

Bob Cogswell

FAYETTEVILLE CITY COUNCIL
AGENDA
INFORMATION MEETING
SEPTEMBER 28, 1992
7:00 P.M.

INVOCATION - PLEDGE OF ALLEGIANCE

ITEM 1. Approve of Agenda

ITEM 2. Consideration of award of contract for construction of the Sandy Run Branch Sanitary Sewer Outfall, US 301 South Force Main to Wright & Lopez, Inc., low bidder.(PWC)

PRESENTED BY: City Manager

RECOMMENDED ACTION: Approval

ITEM 3. Discussion of assessment process.

PRESENTED BY: City Attorney

ITEM 4. Discussion of PWC sewer tap fee.
(Requested to Appear: Charlie L. Mott,
representing residents of University Estates.

ITEM 5. Presentation of Downtown Plan.

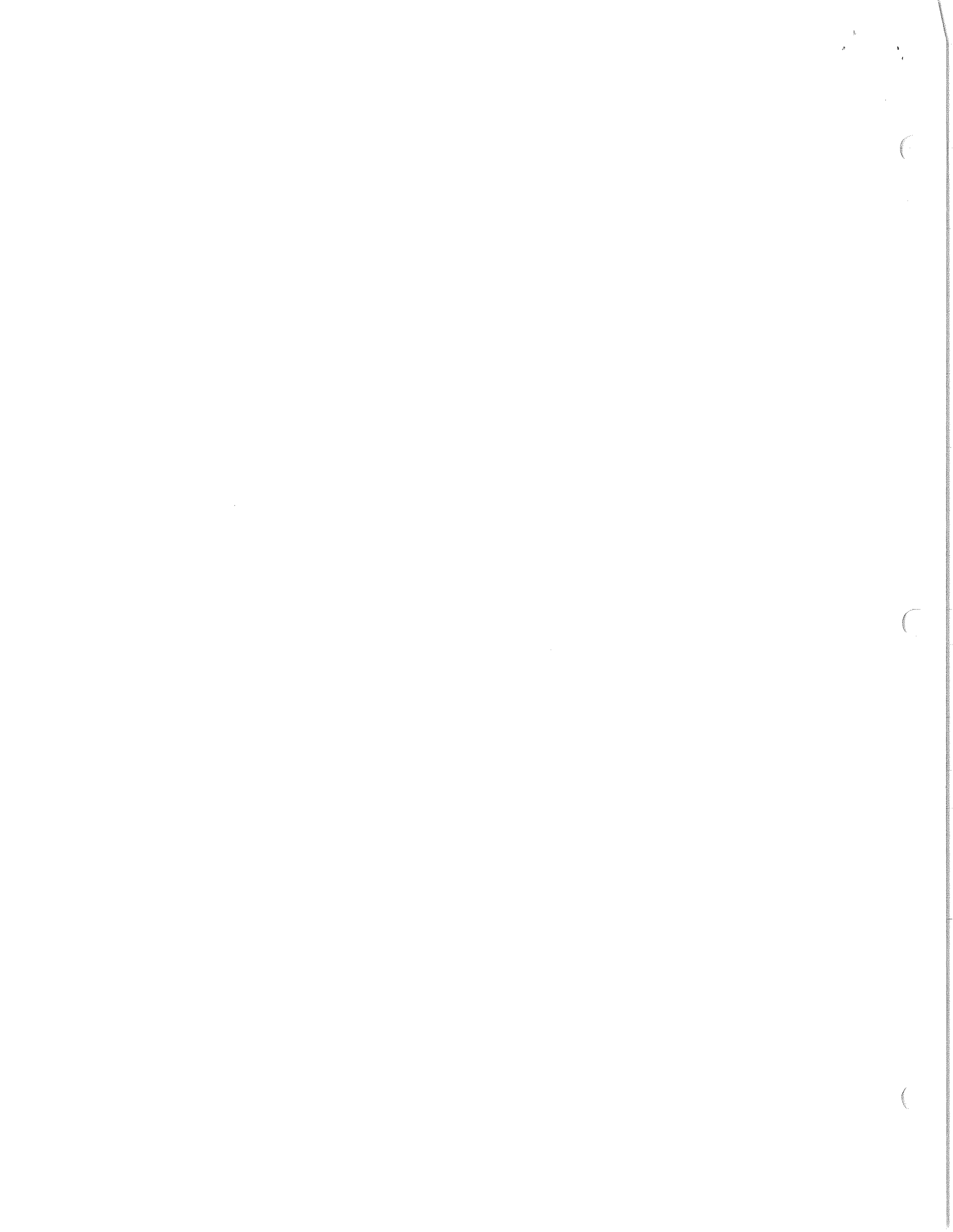
PRESENTED BY: Executive Director of Olde
Fayetteville Association

ITEM 6. Presentation of Parks Master Plan.

PRESENTED BY: Director of Parks and Recreation

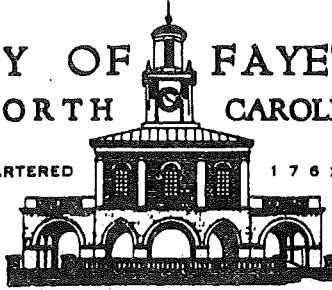
ITEM 7. Presentation of Land Use Plan.

PRESENTED BY: Planning Board Staff



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

September 24, 1992

MEMORANDUM

TO: The Mayor and Members of the City Council

FROM: Robert C. Cogswell, Jr. 
City Attorney

SUBJECT: Special Assessment Procedures

Other than in response to questions at City Council meetings, I do not know that the actual procedures involved in a special assessment project have ever been explained in any great detail. I thought it might be helpful if this was done. At Monday night's meeting I will explain in more detail each of the steps involved on the attached outline.

RCC/jkp

Attachment

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 3

SPECIAL ASSESSMENT PROCEDURES

I. COMMENCEMENT OF PROJECTS

- A. Project identified by Engineering, PWC, or by petition of property owners.
- B. Research to determine owners of record of the property abutting the improvement.
- C. Adoption of resolution by City Council setting public hearing regarding the proposed improvement.
- D. Notice to all abutting property owners of the date, time, and place of the public hearing (includes copy of resolution adopted by City Council setting the public hearing) and publication in the newspaper of the public hearing. (Notice and publication are done ten days in advance of public hearing.) (See Exhibit A)
- E. Public hearing.

II. CONSTRUCTION OF THE PROJECT

III. COMPLETION OF PROJECT; PREPARATION OF ASSESSMENT ROLLS; PUBLIC HEARING TO CONFIRM

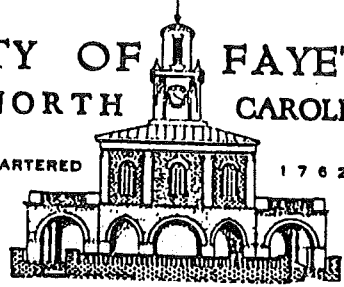
- A. After project is completed, and contractor has received final payment, a preliminary assessment roll is prepared. A title search is done of each abutting property commencing with the owners of record at the time the project was begun, and each one is brought up to date to the point of the notice that is sent in subparagraph C below.
- B. Adoption by City Council of resolution setting public hearing (See Exhibit B).
- C. Notice of public hearing, that assessment roll is available for inspection, and that a 30 percent discount is available for early payment, is sent to each property owner and published in the newspaper ten days in advance of the public hearing (see Exhibit C).
- D. Public hearing to consider confirmation of assessment roll.
- E. Second notice sent to each property owner on the assessment roll, stating the amount of the assessment, when the 30 percent discount deadline ends, and the payment plan if the property owner does not wish to take advantage of the 30 percent discount. (See Exhibit D)

*Statute only
requires copy of
res. to be sent*

SAMPLE

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



ENGINEERING DEPARTMENT
433 HAY STREET

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

June 3, 1992

Mr. & Mrs. Herman Fisher
1723 Englewood Drive
Fayetteville, NC 28301-6427

Dear Mr. & Mrs. Fisher:

The City Council has scheduled a public hearing for July 6, 1992, at 7:00 p.m. in the Council Chambers located in City Hall at the corner of Hay & Pittman Streets to consider the paving of Englewood Drive from Cedar Creek Road to Dead End. Enclosed is a copy of the preliminary resolution which explains the project in more detail.

Individuals desiring to speak at this public hearing shall sign up with the City Clerk, by name and home address (in writing or in person) before 5:00 p.m. on the scheduled public hearing date, at City Hall/2nd floor, or between 6:30 and 7:00 p.m. on the public hearing date at City Hall Council Chambers.

Sincerely,

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

MLW/mak

Enclosure: Preliminary Resolution

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

A, 1

PRELIMINARY ASSESSMENT RESOLUTION

WHEREAS, the property owners on Englewood Drive from Cedar Creek Road to Dead End, filed with the City Engineer a petition for improving said street in the following manner: install necessary storm sewer, construct curb and gutters, and paving; and,

WHEREAS, the City Engineer has certified to this City Council that said petition is sufficient in all respects, the same having been duly signed by a majority in number of the owners, whose property represents a majority of all the lineal feet of the frontage of the lands abutting upon the street or portion of street hereinabove described:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA:

1) That the above-mentioned petition is found to be sufficient in all respects;

2) That it is intended that Englewood Drive from Cedar Creek Road to Dead End be improved in the following manner: necessary storm sewer shall be installed, and curbs, gutters and street paving shall be constructed under and by virtue of Chapter 160A, Article 10, of the General Statutes of North Carolina and the procedure therein established:

3) That a portion of the total cost of said improvement, exclusive of so much of the total cost as is incurred in improving street intersections, be hereafter assessed upon the property receiving the improvements in the amount of 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;

4) That the assessments herein provided for shall be payable after completion of such work and within thirty (30) days after notice of assessment by the Deputy Tax Collector in cash with no interest, or if any property owner shall so elect in accordance with Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina, he shall have the option and privilege of paying the assessment in five equal annual installments, said installations to bear interest at the rate of eight percent (8%) per annum;

RESOLUTION DECLARING COST
AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL
AND SETTING TIME AND PLACE FOR PUBLIC HEARING
ON PRELIMINARY ASSESSMENT ROLL
FOR REDSTONE DRIVE
(FROM DILLON DRIVE TO S/E CORNER OF LOT 4, PLAT BOOK 24/73)

WHEREAS, the paving was ordered by Resolution of the City Council duly passed on the 3rd day of July, 1989, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements have been determined;

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

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Attorney is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 21st day of September, 1992.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 21st day of September, 1992, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Attorney is hereby directed to issue public notice of the above-described public hearing, to be published on the 9th day of September, 1992, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. If confirmed, any assessment paid before the expiration of thirty (30) days from the date notice is published of the confirmation of the assessment roll pursuant to North Carolina General Statutes Section 160A-229, will receive a thirty percent (30%) discount.

5) That pursuant to the policy of the City Council adopted September 21, 1987, a thirty (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;

6) A meeting of the City Council of Fayetteville will be held on the 1st day of June, 1992, at the Fayetteville City Hall, at 7:00 p.m., on the proposed improvements, when all objections to the legality of making the proposed improvements shall be made in writing, signed in person or by attorney, and filed with the Clerk of said City at or before such time, and that any such objections not so made will be waived.

7) Individuals desiring to speak at this public hearing shall sign up with the City Clerk, by name and home address (in writing or in person) before 5:00 p.m. on the scheduled public hearing date, at City Hall/2nd floor, or between 6:30 and 7:00 p.m. on the public hearing date at City Hall Council Chambers.

ADOPTED this 4th day of May, 1992, by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE

BY: J. L. Dawkins
J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Soyner
Bobbie A. Soyner, City Clerk

PUBLISH: May 21, 1992

The following City Councilmembers voted FOR the passage of the above Resolution:

Mildred Evans, Milo McBryde, Nat Robertson, Tommy Bolton, Thelbert

Torrey, Suzan Cheek, Mark Kendrick and Ida Ross

Joseph Pillow - Excused absence

SAMPLE

September 9, 1992

Glenn C. Henderson
5952 Cliffdale Road
Fayetteville, NC 28314-2186

NOTICE OF HEARING ON ASSESSMENT ROLL FOR PAVING

PROPERTY DESCRIPTION: 0407-76-6831; 5952 Cliffdale Road 1.71 Acres

DEED BOOK-PAGE: 549-84

NUMBER OF FEET--394.20' UNIT RATE CHARGED--\$10.00 TOTAL ASSESSMENT--\$3,942.00

Notice shall be taken that the assessment roll for paving improvement on Windermere Drive (from Cliffdale Road to Cornish Street) has been completed, and that the City Council has ascertained and determined the cost thereof. The City Council has caused to be prepared an assessment roll showing each individual property owner's proportionate share of the cost of said improvement, and the said assessment roll has been deposited in the office of Bobbie Joyner, City Clerk, located at 433 Hay Street, for inspection by interested citizens.

The City Council will hold a public hearing beginning at 7:00 p.m., in the City Hall Council Chamber located on the first floor at 433 Hay Street on the 21st day of September, 1992, for the purpose of hearing allegations and objections with respect to the said assessment roll.

If confirmed, any assessment paid before the expiration of thirty (30) days from the date notice is published of the confirmation of the assessment roll, pursuant to G.S. Sec. 160A-229, will receive a thirty percent (30%) discount.

A second notice will be mailed setting out the exact dollar amount owed and the date your payment is due. Specific information will be set out regarding the thirty percent (30%) discount.

Robert C. Cogswell, Jr.
City Attorney

INDIVIDUALS DESIRING TO SPEAK AT A PUBLIC HEARING SHALL SIGN UP WITH THE CITY CLERK, BY NAME AND HOME ADDRESS (IN WRITING OR IN PERSON), BEFORE 6:00 P.M. ON THE SCHEDULED PUBLIC HEARING DATE AT 433 HAY STREET, OR BETWEEN 6:00 AND 7:00 P.M. ON THE PUBLIC HEARING DATE AT THE CITY HALL COUNCIL CHAMBERS ON THE FIRST FLOOR, 433 HAY STREET.

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

This the 17th day of August, 1992.



J. L. DAWKINS, MAYOR

ATTEST:



BOBBIE A. JOYNER, CITY CLERK

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

Breeden Blackwell, Milo McBryde, Nat Robertson, Jr., Tommy Bolton, Robert Massey, Jr., Thelbert Torrey, Suzan Cheek, and Mark Kendrick

Ida Ross, absent-excused

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

None

NOTICE OF COMPLETION OF PRELIMINARY ASSESSMENT ROLLS
AND OF PUBLIC HEARINGS THEREON

The public will take notice that the preliminary Assessment Rolls have been completed for the following improvement projects:

PAVING IMPROVEMENT

<u>Street</u>	<u>Approved</u>
Windermere Drive (from Cliffdale Road to Cornish Street)	10-15-90
Redstone Drive (from Dillon Drive to S/E Corner of Lot 4, Plat Book 24/73)	7-3-89

The preliminary Assessment Rolls for the foregoing will be available for public inspection in the Office of the City Clerk, located at 433 Hay Street, until the date set for the public hearing on the preliminary Assessment Rolls. The City Council will hold a public hearing beginning at 7:00 p.m., in the City Hall Council Chamber in Fayetteville, North Carolina, on the 1st day of June, 1992, for the purpose of hearing objections to the preliminary Assessment Rolls from all interested persons who appear.

As to each Assessment Roll confirmed, any assessment paid before the expiration of thirty (30) days from the date notice is published of the confirmation of the Assessment Roll pursuant to North Carolina General Statutes Section 160A-229, will receive a thirty percent (30%) discount.

INDIVIDUALS DESIRING TO SPEAK AT A PUBLIC HEARING SHALL SIGN UP WITH THE CITY CLERK, LOCATED AT 433 HAY STREET, BY NAME AND HOME ADDRESS BEFORE 7:00 P.M. ON THE SCHEDULED PUBLIC HEARING DATE.

ROBERT C. COGSWELL, JR., CITY ATTORNEY

PUBLISH: Friday, September 11, 1992

SAMPLE

FINANCE DEPARTMENT

P.O. DRAWER D

FAYETTEVILLE, NC 28302-1746

May 26, 1992

William L. and Brenda C. Stevens, Jr.
4604 Nix Road
Fayetteville, NC 28314-1415

Dear Property Owners:

On May 18, 1992, the Fayetteville City Council approved the assessment roll for the paving on Nix Road. You have been assessed \$1,000 which represents your costs for 100.00 feet abutting your property located on Nix Road. Pursuant to City Council policy, if you choose to pay your assessment in full on or before July 17, 1992, you are entitled to a thirty percent (30%) discount, and the total amount due is \$700.00.

Should you not elect to pay in full, there will be no interest charged on any amount paid by you on or before July 17, 1992. Thereafter, any balance remaining will be subject to interest at the rate of eight percent (8%) per year. This interest begins on May 18, 1992, and will accumulate so long as the assessment is unpaid. The balance due will be divided into five (5) equal annual installments, and each annual payment will be due on or before July 17 of each year and will include both principal and interest up to that date. If you do not pay in full by July 17, 1992, the amount of your first payment is \$200.00, and will be due on July 17, 1992.

Any inquiry concerning your paving assessment should be directed to the Collection Division located in City Hall.

Barbara W. Lincoln
Deputy Tax Collector

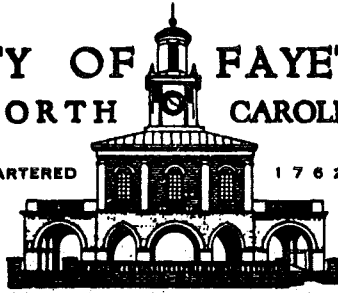
BWL/bm

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THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762




CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

SEPTEMBER 24, 1992

MEMORANDUM

TO: The Mayor and Members of City Council
FROM: John P. Smith, City Manager 
SUBJECT: PWC Lateral and Tap Fees

The Public Works Commission has delayed implementation of the proposed new tap fees until November 1, 1992. They have requested a joint meeting with City Council to discuss these fees.

JPS:ssm

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 4

September 22, 1992

Mr. John P. Smith
433 Hay St.
Fayetteville, N.C.

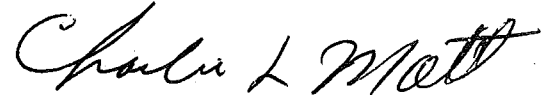
Mr. Smith,

I am formally requestint to speak at the meeting which will be held on Monday September 28, 1992.

My name is Charlie L. Mott. I am representing residents of University Estates concerning the assessment of property. I may be reached at 822-0171. 907 Fiske Dr. Fayetteville, N.C.

Thank you.

Charlie L. Mott

A handwritten signature in cursive script that reads "Charlie L. Mott". The signature is written in dark ink and is positioned below the typed name.



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


PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE

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

ELECTRIC & WATER UTILITIES

September 24, 1992

MEMO TO: John P. Smith, City Manager

FROM: Tim Wood, General Manager 

SUBJECT: PWC Item For City Council Meeting - September 28, 1992

1. Approval of low bid award in the amount of \$355,953.50 to Wright & Lopez, Inc. (Charlotte, NC), for construction of the Sandy Run Branch Sanitary Sewer Outfall, US 301 South Force Main (Black & Decker Road to Rockfish). See bid tabulation attached.

W/gm

attachment

cc: Henry Powers



MOORMAN & KIZER, INC.

Engineers, Planners and Surveyors

115 BROADFOOT AVENUE • POST OFFICE BOX 53774

FAYETTEVILLE, NORTH CAROLINA 28305

TELEPHONE: (919) 484-5191

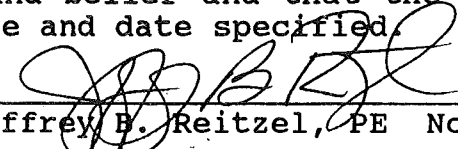
FAX: (919) 484-0388

SANDY RUN BRANCH
SANITARY SEWER OUTFALL
US 301 South Force Main
(Black & Decker Road to Rockfish)
Public Works Commission
City of Fayetteville, NC

Bids opened Tuesday, September 22, 1992, at 2:30 p.m., in the Public Works Commission Conference Room - 3rd Floor - 508 Person Street, Fayetteville, North Carolina.

<u>BIDDER</u>	<u>BID BOND</u>	<u>N.C. LICENSE #</u>	<u>ADD SIGN</u>	<u>TOTAL</u>
<u>Wright & Lopez, Inc.</u>	<u>5%</u>	<u>1294</u>	<u>X</u>	<u>\$355,953.50</u>
<u>TA Loving Co.</u>	<u>5%</u>	<u>325</u>	<u>X</u>	<u>\$368,478.00</u>
<u>J.F. Wilkerson Contracting</u>	<u>5%</u>	<u>4499</u>	<u>X</u>	<u>\$378,081.28</u>
<u>State Utility Contractors</u>	<u>5%</u>	<u>17793</u>	<u>X</u>	<u>\$388,906.40</u>
<u>Dellinger, Inc.</u>	<u>5%</u>	<u>5992</u>	<u>X</u>	<u>\$399,057.00</u>
<u>Blue Construction Co.</u>	<u>5%</u>	<u>14970</u>	<u>X</u>	<u>\$408,212.00</u>
<u>Frank Horne Const. Inc.</u>	<u>5%</u>	<u>6746</u>	<u>X</u>	<u>\$414,424.75</u>
<u>Marlboro Constructors, Inc</u>	<u>5%</u>	<u>30018</u>	<u>X</u>	<u>\$440,832.00</u>
<u>Barnes Paving Co.</u>	<u>5%</u>	<u>4738</u>	<u>X</u>	<u>\$482,487.42</u>
<u>Mark H. Johnson, Inc.</u>	<u>5%</u>	<u>20245</u>	<u>X</u>	<u>\$630,773.80</u>

I hereby certify that the bid prices and amounts shown hereon are true and correct to the best of my knowledge and belief and that the bids were opened and publicly read at the time, place and date specified.



Jeffrey B. Reitzel, PE No. 14951

9/23/92

Date