FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
NOVEMBER 2, 1992
7:00 P.M.

Bladwell excused

FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
NOVEMBER 2, 1992
7:00 P.M.

INVOCATION - PLEDGE OF ALLEGIANCE

RECOGNITION: Members of Fayetteville-Cumberland County Youth Council to present 1992 Youth Week Proposals

Recognition of City Employee

A 8/0 ITEM 1. Approval of Agenda

ITEM 2. Consent:

All but E
A 8/0

A. Approve tax refunds over $100. (See attached list)

B. Adopt demolition ordinance for property located at 2655 Rosehill Road (Owner: Rosetta and Charles Darlington, E.J. Morine, and Carolene Morine, et al)

C. Approve reconveyance of drainage easement to Asa Howard Bullard, Jr., and wife, Marta C. Bullard.
A. Not accept deed from Bullard
B. Approve deed to Bullard

D. Set public hearing for November 16, 1992, to consider petitions for 25 Miles Per Hour Speed Zone for Millbrook Road from Edgewater Drive to Thorncliff Drive.

Bring back 12/7

E. Adopt Budget Ordinance Amendment 93-5 for construction of skateboard facility.

F. Award contract for purchase of CGB and Chassis for refuse trucks to Smith International Truck Center, Inc.

G. Set public hearing for December 7, 1992, to consider amendments and revisions to the City of Fayetteville Code of Ordinances, Chapter 32 "Zoning" to set forth provisions for conditional use overlay districts. (P92-133)

H. Set public hearing for December 7, 1992, to consider amendments and revisions to the City of Fayetteville Zoning Ordinance, Chapter 32, Section 32-29 C1P Shopping Center District by adding the following as a permitted use: Mini-Warehouse. (P92-134).

I. Approve the initial zoning to R10 Residential District or to a more restrictive zoning classification for an area located on the east side of Cedar Creek Road (NC HWY 53-210), South of L.A. Dunham Road (SR 2005)(P92-103)

ITEM 3. Public Hearings

A. Consideration of an application by Robin Kelly Legg for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances from Chapter 32, Article IV, Section 32-30, Subsection (12), to allow a residential use in a C2S Central Business District for an area located at 116 Hay Street. (P92-111)

A 8/0

PRESENTED BY: Planning Board Staff

RECOMMENDED ACTION: Planning Board recommends approval

A 7/0 4. A - PWC Bond - Bolton Abstain

ITEM 4. B. Consideration of adoption of an ordinance amending Section 22-30, "Holidays", of the Fayetteville City Code.

plan A 8/0

PRESENTED BY: City Manager

RECOMMENDED ACTION: Adoption

ITEM 5. Consideration of award of contract for purchase of packer body to Sanco-The Heil Company, lowest responsible bidder meeting specifications.

A 8/0

PRESENTED BY: Assistant City Manager for Administration and Finance

RECOMMENDED ACTION: Approval

ITEM 6. Consideration of acceptance of Westlake Drive at Morganton Road - Phase I, for permanent City maintenance.

A 8/0

PRESENTED BY: City Manager

RECOMMENDED ACTION: Approval

ITEM 7. Consideration of acceptance of donation of land.

A 8/0

PRESENTED BY: City Manager

RECOMMENDED ACTION: Authorize City Manager to execute necessary documents

ITEM 8. Consideration of resolutions directing the clerk to investigate two annexation petitions received under G.S. 160A-31 (Petition-Initiated Contiguous Annexation Areas)

A 6/2

A. Southland Pines - Tract 1 (Located south of Southland Drive)

B. Southland Pines - Tract 2 (Located south of Southland Drive)

PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Adoption

ITEM 9. Consideration of resolution fixing date of public hearing on question of annexation pursuant to G.S. 160A-31 (Petition-Initiated Contiguous Annexation Area) (Pizza Hut and Taco Bell Sites - Ramsey Street - Suggested Public Hearing date is December 7, 1992)

A 8/0

PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Adoption

ITEM 10. Consideration of amendment to Section 27-10 of the Fayetteville City Code.

A

PRESENTED BY: City Attorney

RECOMMENDED ACTION: Refer to Planning Board

7/1 (TABL.)

ITEM 11. Appointments:

A. Nominations to fill one vacancy on Joint Senior Citizens Advisory Commission.

B. Nominations to fill two vacancies on Fair Housing Hearing Board.

C. Nominations to fill one vacancy on Parks and Recreation Advisory Commission.

ITEM 12. Administrative Reports:

A. Report of tax refunds less than $100. (See attached list)

13. Condemnation/Litigation

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PRESENTED BY: Planning Board Staff

RECOMMENDED ACTION: Planning Board recommends approval

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PRESENTED BY: City Manager

RECOMMENDED ACTION: Adoption

ITEM 5. Consideration of award of contract for purchase of packer body to Sanco-The Heil Company, lowest responsible bidder meeting specifications.

PRESENTED BY: Assistant City Manager for Administration and Finance

RECOMMENDED ACTION: Approval

ITEM 6. Consideration of acceptance of Westlake Drive at Morganton Road - Phase I, for permanent City maintenance.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Approval

ITEM 7. Consideration of acceptance of donation of land.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Authorize City Manager to execute necessary documents

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A. Southland Pines - Tract 1 (Located south of Southland Drive)

B. Southland Pines - Tract 2 (Located south of Southland Drive)

PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Adoption

ITEM 9. Consideration of resolution fixing date of public hearing on question of annexation pursuant to G.S. 160A-31 (Petition-Initiated Contiguous Annexation Area) (Pizza Hut and Taco Bell Sites - Ramsey Street - Suggested Public Hearing date is December 7, 1992)

PRESENTED BY: Deputy City Manager

RECOMMENDED ACTION: Adoption

ITEM 10. Consideration of amendment to Section 27-10 of the Fayetteville City Code.

PRESENTED BY: City Attorney

RECOMMENDED ACTION: Refer to Planning Board

ITEM 11. Appointments:

A. Nominations to fill one vacancy on Joint Senior Citizens Advisory Commission.

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C. Nominations to fill one vacancy on Parks and Recreation Advisory Commission.

ITEM 12. Administrative Reports:

A. Report of tax refunds less than $100. (See attached list)

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 a.m. on the Wednesday preceding the Monday meeting date.

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

Individuals wishing to speak at a public hearing must register in advance with the City Clerk. The Clerk's Office is located in Room 217, City Hall, 433 Hay Street, and is open during normal business hours. Citizens may also register to speak immediately before the public hearing by signing in with the City Clerk in the Council Chamber between 6:30 and 7:00 p.m.

POLICY REGARDING CITY COUNCIL MEETING PROCEDURES SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM

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.

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

October 19, 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:

Taxpayer's Name	Nature of Clerical Error	Property Description	Amount
Cecil Associates Limited Partnership	Assessed failure to list amended statement submitted, also charged in wrong tax district, should be 0161 Eastover.	Business Personal Property only Mach. & Equip.	$5,259.85
Belk Hensdale Co. #476	Audit cost figures corrected.	Business Personal Property, 200 Cross Creek Mall.	$5,145.37

KN/be

FIN-183

2713 Rosehill Road
Fayetteville, NC 28301
October 26, 1992

Mr. John Smith, City Manager
433 Hay Street
Fayetteville, NC 28302

Dear Mr. Smith:

This is to notify you of my official withdrawal of any interest in acquiring, rehabilitating, or removal of the Morine/Darlington property located at 2655 Rosehill Road. My efforts to negotiate with the owners have not produced the desired results.

Thank you for the consideration given by delaying the demolition ordinance. Also, please convey my appreciation to members of the City Council for honoring the request.

I have already informed Mr. Walter Haire in the inspection department of the withdrawal.

Sincerely,

Robert C. Williams

Robert C. Williams

ITEM 2.B.

AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA

Requiring the City Buildings Inspector
to correct conditions with respect to,
or to demolish and remove the structure(s)
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

(1) With respect to Chapter 16 of the Dwellings and Buildings Minimum Standards Code of the City, concerning certain real property described as follows:

2655 Rosehill Road (0438-29-7189)

TRACT ONE:
Being all of Lots 8 and 29 of the Nannie Martin Estate as more particularly described in Plat Book 10, Page 13, Cumberland County, North Carolina Registry, being the same land described in Deed recorded in Book 2987, Page 473, Cumberland County Registry.

TRACT TWO:
Beginning at the southeast corner of the residence Lot #7 formerly owned by Etta Henderson (widow) in northern margin of School Street, and running thence with the North margin of School Street South 69 degrees East 50 feet to the southwest corner of the Gentry Lot; thence with the western line of Gentry Lot North 21 degrees East 100 feet to the northwestern corner of the original lot of which this is a part; thence North 69 degrees West with the line of what is, or was, Harry Martin's land 50 feet to a stake the corner; thence parallel with the second line, about South 21 degrees West 100 feet to the beginning, and being the eastern half (Lot #8) of the lots parcels of land described in a Deed of April 15, 1920 from J. L. Allen and wife, Octavia Allen to Etta Henderson (widow) and from Henderson to David Gaster in Book 309, Page 191 of the Cumberland County Registry, being the same described im Book 3345, Page 768, Cumberland County Registry.

TRACT THREE:
Being all of Lots 1 & 2 "Property of Grace Viglione" according to a map of some duly recorded in Book 61, Page 134 Cumberland County Registry, being the same land described in Deed recorded in Book 3219, Page 532 Cumberland County Registry.

The owners of and parties in interest in said property are:

Rosetta and Charles Darlington, E. J. Morine, and Corolene Morine, et. al

(2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City having been followed, the Inspections Superintendent duly issued and served an order requiring the owners of said property to: Repair or demolish the house on or before August 6, 1992.

(3) And said owners without lawful cause, failed or refused to comply with said order; and the Building Inspector is authorized by said Code, when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.

(4) The City Council has held a full hearing upon this matter and has fully reviewed the entire record of said Inspections Superintendent thereon, and finds, that all findings of fact and all orders therein of said Inspections Superintendent are true and authorized except:

None

Whereupon, it is ordained that:

SECTION 1

The Building Inspector is ordered forthwith to accomplish, with respect to said property, precisely and fully what was ordered by said Inspections Superintendent as set forth fully above, except as modified in the following particulars:

The structure(s) is to be demolished and all debris removed from the premises.

SECTION 2

This ordinance shall be in full force and effect from and after its adoption.

Adopted this 2nd day of November, 1992.

CITY OF FAYETTEVILLE

BY: _____
J. L. Dawkins, Mayor

ATTEST:

_____
Bobbie A. Joyner, City Clerk

bg
INSP-208

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762

INSPECTIONS DEPARTMENT
POST OFFICE BOX 1846
FAYETTEVILLE, NC 28302-1846

1ST FLOOR, CITY HALL
433 HAY STREET
(919) 433-1707/433-1714

TO: Mayor
City Manager
City Attorney
City Council Members

Under provisions of Chapter 16, titled Housing, Dwellings and Buildings of the Code of the City of Fayetteville, North Carolina, request the docket of the owner who has failed to comply with this Code, be presented to the City Council for action. All proceedings that are required by the Code, Article 3, Section 16-46 and Section 16-47, have been complied with by the Inspection Department.

Request the Council take action under the provisions of Section 16-48 and 16-49 of the Code.

Information pertaining to this docket is as follows:

a. Docket number: N/A

b. Location of property: 2655 Rosehill Road

c. Name and address of owner: Charles and Rosetta H. Darlington, 1801 Olympia Court, Fayetteville, NC 28301; Ernest J. and Carolene Morine, 2831 Rosehill Road, Fayetteville, NC 28301

d. Date of inspection: June 3, 1992

e. Date of informal complaint: N/A

f. Date of formal complaint: June 9, 1992

g. Date of hearing: June 29, 1992

h. Finding and Facts of the scheduled hearing: The house was determined unfit for human habitation; owners were granted (30) days to repair.

i. Owner's response: Owner called requesting addition (30) days to repair; request was granted.

j. The Housing Inspector dispatched a letter that was received by the owner with information that the docket would be presented to the City Council for necessary action on October 5, 1992.

This is the 30 day of September, 1992.

Walter
Housing Inspector

bq
INSP-203

INSPECTIONS DEPARTMENT
POST OFFICE BOX 1846
FAYETTEVILLE, NC 28302-1846

1ST FLOOR, CITY HALL
433 HAY STREET
(919) 433-1707/433-1714

June 9, 1992

Charles Darlington and
E. J. ~~Moreen~~ Knirnie, et al.
1801 Olympia Court
Fayetteville, NC 28301

LETTER OF CONDEMNATION

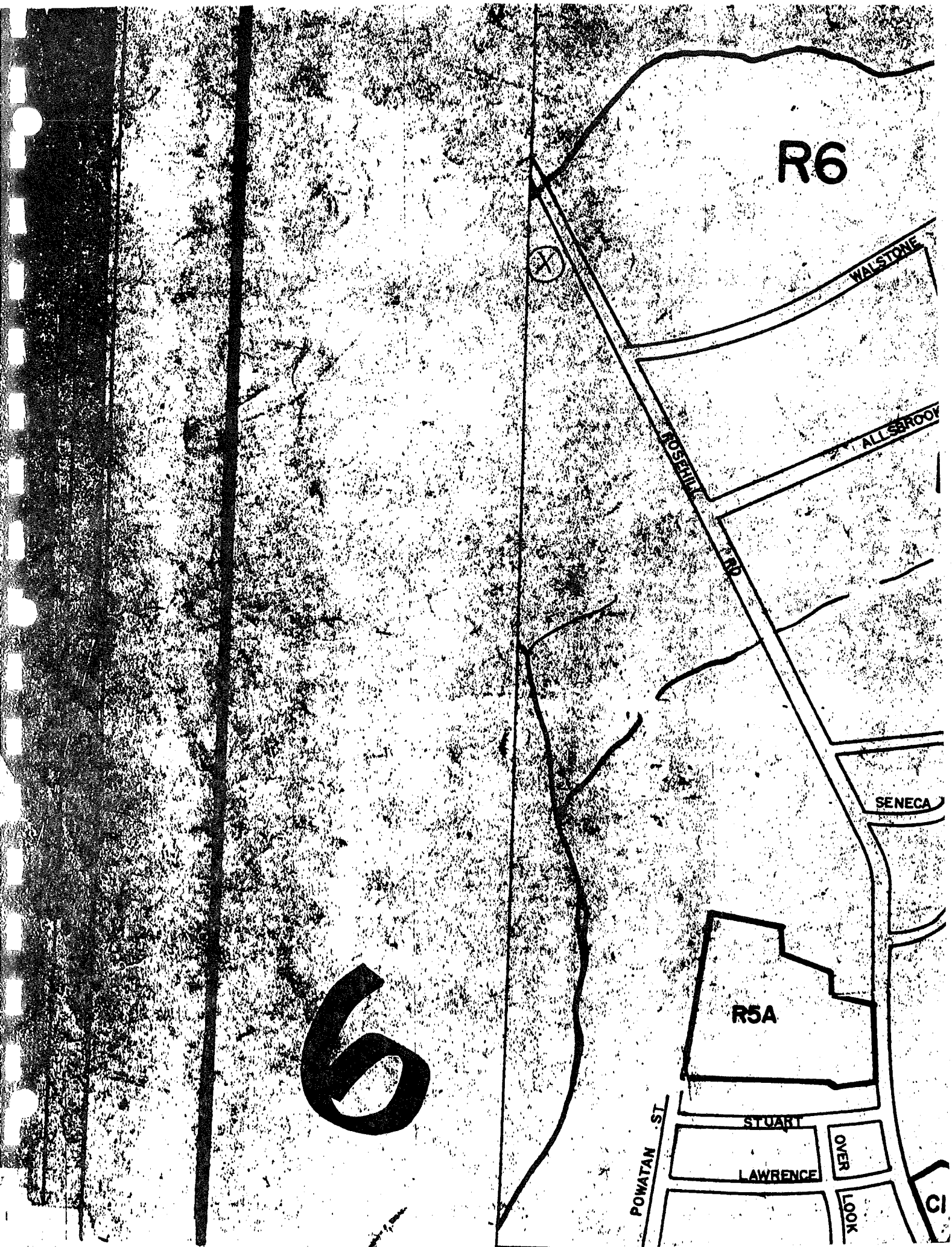
Re: 2655 Rosehill Road
(0438-29-7189)

Dear Property Owners:

The property(s) in reference was determined unfit for human habitation. As in accordance with Chapter 16, of the City of Fayetteville's Code governing standards of buildings and dwellings, this property is condemned effective immediately due to the following violation(s):

1. Porch railings need to be installed.
2. Floor framing and flooring need repair.
3. Ceiling needs repair.
4. Interior and exterior walls need repair.
5. Interior and exterior doors and frame need repair.
6. Electrical wall outlets, ceiling light, switches and fuse box need repair.
7. Heating equipment needs to be installed.
8. Commode and water tank need repair.
9. Kitchen sink needs repair.
10. Water heater needs repair.
11. Window screens and screen doors need repair.
12. Window panes need to be installed.
13. Window frames and window sashes need repair.
14. Roofing material, flashing and trim/fascia need repair.
15. All undergrowth and/or rubbish needs to be removed from lot.

Please be advised that the dwelling(s) must be vacated within 15 days from receipt of this letter and repairs or demolition commenced. A permit for either must be purchased from our office prior to work commencing. If the dwelling is to be repaired, a final inspection must be made by the Housing


R6
WALSTONE
ALLSBROOK
ROSEHILL
RD
SENECA
R5A
STUART
POWATAN ST
LAWRENCE
OVER
LOOK
CI

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

October 23, 1992

MEMORANDUM

TO: The Mayor and Members of the City Council

FROM: Robert C. Cogswell, Jr.
City Attorney

SUBJECT: Easement for Tally Apartments

The developers of the Tally Apartments assumed that a drainage easement was needed by the City and that the City would accept the same for this project. This is not the case, and the City Engineer advises that we do not require a drainage easement nor do we want to accept one for maintenance. Therefore, I recommend that you not accept this deed, and approve the reconveyance of the easement to the Bullards.

RCC/jkp

37721

BK3836PG0875

NORTH CAROLINA

CUMBERLAND COUNTY

100492

DEED OF EASEMENT
FOR
STORM WATER DRAINAGE

This INSTRUMENT made this 26th day of August 1992 by

Asa Howard Bullard, Jr. and wife, Marta C. Bullard

herein called GRANTOR, to THE CITY OF FAYETTEVILLE, a Municipal Corporation, herein called GRANTEE, all of said State and County,

WITNESSETH THAT

Grantor, for one dollar and other valuable consideration, hereby acknowledged as paid and received, has bargained and sold, and by these presents does grant, bargain, sell and convey to Grantee, its successors and assigns, the perpetual right, easement and privilege to build, construct, lay, install, maintain and operate storm sewer (any or all) lines, canals, ditches, with such pipes, drains, connections, manholes and other attachments, equipment and accessories necessary or desirable in connection therewith, to have full ingress and egress, thereto and therefrom, over adjoining lands, of Grantor, to patrol, inspect, alter, improve, repair, relocate, remove and replace any or all of such lines, canals, ditches, pipes, drains, connections, manholes and other attachments, equipment and accessories, to cut and keep clear all trees and undergrowth (both on the described easement area and adjacent thereto) that may in any way endanger the proper use and enjoyment of this easement and to have all rights and privileges necessary or convenient for the full enjoyment or use of this easement in, on, under, over, through and across certain land described as follows:

NORTH CAROLINA - CUMBERLAND COUNTY - TOWNSHIP OF

Easement for Tally Apartments

BEGINNING at the northern-most corner of Lot 5 of Owen Village Subdivision recorded in Plat Book 15, Page 35 Cumberland County, North Carolina Registry, said northern-most corner being a point in Tally's western line, and running; thence with Tally's western line South 15 degrees 00 minutes East, 20.00 feet to a point; thence a new line, South 83 degrees 29 minutes West, 135.48 feet to the northwest corner of the above referenced Lot 5, said corner also being the common rear corner of Lots 4 and 5 of Owen Village; thence with the southern line of a 20 foot strip of land North 75 degrees 00 minutes East, 134.00 feet to the beginning.
Containing 1,340 square feet, more or less.

And being a portion of a lot belonging to Asa H. Bullard, Jr. recorded in Deed Book 2534, Page 370 Cumberland County, North Carolina Registry.

Mail John Tally

F CE OF THE
ITY ENGINEER
ET LLE, N. C.

143

TO HAVE, TO HOLD AND TO ENJOY said right, easement and privilege as above fully defined and described, in, on, under, over, through and across said land and all privileges and appurtenances thereto belonging to Grantee, its successors and assigns, forever.

Wherever used herein, the singular shall include the plural, the plural the singular and the use of any gender shall be applicable to all genders as the context may require.

IN TESTIMONY WHEREOF, Grantor has signed and sealed this instrument:

ATTEST:

_____ (SEAL) Asa Howard Bullard Jr. (SEAL)
Asa Howard Bullard, Jr.

_____ (SEAL) Marta C. Bullard (SEAL)
Marta C. Bullard

NORTH CAROLINA, COUNTY

I, Kathleen H. Long, a Notary Public of Said County and State do hereby certify that

ASA HOWARD BULLARD, JR. and MARTA C. BULLARD

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the 26th day of August, 1992.

My Commission Expires: June 7, 1993 Kathleen H. Long
Notary Public

The foregoing Certificate(s) of Kathleen H. Long

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

GEORGE E. TATUM REGISTER OF DEEDS FOR CUMBERLAND COUNTY,

By Peggy McLean Deputy/~~Assistant~~ - Register of Deeds

NORTH CAROLINA

CUMBERLAND COUNTY

DEED OF EASEMENT
FOR
STORM WATER DRAINAGE

THIS INSTRUMENT made this _____ day of _____, 1992, by THE CITY OF FAYETTEVILLE, a Municipal Corporation, herein called GRANTOR, to ASA HOWARD BULLARD, JR., and wife, MARTA C. BULLARD, herein called GRANTEE, all of said State and County,

WITNESSETH THAT:

Grantor, for one dollar and other valuable consideration, hereby acknowledged as paid and received, has bargained and sold, and by these presents does grant, bargain, sell and convey to Grantee, its successors and assigns, the perpetual right, easement and privilege to build, construct, lay, install, maintain and operate storm sewer (any or all) lines, canals, ditches, with such pipes, drains, connections, manholes and other attachments, equipment and accessories necessary or desirable in connection therewith, to have full ingress and egress, thereto and therefrom, over adjoining lands, of Grantor, to patrol, inspect, alter, improve, repair, relocate, remove and replace any or all of such lines, canals, ditches, pipes, drains, connections, manholes and other attachments, equipment and accessories, to cut and keep clear all trees and undergrowth (both on the described easement area and adjacent thereto) that may in any way endanger the proper use and enjoyment of this easement and to have all rights and privileges necessary or convenient for the full enjoyment or use of this easement in, on, under, over, through and across certain land described as follows:

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And being a portion of a lot belonging to Asa H. Bullard, Jr. recorded in Deed Book 2534, Page 370 Cumberland County, North Carolina Registry.

TO HAVE, TO HOLD AND TO ENJOY said right, easement and privilege as above fully defined and described, in, on, under, over, through and across said land and all privileges and appurtenances thereto belonging to Grantee, its successors and assigns, forever.

Wherever used herein, the singular shall include the plural, the plural the singular and the use of any gender shall be applicable to all genders as the context may require.

IN TESTIMONY WHEREOF, Grantor has signed and sealed this instrument.

CITY OF FAYETTEVILLE

_____
J. L. Dawkins, Mayor

ATTEST:

_____
Bobbie A. Joyner, City Clerk

STATE OF NORTH CAROLINA
CUMBERLAND COUNTY

I, _____, a Notary Public in and for said County and State, do hereby certify that BOBBIE A. JOYNER personally appeared before me this day and acknowledged that she is the CITY CLERK for the CITY OF FAYETTEVILLE, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the CITY OF FAYETTEVILLE, the foregoing Deed of Easement was signed in its name by its MAYOR, J. L. DAWKINS, sealed with its corporate seal and attested by herself as its CITY CLERK.

WITNESS my hand and Notarial Seal this the _____ day of _____, 1992.

_____
NOTARY PUBLIC

My Commission Expires:_____

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

October 28, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

REFERENCE: Proposed Item for City Council Meeting - November 2, 1992

Listed below is our proposed item for the above referenced City Council Meeting:

Set Public Hearing:

Set Public Hearing - 25 MPH Speed Zone for Millbrook Road from Edgewater Drive to Thorncliff Drive

LAC/psc

cc: Roger L. Stancil, Deputy City Manager
Jimmy Teal, Assistant City Manager - Planning/Development
Sharon Molina, Executive Secretary

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

October 28, 1992

MEMORANDUM

TO: John P. Smith, City Manager

FROM: Louis A. Chalmers, Jr., P.E. LAC

REFERENCE: Petition for 25 Miles Per Hour Speed Zone - Millbrook Road

We have received a petition from the residents on Millbrook Road requesting a 25 Miles Per Hour Speed Zone on their street.

We would suggest that City Council hold a public hearing at their November 16, 1992 to meeting to receive public input on this requested speed limit reduction.

LAC/psc

Enclosures
Petition
Area Map

cc: William H. Melvin, Signs and Markings Supervisor

Oct. 16, 1992

DATE

We, the undersigned residents of Millbrook Rd

from Edgewater Drive to Thorncliff Drive

do hereby petition the City Council to reduce the speed limit on our street to 25 Miles Per Hour: 2705 — 2743

PRINTED NAME	ADDRESS	TELEPHONE #	SIGNATURE
✓ Lois Isenberg	2729 Millbrook	484-7429	Lois Isenberg
Mike Morketter	2713 Millbrook	485-7228	[illegible]
	2705		
~~[illegible]~~	~~[illegible]~~		
✓ Robert Rushing	2710 Millbrook	323-0864	[illegible]
✓ Sarah Campbell	2714	323-5083	Sarah Campbell
✓ Will Wharton	2718	323-8868	[illegible]
✓ Jack McGinley	2722	323-1979	Jack McGinley
✓ Jim & Pat Lothspeich	2721 Millbrook	484-7342	Pat Lothspeich
(*) Carol Coley	2725	678-8939	Carol Coley
✓ Sarah Geddie	2731	484-4718	Sarah Geddie
✓ James E. Eddy (JAMES E. EDDY)	2735 Millbrook	484 4889	James E. Eddy
	2739		
Nelle H. Reaves	2743	484 6571	Nelle H. Reaves
✓ ~~Teresa~~ Sparks	2736	484 5631	Teresa C. Sparks
✓ George Bender	2726	485-4867	George W. Bender
Nancy Byrd (NANCY BYRD)	2706	484-4011	Nancy Byrd

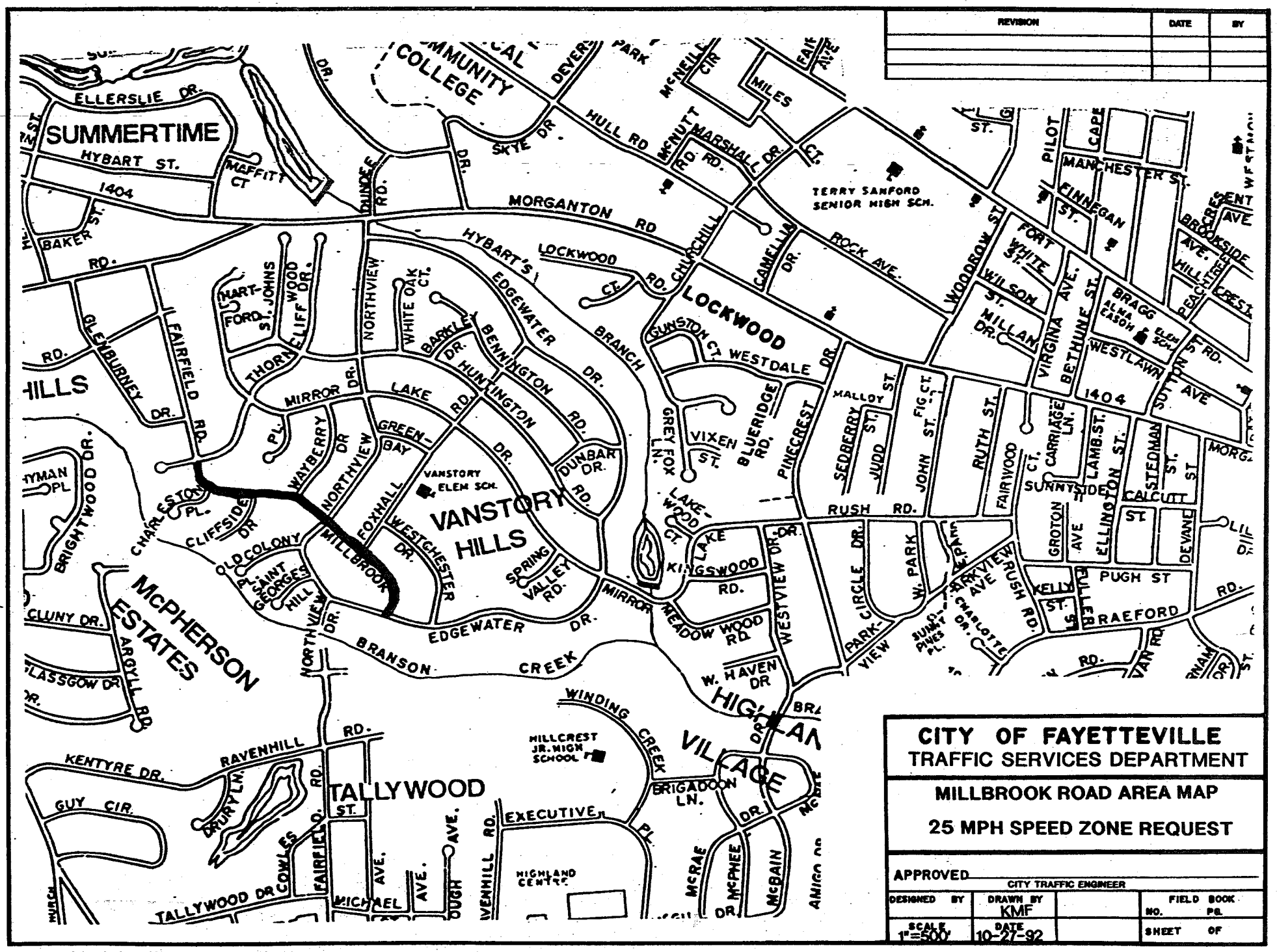
9/16

2801 - 2826

Page Two
Petition for 25 MPH Speed Limit on Millbrook
Date Oct. 16, 1992

PRINTED NAME	ADDRESS	TELEPHONE #	SIGNATURE
S. H. Meares	2801 Millbrook	485-6608	S H Meares
✓ James Cammack	2805	484-7272	James Cammack
	2803		
✓ Merle Modlin	2811	485-5262	Merle Modlin
✓ William A. McKethan	2813	486-0195	William A. McKethan
	~~2821~~		
~~Gaye S. W~~			
✓ Gaye S. Wilbanks	2821	485-2357	Gaye S. Wilbanks
✓ Guillermina Haas-Weston	2823	485-2936	Guillermina Haas-Weston
Timothy F. Fitzpatrick	2826 Millbrook	486-8721	Timothy F. Fitzpatrick
✓ Karen Fitzpatrick	2826 Millbrook	" "	Karen Fitzpatrick
MARIO GONZALEZ	2822 MILLBROOK	497-1110	Mario Gonzalez
	2818		
✓ JOEL BRADSHAW	2816	485-7556	[illegible]
✓ Bruce Cotton	2814	484-7774	[illegible]
✓ Hooper Hall	2812	483-9529	Hooper Hall
✓ LYNN J. LONG, JR	2802	485-7279	[illegible]
Jack Clark	507 Cliffside Dr 28303	485-1438	Jack Clark

9/14



REVISION	DATE	BY

CITY OF FAYETTEVILLE
TRAFFIC SERVICES DEPARTMENT

MILLBROOK ROAD AREA MAP

25 MPH SPEED ZONE REQUEST

APPROVED _____
CITY TRAFFIC ENGINEER

DESIGNED BY	DRAWN BY KMF		FIELD BOOK NO. PG.
SCALE 1"=500'	DATE 10-27-92		SHEET OF

DUNCAN-PARNELL, INC., CHARLOTTE 1288 704-372-7766

October 28, 1992

MEMORANDUM

TO: John P. Smith, City Manager

FROM: Kai Nelson, Finance Director KN

SUBJECT: Budget Ordinance Amendment 93-5

The attached 1992-93 Budget Ordinance Amendment 93-5 appropriates $12,500 in Sponsor Group Fund fund balances for the City's contribution toward the construction of a skateboard park. The project and City contribution was approved by City Council on March 4, 1991.

The City will require the Friends of the Parks Foundation, Inc. to execute its standard Contract for Services. The standard Contract provides for a.) disbursements to occur after review of the Foundation's request for funds, b.) unused funds to be returned on a prorata basis and c.) submission of an audit by independent auditors.

REQUESTED ACTION:

City Council to adopt Budget Ordinance 93-5.

ITEM 2.E

CITY OF FAYETTEVILLE

NOVEMBER 2, 1992

1992-1993 BUDGET ORDINANCE AMENDMENT
CHANGE 93-5

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

That the City of Fayetteville Budget Ordinance adopted June 15, 1992, 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, 1992, and ending June 30, 1993, to meet the appropriations listed in Section 2.

ITEM	LISTED AS	REVISION	REVISED AMOUNT
Schedule C:			
Sponsor Group Fund			
Fund Balance Appropriation	$55,540	$12,500	$68,040
All Other Sponsor Group Fund Revenues	164,000	0	164,000
	$219,540	$12,500	$232,040

1992-1993 BUDGET ORDINANCE AMENDMENT
CHANGE 93-5

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, 1992, and ending June 30, 1993, according to the following schedules:

Schedule C:

Sponsor Group Fund			
Sponsor Group Fund Expenditures	$219,540	$12,500	$232,040
	$219,540	$12,500	$232,040

FRIENDS OF THE PARKS FOUNDATION, INC.

Supporting our city's quality of life through parks and recreation.

October 13, 1992

Mr. Robert Barefoot
Parks and Recreation Department
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301

Dear Robert:

In 1991, the Friends of the Parks Foundation, together with a youth group called the Skaters of Fayetteville, proposed a program to build a skateboard park for the youth of the City and County. The proposal called for the City and the County to each contribute 25% of the estimated $50,000 of the cost of the facility if the Skaters could raise the remaining 50%. The proposal, which was accepted by the City and County, also said that construction could begin when the Skaters had raised $20,000 towards their total goal of $25,000.

Tables showing funds raised to date and the original cost estimate and the current quotes from suppliers and contractors are attached. As of today we have raised a total of $18,239.56 in cash and in-kind donations from contractors, so we are very close to the amount needed to begin construction. We are confident we can reach the goal before the end of the year. We are therefore asking you to reconfirm the City's commitment of $12,500 to this project and to authorize the release of these funds to the Friends of the Parks Foundation when the $20,000 level is reached.

The Friends of the Parks will function as prime contractor on this project. The facility will be built according to drawings and specifications prepared by the City Engineering Department and turned over to the City when construction is completed. A full accounting of the costs will be provided by the Friends of the Parks at the completion of the project. If the project is completed for less than the estimated $50,000 cost, the Friends will reimburse the City for their prorata share of the savings.

A few words of explanation are in order regarding the feature of the proposal that calls for construction to begin when $20,000 has been raised. You will notice that the skateboard ramps themselves will cost over $11,000 and the Skaters understand that the ramps will be built only after the other parts of the project are completed. The Skaters will then have the use of the facility so that they can conduct additional fund raising events to

P.O. Box 2671, Fayetteville, North Carolina 28302-2671
(919) 433-1547

complete the remaining ramps. Thus, you can be assured that the basic in-ground facilities portion of the project will be completed even though construction will begin before the total $25,000 has been raised.

Please call if you have any questions, or if you need for me to appear at the City Council meeting to speak on behalf of this project. Thanks for your help.

Yours truly,

Karl Legatski
Chairman

SKATEPARK PROJECT

STATUS SUMMARY

TOTAL PROJECTED COST	$50,000
LESS CITY & COUNTY DONATION	25,000
TOTAL FUND RAISING GOAL	25,000
FUNDS NEEDED TO BEGIN PROJECT	20,000
FUNDS RAISED AS OF 10/12/92	
CASH	8,456.56
EXISTING RAMP	1,220
CONTRACTOR DONATIONS	8,563
TOTAL	$18,239.56
ADDITIONAL FUNDS NEEDED TO BEGIN	$ 1,760.44
POTENTIAL SOURCES OF ADDITIONAL FUNDS	
FT. BRAGG CONSTRUCTION HELP	?
CONTRACTOR POTENTIAL	2,300
SKATERS CONCERT 10/17/92	?

\SKATE1

This item was presented by City Attorney Bob Cogswell stating that the original draft of this ordinance was put in this packet instead of the revised ordinance. He referred to the last page of the ordinance showing a slight difference in the wording on the last page for paragraph B under Recommendations and Approval. In the sixth line after, "upon the uses to be allowed in the district only", the words, "after considering the factors in 32.21.3.3(a) and" be added. Mr. Cogswell also suggested changing the word "considering" to the word, "weighing."

Councilmember Kendrick moved to deny the proposed ordinance amendment. The motion was seconded by Mayor Pro-Tem Evans. Councilmember Cheek offered a friendly amendment to refer this matter back to the Planning Board for them to resubmit a much more restrictive ordinance. Councilmember Kendrick did not accept the friendly amendment. There being no further discussion on the matter, Mayor Dawkins called for a vote and the motion carried 6 to 3 with Councilmembers Torrey, Cheek, and Ross voting against.

5 Consideration of proposal on LaFayette Hotel and Broadway Theatre buildings.

This item was presented by City Manager John Smith stating that he had negotiated with these two property owners since the last meeting, and recommended that the remaining properties under consideration be postponed until he could contact those property owners. Mr. Smith stated that the property owners of the Lafayette Hotel and Broadway Theatre buildings would enter into a private contract for demolition of the two buildings, with the demolition to be completed within six months. The City would then enter into an agreement to purchase both properties following the demolition. The purchase price of the property to be the cost of the demolition plus an additional $5,000 for asbestos removal which has already taken place and an additional $15,000 to cover out-of-pocket expenses of the property under Lafayette Hotel. Mr. Smith recommended that Council approve this in concept so contractors can proceed and allow property owners to get permits for demolition and return to Council with a purchase contract.

Councilmember McBryde stated he felt this would not only be less expense for the City but would be quicker, therefore moved to follow the recommendation of the City Manager. The motion was seconded by Councilmember Ross and carried unanimously.

* 6 Consideration of request for funding for skateboard facility.

This item was presented by City Manager John Smith stating that this item had previously come before Council and was referred to the City/County Liaison Committee. The original proposal was endorsed by the Friends of the Park for a funding package to fund a skateboard facility. They were asking for $12,500 from the City and $12,500 from the County. They plan to match that amount with private donations and contributions. This has been approved by the County Commissioners. The facility would be located at the Teen Center. The City/County Liaison Committee recommends approval of the $12,500 funding.

Councilmember Ross moved to follow the recommendation to fund the $12,500. The motion was seconded by Councilmember Robertson.

Following lengthy discussion with concerns regarding supervision and insurance coverage, Mayor Dawkins called for a vote and the motion carried 5 to 4 with Councilmembers McBryde, Kendrick, Pillow and Cheek voting against.

7 Consideration of adoption of the paving assessment roll for Community Drive. Public hearing was completed on December 17, 1990.

This item was presented by City Manager John Smith stating that Council postponed the decision on this paving assessment because of a property owner maintaining that the measurements are incorrect. Mr. Smith stated that in similar-type projects the City assesses the front footage based upon the right-of-way lines on a street and not the curb lines.

Councilmember Bolton inquired about the catch basin in front of the property owner's driveway that he had mentioned during the public hearing at the last meeting. Mr. Smith responded that this catch basin went to the property line, however it should not interfere with his driveway because it is off to the side of the driveway.

Councilmember Ross asked if the right-of-way donation affects the amount of the assessment and Mr. Smith responded that it does not. There were many right-of-way donations.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS.
RESOLUTION NO. R1991-017.

THE CITY OF FAYETTEVILLE
NORTH CAROLINA
CHARTERED 1762

CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

October 29, 1992

MEMORANDUM

TO: John P. Smith, City Manager

FROM: John B. (Ben) Brown, Jr., Assistant City Manager, Administration & Finance JBBjr. by: Sm

SUBJECT: Award of Purchase Contract for Two Cab and Chassis for Garbage Trucks (Environmental Services)

In the attached City Council-Action Request, we are asking Council to adopt a resolution awarding a contract for two cab and chassis to Smith International Truck Center, Inc., in the amount of $51,385.35. This company was the lowest responsible bidder meeting or exceeding all specifications and delivery requirements. Funds for this purchase are included in the approved budget.

The Bid Awards Committee was comprised of the Environmental Services Director and staff members of the Fleet Maintenance, Sanitation, and Purchasing Divisions. Requests for bids were sent to eight (8) vendors; four (4) bids were received. The Committee reviewed all submitted bids and recommends award of the contract to Smith International Truck Center, Inc. This action is part of a cooperative purchase with the Town of Spring Lake.

Recommend Council adopt resolution.

JBB/kbl

Attachment

cc: Clark Dill, Environmental Services Director
Bill McGugan, Administrative Services Director
Kai Nelson, Finance Director
Craig Hampton, Purchasing Agent

CITY COUNCIL - ACTION REQUEST FORM

TO: John P. Smith, City Manager **DATE:** 10-23-92

FROM: William J. B. McGugan, Director of Administrative Services

COUNCIL ACTION REQUESTED: Award of purchase contract to Smith International Truck Center, Inc., in the amount of $51,385.35

PROJECT NAME: CGB & Chassis - Refuse Trucks **PROJECT NUMBER:** BID #929307

DATE OPENED: 10-8-92 **DATE ADVERTISED:** 9-28-92

BIDDERS: SEE ATTACHED BID TABULATION

AWARD RECOMMENDED TO: Smith International Truck Center, Inc.

BASIS OF AWARD: Lowest responsible bidder

BUDGET AMOUNT: 83,000 (cab & chassis & packer body) **ACCOUNT NO:** 11 4711 0560

FUNDING SOURCE: General Fund **DEPARTMENT:** Environmental Srvc.

AWARDS COMMITTEE MEMBERS: Director of Environmental Services, Staff members of Purchasing, Sanitation, and Fleet Maintenance.

AWARDS COMMITTEE ACTION: The committee has reviewed all bids submitted and recommends award of this contract to the low bidder. The equipment offered by Smith International meets or exceeds technical specifications and delivery requirements and is priced within available funds. A like item is also being purchased by the town of Spring Lake pursuant to an interlocal purchase agreement.

SUBMITTED BY:

William J. B. McGugan

ADMINISTRATIVE SERVICES DIRECTOR

RECOMMEND BY:

See Attached

DEPARTMENT HEAD

Kari D. Nelson

FINANCE DIRECTOR (Certify funds available)

msa

ADMIN-020-92

THE CITY OF FAYETTEVILLE
NORTH CAROLINA
CHARTERED 1762

ENVIRONMENTAL SERVICES
Streets, Sanitation, and Fleet Maintenance

FAYETTEVILLE, NC 28301-5309

455 GROVE STREET
433-1511

October 20, 1992

MEMORANDUM

OCT 21 1992

TO: **Craig Hampton, Purchasing**

FROM: **Clark D. Dill, Director**

SUBJECT: **Recommended Award of Bids # 929307 & 929308**

Recommend that Bid # 929307 be awarded to Smith International Truck Center, Inc. This bid is the lowest at $51,385.38.5 RCH

Also recommend that Bid #929308 be awarded to Sanco-Heil for $31,265. This bid is not the lowest but comes closer to meeting specifications. (See attached maintenance recommendation).

The four Heil Bodies which are presently in the city inventory has provided good service at a low cost.

The Heil Company has provided excellent service after the sale by follow up.

Clark Dill

Clark D. Dill

Attachment: Maintenance Recommendation

BIDDERS LIST FOR CHASSIS FOR REAR LOADER
BID #929307

Lafayette Ford
5202 Raeford Road
Fayetteville, N. C. 28304

Patrick Ford
Hwy 401 Bypass
Fayetteville, N. C. 28305

Smith International Truck Center
918 Cedar Creek Rd.
Fayetteville, N. C. 28305

Bennett's Inc.
2306 W. 5th Street
P. O. Box 1434
Lumberton, N. C. 28358

Carolina Mack Sales & Service, Inc.
6805 Davis Circle
Raleigh, North Carolina 27612

Triple T. Parts and Equipment
Hwy 421 North
P. O. Box 2064
Wilmington, North Carolina 28402-2064

Bleecker GMC Truck
5110 Bragg Blvd.
Fayetteville, N. C. 28301

Peterbilt of Dunn, Inc.
I95, Exit 75
Dunn, NC 28334

BID TABULATION
CITY BID #929307
CAB AND CHASSIS FOR A TWENTY (20) YARD HIGH
COMPACTION REAR LOADING VEHICLE

OPEN: OCTOBER 8, 1992
3:00 PM

BIDDER	Smith International Truck Center	Peterbilt of Dunn, Inc.	Bennetts White GMC
YEAR, MAKE & MODEL	'93 International 2554	'93 Peterbilt 320 Tilt or 357 Conventional	'93 White GMC
BID PRICE EACH		$61,868.00 Model 320	$67,000.00 (see bid)
WITH CAB OPTION	$51,385.00	$60,400.00 Model 357	$57,275.00 (see bid)
BID PRICE TOTAL	$102,770.00	MODEL 320 $123,736.00 MODEL 357 $120,800.00	$134,000.00 w/o cab (op) $114,550.00 with cab (op)
SALES & USE TAX	SEE BID	SEE BID	SEE BID
DELIVERY DATE	90 TO 120 DAYS	90 TO 120 DAYS	90 TO 120 DAYS
BID DEPOSIT	YES; 5% BOND	YES; 5% BOND	YES; 5% BOND
PAYMENT TERMS	SEE BID COMMENTS	NET ON DELIVERY	NET 10 DAYS
MFG. LOCATION	Springfield, OH	Denton, TX	Dublin, VA
COMMENTS	SEE BID	SEE BID	SEE BID

I certify the above to be an accurate and true account of bids received.

Richard C Hampton

Richard Craig Hampton, Purchasing Agent

DATE 10/8/92

TO THE MAYORS OF THE CITY OF FAYETTEVILLE, AND THE TOWN OF SPRING LAKE,
MEMBERS OF CITY FAYETTEVILLE COUNCIL,
AND ALDERMEN OF THE TOWN OF SPRING LAKE, NORTH CAROLINA

The undersigned has read carefully the foregoing specifications, including the text of the advertisement, General Conditions and Special Conditions, and proposes to furnish and install equipment meeting or exceeding said specifications, in accordance with all requirements and conditions of this Invitation for Bids, FOB Fayetteville, North Carolina, as follows:

ITEM: 2 EACH, CAB AND CHASSIS FOR A TWENTY (20) YARD HIGH COMPACTION REAR LOADER REFUSE VEHICLE

YEAR, MAKE AND MODEL: 1993 International 2554

BID PRICE EACH (LESS TAX):

WITH CAB OPTION B $51,385.35

TOTAL BID PRICE (LESS TAX): $51,385.35

SALES AND USE TAX EACH: (if any)

GUARANTEED DELIVERY DATE: TO BODY MANUFACTURER 90 - 120 days after receipt of award

BID DEPOSIT (enclosed) (shall be for (2) units) YES X NO AMOUNT 5138.54

REMARKS/EXCEPTIONS: Payment in full to be 10 days after delivery to body manufacturer

PAYMENT TERMS

FEDERAL TAX ID#.

Springfield Ohio
MANUFACTURER LOCATION

10-08-92

3:00 P.M.

CITY PURCHASING OFFICE
433 HAY STREET
FAYETTEVILLE, NC 28301

BID #929307

Smith International Truck Center, Inc.
BIDDER

BY James H. Smith

James H. Smith
ABOVE NAME TYPED OR PRINTED

Pres.
TITLE

918 Cedar Creek Road
ADDRESS

Fayetteville, NC 28301

919-483-3471 and 919-483-9978
TELEPHONE AND FAX NUMBER

ORIGINAL

DATE October 8, 1992

TO THE MAYORS OF THE CITY OF FAYETTEVILLE, AND THE TOWN OF SPRING LAKE,
MEMBERS OF CITY FAYETTEVILLE COUNCIL,
AND ALDERMEN OF THE TOWN OF SPRING LAKE, NORTH CAROLINA

The undersigned has read carefully the foregoing specifications, including the text of the advertisement, General Conditions and Special Conditions, and proposes to furnish and install equipment meeting or exceeding said specifications, in accordance with all requirements and conditions of this Invitation for Bids, FOB Fayetteville, North Carolina, as follows:

ITEM:	2 EACH, CAB AND CHASSIS FOR A TWENTY (20) YARD HIGH COMPACTION REAR LOADER REFUSE VEHICLE
YEAR, MAKE AND MODEL:	1993 Peterbilt 320 Tilt or 352 Conventional
BID PRICE EACH (LESS TAX):	$ 61,868.00 Each Model 320 - Tilt Cab
WITH CAB OPTION B	$ 60,400.00 Each Model 357 Conventional
TOTAL BID PRICE (LESS TAX):	320 (2) $123,736.00 357 (2)$120,800.00
SALES AND USE TAX EACH: (if any)	No Sales Tax or Federal Excise Included
GUARANTEED DELIVERY DATE: TO BODY MANUFACTURER	90 to 120 Days
BID DEPOSIT (enclosed) (shall be for (2) units)	YES XX NO ____ AMOUNT 5% Bid Bond
REMARKS/EXCEPTIONS:	B - Cab OPTS Conventional-Does Have Adjustable Steering Column. Both Model 3 Man Seating

NET ON DELIVERY
PAYMENT TERMS

57 070 1217
FEDERAL TAX ID#

Denton, Texas
MANUFACTURER LOCATION

10-08-92

3:00 P.M.

CITY PURCHASING OFFICE
433 HAY STREET
FAYETTEVILLE, NC 28301

BID #929307

PETERBILT OF DUNN, INC.
BIDDER

Bill Ellis
BY

BILL ELLIS
ABOVE NAME TYPED OR PRINTED

Sales Manager
TITLE

P.O. Box 1746 / I-95 North, Exit 75
ADDRESS

Dunn, North CArolina 28335

(919) 892-7105 FAX #(919) 892-1769
TELEPHONE AND FAX NUMBER

ORIGINAL

DATE OCTOBER 8, 1992

TO THE MAYORS OF THE CITY OF FAYETTEVILLE, AND THE TOWN OF SPRING LAKE,
MEMBERS OF CITY FAYETTEVILLE COUNCIL,
AND ALDERMEN OF THE TOWN OF SPRING LAKE, NORTH CAROLINA

The undersigned has read carefully the foregoing specifications, including the text of the advertisement, General Conditions and Special Conditions, and proposes to furnish and install equipment meeting or exceeding said specifications, in accordance with all requirements and conditions of this Invitation for Bids, FOB Fayetteville, North Carolina, as follows:

ITEM: 2 EACH, CAB AND CHASSIS FOR A TWENTY (20) YARD HIGH COMPACTION REAR LOADER REFUSE VEHICLE

YEAR, MAKE AND MODEL: 1993, WHITE GMC, XPEDITOR WX64

BID PRICE EACH (LESS TAX): $67,000.00 EACH... PRICE GOOD UNTIL OCTOBER 30, 1992 (WX64)
$68,204.00 EACH... PRICE AFTER OCTOBER 30, 1992 (WX64)

WITH CAB OPTION B: $57,275.00 EACH... PRICE GOOD UNTIL OCTOBER 30, 1992 (WG64)
$58,209.00 EACH... PRICE AFTER OCTOBER 30, 1992 (WG64)

TOTAL BID PRICE (LESS TAX): $134,000.00 ... PRICE GOOD UNTIL OCTOBER 30, 1992 (WX64)
$136,000.00 ... PRICE AFTER OCTOBER 30, 1992 (WX64)

SALES AND USE TAX EACH: (if any) NO APPLICABLE TAX HAS BEEN INCLUDED

GUARANTEED DELIVERY DATE: TO BODY MANUFACTURER 90 TO 120 DAYS FROM RECEIPT OFF YOUR PURCHASE ORDER, IF ORDER IS RECEIVED AT TRUCK PLANT BY NOVEMBER 9, 1992.

BID DEPOSIT (enclosed) (shall be for (2) units) YES ✓ NO _____ AMOUNT 5% BID BOND

REMARKS/EXCEPTIONS:

NET TEN (10) DAYS
PAYMENT TERMS

56-077 3400
FEDERAL TAX ID#

DUBLIN, VIRGINIA
MANUFACTURER LOCATION

10-08-92

3:00 P.M.

CITY PURCHASING OFFICE
433 HAY STREET
FAYETTEVILLE, NC 28301

BID #929307

BENNETT'S WHITE GMC
BIDDER

MAX BENNETT
BY

MAX Bennett
ABOVE NAME TYPED OR PRINTED

Vice President
TITLE

2306 WEST FIFTH STREET
ADDRESS

LUMBERTON, NORTH CAROLINA 28358

1-800-879-9109 AND 919-671-0069
TELEPHONE AND FAX NUMBER

ORIGINAL

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

October 28, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CONSENT ITEMS FOR THE NOVEMBER 2, 1992 CITY COUNCIL MEETING

PUBLIC HEARING ITEMS TO BE SET:

2.G. CASE NO. P92-133. THE CONSIDERATION OF AMENDMENTS AND REVISIONS TO THE CITY OF FAYETTEVILLE CODE OF ORDINANCES, CHAPTER 32 "ZONING" TO SET FORTH PROVISIONS FOR CONDITIONAL USE OVERLAY DISTRICTS. (FAYETTEVILLE ORDINANCE)

PLANNING BOARD DATE: OCTOBER 20, 1992
PLANNING BOARD ACTION: RECOMMENDED APPROVAL

CITY COUNCIL SUGGESTED MEETING DATE: DECEMBER 7, 1992

2.H. CASE NO. P92-134. THE CONSIDERATION OF AMENDMENTS AND REVISIONS TO THE CITY OF FAYETTEVILLE ZONING ORDINANCE, CHAPTER 32, SECTION 32-29 C1P SHOPPING CENTER DISTRICT BY ADDING THE FOLLOWING AS A PERMITTED USE: MINI-WAREHOUSE. (FAYETTEVILLE ORDINANCE)

PLANNING BOARD DATE: OCTOBER 20, 1992
PLANNING BOARD ACTION: RECOMMENDED APPROVAL

CITY COUNCIL SUGGESTED MEETING DATE: DECEMBER 7, 1992

NONCONTROVERSIAL PLANNING BOARD ITEMS:

2.I. CASE NO. P92-103. THE INITIAL ZONING TO R10 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE EAST SIDE OF CEDAR CREEK ROAD (NC HWY. 53-210), SOUTH OF L. A. DUNHAM ROAD (SR 2005). (FAYETTEVILLE ORDINANCE)

PLANNING BOARD DATE: OCTOBER 6, 1992
PLANNING BOARD ACTION: RECOMMENDED APPROVAL

ITEM 2.G, H.

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

November 2, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P92-103. THE INITIAL ZONING TO R10 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE EAST SIDE OF CEDAR CREEK ROAD (NC HWY. 53-210), SOUTH OF L. A. DUNHAM ROAD (SR 2005). (FAYETTEVILLE ORDINANCE)

ACTION: THE TWELVE MEMBERS PRESENT AT THE OCTOBER 6, 1992 REGULAR MEETING VOTED UNANIMOUSLY TO APPROVE THE REQUESTED INITIAL REZONING. MR. MCLAURIN WAS NOT PRESENT FOR VOTING.

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area. He explained that this case was heard for R15 Residential District at the last meeting, and it is now being heard for R10 Residential District.

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

1. The 1971 and 2010 Land Use Plans call for low density residential development at this location.

The Planning staff finds that all or any portion of the tract is also suitable for R15 Residential District.

Mr. Luther Packer, representing the owners, was present for questions.

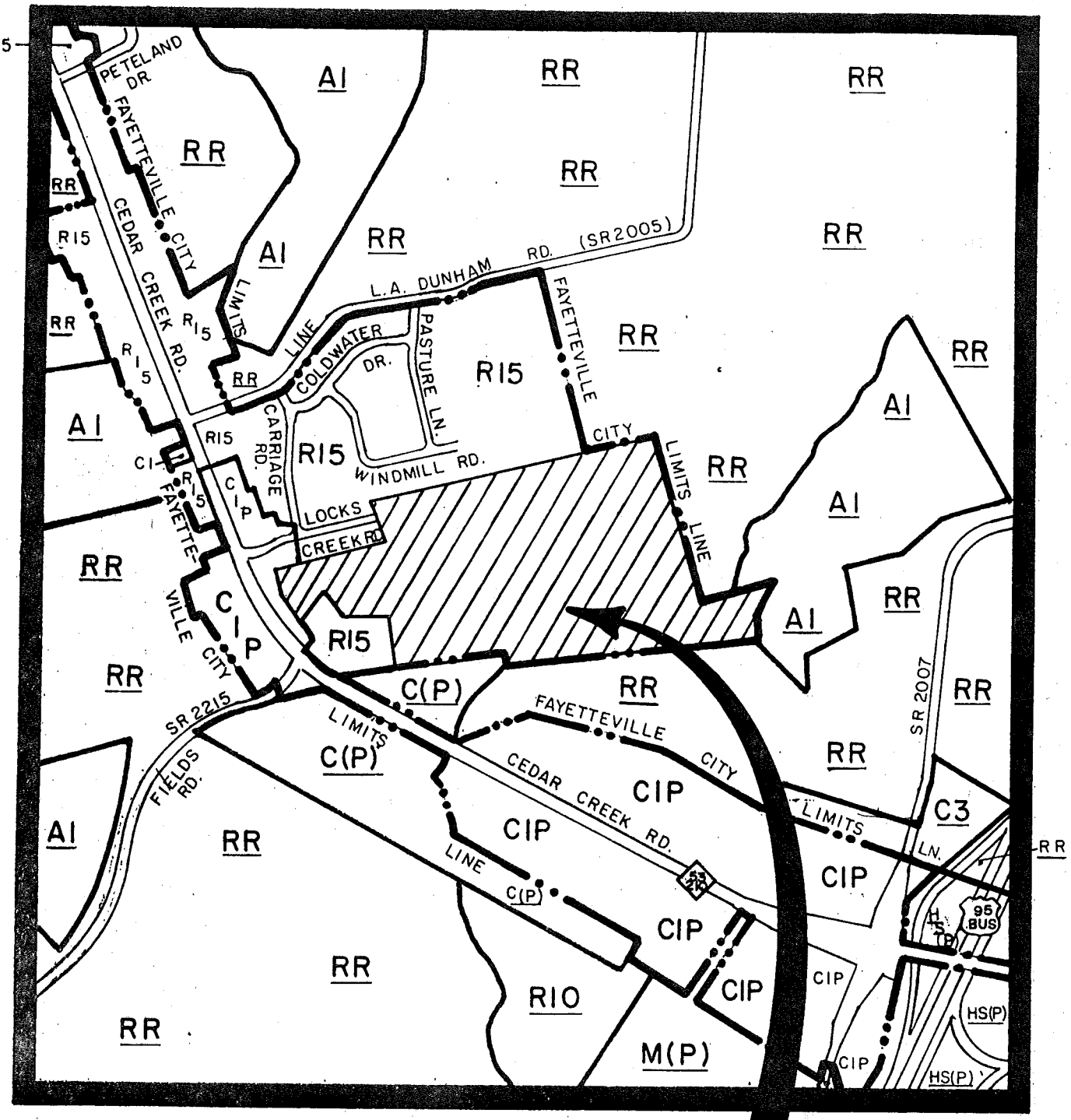
No one appeared in opposition to the initial zoning.

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

Attachments

:skc

ITEM 2.I.



1000 0 1000

SCALE IN FEET

INITIAL ZONING
TO R10

ACREAGE: 68.47AC.±	HEARING NO: P92-103	
ORDINANCE: FAYETTEVILLE	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0455-09-9735

DM

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

October 28, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P92-111. AN APPLICATION BY ROBIN KELLY LEGG FOR A SPECIAL USE PERMIT AS PROVIDED FOR BY THE CITY OF FAYETTEVILLE CODE OF ORDINANCES FROM CHAPTER 32, ARTICLE IV, SECTION 32-30, SUBSECTION (12) TO ALLOW A RESIDENTIAL USE IN A C2S CENTRAL BUSINESS DISTRICT FOR AN AREA LOCATED AT 116 HAY STREET. (FAYETTEVILLE ORDINANCE)

ACTION: THE ELEVEN MEMBERS PRESENT AT THE SEPTEMBER 15, 1992 REGULAR MEETING VOTED UNANIMOUSLY TO APPROVE THE SPECIAL USE PERMIT

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area and explained the special use requested for the site.

Mr. Lloyd stated that finding that the applicant meets the Special Use criteria as follows, the Planning staff recommends approval of the Special Use Permit.

1. The residential use is not on the ground floor;

2. There are no nonresidential uses on the same floor as the residential use;

3. The dwelling unit has at least 400 square feet;

4. The parking is within 1,000 feet;

5. The nonresidential use proposed is compatible with the residential use; and

6. The proposed gift and variety store use is compatible with the residential use.

Ms. Robin Legg, director of the Olde Fayetteville Association, appeared before the Board stating that there has been a surge of interest in the downtown area since the Radisson group purchased the Prince Charles Hotel recently. She stated that there is adequate parking for this use, and she is currently working with three other individuals interested in downtown locations for shops with living areas above them.

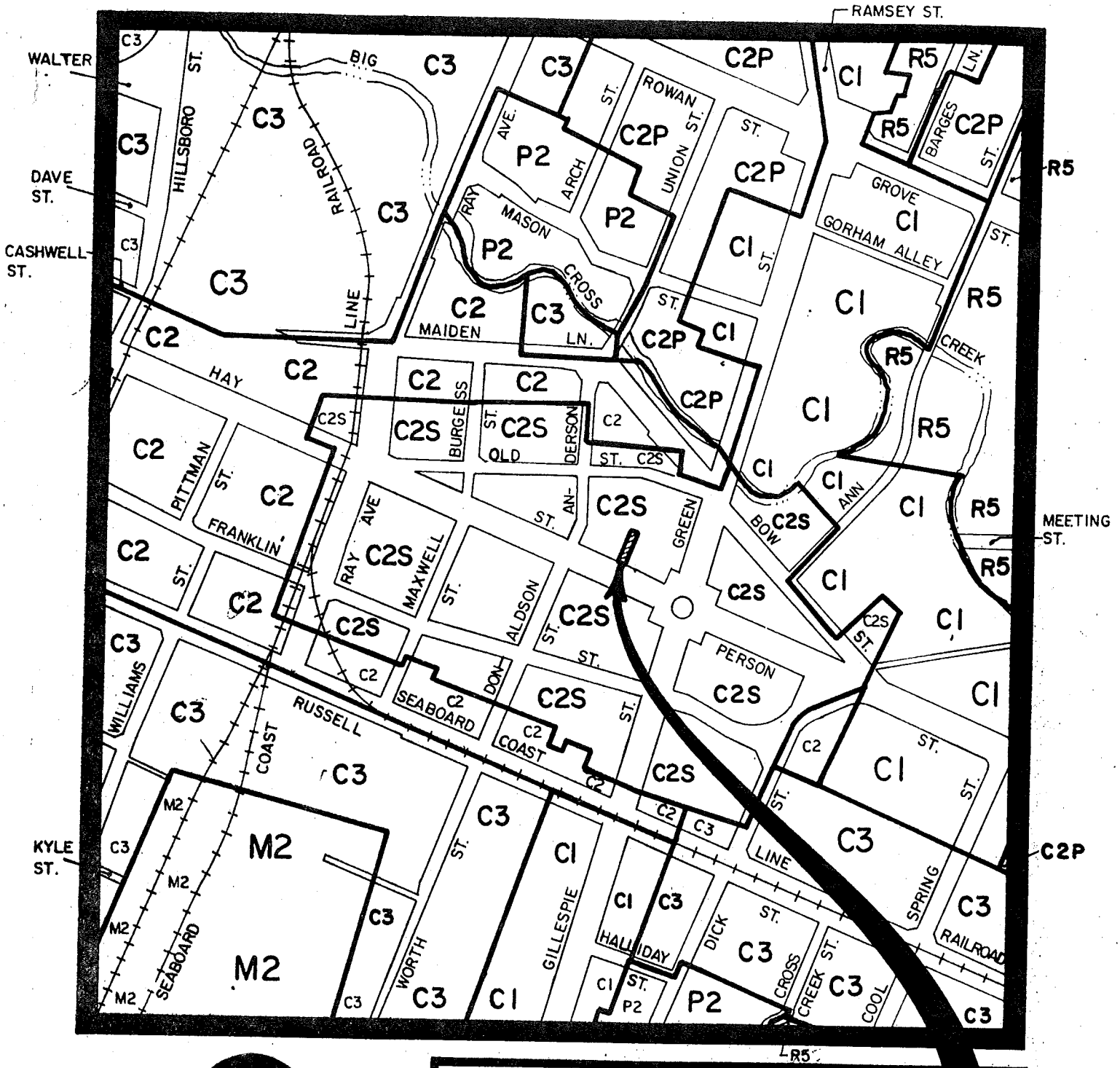
No one appeared in opposition to the Special Use Permit.

ITEM 3.A.

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

:skc

Attachment



NORTH

500 0 500

SCALE IN FEET

SPECIAL USE PERMIT

ACREAGE: 0.0566 AC ±	HEARING NO: P92-111	
ORDINANCE: FAYETTEVILLE	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0437-64-1241

E.B.

SPEAKERS WILL BE SWORN IN

ITEM 3-A

PUBLIC HEARING-SPEAKERS

SUBJECT: SPECIAL USE PERMIT- 116 HAY ST.

CASE P92-111

DATE: November 2, 1992

PROPONENT (In Favor)

(Name - Print)	(Address - Print)
1. Robin Legg	1312 Goodview Ave. 28305
2.	
3.	
4.	
5.	
6.	
7.	

OPPONENT - (Against)

(Name - Print)	(Address - Print)
1.	
2.	
3.	
4.	
5.	
6.	
7.	

SIGN-UP 1

ITEM _____

PUBLIC HEARING-SPEAKERS

SUBJECT: _____

DATE: _____

CITIZEN INPUT

(Name - Print)	(Address - Print)
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

SIGN-UP 2

THE CITY OF FAYETTEVILLE
NORTH CAROLINA
CHARTERED 1762

CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

OCTOBER 29, 1992

MEMORANDUM

TO: The Mayor and Members of City Council

FROM: John P. Smith, City Manager

SUBJECT: Holidays

The attached ordinance amendment clears up some existing inconsistancy in the accumulation of holiday leave by shift employees. It also allows for more flexibility in meeting operational needs in scheduling holidays. The operational needs of Police, Fire, Sanitation, Transit and other departments are unique to each department. The revised ordinance designates days when City Hall is closed, but clearly allows administrative flexibility for dealing with operations. The current ordinance simply designates holidays. The revision is more clearly in keeping with our practices.

JPS:ssm

THE CITY OF FAYETTEVILLE
NORTH CAROLINA
CHARTERED 1762

PERSONNEL DEPARTMENT
(919) 433-1635

CITY HALL
433 HAY STREET

FAYETTEVILLE, NC 28301-5537

October 15, 1992

MEMORANDUM

TO: John P. Smith, City Manager

FROM: Al McKenzie, Personnel Director

SUBJECT: Revision to Personnel Ordinance Section 22-39. Holidays

Attached are copies of the three options presented to you regarding modifications to the provision in the code for holidays.

I believe you indicated that you would present the first option to Council with an indication that option 2 might be worthy of consideration as an alternative as it brings us closer in line with the state and county.

cc: File

Attachments

Version Approved

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 22-39. HOLIDAYS. OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE

BE IT ORDAINED by the City Council of the City of Fayetteville that:

Section 1. Section 22-39. Holidays. of the Code of Ordinances, City of Fayetteville, North Carolina, is hereby repealed and the following substituted therefore:

Sec. 22-39. Holidays.

(a) Regular full-time and regular part-time employees and officers of the city shall earn holiday leave in proportion to their average hours worked per day.

(b) Temporary full-time and temporary part-time employees shall not be eligible for paid holiday leave.

(c) City Hall will be closed on the following holidays and on other such days as the city council may designate:

New Year's Day
Dr. Martin Luther King, Jr's Birthday
Presidents' Day
Good Friday
Memorial Day
Independence Day
Labor Day
Veterans' Day
Thanksgiving Day
Christmas Day

(d) When a holiday falls on Saturday, the preceding Friday shall be observed; when a holiday falls on Sunday, the following Monday shall be observed.

(e) The City Manager may approve scheduled closings by department or division in variance to this schedule due to operational necessity.

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 a part of the Code of Ordinances, City of Fayetteville, North Carolina, and the

sections of this ordinance may be re-numbered to accomplish such intention.

Adopted this _____ day of _____, 1992.

CITY OF FAYETTEVILLE

BY: _____
J. L. Dawkins, Mayor

ATTEST:

_____
Bobbie A. Joyner, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 22-39. HOLIDAYS. OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE

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New Year's Day
Dr. Martin Luther King, Jr's Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Veterans' Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Day

No Pres. Day

(d) When a holiday falls on Saturday, the preceding Friday shall be observed; when a holiday falls on Sunday, the following Monday shall be observed.

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Adopted this _____ day of _____, 1992.

CITY OF FAYETTEVILLE

BY: _____
J. L. Dawkins, Mayor

ATTEST:

_____
Bobbie A. Joyner, City Clerk

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New Year's Day
Dr. Martin Luther King, Jr's Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Day
Day before or after Christmas

No Vet Day

(d) When a holiday falls on Saturday, the preceding Friday shall be observed; when a holiday falls on Sunday, the following Monday shall be observed.

(e) The City Manager may approve scheduled closings by department or division in variance to this schedule due to operational necessity.

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sections of this ordinance may be re-numbered to accomplish such intention.

Adopted this _____ 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

October 29, 1992

MEMORANDUM

TO: John P. Smith, City Manager

FROM: John B. (Ben) Brown, Jr., Assistant City Manager, Administration & Finance

SUBJECT: Award of Purchase Contract for Two Packer Bodies for Two Parker Bodies for Garbage Trucks (Environmental Services)

In the attached City Council-Action Request, we are asking Council to adopt a resolution awarding a contract for two (2) "packer bodies" to SANCO/The Heil Company in the amount of $31,285.00. This company was not the lowest bidder; however, it was the lowest responsible bidder coming closest to meeting or exceeding our specifications. Additionally, we currently have four (4) of the SANCO/Heil packer bodies in service, all of which continue to perform in a superior manner in terms of reliability and operational functionality. Funds for this purchase are included in the approved budget.

The Bid Awards Committee was comprised of the Environmental Services Director and staff members of the Fleet Maintenance, Sanitation, and Purchasing Divisions. Requests for bids were sent to six (6) vendors; bids from four (4) vendors were received. The Committee reviewed all submitted bids. The two (2) lowest bidders did not meet our specifications. Additionally, we consulted with the maintenance superintendents for the cities of Raleigh and Cary, both of which recently (6-8 months) put several of the lowest bidders' equipment in service; they both reported examples of problems in obtaining parts and warranty work and indicated an increase in maintenance costs for these packer bodies when compared with other brands. The Committee recommends award of the contract to SANCO/The Heil Company. This action is the companion item included on the consent agenda, and is also a part of the cooperative purchase with the Town of Spring Lake.

Recommend Council adopt resolution.

JBB/kbl

Attachment

cc: Clark Dill, Environmental Services Director
Bill McGugan, Administrative Services Director
Kai Nelson, Finance Director
Craig Hampton, Purchasing Agent

CITY COUNCIL - ACTION REQUEST FORM

TO: John P. Smith, City Manager **DATE:** 10-23-92

FROM: William J. B. McGugan, Administrative Services Director

COUNCIL ACTION REQUESTED: Award of purchase contract to SANCO/The Heil Company in the amount of $31,285.00

PROJECT NAME: Packer Body - Refuse Truck **PROJECT NUMBER:** BID #929308

DATE OPENED: 10-8-92 **DATE ADVERTISED:** 9-28-92

BIDDERS: SEE ATTACHED BID TABULATION

AWARD RECOMMENDED TO: SANCO/The Heil Company

BASIS OF AWARD: Lowest responsible bidder meeting specifications

BUDGET AMOUNT: $83,000 (cab & chassis & packer body) **ACCOUNT NO:** 11 4711 0560

FUNDING SOURCE: General Fund **DEPARTMENT:** Environmental Srvc.

AWARDS COMMITTEE MEMBERS: Director of Environmental Services, Staff members of Purchasing, Sanitation, and Fleet Maintenance.

AWARDS COMMITTEE ACTION: The committee has reviewed the bids submitted in regards to compliance with the specifications and other needs of the city. The first two low bids do not meet specifications in the areas shown on the attached memo from the Environmental Services Director. Based on these noncompliant areas and the excellent service we have received from the SANCO/The Heil Company, we recommend award to SANCO/The Heil Company.

SUBMITTED BY:

William J. B. McGugan

ADMINISTRATIVE SERVICES DIRECTOR

RECOMMEND BY:

See Attached Letter

DEPARTMENT HEAD

Kari D. Nelson

FINANCE DIRECTOR (Certify funds available)

wsa

ADMIN-020-92

THE CITY OF FAYETTEVILLE
NORTH CAROLINA
CHARTERED 1762

ENVIRONMENTAL SERVICES
Streets, Sanitation, and Fleet Maintenance

FAYETTEVILLE, NC 28301-5309

455 GROVE STREET
433-1511

October 20, 1992

RECEIVED
OCT 21 1992
PURCHASING DEPT
CITY OF FAYETTEVILLE

MEMORANDUM

TO: **Craig Hampton, Purchasing**

FROM: **Clark D. Dill, Director**

SUBJECT: **Recommended Award of Bids # 929307 & 929308**

Recommend that Bid # 929307 be awarded to Smith International Truck Center, Inc. This bid is the lowest at $51,385.3~~8~~5 RSK

Also recommend that Bid #929308 be awarded to Sanco-Heil for $31,265. This bid is not the lowest but comes closer to meeting specifications. (See attached maintenance recommendation).

The four Heil Bodies which are presently in the city inventory has provided good service at a low cost.

The Heil Company has provided excellent service after the sale by follow up.

Clark Dill

Clark D. Dill

Attachment: Maintenance Recommendation

THE CITY OF FAYETTEVILLE
NORTH CAROLINA
CHARTERED 1762

ENVIRONMENTAL SERVICES
Streets, Sanitation, and Fleet Maintenance

FAYETTEVILLE, NC 28301-5309

455 GROVE STREET
433-1511

October 14, 1992

MEMORANDUM

TO: Clark D. Dill, Director

FROM: Thomas D. House, Fleet Maint. Supt. TDH

SUBJECT: Review and Recommendation for Bid #929308
Refuse Body

I have personally reviewed the bids and specifications for two each high compaction rear-loading refuse bodies submitted by Cavalier Equipment Corporation, Kabco Inc., Lodal-South Inc., and Sanco-Heil.

My own review plus additional input from reviews by both the Day and Night Shop Supervisors, coupled with an additional review by the Sanitation Department Superintendent has shown that Sanco-Heil stands alone in meeting and exceeding most specifications for Bid #929308.

The City of Fayetteville presently has in service four (4) Sanco-Heil refuse bodies all of which have proven themselves to be superior in terms of operational functions and more cost effective in terms of manhours and parts to repair than other comparable bodies we have in use.

Notes on each separate bid packet are attached.

Attachments

ATTACHMENT TO MEMO DATED OCTOBER 14, 1992

SUBJECT: **Review Bid #929308**

A. Bidder: Cavalier Equipment Corporation (Low Bidder)

Reference Specification number:

6. Proposal offers side walls with a steel liner. We did not specify a liner nor do we require the equipment to have a liner. The liner is, in our opinion, an area that will contribute to maintenance cost as the equipment ages.

23. Proposal is to provide 35 gallon hydraulic oil tank. We specified a 45 gallon tank.

26. Proposal is to provide 4 inch packing panel hydraulic cylinder. We specified 5 inch cylinder.

36. Our specifications require the body to have been in production for a period of at least three (3) years. This is an important requirement because we use recommendations from previous owners of like equipment in our evaluation. This particular body style has been in production approximately 1 year. A reference check with the City of Raleigh (6 like units) and the Town of Cary (2 like units) provided what we consider as the most justification for not recommending the equipment offered by Cavalier Equipment Corp. In discussions with maintenance superintendents from Raleigh and Cary, both offered examples of problems in obtaining parts and warranty work, and indicated an increase in maintenance cost of these packer bodies over other brands. One troublesome part is the fact that the equipment delivered to Raleigh and Cary is only 6-8 months old and is already experiencing problems.

We consider our requirement of a proven, reliable packer body to be of utmost importance and recommend not awarding the contract on that basis.

B. Bidder: KABCO, Inc. (2nd Low Bidder)

Reference Specification number:

2. Proposal is to provide 2.7 cu.yd. hopper. We specified 3 cu.yd.

4. Proposal is to provide 50,000 PSI steel on tail gate sides and 80,000 PSI steel on packer plate face. We specified 100,000 PSI steel in all areas.

7. Proposal is to provide trough design floor. We specified flat floor.

8. Proposal is to **not** provide required floor supports. These are, according to bidder, not required due to design differences.

26. Proposal offers standard **6 month warranty** on hydraulic cylinders. We specified **a 3 year warranty** on 2 of the 4 cylinders. We consider this a major exception to our requirements considering the fact that 1 cylinder can cost $2000.

29. Proposal offers non-replaceable hydraulic cylinder pin bushings. We specified replaceable.

C. **Bidder: SANCO/ THE HEIL COMPANY (3rd Low Bidder -Recommended Vendor)**

All specifications are met or exceeded with exception of the hydraulic oil tank. We specify 45 gallon, they are offering 34 gallon.

The existing SANCO equipment we have has exceeded all expectations for performance and reliability and service after the sale has been excellent.

D. **Bidder: Lodal-South, Inc. (High Bidder)**

Reference Specification number:

26. Proposal is to provide **12 month warranty** on cylinders. We specified **3 year.**

32. Proposal is to provide rack and pinion dumper. We specified rotary action dumper.

All other specifications met or exceeded.

BIDDERS LIST
HIGH COMPACTION REAR-LOADING REFUSE BODY
BID #929308

Simpson Equipment Corp.
P.O. Box 2229
Wilson, NC 27893

SANCO-HEIL
1509 Murrywood Court
Columbia, SC 29212

Quality Equipment & Supply Co., Inc.
P.O. Box 26217
Charlotte, NC 28221

Cavalier Equipment Corp.
P.O. Box 2507
Roanoke, VA 24026

KABCO, Inc.
P.O. Box 20366
Raleigh, NC 27619

Lodal-South, Inc.
1036 Branchview Drive
Concord, NC 28025

BID TABULATION
CITY BID #929308
HIGH COMPACTION REAR-LOADING REFUSE BODY

OPEN: October 8, 1992
2:00 PM

BIDDER:	CAVALIER EQUIP. CORPORATION	KABCO, INC.	SANCO/ THE HEIL COMPANY	LODAL-SOUTH (ALTERNATE BID)	LODAL-SOUTH (PRIMARY BID)
YEAR, MAKE & MODEL:	'92 E-Z Pack	Leach 2RII	'92 Heil Formula	'92 Loadmaster LM 120HC	'92 Loadmaster
BID PRICE EACH:	$29,071.00	$29,907.31	$31,265.00	$32,212.00	$32,469.00
BID PRICE TOTAL:	$58,142.20	$59,814.62	$62,530.00	$64,424.00	$64,938.00
SALES & USE TAX:	$3488.53	SEE BID	SEE BID	$1,932.72	SEE BID
DELIVERY DATE:	45-60 DAYS ARO	45 DAYS ARO	60 DAYS ARO	60 DAYS ARO	60 DAYS ARO
BID DEPOSIT:	YES; CHECK 5%	YES; BOND 5%	YES; BOND 5%	YES; BOND 5%	YES; BOND 5%
PAYMENT TERMS:	NET 10 DAYS	NET 10 DAYS	NET 15 DAYS	NET 10 DAYS	NET 10 DAYS
MANUFACTURER LOCATION:	OHIO	OSHKOSH, WI	FT.PAYNE, AL	MI	MI
COMMENTS:	SEE BID	SEE BID	SEE BID	SEE BID	SEE BID

I certify the above to be an accurate and true account of all bids received.

Richard C. Hampton

Richard Craig Hampton, Purchasing Agent

DATE October 7, 1992

TO THE MAYORS OF THE CITY OF FAYETTEVILLE, AND THE TOWN OF SPRING LAKE,
MBERS OF CITY FAYETTEVILLE COUNCIL,
AND ALDERMEN OF THE TOWN OF SPRING LAKE, NORTH CAROLINA

The undersigned has read carefully the foregoing specifications, including the text of the advertisement, General Conditions and Special Conditions, and proposes to furnish and install equipment meeting or exceeding said specifications, in accordance with all requirements and conditions of this Invitation for Bids, FOB Fayetteville, North Carolina, as follows:

ITEM: 2 EACH, HIGH COMPACTION REAR-LOADING REFUSE BODY

YEAR, MAKE AND MODEL: E-Z Pack GL370II Goliath - 1992 (Current Year)

BID PRICE EACH (LESS TAX): $ 29,071.10 Each

TOTAL BID PRICE (LESS TAX): $ 58,142.20

SALES AND USE TAX EACH: (if any) $ 3,488.53

GUARANTEED DELIVERY DATE: 45 - 60 Days After Receipt of Order

BID DEPOSIT (enclosed) shall be for (2) units) YES X NO _____ AMOUNT _____

REMARKS/EXCEPTIONS: Item #8 - Please read comments; Item #23 - Please Read comments; Item #26 - Please read comments

Net 10 Days
PAYMENT TERMS

54-1016883
FEDERAL TAX ID#

Galion, Ohio - Body
MANUFACTURER LOCATION

Mounted at Cavalier in Roanoke, Va.

10-08-92

2:00 P.M.

CITY PURCHASING OFFICE
433 HAY STREET
FAYETTEVILLE, NC 28301

BID #929308

Cavalier Equipment Corporation
BIDDER

Deborah M. Beck
BY

Deborah M. Beck
ABOVE NAME TYPED OR PRINTED

Corporate Secretary
TITLE

P. O. Box 12507
ADDRESS

Roanoke, Virginia 24026

Phone: (703) 992-3355; Fax - (703) 992-2150
TELEPHONE AND FAX NUMBER

DATE 10-05-92

TO THE MAYORS OF THE CITY OF FAYETTEVILLE, AND THE TOWN OF SPRING LAKE,
MEMBERS OF CITY FAYETTEVILLE COUNCIL,
AND ALDERMEN OF THE TOWN OF SPRING LAKE, NORTH CAROLINA

The undersigned has read carefully the foregoing specifications, including the text of the advertisement, General Conditions and Special Conditions, and proposes to furnish and install equipment meeting or exceeding said specifications, in accordance with all requirements and conditions of this Invitation for Bids, FOB Fayetteville, North Carolina, as follows:

ALTERNATE BID

ITEM: 2 EACH, HIGH COMPACTION REAR-LOADING REFUSE BODY

YEAR, MAKE AND MODEL: 1992 LOADMASTER LM 120 HC

BID PRICE EACH (LESS TAX): $32,212.00

TOTAL BID PRICE (LESS TAX): $64,424.00

SALES AND USE TAX EACH: (if any) $1,932.72

GUARANTEED DELIVERY DATE: 60 days ARO--14 days ARC

BID DEPOSIT (enclosed) (shall be for (2) units) YES X NO ____ AMOUNT BID BOND

REMARKS/EXCEPTIONS: Cart Dumpers are Rack and Pinion design but operate like true rotary motion.

10 DAYS NET
PAYMENT TERMS

56-1751518
FEDERAL TAX ID#

MICH.
MANUFACTURER LOCATION

10-08-92

2:00 P.M.

CITY PURCHASING OFFICE
433 HAY STREET
FAYETTEVILLE, NC 28301

BID #929308

LODAL-SOUTH, INC.
BIDDER

BY

Shelley B. Clontz
ABOVE NAME TYPED OR PRINTED

Vice President
TITLE

2207 Fayetteville Rd.
ADDRESS

Rockingham, N.C. 28379

919-997-5632 FAX 919-895-6569
TELEPHONE AND FAX NUMBER

ORIGINAL

DATE Oct. 8, 1992

TO THE MAYORS OF THE CITY OF FAYETTEVILLE, AND THE TOWN OF SPRING LAKE,
MEMBERS OF CITY FAYETTEVILLE COUNCIL,
AND ALDERMEN OF THE TOWN OF SPRING LAKE, NORTH CAROLINA

The undersigned has read carefully the foregoing specifications, including the text of the advertisement, General Conditions and Special Conditions, and proposes to furnish and install equipment meeting or exceeding said specifications, in accordance with all requirements and conditions of this Invitation for Bids, FOB Fayetteville, North Carolina, as follows:

ITEM: 2 EACH, HIGH COMPACTION REAR-LOADING REFUSE BODY

YEAR, MAKE AND MODEL: 1992 HEIL FORMULA 5000-20 YD REAR LOADER

BID PRICE EACH (LESS TAX): $ 31,265.00

TOTAL BID PRICE (LESS TAX): $ 62,530.00 (For 2 bodies)

SALES AND USE TAX EACH: (if any) Sales tax per N.C. requirements and to be paid by the city when license tags are purchased

GUARANTEED DELIVERY DATE: WITHIN 60 DAYS AFTER RECEIPT OF CAB AND CHASSIS

BID DEPOSIT (enclosed) (shall be for (2) units) YES X NO ____ AMOUNT 5%

REMARKS/EXCEPTIONS: #4, #23, #33

Net 15
PAYMENT TERMS

39-0339980
FEDERAL TAX ID#

FT. PAYNE, ALABAMA
MANUFACTURER LOCATION

10-08-92

2:00 P.M.

CITY PURCHASING OFFICE
433 HAY STREET
FAYETTEVILLE, NC 28301

BID #929308

SANCO-HEIL
BIDDER

Chip Taylor
BY

CHIP TAYLOR
ABOVE NAME TYPED OR PRINTED

TERRITORY MANAGER
TITLE

PO BOX 8676
ADDRESS

CHATTANOOGA, TENNESSEE 37411

615 855-6370 1-800-472-6268
TELEPHONE AND FAX NUMBER

FOR HEIL EXTENDED WARRANTY ADD $400.00 FOR 6 MONTHS.

ORIGINAL

DATE 10-05-92

TO THE MAYORS OF THE CITY OF FAYETTEVILLE, AND THE TOWN OF SPRING LAKE,
MEMBERS OF CITY FAYETTEVILLE COUNCIL,
AND ALDERMEN OF THE TOWN OF SPRING LAKE, NORTH CAROLINA

The undersigned has read carefully the foregoing specifications, including the text of the advertisement, General Conditions and Special Conditions, and proposes to furnish and install equipment meeting or exceeding said specifications, in accordance with all requirements and conditions of this Invitation for Bids, FOB Fayetteville, North Carolina, as follows:

ITEM: 2 EACH, HIGH COMPACTION REAR-LOADING REFUSE BODY

YEAR, MAKE AND MODEL: 1992 LOADMASTER LM 100 HC

BID PRICE EACH (LESS TAX): $32,469.00

TOTAL BID PRICE (LESS TAX): $64,938.00

SALES AND USE TAX EACH: (if any) $1,9417.14 6% N.C. Sales Tax

GUARANTEED DELIVERY DATE: 60 days ARO--14 days ARC

BID DEPOSIT (enclosed) (shall be for (2) units) YES X NO ____ AMOUNT BID BOND

REMARKS/EXCEPTIONS:

10 DAYS NET
PAYMENT TERMS

56-1751518
FEDERAL TAX ID#

MICH.
MANUFACTURER LOCATION

10-08-92

2:00 P.M.

CITY PURCHASING OFFICE
433 HAY STREET
FAYETTEVILLE, NC 28301

BID #929308

LODAL-SOUTH, INC.
BIDDER

BY

Shelley B. Clontz
ABOVE NAME TYPED OR PRINTED

Vice President
TITLE

2207 Fayetteville Rd. Rockingham, N.C. 28379
ADDRESS

919-997-5632

FAX 919-895-6569
TELEPHONE AND FAX NUMBER

ORIGINAL

THE CITY OF FAYETTEVILLE
NORTH CAROLINA
CHARTERED 1762

ENGINEERING DEPARTMENT
433 HAY STREET

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

October 28, 1992

MEMORANDUM

TO: Mr. John P. Smith, City Manager

THROUGH: Jimmy Teal, Assistant City Manager
Planning/Development

FROM: Michael L. Walker, P.E., City Engineer MLW

SUBJECT: Annexation of Westlake Drive at Morganton Road - Phase I - Acceptance of Westlake Drive for Permanent City Maintenance

Please recall that City Council took action at their 10/5/92 meeting to annex the above referenced area (Item 3E).

Several weeks ago, the City requested that the developer conduct testing, as required, to determine the proper pavement design for this new street. Testing was conducted on the area designated as Phase I which consists of the portion of Westlake Drive from Station 0+00 (Morganton Road) to Station 10+50.

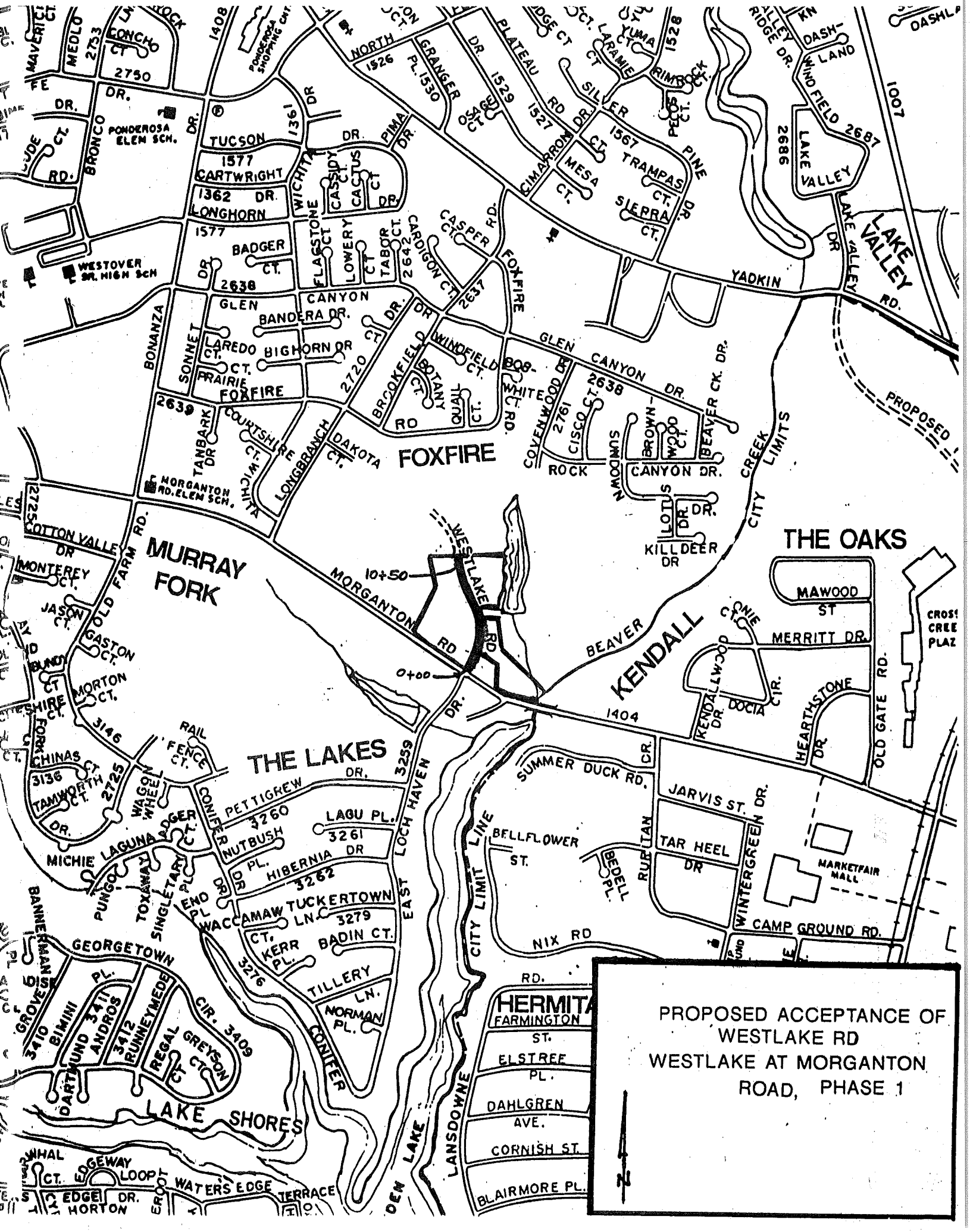
The test results revealed that the proposed street construction exceeds the minimum design strength as specified in our proposed street standards for a commercial/industrial collector. This fact, coupled with the developer's agreement of providing a 90-foot right-of-way at each proposed intersection along Morganton Road and constructing the road for three lanes, provides the City with the appropriate design and construction standards needed for this development. Since action has been taken by the City to annex this portion of the development (effective 10/31/92), we recommend that the street and drainage system be accepted for permanent City maintenance.

M E M O R A N D U M

Acceptance of future sections of Westlake Drive and other streets in the proposed subdivision would be contingent upon plans being reviewed and approved by the City similar to the method used for Phase I.

MLW/mak

Enclosure: Vicinity Map


PROPOSED ACCEPTANCE OF
WESTLAKE RD
WESTLAKE AT MORGANTON
ROAD, PHASE 1
FOXFIRE
MURRAY FORK
THE OAKS
KENDALL
THE LAKES
LAKE SHORES
LAKE VALLEY
HERMITA
PONDEROSA ELEM SCH.
WESTOVER JR. HIGH SCH
MORGANTON RD. ELEM SCH.
MARKETFAIR MALL
CITY LIMIT LINE
CITY LIMITS
PROPOSED
WESTLAKE RD
MORGANTON RD
BEAVER CREEK
10+50
0+00
TUCSON
CARTWRIGHT
LONGHORN
BADGER
GLEN CANYON
BANDERA DR.
BIGHORN DR
LAREDO
PRAIRIE
SONNET
BONANZA
TANBARK
COURTSHIP
DAKOTA
LONGBRANCH
WICHITA
FLAGSTONE
LOWERY
TABOR
CARDIGON
CASPER
FOXFIRE
BROOKFIELD
BOTANY
QUAIL
WINDFIELD
WHITE
COVENWOOD
CISCO
SUMMIT
BROWN-WOOD
BEAVER CK. DR.
ROCK CANYON DR.
LOTUS
KILLDEER
YADKIN
LAKE VALLEY
SILVER PINE
TRAMPAS
SIERRA
MESA
CIMARRON
PLATEAU
OSAGE
GRANGER
NORTH
PIMA
WINDFIELD
DASHLAND
RIDGE DR.
LARAMIE
YUMA
RIMROCK
PECOS
MAWOOD ST
MERRITT DR.
HEARTHSTONE
OLD GATE RD.
KENDALLWOOD
DOCIA
CIR.
BEAVER
OLD FARM RD.
COTTON VALLEY DR
MONTEREY
JASON
GASTON
MORTON
CHINAS
TAMWORTH
RAIL FENCE
WAGON WHEEL
CONIFER
PETTIGREW
NUTBUSH
LAGU PL.
HIBERNIA
LAGUNA
MICHIE
PUNGO
TOXAWAY
SINGLETARY
END PL
WACCAMAW
TUCKERTOWN LN.
KERR PL.
BADIN CT.
TILLERY LN.
NORMAN PL.
EAST LOCH HAVEN
SUMMER DUCK RD.
JARVIS ST.
TAR HEEL DR
BELLFLOWER ST.
BEDELL PL.
RUBLTAN
WINTERGREEN DR.
CAMP GROUND RD.
NIX RD
BANNERMAN
GEORGETOWN
GROVE
BIMINI
DARTMUND
ANDROS
RUNNEYMEDE
REGAL
GREYSON
CIR. 3409
FARMINGTON ST.
ELSTREE PL.
DAHLGREN AVE.
CORNISH ST.
BLAIRMORE PL.
LANSDOWNE
EDGEWAY
LOOP
WATERS EDGE
TERRACE
EDGE DR.
HORTON
N

THE CITY OF FAYETTEVILLE
NORTH CAROLINA
CHARTERED 1762

CITY MANAGER
FAYETTEVILLE, NC 28301-5537
433 HAY STREET

OCTOBER 29, 1992

MEMORANDUM

TO: The Mayor and Members of City Council

FROM: John P. Smith, City Manager

SUBJECT: Pri-Mark Land Donation

We have continued our negotiations with Pri-Mark for the donation of approximately 183 acres of land along the Cape Fear River just north of Clark Park. Pri-Mark has agreed to give the City a quit claim deed in return for the $80,000 payment for timber rights. Pri-Mark will not provide a warranty deed nor will they indemnify the City for any future environmental problems. Pri-Mark's position is that since they are donating the land, the City should do the title search and assume any future liability.

We have done a title search and have had the property inspected by our hazardous materials team. While I would prefer all the warranties and the indemnification, I can also understand Pri-Mark's position. They have also indicated that they have another potential tax exempt recipient for the property. They are anxious to close before the end of the year and need our response immediately. I recommend that we accept the quit claim deed as they have offered.

I suggest discussing this in executive session Monday night.

JPS:ssm

cc: Robert Cogswell, City Attorney
Robert Barefoot, Parks and Recreation Director

THE CITY OF FAYETTEVILLE
NORTH CAROLINA
CHARTERED 1762

CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

October 28, 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

The City staff has recently received two new annexation petitions. The purposes of this memo are to present the petitions to City Council and to recommend to the City Council that the annexation petition process be started for the two petition areas. The memo provides background information, it describes the two petitions, it explains the reasons for the petitions, it outlines the process, and it provides a recommendation.

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 being developed by the Broadwell Land Company.

The proposed Southland Pines development is made up of two separate tracts of land. 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.

Petitions for Tracts 1 and 2 were presented to the City Council on July 6, 1992. On August 3, 1992, the City staff reported to City Council that the two petitions were not sufficient (i.e., the Broadwell Land Company did not yet own the land).

THE TWO PETITIONS - According to Mr. Dohn Broadwell, the Broadwell Land Company does now own the land in Tracts 1 and 2. Therefore, Broadwell Land Company has submitted two new petitions. The City staff received the two petitions on October 21, 1992.

According to calculations by City staff, Tract 1 contains 25.31 acres, while Tract 2 contains 4.30 acres. Both tracts are contiguous to the City, and both tracts are proposed for residential development. (Site preparation work is underway.) It should be noted that land north of each tract, which is already inside the City, is also being developed for residential; development is at a later stage on this land already within the City.

annex80

It should also be noted that it is not possible to combine Tract 1 and Tract 2 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 investigation the sufficiency of a petition means to verify that the person or persons signing the petition actually own the property.)

RECOMMENDATION - The City staff recommends that the annexation petition process be started again for both Tract 1 and Tract 2 of Southland Pines. The City staff recommends that the City Council adopt the attached resolutions.

The following materials are submitted for the November 2, 1992, City Council meeting:

Vicinity Map
Copy of Deed (Recorded on 10-12-92)

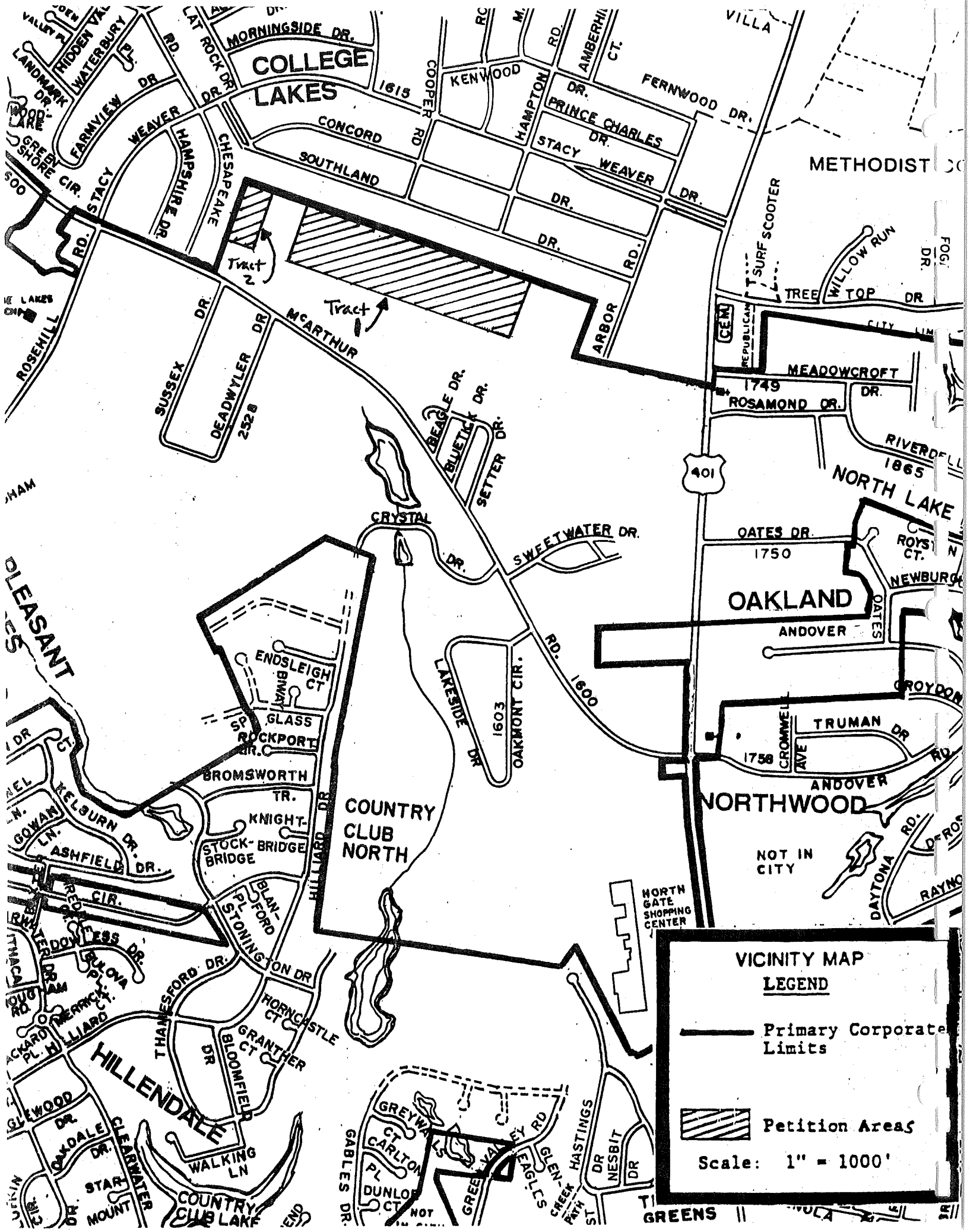
Tract 1 - Southland Pines
1. Copy of cover letter
2. Copy of annexation petition
3. Copy of legal description submitted with petition (Map submitted with petition was too large to reproduce for agenda packet.)
4. Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31

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

DN/kbl

Attachments


VICINITY MAP
LEGEND
Primary Corporate Limits
Petition Areas
Scale: 1" = 1000'
COLLEGE LAKES
COUNTRY CLUB NORTH
HILLENDALE
OAKLAND
NORTHWOOD
NORTH LAKE
METHODIST
NOT IN CITY
NORTH GATE SHOPPING CENTER
Tract 1
Tract 2
McARTHUR
401
1600
1615
1749
1750
1758
1865
1603
2528
MORNINGSIDE DR.
KENWOOD
FERNWOOD DR.
PRINCE CHARLES DR.
CONCORD
SOUTHLAND
STACY WEAVER DR.
CHESAPEAKE
HAMPSHIRE DR.
FARMVIEW DR
SUSSEX DR.
DEADWYLER DR
ROSEHILL
ARBOR RD.
MEADOWCROFT
ROSAMOND DR.
TREE TOP DR
WILLOW RUN
SURF SCOOTER
BEAGLE DR.
BLUETICK DR.
SETTER DR.
CRYSTAL DR.
SWEETWATER DR.
OATES DR.
ANDOVER
TRUMAN DR
CROMWELL AVE
LAKESIDE DR
OAKMONT CIR.
ENDSLEIGH CT
GLASS
ROCKPORT CIR.
BROMSWORTH TR.
KNIGHT
STOCK-BRIDGE
KELBURN DR.
ASHFIELD DR.
STONINGTON DR
THAMESFORD DR.
HORNCASTLE CT
GRANTHER CT
BLOOMFIELD DR
WALKING LN
COUNTRY CLUB LAKE
GREYWALLS CT
CARLTON PL
DUNLOP CT
GABLES DR.
HASTINGS DR
NESBIT DR
GREENS
DAYTONA RD.
RAYNO
OAKDALE DR.
CLEARWATER
STAR
MOUNT
HILLIARD DR
BLANFORD PL
MERRICK CT.
PACKARD PL
GOWAN LN.
LANDMARK DR.
HIDDEN VALLEY PL
WATERBURY RD
LAT ROCK DR
COOPER RD
HAMPTON RD.
AMBERHI CT.
VILLA
OLEASANT

STATE OF NORTH CAROLINA
OCT 12 '92
Real Estate Excise Tax
828.00
BK 10716
45755

BK3858PG0359

108395

RECEIVED
92 OCT 12 PM 2:36
GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

Excise Tax $828.00

Recording Time, Book and Page

Tax Lot No. ..... Parcel Identifier No. .....

Verified by ..... County on the ..... day of ....., 19.....

by .....

Mail after recording to J. Duane Gilliam, Attorney at Law, P. O. Box 629, Fayetteville, NC 28302

This instrument was prepared by J. Duane Gilliam, Attorney at Law

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 15th day of June, 19 92, by and between

GRANTOR	GRANTEE
CHARLES E. PRICE and wife, SARAH P. PRICE; DIGNOR G. PINER and wife, HELEN K. PINER; THOMAS M. PINER and wife, VIOLET PINER; SAMUEL G. PINER and wife, FRANCES L. PINER; MARJORIE S. PINER JENNINGS and husband, HAROLD JENNINGS; BENJAMIN PINER, Single; LISA P. BROWN and husband, ROBERT BROWN; and PEGGY P. THURMAN and husband, DANNY THURMAN	BROADWELL LAND COMPANY, a North Carolina corporation P. O. Box 53587 Fayetteville, NC 28305

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Fayetteville, Carvers Creek and Cross Creek Townships CUMBERLAND County, North Carolina and more particularly described as follows:

PIN Numbers:

0530-41-3757-	0530-32-2205-	0530-22-6094-
0530-41-3615-	0530-22-8308-	0530-12-9387
0530-41-2572-	0530-22-4511-	0530-22-0604-
0530-41-2430-	0530-31-8671-	0530-22-3246-
0530-41-1298-	0530-31-4775-	
0530-31-9996-	0530-31-0889-	
0530-32-5191-		

FIRST TRACT:
BEING that 30.64 acres, more or less, tract of land more particularly described on EXHIBIT "A" attached hereto and made a part hereof.

SECOND TRACT:
BEING that 5.36 acres, more or less, tract of land more particularly described on EXHIBIT "B" attached hereto and made a part hereof.

174

14.00

Southland Pines -
Tract 1

BROADWELL LAND COMPANY
PO BOX 53587
FAYETTEVILLE, NC 28305
(919) 484-5193
FAX (919) 484-2036

October 16, 1992
Received 10-21-92

Mr. David Nash
City of Fayetteville
Annexation Coordinator
433 Hay Street
Fayetteville, NC 28301

HAND DELIVERY

RE: Southland Pines Subdivision
Tract 1

Dear Mr. Nash:

Enclosed you will find a Petition Requesting Annexation for a 30.64 acre tract of land off Southland Drive. This tract is directly behind a 6.47 acre tract that is currently in the City and a part of this Subdivision.

Along with the petition, we are including a copy of the preliminary subdivision plan and a copy of our deed.

If you should need any further assistance or information please contact our office at (919) 484-5193.

Sincerely,

BROADWELL LAND COMPANY

BLC/pr

Enclosure

Southland Pines-
Tract 1

Received 10-21-92

PETITION REQUESTING ANNEXATION
(CONTIGUOUS AREA)

Date October 15, 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
30.64 acre tract off Southland Drive

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.

NAME	ADDRESS
1. BROADWELL LAND COMPANY	903 HAY STREET, PO BOX 53587
2. Don B. Broadwell, President	Fayetteville, NC 28305
3. [signature]	
4.	
5.	
6.	
7.	

02508

EXHIBIT "A" attached to deed dated June 15, 1992, from Charles E. Piner et al to Broadwell Land Company:

BK 3858 PG 0362

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

Southlane Pines
Tract 1

June 2, 1992

Broadwell-Piner
30.64 Acre Tract

BEGINNING at 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 and running

thence with the eastern line of said tract, North 19 degrees 07 minutes 19 seconds East, 645.98 feet to a point;

thence leaving the eastern line of said tract, South 70 degrees 44 minutes 42 seconds East, 2088.54 feet to a point in the western line of a tract recorded in Deed Book 2778, Page 99 Cumberland County, North Carolina Registry;

thence South 19 degrees 43 minutes 50 seconds West, 633.86 feet to an iron stake, said iron stake being a common corner of the aforementioned tract recorded in Deed Book 2778, Page 99;

thence North 71 degrees 04 minutes 45 seconds West, 2081.81 feet to the point of beginning.

Containing 30.64 acres, more or less. And being a major portion 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.

The above described tract is subject to any easements of record.

Prepared by MOORMAN & KIZER, INC., Fayetteville, North Carolina

SOUTHLAND PINES
TRACT 1
(BROADWELL LAND COMPANY)

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 November 2, 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 2nd day of November, 1992.

J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

Southland Pines-
Tract 2

BROADWELL LAND COMPANY
PO BOX 53587
FAYETTEVILLE, NC 28305
(919) 484-5193
FAX (919) 484-2036

October 16, 1992
Received 10-21-92

Mr. David Nash
City of Fayetteville
Annexation Coordinator
433 Hay Street
Fayetteville, NC 28301

HAND DELIVERY

RE: Southland Pines Subdivision
Tract 2

Dear Mr. Nash:

Enclosed you will find a Petition Requesting Annexation for a 4.30 acre tract of land off Southland Drive. This tract is part of the Second Tract on Deed 3858, Page 359. The front 1.06 acre portion of the 5.36 acre tract is currently in the City. The description enclosed is for the 4.30 acres only.

Along with the petition, we are including a copy of the preliminary subdivision plan and a copy of our deed.

If you should need any further assistance or information please contact our office at (919) 484-5193.

Sincerely,

BROADWELL LAND COMPANY

BLC/pr

Enclosure

Southland Pines - Tract 2

Received 10-21-92

PETITION REQUESTING ANNEXATION
(CONTIGUOUS AREA)

Date October 15, 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
4.30 acre tract off Southland Drive

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.

NAME	ADDRESS
1. BROADWELL LAND COMPANY	903 HAY STREET, PO BOX 53587
2. Don B. Broadwell, President	Fayetteville, NC 28305
3. [signature]	
4.	
5.	
6.	
7.	

02508

MOORMAN, KIZER & REITZEL, INC.
Engineers, Planners and Surveyors
115 BROADFOOT AVENUE • POST OFFICE BOX 53774
FAYETTEVILLE, NORTH CAROLINA 28305

TELEPHONE: (919) 484-5191
FAX: (919) 484-0388

Southland Pines - Tract 2

October 16, 1992

4.30 Acre Tract
South of Southland Drive
Part of Deed Book 2053, Page 673

BEGINNING at an iron stake, said iron stake being the southwest corner of a tract recorded in Deed Book 2053, Page 645 of the Cumberland County, North Carolina Registry; running

thence North 71 degrees 17 minutes 43 seconds West, 348.19 feet to an iron stake in the eastern line of a plat recorded in Plat Book 33, Page 49 of the Cumberland County, North Carolina Registry running;

thence, with the eastern line of said plat North 21 degrees 43 minutes 50 seconds East, 557.65 feet to a point;

thence, leaving the eastern line of said Plat, South 70 degrees 12 minutes 00 seconds East, 327.78 feet to a point in the western line of the tract recorded in Deed Book 2053, Page 645 of the Cumberland County, North Carolina Registry

thence, with the western line of said tract, South 19 degrees 38 minutes 15 seconds West, 550.68 feet to the point of beginning.

Containing 4.30 Acres more or less and being a major portion of that tract recorded in Deed Book 2053, Page 673 of the Cumberland County, North Carolina Registry.

The above described tract is subject to any easements of record.

Prepared by MOORMAN, KIZER & REITZEL, INC., Fayetteville, N.C.

SOUTHLAND PINES
TRACT 2
(BROADWELL LAND COMPANY)

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 November 2, 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 2nd day of November, 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

October 28, 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 - Annexation Petition - (Pizza Hut and Taco Bell Sites - Ramsey Street) - Certificate of Sufficiency and Resolution Fixing Date of Public Hearing

On October 19, 1992, the City Council received a new annexation petition. The petition requested that two sites located on the western side of Ramsey Street, south of College Lakes, be annexed. (See Map #1 and Map #2.) A Pizza Hut and Taco Bell are proposed for the two sites. Construction has started on the Pizza Hut.

On October 19, the City Council adopted a resolution directing the City Clerk to investigate the sufficiency of the petition. (To investigate the sufficiency means to verify that the person or persons signing the petition actually own the property, and to verify that the petition contains the signature of all the property owners.)

The purposes of this memo are to present findings regarding whether the petition is sufficient, to describe the next steps in the annexation petition process, and to recommend to the City Council that a public hearing be set.

Findings Regarding Whether The Petition Is Sufficient

The staff of the City's Real Estate Division has investigated the sufficiency of the petition by checking land ownership records in the Register of Deeds Office. As of October 28, the petition is sufficient. The Real Estate Division will attempt to update the investigation on Monday, November 2. So long as no changes in ownership occur between October 28 and November 2, the City staff feels confident in reporting that the petition will be sufficient as of November 2. Therefore, a Certificate of Sufficiency is attached.

annex79

A copy of the petition is also attached. There are three names of owners on the petition. The names on the petition are difficult to read. The names of the owners are as follows:

Name	Address
1. Clyde E. Kellar, Managing Partner R & W Pizza Huts of North Carolina Building Partnership	P.O. Box 41007 Fayetteville, NC 28309
2. William D. Ratley	2218 Winterlochen Drive Fayetteville, NC 28305
3. Louise Ratley	2218 Winterlochen Drive Fayetteville, NC 28305

Next Steps In The Annexation Petition Process

Pursuant to State Statute, the next step in the annexation process is for the City Council to consider the adoption of a resolution fixing a date for a public hearing for this area. Notice of the public hearing must then be advertised. The City Council can then hold a public hearing for the area. After holding a public hearing, the Council will have the authority to adopt an ordinance annexing the area. The City Council will have the authority to make the ordinance effective immediately or on any specified date within six months from the date of passage of the ordinance.

Staff Recommendation

The City staff recommends that the City Council adopt the attached resolution fixing a date for a public hearing. The recommended public hearing is December 7, 1992.

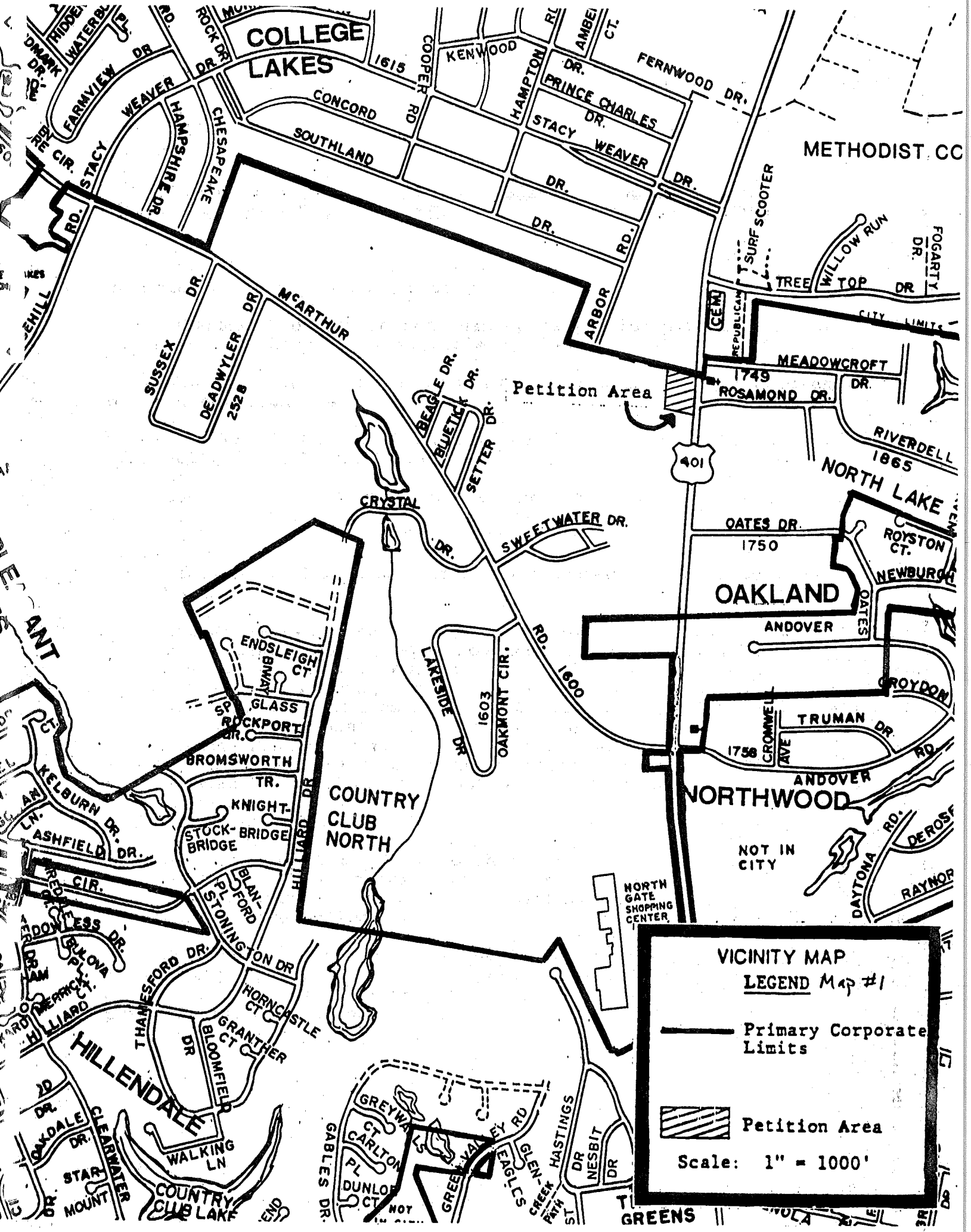
The following materials are submitted for the November 2, 1992, City Council meeting:

1. Map #1 - Vicinity Map
2. Certificate of Sufficiency
3. Copy of Annexation Petition
4. Resolution Fixing Date of Public Hearing (The legal description written by the staff of the City Engineering Department is contained within the resolution. This legal description includes a portion of the right-of-way of Ramsey Street.)
5. Map #2 - Legal Description Map

DN/kbl

Attachments

annex79


COLLEGE LAKES
METHODIST CC
Petition Area
OAKLAND
NORTHWOOD
NORTH LAKE
COUNTRY CLUB NORTH
HILLENDALE
COUNTRY CLUB LAKE
GREENS
NOT IN CITY
NORTH GATE SHOPPING CENTER
VICINITY MAP
LEGEND Map #1
Primary Corporate Limits
Petition Area
Scale: 1" = 1000'

PIZZA HUT AND
TACO BELL SITES
RAMSEY STREET

CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Fayetteville, North Carolina.

I, Bobbie A. Joyner, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Fayetteville, this 2nd day of November, 1992.

(SEAL)

Bobbie A. Joyner, City Clerk

Received 10-9-92

PETITION REQUESTING ANNEXATION
(CONTIGUOUS AREA)

Date October 9, 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 point in the western margin of U.S. 401 - Raleigh Road (100 foot right-of-way), said point also being on the existing City of Fayetteville city limit line and being the northeast corner of that property owned by J.P. Riddle as recorded in Deed Book 2578, Page 99, Cumberland County Registry;

thence with said western margin of Raleigh Road South 06 degrees 16 minutes West 350.00 feet to a point;

thence leaving said western margin of Raleigh Road North 74 degrees 22 minutes East 260.00 feet to a point;

thence North 06 degrees 16 minutes East 350.00 feet to a point in the northern boundary of said J.P. Riddle property as was referenced above, said point also being on the existing City of Fayetteville city limit line;

thence with said northern boundary of J.P. Riddle property as referenced above and with the City of Fayetteville city limit line South 74 degrees 22 minutes East 260.00 feet to the point and place of BEGINNING and containing 2.1 acres more or less.

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Fayetteville.

NAME	ADDRESS
1. Ruffin Pizza Huts of North Carolina, Bldg Partnership	P.O. Box 41007
By Clyde E Ruffin	Fayetteville NC 28309
3. [illegible]	Fayetteville, NC 28305
4. Louise Ratley	Fayetteville, NC 28305
5.	
6.	
7.	