an arc distance of 69.24 feet to the point of tangency of said curve; thence continuing with the western right-of-way margin of McArthur Road S 20° 29' 25" E 391.31 feet to the northeast corner of a 56.43 acre tract belonging to McLean Development Corporation; thence with the northern line of it S 69° 34' 14" W 1956.50 feet to the eastern line of the Fort Bragg Reservation thence with it N 19° 55' 00" W 779.94 feet to the beginning and containing 42.73 acres.

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Fayetteville.

<u>NAME</u>	<u>ADDRESS</u>
1. <u>Paul Thompson Trust # 1 & Trust # 2</u>	
2. <u>Thomas A. McLean, Trustee</u>	
3.	
4.	<u>Box 35850</u>
5.	
6.	<u>Zip 28303</u>
7.	



PAUL THOMPSON TRUST #1
AND TRUST #2 PROPERTY
(MCARTHUR ROAD)

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on July 6, 1992, by the City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Fayetteville deems it advisable to proceed in response to this request for annexation;

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

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED this 6th day of July, 1992.

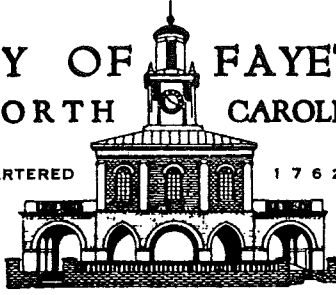
J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

June 30, 1992

MEMORANDUM

TO: Roger L. Stancil, Deputy City Manager

THROUGH: Jimmy Teal, Assistant City Manager, Planning & Development

FROM: David Nash, Annexation Studies Coordinator *DN*

SUBJECT: Agenda Item - One Annexation Petition - Perry Property - Cedar Creek Road

BACKGROUND - A new residential area has been proposed for construction on the eastern side of Cedar Creek Road, south of the Lock's Creek subdivision. (See Vicinity Map.)

The Rose Group, Inc., is providing engineering services for the developers of this new residential area. According to Sol Rose of The Rose Group, the developers do not own the property, but have an option to buy the property. According to Mr. Rose, the developers have not yet selected a name for the new residential area.

On June 29, 1992, the City staff received an annexation petition requesting that the property which is proposed for residential development be annexed. The petition was signed by Randy and Cynthia Perry. Since the Perry's are the current owners and since no name has been selected yet for the future development, the property can be referred to as the "Perry property."

The property consists of approximately 68.47 acres. According to Mr. Rose, the proposed development will have around 200 lots. The property is contiguous to the City.

REASONS FOR THE PETITION - There are two utility policies which have an impact on annexation.

One policy states that property owners/developers requesting water and sanitary sewer extensions to areas immediately adjacent or contiguous to the City must file a petition for annexation as a prerequisite to utility extensions. The City Council has the freedom to approve or reject the petition. The purpose of the policy is to enable the City to enforce City development standards on developing property contiguous to the City. This property is contiguous, and it will need water and sewer. Therefore, the owner is required to submit a petition requesting annexation.

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 14B.

Roger L. Stancil
Page 2
June 30, 1992

A second policy states that if a property needing utilities is inside the City prior to the execution of a contract for utility extensions, then PWC will participate in one-third of the costs of utility extensions.

PROCESS - Pursuant to State Statute, the first step in the process is for the petition to be presented to City Council. The Council can then consider adopting a Resolution Directing the City Clerk to Investigate the Sufficiency of a Petition. (To investigate the sufficiency of the petition means to verify that the person or persons signing the petition actual own the property.)

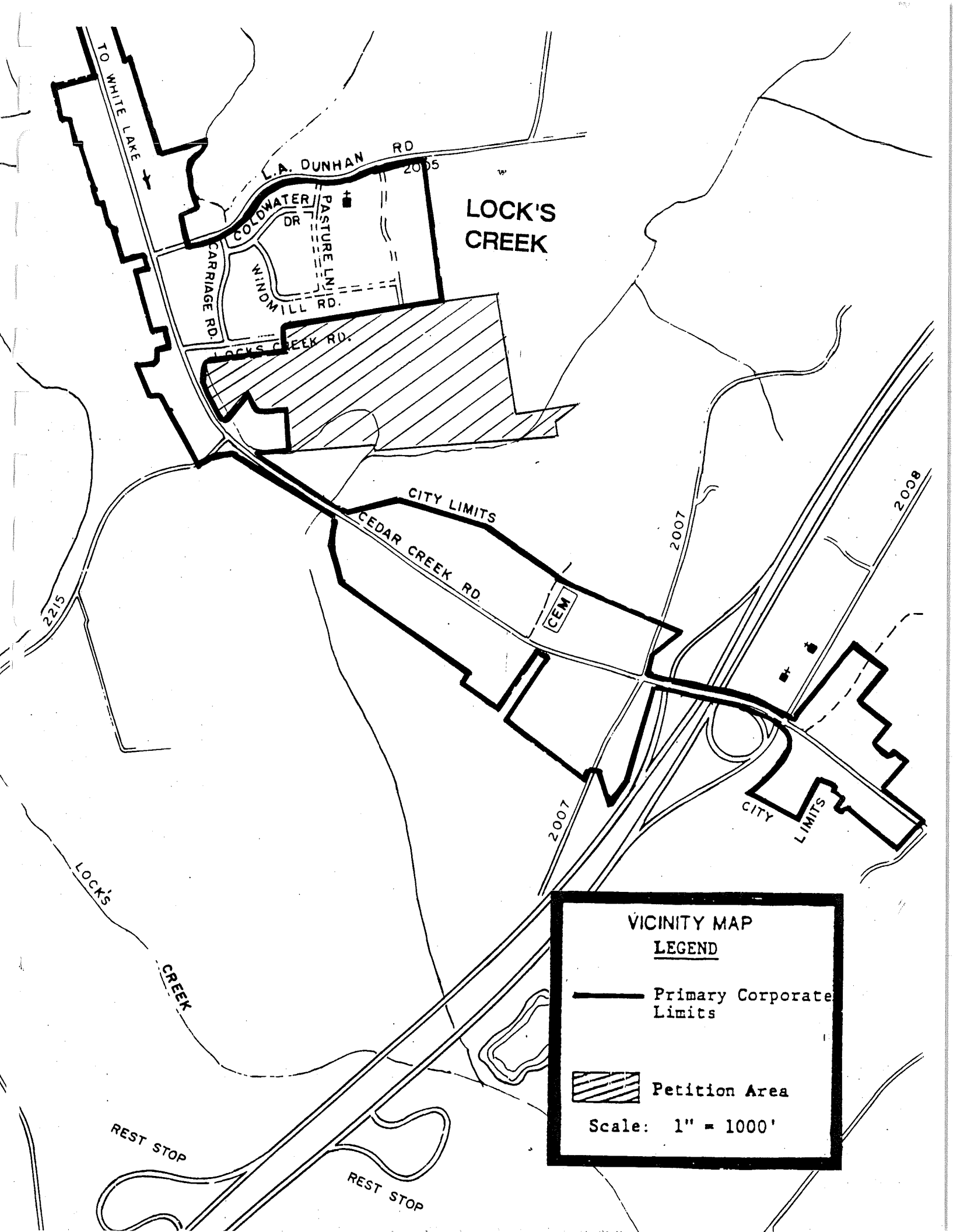
The following materials are submitted for the July 6, 1992, City Council meeting:

1. Vicinity Map
2. Copy of letter of transmittal
3. Copy of annexation petition
4. Copy of legal description submitted with the petition
5. Copy of map submitted with the petition
6. Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31

RECOMMENDATION - The City staff recommends that the annexation petition process be started for this property. The City staff recommends that the City Council adopt the attached resolution.

DN/kbl

Attachments



LOCK'S CREEK

CITY LIMITS

CEDAR CREEK RD.

CEM

CITY LIMITS

VICINITY MAP
LEGEND

— Primary Corporate Limits

▨ Petition Area

Scale: 1" = 1000'

REST STOP

REST STOP

TO WHITE LAKE

L.A. DUNHAN RD 2005

COLDWATER DR

PASTURE LN

WINDMILL RD.

CARRIAGE RD.

LOCKS CREEK RD.

2215

2007

2008

2007

LOCK'S CREEK

CREEK

ROSE & PURCELL, INC.

104 Gillespie Street
 P.O. Box 103
 FAYETTEVILLE, NORTH CAROLINA 28302

(919) 323-3400
 FAX (919) 323-1028

TO CITY OF FAYETTEVILLE

LETTER OF TRANSMITTAL

DATE	JUNE 29, 1992	JOB NO.
ATTENTION	DAVID NASH	
RE:	PROPOSED ANNEXATION OF PERRY PROPERTY	

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____


COPIES	DATE	NO.	DESCRIPTION
1			ANNEXATION PETITION

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ 19 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO FILE

SIGNED: 

Received 6-29-92

PETITION REQUESTING ANNEXATION
(CONTIGUOUS AREA)

Date June 17, 1992

To the Mayor and City Council of the City of Fayetteville, North Carolina.

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Fayetteville, North Carolina.

2. The area to be annexed is contiguous to the City of Fayetteville, and the boundaries of such territory are as follows:

(Insert Metes and Bounds Description of Boundaries)

(SEE ATTACHED)

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Fayetteville.

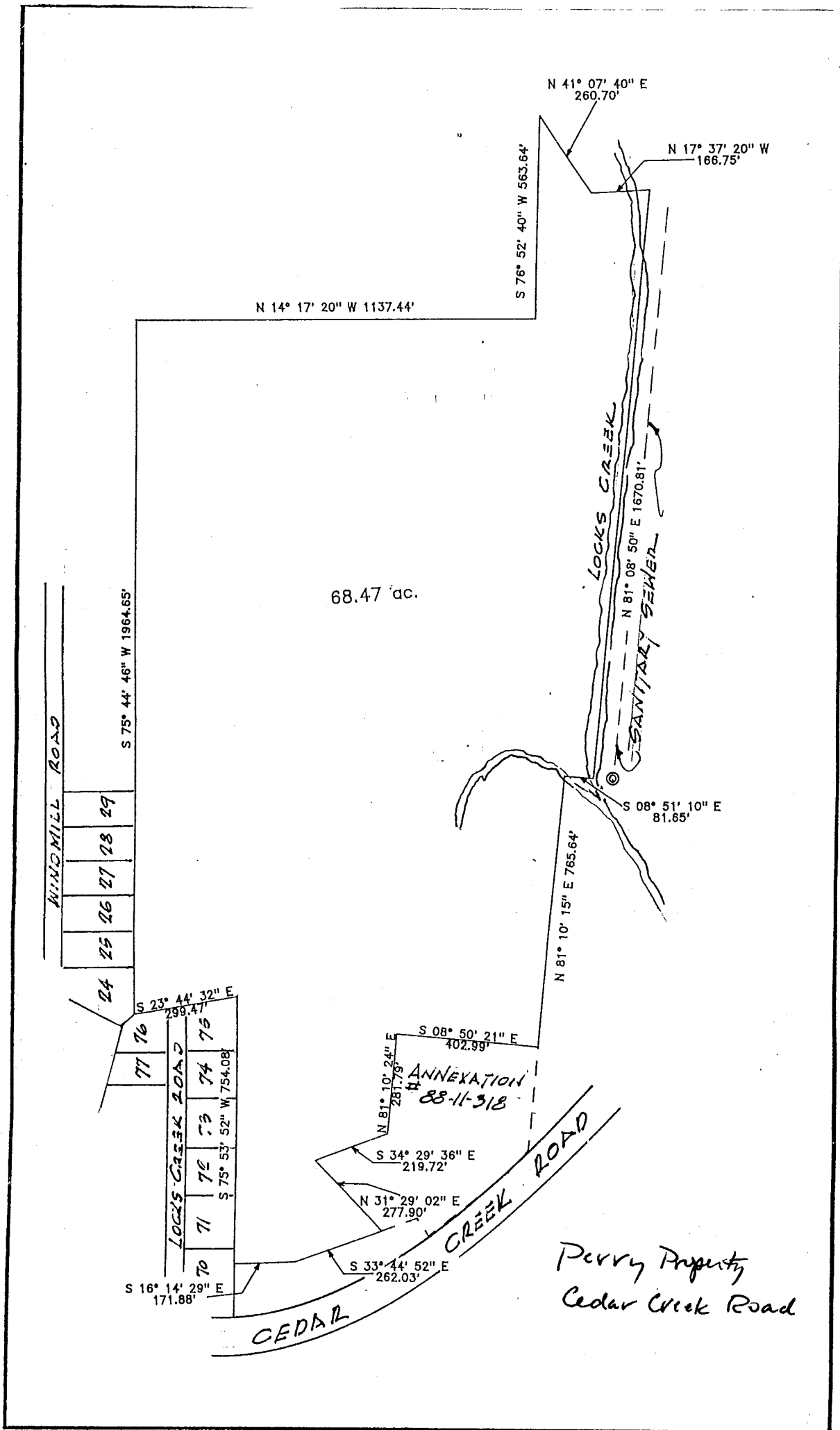
<u>NAME</u>	<u>ADDRESS</u>
1. <i>Randy Perry</i>	<i>3916 clarkville ct</i>
2. <i>Guthrie Derry</i>	<i>3960 Pleasant View Dr. Fay. NC 28301</i>
3.	
4.	
5.	
6.	
7.	

Perry Property
Cedar Creek Road

BEGINNING at the southeast corner of Lot 75 as shown on plat entitled "Section One Lock's Creek" as recorded in Plat book 60, Page 59, Cumberland County Registry, said beginning point also having N.C. Grid Coordinates N=460367.39 and E=2,049,729.56 and running thence with the present city limits line and the southern line of Lots 75, 74, 73, 72, 71 and 70 S 75° 53' 52" W 754.08 feet; thence continuing with the present city line S 16° 14' 29" E 171.88 feet; thence S 33° 44' 52" E 262.03' to the corner of annexation number 88-11-318; thence with the line of it N 31° 29' 02" E 277.90 feet; thence S 34° 29' 36" E 219.72 feet; thence N 81° 10' 24" E 281.79 feet; thence S 08° 50' 21" E 402.99 feet to the southeast corner of annex number 88-11-318; thence N 81° 10' 15" E 765.64 feet; thence S 08° 51' 10" E 81.65 feet to a point which is 50 feet north of a sanitary sewer manhole at station 59+19 as per plans for Locks Creek outfall and running thence 50 feet north of and parallel to said sewer line along the run of Locks Creek and beyond N 81° 08' 50" E 1670.81 feet to a point in the eastern line of the tract of which this is a part and running thence with it N 17° 37' 20" W 166.75 feet thence N 41° 07' 40" E 260.70 feet; thence S 76° 52' 40" W 563.64 feet; thence N 14° 17' 20" W 1137.44 feet to the northeast corner of the tract of which this is a part; thence with the northern line of it and the southern line of Locks Creek Subdivision S 75° 44' 46" W 1964.65 feet to a corner of said subdivision a common corner of Lots 24 and 76 and running thence with the eastern line of Lots 76 and 75 S 23° 44' 32" E 299.47 feet to the BEGINNING and containing 68.47 acres.

SCR/mas

June 17, 1992



N 41° 07' 40" E
260.70'

N 17° 37' 20" W
166.75'

S 76° 52' 40" W 563.64'

N 14° 17' 20" W 1137.44'

68.47 ac.

WINDMILL ROAD

S 75° 44' 46" W 1964.65'

24 25 26 27 28 29

S 23° 44' 32" E
299.47'

LOCK'S CREEK ROAD

S 16° 14' 29" E
171.88'

S 75° 53' 52" W 754.08'

70 71 72 73 74 75

S 08° 50' 21" E
402.99'

N 81° 10' 24" E
281.79'

ANNEXATION
88-11-318

S 34° 29' 36" E
219.72'

N 31° 29' 02" E
277.90'

S 33° 44' 52" E
262.03'

S 08° 51' 10" E
81.65'

N 81° 10' 15" E 765.64'

LOCKS CREEK

SANITARY SEWER

N 81° 08' 50" E 1670.81'

CEDAR CREEK ROAD

Perry Property
Cedar Creek Road

PERRY PROPERTY
CEDAR CREEK ROAD

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition has been received on July 6, 1992, by the City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Fayetteville deems it advisable to proceed in response to this request for annexation;

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

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED this 6th day of July, 1992.

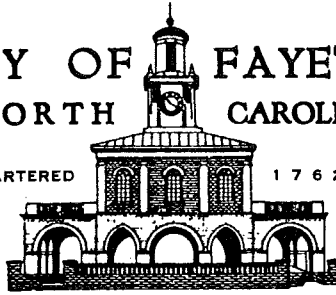
J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

June 30, 1992

MEMORANDUM

TO: Roger L. Stancil, Deputy City Manager

THROUGH: Jimmy Teal, Assistant City Manager, Planning & Development

FROM: David Nash, Annexation Studies Coordinator *DN*

SUBJECT: Agenda Item - One Annexation Petition - Country Club North, Section 6, Part A, Phase 3

BACKGROUND - Country Club North is a residential area located on Hilliard Drive on the northern side of the City. Country Club North is being developed in sections by the March Development Corporation. As sections have been developed, they have been annexed into the City through the annexation petition process.

Section 6, Part A, of Country Club North is now being developed. Phases 1 and 2 of Section 6, Part A, have already been annexed.

On June 24, 1992, the City staff received an annexation petition from the March Development Corporation requesting that Phase 3 of Section 6, Part A, be annexed. The petition was signed by J. P. Riddle, President, and Sharlene R. Williams, Secretary. The Phase 3 area consists of approximately 26.12 acres. According to Al Rumbough, a staff member of March Development Corporation, the Phase 3 area will have 60 lots. The Phase 3 area of Section 6, Part A, is contiguous to the City.

REASONS FOR THE PETITION - There are two utility policies which have an impact on annexation.

One policy states that property owners/developers requesting water and sanitary sewer extensions to areas immediately adjacent or contiguous to the City must file a petition for annexation as a prerequisite to utility extensions. The City Council has the freedom to approve or reject the petition. The purpose of the policy is to enable the City to enforce City development standards on developing property contiguous to the City. This property is contiguous, and it will need water and sewer. Therefore, the owner is required to submit a petition requesting annexation.

A second policy states that if a property needing utilities is inside the City prior to the execution of a contract for utility extensions, then PWC will participate in one-third of the costs of utility extensions.

PROCESS - Pursuant to State Statute, the first step in the process is for the petition to be presented to City Council. The Council can then consider adopting a Resolution Directing the City Clerk to Investigate the Sufficiency of a Petition. (To investigate the sufficiency of a petition means to verify that the persons signing the petition actually own the property.)

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 14.C.

Roger L. Stancil
Page 2
June 30, 1992

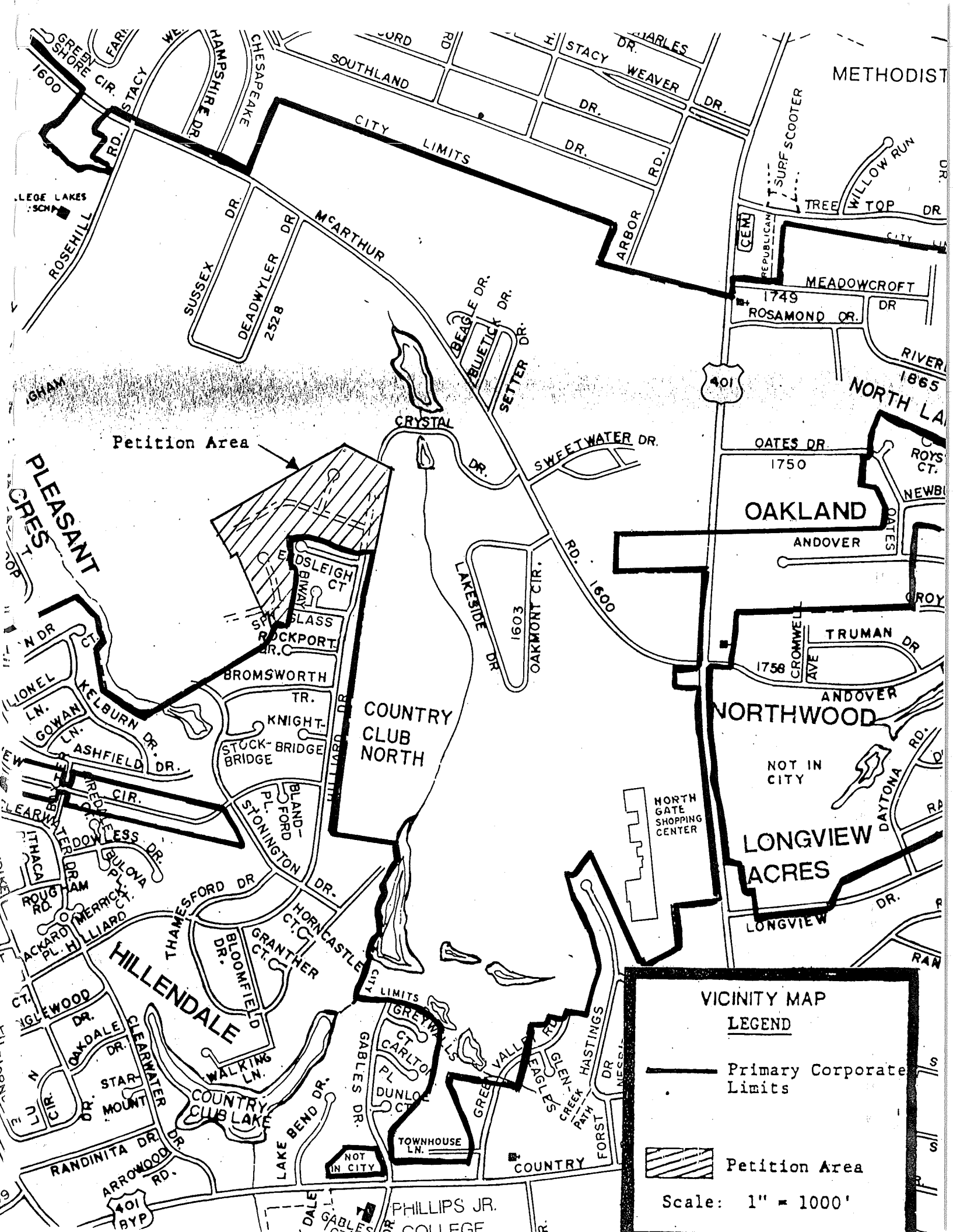
The following materials are submitted for the July 6, 1992, City Council meeting:

1. Vicinity Map
2. Copy of annexation petition
3. Copy of legal description submitted with the petition (Map submitted with the petition was too large to reproduce for agenda packet.)
4. Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31


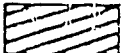
The City staff recommends that the annexation petition be started for this property. The City staff recommends that the City Council adopt the attached resolution.

DN/kbl

Attachments



VICINITY MAP
LEGEND

-  Primary Corporate Limits
-  Petition Area

Scale: 1" = 1000'

Received 6-24-92

PETITION REQUESTING ANNEXATION
(CONTIGUOUS AREA)

Date June 24, 1992

To the Mayor and City Council of the City of Fayetteville, North Carolina.

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Fayetteville, North Carolina.

2. The area to be annexed is contiguous to the City of Fayetteville, and the boundaries of such territory are as follows:

(Insert Metes and Bounds Description of Boundaries)

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Fayetteville.

<u>NAME</u>	<u>ADDRESS</u>
1. The Marsh Development Corp.	P.O. Box 53646
2. <i>[Signature]</i>	Fayetteville, NC 28305
3. <i>[Signature]</i>	
4. President	
5.	
6.	
7. <i>Shalene R. Williams</i>	
Secretary	

COUNTRY CLUB NORTH
SECTION 6, PART A, PHASE 3

Path: D:\PFS\WDATA
File: CC6ANN .BAK

4,420 .a.. 6-23-92 10:43:12 am

Page 1

COUNTRY CLUB NORTH ANNEXATION
THE MARCH DEVELOPMENT CORPORATION

BEGINNING AT NORTHEAST CORNER OF LOT 252 COUNTRY CLUB NORTH SECTION SIX "B", AS RECORDED IN PLAT BOOK 79 ,PAGE 24 CUMBERLAND COUNTY REGISTRY;

THENCE North 80 degrees 27 minutes 26 seconds West for a distance of 210.00 feet TO A POINT IN THE WESTERN RIGHT OF WAY MARGIN OF HILLIARD DRIVE (60' R/W);

THENCE South 09 degrees 32 minutes 34 seconds West for a distance of 17.95 feet TO A POINT;

THENCE North 80 degrees 27 minutes 26 seconds West for a distance of 122.00 feet to a point;

THENCE North 69 degrees 35 minutes 03 seconds West for a distance of 505.66 feet to a point;

THENCE South 64 degrees 01 minutes 34 seconds West for a distance of 142.37 feet to a point;

THENCE South 14 degrees 04 minutes 26 seconds East for a distance of 231.00 feet to a point;

THENCE South 28 degrees 28 minutes 51 seconds East for a distance of 204.08 feet to a point;

THENCE North 73 degrees 01 minutes 57 seconds East for a distance of 43.82 feet to a point;

THENCE South 09 degrees 32 minutes 34 seconds West for a distance of 264.99 feet to a point in the northern right of way margin of Spy Glass

THENCE North 80 degrees 27 minutes 26 seconds West for a distance of 16.00 feet to a point in the northern right of way margin of Spy Glass Drive (50' R/W);

THENCE South 09 degrees 32 minutes 34 seconds West for a distance of 199.45 feet to a point in the northern property line of Lot 170 Section Five, Country Club North, as recorded in Plat Book 57, Page 122 Cumberland County Registry;

THENCE North 80 degrees 46 minutes 04 seconds West for a distance of 54.86 feet to a point;

THENCE South 70 degrees 10 minutes 00 seconds West for a distance of 97.82 feet to a point in the northern margin of said Section Five, Country Club North;

THENCE North 19 degrees 50 minutes 00 seconds West for a distance of 150.00 feet to a point;

THENCE South 70 degrees 10 minutes 00 seconds West for a distance of 28.30 feet to a point;

THENCE North 19 degrees 50 minutes 00 seconds West for a distance of 328.16 feet to a point;

THENCE North 25 degrees 34 minutes 37 seconds West for a distance of 256.00 feet to a point;

THENCE South 59 degrees 42 minutes 00 seconds West for a distance of 30.00 feet to a point;

THENCE North 30 degrees 18 minutes 00 seconds West for a distance of 350.85 feet to a point;

THENCE North 59 degrees 41 minutes 30 seconds East for a distance of 1370.93 feet to a point;

THENCE South 69 degrees 35 minutes 00 seconds East for a distance of 453.07 feet to a point;

THENCE South 09 degrees 32 minutes 34 seconds West for a distance of 784.50 feet the point of BEGINNING,

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 26.1201 acres more or less.

Said property being a portion of that property described in Deed Book 1129, Page 417, Cumberland County Registry.

COUNTRY CLUB NORTH
SECTION 6, PART A, PHASE 3

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition has been received on July 6, 1992, by the City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Fayetteville deems it advisable to proceed in response to this request for annexation;

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

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED this 6th day of July, 1992.

J. L. Dawkins, Mayor

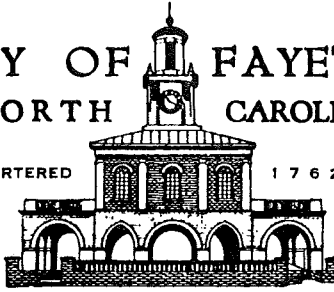
ATTEST:

Bobbie A. Joyner, City Clerk



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

June 29, 1992

MEMORANDUM

TO: Roger L. Stancil, Deputy City Manager

THROUGH: Jimmy Teal, Assistant City Manager, Planning & Development

FROM: David Nash, Annexation Studies Coordinator *DN*

SUBJECT: Agenda Item - One Annexation Petition - Greystone Farms, Section 2 -
(Broadwell Land Company Property)

BACKGROUND - Greystone Farms is a residential area located on the eastern side of Ramsey Street on the northern side of the City. (See Vicinity Map.) The area is being developed in sections by the Broadwell Land Company. As sections have been developed, they have been annexed into the City through the annexation petition process. Section 1 of Greystone Farms has already been annexed. (It was annexed as "Saratoga Farms," the former name of the residential area.)

On June 25, 1992, the City staff received an annexation petition from the Broadwell Land Company requesting that Section 2 of Greystone Farms be annexed. The petition was signed by Don B. Broadwell, President. The property consists of approximately 19.73 acres. The property is contiguous to the City.

REASONS FOR THE PETITION - There are two utility policies which have an impact on annexation.

One policy states that property owners/developers requesting water and sanitary sewer extensions to areas immediately adjacent or contiguous to the City must file a petition for annexation as a prerequisite to utility extensions. The City Council has the freedom to approve or reject the petition. The purpose of the policy is to enable the City to enforce City development standards on developing property contiguous to the City. This property is contiguous, and it will need water and sewer. Therefore, the owner is required to submit a petition requesting annexation.

A second policy states that if a property needing utilities is inside the City prior to the execution of a contract for utility extensions, then PWC will participate in one-third of the costs of utility extensions.

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 14.D.

Roger L. Stancil
Page 2
June 29, 1992

PROCESS - Pursuant to State Statute, the first step in the process is for the petition to be presented to City Council. The Council can then consider adopting a Resolution Directing the City Clerk to Investigate the Sufficiency of a Petition. (To investigate the sufficiency of the petition means to verify that the person or persons signing the petition actually own the property.)

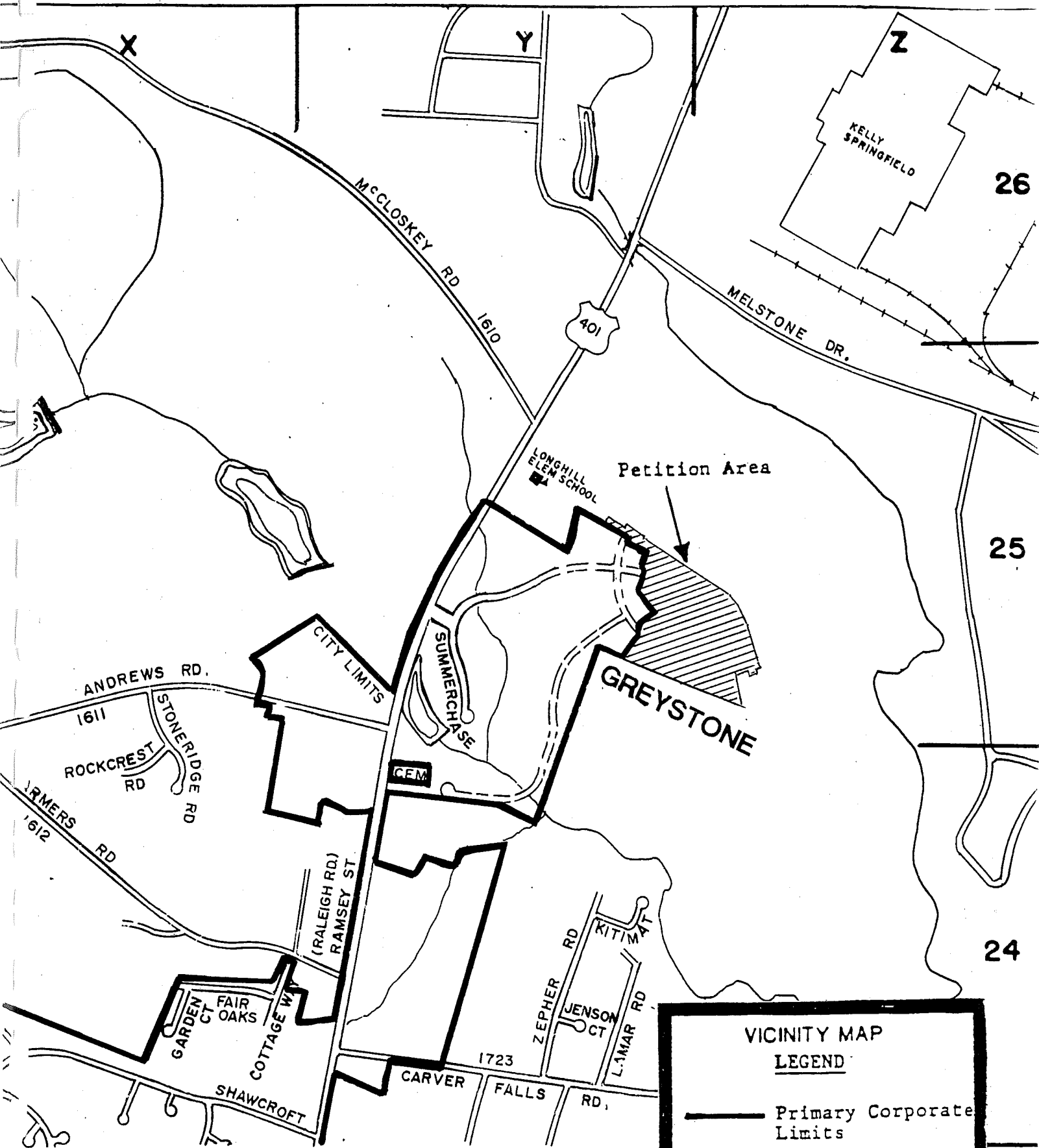
The following materials are submitted for the July 6, 1992, City Council meeting:

1. Vicinity Map
2. Copy of cover letter
3. Copy of annexation petition
4. Copy of legal description submitted with the petition (Map submitted with the petition was too large to reproduce for agenda packet.)
5. Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31

RECOMMENDATION - The City staff recommends that the annexation petition process be started for this property. The City staff recommends that the City Council adopt the attached resolution.


DN/kbl

Attachments



**VICINITY MAP
LEGEND**

— Primary Corporate Limits

 Petition Area

Scale: 1" = 1000'

26

25

24

BROADWELL LAND COMPANY
PO BOX 53587
FAYETTEVILLE, NC 28305
(919) 484-5193
FAX (919) 484-2036

June 25, 1992

Mr. David Nash
City of Fayetteville
Annexation Coordinator
433 Hay Street
Fayetteville, NC 28301

RE: Greystone Farms

Dear Mr. Nash:

Enclosed you will find our PETITION REQUESTING ANNEXATION along with the property description for your review. We ask that you process this request in your usual timely manner.

This is a portion of the remainder of the land in the Greystone Farms Subdivision. Section One is currently in the City.

If you should need other information regarding the above, please contact our office at the address above or by phone at (919) 484-5193.

We thank you in advance for your assistance in this matter.

Sincerely,

BROADWELL LAND COMPANY

Don B. Broadwell

Received 6-25-92

PETITION REQUESTING ANNEXATION
(CONTIGUOUS AREA)

Date June 23, 1992

To the Mayor and City Council of the City of Fayetteville, North Carolina.

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Fayetteville, North Carolina.

2. The area to be annexed is contiguous to the City of Fayetteville, and the boundaries of such territory are as follows:

(Insert Metes and Bounds Description of Boundaries)

SEE ATTACHED DESCRIPTION

Project known as Greystone Farms

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Fayetteville.

<u>NAME</u>	<u>ADDRESS</u>
1. BROADWELL LAND COMPANY	903 HAY STREET, PO BOX 53587
2. Don B. Broadwell, President	Fayetteville, NC 28305
3. <i>[Handwritten Signature]</i>	
4.	
5.	
6.	
7.	

MOORMAN & KIZER, INC.

Engineers, Planners and Surveyors

115 BROADFOOT AVENUE • POST OFFICE BOX 53774
FAYETTEVILLE, NORTH CAROLINA 28305

TELEPHONE: (919) 484-5191

FAX: (919) 484-0388

June 25, 1992

Area to be annexed
Greystone Farms, Section 2

BEGINNING at a point South 53 degrees 12 minutes East, 600.03 feet from the southern-most corner of Lot 17 of Greystone Farms, Section One recorded in Plat Book 79, Page 65 Cumberland County, North Carolina Registry and running

thence North 36 degrees 04 minutes East, 271.05 feet to a point on a curve;

thence with a curve to the right in a northwesterly direction on a radius of 407.46 feet, an arc length of 19.58 feet (Chord bearing and distance of North 52 degrees 34 minutes West, 19.57 feet) to a point;

thence North 38 degrees 49 minutes East, 179.12 feet to a point;

thence North 44 degrees 30 minutes West, 184.00 feet to a point;

thence North 17 degrees 26 minutes East, 172.92 feet to a point on a curve;

thence with a curve to the left in a northwesterly direction on a radius of 774.29 feet, an arc length of 20.08 feet (Chord bearing and distance of North 73 degrees 18 minutes West, 20.07 feet) to a point;

thence North 15 degrees 57 minutes East, 129.48 feet to a point;

thence North 66 degrees 05 minutes West, 174.49 feet to a point on a curve;

thence with a curve to the right in a northeasterly direction on a radius of 487.65 feet, an arc length of 39.45 feet (Chord bearing and distance of North 26 degrees 14 minutes East, 39.44 feet) to a point;

thence North 61 degrees 26 minutes West, 222.14 feet to a point;

Area to be annexed
Greystone Farms, Section 2
June 25, 1992
Page 2

thence North 30 degrees 59 minutes East, 44.93 feet to a point;

thence South 57 degrees 49 minutes East, 171.66 feet to a point on a curve;

thence with a curve to the right in a northeasterly direction on a radius of 537.65 feet, an arc length of 32.65 feet (Chord bearing and distance of North 33 degrees 56 minutes East, 32.64 feet) to a point of tangency;

thence South 54 degrees 20 minutes East, 50.00 feet to a point;

thence South 53 degrees 11 minutes East, 135.00 feet to a point;

thence South 63 degrees 00 minutes East, 825.00 feet to a point;

thence South 52 degrees 39 minutes East, 95.89 feet to a point;

thence South 28 degrees 58 minutes East, 169.21 feet to a point;

thence South 18 degrees 10 minutes East, 315.32 feet to a point;

thence South 32 degrees 00 minutes East, 50.00 feet to a point of reverse curvature;

thence with a curve to the right in a southwesterly direction on a radius of 491.22 feet, an arc length of 38.08 feet (Chord bearing and distance of South 60 degrees 13 minutes West, 38.07 feet) to a point of reverse curvature;

thence with a curve to the left in a southerly direction on a radius of 25.00 feet, an arc length of 36.84 feet (Chord bearing and distance of South 20 degrees 13 minutes West, 33.60 feet) to a point of tangency;

thence South 68 degrees 00 minutes West, 50.00 feet to a point of curvature;

thence with a curve to the left in a northwesterly direction on a radius of 25.00 feet, an arc length of 36.84 feet (Chord

Area to be annexed
Greystone Farms, Section 2
June 25, 1992
Page 3

bearing and distance of North 64 degrees 13 minutes West, 33.60 feet) to a point of reverse curvature;

thence with a curve to the right in a westerly direction on a radius of 491.22 feet, an arc length of 100.60 feet (Chord bearing and distance of South 79 degrees 26 minutes West, 100.43 feet) to a point;

thence South 04 degrees 42 minutes East, 279.21 feet to a point in Culbreth's northern line;

thence with Culbreth's northern line the following courses and distances:

North 68 degrees 30 minutes West, 573.78 feet
to a concrete monument;
North 68 degrees 25 minutes West, 517.05 feet
to the beginning.

Containing 19.73 acres, more or less.

Prepared by MOORMAN & KIZER, INC., Fayetteville, North Carolina

GREYSTONE FARMS, SECTION 2
(BROADWELL LAND COMPANY PROPERTY)

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition has been received on July 6, 1992, by the City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Fayetteville deems it advisable to proceed in response to this request for annexation;

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

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED this 6th day of July, 1992.

J. L. Dawkins, Mayor

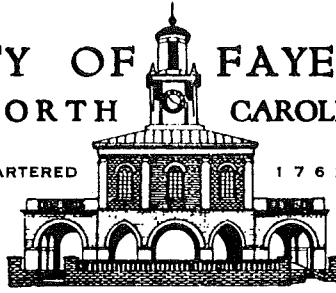
ATTEST:

Bobbie A. Joyner, City Clerk

Handwritten notes and markings along the right edge of the page, including a vertical line and several small, illegible scribbles.

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

July 1, 1992

MEMORANDUM

TO: Roger L. Stancil, Deputy City Manager

THROUGH: Jimmy Teal, Assistant City Manager, Planning & Development

FROM: David Nash, Annexation Studies Coordinator *DN*

SUBJECT: Agenda Item - One Annexation Petition - Country Club Hills - Remainder of Land - (Broadwell Land Company Property)

BACKGROUND - Country Club Hills is a residential area being developed on the site of the former Green Valley Country Club, north of Country Club Drive. (See Vicinity Map.) Country Club Hills is being developed in sections by the Broadwell Land Company. As sections have been developed, they have been annexed into the City through the annexation petition process. Sections 1 and 2 of Country Club Hills have already been annexed.

On June 25, 1992, the City staff received an annexation petition from the Broadwell Land Company requesting that the remainder of the land in the Country Club Hills subdivision be annexed. The petition was signed by Don B. Broadwell, President. The property requested for annexation consists of approximately 52.03 acres; later sections of the subdivision will be created out of this land. The property requested for annexation also consists of two lakes. The "Big Lake Area" consists of 11.805 acres. The area in the "Small Lake Area" consists of 2.15 acres. The property is contiguous to the City.

REASONS FOR THE PETITION - There are two utility policies which have an impact on annexation..

One policy states that property owners/developers requesting water and sanitary sewer extensions to areas immediately adjacent or contiguous to the City must file a petition for annexation as a prerequisite to utility extensions. The City Council has the freedom to approve or reject the petition. The purpose of the policy is to enable the City to enforce City development standards on developing property contiguous to the City. This property is contiguous, and it will need water and sewer. Therefore, the owner is required to submit a petition requesting annexation.

A second policy states that if a property needing utilities is inside the City prior to the execution of a contract for utility extensions, then PWC will participate in one-third of the costs of utility extensions.

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 14.E.

Roger L. Stancil
Page 2
July 1, 1992

PROCESS - Pursuant to State Statute, the first step in the process is for the petition to be presented to City Council. The Council can then consider adopting a Resolution Directing the City Clerk to Investigate the Sufficiency of a Petition. (To investigate the sufficiency of the petition means to verify that the person or persons signing the petition actually own the property.)

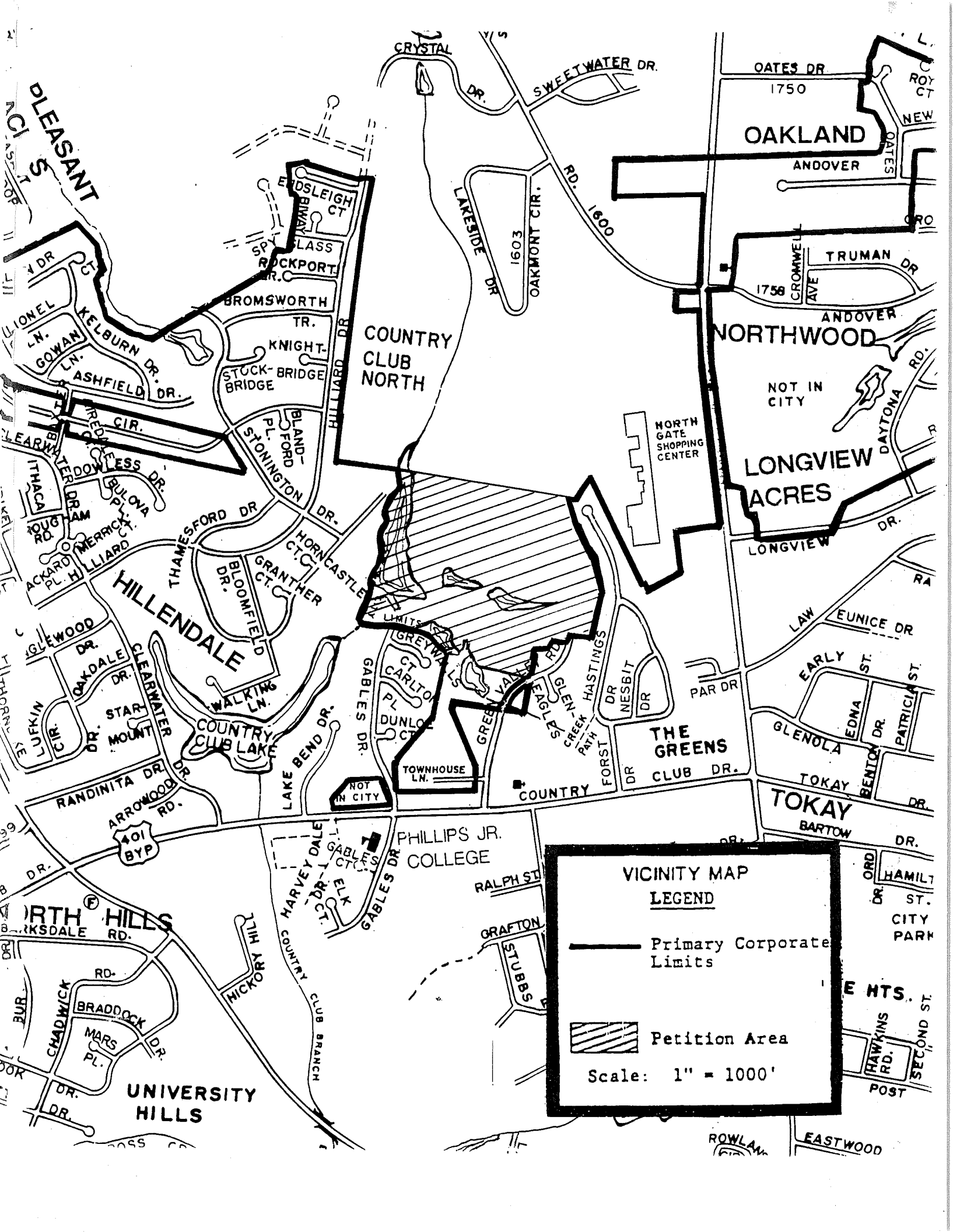
The following materials are submitted for the July 6, 1992, City Council meeting:

1. Vicinity Map
2. Copy of cover letter
3. Copy of annexation petition
4. Copy of legal description submitted with the petition (Map submitted with petition was too large to reproduce for agenda packet.)
5. Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31

RECOMMENDATION - The City staff recommends that the annexation petition process be started for this property. The City staff recommends that the City Council adopt the attached resolution.

DN/kbl

Attachments



BROADWELL LAND COMPANY
PO BOX 53587
FAYETTEVILLE, NC 28305
(919) 484-5193
FAX (919) 484-2036

June 25, 1992

Mr. David Nash
City of Fayetteville
Annexation Coordinator
433 Hay Street
Fayetteville, NC 28301

RE: Country Club Hills

Dear Mr. Nash:

Enclosed you will find our PETITION REQUESTING ANNEXATION along with the property description for your review. We ask that you process this request in your usual timely manner.

This is the remainder of the land in the Country Club Hills Subdivision. Sections One and Two are currently in the City.

If you should need other information regarding the above, please contact our office at the address above or by phone at (919) 484-5193.

We thank you in advance for your assistance in this matter.

Sincerely,

BROADWELL LAND COMPANY

Don B. Broadwell

Received 6-25-92

PETITION REQUESTING ANNEXATION
(CONTIGUOUS AREA)

Date June 23, 1992

To the Mayor and City Council of the City of Fayetteville, North Carolina.

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Fayetteville, North Carolina.

2. The area to be annexed is contiguous to the City of Fayetteville, and the boundaries of such territory are as follows:

(Insert Metes and Bounds Description of Boundaries)

SEE ATTACHED DESCRIPTION

Project known as Country Club Hills

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Fayetteville.

<u>NAME</u>	<u>ADDRESS</u>
1. BROADWELL LAND COMPANY	903 HAY STREET, PO BOX 53587
2. Don B. Broadwell, President	Fayetteville, NC 28305
3. <i>[Signature]</i>	
4.	
5.	
6.	
7.	

MOORMAN & KIZER, INC.

Engineers, Planners and Surveyors

115 BROADFOOT AVENUE • POST OFFICE BOX 53774

FAYETTEVILLE, NORTH CAROLINA 28305

TELEPHONE: (919) 484-5191

FAX: (919) 484-0388

July 1, 1992

Areas to be annexed
Country Club Hills

TRACT ONE: Lot Area

BEGINNING at the northwest corner of Lot 31 of The Greens recorded in Plat Book 55, Page 68 Cumberland County, North Carolina Registry and running

thence with the western line of Lots 31-37 and part of Lot 38 South 12 degrees 37 minutes West, 417.04 feet to a point in the western line of Lot 38, said point being the northeast corner of Lot 66 of Country Club Hills, Section Two recorded in Plat Book 71, Page 71 Cumberland County, North Carolina Registry;

thence with the northern line of said Lot 66 and beyond North 77 degrees 23 minutes West, 200.00 feet to a point in the western right-of-way margin of Green Valley Road;

thence with the western right-of-way margin of Green Valley Road South 12 degrees 37 minutes West, 50.00 feet to the northeast corner of Lot 70 of Country Club Hills, Section Two;

thence with the northern line of Lot 70 North 77 degrees 23 minutes West, 125.00 feet to the northwest corner of Lot 70;

thence with the rear line of Lots 70-67 of the above referenced Country Club Hills, Section Two the following courses and distances:

South 29 degrees 47 minutes West, 73.99 feet
to a point;

South 60 degrees 04 minutes West, 58.77 feet
to a point;

South 84 degrees 40 minutes West, 120.83 feet
to the northwest corner of Lot 67 of Country
Club Hills, Section Two;

thence with the western line of Lot 67 South 06 degrees 40 minutes West, 220.00 feet to the southern-most corner of Lot 67,

said corner also being in the northern right-of-way margin of Green Valley Road;

thence with Billing's northern line North 78 degrees 13 minutes West, 495.83 feet to a point;

thence North 21 degrees 48 minutes West, 38.52 feet to a point;

thence North 04 degrees 26 minutes West, 13.40 feet to a point;

thence North 27 degrees 25 minutes West, 37.79 feet to a point;

thence North 07 degrees 32 minutes West, 55.04 feet to a point;

thence North 20 degrees 00 minutes East, 95.00 feet to a point on a curve;

thence with a curve to the right in a northwesterly direction on a radius of 50.00 feet, an arc length of 15.24 feet (Chord bearing and distance of North 78 degrees 44 minutes West, 15.18 feet) to a point;

thence South 20 degrees 00 minutes West, 90.00 feet to a point;

thence South 64 degrees 00 minutes West, 68.52 feet to a point;

thence North 45 degrees 02 minutes West, 16.63 feet to a point;

thence North 52 degrees 35 minutes West, 76.40 feet to a point;

thence North 36 degrees 35 minutes West, 54.15 feet to a point;

thence North 05 degrees 38 minutes West, 113.53 feet to a point;

thence North 72 degrees 31 minutes West, 119.84 feet to a point;

thence North 11 degrees 57 minutes East, 38.63 feet to a point;

thence North 64 degrees 26 minutes West, 44.10 feet to a point;

thence South 77 degrees 42 minutes West, 208.95 feet to a point;

thence North 70 degrees 50 minutes West, 125.00 feet to a point;

thence South 24 degrees 30 minutes West, 65.00 feet to the northwest corner of Lot 37 of Country Club Hills, Section One recorded in Plat Book 71, Page 1 Cumberland County, North Carolina Registry;

thence North 81 degrees 30 minutes West, 52.02 feet to the northeast corner of Lot 52 of the above referenced Country Club Hills, Section One;

thence with the northern line of said Lot 52 North 65 degrees 30 minutes West, 132.05 feet to the northwest corner of Lot 52;

thence North 24 degrees 23 minutes East, 361.25 feet to a point;

thence South 77 degrees 40 minutes East, 151.44 feet to a point;

thence South 15 degrees 02 minutes East, 122.93 feet to a point on a curve;

thence with a curve to the right in a northeasterly direction on a radius of 257.23 feet, an arc distance of 15.01 feet (Chord bearing and distance of North 76 degrees 38 minutes East, 15.00 feet) to a point;

thence North 15 degrees 02 minutes West, 150.47 feet to a point;

thence South 84 degrees 29 minutes East, 24.08 feet to a point;

thence North 73 degrees 24 minutes East, 38.37 feet to a point;

thence South 78 degrees 20 minutes East, 83.46 feet to a point;

thence North 75 degrees 02 minutes East, 41.75 feet to a point;

thence North 38 degrees 03 minutes East, 25.44 feet to a point;

thence North 65 degrees 29 minutes East, 31.20 feet to a point;

thence North 76 degrees 51 minutes East, 57.74 feet to a point;

thence North 28 degrees 13 minutes West, 63.18 feet to a point;

thence North 53 degrees 59 minutes West, 33.40 feet to a point;

thence North 84 degrees 47 minutes West, 34.57 feet to a point;

thence North 48 degrees 07 minutes West, 50.62 feet to a point;

thence North 66 degrees 08 minutes West, 43.13 feet to a point;

thence North 39 degrees 59 minutes West, 50.30 feet to a point;

thence North 37 degrees 14 minutes West, 73.23 feet to a point;

thence North 18 degrees 28 minutes West, 34.30 feet to a point;

thence North 60 degrees 13 minutes East, 33.78 feet to a point;

thence North 12 degrees 26 minutes East, 38.75 feet to a point;

thence North 59 degrees 32 minutes West, 106.35 feet to a point;

thence North 15 degrees 28 minutes West, 28.84 feet to a point;

thence North 17 degrees 12 minutes East, 44.27 feet to a point;

thence North 57 degrees 27 minutes East, 82.45 feet to a point;

thence North 16 degrees 49 minutes West, 32.66 feet to a point;

thence North 15 degrees 02 minutes East, 23.80 feet to a point;

thence North 40 degrees 08 minutes East, 35.80 feet to a point;

thence North 63 degrees 35 minutes East, 28.18 feet to a point;

thence North 36 degrees 32 minutes West, 71.43 feet to a point;

thence North 15 degrees 14 minutes West, 46.47 feet to a point;

thence North 10 degrees 17 minutes East, 51.06 feet to a point;

thence North 24 degrees 58 minutes East, 59.61 feet to a point;

thence North 45 degrees 08 minutes East, 96.86 feet to a point;

thence North 16 degrees 32 minutes West, 39.52 feet to a point;

thence North 11 degrees 57 minutes East, 10.40 feet to a point in a southern line of the Bill Estate Property recorded in Deed Book 364, Page 229 Cumberland County, North Carolina Registry;

thence with the southern line of the Bill Estate Property South 78 degrees 05 minutes East, 1285.33 feet to a point at the northern-most corner of Lot 13 of The Greens, Section 1, Part 1 recorded in Plat Book 79, Page 50 Cumberland County, North Carolina Registry;

thence with the western line of The Greens, Section 1, Part 1 the following courses and distances:

South 22 degrees 30 minutes East, 200.50 feet to a point;

South 28 degrees 33 minutes East, 330.65 feet to a point;

South 16 degrees 58 minutes East, 364.82 feet to the beginning.

Containing 52.03 acres, more or less.

NOTE: The first bearing used in the above description, South 12 degrees 37 minutes West as shown as South 14 degrees 52 minutes West, on a plat of The Greens recorded in Plat Book 55, Page 68 Cumberland County, North Carolina Registry. The Greens plat bearings are based on a deed bearing and Country Club Hills plats are based on N.C. Grid bearings as is this description.

TRACT TWO: Common Area - "Big Lake Area"

BEGINNING at the northern-most corner of Lot 52 of Country Club Hills, Section One as recorded in Plat Book 71, Page 1 Cumberland County, North Carolina Registry and running with the rear lines of Lots 52-50 South 24 degrees 23 minutes West, 286.25 feet to the northern-most corner of Lot 49;

thence North 85 degrees 43 minutes West, 18.79 feet to a point;

thence South 29 degrees 00 minutes West, 6.53 feet to a point;

thence South 78 degrees 01 minutes West, 384.58 feet to an existing iron pipe, the southwest ^{EAST} corner of Lot 88 of Country Club North, Section Three (Revision of) as recorded in Plat Book 44, Page 68;

thence with the rear lines of Lots 88-75 of said Country Club North, the following courses and distances:

North 08 degrees 47 minutes East, 102.43 feet
to an existing iron pipe;
North 38 degrees 07 minutes East, 104.58 feet
to a point;
North 70 degrees 45 minutes East, 153.94 feet
to a point;
South 68 degrees 41 minutes East, 45.00 feet
to a point;
North 07 degrees 17 minutes East, 103.13 feet
to a point;
North 18 degrees 28 minutes East, 100.17 feet
to a point;
North 32 degrees 36 minutes East, 102.03 feet
to a point;
North 38 degrees 00 minutes East, 104.46 feet
to a point;
North 15 degrees 36 minutes East, 100.53 feet
to a point;
North 29 degrees 51 minutes East, 101.18 feet
to a point;
North 27 degrees 02 minutes East, 100.55 feet
to a point;
North 68 degrees 42 minutes West, 60.01 feet
to a point;
North 01 degrees 56 minutes West, 108.81 feet
to a point;
North 17 degrees 19 minutes East, 100.30 feet
to a point;

North 02 degrees 02 minutes East, 105.98 feet
to a point;
North 27 degrees 01 minutes East, 100.55 feet
to a point;
North 13 degrees 40 minutes West, 122.10 feet
to a point;
North 32 degrees 37 minutes East, 102.03 feet
to a point;
North 27 degrees 00 minutes East, 100.55 feet
to a point;
North 50 degrees 46 minutes East, 138.92 feet
to the northeast corner of Lot 75 of said
Country Club North;

thence running across the lake South 78 degrees 05 minutes
East, 203.59 feet to a point;

thence running with the eastern edge of the lake the following
courses and distances:

South 11 degrees 57 minutes West, 10.40 feet
to a point;
South 16 degrees 32 minutes East, 39.52 feet
to a point;
South 45 degrees 08 minutes West, 96.86 feet
to a point;
South 24 degrees 58 minutes West, 59.61 feet
to a point;
South 10 degrees 17 minutes West, 51.06 feet
to a point;
South 15 degrees 14 minutes East, 46.47 feet
to a point;
South 36 degrees 32 minutes East, 71.43 feet
to a point;
South 63 degrees 35 minutes West, 28.18 feet
to a point;
South 40 degrees 08 minutes West, 35.80 feet
to a point;
South 15 degrees 02 minutes West, 23.80 feet
to a point;
South 16 degrees 49 minutes East, 32.66 feet
to a point;
South 57 degrees 28 minutes West, 82.45 feet
to a point;
South 17 degrees 12 minutes West, 44.27 feet
to a point;
South 15 degrees 28 minutes East, 28.84 feet
to a point;
South 59 degrees 32 minutes East, 106.35 feet
to a point;
South 12 degrees 26 minutes West, 38.75 feet
to a point;

South 60 degrees 13 minutes West, 33.78 feet
 to a point;
 South 18 degrees 28 minutes East, 34.30 feet
 to a point;
 South 37 degrees 14 minutes East, 73.23 feet
 to a point;
 South 39 degrees 59 minutes East, 50.30 feet
 to a point;
 South 66 degrees 08 minutes East, 43.13 feet
 to a point;
 South 48 degrees 07 minutes East, 50.62 feet
 to a point;
 South 84 degrees 47 minutes East, 34.57 feet
 to a point;
 South 53 degrees 59 minutes East, 33.40 feet
 to a point;
 South 28 degrees 13 minutes East, 63.18 feet
 to a point;
 South 76 degrees 52 minutes West, 57.74 feet
 to a point;
 South 65 degrees 29 minutes West, 31.21 feet
 to a point;
 South 38 degrees 03 minutes West, 25.43 feet
 to a point;
 South 75 degrees 03 minutes West, 41.75 feet
 to a point;
 North 78 degrees 21 minutes West, 83.46 feet
 to a point;
 South 73 degrees 24 minutes West, 38.37 feet
 to a point;
 North 84 degrees 29 minutes West, 24.09 feet
 to a point;

thence leaving the lake and running South 15 degrees 03
 minutes East, 150.47 feet to a point in the northern right-of-way
 margin of the proposed extension of Gables Drive;

thence with said margin with a curve to the left on a radius
 of 257.23 feet, an arc distance of 15.01 feet (Chord South 76
 degrees 38 minutes West, 15.01 feet) to a point;

thence leaving the proposed extension of Gables Drive and
 running North 15 degrees 03 minutes West, 122.93 feet to a point;

thence North 77 degrees 40 minutes West, 151.44 feet to a
 point;

thence South 24 degrees 23 minutes West, 361.25 feet to the
 beginning.

Containing 11.805 acres, more or less.

TRACT THREE: Common Area - "Small Lake Area"

BEGINNING at the eastern-most corner of Lot 32 of Country Club Hills, Section One as recorded in Plat Book 71, Page 1 Cumberland County, North Carolina Registry and running with the rear lines of Lots 32-37 the following courses and distances:

North 49 degrees 13 minutes West, 165.48 feet
to a point;
North 55 degrees 21 minutes West, 100.76 feet
to a point;
North 45 degrees 42 minutes West, 83.53 feet
to a point;
North 70 degrees 50 minutes West, 308.57 feet
to a point in the eastern right-of-way margin
of Gables Drive;

thence with said right-of-way margin North 24 degrees 30
minutes East, 65.00 feet to a point;

thence South 70 degrees 50 minutes East, 125.00 feet to a
point;

thence North 77 degrees 42 minutes East, 208.95 feet to the
lake;

thence with the lake the following courses and distances:

South 64 degrees 26 minutes East, 44.10 feet
to a point;
South 11 degrees 57 minutes West, 38.63 feet
to a point;
South 73 degrees 22 minutes East, 117.95 feet
to a point;
South 06 degrees 09 minutes East, 115.90 feet
to a point;
South 36 degrees 35 minutes East, 54.15 feet
to a point;
South 52 degrees 35 minutes East, 74.40 feet
to a point;
South 45 degrees 02 minutes East, 16.63 feet
to a point;

thence leaving the lake and running North 64 degrees 00
minutes East, 68.52 feet to a point;

thence North 20 degrees 00 minutes East, 90.00 feet in the
southern right-of-way margin of a proposed street;

thence with said margin with a curve to the left on a radius
of 50.00 feet, an arc distance of 15.24 feet (Chord South 78
degrees 44 minutes East, 15.18 feet) to a point;

thence South 20 degrees 00 minutes West, 95.00 feet to a point;

thence South 07 degrees 32 minutes East, 55.0 feet to the lake;

thence with the lake the following courses and distances:

South 27 degrees 25 minutes East, 37.79 feet to a point;

South 04 degrees 26 minutes East, 13.40 feet to a point;

South 21 degrees 48 minutes East, 38.52 feet to a point in Billing's northern line;

thence with said line North 78 degrees 13 minutes West, 169.95 feet to the beginning.

Containing 2.15 acres, more or less.

Prepared by MOORMAN & KIZER, INC., Fayetteville, North Carolina

COUNTRY CLUB HILLS
REMAINDER OF LAND
(BROADWELL LAND COMPANY PROPERTY)

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition has been received on July 6, 1992, by the City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Fayetteville deems it advisable to proceed in response to this request for annexation;

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

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED this 6th day of July, 1992.

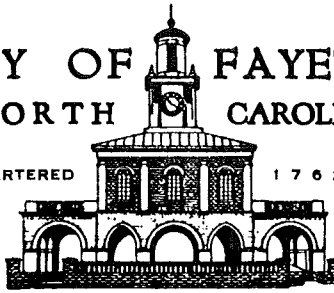
J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

June 30, 1992

MEMORANDUM

TO: Roger L. Stancil, Deputy City Manager

THROUGH: Jimmy Teal, Assistant City Manager, Planning & Development

FROM: David Nash, Annexation Studies Coordinator *DN*

SUBJECT: Agenda Item - Two Annexation Petitions - Tract 1 and Tract 2 of Southland Pines -
(Broadwell Land Company Property)

BACKGROUND - Southland Pines is a proposed residential area located on the southern edge of College Lakes, south of Southland Drive. (See Vicinity Map.) The area is to be developed by the Broadwell Land Company.

The proposed Southland Pines development is made up of two separate tracts of land, both owned by the Broadwell Land Company. Although the two tracts of land are both contiguous to the City, the two tracts of land are not contiguous to each other. Therefore, the Broadwell Land Company has submitted two separate petitions, one for each tract of land. The two tracts of land can be referred to as Tract 1 and Tract 2. (These tracts of land are also known as tracts of Broadwell-Piner land.) Each petition area is discussed briefly below.

Tract 1 - Southland Pines

Date Petition Received: 6-25-92
Owner: Broadwell Land Company
Petition Signed By: Don B. Broadwell, President
Number of Acres:
 37.11 Total Acres in Legal Description
 11.80 Acres Already Inside City
 25.31 Acres in Tract 1 to be Annexed
Proposed Number of Housing Units: 76
Is Property Contiguous to City? Yes

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 14.E

Roger L. Stancil
Page 2
June 30, 1992

Tract 2 - Southland Pines

Date Petition Received: 6-25-92
Owner: Broadwell Land Company
Petition Signed By: Don B. Broadwell, President
Number of Acres:
 5.36 Total Acres in Legal Description
 1.06 Acres Already Inside City
 4.30 Acres in Tract 2 to be Annexed
Proposed Number of Housing Units: 17
Is Property Contiguous to City? Yes

In summary, it is not possible to combine these two tracts into one tract because the two tracts are not contiguous to each other. Therefore, if they are annexed, they will need to be annexed separately.

REASONS FOR THE TWO PETITIONS - There are two utility policies which have an impact on annexation.

One policy states that property owners/developers requesting water and sanitary sewer extensions to areas immediately adjacent or contiguous to the City must file a petition for annexation as a prerequisite to utility extensions. The City Council has the freedom to approve or reject the petition. The purpose of the policy is to enable the City to enforce City development standards on developing property contiguous to the City.

As explained above, both Tract 1 and Tract 2 are contiguous to the City. Since both tracts are proposed for residential development, they will both need water and sewer. Therefore, the owner of the two tracts is required to submit a petition for annexation for each tract.

A second policy states that if a property needing utilities is inside the City prior to the execution of a contract for utility extensions, then PWC will participate in one-third of the costs of utility extensions.

PROCESS - Pursuant to State Statute, the first step in the process is for each petition to be presented to City Council. For each petition, the Council can then consider adopting a Resolution Directing the City Clerk to Investigate the Sufficiency of a Petition. (To investigate the sufficiency of a petition means to verify that the person or persons signing the petition actually own the property.)

The following materials are submitted for the July 6, 1992, City Council meeting:

Vicinity Map

Tract 1 - Southland Pines

1. Copy of cover letter
2. Copy of annexation petition
3. Copy of legal description submitted with petition (Map submitted with petition was too large to reproduce for agenda packet.)
4. Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31

Roger L. Stancil
Page 3
June 30, 1992

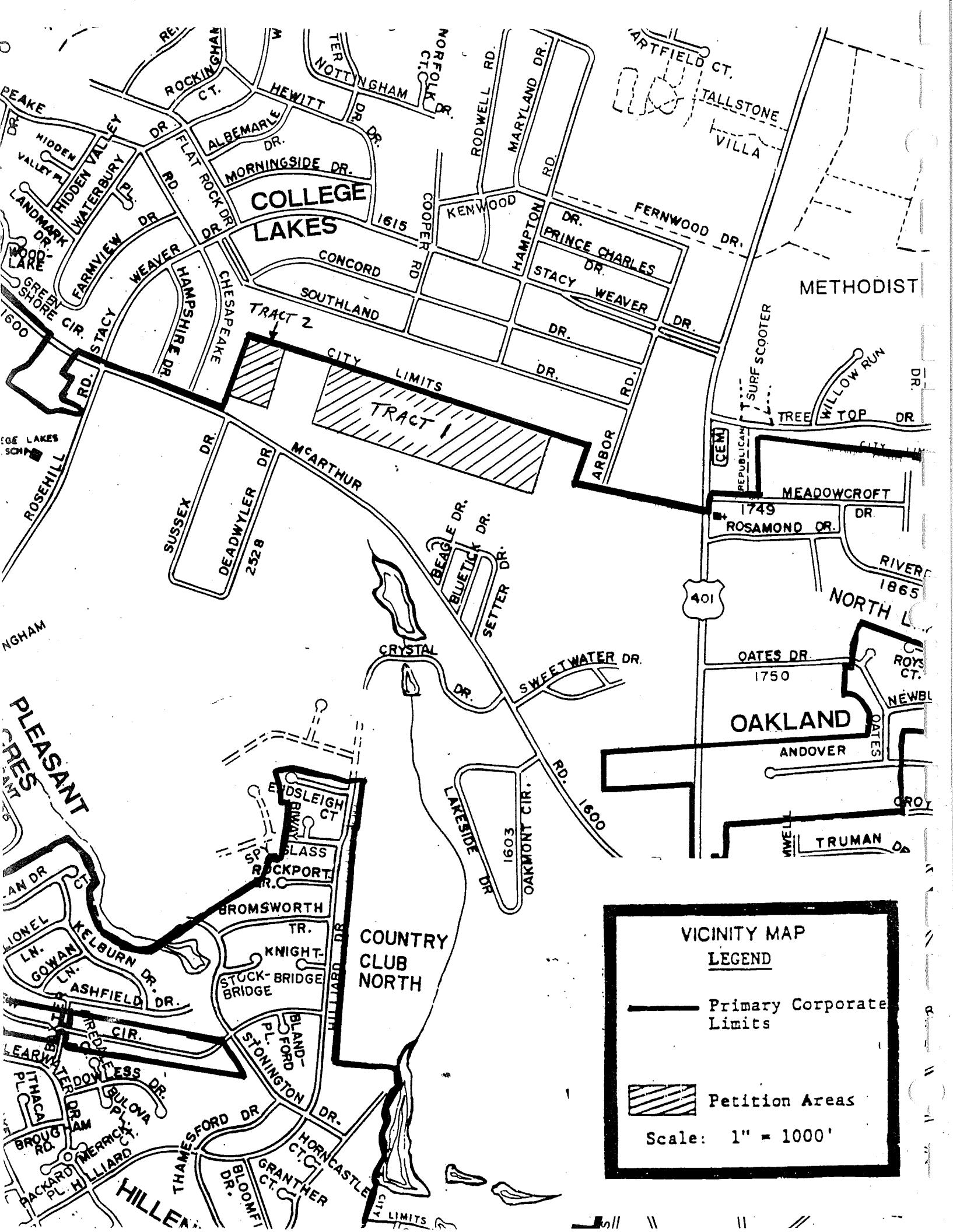
Tract 2 - Southland Pines

1. Copy of cover letter
2. Copy of annexation petition
3. Copy of legal description submitted with petition (Map submitted with petition was too large to reproduce for agenda packet.)
4. Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31

RECOMMENDATION - The City staff recommends that the annexation petition process be started for both Tract 1 and Tract 2 of Southland Pines. The City staff recommends that the City Council adopt the attached resolutions.

DN/kbl

Attachments



BROADWELL LAND COMPANY
PO BOX 53587
FAYETTEVILLE, NC 28305
(919) 484-5193
FAX (919) 484-2036

June 23, 1992

Mr. David Nash
City of Fayetteville
Annexation Coordinator
433 Hay Street
Fayetteville, NC 28301

RE: Southland Pines
Tract 1

Dear Mr. Nash:

Enclosed you will find our PETITION REQUESTING ANNEXATION along with the property descriptions for your review. We ask that you process this request in your usual timely manner.

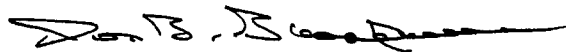
You will notice by the description that part of this land is in the City with the majority of the land outside the City.

If you should need other information regarding the above, please contact our office at the address above or by phone at (919) 484-5193.

We thank you in advance for your assistance in this matter.

Sincerely,

BROADWELL LAND COMPANY



Don B. Broadwell

Received 6-25-92

PETITION REQUESTING ANNEXATION
(CONTIGUOUS AREA)

Date June 23, 1992

To the Mayor and City Council of the City of Fayetteville, North Carolina.

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Fayetteville, North Carolina.

2. The area to be annexed is contiguous to the City of Fayetteville, and the boundaries of such territory are as follows:

(Insert Metes and Bounds Description of Boundaries)

SEE ATTACHED DESCRIPTION

Project known as Southland Pines - *Tract 1*

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Fayetteville.

<u>NAME</u>	<u>ADDRESS</u>
1. BROADWELL LAND COMPANY	903 HAY STREET, PO BOX 53587
2. Don B. Broadwell, President	Fayetteville, NC 28305
3. Don B. Broadwell	
4.	
5.	
6.	
7.	

MOORMAN & KIZER, INC.

Engineers, Planners and Surveyors

115 BROADFOOT AVENUE • POST OFFICE BOX 53774

FAYETTEVILLE, NORTH CAROLINA 28305

TELEPHONE: (919) 484-5191

FAX: (919) 484-0388

May 21, 1992

Broadwell-Piner

37.11 Acre Tract Along Southland Drive - *Tract 1*

BEGINNING at an iron stake in the southern right-of-way margin of Southland Drive (31 feet from its centerline), said iron stake being the northwest corner of a tract recorded in Deed Book 2778, Page 99 Cumberland County, North Carolina Registry;

thence leaving the right-of-way margin of Southland Drive, South 19 degrees 43 minutes 50 seconds West, 768.86 feet to an iron stake, said iron stake also being a corner of the tract recorded in Deed Book 2778, Page 99;

thence North 71 degrees 04 minutes 45 seconds West, 2081.81 feet to an iron stake, said iron stake being the southeast corner of a tract recorded in Deed Book 2053, Page 645 Cumberland County, North Carolina Registry;

thence with the eastern line of said tract North 19 degrees 07 minutes 19 seconds East, 780.98 feet to an iron stake in the southern right-of-way margin of Southland Drive (31 feet from its centerline) and also being the northeast corner of the tract recorded in Deed Book 2053, Page 645;

thence with the southern right-of-way margin of Southland Drive (31 feet from its centerline), South 70 degrees 44 minutes 42 seconds East, 2089.97 feet to the point of beginning.

Containing 37.11 acres, more or less. And being all of the tracts recorded in Deed Book 2053, Page 635, Deed Book 2053, Page 639, Deed Book 2053, Page 643, Deed Book 2053, Page 649, Deed Book 2053, Page 653, Deed Book 2053, Page 656, Deed Book 2053, Page 659, Deed Book 2053, Page 683, Deed Book 2053, Page 656 and Deed Book 3026, Page 401 all of the Cumberland County, North Carolina Registry.

Of the above described 37.11 acre tract there is an 11.80 acre portion of it lying within the City Limits of Fayetteville, hereafter described:

BEGINNING at an iron stake in the southern right-of-way margin of Southland Drive (31 feet from its centerline) said iron stake

Tract 1

being the northwest corner of a tract recorded in Deed Book 2778, Page 99 Cumberland County, North Carolina Registry;

thence leaving the southern right-of-way margin of Southland Drive, South 19 degrees 43 minutes 50 seconds West, 255.96 feet to a point;

thence North 70 degrees 12 minutes 00 seconds West, 2087.40 feet to a point in the eastern line of a tract recorded in Deed Book 2053, Page 645;

thence with said eastern line, North 19 degrees 07 minutes 19 seconds East, 236.10 feet to an iron stake in the southern right-of-way margin of Southland Drive (31 feet from its centerline) said iron also being the northeast corner of the tract recorded in Deed Book 2053, Page 645;

thence with the southern right-of-way margin of Southland Drive (31 feet from its centerline), South 70 degrees 44 minutes 42 seconds East, 2089.97 feet to the point of beginning.

Containing 11.80 acres, more or less.

The above described 37.11 acre tract is subject to any easements of record.

Prepared by MOORMAN & KIZER, INC., Fayetteville, North Carolina

TRACT 1 - SOUTHLAND PINES
(BROADWELL LAND COMPANY PROPERTY)

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition has been received on July 6, 1992, by the City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Fayetteville deems it advisable to proceed in response to this request for annexation;

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

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED this 6th day of July, 1992.

J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

BROADWELL LAND COMPANY
PO BOX 53587
FAYETTEVILLE, NC 28305
(919) 484-5193
FAX (919) 484-2036

June 23, 1992

Mr. David Nash
City of Fayetteville
Annexation Coordinator
433 Hay Street
Fayetteville, NC 28301

RE: Southland Pines
Tract 2

Dear Mr. Nash:

Enclosed you will find our PETITION REQUESTING ANNEXATION along with the property descriptions for your review. We ask that you process this request in your usual timely manner.

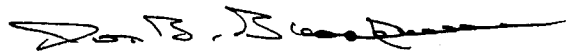
You will notice by the description that part of this land is in the City with the majority of the land outside the City.

If you should need other information regarding the above, please contact our office at the address above or by phone at (919) 484-5193.

We thank you in advance for your assistance in this matter.

Sincerely,

BROADWELL LAND COMPANY



Don B. Broadwell

Received 6-25-92

PETITION REQUESTING ANNEXATION
(CONTIGUOUS AREA)

Date June 23, 1992

To the Mayor and City Council of the City of Fayetteville, North Carolina.

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Fayetteville, North Carolina.

2. The area to be annexed is contiguous to the City of Fayetteville, and the boundaries of such territory are as follows:

(Insert Metes and Bounds Description of Boundaries)

SEE ATTACHED DESCRIPTION

Project known as Southland Pines - *Tract 2*

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Fayetteville.

<u>NAME</u>	<u>ADDRESS</u>
1. BROADWELL LAND COMPANY	903 HAY STREET, PO BOX 53587
2. Don B. Broadwell, President	Fayetteville, NC 28305
3. <i>[Signature]</i>	
4.	
5.	
6.	
7.	

MOORMAN & KIZER, INC.

Engineers, Planners and Surveyors

115 BROADFOOT AVENUE • POST OFFICE BOX 53774
FAYETTEVILLE, NORTH CAROLINA 28305

TELEPHONE: (919) 484-5191

FAX: (919) 484-0388

June 10, 1992

Broadwell-Piner
5.36 Acre Tract
South of Southland Drive - Tract 2

BEGINNING at an iron stake in the southern right-of-way margin of Southland Drive (31 feet from its centerline) said iron being the northwest corner of the tract recorded in Deed Book 2053, Page 673 Cumberland County, North Carolina Registry and running

thence with the southern right-of-way margin of Southland Drive (31 feet from its centerline) South 70 degrees 46 minutes 14 seconds East, 70.09 feet to a concrete monument, said concrete monument being the northwest corner of a tract described in Deed Book 2080, Page 597 Cumberland County, North Carolina Registry;

thence, leaving the southern right-of-way margin of the road South 28 degrees 28 minutes 42 seconds East, 334.91 feet to a concrete monument, the southeast corner of the tract recorded in Deed Book 2080, Page 597;

thence South 19 degrees 38 minutes 15 seconds West, 556.96 feet to an iron stake, said iron stake being the southwest corner of a tract recorded in Deed Book 2053, Page 645;

thence North 71 degrees 17 minutes 43 seconds West, 348.19 feet to an iron stake in the western line of a plat recorded in Plat Book 33, Page 49 Cumberland County, North Carolina Registry;

thence with the western line of said plat North 21 degrees 43 minutes 50 seconds East, 786.25 feet to the point of beginning.

Containing 5.36 acres, more or less. And being all of the tract recorded in Deed Book 2053, Page 673 Cumberland County, North Carolina Registry, except that portion of said lot recorded in Deed Book 2080, Page 597.

Of the above described 5.36 acre tract there is a 1.06 acre portion of it lying within the City Limits of Fayetteville here after described:

Tract 2

BEGINNING at an iron stake in the southern right-of-way margin of Southland Drive (31 feet from its centerline) said iron being the northwest corner of the tract recorded in Deed Book 2053, Page 673 Cumberland County, North Carolina Registry and running

thence with the southern right-of-way margin of Southland Drive (31 feet from its centerline) South 70 degrees 46 minutes 14 seconds East, 70.09 feet to a concrete monument, said concrete monument being the northwest corner of a tract described in Deed Book 2080, Page 597 Cumberland County, North Carolina Registry;

thence, leaving the southern right-of-way margin of the road South 28 degrees 28 minutes 42 seconds East, 334.91 feet to a concrete monument, the southeast corner of the tract recorded in Deed Book 2080, Page 597;

thence South 19 degrees 38 minutes 15 seconds West, 6.28 feet to a point;

thence North 70 degrees 12 minutes 00 seconds West, 377.78 feet to a point;

thence North 21 degrees 43 minutes 50 seconds East, 228.60 feet to the point of beginning.

Containing 1.06 acres, more or less.

The above described tract is subject to any easements of record.

Prepared by MOORMAN & KIZER, INC., Fayetteville, North Carolina.

TRACT 2 - SOUTHLAND PINES
(BROADWELL LAND COMPANY PROPERTY)

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on July 6, 1992, by the City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Fayetteville deems it advisable to proceed in response to this request for annexation;

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

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED this 6th day of July, 1992.

J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk



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

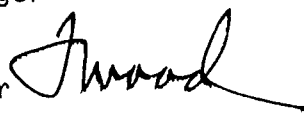
PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE

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

ELECTRIC & WATER UTILITIES

June 23, 1992

MEMO TO: John P. Smith, City Manager

FROM: Tim Wood, General Manager 

SUBJECT: Joint Meeting

Please advise when Council would like to meet with the Commission for the purpose of reviewing PWC's capital projects.

An early meeting is urgently requested in order to prevent the necessity of shutting down ongoing major projects (Glenville Lake water plant improvements, Rockfish Creek Wastewater plant expansion, etc.).

We will be pleased to offer our facilities for this meeting.

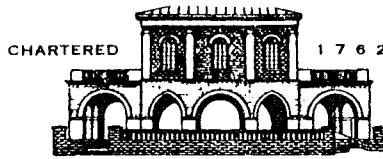
TW:gm

cc: PWC Commissioners Williams, Tippet, Owen and McCoy





Vertical text or markings along the right edge of the page, possibly bleed-through from the reverse side or a scanning artifact.



CITY CLERK
433 HAY STREET

FAYETTEVILLE, NC 28301-5537

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

July 1, 1992

MEMORANDUM

TO: John P. Smith, City Manager
FROM: Janet Jones, Deputy City Clerk *JJ*
SUBJECT: **AGENDA ITEM FOR JULY 6, 1992 CITY COUNCIL MEETING -
NOMINATIONS TO BOARDS AND COMMISSIONS**

A. JOINT PLANNING BOARD - 1 Vacancy

Meets first and third Tuesday, 7:30 p.m., Old Courthouse.

Nominations are needed to fill the vacancy of Billy Maxwell, Sr., to June 1996, since Sue Bandy has chosen to complete her term on the Historic Resources Commission. Mrs. Bandy was elected to the Planning Board vacancy at the last meeting and was already serving a term on the Historic Resources Commission.

**B. PUBLIC WORKS COMMISSION RETIREMENT BOARD - 1 Vacancy
(Attorney) - Terms Not Regulated - Five-Year Term**

Glenn B. Adams was nominated at the last meeting by Councilmember Ross

B. BOARD OF ADJUSTMENT - 2 Vacancies

The following nominations were made at the June 15, 1992, City Council meeting by councilmember McBryde (re-appointment for second term):

1. Kenneth C. Lancaster, Jr.
2. D. Ralph Huff

Blank Nomination Forms are also attached for your use.

Attachments

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 17

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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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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 _____

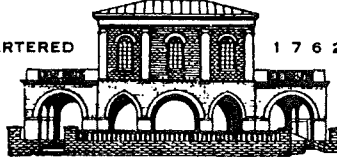
ACTIVITIES: _____

OTHER INFORMATION: _____

Received by City Clerk _____ (date)

Elected: YES _____ NO _____ Letter: _____





FINANCE DEPARTMENT
2ND FLOOR, CITY HALL

FAYETTEVILLE, NC 28302-1746

433 HAY STREET
P.O. DRAWER D

June 18, 1992

MEMORANDUM

TO: John P. Smith, City Manager
FROM: Kai Nelson, Finance Director
SUBJECT: Tax Refunds of Less Than \$100

The following tax refunds of less than \$100 were approved for the month of April:

<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
Mangiboyant, Milagros	Adjust assessment per amended statement.		\$24.98
Howell, Gertrude	Amended statement received.	Loc: 2004 Southern Avenue, 1991 Assessed Discovery.	\$8.49
Jurca, Cornel & Sandra Quitugua	Illegal tax. Military non-resident, MV 1/2 taxable.	Personal property only.	\$19.79
Lea, Linda	Listed a 1984 Audi in error for tax year 1990.	Business personal property 1984 AUDI WAUFBO44XEN109836	\$26.84
Matlack, Robert K.	House burned Oct. 25, 1990, 80% of house damaged. May 6, 1991, house razed per City of Fayetteville.	419, 423 & 427 Adams St., Imp. .55 acres	\$31.20

FIN-182

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 18A.

John P. Smith
Page 2
June 18, 1992

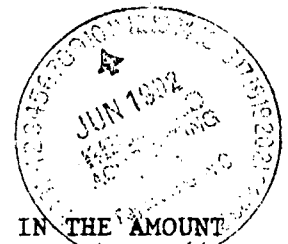
<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
Parker, Tae Kyong	Clerical error: 1989 Chevy Cavalier is correctly charged to LR #2155931: Biggs, Donald & wife.	1989 Chevy Cavalier	\$42.56
Ray, Hector N.	Adjust value of jet ski and trailer per bill of sale.		\$4.33
Webb, R. Kent and V. Lohavichan	Adjust value per amended statement.		\$99.48

KN/be

MAKE CHECK PAYABLE TO THE COLLECTOR'S OFFICE FOR 4789073.

TAXPAYER'S NAME MANGIBOYANT, MILAGROS
MAILING ADDRESS T/A NAILWORKS
2926 B FORT BRAGG RD
FAYETTEVILLE NC 28303-4740
BILL NUMBER 1838606
SOCIAL SECURITY/FEDERAL ID # 243-80-2103
PROPERTY DESCRIPTION _____

CUMBERLAND COUNTY
SPECIAL BOARD OF E & R
PO DRAWER 449
FAYETTEVILLE NC 28302-0449



DEAR BOARD MEMBERS AND CITY/TOWN COUNCIL MEMBERS:

DUE TO AN ERROR IN THE YEAR(S) 1991, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 31.39 AND CITY/TOWN OF FAYETTEVILLE TAXES IN THE AMOUNT OF \$ 24.98. I AM MAKING A WRITTEN DEMAND TO THE SPECIAL BOARD OF EQUALIZATION AND REVIEW AND TO THE CITY/TOWN OF FAYETTEVILLE FOR A REFUND OF OVERPAYMENT AS REQUIRED UNDER GENERAL STATUTE 105-381(b)(1).

NATURE OF CLERICAL ERROR: ADJUST ASSESSMENT PER AMENDED STATEMENT.

SINCERELY,

SIGNATURE

DATE

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Hance Jr. DATE: MAY 27 1992

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Robert B. Smith DATE: MAY 27 1992

ACTION TAKEN BY THE BOARD: APPROVED

SIGNATURE: Jessica Tarrell DATE: JUN 09 1992

VERIFIED BY THE CLERK TO THE BOARD: OK - Phaedra D. Lewis
DATE: 6-10-92



TAXPAYER'S NAME Howell, Gertrude
 MAILING ADDRESS 1909 McPherson Ave
Fayetteville, NC 28303-4229
 BILL NUMBER 4706763
 SOCIAL SECURITY/FEDERAL ID # * 258-66-9056

PROPERTY DESCRIPTION Loc: 2004 Southern Ave
1991 Assessed Discovery

CUMBERLAND COUNTY
 SPECIAL BOARD OF E & R
 PO DRAWER 449
 FAYETTEVILLE NC 28302-0449

DEAR BOARD MEMBERS AND C. TOWN COUNCIL MEMBERS:

DUE TO AN ERROR IN THE YEAR(S) 1991, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 10.65 AND CITY/TOWN OF Fayetteville TAXES IN THE AMOUNT OF \$ 8.49. I AM MAKING A WRITTEN DEMAND TO THE SPECIAL BOARD OF EQUALIZATION AND REVIEW AND TO THE CITY/TOWN OF Fayetteville FOR A REFUND OF OVERPAYMENT AS REQUIRED UNDER GENERAL STATUTE 105-381(b)(1).

NATURE OF CLERICAL ERROR: amended statement received

SINCERELY,

* Gertrude S. Howell SIGNATURE
 * 5-10-92 DATE

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Howell DATE: MAY 27 1992

COUNTY ATTORNEY'S RECOMMENDATION: OK MAY 27 1992

SIGNATURE: Robert Barrett DATE: MAY 27 1992

ACTION TAKEN BY THE BOARD: **APPROVED**

SIGNATURE: Juliusia Jarrell DATE: JUN 09 1992

VERIFIED BY THE CLERK TO THE BOARD: OK - Rhonda P. Lewis

DATE: 6-19-92

TAXPAYER'S NAME JURCA, CORNEL & SANDRA QUITUGUA

MAILING ADDRESS 17 DARTMOUTH

IRVINE, CA 92715-2638

BILL NUMBER 3902491

SOCIAL SECURITY/FEDERAL ID # 551-55-2008

PROPERTY DESCRIPTION Personal Property Only

CUMBERLAND COUNTY
SPECIAL BOARD OF E & F
PO DRAWER 449
FAYETTEVILLE NC 28302-0449



DEAR BOARD MEMBERS AND CITY/TOWN COUNCIL MEMBERS:

DUE TO AN ERROR IN THE YEAR(S) 1990, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 24.86 AND CITY/TOWN OF Fayetteville TAXES IN THE AMOUNT OF \$ 19.79. I AM MAKING A WRITTEN DEMAND TO THE SPECIAL BOARD OF EQUALIZATION AND REVIEW AND TO THE CITY/TOWN OF Fayetteville FOR A REFUND OF OVERPAYMENT AS REQUIRED UNDER GENERAL STATUTE 105-381(b)(1).

NATURE OF CLERICAL ERROR: Illegal Tax. Military non-resident. MV 1/2 taxable.

SINCERELY,

Cornel Jurca SIGNATURE

5/19/92 DATE

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Hume, Jr. DATE: MAY 28 1992

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Robert Barber DATE: MAY 28 1992

ACTION TAKEN BY THE BOARD: **APPROVED**

SIGNATURE: Jessica Jarrell DATE: JUN 09 1992

VERIFIED BY THE CLERK TO THE BOARD: OK - Phonda P. Lewis

DATE: 6-10-92

TAXPAYER'S NAME LEA, LINDA

MAILING ADDRESS 320 MCPHERSON CHURCH RD

FAYETTEVILLE NC 28303-6695

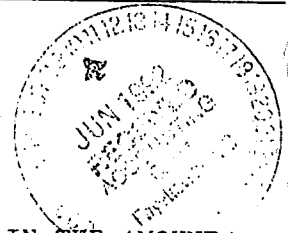
BILL NUMBER 1263727

SOCIAL SECURITY/FEDERAL ID # 56-1295340

PROPERTY DESCRIPTION BUSINESS PERSONAL PROPERTY

1984 AUDI WAUFBO44XEN109836

CUMBERLAND COUNTY
SPECIAL BOARD OF E & R
PO DRAWER 449
FAYETTEVILLE NC 28302-0449



DEAR BOARD MEMBERS AND CITY/TOWN COUNCIL MEMBERS:

DUE TO AN ERROR IN THE YEAR(S) 1990, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 33.80 AND CITY/TOWN OF FAYETTEVILLE TAXES IN THE AMOUNT OF \$ 26.84. I AM MAKING A WRITTEN DEMAND TO THE SPECIAL BOARD OF EQUALIZATION AND REVIEW AND TO THE CITY/TOWN OF FAYETTEVILLE FOR A REFUND OF OVERPAYMENT AS REQUIRED UNDER GENERAL STATUTE 105-381(b)(1).

NATURE OF CLERICAL ERROR: LISTED A 1984 AUDI IN ERROR FOR TAX YEAR 1990.

SINCERELY,

S. Harold Lee SIGNATURE

5/26/92 DATE

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Harney DATE: MAY 28 1992

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Robert Sanders DATE: MAY 20 1992

ACTION TAKEN BY THE BOARD: APPROVED

SIGNATURE: Julia Jarrell DATE: JUN 09 1992

VERIFIED BY THE CLERK TO THE BOARD: OK - Thelda J. Davis

DATE: 6/10/92

TAXPAYER'S NAME Matlack, Robert K

MAILING ADDRESS 411 Thoenclyff DR.

Fay, NC 28303-5221

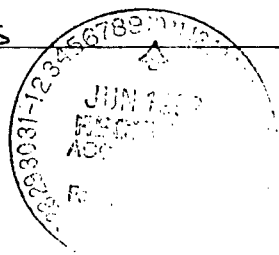
BILL NUMBER 3744004

[REDACTED] FEDERAL ID # 158-32-1626

PROPERTY DESCRIPTION 419, 423 & 427 Adams St.

Imp. 655 ACS

CUMBERLAND COUNTY
SPECIAL BOARD OF E & R
PO DRAWER 449
FAYETTEVILLE NC 28302-0449



DEAR BOARD MEMBERS AND CITY/TOWN COUNCIL MEMBERS:

DUE TO AN ERROR IN THE YEAR(S) 1991, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 39.19 AND CITY/TOWN OF Fayetteville TAXES IN THE AMOUNT OF \$ 31.20. I AM MAKING A WRITTEN DEMAND TO THE SPECIAL BOARD OF EQUALIZATION AND REVIEW AND TO THE CITY/TOWN OF Fayetteville FOR A REFUND OF OVERPAYMENT AS REQUIRED UNDER GENERAL STATUTE 105-381(b)(1).

NATURE OF CLERICAL ERROR: House burned Oct. 25, 1990 80% of house damaged. May 6, 1991 House razed per City of Fay.

SINCERELY,

Robert K. Matlack [REDACTED]
7/10/92 DATE

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Hone, Jr. DATE: MAY 27 1992

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Robert [unclear] DATE: MAY 27 1992

ACTION TAKEN BY THE BOARD: **APPROVED**

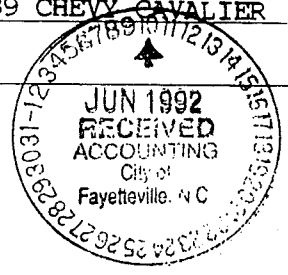
SIGNATURE: Jessica Jarrell DATE: JUN 09 1992

VERIFIED BY THE CLERK TO THE BOARD: OK - Thonda J. Davis

DATE: 6-10-92

TAXPAYER'S NAME PARKER, TAE KYONG
MAILING ADDRESS 1402 DUNCAN STREET
FAYETTEVILLE, NORTH CAROLINA 28
BILL NUMBER LR #3619269 3
SOCIAL SECURITY/FEDERAL ID # 242-13-9788
PROPERTY DESCRIPTION 1989 CHEVY CAVALIER

CUMBERLAND COUNTY
SPECIAL BOARD OF E & F
PO DRAWER 449
FAYETTEVILLE NC 28302-0449



DEAR BOARD MEMBERS AND CITY/TOWN COUNCIL MEMBERS:

DUE TO AN ERROR IN THE YEAR(S) 1991, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 47.20 AND CITY/TOWN OF FAYETTEVILLE TAXES IN THE AMOUNT OF \$ 42.56. I AM MAKING A WRITTEN DEMAND TO THE SPECIAL BOARD OF EQUALIZATION AND REVIEW AND TO THE CITY/TOWN OF FAYETTEVILLE FOR A REFUND OF OVERPAYMENT AS REQUIRED UNDER GENERAL STATUTE 105-381(b)(1).

NATURE OF CLERICAL ERROR: CLERICAL ERROR: 1989 CHEVY CAVALIER IS CORRECTLY CHARGED TO LR #2155931: BIGGS, DONALD & WIFE.

SINCERELY,

See attached letter for signature.
May 22, 1992
SIGNATURE
DATE

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Howe Jr DATE: MAY 28 1992

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Robert [unclear] DATE: MAY 28 1992

ACTION TAKEN BY THE BOARD: APPROVED

SIGNATURE: Julia Carroll DATE: JUN 10 1992

VERIFIED BY THE CLERK TO THE BOARD: OK - Phonda D. Lewis
DATE: 6-10-92

TAXPAYER'S NAME RAY, HECTOR N

MAILING ADDRESS 806 CAPE FEAR AVE

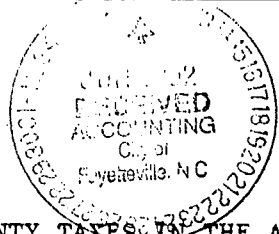
FAYETTEVILLE NC 28303-4310

BILL NUMBER 4175750

SOCIAL SECURITY/FEDERAL ID # ✓ 244-86-6984

PROPERTY DESCRIPTION _____

CUMBERLAND COUNTY
SPECIAL BOARD OF E & R
PO DRAWER 449
FAYETTEVILLE NC 28302-0449



DEAR BOARD MEMBERS AND CITY/TOWN COUNCIL MEMBERS:

DUE TO AN ERROR IN THE YEAR(S) 1991, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 5.44 AND CITY/TOWN OF FAYETTEVILLE TAXES IN THE AMOUNT OF \$ 4.33. I AM MAKING A WRITTEN DEMAND TO THE SPECIAL BOARD OF EQUALIZATION AND REVIEW AND TO THE CITY/TOWN OF FAYETTEVILLE FOR A REFUND OF OVERPAYMENT AS REQUIRED UNDER GENERAL STATUTE 105-381(b)(1).

NATURE OF CLERICAL ERROR: ADJUST VALUE OF JET SKI AND TRAILER PER BILL OF SALE.

SINCERELY,
Hector M. Ray / SIGNATURE
1-21-92 / DATE

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Hane DATE: MAY 27 1992

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Robert B. Smith DATE: MAY 27 1992

ACTION TAKEN BY THE BOARD: APPROVED

SIGNATURE: Julia Jarrell DATE: JUN 09 1992

VERIFIED BY THE CLERK TO THE BOARD: OK - Rhonda P. Lewis
DATE: 6-10-92

TAXPAYER'S NAME: WEBB, R KENT & V LOHAVLCHAN

MAILING ADDRESS: 1319 AVON ST

FAYETTEVILLE NC 28304-4423

BILL NUMBER: 3483430

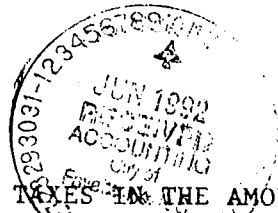
SOCIAL SECURITY/FEDERAL ID #: 56-1544147

PROPERTY DESCRIPTION: _____

CUMBERLAND COUNTY
SPECIAL BOARD OF E & R
PO DRAWER 449
FAYETTEVILLE NC 28302-0449

DEAR BOARD MEMBERS AND CITY/TOWN COUNCIL MEMBERS:

DUE TO AN ERROR IN THE YEAR(S) 1991, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 124.99 AND CITY/TOWN OF FAYETTEVILLE TAXES IN THE AMOUNT OF \$ 99.48. I AM MAKING A WRITTEN DEMAND TO THE SPECIAL BOARD OF EQUALIZATION AND REVIEW AND TO THE CITY/TOWN OF FAYETTEVILLE FOR A REFUND OF OVERPAYMENT AS REQUIRED UNDER GENERAL STATUTE 105-381(b)(1).



NATURE OF CLERICAL ERROR: ADJUST VALUE PER AMENDED STATEMENT.

SINCERELY,

R Kent Webb SIGNATURE

DATE: 5-1-92

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Hance, Jr. DATE: MAY 27 1992

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Robert S. ... DATE: MAY 27 1992

ACTION TAKEN BY THE BOARD: APPROVED

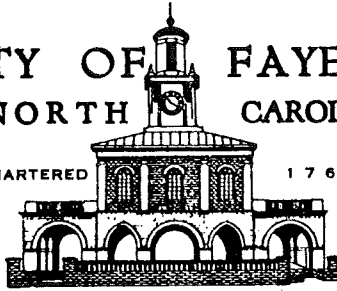
SIGNATURE: Luisia ... DATE: JUN 09 1992

VERIFIED BY THE CLERK TO THE BOARD: OK - Rhonda J. Davis

DATE: 6-10-92

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

JULY 1, 1992

MEMORANDUM

TO: John P. Smith, City Manager
FROM: Roger L. Stancil, Deputy City Manager
RE: Recycling

ROS

As we predicted, the influx of so many cities and other actors into recycling activities has had a dramatic impact on the market for recyclables. Because the market is glutted, the price paid for recyclables has dropped and recycling brokers are much more demanding about the quality of loads they will accept. Their tolerance for accepting contaminated loads is extremely low.

Contamination of recyclables merely means loads of mixed materials. For example, if a newspaper container from our Westwood Center is taken to the paper dealer and the contents include other types of paper (such as brown paper bags in which many people keep old newspapers), the dealer will reject it. Because we have no facilities for storage and lack the time and expertise to search for other markets, many of these loads end up in the landfill, completely defeating our original purpose.

It appears that Cumberland County's venture into waste to energy conversion is progressing. It would make little sense, therefore, for us to greatly expand our recycling efforts. After much discussion, we have decided to improve and concentrate our current efforts by taking the following actions:

1. Close the Andrews Commons Recycling Center effective August 31. This center serves County residents primarily and was opened when we anticipated operating seven sites. This location is remote and time-consuming to service. A County site is close by. We will place a sign at the site immediately notifying people of our decision and telling them where they can take their recyclables.

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 18.B.

John P. Smith
Page 2
July 1, 1992

2. Staff the Westwood Center 12 hours per day seven days per week. We have already fenced the site completely to control access. A person on site can educate recyclers and reduce contamination. This should dramatically increase our ability to divert recyclables from the landfill. We estimate an additional cost of \$35000 to staff the center and make the necessary improvements.,
3. Continue to operate the Eutaw Recycling Center without staffing and monitor its operation to determine necessary improvements.

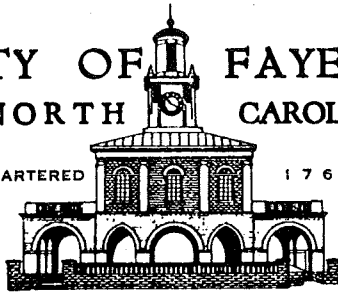
These changes can be accomplished with the savings generated by discontinuing operation of the Transfer Station, which was effective July 1.

RLS:ssm

xc: Clark Dill, Director
Environmental Services

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

JULY 2, 1992

MEMORANDUM

TO: The Mayor and Members of City Council
FROM: Roger L. Stancil, Deputy City Manager
RE: Commercial Garbage Contract

109

Attached is a letter we sent to all commercial customers in an attempt to explain the changes in commercial garbage collection effective July 1. As you remember, our contract only covers once per week pick-up by ARS. Based on the new County tipping fee, a typical customer with an eight yard box picked up once per week will be charged nothing for collection and \$9.28 per week for disposal.

Other components of the commercial garbage collection and disposal system are not affected by our contract. These include:

- Container rental
- Supplemental services over the contracted once per week
- Any charges by Waste Industries
- Any charges by ARS that do not exceed the maximum set by our contract
- The validity of any private contract regarding the above

We are trying to make the transition as smooth as possible. If you become aware of any problems, please let me know

RLS:ssm

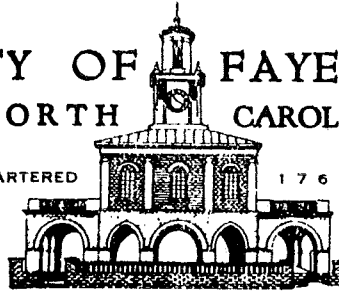
An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

Dear Commercial Garbage Customer:

In July 1991, the City of Fayetteville contracted with two private haulers, ARS and Waste Industries, to collect commercial containers within the City. Who serviced your container was determined by your location. The City subsidized one pick up per week and established the disposal charge and maximum fees for supplemental service. These contracts expire June 30, 1992.

During this fiscal year, City staff has been reviewing various options for commercial garbage collection. We did this with the help of a committee of our customers. The options ranged from a long-term franchise with one company to a free market system of open competition. We requested proposals on each option from private haulers. On April 20, 1992, City Council reviewed these proposals and asked City staff to negotiate a one-year contract with ARS for one pick up per week based on their submission of the lowest bid.

Under the terms of this contract, effective July 1, 1992, through June 30, 1993, the City will pay ARS for the collection of each customer's solid waste container(s) for one time pick up per week. ARS will bill each customer for disposal costs charged by the Cumberland County Landfill as both contractors do now. The current disposal charge by the County of \$25 per ton equates to \$1.00 per cubic yard. If the County raises their disposal fee, the cubic yard charge to each customer will be increased proportionately.

You may contract with anyone you wish for services supplemental to the one pick up per week. As a condition of their contract, however, ARS cannot charge you more than \$.54 per cubic yard for collection service above once per week. Container rental is not affected by the City contract either. You may continue to do business with whomever you wish.

During the coming year, we will be monitoring the commercial collection operation closely. By June 30, 1993, City Council will have to make decisions again about this service. I am sure they will welcome your input.

Sincerely,

A handwritten signature in black ink that reads 'John P. Smith'.

JOHN P. SMITH
City Manager

JPS:ssm

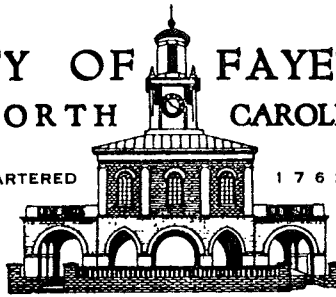
An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

July 1, 1992

MEMORANDUM

TO: John P. Smith, City Manager
FROM: Jimmy Teal, Assistant City Manager, Planning & Development
SUBJECT: Morganton Road and McPherson Church Road Project

JT

The intersection widening project at Morganton Road and McPherson Church Road is proceeding on schedule. The project consists of two phases. The first phase is the utility relocation which is administered by PWC. The second phase is the roadway construction which is administered by City Engineering.

The utility relocation phase began in mid-June and is proceeding on schedule. This work should be completed by late August or early September. The roadway phase is scheduled to begin in mid-August with completion in mid-November. This proposed schedule is identical to the schedule agreed upon by the City and the merchants in that area. A similar update for the merchants will be done next week.

The City is working closely with PWC, the contractors and the merchants in the area to ensure this project is accomplished in a timely fashion. I will provide updates as needed on the status of this project.

If you have any questions, please let me know.

JT/kbl

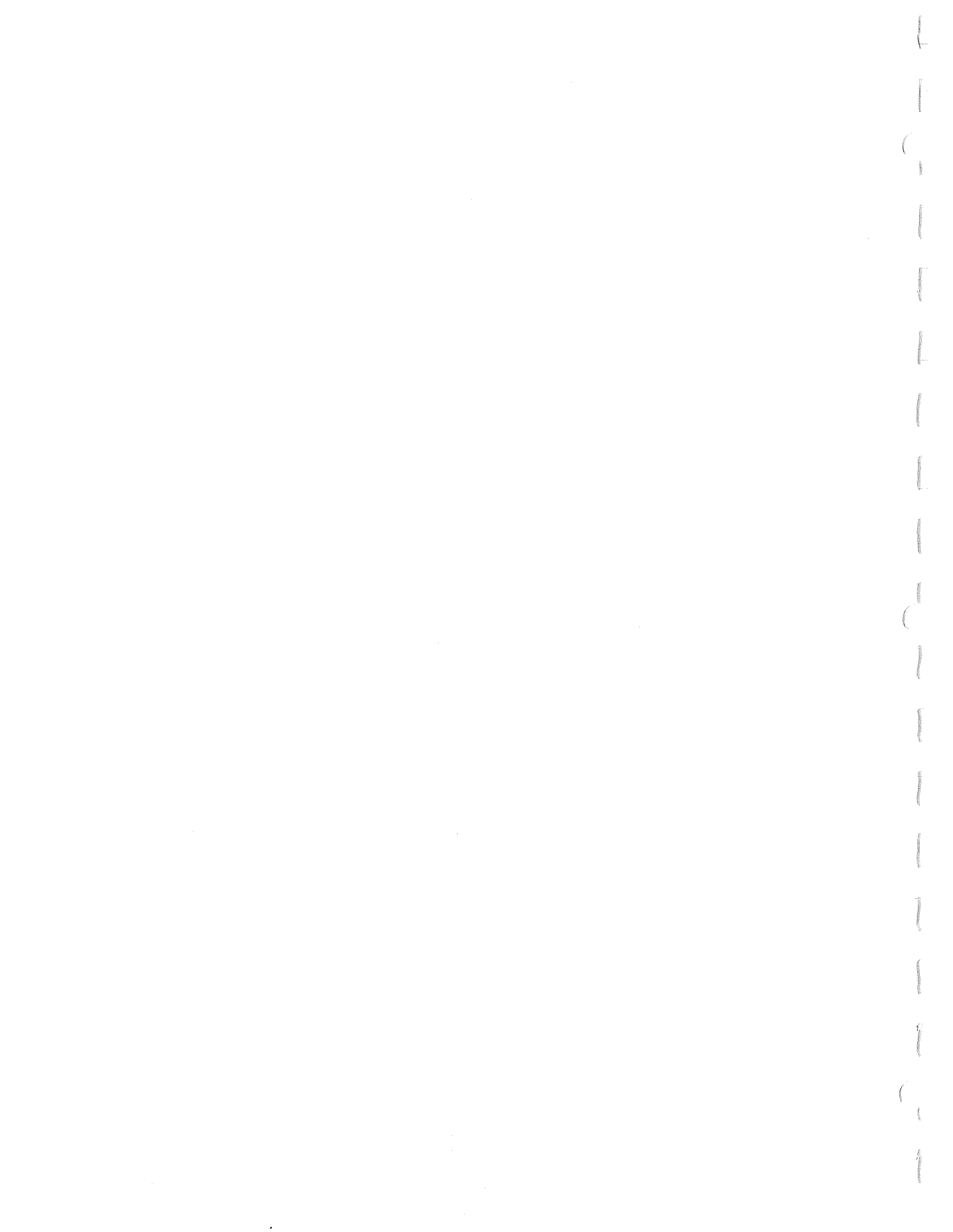
cc: Mike Walker, City Engineer

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

INFORMATION



Dear J. L.,

My appreciation to the
City Council for sending me back
to the Planning Board.

I would very much like to do
this, however, I am on the Historic
Resources Commission for one more
year and feel, strongly, about not
fulfilling an obligation to this

obligation.

Please pass my decision on to the
Council, with my sincere thankfulness
for the confidence, and regret for not
being able to do this, along with
my other commitment - legally -
and I do

endorse this
city ordinance!

my best, Sue Bandy

1215 HILLTOP AVENUE
FAYETTEVILLE, NORTH CAROLINA
28305

DRAWING BY M.H. MORRISON, 1985

6/29/92

INFORMATION

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The Fayetteville Dogwood Festival

June 29, 1992

Fayetteville City Council
433 Hay Street
Fayetteville, NC 28301

Dear Council Members:

On behalf of the Board of Directors of the Fayetteville Dogwood Festival, Inc., thank you for your continued support of the festival during the 1992-1993 fiscal year. The City's support over the past ten years has been vital to the development and success of the festival, and reflects the strong bond between the City Council and the Dogwood Festival, of which we are very proud.

Again, thank you. Your continued support is sincerely appreciated.

Kindest regards,

Ann Spiesberger

Ann G. Spiesberger
Executive Director



F
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S
C

FAYETTEVILLE AREA SENTENCING CENTER

310 Green Street, Suite 110
Fayetteville, North Carolina 28301
(919) 323-5852

City of Fayetteville's

Return On Their \$5,000 Investment

A Community Impact Statement

Period: July 1, 1991 - May 31, 1992

Number of non-violent offenders FASC diverted from prison: 67

\$ 8,302	Court fines ordered: Fines are distributed directly to the county school fund.
\$ 7,345	Costs ordered: includes facilities fees paid to county, contributions to the law enforcement retirement fund, officer service fees, jail fees.
\$ 33,243	Victim restitution ordered.
\$ 26,980	Other fees ordered: includes attorney fees for indigent offenders, community service fees, and one year of probation supervision fees.
\$ 11,271	Value of community service ordered: 2,652 hours ordered at \$4.25 per hour.
\$ 87,141	Direct benefits for the community.
<u>\$ 1,271,660</u>	Direct taxpayer cost to imprison 67 people for one year (\$18,980/year/inmate).
\$ 1,358,801	Total contributions by the 67 non-violent offenders FASC diverted from prison, plus tax dollars saved.

\$ 131,878 Grant dollars received from the state that were invested in the local community.

SOCIETAL BENEFITS:

- * Measurable and tangible reconciliation for crime victims.
- * Offenders become contributing, working taxpayers.
- * Families are kept off the welfare roles.
- * Offenders are granted opportunities for rehabilitation.

SYSTEM BENEFITS:

- * Offenders are safely and effectively punished within the community, saving tax dollars, reducing recidivism and correctional costs.
- * System and community sanctions are more effectively and efficiently used.

- A North Carolina State Community Penalties Program •

INFORMATION

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FAYETTEVILLE AREA SENTENCING CENTER

310 Green Street, Suite 110
Fayetteville, North Carolina 28301
(919) 323-5852

June 16, 1992

J.L. Dawkins, Mayor
City of Fayetteville
433 Hay Street
Fayetteville, North Carolina 28301-5537

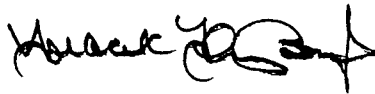
Dear Mayor Dawkins:

We were delighted with the City Council's decision last evening to continue funding Fayetteville Area Sentencing Center at its current level of \$5,000. Your support of this program is sincerely appreciated and we are most grateful for the City's continued commitment.

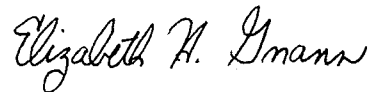
During the FY 91-92 (through May, 1992), FASC has diverted 67 non-violent offenders from prison to community based sentences. Twenty-five (37 percent) of those people were City residents. Enclosed is a Community Impact Statement that details the City's financial return on their investment in FASC. As you can see, the City's \$5,000 investment was returned to our community many times over.

Should you have any questions regarding the attached information, please feel free to contact us. Again, our deepest appreciation for your continuing support.

Sincerely,



Horace K. Thompson, Jr.
Secretary/Treasurer



Elizabeth H. Gmann
Director



Cumberland County Dispute Resolution Center

P. O. Box 1786, 155 Gillespie Street

Fayetteville, NC 28302

Richard Spell, Executive Director
D.K. Dempster, Associate Director

(919) 486-9465
(919) 486-0114

June 16, 1992

The Honorable J. L. Dawkins
Mayor of Fayetteville
433 Hay Street
Fayetteville, North Carolina 28301

Dear Mayor Dawkins;

On behalf of the volunteers, Board of Directors, and staff I wish to thank you for your continued support of the Cumberland County Dispute Resolution Center. Your leadership has given non-profit agencies such as ours the opportunity to serve the citizens of Fayetteville and hopefully promote a better quality of life for all our residents.

The Cumberland County Dispute Resolution Center will be expanding to increase our services during the 1992-1993. One area we will be including in these new services is public policy disputes. Our staff and volunteers will be available to mediate dispute between citizens and city agencies such as the Planning Board, PWC, and other city agencies. We feel that this service will have the potential to save the city through the prevention of possible lawsuits and the promotion of goodwill.

We look forward to working with the City of Fayetteville during the 1992-1993 fiscal year and in the future. Again, thank you for your support and we appreciate your willingness to devote so much of your time to the City of Fayetteville.

My best,



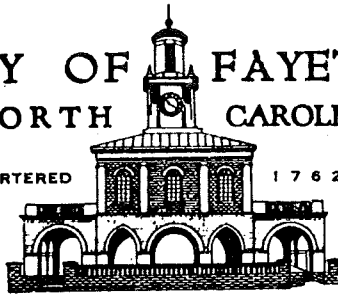
Richard Spell



KENNA

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



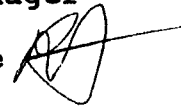
OFFICE OF THE CHIEF OF POLICE
SUITE 124, 131 DICK STREET

FAYETTEVILLE, N. C. 28301-5798
TELEPHONE: (919) 433-1819

12 June 1992

PERFORM OUR DUTY WITH INTEGRITY AND COURAGE
POLICE OFFICERS AND SERGEANTS
OF ALL RACES AND ETHNICITIES
SHALL BE HELD ACCOUNTABLE FOR
THE QUALITY OF THEIR PERFORMANCE
AND THE SAFETY OF THE COMMUNITY

MEMORANDUM

TO : Roger Stancil, Assistant City Manager
FROM : Ronald E. Hansen, Chief of Police 
SUBJECT: Monthly Report for Professional Standards

Attached please find the monthly report for Office of Professional Standards for the month of March, 1992.

REH:lof

Attachment

122nd NATIONALLY ACCREDITED



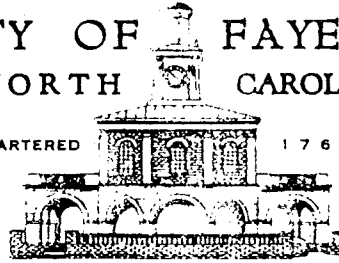
LAW ENFORCEMENT AGENCY

An Equal Opportunity Affirmative Action Employer

INFORMATION

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



OFFICE OF THE CHIEF OF POLICE
SUITE 124, 131 DICK STREET

FAYETTEVILLE, N. C. 28301-5798
TELEPHONE: (919) 433-1819

12 June 1992

**ADMINISTRATIVE
MEMORANDUM TO:**

Ronald E. Hansen, Chief of Police

SUBJECT:

Office of Professional Standards & Inspections
Monthly Report for April 1992

The monthly report from the Office of Professional Standards and Inspections for the month of March 1992 is submitted for your review.

Vera L. Bell

VERA L. BELL, LIEUTENANT
Office of Professional Standards
and Inspections

VLB/11k

Attachments

122nd NATIONALLY ACCREDITED



LAW ENFORCEMENT AGENCY

An Equal Opportunity Affirmative Action Employer

**DEPARTMENTAL INVESTIGATIONS
APRIL 1992**

This Year, 1992, to date: 82
Last Year, 1992, to date: 45

<u>FILE NO.</u>	<u>COMPLAINT</u>	<u>DISPOSITION</u>
92-056(D)	Vehicle Accident	Exonerated
92-057(D)	Supplemental Employment	Disc. Action
92-058(D)	Vehicle Accident	Exonerated
92-059(D)	Vehicle Pursuit	Exonerated
92-060(D)	Violations of Law	Resigned
92-061(D)	Vehicle Accident	Exonerated
92-062(D)	Vehicle Accident	Exonerated
92-063(D)	Vehicle Pursuit	Exonerated
92-064(D)	Vehicle Accident	Disc. Action
92-067(D)	Vehicle Accident	Disc. Action

CASES PENDING FOR FEBRUARY = 2	92-032(D), 92-036(D)
CASES PENDING FOR MARCH = 3	92-043(D), 92-049(D), 92-055(D)
CASES PENDING FOR APRIL = 2	92-065(D), 92-066(D)

CARRY OVER CASES FROM FEBRUARY 1992:

92-029(D)	Off Duty Employment	Disc. Action
92-038(D)	Unbecoming Conduct/ Abuse of Position	Disc. Action

CARRY OVER CASE FROM MARCH 1992:

92-051(D)	Unbecoming Conduct	Disc. Action
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<u>DISPOSITIONS</u>	<u>THIS MONTH</u>	<u>YEAR TO DATE</u>	
Exonerated	6	19	36%
Disc. Action	3	32	60%
Retired	0	1	2%
Resigned	<u>1</u>	<u>1</u>	<u>2%</u>
	10	53	100%

**CITIZEN COMPLAINTS
APRIL 1992**

This Year, 1992, to date: 22
Last Year, 1991, to date: 11

<u>FILE NUMBER</u>	<u>COMPLAINANT RACE & SEX</u>	<u>NATURE OF COMPLAINT</u>	<u>DISPOSITION OF CASE</u>
92-015(C)	B/M	Unsat. Performance	Exonerated
92-016(C)	B/M	Unsat. Performance	Exonerated
92-017(C)	B/M	Vehicle Operation	Exonerated
92-018(C)			
92-019(C)	W/M	Neglect of Duty	Exonerated
92-020(C)	W/F	Unbecoming Conduct	Disc. Action
92-021(C)	O/M	Unbecoming Conduct	Resigned
92-022(C)	W/F	Unbecoming Conduct	Exonerated

CARRY OVER FROM FEBRUARY 1992

92-010(C)	W/F	Unbecoming Conduct	Disc. Action
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CASES PENDING FOR APRIL 1992 = 1 92-018(C)

<u>DISPOSITIONS</u>	<u>THIS MONTH</u>	<u>YEAR TO DATE</u>	
Exonerated	5	14	67%
Disc. Action	1	6	29%
Resigned	<u>1</u>	<u>1</u>	<u>4%</u>
	8	21	100%

**USE OF FORCE
APRIL 1992**

This Year, 1992, to date:
Last Year, 1991, to date:

<u>FILE NUMBER</u>	<u>FORCE USED</u>	<u>INJURY</u>	<u>CHARGE(S)</u>	<u>DISPOSITION</u>
92-013(F)	P-Mace	None	AOLEO, Dam to Prop.	Exonerated
92-014(F)	P-Mace	None	AOLEO, Shoplifting	Exonerated
92-015(F)	Hands	None	DWI, RDO, Speed	Exonerated
92-017(F)	Stun Gun	Minor	Mental	Exonerated

CASE PENDING FOR APRIL 1992 = 2 92-016(F), 92-018(F)

CARRY OVER FROM MARCH 1992

92-010(F)	Hands	None	AWDW/Dam. to Prop.	Exonerated
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<u>DISPOSITION</u>	<u>THIS MONTH</u>	<u>YEAR TO DATE</u>	
No Excessive Force	3	14	88%
Excessive Force	<u>0</u>	<u>2</u>	<u>12%</u>
	5	16	100%

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ROBERT C. WILLIAMS, CHAIRMAN
W. LYNDO 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
PO DRAWER 1089
FAYETTEVILLE, NORTH CAROLINA 28302 1089
TELEPHONE (AREA CODE 919) 483 1401
FAX (AREA CODE 919) 483 1429

ELECTRIC & WATER UTILITIES

June 26, 1992

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

Subject: Revised Tapping Fee and Lateral Charge Schedules

Dear John:

The Public Works Commission voted unanimously on June 25 to honor Council's request to defer implementation of revised charges for water and sanitary sewer tapping fees and lateral charges.

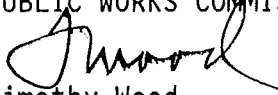
The new schedule of charges will become effective on October 1, 1992, and will be the first increase in seven (7) years.

The Commission discussed the proposed charges at three meetings--all of which were reported by the news media. Additionally, notices of the increases were sent to: City manager's office, Board of Realtors, Homebuilders Association, major developers, and all civil engineering firms in Fayetteville.

Sanitary sewer service has been available to residents of the annexed areas for twelve to eighteen months. We hope the extension of our current lateral charges will encourage homeowners to connect to the sanitary sewer system.

Very truly yours,

PUBLIC WORKS COMMISSION


Timothy Wood
General Manager

TW:gm

pc: Robert C. Williams, Chairman







June 22, 1992


Chief Ronald Hanson
Fayetteville City Police Department
131 Dick Street
Fayetteville NC 28301

Dear Chief Hanson:

I would like to express my appreciation to you and your officers.

You handled a potentially explosive situation in a most professional manner. You are to be commended on having such a well trained force.

Sincerely,



John D. Greene
General Manager

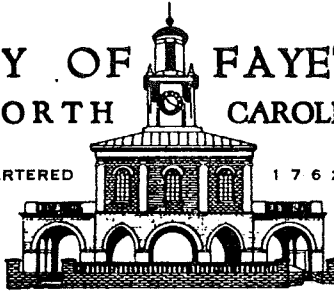
JG:rms

cc: John Smith, City Manager
Mr. Horace Thompson
Dr. Frank P. Stout

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THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762




CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

June 25, 1992

MEMORANDUM

TO: The Mayor and Members of City Council
FROM: John P. Smith, City Manager 
SUBJECT: Hand Held Radar Units

Some of you may have seen the report on "60 Minutes" on CBS on the controversy over the safety of hand held radar units. This issue came up in 1991 when three police officers in Connecticut filed workers' compensation suits claiming that they had contracted cancer from prolonged use of hand held radar units.

Attached for your information is a packet our department put together in 1991 when this controversy first surfaced. We will continue to follow this matter and will implement any changes that may be recommended in the future by either FDA or the National Highway Traffic Safety Administration.

JPS/kbl

Attachment

An Equal Opportunity
City of

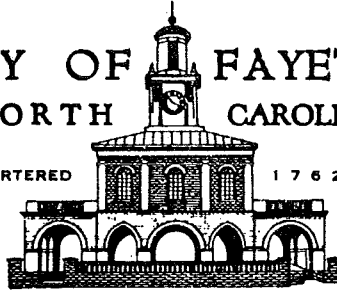


Affirmative Action Employer
Dogwoods

INFORMATION

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



OFFICE OF THE CHIEF OF POLICE
SUITE 124, 131 DICK STREET

FAYETTEVILLE, N. C. 28301-5798
TELEPHONE: (919) 433-1819

22 June 1992

MEMORANDUM

TO : John Smith, City Manager

THROUGH: Roger Stancil, Assistant City Manager *RS*

FROM : Ronald E. Hansen, Chief of Police *RA*

SUBJECT: Radar Equipment

Attached is the information you requested. Please note that we addressed this issue over two years ago and our position remains the same--our radar units properly used are safe.

REH:lof

Attachment

122nd NATIONALLY ACCREDITED

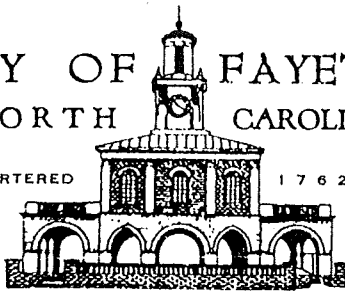


LAW ENFORCEMENT AGENCY

An Equal Opportunity Affirmative Action Employer

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



OFFICE OF THE CHIEF OF POLICE
SUITE 124, 131 DICK STREET

FAYETTEVILLE, N. C. 28301-5798
TELEPHONE: (919) 433-1819

3 October 1991

ADMINISTRATIVE

MEMORANDUM TO: Major Cannady
ATTN: Captain Shambley
Captain Cook

SUBJECT: Radar Equipment

In light of the recent controversies about the use of radar equipment and the alleged health impact, remind your officers of the basic precautions; the Food and Drug Administration recommends that the unit or antenna be kept at least six inches away from the user's body.

The same basic precautions apply to similar equipment, i.e. microwaive ovens, so common sense is the issue.

If the Food and Drug Administration changes its position or any other valid information is available our Department will react accordingly.


RONALD E. HANSEN
Chief of Police

REH:lof

122nd NATIONALLY ACCREDITED

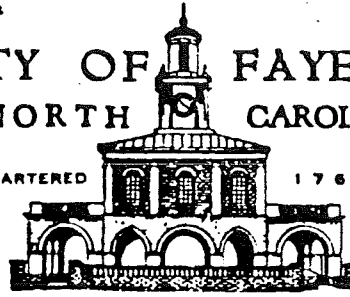


LAW ENFORCEMENT AGENCY

An Equal Opportunity Affirmative Action Employer

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



OFFICE OF THE CHIEF OF POLICE
SUITE 124, 131 DICK STREET

FAYETTEVILLE, N. C. 28301-5798
TELEPHONE: (919) 433-1819

12 December 1991

ADMINISTRATIVE

MEMORANDUM TO: CAPTAIN J.P. COOK
Commander
Special Enforcement Division

Subject: RADAR & Alleged Health Risks

I have made contact with Mr. Neil Singletary, who performs calibrations on all of our RADAR equipment. Mr. Singletary states that part of his routine calibration procedure is to check for signal spillover and power output from the equipment. ANSI (American National Standards Institute) radiation levels are well within the prescribed tolerances for this type of equipment. In addition, Mr. Singletary provided me with a report from the Institute of Police Technology and Management on Traffic RADAR Power Densities Summary of Findings that show the average amount of radiation levels, to include all the models of RADAR used by this department. It was noted that regardless of the position of the antenna, the power level received by the operator is 1,600 times under the limit specified by ANSI.

In addition to the contact made with Mr. Singletary, I talked with Trooper Foggino of the North Carolina State Highway Patrol during the meeting with Mr. Singletary. Trooper Foggino stated that in the past, the Highway Patrol issued each trooper a dosimeter card that was carried at all times. Trooper Foggino stated that the Highway Patrol discontinued this practice after numerous years without any cases that revealed any significant amounts of radiation received by the Trooper.

While there has not been any established health hazard associated with Traffic RADAR, I do agree with the recommendations made in the letter from NHTSA concerning proper procedures to be used. I feel that by including some education to our Traffic RADAR operators and instructions on the proper use will suffice on this issue. ANSI recommends that each unit be tested every three years, but the State requires that our units be checked every year. All of our units were checked and calibrated within the last month and no unit was emitting excessive power levels.

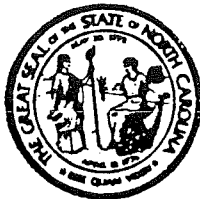

LIEUTENANT J.D. HARRELL
Special Enforcement Division

122nd NATIONALLY ACCREDITED



LAW ENFORCEMENT AGENCY

State of North Carolina



Governor's Highway Safety Program

JAMES G. MARTIN
GOVERNOR

THOMAS J. HARRELSON
SECRETARY OF TRANSPORTATION

PAUL B. JONES
DIRECTOR, GR

MEMORANDUM

TO: North Carolina Chiefs of Police

FROM: Paul Jones

RE: Hand Held Radar Units

DATE: November 8, 1991

During the past year, there have been a number of stories in the media about potential problems with hand-held radar units. There has been some concern about the safety of hand-held units.

We believe you will find the attached information from the National Highway Traffic Safety Administration (NHTSA) beneficial. If you have any questions about this matter, the appropriate telephone numbers are listed at the end of the report from NHTSA.

We hope you will continue to enforce speed and other traffic safety laws in an attempt to reduce the number of motor vehicle crashes and injuries which are causing an enormous manpower drain on Police Departments.



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

Memorandum

Subject: Health Concerns Regarding Police Radar
Units

Date: November 1, 1991

From: *Thomas J. Enright*
Thomas J. Enright
Regional Administrator
Region IV, Atlanta

Reply to
Attn of

To: Governors' Representatives
Region IV

Attached for your information and possible distribution is a NHTSA informational document pertaining to the use of police radar units. As the attached points out, we are confident that the power density of radar units which appear in the IACP Consumer Products List meet all applicable Federal and American National Standards Institute standards. While this is our position, we also continue to recommend that officers use proper operating procedures when operating radar devices.

The information document provides points of contact for enforcement and/or media representatives seeking more information on this matter.

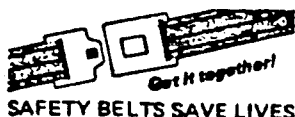
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Attachment

Addressees:

Mr. James Quinn, Alabama
Mr. Billy G. Morris, Florida
Dr. Thomas L. Coleman, Georgia
Mr. David Salyers, Kentucky
Mr. Herbert Terry, Mississippi
Mr. Paul B. Jones, North Carolina
Mr. Perry Brown, South Carolina
Mr. E. Ray Terrell, Tennessee

NOV - 4 1991





U.S. Department
of Transportation
National Highway
Traffic Safety
Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

October 29, 1991

Law Enforcement Health Concerns About "Police" Radar Units

As a result of workman's compensation suits filed by three municipal police officers in Connecticut alleging that they contracted cancer from prolonged use of "hand-held" radar units, the Connecticut State Police issued a press release on October 16, 1991 which indicated that the use of "hand-held" radar units by members of that agency had been banned. According to the press release, the State Police described their ban on the use of "hand-held" units as "a precaution while studies are conducted into the possible links between cancer and use of the devices."

The National Highway Traffic Safety Administration (NHTSA) has been involved with the testing of radar units since 1982. A routine part of all of this testing is to assure that the unit meets the applicable Federal and American National Standards Institute (ANSI) standards governing power levels. All of the radar units which are listed in the International Association of Chiefs of Police Consumer Products List meet both the ANSI and the Occupational Safety and Health Administration (OSHA) standards. In addition, power level tests have been conducted by Michigan State University (5,000 units) and by the IACP laboratory at Northern Florida University (310). All of the 5,310 units tested had power densities which were less than the applicable standards. All of the 5310 units tested appeared on the IACP Consumer Products List.

NHTSA has recommended that law enforcement agencies purchase only those units appearing on the IACP list since the list's inception in 1984. We have also recommended (since 1982) that radar units be recertified every one to three years. Power level tests are an integral part of this testing, particularly if IACP testing laboratories are used.

NHTSA began following this controversy when it re-emerged as a concern in February of this year. Staff personnel in the NHTSA's Police Traffic Services Division have researched this matter extensively. NHTSA asked the Department of Health and Human Services, Food and Drug Administration (FDA) and OSHA for their assessment of the issue. The FDA response to a recent request from TSP for information indicated that, "The FDA knows of no convincing evidence of a risk of cancer or other hazards from exposure to the level and type of microwave radiation produced by police radar units." OSHA gave a similar response.

NOV - 4 1991



AUTO SAFETY HOTLINE
(800) 424-9393
Wash. D.C. Area 366-0123

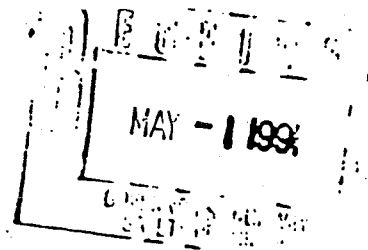
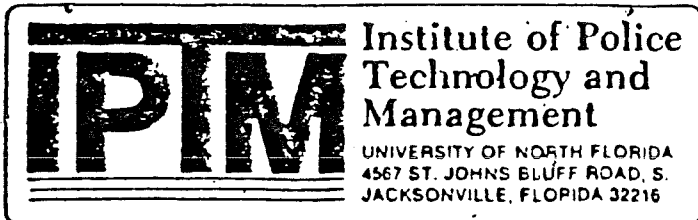
Despite the lack of evidence of an health effect, NHTSA continues to recommend that law enforcement officers operating police radar or any other equipment do so using proper operating procedures. In a recent memo, the Department of Health and Human Services, Food and Drug Administration, recommended that the operators of traffic radar units avoid pointing the antenna (business end) of the radar directly at their body at close range (within 6 inches) while the unit is transmitting. This would eliminate unapproved operating practices such as holding a radar unit to the body to avoid having the transmission intercepted by a radar detector equipped motorist. There are radar units that have a "standby" mode which eliminates transmission of radio waves until the unit is to be used to detect a target vehicle's speed either by depressing a trigger or using another type of "instant-on" feature.

A similar unapproved practice that appears to be gaining acceptance is to drop an operating "hand-held" unit on the passenger seat of a police vehicle while attempting to apprehend a speeding motorist. In the event of a crash or an abrupt evasive maneuver, this untethered radar unit becomes a dangerous missile inside the passenger compartment. There are manufacturers who market "holsters" for hand-held units that secure the radar. Whether secured or unsecured, the radar unit should be turned off or to "standby" mode when not in use.

We are confident that the power density of radar units, both "hand-held" and two piece, available for purchase, which appear in the IACP Consumer Products List meet all applicable Federal and ANSI standards.

NHTSA's Police Traffic Services Division staff is available to respond to questions from law enforcement officials about this issue at (202) 366-4295. The media should contact the NHTSA Office of Public and Consumer Affairs at (202) 366-9550 for additional information.

#



April 23, 1991

Dear Governor's Highway Safety Representative,

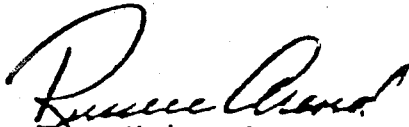
Over the past few months there has been a great deal of controversy surrounding the alleged links between police traffic RADAR and cancer. Although this issue has been raging the hottest in the southeast U.S., the debate is ongoing throughout the country and Canada.

As one of the five national RADAR testing labs certified by the National Institute of Standards and Technology and NHTSA, and as a leader in the field of RADAR operator and instructor training, we undertook a project to test various RADAR models to determine how well they met government standards for maximum radiation exposure.

Our testing of over 300 units, comprised of 17 models from four manufacturers, showed emission levels well below that specified by the American National Standards Institute and the Occupational Safety and Health Administration. A copy of our final report is enclosed for your information, and we hope you find it of value when the RADAR health safety issue surfaces in your area.

If we can be of further assistance, or if you have any questions about the national RADAR critical performance testing program, please do not hesitate to call or write to me.

Sincerely,


Russell Arend
Director



Traffic RADAR Power Densities: Summary of Findings April 19, 1991

Background

For several years there has existed some controversy about the safety of long-term exposure to various forms of microwave radiation. At various times this debate has raged within the law enforcement community, involving police traffic RADAR using X band (10.525 Ghz) and K band (24.15 Ghz) frequencies. Although no one has seriously questioned the safety of non-continuous, casual exposures such as might be experienced by a pedestrian walking through the RADAR beam, there have been very few, if any, studies completed by reputable organizations concerning long-term occupational exposure to police traffic RADAR.

The purpose of this summary is to report our findings on actual measured RADAR power densities from units currently operating in the field. IPTM and the University cannot determine if long-term exposure to RADAR is or is not a health hazard, partly because there is a dearth of medical knowledge on the subject. Our focus has been on exposure levels to RADAR operators. However, there is a maximum exposure standard in existence. The American National Standards Institute (ANSI) in its specification C95 (July 1982) set the level of 5 mw/cm² (milliwatts per square centimeter) as the maximum safe level for human exposure to such devices. This level can be an average over a six-minute period, thereby allowing for short durations of higher exposure. There is a "safety margin" built in to the standard, such that the level is about 1/10th the level that has shown health risks in some studies. Our tests determined how well various RADAR units met this exposure limit. We also tested various RADAR antenna mounting schemes to determine operator exposure levels. The ANSI limit is intended to be an exposure limit for the general population. The Occupational Safety and Health Administration (OSHA) has set a limit of 10 mw/cm² as an exposure limit for the workplace (CFR 1910.97).

Literature Review

Much of the literature that directly asserts a traffic RADAR health hazard is authored by Mr. Gary Poynter, a 10-year veteran of the Ohio State Highway Patrol. Writing in *Law Enforcement News*, Mr. Poynter asserts that a police officer who uses RADAR is "an unsuspecting member of a great human experiment." He states that the ANSI specified limit of 5 mw/cm² should be suspect, as Bulgaria (for example) has an occupational limit much lower (0.1 mw/cm²). His warnings stem from his statement that "in thousands of research experiments, it has been shown repeatedly that long-term exposure to microwave radiation and electromagnetic fields can have potentially devastating effects on the exposed organism."

by Robert Bradley, IPTM

Later in his article, Mr. Poynter reports that a March 12, 1990 report by the Office of Health and Environmental Assessment as given by the Environmental Protection Agency states that "For modulated non-thermal RF radiation, the human evidence is inadequate and the animal evidence is limited...". The report suggests that certain microwave radiation sources be labeled a Class C, or "possible", carcinogen.

Mr. Poynter gives examples of several police officers who have developed cancer in the proximity of their long-term exposures to RADAR. In some cases, the RADAR antenna had been mounted behind the operator, directing the beam through the operator's head. In another case, the officer used a hand-held unit which he rested on his thigh, antenna facing downward and transmitting, while not measuring the speeds of vehicles. This appears to have been standard procedure in the Ohio State Highway Patrol, as Poynter states that an officer "is exposed to microwave radiation and the electromagnetic field from his radar unit for hours every day over a period of weeks, months and years." Poynter does not give incidents of the development of cancer in officers who use dash mounted RADAR antennas.

The issue of "hot spots" of radiation within the patrol vehicle was put forth by Poynter. He asserts that there are areas within a vehicle where microwaves would meet and create a spot that is stronger than the power output of the RADAR antenna. In theory, this is true: given two metal plates that are parallel to one another some distance apart, and a non-dissipating microwave beam that is directed perpendicular to one of the plates, the waves can form one or more hot spots in the intervening space that would have power densities four times the original power. However, this is theoretical. There is nothing in a patrol car that is a very good reflector, and microwaves from traffic RADAR units dissipate very quickly with distance. For example, IPTM placed a handheld transmitting unit on the seat of a patrol car facing the passenger door 2.5 feet away, then measured for reflected radiation. No such radiation at a level of 0.01 mw/cm² or greater was measured at points immediately above the transmitting antenna or at the driver's seat.

A National Bureau of Standards (now the National Institute of Science and Technology) report, NBSIR 81-2225 (May 1981), tested 7 K-band and 15 X-band RADAR units in various vehicle mounting positions. Regardless of whether the antenna was mounted on the dash, passenger window, or even on the outside of the left rear window facing forward, the highest reading obtained at the driver's position was 0.003 mw/cm², a value 1,600 times under the ANSI limit.

A 1987 study by the New Jersey Department of Environmental Protection showed that, with the antenna mounted on the dash of the vehicle, radiation readings at the driver and passenger positions were undetectable.

Another study just completed by Battelle Memorial Institute for the Ohio State Highway Patrol used MPH K-55 RADAR units, as well as various portable radios and a cellular telephone, to conduct radiation tests. Battelle determined that the RADAR units never exceeded the ANSI limits, even when measured less than 6 inches from the antenna.

Finally, Kenneth R. Foster and Arthur W. Guy's article *The Microwave Problem* in the September 1986 Scientific American magazine gives an excellent overview of the history and development of the ANSI standard. In addition, the authors discuss Guy's three year study of the effects of microwave radiation on rats. An exposure group of 100 rats was subjected to microwave radiation of 2.45 Ghz for 21 hours a day over a period of 25 months. The amount of exposure roughly corresponded with the ANSI limit (which is based on .4 watts per kilogram of body weight). Some 155 different health criteria were examined and compared to a control group of 100 rats. No significant differences were found. When autopsies were performed after death of the rats, the exposed rats had a higher incidence of cancer than the control group. However, the authors discount the significance of this, since the exposed group's cancer rate was considered normal for this breed of rat. In addition, the authors warned of statistical problems which make these findings seem more significant than they in fact are. In other words, the study did not show that microwave exposure posed a health risk (in fact, the exposed rats actually lived slightly longer).

Test Results

Using a Narda 8616 Radiation Monitor and isotropic probe, we tested the power densities of 310 RADAR units at a point two inches from the face of the antenna in accordance with NIST instructions. Measurements of power densities were recorded and tabulated by manufacturer. IPTM does not intend for this data to be used primarily for purchasing considerations.

Cumulative Results by Maker (mw/cm ²)				
MAKE	UNITS	AVERAGE	LOWEST	HIGHEST
CMI	3	0.197	0.180	0.210
Decatur	29	0.383	0.140	0.550
Kustom	190	0.145	0.010	0.550
MPH	88	0.168	0.070	0.500

In general, the older the unit was in terms of design, the higher its relative power density. The newer units, apparently due to improved reception sensitivity, tended to have lower relative power densities. Some models of a particular unit might also have a small sampling that tended to have a relatively high power density; therefore, the average and standard deviation values should be considered when comparing different models. Also note that some models had a very small sampling, while others were well represented.

The table that follows lists the 310 RADAR units tested by manufacturer and model, along with the number of units for that model tested. The average, lowest, and highest power density readings are shown for all units of that model. The standard deviation value indicates how closely the units within a model clustered around the average value.

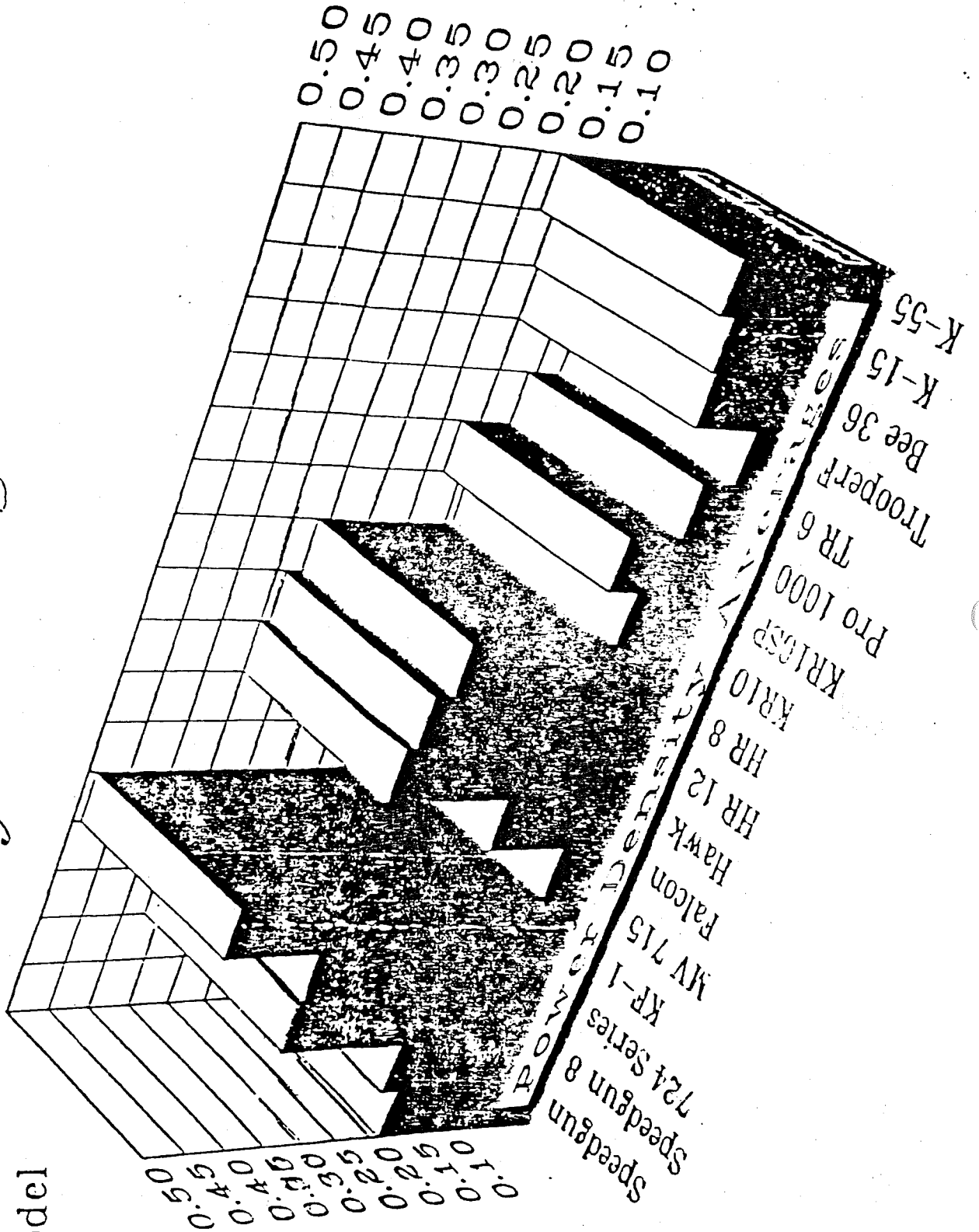
Results by Model (mw/cm ²)						
MAKE	MODEL	UNITS	AVERAGE	LOWEST	HIGHEST	STD DEV
CMI	Speedgun	2	0.190	0.180	0.200	0.01
CMI	Speedgun 8	1	0.210	0.210	0.210	0.00
Decatur	724 series	24	0.371	0.140	0.540	0.09
Decatur	KF-1	2	0.365	0.350	0.380	0.02
Decatur	MV 715	3	0.490	0.400	0.550	0.06
Kustom	Falcon	32	0.096	0.045	0.380	0.08
Kustom	Hawk	35	0.193	0.010	0.330	0.06
Kustom	HR 12	1	0.350	0.350	0.350	0.00
Kustom	HR 8	10	0.338	0.080	0.550	0.14
Kustom	KR 10	2	0.315	0.180	0.450	0.08
Kustom	KR 10 SP	50	0.139	0.055	0.400	0.07
Kustom	Pro 1000	21	0.175	0.082	0.250	0.05
Kustom	TR 6	1	0.110	0.110	0.110	0.00
Kustom	Trooper F	38	0.071	0.032	0.110	0.02
MPH	Bee 36	2	0.150	0.150	0.150	0.00
MPH	K-15	23	0.156	0.100	0.500	0.08
MPH	K-55	63	0.174	0.070	0.450	0.07

Our testing failed to find any units that exhibited radiation leakage from the antenna, even from units that have been in use for over seven years. Testing of the units in a vehicle showed that intra-vehicle radiation was imperceptible.

Recommendations

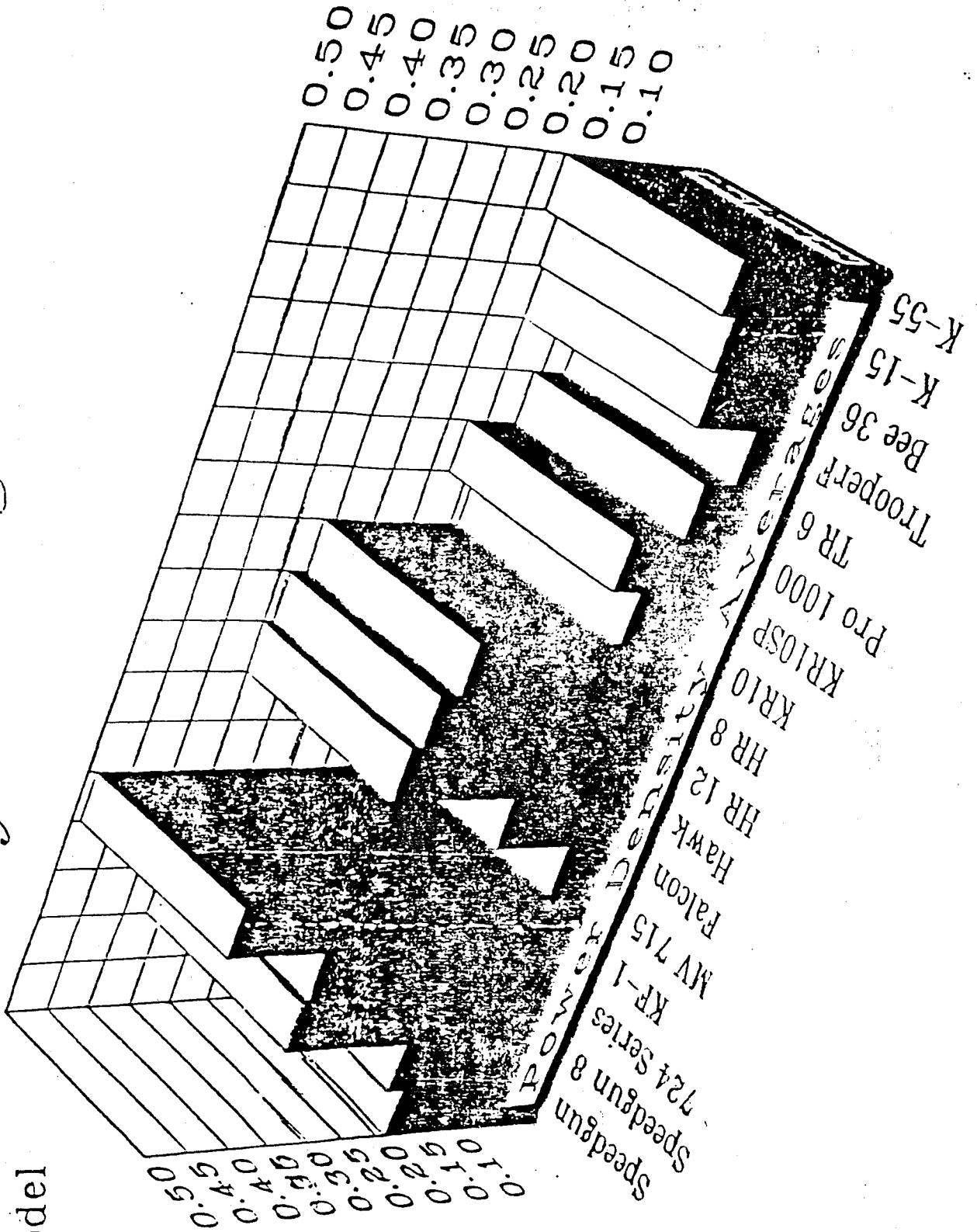
The extent of health risks associated with long-term exposure to police traffic RADAR are not known, and will likely be several years before current and future studies are completed. We do know that a RADAR antenna mounted on the vehicle's dashboard or otherwise pointed out a window, whether closed or not, does not subject the operator to any measurable radiation hazard. Because it is not fully known whether direct long-term exposure to the full force of the RADAR beam (e.g., directly in front of the antenna) causes health problems, we recommend that in the case of separate antenna/counting unit configurations the antenna be dash or rear deck mounted and pointing directly out the front windshield or rear window (in the case of rear deck units). We have no information that

Power Density Averages by model



Power Density Averages

by model



would indicate that mounting the antennas on the vehicle's exterior, such as in the visibar or front grill, would be advantageous, and could conceivably lead to problems with reliability and accuracy checks.

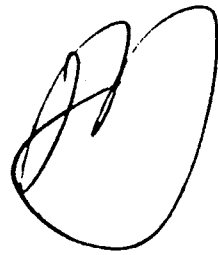
About IPTM

The Institute of Police Technology and Management at the University of North Florida has been involved in law enforcement training and research for over a decade. In addition to annually training over 10,000 students across the country, IPTM maintains a RADAR testing laboratory. This lab is one of five National Institute of Standards and Technology/National Highway Traffic Safety Administration RADAR labs in the country. Under the administration of the International Association of Chiefs of Police (IACP), the five labs perform the NIST Critical Performance Test to determine the accuracy and reliability of both new and field RADAR units. The power density test is but one part of the Critical Performance Test.

Agencies wishing to submit RADAR units for the full Critical Performance Test should contact the IACP at 800-638-4085 or one of the regional labs. Persons with additional information by contacting Robert Bradley at IPTM, 904-646-2722, or fax 904-646-2453.

Major Boyd

Note the attached
letter - apparently we
need to test our
units - Powerline
test.



Capt Cook

For Your Action

HAM



THE CITY OF FAYETTEVILLE
NORTH CAROLINA



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

JULY 1, 1992

MEMORANDUM

TO: The Mayor and Members of City Council
FROM: John P. Smith, City Manager *JPS*
SUBJECT: Annual Leave

I will be taking annual leave beginning on July 2, 1992. Deputy City Manager, Roger Stancil, will act in my behalf during my absence.

JPS:ssm

cc: City Clerk

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City of



Affirmative Action Employer
Dogwoods

