

FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
APRIL 20, 1992
7:00 P.M.

RESOLUTIONS

RESOLUTIONS

1. Resolution regarding the...

RESOLUTIONS

2. Resolution regarding the...

ADMINISTRATIVE REPORTS

A. Discussion of items for...

B. Presentation of proposed...

C. Report on the...

D. Report of the...

PUBLIC HEARINGS

Public hearings were held on...

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FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 20, 1992
7:00 p.m.

Kendrick } Absent
Bolton }
Exwell

INVOCATION - PLEDGE OF ALLEGIANCE

RECOGNITION:

~~7/0~~ 7/0
ITEM 1. Approval of Agenda

7/0
ITEM 2. Consent:

- A. Approve minutes of regular meeting of April 6, 1992.
- B. Approve tax refunds for over \$100. (See attached list)
- C. Set public hearing to consider request for reduction of speed limit on Wedgewood Drive.
- D. Award contract for structures and equipment for the County Park Substation and Raeford Road Substation to Hamby-Young Power Supply Products, Inc., low bidder. (PWC)
- E. Award contract for 230-66 kV Substation Autotransformer to WESCO, low bidder, and a contract for a Second 242 kV Fault Interrupter to Rigby Electric, sole bidder. (PWC)
- F. Award contract for Electronic Reclosers and Recloser Control Tester to Eastern Electric Supply, low bidder. (PWC)
- G. Award contract for a Crawler Dozer to North Carolina Equipment Company, low bidder. (PWC)

ITEM 3. Public Hearings:

- A. Consideration of the rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification for an area located on the east side of Distribution Drive (SR 2414), north of Country Club Drive (US 401 Bypass). (P92-16)

PRESENTED BY: Planning Board Staff

RECOMMENDED ACTION: Planning Board recommended approval of C3 for the first 500 feet of depth along Distribution Drive only

- A
7/0
- B. Consideration of rezoning from R10 Residential District to R5 Residential District or to a more restrictive zoning classification for an area located on the east side of Cain Road, between Woodbine Avenue and Rogers Drive. (P92-17)

Dany
7/0
PRESENTED BY: Planning Board Staff

RECOMMENDED ACTION: Planning Board recommended denial of R5 and approval of R6

- C. Consideration of adoption of amendment to Chapter 20 of the City of Fayetteville Code of Ordinances for No Parking on Chatham Street from Moore Street to Rowan Street.

A
7/0
PRESENTED BY: City Traffic Engineer

RECOMMENDED ACTION: Adoption

A 7/0 D. Initial zoning

- ITEM 4. Consideration of options for containerized trash and garbage collection services.

4/3 (Ch, MCB, T)
Option #1
PRESENTED BY: City Manager

RECOMMENDED ACTION: Approval

- ITEM 5. Consideration of offer to purchase property located at 225-227 Hay Street.

Advt.
5/2 (Ch, MCB)
PRESENTED BY: City Manager

RECOMMENDED ACTION: Authorize advertisement for upset bids

- ITEM 6. Administrative Reports:

- A. Discussion of Fiscal Year 1992-93 Budget
- B. Presentation of proposed City seal.
- C. Statement of taxes collected for the month of March 1992 from the Cumberland County Tax Collector.
- D. Report of tax refunds of less than \$100.

E. Amend. 20-160

1000

1000

1000

1000

1000

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PRESENTED BY: Planning Board Staff

RECOMMENDED ACTION: Planning Board recommended approval of C3 for the first 500 feet of depth along Distribution Drive only

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PRESENTED BY: City Traffic Engineer

RECOMMENDED ACTION: Adoption

ITEM 4. Consideration of options for containerized trash and garbage collection services.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Approval

ITEM 5. Consideration of offer to purchase property located at 225-227 Hay Street.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Authorize advertisement for upset bids

ITEM 6. Administrative Reports:

A. Discussion of Fiscal Year 1992-93 Budget

B. Presentation of proposed City seal.

C. Statement of taxes collected for the month of March 1992 from the Cumberland County Tax Collector.

D. Report of tax refunds of less than \$100.

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

Individuals who have not made a written request to speak on a non-public hearing item may submit written materials to the City Council on the subject matter by providing fifteen (15) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

Ordinance No. S1992-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES
OF THE CITY OF FAYETTEVILLE

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

Section 1. Section 20-160, of the Code of Ordinances of the City of Fayetteville, as adopted by the City Council on October 7, 1991 (Section 8, Ordinance No. S1991-020), is amended by redesignating said section as Section 20-159.1.

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

Adopted this ____ day of April, 1992.

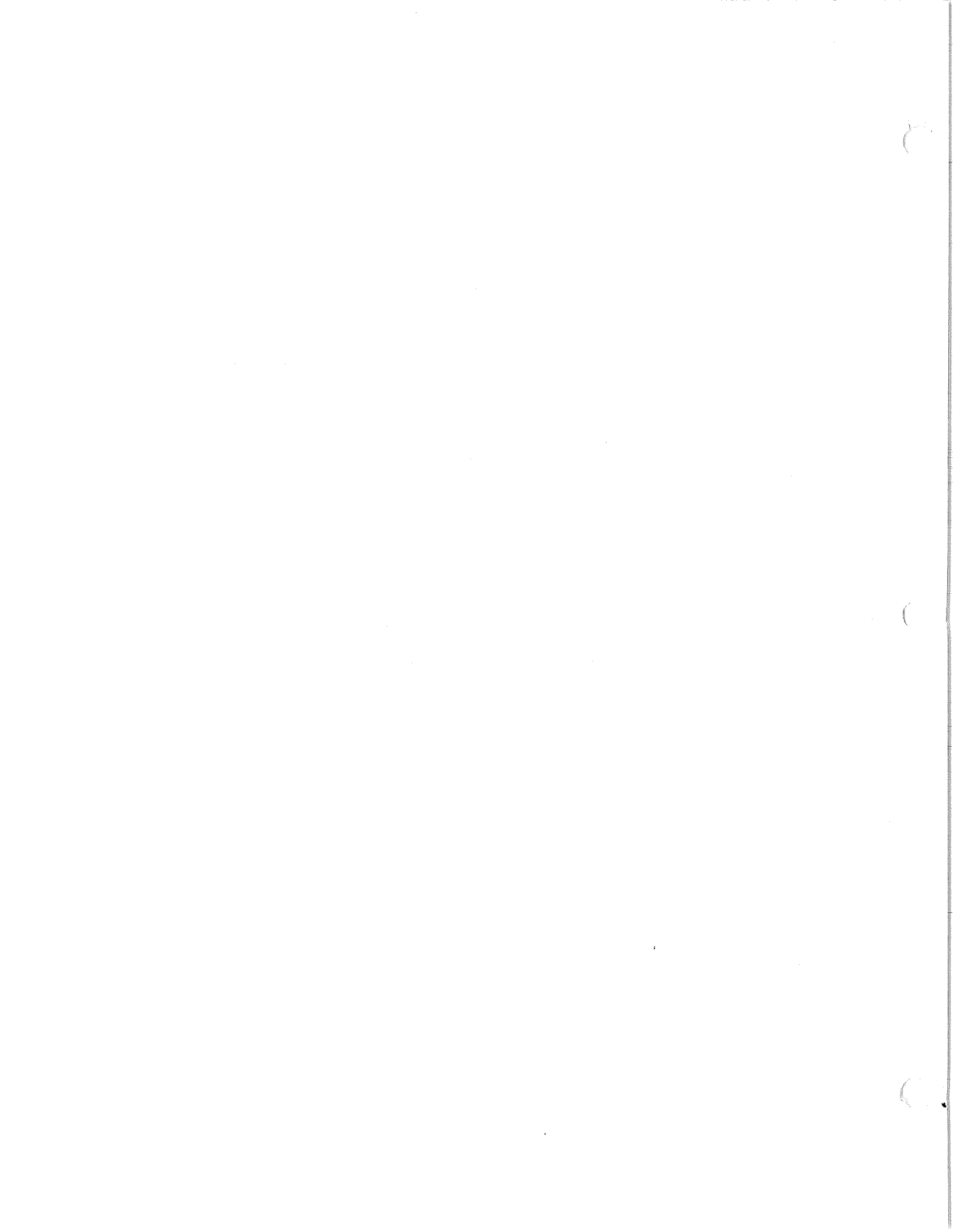
CITY OF FAYETTEVILLE

By: _____
J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

0012.5



FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBERS
433 HAY STREET
MONDAY, APRIL 6, 1992
7:00 P.M.

DRAFT

Present: Mayor J. L. Dawkins

Councilmembers Mildred Evans (at-large); Milo McBryde (at-large); Nat Robertson (at-large); Tommy Bolton (District 1); Ida Ross (District 2) (arrived at 7:10 p.m.); Joseph Pillow (District 3); Theibert Torrey (District 4); Suzan Cheek (District 5); and Mark Kendrick (District 6)

Others Present: John P. Smith, City Manager
Roger L. Stancil, Deputy City Manager
John B. Brown, Jr., Assistant City Manager for Administration and Finance
Jimmy Teal, Assistant City Manager for Planning and Development
Beryl Wade, Assistant City Attorney
Jason Brady, Public Information Officer
Mike Walker, City Engineer
Louis Chalmers, Traffic Engineer
Richard Herrera, Community Services Director
Al Mitchell, Assistant City/County Planning Director
Tim Wood, PWC Manager
Members of the Press

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

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Reverend Maurice Lancaster, Victory United Methodist Church, 2008 Southern Avenue, followed by the Mayor leading in the Pledge of Allegiance to the American Flag.

RECOGNITION - Miss Teen Fayetteville 1992 - Wendy Marie Williams. Mayor Dawkins presented her with six beautiful long-stem red roses.

Councilmember Ross arrived at the Council Meeting at 7:10 p.m.

Mayor Dawkins recognized the class members from the State and Local Government Class at Methodist College, taught by Dr. Suzan Cheek, present in the audience to observe the Council Meeting.

1. Approval of Agenda

City Manager John Smith requested to add the PWC matters A. through L., awarding contracts as Item 3C, following the public hearings. He requested to add as Item 9., the amendment to the picketing ordinance and as Item 10., the discussion of demolition of two buildings on Hay Street.

Councilmember Bolton moved to approve the agenda with the additions as requested, seconded by Councilmember Robertson and carried unanimously.

2. Consent:

Mayor Dawkins presented the consent agenda and asked if any items should be removed before calling for action. Mayor Pro-Tem Evans requested to pull Item 2D. for discussion and Councilmember Cheek requested to pull Item 2H. for discussion. Councilmember Kendrick moved to approve the consent agenda with the exceptions of 2D. and 2H. After a second from Councilmember McBryde, the consent agenda and following items were unanimously approved.

A. Approve minutes of regular meeting of March 2, 1992.

B. Approve minutes of regular meeting of March 16, 1992.

C. Approve tax refunds for over \$100.

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

<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
Wing Air Lease, Inc.	1990 Acura located and registered in the State of Ohio.	1990 Acura	\$118.03
Arnold, William T., Jr., & wife Peg	Mercedes failed to be deleted during data entry.	Personal property only	\$117.28
Fett, Kevin M. & Sherry J.	Listed vehicles by mistake in 91--not registered in NC.	Lt 97 Ascot Sec 4 Rt 1 (0.27 acres)	\$110.05
Goble, Dale Elwood	Illegal tax: Military non-resident.	Personal property only	\$126.55
Tucker, Edryce N. & Ricky	Illegal tax: Military non-resident. LES filed late.		\$116.67
Townsend, William Frank	Building in process of being moved, 40 percent functional applied.	Res 513 Westmont Drive, .39 acres	\$215.40
Azama, Wesley J.	Illegal tax: Military exemption. Not given, LES received 1-92.		\$273.94

D. (Pulled for discussion)

E. Set public hearing for May 4, 1992, to consider an application by James M. Kizer for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances from Chapter 32, Article IV, Section 32-33, Item 1(a) to allow automobile off-street parking in an R5 Residential District for an area located at the southeast corner of the intersection of Mechanic Street and Webb Street and being a portion of the property of Charles E. Warren and wife, Lucile Warren, as evidenced by deed recorded in Deed Book 2272, Page 499, and all of Deed Book 3723, Page 46, Cumberland County Registry. (P92-26)

F. Set public hearing to consider request for No Parking on Chatham Street from Moore Street to Rowan Street.

G. Adopt ordinance revising Section 20-106, Traffic Schedule No. 6 - Stop Intersections and Schedule No. 14 - Yield Right-of-Way.

AN ORDINANCE AMENDING SECTION 20-106, MOTOR VEHICLES AND TRAFFIC (TRAFFIC SCHEDULE NO. 6 - STOP INTERSECTIONS - DEEP CREEK ROAD AND VARIOUS ROADS). ORDINANCE NO. NS1992-020.

AN ORDINANCE AMENDING SECTION 20-106, MOTOR VEHICLES AND TRAFFIC (TRAFFIC SCHEDULE NO. 14 - YIELD RIGHT-OF-WAY - SAPONA ROAD). ORDINANCE NO. NS1992-021.

Copies of the foregoing ordinances are on file in the Clerk's Office in Ordinance Book NS1992.

H. (Pulled for discussion)

I. Adopt resolution authorizing sale of City property.

RESOLUTION AUTHORIZING THE SALE OF CITY PROPERTY (TRACT - CHRISTIAN/DEEP CREEK \$800.00). RESOLUTION NO. R1992-039.

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

J. Adopt resolutions concerning Bullock Street:

- a. Accept Bullock Street between Christian Street and Martin Road.

RESOLUTION AUTHORIZING ACCEPTANCE OF A PORTION OF BULLOCK STREET.
RESOLUTION NO. R1992-040.

- b. Adopt a preliminary resolution setting a public hearing for May 4, 1992, to consider the closing of Bullock Street between Christian Street and Martin Road.

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF BULLOCK STREET. RESOLUTION NO. R1992-041.

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

- K. Award contract to Crowell Constructors (Proposal A) and Liles Plumbing, Inc. (Proposal B), low bidders, for Adams Court, Apartments for the Elderly - Utility and Site Development.

Bids were received as follows:

Proposal A - General Construction

Total of 4 bids received with three low bids listed below:

1. Crowell Constructors	\$162,830
2. Triangle Paving	\$176,036
3. Barnhill Construction	\$177,777
Consultant Estimate	\$131,162

Proposal B - Sanitary Sewer and Water Construction

Total of 3 bids received, as listed below:

1. Liles Plumbing, Inc.	\$ 40,000
2. McDonald Grading	\$ 51,200
3. Triangle Paving	\$ 51,492
Consultant Estimate	\$ 52,820

Proposal C - Irrigation Installation

No valid bids received.

Proposal D - Seeding and Landscaping Planting

No valid bids received.

A copy of the bid tabulation is attached to and made a part of these minutes.

- L. Adopt resolution authorizing transfer of surplus property to Cumberland County.

RESOLUTION AUTHORIZING TRANSFER OF INTERGOVERNMENTAL PROPERTY TO THE COUNTY OF CUMBERLAND (FIRE DEPARTMENT - 4 MOTOROLA II PAGERS AND TWO CHARGERS). RESOLUTION NO. R1992-042.

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

- M. Approve request for fireworks display from Fayetteville Generals.

- N. Adopt ordinance imposing a lien on property located at 415 Kyle Street. (Owner: Roshie Drake)

AN ORDINANCE IMPOSING A LIEN (415 KYLE STREET - OWNER: ROSHIE DRAKE). ORDINANCE NO. NS1992-019.

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

- 2D. Set public hearing for May 4, 1992, to consider an addition of an MH(0) Manufactured Home Overlay District in an R6 Residential District to allow Class A manufactured homes in an area not otherwise designated by zoning to allow manufactured homes on individual residential lots for an area bordered by Troy Drive to the north, NC Hwy 53-210 to the east, Little Avenue to the west and Oxford Circle to the south. (P91-67)

Mayor Pro-Tem Evans stated she was not aware that the City had an overlay district. Al Mitchell, Assistant Planning Director, responded the City did adopt the overlay district a couple of years ago, but this is the first case.

Mayor Pro-Tem Evans moved to approve the setting of the public hearing as recommended, seconded by Councilmember Pillow and carried unanimously.

- 2H. Advertise lease agreement between City of Fayetteville and Amtrak for train station property.

Councilmember Cheek asked if we would have an opportunity to adjust terms of lease or ask questions about that before it is signed, if it is approved for advertisement tonight. She referred to page 3(e) of the proposed lease because it shows an April 30, 1996, completion date and she hoped this date could be moved up. Deputy City Manager Roger Stancil responded that April 30, 1996, is the termination date for everything leased to CSXT, and the lease calls for everything to be terminated before that date.

Councilmember Cheek moved to approve the advertising of the lease agreement as recommended, seconded by Councilmember Bolton and carried unanimously.

3. Public Hearings:

Mayor Dawkins read the time limit for the public hearings and non-public hearings.

- A. Consideration on Community Development Block Grant (CDBG) funding for Fiscal Year 1992-1993.

This item was presented by Community Services Director Richard Herrera. He stated the agenda packet contained the Commission's funding recommendations along with comments that were made at all the public hearings to include comments received by mail. Mr. Herrera's presentation showed a request for senior citizen housing rehabilitation which had not been approved in two years, and the lighting of the basketball court at Seabrook Recreation Center, which is much needed. At the conclusion of his presentation, Mr. Herrera recommended that Council adopt the funding recommendations for FY 1992-93 as follows:

1. Housing Rehabilitation - (University Estates)	\$ 214,500
2. Housing Rehabilitation - (Deep Creek Road Area)	300,000
3. Housing Rehabilitation - Senior Citizen (City-wide Deferred Loan Program)	300,000
4. Emergency Home Repair Program (City-wide Deferred Loan Program)	100,000
5. Seabrook Recreation Center (Basketball Court Lighting)	7,500
6. Administration	<u>230,000</u>
	\$1,152,000

The public hearing was opened at 7:25 p.m. and there being none to speak in favor or opposition, the public hearing was closed.

Councilmember Cheek stated she would not be able to vote in favor of this because of the lack of recreational facilities and law enforcement in these areas. Mr. Herrera responded that we have put monies in for recreation, and there was a recommendation for a police substation in that area, however, HUD stated that monies are usually designated for housing. Councilmember Bolton agreed with Councilmember Cheek stating that he is concerned with the neighborhood needs such as the police protection and the social programs.

Following some discussion, Mayor Pro-Tem Evans moved to approve the funding recommendations as set up, seconded by Councilmember Ross and carried 7 to 2 with Councilmembers Bolton and Cheek voting in opposition.

B. Consideration of sidewalk patching assessment rolls and final confirmation on the following streets:

1. East Rowan Street (north side)
2. East Rowan Street (south side)
3. Pittman Street
4. Hay Street (south side)
5. Person Street (north side)

The public hearing was opened at 7:38 p.m. and there being none to speak in favor or opposition to the assessment rolls, the public hearing was closed.

RESOLUTION CONFIRMING ASSESSMENT ROLLS AND LEVYING ASSESSMENTS (EAST ROWAN STREET - NORTH SIDE). RESOLUTION NO. R1992-043.

RESOLUTION CONFIRMING ASSESSMENT ROLLS AND LEVYING ASSESSMENTS (EAST ROWAN STREET - SOUTH SIDE). RESOLUTION NO. R1992-044.

RESOLUTION CONFIRMING ASSESSMENT ROLLS AND LEVYING ASSESSMENTS (PITTMAN STREET). RESOLUTION NO. R1992-045.

RESOLUTION CONFIRMING ASSESSMENT ROLLS AND LEVYING ASSESSMENTS (HAY STREET - SOUTH SIDE). RESOLUTION NO. R1992-046.

RESOLUTION CONFIRMING ASSESSMENT ROLLS AND LEVYING ASSESSMENTS (PERSON STREET - NORTH SIDE). RESOLUTION NO. R1992-047.

Councilmember Kendrick introduced the foregoing resolutions and moved their adoption at 7:38 p.m., seconded by Councilmember McBryde and carried unanimously.

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

C. PWC Matters

This item was presented by PWC Manager Tim Wood. He stated the items A. through L. were awarding of contracts to either the low evaluated bidder, or the low bidder, or the sole bidder.

Mayor Pro-Tem Evans moved to award the contracts to the low evaluated bidders as recommended, seconded by Councilmember McBryde and carried unanimously.

Bid tabulations are attached to and made a part of these minutes.

4. Consideration of resolution directing the clerk to investigate an annexation petition received under G.S. 160A-31. (Pepperidge Mobile Home Park - 1802 Shaw Road - Contiguous Area)

This item was presented by Deputy City Manager Roger Stancil with a recommendation to adopt a resolution.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 (PEPPERIDGE MOBILE HOME PARK). RESOLUTION NO. R1992-048.

Councilmember McBryde introduced the foregoing resolution and moved its adoption, seconded by Councilmember Kendrick and carried 8 to 1 with Councilmember Torrey voting in opposition.

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

5. Consideration of proposals for containerized trash and garbage collection services.

This item was presented by City Manager John Smith with recommendations from the User Committee showing six (6) options. Following some discussion, Mayor Pro-Tem Evans moved to approve Option 1 to award to the low bidder of ARS in the amount of \$306,000. The motion was seconded by Councilmember Ross.

Following lengthy discussion, Councilmember Bolton moved to delay this item for two weeks and have staff return some information on subsidizing on the open market. The motion was seconded by Councilmember Kendrick and carried 5 to 4 with Councilmembers Evans, Robertson, Pillow and Ross voting against.

6. Report from Streets and Roads Committee:

- A. Request for traffic signal and turn lane on Village Drive at proposed entrance to Cape Fear Valley Medical Center. (John Carlisle, Administrator, Cape Fear Valley Medical Center, has requested to speak on this item.)

This item was presented by City Manager John Smith.

Councilmember Cheek moved to approve the request with two-thirds of the cost of the traffic signal light being paid by the City and one-third being paid by the Medical Center. The motion was seconded by Councilmember McBryde and carried 7 to 2 with Councilmembers Kendrick and Torrey voting in opposition.

B. Review of plans for paving of Pate Drive.

This item was presented by City Manager John Smith with a committee recommendation to install a standard constructed street but with asphalt curbing to preserve the trees along the roadway and to provide adequate drainage.

Mayor Pro-Tem Evans moved to follow the recommendation of the committee, seconded by Councilmember Ross and carried unanimously.

C. Review of proposed street standards.

This item was presented by City Manager John Smith with the committee's recommendation that the proposals within the report be accepted but that all curbing be concrete except in unusual situations.

Mayor Pro-Tem Evans moved to bring this item before the Council Information Meeting on April 27, seconded by Councilmember McBryde. Councilmember Kendrick offered a friendly amendment to have a public hearing at the Information Meeting without the 15-minute time constraints. Councilmembers Evans and McBryde accepted the friendly amendment. The motion carried 9 to 0.

D. Report on Raeford Road and Executive Place traffic signal request.

This report was submitted in the agenda packet, and Council took no action.

E. Report on Owen Drive and All American Expressway traffic operations.

This report was submitted in the agenda packet with no action by Council.

F. Discussion of proposed street lighting program.

This item was presented by City Manager John Smith stating that the committee recommended the proposal from staff to upgrade the lighting at the twelve locations that warranted immediate attention and to continue to work on this problem in succeeding years. The total amount would be \$290,000. The list of street lighting improvement estimates is as follows:

1. Branson/Bryan/Broadfoot Street Area	\$58,200
2. Owen Drive	\$27,200
3. Murchison Road	\$15,000
4. Person Street/Clinton Road	\$84,800
5. Cool Spring Street	\$14,800
6. Country Club Drive	\$25,200
7. Preston Avenue	\$ 9,200
8. Eastern Boulevard	\$20,800
9. McDaniel/Harrison Street Area	\$12,800
10. Cooper Street	\$ 4,000
11. Barrett Street	\$ 2,000
12. Bragg Boulevard/Hay Street Intersection	\$16,000

Councilmember Robertson moved to ask PWC to do all twelve projects for the total of \$290,000 and continue with the annual \$50,000 for street lighting improvements in other areas. The motion was seconded by Mayor Pro-Tem Evans and carried unanimously.

7. Appointments:

A. Nominations to fill one vacancy on Appearance Commission.

The nominations were closed and Councilmember McBryde moved to elect Mr. Charlie Singer by acclamation to fill the unexpired term of Lonnie M. Player to December 1993. The motion carried unanimously.

B. Nominations to fill two vacancies on Human Relations Commission.

Councilmember McBryde moved to elect by acclamation Colonel (Retired) Irving Barker and Mr. Alfonso McCoy for terms ending March 1994. The motion carried unanimously.

8. Administrative Reports:

A. Tax refunds of less than \$100.

The following tax refunds of less than \$100 were approved for the months of October and November:

<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
Cranfill, Lee T. & Dorothy	1987 Toyota charged on Bill #2802324 in the name of World Omni.	1987 Toyota	\$50.80
Cole, Mary Lee & Mark E.	Illegal tax: Military non-resident. LES mailed late.	Lt 1, Ascot Sec 3 Pt 1 and personal property	\$75.74
Bentley, Billy Jr.	Discovered in error. 1968 Ashkos charged on Bill #1256232.	1991 discovered vehicle, 1968 Ashkos F338	\$31.53
Bator, Jadwiga	Equipment disposed of in 1989 and 1990 failed to be removed from equipment figures.	T/A J B's Jewelry LOC: 3308 Bragg Boulevard	\$27.42
Ellis, Cecil M. & wife	1981 Dodge pickup double listed on #1398169 under Ellis, Robert, J.	Lt 7 Josephine Lee Estates, 510 Cude Street & .03 AC Street	\$18.04
Crockett, Antonio Deshon & Felicia	Illegal tax: Military non-resident. LES received 12-30-91.	Lot 64, McArthur Place Sect 2 & personal property	\$42.50
Ferguson, Carl T.	Billed in error for 1990 Chevy van. Should be 1989 per DMV.		\$14.75
Fuller, Donald C. & Deborah	Per Bill of Sale - car valued too high.	517 N/S McDaniel Street	\$10.98
Marshburn, Ervin Brian	Correct tax district to Vander.		\$67.81
Patterson, Ernest Heirs	1956 Olds charged on Bill #1250315.	4.70 acres Cumb Nat Bank, 1110 Deep Creek Road and personal	\$40.69
Jones, Donald Franklin & wife Sandra Williams	87 BMW valued incorrectly per NADA	Lot 16, Cambridge Sec 3 Pt 2 1709 Bixey Street	\$58.28

<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
Heisler, Robert C. & Patti D.	Illegal tax: Military non-resident. (1/2 tax)		\$21.74
Heisler, Ida	QA exemption not given.	Took frontage off property on side when Cain Road was widened. Plus from front of property.	\$69.24
Hart, Philip S. & wife	Taxpayer listed a 1989 Honda not owned.	Lt 5 Blk G MacPherson Estates 607 Argyll Road	\$81.10
Haire, Kenneth A.	Adjust for OA exemption per timely application.	231 Pinecrest Drive 49 Walker Sub.	\$69.24
Graves, John H.	Motor charged in error. Boat is an inboard/outboard.		\$10.10
Mitchell, Pauline Arthur, III	Taxpayer listed a 1980 Olds not owned.		\$9.36
Monroe, Owen B., Jr. & wife	Taxpayer listed a 1976 Ford F150. Did not own on 1-1-90.	Lt 13 Blk B Pine Lake Est	\$8.65
Nice, Roger S. & Sun Cha	Illegal tax: Military non-resident. LES received late.	Lt 152 College Lakes Sec 12 Pt 2 and personal	\$67.17
Santoriello, Kathy Ann	Taxpayer listed a 1990 Saab that is leased by Saab-Scania Financial Services and listed on Bill #4067825.		\$94.55
Scarff, John B. & Heather	Adjust value of boat and trailer per type.		\$7.45
Watkins, Thomas D. & Barbara	Vehicle failed to be deleted during data entry.		\$12.96
White, Charles Julius	Taxpayer listed a 1977 Buick not owned.		\$13.97
Wood, Christopher & Judith	Charged with late listing penalty in error.		\$2.16
Wing Air Lease, Inc.	1986 Acura located and listed in Horry County, South Carolina.	1986 Acura	\$64.60
Wing Air Lease, Inc.	1987 Chry Five was sold to Patricia Glist in February 1987.	1989 vehicle discovery	\$71.66

B. Report on City requirements and required funding to comply with Part I of the federally mandated Stormwater Permitting Process.

Mr. Smith stated this is another example of a state and federal mandate that comes down on municipalities with no funding made available which may cost the City \$450,000 next year.

9. Adopt an ordinance amending Chapter 20 by deleting the fourth paragraph in Section 20-160 and adding a new Section 20-173 concerning picketing.

This was presented by City Manager John Smith stating this would require a notice to the Chief of Police from the group that is intending to picket. The purpose of this amendment is to allow the Police Department sufficient time to ensure that police protection can be provided so that the rights of people to peacefully assemble and demonstrate can be protected. The ordinance will not require any permit or fee, and he recommended this amendment be adopted.

AN ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES.
ORDINANCE NO. S1992-006.

Councilmember Kendrick introduced the foregoing ordinance and moved its adoption, seconded by Councilmember Ross and carried unanimously.

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

At this time, Mayor Dawkins reminded Council of the Youth In Government Day on May 4. Also the seminars coming up in the middle of May concerning Metrovisions are submitted in the packet.

Councilmember Bolton stated he would be out of town for the Council's regular meeting on April 20 and requested to be excused. Councilmember Cheek moved to excuse Councilmember Bolton as requested, seconded by Councilmember Ross and carried 7 to 1 with Councilmember Kendrick voting against.

10. Discussion of demolition of buildings on Hay Street.

Mr. Smith stated he had been approached by a group that is interested in the City-owned building at 225 Hay Street and another group interested in the LaFayette Hotel building that are scheduled for demolition. He stated he feels these groups are probably very serious and probably have the financial backing to do something with these buildings, but the City does not own the LaFayette Hotel Building. Mr. Smith requested that Council allow the 225 Hay Street Building demolition to be delayed, and he would return to Council in two weeks with further information.

Councilmember Kendrick moved to delay the demolition on 225 Hay Street for two weeks, seconded by Councilmember Torrey and carried unanimously.

There being no further business, the meeting was adjourned at 8:45 p.m. upon motion and second.

Respectfully submitted,

Bobbie A. Joyner, City Clerk

J. L. Dawkins, Mayor

kbla

RECEIVED BY THE
DIRECTOR GENERAL
OF THE
CUSTOMS AND EXCISE

AND THE REVENUE DEPARTMENT

THE DIRECTOR GENERAL OF THE CUSTOMS AND EXCISE
AND THE REVENUE DEPARTMENT
IN CONNECTION WITH THE
APPOINTMENT AND EMPLOYMENT
OF THE OFFICERS AND
SERVANTS OF THE CUSTOMS AND EXCISE
DEPARTMENT.

THE DIRECTOR GENERAL OF THE CUSTOMS AND EXCISE
AND THE REVENUE DEPARTMENT

1911

[Handwritten signature]

11

THE DIRECTOR GENERAL OF THE CUSTOMS AND EXCISE
AND THE REVENUE DEPARTMENT

1911

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1911

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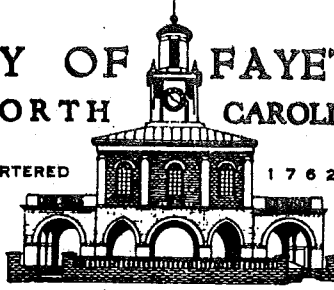
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1911

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

April 14, 1992

MEMORANDUM

TO: John P. Smith, City Manager

FROM: Kai Nelson, Finance Director *KN*

SUBJECT: Tax Refunds

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

<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
Borg-Warner Acceptance Corp.	Property was fore-closed by the County in 1988.	Lots in Mill Ld Borden Heights	213.36
Mr. & Mrs. Carl B. White, Jr.	Property already charged under PIN 0438-11-66-6123	Pt Lt 13 Sherman Drive (0.3 acres)	\$147.52
Union Corrugating Co., Inc.	Adjust value per audit	901 S. King Street	\$338.98

KN/be

FIN-183

An Equal Opportunity
City of

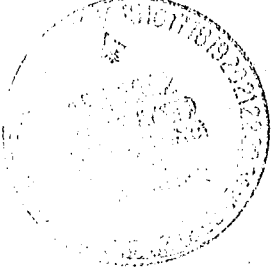


Affirmative Action Employer
Dogwoods

ITEM *J.B.*

CITY REFUND

1988 = 308.75
1989 = 10.38
1990 = 19.85



TAXPAYER'S NAME Union Lumbering Co., Inc
MAILING ADDRESS PO Box 229
Fayetteville NC 28302-0229

BILL NUMBER 1286778

SOCIAL SECURITY/FEDERAL ID # 56-0556440

PROPERTY DESCRIPTION Trc: 901 S King St

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

DEAR BOARD MEMBERS AND CITY/TOWN COUNCIL MEMBERS:

DUE TO AN ERROR IN THE YEAR(S) 1988-1990, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 478.14 AND CITY/TOWN OF Fayetteville TAXES IN THE AMOUNT OF \$ 338.98. I AM MAKING A WRITTEN DEMAND TO THE SPECIAL BOARD OF EQUALIZATION AND REVIEW AND TO THE CITY/TOWN OF Fayetteville FOR A REFUND OF OVERPAYMENT AS REQUIRED UNDER GENERAL STATUTE 105-381(b)(1).

NATURE OF CLERICAL ERROR: Adjust Value per Audit

SINCERELY,

See attached letter SIGNATURE
DATE

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Horne Jr. DATE: 3/30/92

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Robert Sanders DATE: 3/30/92

ACTION TAKEN BY THE BOARD: **APPROVED**

SIGNATURE: Jelesia Jarrell DATE: APR 07 1992

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

DATE: 4/9/92

PLEASE MAKE CHECK PAYABLE TO TCF MANAGEMENT CORPORATION
650 EAST HIGGINS RD
SCHAUMBURG IL 60173-4741



TAXPAYER'S NAME Borg-Warner Acceptance Corp

MAILING ADDRESS Wachovia Bldg, 225 Green St.
Fay, NC.

BILL NUMBER See Bottom of Request

SOCIAL SECURITY/FEDERAL ID # _____

PROPERTY DESCRIPTION Lots in Mill Ld Borden Hts

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

DEAR BOARD MEMBERS AND CITY/TOWN COUNCIL MEMBERS:

DUE TO AN ERROR IN THE YEAR(S) 1990, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 268.32 AND CITY/TOWN OF Fayetteville TAXES IN THE AMOUNT OF \$ 213.36. I AM MAKING A WRITTEN DEMAND TO THE SPECIAL BOARD OF EQUALIZATION AND REVIEW AND TO THE CITY/TOWN OF Fayetteville FOR A REFUND OF OVERPAYMENT AS REQUIRED UNDER GENERAL STATUTE 105-381(b)(1).

NATURE OF CLERICAL ERROR: Property was foreclosed by the County in 1988.

SINCERELY,

SEE ATTACHED LETTER SIGNATURE

SEE ATTACHED LETTER DATE

ASSESSOR'S RECOMMENDATION: Ok

SIGNATURE: Stephen T. Horn DATE: 3/30/92

COUNTY ATTORNEY'S RECOMMENDATION: Ok

SIGNATURE: Robert Sanders DATE: 3/30/92

ACTION TAKEN BY THE BOARD: APPROVED

SIGNATURE: Jessica Jarrell DATE: APR 7 1992

VERIFIED BY THE CLERK TO THE BOARD: ok - Rhonda Davis

DATE: 4/9/92

- | | | | |
|---------|---------|---------|---------|
| 3540158 | 3539966 | 3540018 | 3540255 |
| 3540107 | 3539974 | 3540085 | 3540166 |
| 3540051 | 3539982 | 3540042 | 3540212 |
| 3539991 | 3540204 | 3540310 | |
| 3540069 | 3540093 | 3540174 | |
| 3540000 | 3540034 | 3540247 | |
| 3540001 | 3540298 | 3540123 | |

CITY REFUND

1987 = 27.00
1988 = 28.05
1989 = 28.99
1990 = 31.74
1991 = 31.74



TAXPAYER'S NAME White, Carl B. & wife
MAILING ADDRESS 305 Sherman Dr.
Jay, N.C. 28301-4145

BILL NUMBER 3086201

SOCIAL SECURITY/FEDERAL ID # pt of 13 Sherman Dr.

PROPERTY DESCRIPTION .03 acres!

~~24-410-24~~
240 410-4522

CUMBERLAND COUNTY
SPECIAL BOARD OF E & R
C/O COUNTY ASSESSOR
PO DRAWER 449
FAYETTEVILLE NC 28302

DEAR BOARD MEMBERS AND CITY/TOWN COUNCIL MEMBERS:

DUE TO A CLERICAL ERROR IN THE YEAR(S) '87-191, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 197.77 AND CITY/TOWN OF Fayetteville TAXES IN THE AMOUNT OF \$ 147.52. I AM MAKING A WRITTEN DEMAND TO THE SPECIAL BOARD OF EQUALIZATION AND REVIEW AND THE CITY/TOWN OF Fayetteville FOR A REFUND OF OVERPAYMENT AS REQUIRED UNDER GENERAL STATUTE 109-381(b)(1).

NATURE OF CLERICAL ERROR: Property already charged under
PIN 0438.11-66-6123

SINCERELY,

Carl B. White SIGNATURE
3-10-92 DATE

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Houn Jr. DATE: 3/30/92

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Robert Sanders DATE: 3/30/92

ACTION TAKEN BY THE BOARD: **APPROVED**

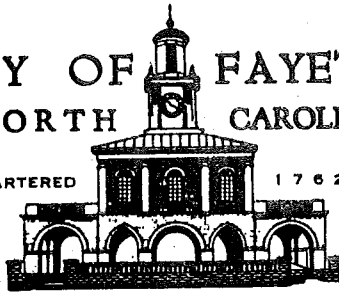
SIGNATURE: Jessica Jarrell DATE: APR 07 1992

VERIFIED BY THE CLERK TO THE BOARD: OK - Rhonda D. Davis

DATE: 4/9/92

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



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

SIGNS AND MARKINGS DIVISION 433-1785
SIGNALS DIVISION 433-1796
339 ALEXANDER STREET
FAYETTEVILLE, NC 28301-5797

April 15, 1992

MEMORANDUM

TO: John P. Smith, City Manager

FROM: Louis A. Chalmers, Jr., P.E.,
Director, Traffic Services Department

REFERENCE: Wedgewood Drive
Petitions for 25 Miles Per Hour Speed Zone

We have received a petition signed by a majority of the residents on Wedgewood Drive requesting that the speed limit on their street be reduced to 25 miles per hour.

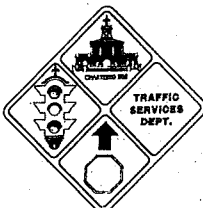
We would suggest that City Council hold a public hearing at their May 4, 1992 meeting to receive public input on this requested speed limit reduction.

LAC/psc

Enclosures
Petitions
Map

cc: Roger L. Stancil, Assistant City Manager - Operations
William H. Melvin, Signs and Markings Supervisor

An Equal Opportunity



Affirmative Action Employer

ITEM 2.C

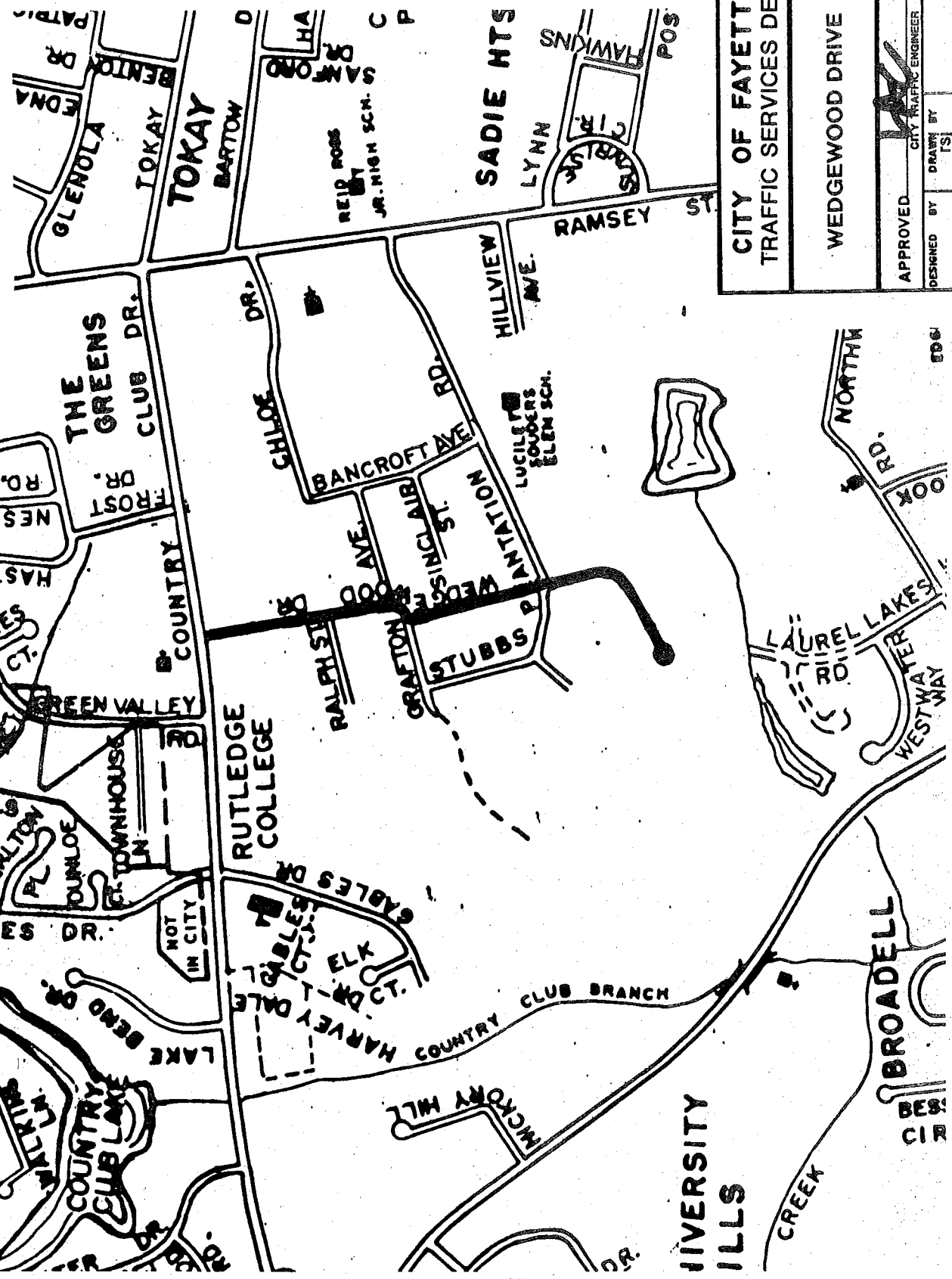


DATE 10 APR 92

We, the undersigned residents of Wedgewood Drive
from Country Club Drive to its end
do hereby petition the City Council to reduce the speed limit on our street to 25 Miles Per
Hour:

<u>PRINTED NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE #</u>	<u>SIGNATURE</u>
<u>Eddie Elkins</u>	<u>3303 Wedgewood</u>	<u>822-5652</u>	<u>Eddie Elkins</u>
<u>NANCIE Richardson</u>	<u>3106 Wedgewood</u>	<u>822-9348</u>	<u>NANCIE Richardson</u>
<u>Willie G. Murphy</u>	<u>3103 Wedgewood</u>	<u>488-9067</u>	<u>Willie G. Murphy</u>
<u>Emma Henderson</u>	<u>3102 WEDGEWOOD</u>	<u>488-2464</u>	<u>Emma Henderson</u>
<u>Tonya Balaris</u>	<u>3035 Wedgewood</u>	<u>822-630-1185</u>	<u>Tonya Balaris</u>
<u>RALPH J. DUMICK</u>	<u>3021 WEDGEWOOD DR</u>	<u>822-9506</u>	<u>Ralph J. Dumick</u>
<u>Venessa Atkins</u>	<u>3019 WEDGEWOOD DR.</u>	<u>822-9506</u>	<u>Venessa Atkins</u>
<u>Bonnie Phillips</u>	<u>3012 Wedgewood Dr</u>	<u>488-6845</u>	<u>Bonnie Phillips</u>
<u>Alice M. Kennedy</u>	<u>3018-B Wedgewood</u>	<u>822-0683</u>	<u>ALICE M. KENNEDY</u>
<u>Rebecca Phillips</u>	<u>3018 A Wedgewood</u>	<u>488-1719</u>	<u>Rebecca Phillips</u>
<u>Arita Brown</u>	<u>3020B Wedgewood</u>	<u>822-0090</u>	<u>Arita Brown</u>
<u>Michelle Parde</u>	<u>3020-A Wedgewood</u>	<u>630-0719</u>	<u>Michelle Parde</u>
<u>J. James Heywood</u>	<u>3022 Wedgewood</u>	<u>488-3836</u>	<u>JH-</u>
<u>Tammy Sacco</u>	<u>3026-B Wedgewood</u>	<u>—</u>	<u>T. Sacco</u>
<u>Catawba Jenkins</u>	<u>3030 Wedgewood</u>	<u>630-2338</u>	<u>Catawba</u>
<u>FLOYD W. MAYES</u>	<u>3037 WEDGEWOOD</u>	<u>—</u>	<u>Floyd W. Mayes</u>
<u>Odin DeLaine</u>	<u>3122 Wedgewood</u>	<u>488-3324</u>	<u>Odin DeLaine</u>
<u>Dwight Manning</u>	<u>3319 Wedgewood DR</u>	<u>488-3947</u>	<u>Dwight Manning</u>
<u>John D. Anderson</u>	<u>3216 Wedgewood</u>	<u>488-2755</u>	<u>John D. Anderson</u>

REVISION	DATE	BY



CITY OF FAYETTEVILLE
TRAFFIC SERVICES DEPARTMENT

WEDGEWOOD DRIVE AREA MAP

APPROVED	CITY TRAFFIC ENGINEER
DESIGNED BY	DRAWN BY
SCALE	NO. FIELD BOOK
DATE	SHEET
4-15-92	OF



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

PUBLIC WORKS COMMISSION
 OF THE CITY OF FAYETTEVILLE

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

ELECTRIC & WATER UTILITIES

April 14, 1992

MEMO TO: John Smith, City Manager

FROM: Tim Wood, General Manager

SUBJECT: PWC Items For City Council Agenda - April 20, 1992

2.D. Approval of bid awards in the amount of \$180,380.00 and \$154,148.00 to **Hamby-Young Power Supply Products, Inc.** (Aurora, Ohio), for Structures and Equipment for the County Park Substation and Raeford Road Substation. Bids were received March 31, 1992, , as follows:

	<u>County Park</u>	<u>Raeford Road</u>
Hamby-Young	\$180,380.00	\$154,148.00
M. D. Henry	\$222,608.00	\$180,390.00
W. R. Daniel	\$233,109.00	\$180,565.00
Talman Associates	\$268,400.00	\$219,950.00
Clark Corporation	\$211,118.00	\$179,604.00

2.E. Approval of bid award in the amount of \$938,635.00 to **WESCO** for 230-66 kV Substation Autotransformer, and bid award in the amount of \$56,700.00 to **Rigby Electric** for a Second 242 kV Fault Interrupter (for the Waters Edge Substation [POD #3]). Bids were received March 31, 1992, , as follows:

	<u>Autotransformer</u>	<u>Fault Interrupter</u>
Rigby Electric	No Bid	\$ 56,700.00
WESCO	\$ 938,635.00	No Bid
Hesco, Inc.	\$ 967,150.00	No Bid
Eastern Electric	\$1,031,197.00	No Bid
Smit Nymegen	\$1,814,300.00	No Bid

2.F. Approval of bid award in the amount of \$55,006.00 to **Eastern Electric Supply** for Electronic Reclosers & Recloser Control Tester. Bids were received March 25, 1992, , as follows:

Eastern Electric Supply	\$55,006.00
WESCO	\$56,477.00



Memo: John Smith
April 14, 1992
Page 2

2.6. Approval of bid award in the amount of \$54,323.00 to **North Carolina Equipment Company** for a Crawler Dozer. Bids were received March 24, 1992, as follows:

North Carolina Equipment	\$54,323.00
Mitchell Distributing Company	\$55,151.00
R. W. Moore Equipment Company	\$56,990.00
Case Power & Equipment	\$57,735.00

TW:gm

PLANNING DEPARTMENT

Post Office Box 1829
Fayetteville, NC 28302
Telephone (919) 483-8131

CUMBERLAND COUNTY JOINT PLANNING BOARD

John Britt
CHAIRMAN

George Vaughan
PLANNING DIRECTOR

April 20, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P92-16. THE REZONING FROM R6 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE EAST SIDE OF DISTRIBUTION DRIVE (SR 2414), NORTH OF COUNTRY CLUB DRIVE (U.S. 401 BYPASS). (FAYETTEVILLE ORDINANCE)

ACTION: THE NINE MEMBERS PRESENT AT THE FEBRUARY 18, 1992 REGULAR MEETING VOTED UNANIMOUSLY TO APPROVE THE C3 HEAVY COMMERCIAL DISTRICT FOR THE FIRST 500 FEET OF DEPTH FROM DISTRIBUTION DRIVE

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

Mr. Lloyd stated that the Planning staff recommends approval of the C3 Heavy Commercial District for the first 500 feet of depth from Distribution Drive and that the balance of the property remain R6 Residential District based on the following:

1. The 500 feet of depth is the policy depth the Planning Board customarily recommends for commercially zoned property.

The Planning staff finds that all or any portion of this tract is suitable for the P1 and P2 Professional, P3(P) Flex Office, C1P Shopping Center and C1 Local Business Districts. The staff further finds that all or any portion of this site is not suitable for the R5 or R5A Residential Districts.

No one appeared in favor of or in opposition to the requested rezoning.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. Maxwell and seconded by Mr. Lucas to follow the staff recommendations.

Ms. Vick made a substitute motion to deny the requested rezoning. The motion died for lack of a second.

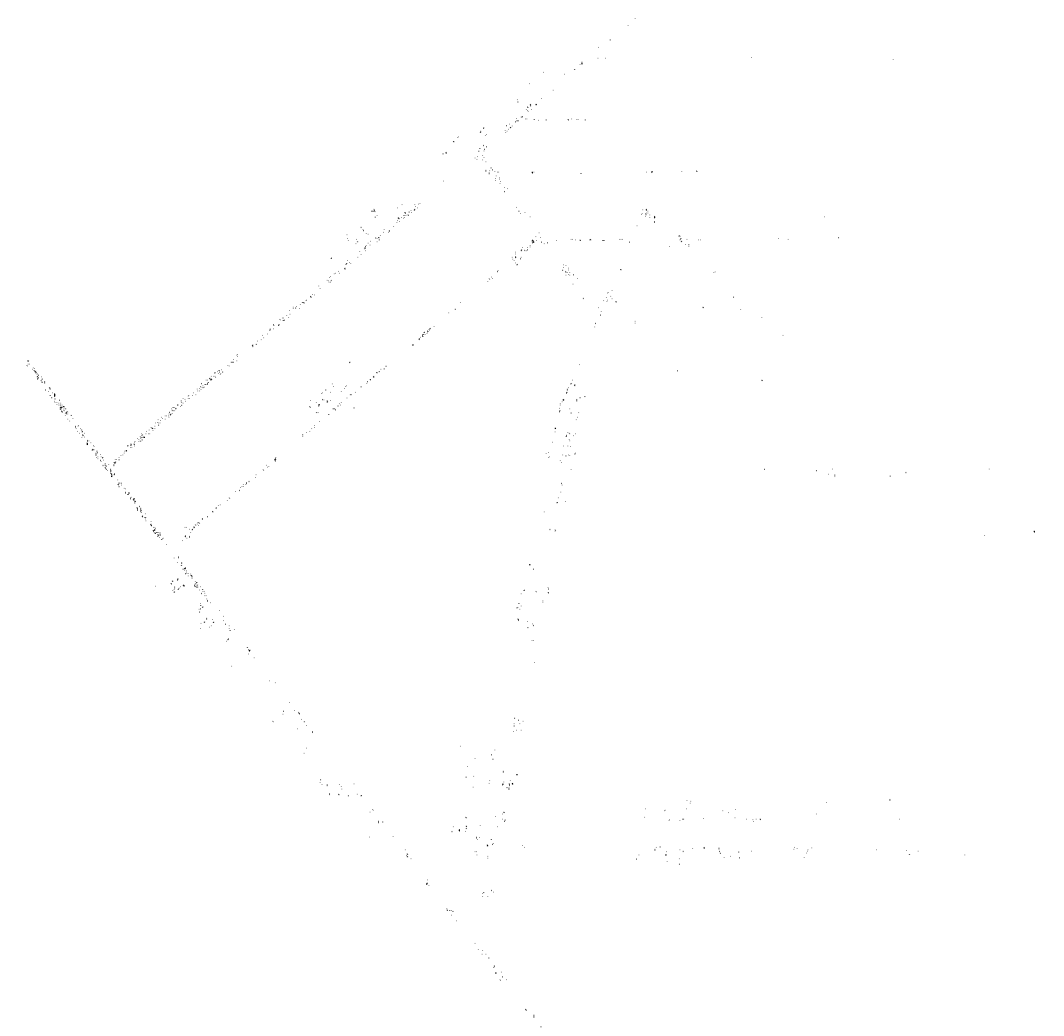
The original motion passed unanimously.

Attachment

ITEM 3A

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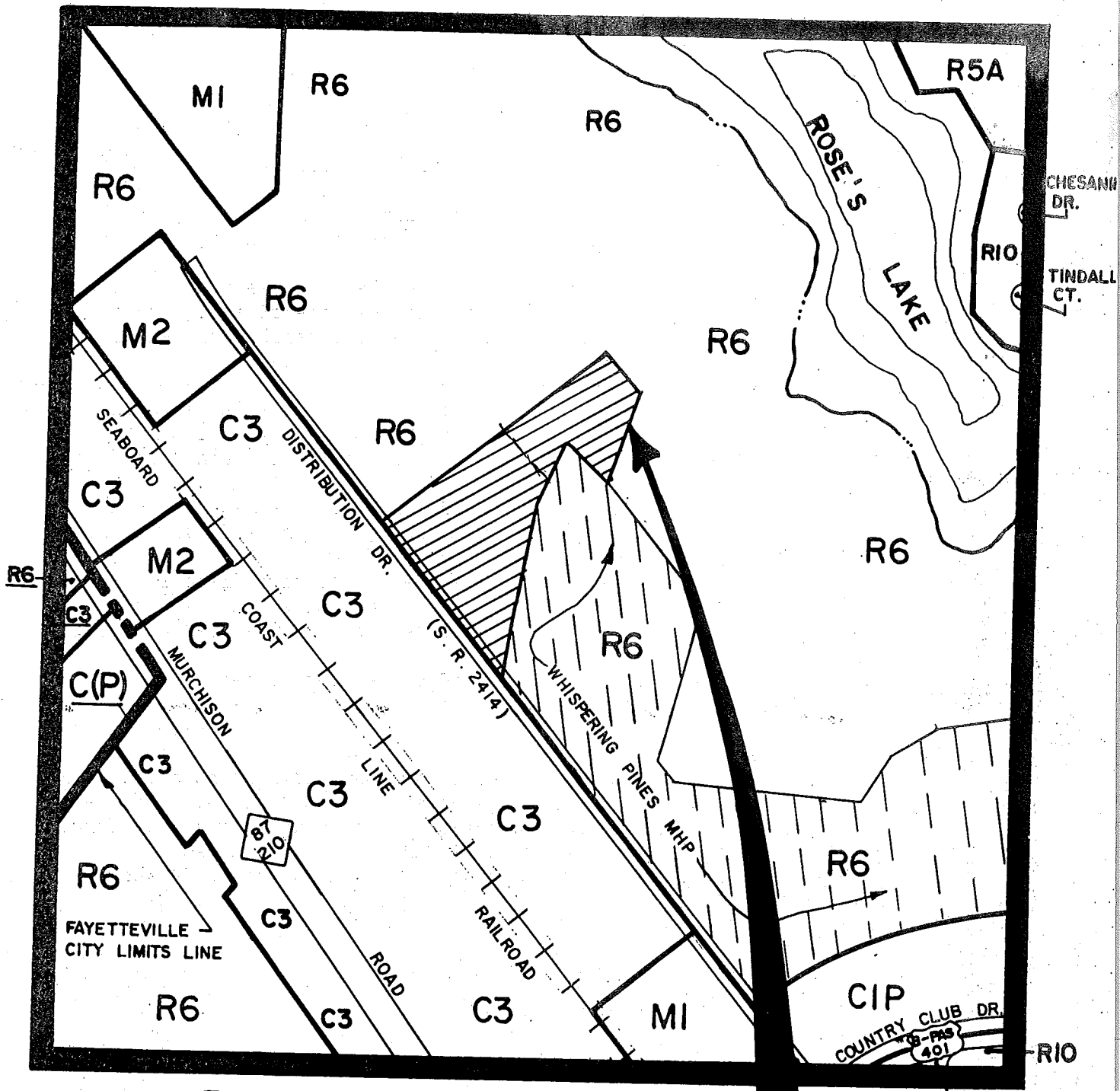
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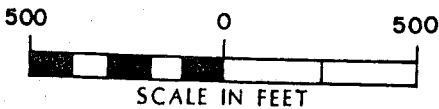
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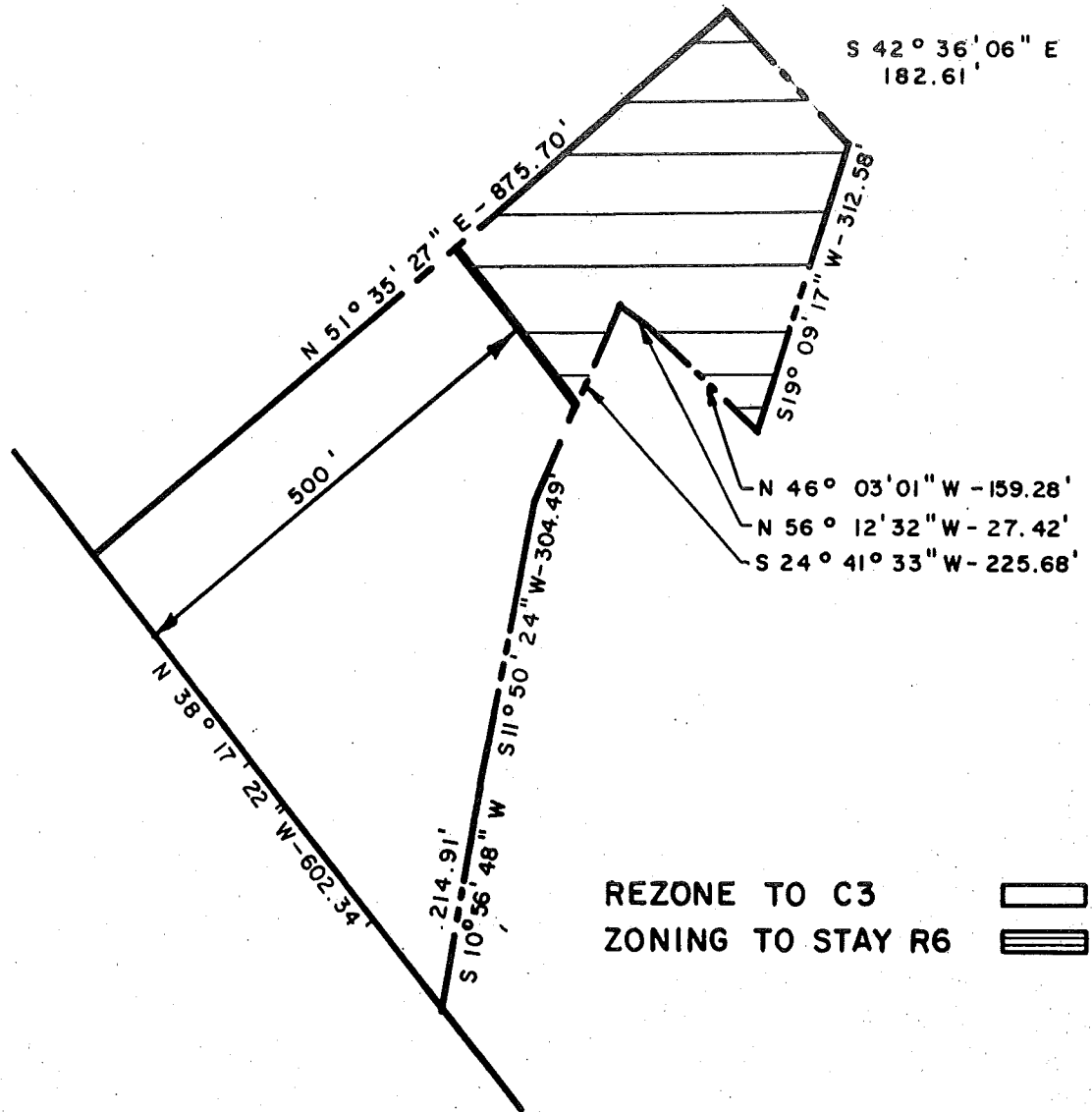
NORTH



REQUESTED REZONING		
R6 TO C3		
ACREAGE: 6.69 AC. ±	HEARING NO: P92-16	
ORDINANCE: FAYETTEVILLE	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

A PORTION OF
PIN: 0429-52-2121

E.B.



CASE : P92-16 SCALE : 1" = 200'

PUBLIC HEARING - SPEAKERS

SUBJECT: RE ZONING DISTRIBUTION DR (EAST SIDE)

CASE P 92-16

DATE: April 20, 1992

PROPONENT (In Favor)

(Name - Print)

PRINT

(Address - Print)

1. NED GARBER (by letter)

THE ROSE GROUP, INC, (Rt.)

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

OPPONENT - (Against)

(Name - Print)

PRINT

(Address - Print)

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

PUBLIC HEARING - SPEAKERS

SUBJECT: _____

DATE: _____

CITIZEN INPUT

(Name - Print)

(Address - Print)

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



THE
ROSE
GROUP,
INC.

ENGINEERS • PLANNERS • SURVEYORS

April 15, 1992

Bobbie Joyner, City Clerk
433 Hay St.
Fayetteville, N.C. 28301

RE:CASE NO. P92-16

Dear Ms. Joyner:

We would like to be scheduled to speak at the April 20, 1992 public hearing of the Fayetteville City Council in conjunction with the above referenced case. We are speaking as a representative of the owner. The individual to speak will be Ned Garber of The Rose Group, Inc.

Please contact us prior to the hearing if there are any questions.

Yours very truly,
The Rose Group, Inc.

Ned Garber

Ned Garber

THE
UNITED STATES
DEPARTMENT OF
THE ARMY
OFFICE OF THE
CHIEF OF STAFF
WASHINGTON, D. C.

MEMORANDUM FOR THE CHIEF OF STAFF
SUBJECT: [Illegible]

DATE: [Illegible]

BY: [Illegible]

[Illegible text block]

[Illegible text block]

[Illegible text block]

[Illegible text block]

PLANNING DEPARTMENT

Post Office Box 1829
Fayetteville, NC 28302
Telephone (919) 483-8131

CUMBERLAND COUNTY JOINT PLANNING BOARD

John Britt
CHAIRMAN

George Vaughan
PLANNING DIRECTOR

April 20, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P92-17. THE REZONING FROM R10 RESIDENTIAL DISTRICT TO R5 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE EAST SIDE OF CAIN ROAD, BETWEEN WOODBINE AVENUE AND ROGERS DRIVE. (FAYETTEVILLE ORDINANCE)

ACTION: THE NINE MEMBERS PRESENT AT THE FEBRUARY 18, 1992 REGULAR MEETING VOTED 8 TO 1 TO DENY THE R5 RESIDENTIAL DISTRICT AND APPROVE THE R6 RESIDENTIAL DISTRICT

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

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

1. This area meets the criteria for high density residential development;
2. The area has water and sewer service; and
3. The area is located on a minor arterial.

Mr. Bill Hardin appeared before the Board stating he desires to rezone this site in order to put more apartment units on the property. He stated that the area is surrounded by apartments. He stated that he lives in a home that adjoins the site, and he will personally manage the apartment complex. He stated that he has a surveyor working on topographic maps and locating the trees, and he wants to leave as many trees as possible on the site. He stated that he and his son manage another apartment complex which his son lives adjacent to in Harnett County, and they have no problems with the residents.

Chairman Britt asked Mr. Hardin how many units he desires. Mr. Hardin stated that he plans to have seven to ten units per acre.

Ms. Hazel Michaels appeared before the Board in opposition stating that she lives on Cain Road and is concerned about the high density allowed. She stated

ITEM 3.B.

that high density will bring social problems and drugs. She stated that at her age she is unable to relocate. She stated that her property values have recently gone up, and the rezoning will lower the values. She stated that there is a petition with 35 to 36 names on file in opposition.

Mr. Darvin Barbee appeared before the Board in opposition stating that he lives on Spruce Street, and the City did not adequately take care of the storm sewer when it widened Cain Road. He stated that Spruce Street floods out during heavy rains.

Mr. Douglas Waddell appeared before the Board in opposition stating that he lives on Cain Road, and during heavy rains his backyard floods. He stated that his concern is that the apartments will create more runoff.

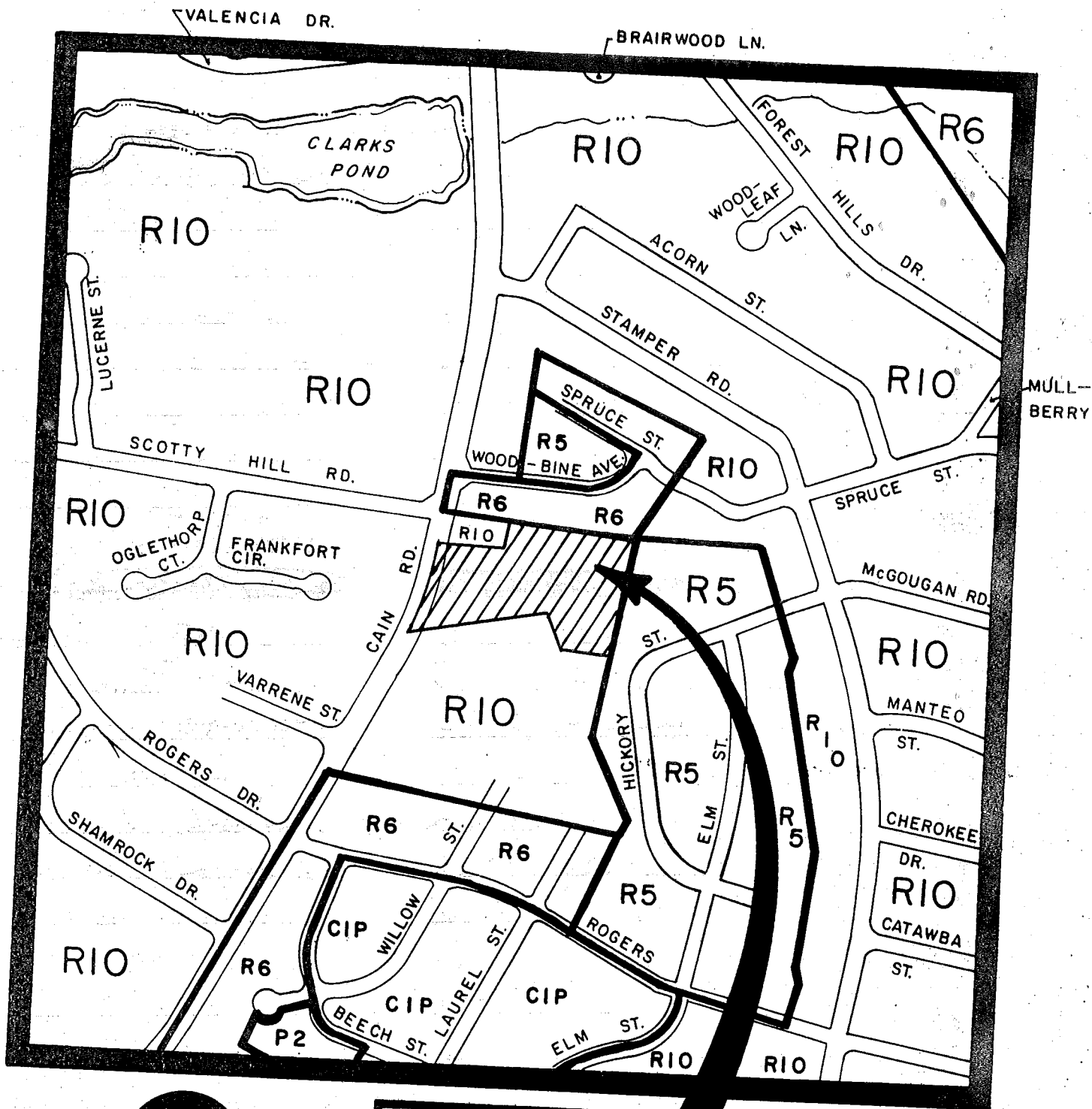
Mr. Hardin appeared before the Board in rebuttal stating that there is a problem with leaving the property vacant, and he has had to run trespassers off. He stated that the City piped the water under Cain Road onto his property and had installed riprap. He stated that the City has an easement on the property, and he cannot build on that part of the land. He stated that in his opinion water is now under better control in the area.

Mr. Barbee appeared before the Board in rebuttal stating that the pipe stops on Mr. Hardin's property which turns into a ditch which runs all the way to Cross Creek.

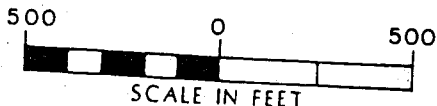
After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. McNeill and seconded by Vice-Chairman Davis to deny the R5 Residential District and approve the R6 Residential District. After discussion, the motion passed 8 to 1 with Mr. Lucas voting in opposition.

bs

Attachment



NORTH



SCALE IN FEET

REQUESTED REZONING R10 TO R5		
ACREAGE: 5.10 AC. ±		HEARING NO: P92-17
ORDINANCE: FAYETTEVILLE		HEARING DATE
PLANNING BOARD		ACTION
GOVERNING BOARD		

Hazel Michaels
1040 Cain Road
Fayetteville, NC 28303
February 24, 1992

Mayor J. L. Dawkins and
Members of the City Council
Fayetteville, NC 28301

Dear Sir:

Mayor, I really object to the proposed rezoning of the area between Cain Road and Woodbine Avenue because a higher density has a tendency to cause a higher crime rate. Under the existing zoning, there can be twenty-three (23) apartments. We need to keep it at an R-10 zone because we have an area that has the second highest crime rate of any in the state. Nine times I have been a victim of crimes in this area.







I have a petition containing the signature of forty-five (45) residents who also object the proposed rezoning. Please keep the zoning to R-10 on case number P92-17.

Respectfully yours,

Hazel Michaels

Hazel Michaels

We, the undersigned, do hereby object to the rezoning from R-10 to R-5, the area located on the east side of Cain Road between Woodbine Avenue and Rogers Drive.

- | | | | |
|----|---|--|--------------------|
| 1 | <u>Mafine L. Guehina</u> | <u>2109 Woodbine</u> | <u>Ph. 8677705</u> |
| 2 | <u>Earnest J. Guehina</u> | <u>" "</u> | <u>8677705</u> |
| 3 | <u>Wesley Duke</u> | <u>2102 Woodbine</u> | <u>8647640</u> |
| 4 | <u>Rita Lodie</u> | <u>2102 Spruce</u> | <u>8674657</u> |
| 5 | <u>Henry J. Baran</u> | <u>2122 Spruce St</u> | <u>8676445</u> |
| 6 | <u>Betty Baran</u> | <u>2122 Spruce St.</u> | <u>867.6445</u> |
| 7 | <u>Shirley L. Barber</u> | <u>2121 Spruce St.</u> | <u>867 85 98</u> |
| 8 | <u>Elberta B. Overitt</u> | <u>2115 Spruce St.</u> | <u>867 0343</u> |
| 9 | <u>Charles Overitt</u> | <u>2115 Spruce St</u> | <u>867 0343</u> |
| 10 | <u>John S. Mayberry</u> | <u>2107 Spruce St</u> | <u>8679562</u> |
| |  |  | |
| |  |  | |
| 11 | <u>Martha S. Grant</u> | <u>2121 Woodbine Ave</u> | <u>8679330</u> |
| 12 | <u>James O. Grant</u> | <u>2121 Woodbine Ave.</u> | <u>8679330</u> |
| 13 | <u>Earnest J. Furr</u> | <u>2120 Woodbine Ave</u> | <u>8685359</u> |
| 14 | <u>Vicky D. Furr</u> | <u>2120 WOODBINE AVE.</u> | <u>"</u> |
| 15 | <u>Lucinda Furr</u> | <u>2120 Woodbine Ave</u> | <u>"</u> |
| 16 | <u>Rita Waddell</u> | <u>1025 Cain Rd</u> | <u>8684936</u> |
| 17 | <u>Letter M. Sviderski</u> | <u>1037 Cain Rd.</u> | <u>864-8546</u> |
| 18 | <u>Thomas H. Mafedon</u> | <u>1017 CAIN RD.</u> | <u>867-8936</u> |
| 19 | <u>Chel. H. Mafedon</u> | <u>1017 CAIN RD</u> | <u>867-8436</u> |
| 20 | <u>Hazel Michaels</u> | <u>1040 Cain Rd,</u> | <u>8673867</u> |
| 21 | <u>A. S. Michaels</u> | <u>1040 Cain Rd,</u> | <u>8673867</u> |
| 22 | <u>Regina Nore</u> | <u>2021 Spruce Street</u> | <u>864-2096</u> |
| 23 | <u>Mary M. Boch</u> | <u>2019 Spruce St.</u> | <u>867-3880</u> |
| |  |  | |
| 24 | <u>Rita Johnson</u> | <u>2018 Spruce St</u> | <u>867-6301</u> |

CUMBERLAND COUNTY JOINT PLANNING BOARD

We, the undersigned, do hereby object to the rezoning from R-10 to R-5, the area located on the east side of Cain Road between Woodbine Avenue and Rogers Drive.

- | | | | |
|----|--------------------------------|---------------------|---------------------------|
| 25 | Michael A. Ratcliff, Sr. | 2114 Woodbine Ave. | 868-6369 ^{Phone} |
| 26 | Marcia S. Ratcliff | 2114 Woodbine Ave. | " |
| 27 | Annette H. Lyndall | 2117 Woodbine Ave. | 867-5104 |
| 28 | Lony Lyndall | 2117 Woodbine Ave. | 867-5104 |
| 29 | Merrilyn C. Lowe | 2024 Spruce St | 867-1281 |
| 30 | Susan S. Seagroves | 2118 Spruce St | 867-3073 |
| 31 | James A. Seagroves | 2118 Spruce St | 867-3073 |
| 32 | Linda P. Anderson | 2015 Spruce St. | 487-9224 |
| 33 | R.C. ANDERSON
R.M. Anderson | 2015 Spruce St | 487-9224 |
| | [REDACTED] | [REDACTED] | [REDACTED] |
| 34 | Jan Milton | 3009 Scotty Hill Rd | 867-1166 ^{work} |
| 35 | Debra L. Milton | 3009 Scotty Hill Rd | 487-1201 ^{Home} |
| 36 | William Johnson | 3013 Scotty Hill Rd | 868-3062 |
| 37 | Carolyn Johnson | 3013 Scotty Hill Rd | 868-3062 |
| 38 | Nagana G. Barber | 2009 Spruce St. | 864-7260 |
| 39 | Harwin Barber | 2009 Spruce St. | 864-7260 |
| 40 | Poojai Lakkar | 2012 Spruce Street | 867-6266 |
| 41 | Wardell Smith | 1031 CAIN Rd | 864-5569 |
| 42 | Isla Pierce | 3202 Rogers Dr | 867-5307 |
| 43 | Ikes Bussal | 3202 Rogers Dr. | 867-5307 |
| 44 | Iddie H. Price | 3201 Rogers Dr. | 868-5348 |

PUBLIC HEARING - SPEAKERS

SUBJECT: REZONING CAIN RD.

DATE: April 20, 1992

PROPONENT (In Favor)

(Name - Print)

(Address - Print)

1. _____
2. _____
3. _____
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6. _____
7. _____

OPPONENT - (Against)

(Name - Print)

(Address - Print)

1. Hazel Michaels 1040 Cain Rd.
2. DANIEL M MOORE 2021 Spruce St.
3. _____
4. _____
5. _____
6. _____
7. _____

PUBLIC HEARING - SPEAKERS

SUBJECT: _____

DATE: _____

CITIZEN INPUT

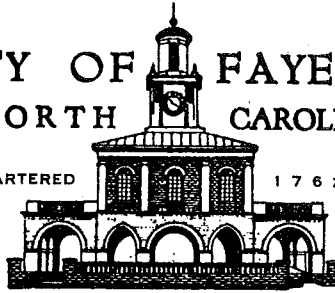
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THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



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

SIGNS AND MARKINGS DIVISION 433-1785
SIGNALS DIVISION 433-1796
339 ALEXANDER STREET
FAYETTEVILLE, NC 28301-5797

April 15, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

REFERENCE: Petition for No Parking
Chatham Street from Moore Street to Rowan Street

We have received a petition signed by a majority of residents on the above referenced street requesting No Parking.

If, following the public hearing, City Council should agree with the proposed no parking, adoption of the attached ordinance will establish no parking on Chatham Street in accordance with City Council Policy.

LAC/psc

Attachments
Petition
Ordinance
Map

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

An Equal Opportunity



Affirmative Action Employer

ITEM 3.C.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC
OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES

BE IT ORDAINED by the City Council of the City of Fayetteville,
North Carolina that Chapter 20, "Motor Vehicles and Traffic", is
hereby amended to read as follows:

Sec. 20-106. Traffic Schedule Number 11 - Parking Prohibited

There is hereby added to said schedule the following:

PARKING PROHIBITED AT ALL TIMES

Chatham Street - From Moore Street to Rowan Street

This ordinance shall be in full force and effective
April 24, 1992.

ADOPTED this the 20th day of April, 1992.

CITY OF FAYETTEVILLE

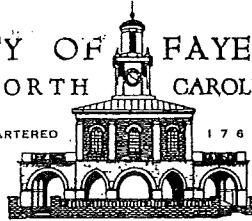
BY: _____
J.L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



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

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

DATE: 4/20/92

Item 3C
4-20-92

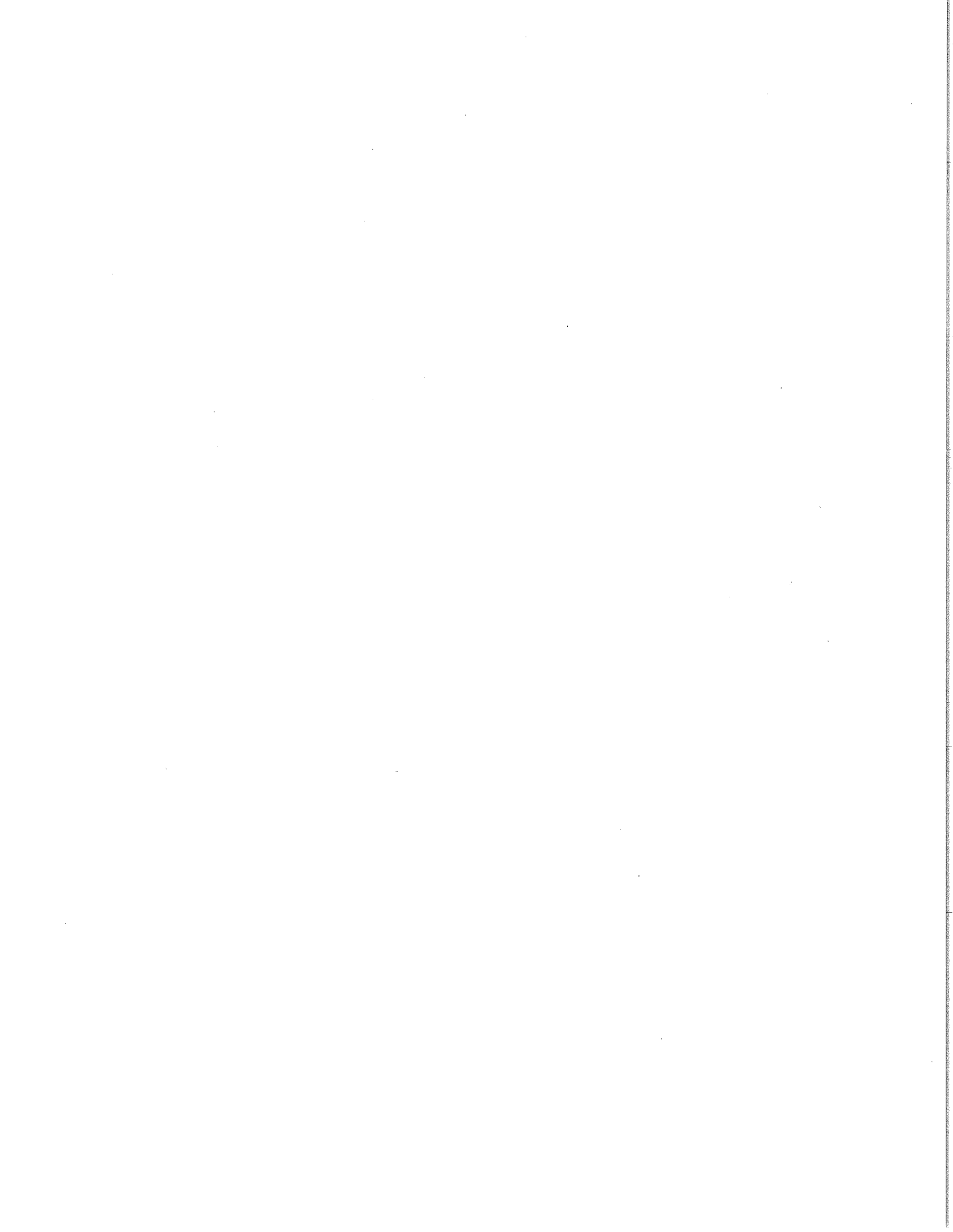
TO: John Smith
Roger Stancil

The owner of the cafe on Chatham St. came in and signed up to speak in opposition. He said he received no notice. We may be in for a "confrontation" this evening. You might consider (if you haven't already) having someone from the PD present to brief on what has been the history of any problems with the cafe.

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods



ALBERT J. MCCLAIN
429 CHATHAM ST.
FAYE., NC 28301
(919) 483-3737



03/06/92

PAMELA S. CLARK/OFFICE SUPERVISOR
CITY OF FAYETTEVILLE/TRAFFIC SERVICES DEPARTMENT
339 ALEXANDER STREET
FAYETTEVILLE, NC 28301

RE: PETITION TO PROHIBIT PARKING ON CHATHAM
STREET WITH ENFORCEMENT OF A STIFF PENALTY

DEAR MS. CLARK,

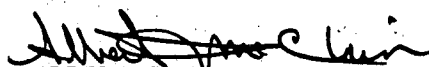
WE THE RESIDENTS OF CHATHAM STREET HAVE BEEN GREATLY PLAGUED BY TOTAL CHAOS AND NUISANCE: COUPLES PULLING INTO DRIVEWAYS, ALONG SIDES OF STREET AND ONTO VACANT LOTS USING THEM AS "LOVER'S LANES"; MEN AND WOMEN URINATING IN PUBLIC; EXTREMELY LOUD MUSIC AT TWO AND THREE O'CLOCK IN THE MORNING; DISRESPECT FOR THE RESIDENTS; REFUSING TO REMOVE VEHICLES BLOCKING THE DRIVEWAYS; MOUNDS OF ALCOHOLIC BEVERAGE CONTAINERS AND FOOD WRAPPERS STREWN EVERYWHERE EACH MORNING; AND PEOPLE SELLING DRUGS IN PLAIN VIEW OR FROM PARKED CARS.

CALLING THE POLICE DOES NOT HELP BEACUSE WHEN THE MARKED CARS SHOW UP, EVERYONE SCATTERS INTO THE ESTABLISHMENTS OR THEIR CARS AND THE DRUGS ARE SOMETIMES HIDDEN UNDER ROCKS BY THE TRAIN TRACKS. THESE PEOPLE ARE CLIENTS OF MOORE STREET CORNER STORE AND CHEIF'S CORNER CAFE. THE OWNERS NOR THEIR CLIENTELE ARE RESIDENTS OF THE AREA.

WE THE PEOPLE OF CHATHAM STREET AND THE SURROUNDING AREA HAVE BEEN HERE FOR MANY YEARS. WE ARE TALKING ABOUT THIRTY TO FIFTY YEARS, NOT FOUR OR FIVE YEARS. SENIOR CITIZENS AND CHILDREN LIVE HERE AND SOME RESIDENTS HAVE FAMILY MEMBERS WHO ARE SCARED TO VISIT THEM OR LEAVE AT NIGHT BECAUSE OF FEAR OF BEING MUGGED OR RAPED.

YOUR CONSIDERATION AND INVESTIGATION INTO THIS MATTER WOULD BE DEEPLY AND GREATLY APPRECIATED. ENCLOSED IS THE SIGNED PETITION OF ELEVEN OF OUR RESIDENTS. THERE IS A TOTAL OF SIXTEEN HOUSES ON THE ENTIRE STREET; TWO ARE VACANT AND THREE NO RESPONSE. WE FEEL A FINE OF \$25.00 OR MORE IS NEEDED TO ENFORCE NO PARKING ON CHATHAM STREET. ANY LESSER FINE WILL NOT PHASE THESE PEOPLE DUE TO THE LARGE VOLUME OF DRUG TRAFFICKING.

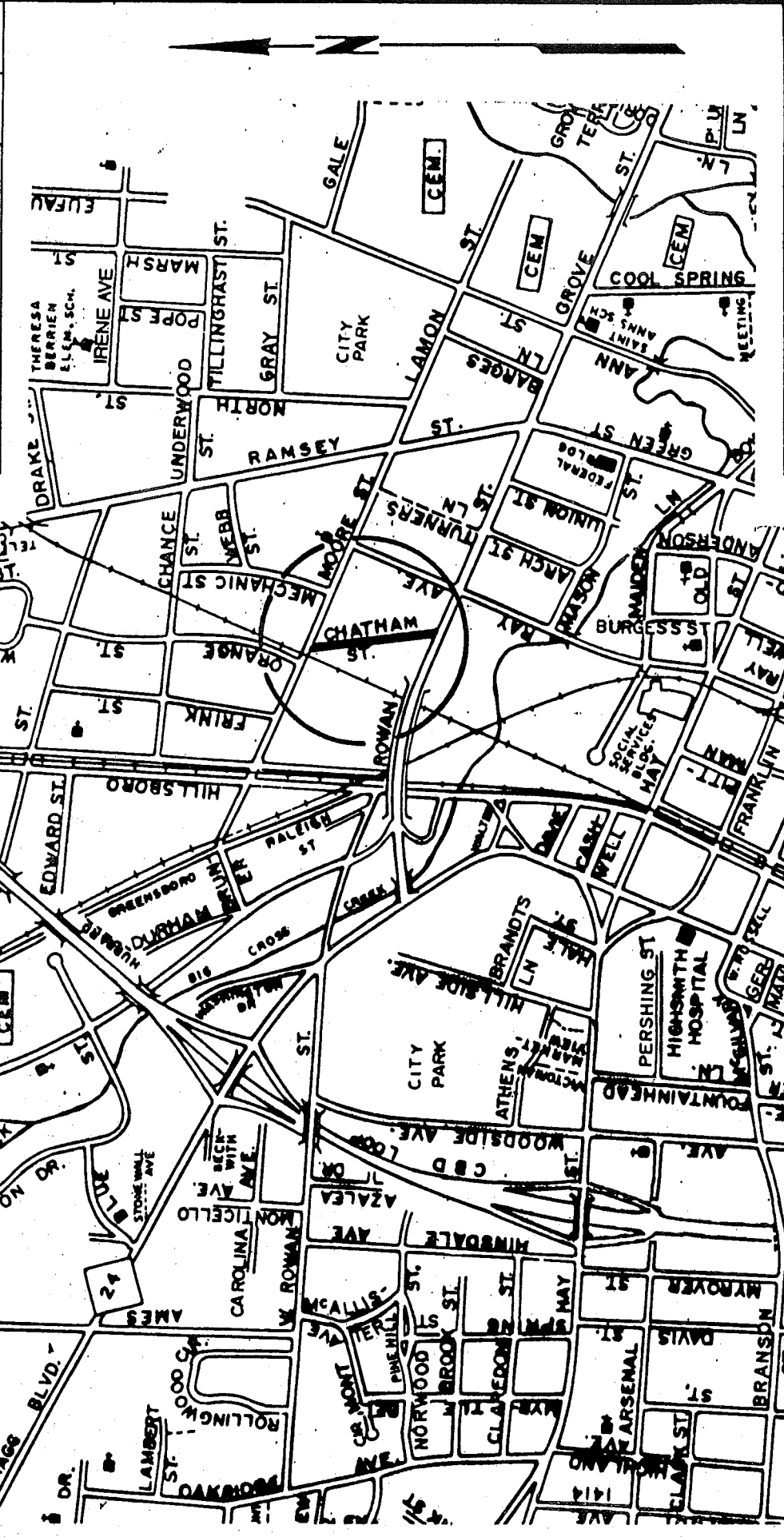
SINCERELY,


ALBERT J. MCCLAIN
DESIGNATED REPRESENTATIVE

ENCLOSURE: SIGNED PETITION

CF CAPT COOK FPD

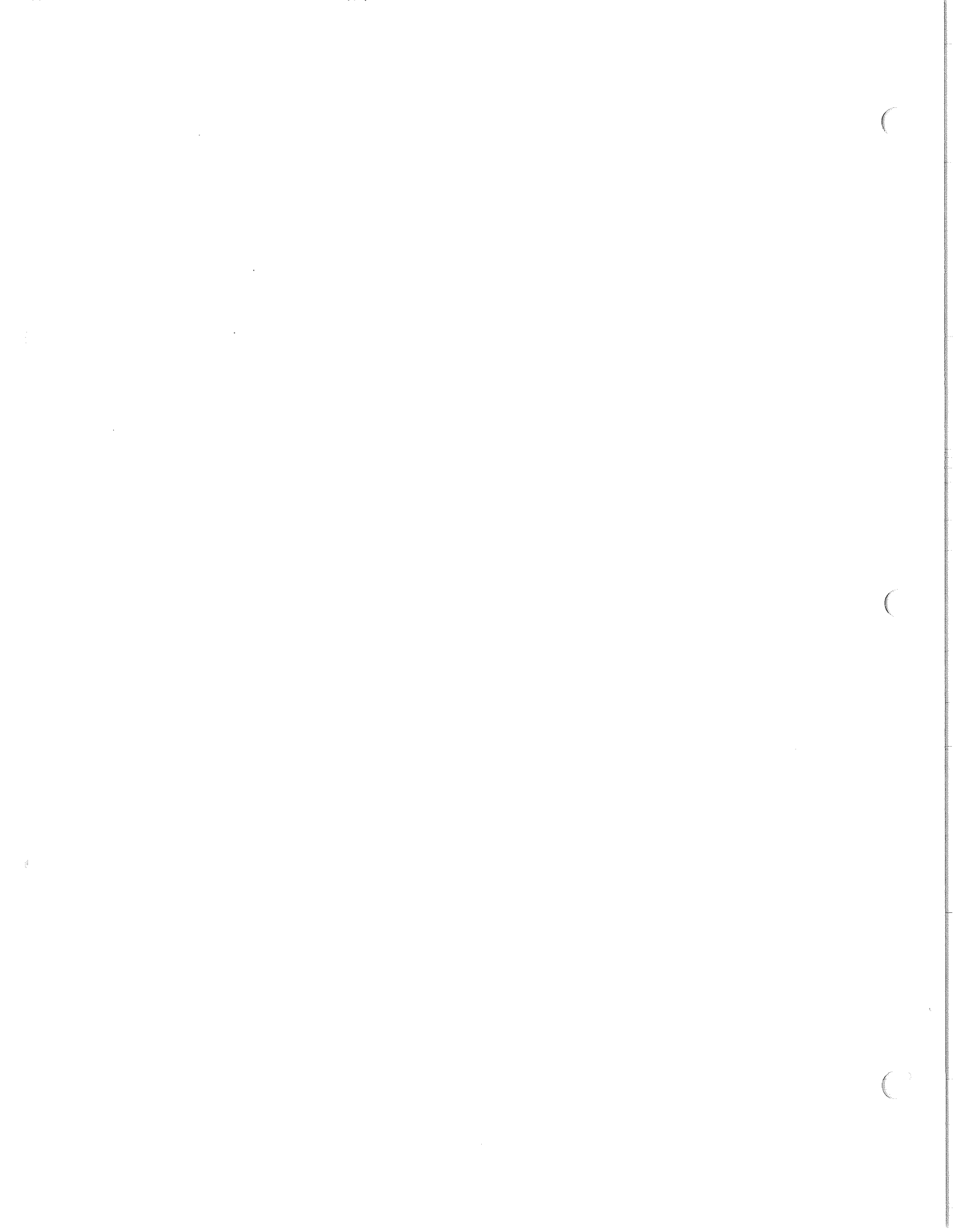
REVISION	DATE	BY



CITY OF FAYETTEVILLE
TRAFFIC SERVICES DEPARTMENT

CHATHAM STREET
AREA MAP

APPROVED BY	CITY TRAFFIC ENGINEER	FIELD BOOK NO.	PAGE
DESIGNED BY	DRAWN BY	NO.	SHEET OF
SCALE	DATE		
1"=100'	4-1-52		



PUBLIC HEARING - SPEAKERS

SUBJECT: NO PARKING Chatham St. Moore to Polk St.

DATE: 4-20-92

PROPONENT (In Favor)

(Name - Print)

PRINT

(Address - Print)

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

OPPONENT - (Against)

(Name - Print)

PRINT

(Address - Print)

- 1. BENJIMEN WASHINGTON 432 CHATHAM ST / 3915 Dayton Rd. ^(Bus) ^{Payroll} ₂₈₃₁₁
- 2. _____
- 3. _____
- 4. _____
- 5. _____
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- 7. _____

PUBLIC HEARING - SPEAKERS

SUBJECT: _____

DATE: _____

CITIZEN INPUT

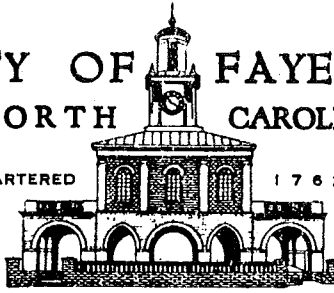
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THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

APRIL 15, 1992

MEMORANDUM

TO: The Mayor and Members of City council
FROM: John P. Smith, City Manager *JPS*
SUBJECT: Commercial Garbage Collection

At your last meeting the question was asked whether or not the City could provide a collection subsidy under a competitive or open market system. The answer to the question is yes. I would recommend that if the decision is made to subsidize service and still allow open competition, that you select Option 5 rather than Option 6. Option 5 would allow competition under a non-exclusive franchise arrangement whereby the City would issue franchises to any hauler meeting basic minimum standards. This would allow the City to regulate the service. If there is to be a subsidy, I believe the City should exercise some control over haulers.

The Council should make its decision based upon whether the contract for service should be exclusive or non-exclusive. The issue of the subsidy can be dealt with as a separate issue.

JPS:ssm

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 4

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american refuse systems, inc.

post office box 3455 (28564)
705 airport road
new bern, nc 28560

phone: (919) 633-6330
fax: (919) 633-9707

March 31, 1992

Mr. John Smith
City Manager
CITY OF FAYETTEVILLE
234 Green Street
Fayetteville, NC 28301

SUBJECT: City of Fayetteville Bid
for Commercial Solid Waste
Collection Services

Dear Mr. Smith:

Your time, courtesy and patience in reviewing and discussing our Proposal is very genuinely appreciated. Seldom do we find a City Manager who takes the time and provides the effort you have to exhaustively review with his staff and involve himself with the intricacies of an RFP, but we recognize the concern that everyone has with the collection of solid waste and we are sensitive to your efforts and those of your staff and the elected officials of the City of Fayetteville with this problem.

As we have openly discussed since submitting our letter of March 9, 1992, ARS is the firm that submitted the lowest price, and complied with 100% of your requirements. We are a local firm and headquarter our maintenance and repair services for our entire company's four-state operations in Fayetteville. We have more than ample "backup" of equipment and people to insure a scheduled and uninterrupted level of service.

The City received RFP's from reputable firms. ARS indicated by more than just "price" how much we wanted the opportunity to serve all of the commercial establishments in Fayetteville. The benefits and advantages will be realized by every commercial establishment in your City. Acceptance of our Proposal, with either billing scenario, is not a transitional move, but one that has significant short-term and long-term benefits for the City and all of your commercial businesses that generate solid waste. Please let me know what else we can do - we want your business!

Very truly yours,

AMERICAN REFUSE SYSTEMS, INC.


Gregory A. Peverall
Vice President

GAP: mtf



April 13, 1992

american refuse systems, inc.

600 Pinehurst South, suite one hundred, box one
Pinehurst, North Carolina 28374

phone: (919) 295-6181
fax: (919) 295-6308

Mr. John P. Smith
City Manager
CITY OF FAYETTEVILLE
433 Hay Street
Fayetteville, NC 28301

SUBJECT: Commercial Solid Waste
Management Services

Dear Mr. Smith:

One of several factors that favors the single-source vendor concept for solid waste management services for the commercial business establishments in Fayetteville is the fact that the City can create an immediate financial benefit effective upon start-up by our company. ARS will, upon award of a multi-year Agreement, immediately provide an effective rate of \$.49 per cubic yard rather than the \$.71 which is currently billed to the City for the first collection per week which provides a savings of \$.22 per yard or a net 31% SAVINGS.

As we discussed late last week, an additional benefit to the City's commercial establishments is the fact that ARS agreed to provide the second and third weekly collection (pickup) at the rate of only \$.52 per yard, if ARS does the billing, rather than the current \$ 1.12 cost per yard. This benefit will provide a savings of \$.60 per yard or a net 53.6% SAVINGS based upon the present service agreement.

As perhaps you are aware, ARS currently has eighty (80) commercial customers that utilize our "OCC Recycling Program" (corrugated cardboard). This program currently collects 69 tons per month and diverting the cardboard from the Cumberland County landfill @ \$ 25.00 per ton provides a total additional SAVINGS of \$1,725.00 per month or \$ 20,700.00 a year and under the one-source contractor concept with ARS...this program will continue to be expanded - creating more savings, prolonging the useful life of the landfill, preserving our natural resources, improving our environment and furthering the assurance of complying with the mandates of North Carolina's new laws (SB 111 and HB 1109).

Please know we thank you again for your patient attention and time in meeting with me over the past few weeks. We know the more expeditious a decision can be made, the greater the savings can begin to be implemented and be assured we are ready to begin!

Very truly yours,

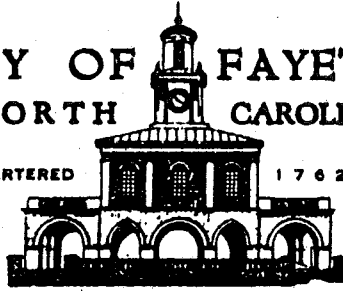
AMERICAN REFUSE SYSTEMS, INC.

Gregory A. Peverall
Gregory A. Peverall
Vice President

GAP:mtf

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



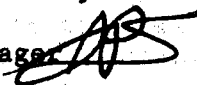
CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

February 26, 1992

MEMORANDUM

TO: The Mayor and Members of City Council
FROM: John P. Smith, City Manager 
SUBJECT: Commercial Garbage Collection

Attached for your information are the following documents:

1. Memo to members of the User Committee outlining options for fiscal year 92-93.
2. Spreadsheet on proposals received from ARS, Waste Industries and BFI.
3. Copy of the request for proposals.

On February 19, 1992, City staff met with Mr. Lonnie Player and Mr. Tommy Bradford to discuss the six options outlined in the attached memo. (The third member of the User Committee was unable to attend). At that meeting we discussed the short and long term ramifications of each of the six options on the City and the commercial garbage customers. The first four options were included in the bids. Options five and six are limited franchises and free competition. Mr. Player and Mr. Bradford both recommend either option five or option six, which would allow for open competition among haulers. Both felt that open competition was better and would provide for better pricing and service in the long run, than City subsidized service with one hauler. They both felt that some City regulation might be desirable, however, regulation might interfere with competition among haulers and be counter productive.

Having heard the recommendations of the User Committee, it is my recommendation that the City adopt option six, which is to allow haulers to compete openly and freely for business in the City, just as they do throughout the rest of the county. If open competition creates problems in the future, there is nothing to preclude the City from stepping in with regulations and granting non-exclusive franchises. The Committee believes that any action by

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

The Mayor and Members of City Council
Page 2
February 26, 1992

the City that limits the choice by customers will be detrimental to the cost and quality of service in the long run. I agree, and therefore recommend that the City reject the bids and allow the free market to operate beginning July 1, 1992.

JPS/kbla

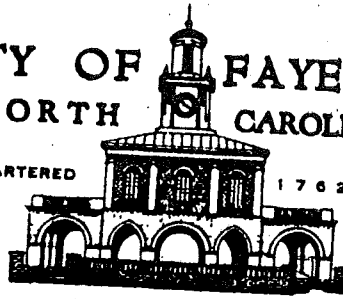
Attachments

cc: Members of User Committee

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED

1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

February 13, 1992

MEMORANDUM

TO: Commercial Garbage User Committee
FROM: John P. Smith, City Manager *JPS*
SUBJECT: Committee Meeting

The Committee is scheduled to meet on Wednesday, February 19, at 3:30 p.m. in the City Manager's Conference Room. The purpose of the meeting will be to discuss the bids received for service beginning July 1, 1992. A summary of those bids is attached.

Under alternatives 1 and 2, the City would award an exclusive contract and continue to pay for one pick-up per week. Under alternatives 3 and 4, the City would award an exclusive franchise but would not pay for any pick-ups. Under each option the customer would pay the disposal fee based upon the current 80 pounds per cubic yard.

There are other options to consider which were not part of the bid package. One option is to simply allow open competition among haulers with no City involvement. Another option is for the City to issue non-exclusive franchises setting forth certain standards for service and/or specifying maximum fees. Under a non-exclusive franchise any hauler agreeing to abide by the terms of franchise could compete for business in the City.

In summary, the Committee should be prepared to discuss the following options:

1. City enters into a one-year contract with ARS with the City paying the collection cost of one pick-up per week. Customers would pay the disposal fee. Customers would also pay a collection fee of 54 cents per cubic yard for additional collection beyond once per week. The advantage of this arrangement is a fixed price. The disadvantage is the elimination of competition.

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

Commercial Garbage User Committee

Page 2

February 13, 1992

2. The second option is the same as the first except for the length of the term of the contract and a slightly lower fee.
3. The City awards an exclusive franchise for five years. The hauler pays the City a franchise fee. The City regulates but does not subsidize the service.
4. This is the same as option three except the hauler does not pay a fee to the City.
5. An option not included in the bids is for the City to grant non-exclusive franchises by setting standards for service. The advantage of this option is that the City sets standards but allows for competition.
6. Another option not included in the bids is for the City to allow totally open competition and not regulate the service. This option takes the City totally out of the picture and allows the free market to set standards and prices.

All of these options will be presented to the City Council. I hope to include in the Council material any recommendations or input from the user committee.

Please feel free to call either me or Roger Stancil (433-1990) if you have any questions before your meeting on February 19.

JPS/kbli

Attachment

COMMERCIAL GARBAGE PROPOSALS

Alternative 1: One year annual contract with City providing subsidy for collection.

	ARS	Waste	BFI
City pay once-a-week	.51	.579	.62
Customer pays additional	.54	.579	.66

Alternative 2: City shall award franchise for five years and provide subsidy for collection.

	ARS	Waste	BFI
City pays once-a-week	.49	.568	.59
Customer pays additional	.52	.568	.66

Alternative 3: City shall award franchise for five years and franchisee shall pay the City for the franchise.

	ARS	Waste	BFI
Franchisee bills customer	.55	.598	.72

Alternative 4: City shall award franchise for five years.

	ARS	Waste	BFI
Franchisee bills customer	.52	.568	.62

ESTIMATE 600,000 CUBIC YARDS COLLECTED PER YEAR. UNDER ALTERNATIVES 1 & 2 IN WHICH THE CITY PROVIDES A SUBSIDY THE ANNUAL COST UNDER EACH PROPOSAL WOULD BE AS FOLLOWS:

ALTERNATIVE 1	ARS	WASTE	BFI
	\$ 306,000	\$ 347,400	\$ 372,000
ALTERNATIVE 2	ARS	WASTE	BFI
	\$ 294,000	\$ 340,800	\$ 354,000

COST ANALYSIS
CONTAINERIZED GARBAGE COLLECTION OPTIONS
FOR FISCAL YEAR 1992-93

OPTION #1 - One year exclusive contract with ARS

Cost to City \$306,000/year

Cost to Customer:

1 pickup per week \$ 416/year

2 pickup per week \$1,056/year

3 pickup per week \$1,697/year

OPTION #2 - Five year exclusive contract with ARS

Cost to City \$294,000/year

Cost to Customer

1 pickup per week \$ 416/year

2 pickup per week \$1,048/year

3 pickup per week \$1,680/year

OPTION #3 - Exclusive franchise with ARS with franchise fee

Cost to City <\$20,000>

Cost to Customer

1 pickup per week \$ 645/year

2 pickup per week \$1,290/year

3 pickup per week \$1,935/year

OPTION #4 - Exclusive franchise with ARS without franchise fee

OPTIONS #5 & #6 - Non-exclusive franchise or open competition

Cost to City -0-

Cost to Customer - Negotiated with haulers by each customer

OPTION #7 - City resume collection *

Cost to City \$550,000/year

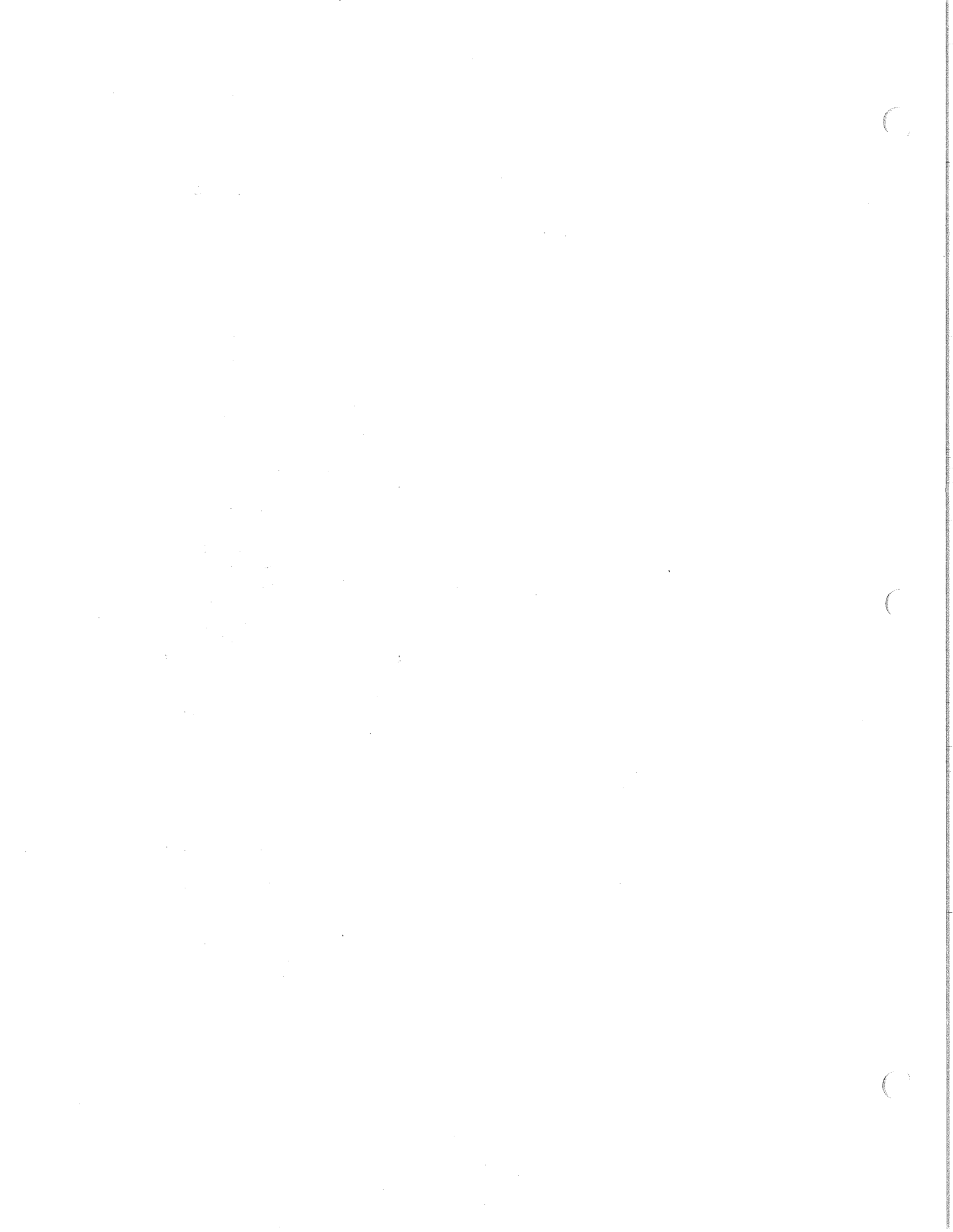
Cost to Customer

1 pickup per week \$ 416/year

2 pickup per week \$1,056/year

3 pickup per week \$1,697/year

* Based upon lease purchase of equipment, plus operating cost less fees for extra collections beyond once per week.



THE CITY OF FAYETTEVILLE
NORTH CAROLINA



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

APRIL 15, 1992

MEMORANDUM

TO: The Mayor and Members of City Council

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

SUBJECT: Offer to Purchase 225-227 Hay Street

Attached is the offer to purchase 225-227 Hay Street. The City currently has this property under demolition contract. The City has made a partial payment to the demolition contractor of \$3,000 which is less than the offering price for the property. I recommend that the sale be contingent upon the following:

1. The building be secured immediately upon sale.
2. The building be brought up to code by July, 1992.

Otherwise, the City will complete the demolition and keep the purchase price.

JPS:ssm

Attachment

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 5

STATE OF NORTH CAROLINA

PURCHASE AGREEMENT

COUNTY OF CUMBERLAND

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

SECTION I. REAL PROPERTY:

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

SECTION II. PERSONAL PROPERTY:

All contents within or attached to structure.

SECTION III. PURCHASE PRICE:

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

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

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

SECTION IV. CONDITIONS:

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

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

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

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

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

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

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

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

SECTION V. ASSESSMENTS:

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

SECTION VI. OTHER PROVISIONS AND CONDITIONS:

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

2. **PRORATIONS AND ADJUSTMENTS:** Unless otherwise provided, the following items shall be prorated and adjusted between the parties or paid at closing:

(a) The 1992 taxes, penalties, etc., shall be prorated and proportional between parties, effective date of closing.

4. **FIRE OR OTHER CASUALTY:** The risk of loss or damage by fire or other casualty prior to closing shall be upon Seller.

5. **CONDITIONS:**

(a) The Property must be substantially the same condition at closing as on the date of this offer, reasonable wear and tear excepted.

(b) All deeds of trust, liens and other charges against the Property, not assumed by Buyer, must be paid and canceled by Seller prior to or at closing.

(c) Title must be delivered at closing by general warranty deed and must be fee simple marketable title, free of all encumbrance except ad valorem taxes for the current year, utility elements and unviolated restrictive covenants that do not materially affect the value of the Property and such other encumbrances as may be assumed or specifically approved by Buyer. The subject Property must have legal access to a public right-of-way.

6. **CLOSING EXPENSES:**

Seller shall pay for the preparation of a deed and for the revenue stamps required by law and shall pay for recording the deed.

7. **EVIDENCE OF TITLE:**

Seller agrees to exercise his efforts to deliver to Buyer as soon as reasonably possible after the acceptance of this offer, copies of all title information in possession of or available to Seller, including but not limited to: title insurance policies, attorney's opinions on title, surveys, covenants, deeds, notes and deeds of trust and easements relating to the real and personal property described above.

8. ASSIGNMENTS:

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

9. PARTIES:

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

10. SURVIVAL:

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

11. ENTIRE AGREEMENT:

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

SECTION VII. CLOSING:

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

SECTION VIII. POSSESSION:

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

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

SECTION IX. COUNTERPARTS:

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

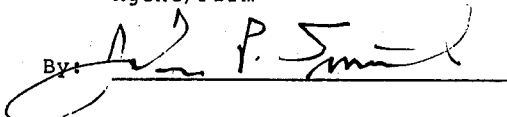
Date of Offer: April 16, 1992

Date of Acceptance: _____

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

April 16, 1992
Date

City of Fayetteville
Agent/Firm

By: 

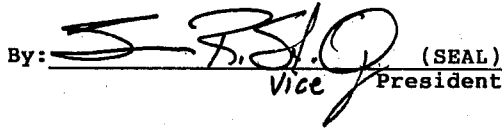
SELLER: CITY OF FAYETTEVILLE

(SEAL)
City Manager

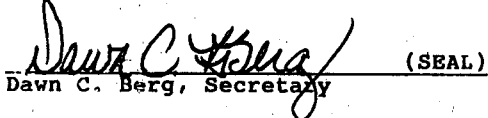
ATTEST:

(SEAL)
Bobbie A. Joyner, City Clerk

BUYER: OLDE FAYETTEVILLE INVESTMENTS, INC.

By:  (SEAL)
Vice President

ATTEST:

 (SEAL)
Dawn C. Berg, Secretary

ATTACHMENT B

PRELIMINARY CONSTRUCTION ESTIMATE
(225 Hay Street)

PHASE I \$55,600.

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

Fire Suppression System (\$15,000.)

Elevator Installation (\$24,000.)

PHASE II \$10,200.

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

PHASE III \$45,300.

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

PHASE IV \$16,900.

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

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

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

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

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

ATTACHMENT C

PROJECT TIME LINE 1992
(225 Hay Street)

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

THE CITY OF FAYETTEVILLE
NORTH CAROLINA



CITY MANAGER


FAYETTEVILLE, NC 28301-5537

433 HAY STREET

APRIL 15, 1992

MEMORANDUM

TO: The Mayor and Members of City Council

FROM: John P. Smith, City Manager 

SUBJECT: 1992-93 Budget

In the General Fund, the projected revenue for Fiscal Year 1992-93 is \$37,595,000 based upon normal growth without any increases in rates, fees or charges. In addition, I now anticipate a fund balance appropriation of \$850,000 giving us a total operating budget in the General Fund of \$38,445,000. Current departmental requests for operating funds for next year total just under \$40,000,000.

Excluded from these expenditure requests are additional items which need to be considered. They are:

1. Commercial garbage subsidy
2. Drug Task Force recommendations
3. Employee cost of living and/or merit pay increases or benefits enhancements
4. Federally mandated storm water permitting requirements

Approximately \$1.5 million will need to be cut from current requests in order to come into balance with current revenue estimates and anticipated fund balance. At that point we can begin to look at how to fund the additional items listed above, either through additional cuts or additional revenues.

We are also in the process of verifying our estimates and the figures in the departmental requests. In presenting the Recommended Budget to you, I will provide a set of decision packages with analysis and funding options for each package.

We will also have the preliminary results from our user fee study in early may, in time to consider any recommendations in your budget deliberations in June.

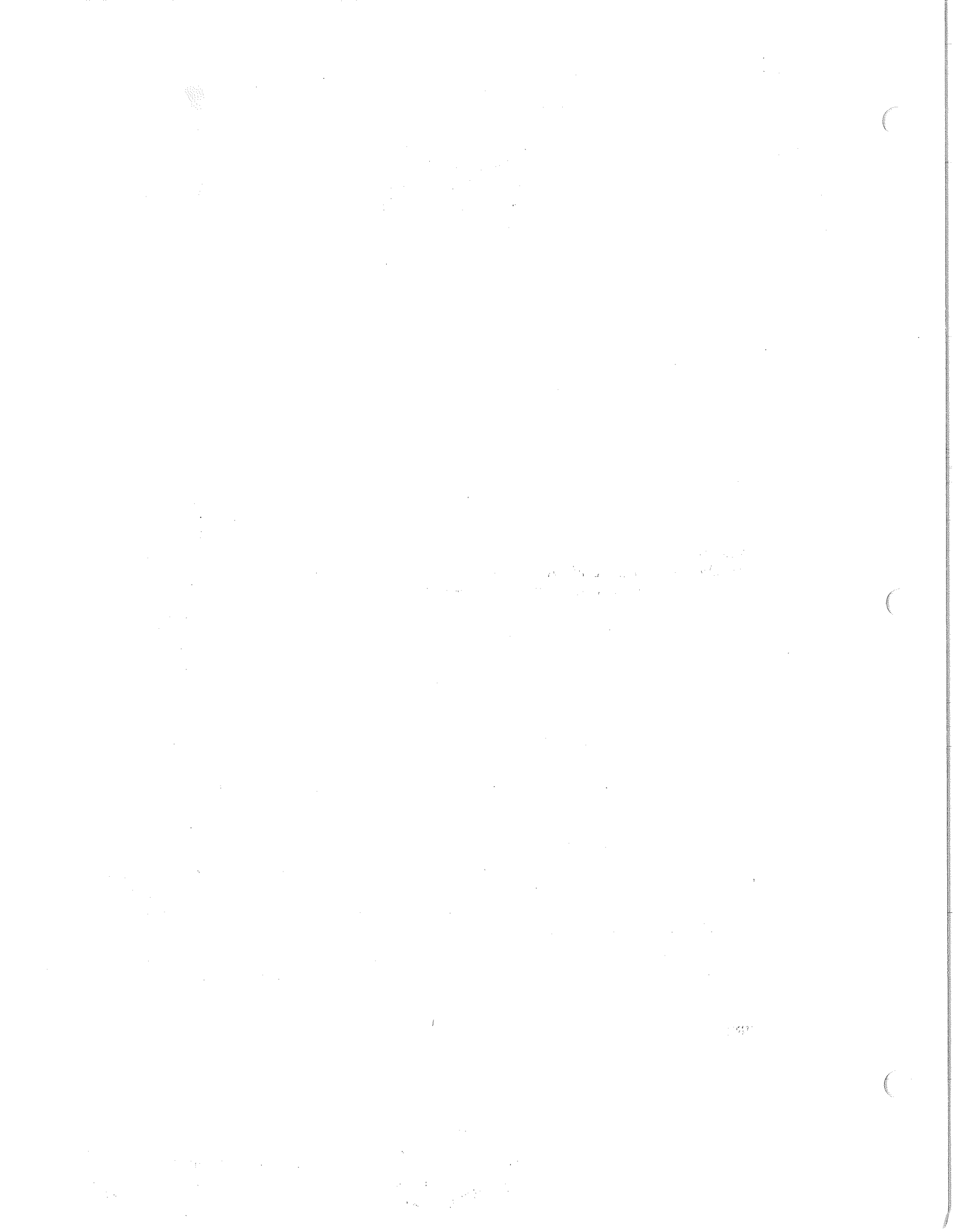
JPS:ssm

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 6.A.





FAYE S. PARRISH
TAX COLLECTOR

COUNTY OF CUMBERLAND TAX COLLECTOR

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



E.T. SESSOMS
ASSISTANT TAX COLLECTOR

APRIL 1, 1992

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

DEAR SIR,

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

1991 TAXES	176,346.89
FAY. VEHICLE TAX	5,213.43
1990 TAXES	17,895.10
1989 TAXES	8,336.15
1988 & PRIOR REAL & PERSONAL TAXES	3,026.35
TOTAL INTEREST	11,780.68
TAXES ON CITY OWNED PROPERTY DEDUCTED	
TOTAL COLLECTIONS	222,598.60

YOURS TRULY,

FAYE S. PARRISH
TAX COLLECTOR

ABJ/BF

ITEM 6.C

Page 2
April 14, 1993

Company's
Address

Company
Address

Company
Address

Address: 1234 Main St.

Vehicle: 1990 Ford
Model: 123456789

Phone: (123) 456-7890

Address: 1234 Main St.
City: 12345
State: 12345

Address: 1234 Main St.
City: 12345
State: 12345

Name: John D.

Address: 1234 Main St.
City: 12345
State: 12345

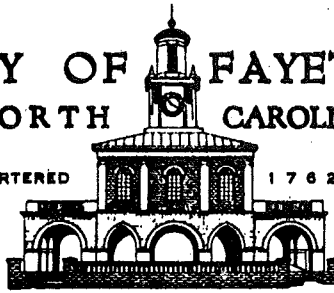
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City: 12345
State: 12345

Address

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

April 14, 1992

MEMORANDUM

TO: John P. Smith, City Manager

FROM: Kai Nelson, Finance Director *KN*

SUBJECT: Tax Refunds of Less Than \$100

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

<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
Smith, James Edgar	Taxpayer has been listing in the incorrect taxing district.		\$15.50
Smith, Vander L. & Mable	Taxpayer listed a 1976 Pontiac not owned.		\$26.29
Wilmar Leasing Co.	Illegal tax: 1988 Chevy located in Lenoir County.	Business Personal Property	\$94.21
Ellis, Beatrice	Taxpayer listed a 1981 Plymouth not owned.		\$16.60
Gust, Jarvis E. wife	Adjust value of 1985 Olds per VIN.	1610 Rogers Dr Lt 19 Blk E Sec 5 Greenwood	\$ 6.52
McGhee, Mildred	Business was listed in error, closed 6-30-90 per the amended statement submitted.	Business personal property mach. & equip.	\$57.30



John P. Smith
Page 2
April 14, 1992

<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
Melvin, Eunice Avery	Vehicle incorrectly charged on bill #2390824.		\$16.87
Myers, Vincent M. & wife	Illegal tax, military non-resident. LES filed 3-9-92.	Lot 49 Green Valley Est. Sec Pt 2 1559 Mintz Dr. & personal property.	\$89.39
Owens, Alice M.	Mobile home charged in incorrect tax district.		\$48.74
Parrott, Bill D. & Patricia E.	Illegal tax: 1990 Saab located in Forsythe County.		\$94.55

KN/be

Cumberland County Schools
P.O. Box 2357
Fayetteville, North Carolina 28302
919-678-2300

THOMAS COUNCIL, CHAIRMAN
W. MARSHALL FAIRCLOTH, VICE CHAIRMAN
MICHAEL C. BOOSE
MARTA C. BULLARD
MAUREEN H. CLARK

LARRY G. ROWEDDER, SUPERINTENDENT

DAVID C. DALTON
KAREN S. DAVENPORT
SARA VANDERCLUTE
MILTON J. YARBORO

April 14, 1992

Pete Piner, Fire Chief
Fayetteville Fire Department
155 Bow Street
Fayetteville, NC 28301

Dear Mr. Piner:

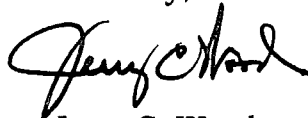
At approximately 1:30 a.m. on Saturday, April 11, members of Station #5, Village/Owen Drive Fire Station responded to a portable (hut) classroom fire that was totally engaged.

The prompt professional judgment and skills applied by the firemen without question saved several adjoining huts and damage to the permanent school facility.

Investigators, police officers and firemen were courteous, caring and helpful.

Please share our appreciation for a job well done.

Sincerely,



Jerry C. Wood
Associate Superintendent
Operations

JCW:msw

cc: Mayor J. L. Dawkins
✓ John Smith, City Manager
Pete Piner, Fayetteville City Fire Chief
Captain William Coleman, Fire Station #5

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Agenda - Truf

3309 Boone Trail
Fayetteville, NC
28306

March 31, 1992

John Smith, City Manager
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301

Dear Mr. Smith:

I spoke to you today concerning regulating Fayetteville Cable-
vision. Here is a copy of the letter I received after I had writ-
ten and asked about a better control of their taking channels
away from the standard cable and still charging more. Of the
31 channels I receive I only watch around 10 and every 6 months
or so they take more of my choices away stating that the select-
ed channels are not being clearly received and therefore are
moving them to higher channels. My set is in great shape and I
don't feel that I can go out and pay several hundreds dollars
for another TV. The veiwers are never given results of the
surveys and I say they should give us a chance to take part in
the surveys.

Sincerely,



Marilyn J. Daniels

INFORMATION

January 16, 1992

Ms. Marilyn Daniels
3309 Boone Trail
Fayetteville, NC 28306

Dear Ms. Daniels:

Thank you for your letter about our cable service. We are in the customer service business as well, which means we want to package our "product" (in this case cable TV channels) as effectively as possible in order to keep satisfied the greatest number of customers as we possibly can.

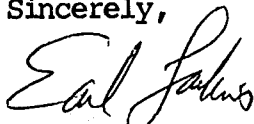
However we are not able to offer each channel on an "a la carte" basis. Customers are not expected to watch every channel. What we offer is similar to the various sections of a newspaper or magazine. I've always subscribed to the newspaper and feel I get good value for my money even though I never read the sports section. Obviously they can't sell the paper to me for less money by removing that section.

We want our customers to make the most of their TV viewing time. By choosing cable you enjoy a wider variety of programming and greater convenience that ordinary TV can offer, plus you enjoy greater control. This is why people value their cable service even if they may only watch 5 or 10 channels in any given month.

I understand your feelings about surveys, and perhaps you will be able to participate in the future. We commission an independent research firm to conduct random telephone sampling, because, unlike surveys inserted in the customer bills, they tell us that is the only way to assure a scientifically valid survey.

We are always happy to receive letters and phone calls about our service, and encourage customers to give us their comments and suggestions. It's important that we do all we can to be responsive to your needs. Thanks again for writing.

Sincerely,



Earl Larkins
Director of Public Affairs

Marilyn Daniels
(919) 425-7495