

FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
FEBRUARY 3, 1992
7:00 P.M.



FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 3, 1992
7:00 P.M.

INVOCATION - PLEDGE OF ALLEGIANCE

RECOGNITION:

A 9/0 ITEM 1. Approval of Agenda

ITEM 2. Consent

- A 9/0*
- A. Approve minutes of joint meeting between Fayetteville City Council and Fayetteville Airport Commission of January 13, 1992.
 - B. Approve minutes of regular meeting of January 21, 1992.
 - C. Approve minutes of information meeting of January 27, 1992.
 - D. Approve requests for tax refunds. (See attached memo)
 - E. Approve Supplemental Agreement Number 2(A) between Fayetteville Regional Airport and Wilbur Smith Associates.
 - F. Award of construction contract for underground storage tank removal and installation to Braswell Equipment Co., Inc., lowest bidder.
 - G. Set public hearing for February 18, 1992, to consider petitions for 25 miles per hour in College Lakes Subdivision.
 - H. Approve the initial zoning to R10 Residential District and C1 Local Business District or to a more restrictive zoning classification for an area located at the intersection of Roxie Avenue and Boone Trail, west of Carlos Avenue and being the property of W.E. Royal, Richard E. Esslinger and Robert E. Hallisey. (P92-2)

ITEM 3. Public Hearings:

- A. Consideration of public input on plan for compliance with American Disabilities Act.
- B. Consideration of 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 32-23, Item (4a), to establish grounds and facilities for a private equestrian center and pasture to operate on a nonprofit basis in an R10 Residential District for an area located on the east side of U.S. HWY 401 North (Raleigh Road), east of Andrews Road (SR 1611). (P91-129)

County 9/0
to 3/24
ITEM 4. Consideration of appeal of assessment on Southland Drive. (Continued from January 6, 1992).

ITEM 5. Consideration of request to address City Council from Peter Pavlikianidis.

ITEM 6. Consideration of resolutions recommended by Mayor's Task Force on Drugs in our Community.

- A 9/0*
- A. Resolution urging the Cumberland County Commissioners to take immediate steps to enlarge the Cumberland County Jail.

A 9/0

B. Resolution urging the Cumberland County Legislative Delegation to strongly support immediate construction of additional prisons in keeping with the successful state-wide bond referendum of November, 1990.

A 9/0

C. Resolution encouraging the Cumberland County Commissioners to expand treatment and aftercare services, including halfway houses, for chemically dependent persons and their families.

ITEM 7. Discussion of recommendations by Mayor's Task Force on Drugs in our Community.

3 New police officers

- A 9/0 ; set aside 25000 for matching grants A 9/0

ITEM 8. Consideration of adoption of resolutions fixing date of public hearings concerning annexation petitions:

A 6/3 (Ross, Torrey)

A. The Greens, Section 1, Part 1 (Contiguous Area) - submitted by Broadwell Land Company.

B. Norton's Wrecker Service (Satellite Area) - submitted by Mark S. Norton.

ITEM 9. Consideration of adoption of resolution revising the electoral district boundaries of the City for the purpose of accounting for territory annexed to the City. (Roxie Avenue)

A 9/0 7/2 (Ross, Torrey)

ITEM 10. Appointments

A. Nominations to fill one vacancy on Appearance Commission. —

B. Nominations to fill one vacancy on Human Relations Commission. — James W. Florence

ITEM 11. Administrative Reports

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

B. Other.

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.

Contact housing with re joint meet

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PRESENTED BY: Planning Board Staff

RECOMMENDED ACTION:

ITEM 4. Consideration of appeal of assessment on Southland Drive. (Continued from January 6, 1992).

PRESENTED BY: City Attorney

RECOMMENDED ACTION: Denial of request

ITEM 5. Consideration of request to address City Council from Peter Pavlikianidis.

ITEM 6. Consideration of resolutions recommended by Mayor's Task Force on Drugs In our Community.

- A. Resolution urging the Cumberland County Commissioners to take immediate steps to enlarge the Cumberland County Jail.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Mayor's Task Force on Drugs recommends approval

- B. Resolution urging the Cumberland County Legislative Delegation to strongly support immediate construction of additional prisons in keeping with the successful state-wide bond referendum of November, 1990.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Mayor's Task Force on Drugs recommends approval

- C. Resolution encouraging the Cumberland County Commissioners to expand treatment and aftercare services, including halfway houses, for chemically dependent persons and their families.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Mayor's Task Force on Drugs recommends approval

ITEM 7. Discussion of recommendations by Mayor's Task Force on Drugs in our Community.

PRESENTED BY: City Manager

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- A. The Greens, Section 1, Part 1 (Contiguous Area) - submitted by Broadwell Land Company.
B. Norton's Wrecker Service (Satellite Area) - submitted by Mark S. Norton.

PRESENTED BY: Assistant City Manager for Operations

RECOMMENDED ACTION: Adoption of resolutions

ITEM 9. Consideration of adoption of resolution revising the electoral district boundaries of the City for the purpose of accounting for territory annexed to the City. (Roxie Avenue)

PRESENTED BY: Assistant City Manager for Operations

RECOMMENDED ACTION: Adoption of resolution

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FAYETTEVILLE CITY COUNCIL
JOINT MEETING WITH AIRPORT COMMISSION
CITY HALL MULTIPURPOSE ROOM (FIRST FLOOR)
433 HAY STREET
MONDAY, JANUARY 13, 1992
7:00 P.M.

Members Present: Mayor J. L. Dawkins

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

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

Mayor Dawkins called the meeting to order and recognized the members of the City Council, the Airport Commission, and staff.

Council first heard a report by the Airport Manager on service levels and traffic figures at the Airport for the period 1982 through December 21, 1991.

The Airport Manager then reported on the status of the Highway 301 access road. Mr. Ray stated work has begun on the environmental impact statement for this project.

The next item for discussion was the matter of lease negotiations and landing fees. Upon motion by Councilmember Ross, seconded by Councilmember Kendrick, Council voted unanimously to enter into Executive Session to discuss lease negotiations and landing fees at the Airport.

Upon motion by Councilmember Ross, seconded by Councilmember Robertson, Council voted unanimously to adjourn Executive Session and the meeting at 8:55 p.m.

Roger L. Stancil, Deputy City Clerk

J. L. Dawkins, Mayor

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ITEM 2.A



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FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
433 HAY STREET
TUESDAY, JANUARY 21, 1992
7:00 P.M.

PRESENT: Mayor J. L. Dawkins

Councilmembers Mildred Evans (At-Large), Milo McBryde (At-Large), Nat Robertson (At-Large), Tommy Bolton (District 1), Ida Ross (District 2), Joe Pillow (District 3), Thelbert Torrey (District 4), Mark Kendrick (District 6)

Suzan Cheek (District 5) arrived at the meeting at 7:46 p.m.

ABSENT: None

OTHERS PRESENT: John P. Smith, City Manager
Roger L. Stancil, Assistant City Manager for Operations
John B. Brown, Jr., Assistant City Manager for Administration and Finance
Robert C. Cogswell, Jr., City Attorney
Jason Brady, Public Information Officer
Al Mitchell, Assistant City/County Planning Director
Mike Walker, Interim City Engineer
Louis Chalmers, City Traffic Engineer
Kai D. Nelson, Finance Director
Richard Herrera, Community Services Director
Wayne McGary, Chairman, Historic Resources Commission
George Yourgal, Citizen
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 Tim Medlin, Associate Pastor, College Lakes Baptist Church, followed by the pledge of allegiance led by Raymond Harmon of Cub Scout Troop 747, Den 1.

RECOGNITION:

Mayor Dawkins recognized Cub Scout Troop 747, Den 1, Scout Master Bill Carey, and the Junior Service League.

1. Approval of Agenda

City Manager John Smith requested that Schedule 10 in Item 2.K be added to the agenda. This ordinance was included in the packet but was omitted from the agenda.

Councilmember Bolton moved to approve the agenda with the addition, seconded by Councilmember Pillow and carried unanimously 8 to 0.

2. Consent:

Mayor Dawkins presented the consent agenda and asked if any item should be removed before calling for action. There being none, Councilmember McBryde moved to approve the consent agenda, seconded by Councilmember Bolton and the following items were approved unanimously 8 to 0:

A. Approve minutes of regular meeting of January 6, 1992.

B. Set public hearing for February 3, 1992, for public input on plan for compliance with American Disabilities Act.

C. Adopt resolution declaring cost and ordering preparation of preliminary assessment roll and setting time and place for public hearing on preliminary assessment roll for the following locations: (Public hearing date: February 18, 1992):

1. Barrington Circle

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR BARRINGTON CIRCLE (FROM BRAGG BOULEVARD TO BRAGG BOULEVARD). RESOLUTION NO. R1992-011.

2. Converse Court

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR CONVERSE COURT (FROM CONVERSE AVENUE TO CUL-DE-SAC). RESOLUTION NO. R1992-012.

3. Summer Duck Road

RESOLUTION DECLARING COST AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR SUMMER DUCK ROAD (FROM RURITAN DRIVE TO DEAD END). RESOLUTION NO. R1992-013.

Copies of the foregoing resolutions are on file at the Clerk's office in Resolutions Book 1992.

D. Adopt Capital Project Ordinance Amendments 92-9, 92-10, and 92-11.

Capital Project Ordinance Amendment 92-9

The City has entered into a service agreement with Concurrent Computer Corporation to provide maintenance for the Digital Traffic System. The service charges of the agreement total \$6,348. The costs of the Service agreement will be shared by the NCDOT (\$5,459 or 86%) and City (\$889 or 14%). This ordinance amendment appropriates NCDOT's share of the costs. The City's share will not require an additional appropriation as current project funds will be utilized.

Capital Project Ordinance Amendment 92-10

The Parks and Recreation Department has received additional owner contributions to the Street Releaf program in the amount of \$1,380. This ordinance appropriates those additional receipts.

Capital Project Ordinance Amendment 92-11

The City has received from the NCDOT a funding authorization to proceed with the replacement of the Winslow Street bridge totaling \$501,202. This ordinance amendment appropriates additional funds as required to reflect the funding authorization.

E. Adopt Capital Project Ordinance Partial Closeouts 92-6, 92-7, and 92-8.

The purpose of these partial closeouts is to remove obsolete records which represent the completion of various phases in the respective projects. The total budget and financial activity to be removed represent the total expenditures as of June 30, 1991, as audited by the City's independent auditors, Cherry, Bekaert & Holland.

F. Adopt Capital Project Ordinance Closeouts 92-2, 92-3, 92-4, and 92-5.

Capital Project Ordinance Closeout 92-2

The Parks and Recreation Department has completed the Park Improvement Projects which were initially approved by Council on June 22, 1987. The projects involved improvement of facilities located at the Honeycutt, Seabrook, Spivey, Edgewood/Tokay, Massey Hill and North Street recreation centers; construction of the Clark Park Nature Center and Rowan Street Park band shell platform; and improvements to facilities at the Mazarick and College Lakes parks. This ordinance will recognize the completion of these projects and authorize the removal of project expenditures from the City's accounting records.

Capital Project Ordinance Closeout 92-3

The Parks and Recreation Department has received the completed design work and documents for the Downtown Linear Park. The purpose of the project was to provide preliminary design for the Downtown Linear Park and final design and construction documents for Phase One development of the park. This ordinance will recognize the completion of this project and authorize the removal of project expenditures from the City's accounting records.

Capital Project Ordinance Closeout 92-4

The Community Development Department has completed the 14th program year rental rehabilitation project. During the course of the project the City's rental rehabilitation received bonus funding from HUD in the amounts of \$32,000 and \$60,000. In both cases HUD indicated the bonuses were ". . . the result of the excellent manner in which the Program has been administered and the timely use of Rental Rehabilitation funds." This ordinance will recognize the completion of this project and authorize the removal of project expenditures from the City's accounting records.

G. Adopt Special Revenue Fund Project Ordinance 92-1 and 92-2.

Special Revenue Fund Project Ordinance 92-1

The Fayetteville Police Department has received additional Federal Forfeiture funds totaling \$61,604. This ordinance appropriates these additional receipts.

Special Revenue Fund Project Ordinance 92-2

The Fayetteville Police Department has requested and received a grant in the amount of \$3,200 from the Florence Rogers Charitable Trust. The purpose of the grant is to provide an early intervention project in the form of Judo classes for at-risk youths in low-income housing communities under the auspices of the Police Athletic League (PAL). This ordinance establishes the necessary accounts to record program expenditures.

H. Adopt ordinance transferring cablevision franchise and cablevision system operations to Time-Warner Entertainment Co., L.P. (Second reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE APPROVING TRANSFER OF CABLEVISION
FRANCHISE. ORDINANCE NO. NS1992-004.

A copy of the foregoing ordinance is on file in the Clerk's office in NS Ordinances Book 1992.

I. Adopt resolution authorizing condemnation of Parcel N-1 for the Bayview Drive drainage easement.

The appraisal is pending on this project. The dollar amount has not been determined as of this meeting.

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY. RESOLUTION NO. R1992-014.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book 1992.

- J. Adopt resolution setting a public hearing for closing a portion of North Pearl Street from the northeasternmost corner of Lot 19, Block "B", Edenroc Subdivision, Plat Book 25, Page 3, to the southeastern line of Edenroc Subdivision. (Public hearing date: February 18, 1992.)

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF NORTH PEARL STREET. RESOLUTION NO. R1992-015.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book 1992.

- K. Approve revisions to Traffic Schedule Number 6 (Stop Intersections), Traffic Schedule Number 11 (Parking Prohibited), and Traffic Schedule Number 10 (Loading Zones).

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES (TRAFFIC SCHEDULE NUMBER 6 - STOP INTERSECTIONS, GARDEN COURT SHALL STOP AT FAIR OAKS DRIVE AND FAIR OAKS DRIVE SHALL STOP AT COTTAGE WAY). ORDINANCE NO. NS1992-005.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES (TRAFFIC SCHEDULE NUMBER 11 - PARKING PROHIBITED, HAY STREET). ORDINANCE NO. NS1992-006.

AN ORDINANCE AMENDING CHAPTER 20, MOTOR VEHICLES AND TRAFFIC, OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES (TRAFFIC SCHEDULE NUMBER 10 - LOADING ZONES, HAY STREET). ORDINANCE NO. NS1992-007.

Copies of the foregoing ordinances are on file in the Clerk's office in NS Ordinances Book 1992.

- L. Approve lease agreement between City of Fayetteville and The Women's Center, Inc., for space in Transit Information Center (224 Hay Street).
- M. Approve bid award for purchase of two (2) 28,000 pounds GVW cab and chassis to LaFayette Motor Sales, low bidder, in the amount of \$56,000.00. (PWC) Bids received were as follows:

*LaFayette Motor Sales	\$56,000.00
USI Equipment	\$56,100.00
Owsley & Sons, Inc.	\$56,132.00
Utility Equipment Sales	\$56,900.00
Baker Equipment Engineering	\$57,812.00
Altec Industries, Inc.	\$58,028.00

- N. Approve bid award for purchase of two (2) Aerial Lifts with Utility Bodies to Altec Industries, Inc., low bidder, in the amount of \$77,162.00. (PWC) Bids received were as follows:

*Altec Industries, Inc.	\$77,162.00
Utility Equipment Sales	\$79,530.00
Owsley & Sons, Inc.	\$79,640.00
USI Equipment	\$81,554.16
Baker Equipment Engineering	\$82,138.00
LaFayette Motor Sales	\$82,138.00

- O. Approve bid award for purchase of Relay and Control Switchboards for POD #1 (Owen Drive Substation) to Keystone Electric, low bidder, in the amount of \$123,533.00. (PWC) Bids received were as follows:

*Keystone Electric	\$123,553.00
WESCO	\$131,114.00
Systems Control	\$133,182.00
Clark Substations	\$139,725.00
Kemco Industries	\$145,622.00
Electronic Power	\$155,857.00

- P. Approve bid award for purchase of Relay and Control Switchboards for POD #3 (Reilly Road Switching Station and Waters Edge Substation) to Keystone Electric, Inc., low bidder, in the amount of \$356,840.00. (PWC) Bids received were as follows:

*Keystone Electric	\$356,840.00
WESCO	\$388,150.00
Systems Control	\$400,555.00
Kemco Industries	\$407,278.00
Clark Substations	\$427,375.00

3. Public Hearings:

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

- A. Consideration of designation of John A. Oates House as historic property. (Joint public hearing with Historic Resources Commission)

Mayor Dawkins announced this was a joint public hearing with the Historic Resources Commission. Councilmember Bolton raised a question as to whether a quorum of the Historic Resources Commission would be required. After discussion with City Attorney Robert Cogswell, the hearing moved forward.

The public hearing opened at 7:11 p.m. Wayne McGary, Chair of the Historic Resources Commission, stated the Commission felt the John A. Oates House was of sufficient historic and architectural value, that it should be placed on the Historic Register.

There was none to speak in opposition to this designation. The public hearing was closed at 7:13 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DESIGNATING THE JOHN A OATES HOUSE AS A HISTORIC LANDMARK. ORDINANCE NO. NS1992-008.

Councilmember Bolton moved to approve the designation of the John A. Oates House as historic property and to adopt the foregoing ordinance. The motion was seconded by Councilmember Kendrick and carried unanimously 8 to 0.

A copy of the foregoing ordinance is on file in the Clerk's office in NS Ordinances Book 1992.

- B. Consideration of an application by Larry R. Godwin for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances from Chapter 32, Article IV, Section 32-35, "Prohibited Uses," Item (1), to allow the operation of an abattoir in an M2 Industrial District for an area located on the west side of Eastern Boulevard (SR 1737), between SR 1738 and River Road (SR 1714). (P91-130)

This item was presented by Al Mitchell, Assistant City/County Planning Director. The Planning Board recommended approval of this special use permit with the requirement that the standard noise, smoke, and odor regulations be maintained at all times pursuant to Section 32-35 of the Fayetteville Code of Ordinances. Mr. Mitchell told Council they must make a finding that this action would not be detrimental to public safety, health, or welfare.

The public hearing was opened at 7:15 p.m. There were none to speak in favor or opposition to this matter, and it was closed at 7:16 p.m.

Councilmember Kendrick made a motion that the recommendation of the Planning Board with the special requirements be approved with a finding by the Council that this special use permit would not be detrimental to the safety, health, or welfare of the public. The motion was seconded by Councilmember Bolton and approved unanimously 8 to 0.

4. Consideration of award of contract for Winslow Street Bridge repair to C. C. Mangum, Inc., low bidder.

John Smith, City Manager, presented this item. He brought to the attention of the Council that this project had an incentive clause of \$500 per calendar day not to exceed \$15,000 while the liquidation damage clause is \$500 per each day of overrun.

WHEREAS, all of the bids duly and regularly made on the parts of several works specifically referred to in the Proposal were duly opened, read, tabulated and canvassed, and

WHEREAS, after due consideration, it was determined that the acceptance of the Bid of C. C. Mangum, Inc., would best conserve the interests of the City of Fayetteville, North Carolina.

NOW, THEREFORE, be it resolved that the City of Fayetteville do and hereby does award the Contract for all of said parts of said work to said C. C. Mangum, Inc., at and for the rates and prices set out in said Proposal, said award being subject to all conditions and stipulations set out in the Contract Documents above mentioned and the Mayor and City Clerk are hereby authorized and directed to execute said contract on behalf of the City of Fayetteville, North Carolina.

Councilmember Evans made a motion to approve bid award to C. C. Mangum, Inc. for \$432,515.22, seconded by Councilmember Evans and carried unanimously 8 to 0. Bids received were as follows:

*C. C. Mangum, Inc. Raleigh, NC	\$432,515.22
Della Construction of North Carolina Sanford, NC	\$448,064.10
Sanford Construction Company Sanford, NC	\$478,459.88
CITY ESTIMATE	\$413,799.30

5. Consideration of request from George Yourgal to appear before City Council regarding McFayden Lake.

Mr. George Yourgal, 5577 Nix Road, Fayetteville, North Carolina, addressed the Council and solicited their help in getting the state of North Carolina to delay the draining of McFayden Lake. This action by the state is to be taken because of an unsafe dam, which is owned by Dr. Saliba and the De LaFayette Restaurant. Mr. Yourgal stated that the lake contains approximately 70 acres and would become a health hazard to the community if drained. He stated the property value of the owners of the property around the lake would be decreased as a result of this action. The approximate cost to repair the dam could be between \$500,000 to \$700,000 according to Mr. Yourgal. Councilmember McBryde raised the issue of the City's liability if something should happen to the dam during the delay time. Mr. Smith, City Manager, addressed the Council and suggested they instruct the staff to investigate the situation.

Councilmember Evans made a motion that the City staff check into the situation and contact the state on behalf of the

City and the property owners surrounding McFayden Lake, seconded by Councilmember Kendrick and passed unanimously 8 to 0.

6. Report from Streets and Roads Committee.

City Manager John Smith presented the report. He recommended the Council approve the six recommendations of the Committee and instruct the staff to prepare the ordinance for further consideration.

Mr. Smith reported the second issue discussed was impact fees. The staff will be bringing a proposed consultant contract to City Council on this matter in the near future.

Mr. Smith further reported that a meeting was scheduled with a development group and citizens for further discussion of the proposed street standards.

Councilmember Kendrick stated the data did not support the installation of a traffic signal at the intersection of Commerce and Robeson Streets.

Councilmember Kendrick moved to have staff draft ordinances for presentation to the City Council, seconded by Councilmember Torrey and carried unanimously 8 to 0. The approved items are as follows:

1. The City adopt the state Commercial weight limits for City streets (GS 20-118).
2. The City establish a new "Light-truck" traffic schedule with a 13,000 pound/axle limit. Streets with observed pavement failures can be added to this schedule as necessary.
3. That non-truck route streets with reported and observed cut-thru truck traffic problems be posted with "No Thru Trucks" signs to assist with enforcement.
4. That a permit/bonding procedure be developed that would establish haul routes for construction traffic on local streets, require a pavement inspection before and after construction activities, and bond the contractor for repair of streets damaged by construction traffic.
5. That the Police Department either develop weight limit enforcement capabilities or coordinate enforcement with the North Carolina Department of Motor Vehicles.
6. That residential collector street pavement be constructed to minor thoroughfare standards to accommodate anticipated heavy commercial traffic.
7. Consideration of request from Councilmember Ida Ross for discussion of naming a street in honor of Dr. Martin Luther King, Jr.

Councilmember Ida Ross expressed to the Council her concerns regarding the naming of a City street for Martin Luther King, Jr. She feels that the City is making history by its inaction and that something should be done about the situation. Councilmember Ross stated that Councilmember Bolton had spoken to her about the possibility of a park being named in honor of Mr. King, and now she would like to know what the other Councilmembers want to do.

Councilmember Torrey stated he felt that Fayetteville should follow the path of other communities that have named a street or road after Dr. King. This action would be in line with the new City logo and would enhance the image of the City of Fayetteville. Mr. Torrey suggested Murchison Road be changed to Martin Luther King, Jr., Highway/Boulevard.

Councilmember Evans stated she would like for the record to show that the City Council thought Dr. King was a great and good man and that he died for what he believed in.

Councilmember Pillow expressed his concern about taking away a street name already associated with the minorities in Fayetteville. He suggested a study be done to designate the streets that would qualify for a name change. He did not feel the CBD Loop was appropriate. He also stated he was opposed to changing a street name that was done in honor of another person.

Councilmember Torrey made a motion that the name of Murchison Road be changed to Martin Luther King, Jr., Expressway/Boulevard/Drive, seconded by Councilmember Ross.

Councilmember Evans stated that a survey should be made of the inhabitants to see if they were in agreement because a survey had always been done when a name change was involved. Councilmember Evans offered a friendly amendment to Mr. Torrey's motion that if a majority of property owners were in favor of the change, then it should be done.

John Smith, City Manager, informed Council that their policy regarding name changes in streets calls for a public hearing. This was not by ordinance and the policy could be changed by them if they so desired.

Councilmember Kendrick stated he did not want to do a survey which was expensive to the taxpayers. He thought we should hold a public hearing on the matter.

Councilmember Suzan Cheek arrived at the meeting at 7:46 p.m.

A discussion ensued regarding the public hearing question. After determining that it would take 30 days or longer to give proper notices, Councilmember McBryde questioned the motion on the floor. He asked for clarification as to whether the motion changed the name immediately or would a survey be done with the findings being brought back to the City Council for a decision regarding renaming of the street.

Councilmember Evans made a substitute motion to have a survey done of property owners and then have the issue brought back to City Council, seconded by Councilmember Bolton.

Councilmember McBryde asked if a public hearing would be required. Councilmember Cheek asked for clarification as to whether a survey would be of the occupants or property owners. She expressed her preference for a public hearing rather than a survey. At this point Councilmember Bolton withdrew his second to the substitute motion made by Councilmember Evans. Mayor Dawkins called for a second to Councilmember Evans' motion. No second was heard. The substitute motion died for lack of a second.

Councilmember Kendrick stated he was for a public hearing and not a survey. A discussion of the status of Councilmember Torrey's motion and Councilmember Evans' friendly amendment followed. The restated motion was that Murchison Road would be renamed Martin Luther King after a survey of property owners had been conducted and the results brought back to City Council for final action. Mayor Dawkins called for a vote on the motion/friendly amendment.

The motion was defeated by a vote of 6 to 3. Councilmembers Torrey, Ross, and Evans voted for the motion and Councilmembers Cheek, Robertson, Kendrick, Pillow, McBryde, and Bolton voted against the motion.

Councilmember Pillow made a motion requesting the staff to meet with the Planning Department and compile a list of streets that could be named after Martin Luther King, Jr. Councilmember Cheek asked Mr. Pillow to state the criteria to be considered in the selection of these streets. Mr. Pillow replied that it should be a street with high visibility

throughout the City and not contained to just a minority neighborhood. Mr. Pillow's motion was seconded by Councilmember Robertson and passed unanimously 9 to 0.

8. Consideration of request for legal representation.

City Attorney Robert Cogswell presented this item. He stated that William H. Simons was requesting James R. Nance be hired to represent him at a rate of \$100 per hour. Also, Tom Guilette had requested that William (Billy) Richardson be retained for him at a rate of \$90 per hour. Councilmember McBryde moved that Attorneys Nance and Richardson be appointed as requested, seconded by Councilmember Cheek and carried unanimously 9 to 0.

9. Appointments:

A. Nominations to fill one vacancy on Appearance Commission.

There were no nominations to fill the vacancy on the Appearance Commission.

B. Nominations to fill one vacancy on Wrecker Review Board.

The Council voted unanimously 9 to 0 to place Bill Mauldin as Chairman on the Wrecker Review Board.

10. Administrative Reports:

A. Statement of taxes collected for the month of December 1991 from the Cumberland County Tax Collector.

The total amount collected for December 1991 was \$5,905,592.63.

B. Report of disposal of surplus property.

The list of surplus property is attached to and made a part of these minutes.

There being no further business, the meeting was adjourned at 8:12 p.m. upon motion and second.

Respectfully submitted,

Janet C. Jones, Deputy City Clerk

JCJ/jkp

Attachment

MEMORANDUM

January 3, 1992

Page 2

<u>DATE</u>	<u>SURPLUS ITEMS SOLD</u>	<u>TO WHOM SOLD</u>	<u>SALE PRICE</u>
7-24-91	Recycle Paper	Paper Stock Dealers	\$ 71.10
7-30-91	79 Chev. Chevette	Charlie R. Cooke	300.00
7-30-91	79 Chev. Chevette	Charlie R. Cooke	300.00
8-05-91	Recycle Paper	Paper Stock Dealers	39.75
8-05-91	Salvage Batteries	Beacon Auto Parts	45.00
8-09-91	Recycle Paper	Wayne Community Foundation	99.36
8-15-91	85 Chev. Impala	Cooper's of Fayetteville	100.00
8-26-91	57 America LaFrance	Cooper's of Fayetteville	425.00
9-03-91	Scrap Tires	Mullins Tire Barn	30.00
9-03-91	Recycle Paper	Paper Stock Dealers	32.70
9-03-91	Salvage Batteries	Beacon Auto Parts	30.00
9-26-91	Scrap Metal	Cohen & Green Salvage	417.80
10-10-91	Scrap Metal	R.J. Farms	125.00
10-16-91	Obsolete Compressors	T & H Brake Service	200.00
10-16-91	Salvage Batteries	Beacon Auto Parts	50.00
10-22-91	Recycle Paper	Paper Stock Dealers	17.50
10-24-91	Salvage Tires	Cook's Tire Center	500.00
10-10-91	Recycle Paper	Wayne Community Foundation	167.40
11-04-91	Salvage Wire	Cohen & Green Salvage	100.00
11-15-91	Scrap Metal	Cohen & Green Salvage	30.00
11-18-91	Salvage Uniforms	Abney Chapel Community Ser.	10.00
11-18-91	Salvage Table	South End Baptist Church	10.00
11-18-91	Recycle Paper	Paper Stock Dealers	18.60
11-20-91	Scrap Metal	Cohen & Green Salvage	212.50
11-29-91	Obsolete Sandblaster	Buford Horne	175.00
11-29-91	Salvage Batteries	Beacon Auto Parts	68.00
12-02-91	Scrap Wood	Richard N. Hart	75.00
12-10-91	Recycle Paper	Paper Stock Dealers	42.45
12-10-91	Scrap Metal	Cohen & Green Salvage	16.35
12-18-91	Salvage Drums	Frederick Smith	60.00

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

Present: Mayor J. L. Dawkins

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

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

Mayor Dawkins called the meeting order and recognized Reverend Sandy Saunders for the invocation. Mayor Dawkins then led the audience in the Pledge of Allegiance to the American Flag.

Upon motion by Councilmember McBryde, seconded by Councilmember Kendrick, Council voted unanimously to approve the agenda.

Mayor Dawkins then recognized the Co-Chairmen of the Mayor's Task Force on Drugs in Our Community, Reverend Sandy Saunders and Mrs. Lois Moses, for a presentation of the Task Force Report. Reverend Saunders and Mrs. Moses reviewed the task of the Committee and summarized the recommendations. Upon motion by Councilmember Bolton, seconded by Councilmember McBryde, Council voted unanimously to accept the Task Force Report. Upon motion by Councilmember Bolton, seconded by Councilmember McBryde, Council voted unanimously to direct the City Manager to immediately implement Recommendation No. 3, to direct the City Attorney to develop the resolutions identified in Recommendations 4, 5, and 6 for action by City Council at their next meeting, and to refer the other nine (9) recommendations to staff for an immediate return to Council with staff evaluation and recommendations. Mayor Dawkins then presented certificates of appreciation to all members of the Task Force.

City Manager John Smith gave Council a preliminary estimate of the cost for each recommendation of the Task Force. He stated that these were preliminary requests by the Department Heads and had not been reviewed by the Manager or placed in any priority order. Upon motion by Councilmember Cheek, seconded by Mayor Pro-Tem Evans, Council voted unanimously to commit to the implementation of Recommendation No. 7 (mounted/neighborhood foot patrol officers) and requested the staff to return to Council at the next meeting with a specific plan and cost for this implementation. Councilmember Kendrick asked that the staff review of all recommendations include a time for implementation.

Council next heard from Pamela R. M. Alkins who expressed her concerns about the imposition of a curfew.

ITEM 2.C.

Next item was the presentation of a change in the operation of the Farmer's Market by Assistant City Manager Roger Stancil. Mr. Stancil explained the proposed contract between the County and the Women's Center for management of the Farmer's Market. He stated it is the staff's opinion that this contract does not affect the interlocal agreement between the County and the City regarding the Farmer's Market and that the County would continue to reimburse the City for utilities.

Scott Loehr, Curator of the Museum of the Cape Fear, presented plans for the Museum of the Cape Fear Historical Complex and the current effort to reconstruct the northwest tower of the North Carolina Arsenal. He was assisted in this presentation by Mr. Reggie Barton of the Museum of the Cape Fear Board of Advisors.

Assistant City Manager Roger Stancil then presented an update on the Market House Restoration Project. He stated that the City had approached Fayetteville Technical Community College to seek their assistance in completing the restoration. Agreements had been signed with FTCC under which the City will provide materials and FTCC will provide student labor for this project. The current estimates are that this will allow the exterior restoration of the Market House to be completed within funds already appropriated.

City Manager John Smith provided information to Council in preparation for deliberations on the 1992-93 budget. His presentation included a review and projection of revenues and expenditures and a status of fund balance. He also discussed his plan to evaluate 10 percent of the City's programs each year for the next 5 years in order to establish a more logical process for the allocation of resources.

City Manager John Smith then presented an update on the status of demolition of 17 downtown buildings.

The City Manager then presented a status report on street improvement projects currently underway. Councilmember Cheek asked for a more complete schedule on the McPherson Church Road/Morganton Road project.

Upon motion by Councilmember Robertson, seconded by Councilmember Kendrick, Council voted unanimously to adjourn.

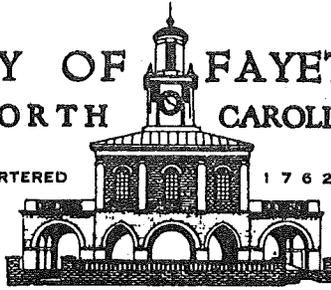
Roger L. Stancil, Deputy City Clerk

J. L. Dawkins, Mayor

kbld

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

January 22, 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>
Neuhs, Jon O. and Sue H.	Taxpayer requested vehicles be deleted. Clerk failed to delete them during data entry.		100.88
Chase Auto Leasing Corporation	Charged in wrong fire district. Should be 0161 Eastover.	Business Personal Property-Vehicle	118.03
Decker, George	Set up as a double list through error. Apply refund to bill #2398965	LT 56 BIK A MACKS PK	189.83
Golf Carts of Fayetteville, Inc.	Cost figures overstated per audit information	Loc: 4006 Murchison Road Business M1 & E	566.43

KN/p

FIN-183

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 2.D

TAXPAYER'S NAME NEUHS, JON O & SUE H

MAILING ADDRESS 3511 EDGESIDE CT

FAYETTEVILLE NC 28303-4660

BILL NUMBER 2223936

SOCIAL SECURITY/FEDERAL ID # 108-34-3915

PROPERTY DESCRIPTION _____



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

DEAR BOARD MEMBERS AND CITY/TOWN COUNCIL MEMBERS:

DUE TO AN ERROR IN THE YEAR(S) 1991, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 114.19 AND CITY/TOWN OF FAYETTEVILLE TAXES IN THE AMOUNT OF \$ 100.88. 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: TAXPAYER REQUESTED VEHICLES BE DELETED. CLERK FAILED TO DELETE THEM DURING DATA ENTRY.

SINCERELY,

Sue H. Neuhs *SIGNATURE
11-13-91 *DATE 55# 126-34-2094

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Horne, Jr. DATE: JAN 03 1992

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Bob Sanders DATE: JAN 03 1992

ACTION TAKEN BY THE BOARD: **APPROVED**

SIGNATURE: Jelesia Jarrell DATE: JAN 09 1992

VERIFIED BY THE CLERK TO THE BOARD: J. Davis -ok

DATE: 1/10/92



TAXPAYER'S NAME CHASE AUTO LEASING CORP

MAILING ADDRESS 33 MAIDEN LN

NEW YORK, NY 10081-0001

BILL NUMBER 3800605

SOCIAL SECURITY/FEDERAL ID # N/A

PROPERTY DESCRIPTION BUSINESS PERSONAL PROPERTY-VEHICLE

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) 1991, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 14203 AND CITY/TOWN OF FAYETTEVILLE IN THE AMOUNT OF \$ 118.03. 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 105-381(b)(1).

NATURE OF CLERICAL ERROR: CHARGED IN WRONG FIRE DISTRICT. SHOULD BE 0161 EASTOVER.

SINCERELY,
Nalini Persaud
12/5/91

SIGNATURE NALINI PERSAUD
DATE EXECUTIVE CORRESPONDENT

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Home, Jr. DATE: JAN 03 1992

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Robert Sanders DATE: JAN 03 1992

ACTION TAKEN BY THE BOARD: **APPROVED**

SIGNATURE: Jessica Jarrell DATE: JAN 09 1992

VERIFIED BY THE CLERK TO THE BOARD: J. Davis -ok

DATE: 1/10/92

Handwritten: 14203
2400.00

PLEASE MAKE CHECK PAYABLE TO THE COLLECTOR'S OFFICE FOR BILL #2398965.

Need Social Security!
12-16-91



TAXPAYER'S NAME Decker, George
MAILING ADDRESS 816 Prince St.
Fay. NC 28301-0358
BILL NUMBER 4488723
SECURITY/FEDERAL ID 434-82-1726
PROPERTY DESCRIPTION LT 56 BIK A MACKS PK

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) 1991, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 263.53 AND CITY/TOWN OF Fayetteville TAXES IN THE AMOUNT OF \$ 189.83. 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 105-381(b)(1).

NATURE OF CLERICAL ERROR: set up as a double list thru error.
Apply refund to bill # 2398965

SINCERELY
George Decker SIGNATURE
8 Nov 91 DATE

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Hane Jr. DATE: JAN 03 1992

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Robert B. ... DATE: JAN 03 1992

ACTION TAKEN BY THE BOARD: APPROVED

SIGNATURE: Teresia Jarrell DATE: JAN 09 1992

VERIFIED BY THE CLERK TO THE BOARD: J. Davis -ok

DATE: 1/10/92

CIT REFUND
1988 = 110.72
1989 = 178.18
1990 = 277.53

TAXPAYER'S NAME Andy Carter of Fayetteville

MAILING ADDRESS PO Box 35102
Fayetteville NC 28303-0102

BILL NUMBER 1296528

SOCIAL SECURITY/FEDERAL ID # 56-10147383

PROPERTY DESCRIPTION Loc: 4006 Merchants Rd
Fayetteville NC 28301
Business M/E



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 \$ 751.24 AND CITY/TOWN OF Fayetteville TAXES IN THE AMOUNT OF \$ 366.43. 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: cost figures were stated per
audit information

SINCERELY,

See attached letter SIGNATURE
DATE

ASSESSOR'S RECOMMENDATION: OK

SIGNATURE: Stephen T. Honey Jr DATE: JAN 03 1992

COUNTY ATTORNEY'S RECOMMENDATION: OK

SIGNATURE: Robert Sanders DATE: JAN 03 1992

ACTION TAKEN BY THE BOARD: **APPROVED**

SIGNATURE: Jessica Jarrell DATE: JAN 09 1992

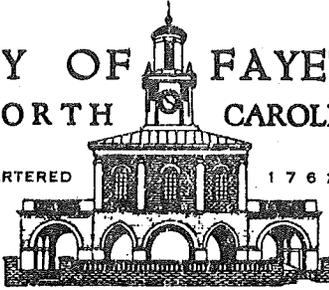
VERIFIED BY THE CLERK TO THE BOARD: J. Davis -ok

DATE: 1/10/92

Handwritten text and markings along the right edge of the page, including a vertical line and several small, illegible marks.

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



FAYETTEVILLE AIRPORT COMMISSION
Post Office Box 64218
Fayetteville, NC 28306

Phone: (919) 433-1621

AIRPORT MANAGER
(919) 483-4468

January 28, 1992

MEMORANDUM:

TO: Mr. John Smith, City Manager

FROM: Mr. Ralph P. Hamilton, Assistant Airport Manager *RPH*

SUBJECT: Supplemental Agreement Number 2(A)
Wilbur Smith Associates

At its regular meeting, Tuesday, January 28, 1992, the Airport Commission approved subject agreement. The agreement is for a full master plan update for a projected 15-year period, and will consist of an air service study, market evaluations, plans, environmental overview, financial and economic feasibility study, and financial and implementation plan. The cost is \$135,000.

I concur with the Airport Commission's approval and recommend approval by the City Council contingent upon FAA approval and funding at the usual 90 percent. I recommend this item be placed on the City Council consent agenda.

If you have questions, call us.

EMN/en

Enclosure - Agreement

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 2.E

**FAYETTEVILLE REGIONAL AIRPORT
SUPPLEMENTAL AGREEMENT NO. 2**

**CITY OF FAYETTEVILLE, NORTH CAROLINA
AND WILBUR SMITH ASSOCIATES**

On January 6, 1992, the City of Fayetteville, North Carolina (OWNER) and Wilbur Smith Associates (ENGINEER) entered into an agreement (BASIC AGREEMENT) for professional services relating to the improvement and development of Fayetteville Regional Airport. The BASIC AGREEMENT outlined the type of work included with the improvement plan for the airport and the Scope of Services which the ENGINEER will provide for the OWNER. The BASIC AGREEMENT did not include any specific work element schedule or payment for such services since it is anticipated that the improvement projects will be staged over a several year period. All specific work is to be authorized and conducted under Supplemental Agreements to the BASIC AGREEMENT.

This Supplemental Agreement Number 2 is to authorize ENGINEER to provide a Comprehensive Master Plan and Air Service Study. Work Scope elements are more defined in Attachment A of this Supplemental Agreement. This Supplemental Agreement shall remain in effect for the same duration as the BASIC AGREEMENT.

Schedule

ENGINEER shall perform work as authorized by OWNER in a timely manner and as agreed by both parties prior to the start of this work effort. For budgeting purposes, it is estimated that all work can be completed within 6 - 8 months not including federal review time.

Payment

OWNER agrees to pay the ENGINEER a Lump Sum fee for services rendered under this Supplemental Agreement Number 2 in an amount of One Hundred Thirty-Five Thousand Twenty and no/100 (\$135,020.00) Dollars.

ENGINEER shall make periodic requests for payment based on a percentage of work completed. Payment will be made on such periodic basis subject to OWNER's concurrence with the amount of work completed and percent of fee requested.

Other Provisions

All other applicable provisions of the BASIC AGREEMENT shall be in effect and be a part of this Supplement Agreement No. 2.

**CITY OF FAYETTEVILLE,
NORTH CAROLINA:**

WILBUR SMITH ASSOCIATES:

Authorized Representative

Title

Date



Authorized Representative

Vice President

Title

1/20/92

Date

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

ATTACHMENT A
FAYETTEVILLE REGIONAL AIRPORT
COMPREHENSIVE MASTER PLAN AND
AIR SERVICE STUDY
SCOPE OF WORK

The following scope elements will be performed for the Fayetteville Regional Airport Comprehensive Master Plan and Air Service Study.

TASK 1 - INVENTORY

Objective - Update and review current studies containing the most recent socioeconomic profile of the Fayetteville area, review all existing aviation facilities, and develop a comprehensive data base. This task will include the following:

A. Socioeconomic Information - This task will include the following:

- **Population Statistics**
 - historic
 - projected
 - trends

- **Employment Data**
 - standard industrial classification (SIC Code)
 - employment/unemployment
 - trends
 - projections

- **Per Capita Income**
 - individuals
 - households
 - trends

- **Land Use Plans**
 - existing
 - comprehensive
 - future
 - water
 - sewer
 - zoning

- B. **Aeronautical Activity** - An inventory of aircraft ownership within the study area will be undertaken. The study area includes Cumberland County, including Gray's Creek Airport, and portions of adjacent counties. Aircraft registered within the study area would be listed by type:

- **Based**
 - single engine piston
 - multi-engine piston
 - turbo-prop
 - jet
 - rotorcraft
 - other
- **Operations**
 - local vs. itinerant
 - commuter
 - air carrier
- **Passengers**
 - commuter
 - general aviation
 - air carrier

Critical aircraft for each runway by wing span and approach speed will be identified.

- C. **Existing Studies** - The Consultant will review and analyze existing studies which impact the master planning process:

- Current Master Plan
- Airport Layout Plan Drawings
- Property Information
- Terminal Area Forecasts
- National Plan for Integrated Airport Systems

- D. **Airfield Inventory** - The Consultant will provide a description of existing airfield facilities and terminal area components of the airport. This will include:

- Runways: length, width and strength
- Taxiways: length, width and strength
- Space Allocation: Based, itinerant and commuter aircraft
- **Airport Acreage**
 - fee simple
 - easement
 - mapping
- **Pavements**
 - conditions
 - type
- **Geometric Standards Including**
 - runway centerline to taxiway centerline
 - runway centerline to building restriction line
 - taxiway centerline to building restriction line
 - taxiway centerline to apron edge

- Terminal Area/Landside
 - buildings by function/conditions
 - space allocations
 - access roads
 - apron areas, parking position by type
 - ground service vehicle movement and storage
 - tie-downs, anchors or hangars
 - * conventional
 - * maintenance
 - * T-hangars
 - Parking
 - * public
 - * employee
 - * rental

- Lighting and NAVAIDS
 - runway lights
 - taxiway lights
 - Visual Approach Slope Indicator
 - segmented circle and wind cone
 - Non-Directional Beacon
 - Runway End Identifier Lights
 - Localizer and Glide Slope
 - obstruction lights
 - other Instrument Lighting System components (Outer Marker, Inner Marker, and Distance Measuring Equipment)

- Specific Inventory Dimensions Such As
 - distance from apron to edge of taxiway
 - taxiway widths
 - access road length
 - parking lot to terminal building

- Airspace
 - Appropriateness of Navigation Aids
 - Relationship to other airports
 - Visual Flight Rules, Non-Precision Instrument or Precision Approaches
 - Airfield communications

- Weather Data
 - Wind Roses
 - * Instrument Flight Rules
 - * Visual Flight Rules
 - * All weather
 - Preferential runway analysis

- Financial Information
 - airport budget
 - * governmental contribution
 - * revenues from leases per itemized source
 - * revenues from miscellaneous contributions
 - * expenditures per itemized source
 - improvements
 - utilities

- * Fixed Base Operation revenues and expenditures
 - gasoline, general aviation fuel and jet fuel
 - personnel
 - insurance
 - capital costs and debt service
- * debt service
- lease agreements

- Nearby Airports
 - airport
 - runways, length and width
 - pavement conditions
 - based aircraft and operations
 - navigational aids
 - instrument approaches
 - acreage
 - distance from Fayetteville Regional Airport
 - industrial parks
- Interviews
 - authority meeting for purpose of obtaining input
 - airport manager interviews
 - local officials' interviews
 - airlines and Fixed Based Operators

Additional data would be acquired from various sources including the North Carolina Department of Transportation and the Federal Aviation Administration as needed. Inventory of pavements include existing information on destructive pavement testing and evaluation and on-site visual evaluations.

Task Product - The Consultant will provide a comprehensive data file containing the information necessary to analyze existing conditions, formulate forecasts, determine capacity, and prepare facility requirements.

TASK 2 - AVIATION FORECASTS

Objective - The Consultant will prepare enplanement, based aircraft, and operations forecasts for scenario years 1997, 2002, and 2012.

- A. Forecasts** - Forecasts will be prepared to reflect current growth trends and to arrive at thresholds of future activity levels.

Aviation forecasts will be developed for the short (1997), intermediate (2002), and long-range (2012) planning of the airport and its facilities. Forecasts will be presented for aviation activity as follows:

- Enplanements and air carrier and commuter operations;
- Aircraft based at the airport (by number of engines, weight, seat capacity, and engine types);
- Aircraft mix (by engine type, weight, seating capacity, and number of engines);
- Aircraft operations (local, itinerant, by weight of aircraft and peak hour);
- Aircraft use;
- Cargo, if any; and,
- General aviation air passengers (local, itinerant, and peak hour).

B. Methodologies - Several different methodologies will be used including:

- **Share of Market**
 - North Carolina
 - Federal Aviation Administration, Southern Region
 - National
- **Regression Analysis**
 - Historic relationship
 - Population
 - Econometric
- **Comparison**
 - State forecasts
 - Federal Aviation Administration forecasts
- **Coordination of Efforts**
 - Airport Commission
 - North Carolina Department of Transportation
 - Federal Aviation Administration Southern Region - Airports District Office

Task Product - The Consultant will provide aviation forecasts of enplanements and operations of air carrier/commuter activity plus general aviation activity.

TASK C - AIR SERVICE STUDY

Objective - During the first phases of airline deregulation, the explosion of new entrant carriers and the race to establish market position was very positive for many communities and air passengers. More recently, consolidation within the industry, rapid deployment of airline resources to gain access to international markets, and the recession has forced air carriers to take a close look at which markets they serve, fare levels and aircraft deployment. It is incumbent upon communities to also examine their own air service to determine if it, in fact, meets the demands of the local market.

The air service study will address key issues facing Fayetteville:

- Appropriate mix of service, aircraft and frequency to match travel patterns in the Fayetteville market.
- Leakage of passengers who depart from alternate airports such as Raleigh-Durham.
- Fayetteville's competitive position vis-a-vis other nearby airports.
 - Fares
 - Service.
- Passenger service improvements
 - New single plane service options
 - Larger aircraft potential

- Cargo improvements and new opportunities.
- Effective strategies for change.

A. Definition of Air Service Area

Objective - Determine the geographic area that the airport serves.

Method - To define the Fayetteville Air Service Area, three measures of market reach will be used:

- 1) Standard FAA definitions of hub market areas;
- 2) Passenger survey to determine the travel patterns of originating passengers at Fayetteville;
- 3) Interviews with a selected group of travel agent to establish the reach of the market.

Product - Geographic description of the Fayetteville market area and profile of passengers departing from the airport.

B. Analysis of Local Economic and Demographic Conditions

Objective - Develop a socioeconomic database which describes the characteristics of the local economy and potential for growth.

Method - The Consultant will prepare a profile of the Fayetteville air service market area which will examine:

- Demographic characteristics
- Income growth
- Key industries and employment patterns
- Other measures of economic activity.

Product - Detailed profile of the region and discussion of the factors that will influence the growth of air travel and air cargo.

C. Analysis of the Market for Air Service

Objective - Describe the characteristics of the air travel market, including those passengers departing from other nearby airports.

Method - The Consultant will conduct two surveys as part of the air service analysis:

1. Ticket Sample Survey
2. Survey of Airport Passengers using Fayetteville Regional Airport.

Results from the surveys will be used to estimate the size of the Fayetteville air service market, identify major travel destinations, and confirm patterns of airport use. Survey results will be tabulated to produce the following types of information:

- Airport Origination Patterns
 - Fayetteville
 - Raleigh-Durham
 - Charlotte
- Prospects for Increased Market Catchment
- Major Markets by Origin Airport
- Average Fares Paid by Market
- Connecting Hub Patterns
- Travel Patterns
 - Business Travel
 - Discretionary Travel
- Airport Preferences & Problems

Using survey results and information available from the airport and the U.S. Department of Transportation, the Consultant will analyze the market for air service and prepare a set of air service recommendations. The analysis of the market will consist of the following components:

- Top Origin & Destination Markets
- History of Service
- Traffic Trends
- Analysis of Schedules, Service and Capacity by Carrier
- Comparison of Connecting Opportunities at Hub Airports
- Analysis of commuter and air carrier type aircraft
- Estimate of Market Potential
- Average Fares by Market

Project - Detailed analysis of Fayetteville's air service market and discussion of potential improvements to air service.

D. Cargo Market Evaluation

Objectives - To evaluate the market for air cargo, provide input into Master Plan cargo forecasts and future space needs, and prepare a strategy to improve and increase cargo operations at Fayetteville.

Method - The following tasks will be completed:

- Analyze historical and forecast business development in the region with particular attention to those SIC (Standard Industrial Classification) industries which have high air freight potential.
- Analyze cargo trends for Fayetteville and airports that might compete with Fayetteville for cargo.
- Prepare a survey questionnaire and list of key companies and individuals to interview.
- Survey current and prospective cargo facility users. This includes combination airlines, all-cargo and small package operators, forwarders, ground handling agents, brokers, truckers, U.S. Customs, U.S. Postal Service and other potential cargo facility users.

Product - Detailed analysis of Fayetteville's air cargo market and report of survey findings.

E. Recommendations for Service Improvements: Passenger and Cargo

Objective - To prepare a set of concrete recommendations for improvements in passenger services and air cargo operations.

Method - The Consultant will make recommendations for service improvements. These recommendations may include:

- New Service Opportunities
- Other Service & Fare Improvements
 - Schedule Improvements
 - Added Frequency
 - Change of Aircraft
 - Competitive Fares
- Target Carriers/New Cargo Opportunities

Product - Discussion of recommendations for consideration by Fayetteville Regional Airport.

F. Strategy - Next Steps

Objective - Provide a framework for future air passenger and cargo marketing activity undertaken by the Fayetteville Regional Airport.

Method - The Consultant will outline a marketing plan, budget, organization and required steps needed to achieve recommended service improvements.

Product - Action Plan.

TASK 4 - DEMAND/CAPACITY ANALYSIS

Objective - Detailed analyses regarding existing airfield capacities will be determined by the Consultant.

- **Terminal Building Capacity** - The existing terminal building capacity.
 - Ticketing areas
 - Concession areas
 - Public concourse
 - Passenger hold areas
 - Commuter and air carrier service areas in concourses A and B.
 - Baggage claim
 - Make-up/Break-down areas
 - Airline operations areas
 - Administrative facilities
- **Airfield Capacity** - An analysis of the rate of aircraft movements, runway length as an inhibiting factor for certain aircraft types, and level of delay for aviation operations will be determined.
- **F.B.O. Building Area Capacity** - Evaluation of Fixed Based Operations and other building facilities will include capacity analysis of general aviation apron area, passenger and infrastructure areas, cargo facilities, hangars, and automobile parking space.
- **Runways Utilization** - The effect of aviation activity in terms of prevailing winds relative to the airport's runway system.
- **Airspace and Airfield Capacity** - Proximity of runway and taxiway alignments and nature of operations will be determined as part of this work effort.
- **Airport Access Capacity** - Access capacity for the airport will be determined by relating the number of people and vehicle movements with the facilities available for providing these movements.

Task Product - The Consultant will determine capacity constraints for various airport elements.

TASK 5 - FACILITIES REQUIREMENTS

Objective - The Consultant will prepare an analysis of the facilities needs of Fayetteville Regional Airport and devise an expedient/cost effective program to accommodate the needs.

Facility requirements will be determined based on the forecasts. The demand/capacity analysis prepared in the previous section will be used to help in the assessment of the facilities required to serve the aviation needs of the Fayetteville Regional Airport.

- **Air Carrier/Commuter**
 - Air carrier/commuter requirements will be based on enplanement and operating forecasts. Requirements shall include building size, general space requirements per activity, curbside and apron.

- **General Aviation**
 - General aviation facility requirements estimates will be based on the demand/capacity analysis and established or developed planning criteria. Requirements shall include open tie down, hangar space, Fixed Based Operations building space, corporate hangar facilities, terminal spaces, and locations.
- **Navigation Aids**
 - Any identified deficiencies in navigational facilities serving the airport will be fully addressed and recommendations will be made to alleviate the problem. Recommended Navigation Aids will be fully coordinated with the Federal Aviation Administration, and North Carolina Department of Transportation.
- **Vehicular**
 - Vehicular facility requirement estimates will be prepared utilizing the demand/capacity analysis and either establish or develop planning criteria. Requirements shall include roadway lanes per direct access route, public (short and long term) and employee parking, and rental car ready lots. Particular emphasis will be placed on public automobile facilities and circulation.
- **Excess Land Development**
 - Lands not needed for aviation development will be considered for optional revenue producing activities such as industrial/business development. Key elements in considering the options will include access, utilities, environmental constraints, zoning, permitting, and market for various activity types.

Task Product - The Consultant will identify Facilities' needs for twenty years for airside, landside and terminal area of the Fayetteville Regional Airport as well as a determination of potential non-aviation use areas for revenue enhancement.

TASK 6 - AIRPORT PLANS

Objective - The Consultant will prepare schematic layouts depicting facilities needs throughout the 20-year time frame.

When the revised forecasts and recommended facility requirements are determined, the Consultant will prepare alternative concepts and layouts for accommodating these facilities. The layouts will consider those options which are deemed to be prudent and reasonable and will be fully coordinated with all concerned.

The number of plans or drawings are to be included in this update are:

A. Airport Layout Plan

- Review and update the existing Airport Layout Plan incorporating required facilities and optimizing airfield capacity and user convenience. Alternatives will be considered and the most prudent will be adjusted.

Included on the Airport Layout Plan (ALP):

- location and vicinity map
- data tables
- wind information
- runway protection zones
- staging of proposed development
- runway configuration
- taxiway configuration
- apron areas
- buildings
- automobile parking
- access roads
- navigation aids
- obstructions
- geometric dimensions

B. Proposed Terminal Area and Access Plan

- The Consultant will prepare alternative Terminal Area and Access Plan concepts for review and analysis including evaluation of commuter service and air carrier service requirements. Following selection of a concept, terminal expansion schemes will be developed. Included will be the ingress and egress requirements and concepts of the functional needs of the terminal facility.

C. Approach and Profile Plan

- The Consultant will prepare an Approach and Profile Plan which identified proposed approaches. Imaginary surfaces associated with the airport would be displayed as well as all obstructions to FAR Part 77 surfaces.

D. General Aviation Plan

- The Consultant will review and update existing plans for general aviation activities considering forecast facility requirements, the airfield and existing land use plans.

E. Existing/Proposed Land Use Plan

- The Consultant will consider the recommended airport plan development relative to the near-airport environment. As appropriate, recommended changes to the existing Land Use Plan would be developed for areas on and adjacent to the airport. This plan would illustrate:
 - Existing Use
 - Zoning
 - Adjacent usage
 - Boundary
 - Airside Requirements
 - Terminal area
 - Maintenance area
 - Fixed Based Operations
 - Reservation for future growth
 - Access
 - Passenger access
 - Parking
 - Cargo access
 - Noise Contours
 - Ldn 65
 - Ldn 60, if no 65 exists

F. Cargo Area Plan

- The Consultant will evaluate various schemes for cargo facilities expansion and prepare a layout of the most feasible alternative. Possible building facilities, land requirements, and groundside/airside access requirements will be depicted.

G. Excess Land Use/Business Development Plan

- The Consultant will determine if any airport properties for business development opportunities which would enhance the airport's revenue potential. A concept for developing excess airport lands will be developed in this task.

Task Product - A set of schematic drawings conceptually illustrating the master plan and meeting FAA standards and requirements.

TASK 7 - ENVIRONMENTAL OVERVIEW

Objective - The Consultant will provide an overview assessment of potential environmental impacts associated with the implementation of the proposed development at the airport.

An overview will be performed in accordance with FAA AC150/5070-6A "Airport Master Plan". This task will identify the environmental problems that potentially are to occur as a result of construction of proposed projects. Each of the following areas will be examined for determination of environmental impacts:

- noise;
- compatible land use;
- social impacts;
- socioeconomic impacts;
- air quality;
- water quality;
- DOT Act Section 4(f);
- historical, architectural, archaeological and cultural resources;
- biotic communities;
- endangered and threatened species;
- wetlands;
- floodplains;
- coastal zone management program;
- coastal barriers;
- wild and scenic rivers;
- prime and unique farmland;
- energy supply and natural resources;
- light emissions;
- solid waste impacts; and
- construction impacts.

Task Product - An environmental overview for the initial 5-year program as recommended by the Master Plan Report.

TASK 8 - COST ESTIMATES AND STAGING

Objective - The Consultant will prepare costs and timing for 20 year facility requirements needs.

Construction cost estimates and schedules of development will be the product of this task. These schedules and cost estimates will be in 1992 dollars and geared towards concentrating detail in assessing the twenty year project period in five year increments.

A set of exhibits will be prepared depicting construction projects to be accomplished in each of the planning periods which will lead the orderly expansion of the airport from the existing layout, to those proposed in the various components of the update.

For each planning period the Consultant shall show:

- existing facilities to remain
- existing facilities to be demolished or modified
- new facilities

Task Product - Detailed order of magnitude cost estimate for the construction projects listed by planning periods in 1992 dollars will be prepared.

TASK 9 - FINANCIAL AND ECONOMIC FEASIBILITY

Objective - The Consultant will provide financial and economic feasibility analysis for the proposed development plan.

The envisaged capital improvements program will require an increased level of capital investment and operating expenditures. Similarly, the implemented program components could generate additional revenues. As a result of, and because the recommended capital improvement programs must be reasonable, attainable, and make sense, the projects to upgrade and improve the Airport will be assessed financially and economically.

From a financial standpoint the capital, operating, and maintenance costs will be reviewed. Benefits to the airlines, airport, passengers, and potential cargo operators will be developed. Economic feasibility will address the savings to these groups in terms of delay reductions, time savings, convenience induced activity, and expanded services.

Task Product - A cost and benefit type analysis of the proposed development plan.

TASK 10 - FINANCIAL AND IMPLEMENTATION PLAN

Objective - The Consultant will create a plan for the implementation of the proposed improvement projects.

The financial plan will include an implementation process that is feasible from a cost/economic benefit standpoint. Sources of governmental funding will be identified, and private sector participation will be assessed. The final plan will be formulated to provide:

- Scheduling of Capital Improvement Project
- Need and benefit of each project
- Cost of each project
- Funding source
- Cost flow projections
- Revenue projections

A marketing strategy will be included in the implementation plan to provide the airport with direction in aviation activity and service expansion possibilities, cargo opportunities, non-airport development potential, and funding strategies.

Task Product - A usable financing and implementation plan for development of the Airport.

TASK 11 - REPORTS

Objective - The Consultant will provide project reports for the North Carolina Department of Transportation, the Federal Aviation Administration, and other agencies as required.

Once comments have been received from all participating agencies, a single volume draft report incorporating the summaries of work outputs in the Study will be prepared. All final comments and changes in the exhibits will be implemented as appropriate in the final publication.

A. Interim Reports

- Draft reports will be furnished, at the completion of Task 4, Forecasts, which will include all elements up to that point; before the end of Task 6, Airport Plans, which will highlight the facility requirements and all alternatives and their evaluation; at the conclusion of Task 10, Financial Plan, which will be a single volume draft report incorporating summaries of all work tasks of this study and will include plan in full size format (as a separate attachment) as necessary. Special Technical memorandums covering the potential for new or expanded services, terminal development options, and business development opportunities will also be prepared and presented as appropriate.

B. Final Report

- A final report, suitably illustrated, will be printed and delivered with the final Airport Layout Plan sets of full-size drawings, which will incorporate revisions and suggestions, as appropriate from the reviewing agencies. An executive summary of the Master Plan report shall also be prepared.

Task Product - Document study procedures and provide a compendium of results.

TASK 12 - STUDY ORGANIZATION/ADMINISTRATION/SCHEDULE

The final section of this Scope of Work includes the work items which, because of their nature, are inappropriate for inclusion elsewhere.

A. Coordination

- The Consultant shall coordinate with required agencies included as a minimum, the Federal Aviation Administration and the North Carolina Department of Transportation, general citizenry, and major users/operators of the Airport.

B. Meetings

- The Consultant will conduct meetings with the Airport as deemed appropriate and as requested by the Airport. For budgeting purposes, and based on the foregoing scope of services, a total of 5 meetings are scheduled. These could coincide with:
 - Activity Forecasts
 - Air Service Study
 - Airport Plan Alternatives
 - Financial/Implementation Plan
 - Final Report Presentation

**FAYETTEVILLE REGIONAL COMPREHENSIVE AIRPORT
MASTER PLAN AND AIR SERVICE STUDY
MANPOWER AND COST ESTIMATES**

<u>Task</u>	<u>PERSONNEL/MANHOURS</u>						
	<u>Project Principal</u>	<u>Project Planner</u>	<u>Air Service Specialist</u>	<u>Project Architect</u>	<u>Staff Engr./ Planner</u>	<u>CADD Operator/ Technician</u>	<u>Technical Typist/Word Processor</u>
1 - Inventory	2	16	24	-	24	32	12
2 - Forecasts	8	88	-	-	16	16	16
3 - Air Service	16	48	272	-	24	40	16
4 - Demand/Capacity	2	40	-	8	16	8	8
5 - Facilities	8	56	-	40	28	24	12
6 - Airport Plans/Alters	16	120	-	88	48	120	12
7 - Environmental	2	20	-	-	24	16	16
8 - Cost/Staging	4	12	-	16	24	16	8
9 - Financial Feasibility	12	32	-	-	20	8	8
10 - Financing/Implement.	12	20	16	8	8	-	8
11 - Reports	16	56	40	24	24	56	40
12 - Administration	<u>20</u>	<u>24</u>	<u>8</u>	<u>8</u>	<u>-</u>	<u>-</u>	<u>16</u>
Total	118	532	360	192	256	336	172
Rate⁽¹⁾	<u>\$106</u>	<u>\$62</u>	<u>\$75</u>	<u>\$80</u>	<u>\$54</u>	<u>\$44</u>	<u>\$30</u>
Cost	\$12,508	\$32,984	\$27,000	\$15,360	\$13,824	\$14,784	\$5,160

SUBTOTAL LABOR COST \$121,620

DIRECT EXPENSES

Field Personnel (Surveys)	\$1,600
Travel & Subsistence	\$6,800
Printing & Reproductions	\$2,000
Postage, Expenses, Communications	\$700
Materials & Supplies	\$300
CADD & Computer	<u>\$2,000</u>

SUBTOTAL DIRECT COST \$13,400

TOTAL COST 135,020

Allocations

FAA 90%	=	\$121,518
STATE 5%	=	\$6,751
AIRPORT 5%	=	<u>\$6,751</u>

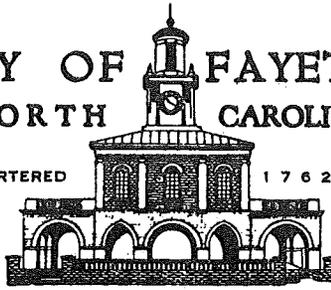
TOTAL \$135,020

(1) Includes average salary cost, fringe benefits and general/administrative overhead cost, and operating margin.



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

January 28, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

SUBJECT: Award of Construction Contract for Underground Tank Removal and Installation (Administrative Services)

In the attached City Council Action Request Form, we are asking Council to adopt a resolution awarding a contract to Braswell Equipment Co., Inc., in the amount of \$170,499.00. This company is the lowest responsible bidder and is a local firm. Sufficient funds were appropriated for this work which is required by the Environmental Protection Agency.

The Bid Awards Committee was comprised of representatives from the Purchasing Division, Engineering Department and the Administrative Services Director. Requests for Proposal were sent to thirteen (13) vendors; three (3) responded. The Committee reviewed all submitted bids and recommends award of the contract to Braswell Equipment Co., Inc.

Recommend Council adopt resolution.

JBB/kblb

Attachments

cc: Bill McGugan, Administrative Services Director
Kai Nelson, Finance Director

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 2.F.

CITY COUNCIL - ACTION REQUEST FORM

TO: John P. Smith, City Manager DATE: 1-27-92

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

COUNCIL ACTION REQUESTED: Award of construction contract to Braswell Equipment Co., Inc. in the amount of \$170,499.00.

PROJECT NAME: Underground Storage Tanks PROJECT NUMBER: Bid #919201
DATE OPENED: 1-23-92 DATE ADVERTISED: 1-11-92

BIDDERS:	TOTAL PRICE:
<u>Braswell Equipment Co., Inc.</u>	<u>\$170,499.00</u>
<u>J.J. Barnes, Inc.</u>	<u>\$219,370.00</u>
<u>Jones & Frank Corporation</u>	<u>\$226,381.05</u>

AWARD REDCOMMENDED TO: Braswell Equipment Co., Inc.

BASIS OF AWARD: Lowest responsible Bidder

BUDGET AMOUNT: \$179,500.00 ACCOUNT NO: 11-4220-0530
FUNDING SOURCE: General Fund DEPARTMENT: Administrative Services

AWARDS COMMITTEE MEMBERS: Staff members of Purchasing and Engineering

AWARDS COMMITTEE ACTION: The committee has reviewed the bids received and recommends the award be made as shown above. The low bid offered by Braswell Equipment Co., Inc. meets or exceeds all technical requirements, is priced within available funds, meets time schedule requirements and the Company has been judged competent to complete the work based on proper license and previous experience.

SUBMITTED BY:
William J.B. McGugan
ADMINISTRATIVE SERVICES DIRECTOR

APPROVED BY:
William J.B. McGugan
DEPARTMENT HEAD
Kari D. Nelson
FINANCE DIRECTOR

BT919201

FORMAL BID # 919201
 UNDERGROUND FUEL STORAGE TANKS
 CITY PURCHASING DEPARTMENT
 433 HAY STREET
 FAYETTEVILLE, NC 28301-9537

BID OPENING 3 PM EST, JANUARY 23, 1992

ITEM DESCRIPTION	QUANTITY	UNIT	CITY ESTIMATE			BRASWELL EQUIP CO			J. J. BARNES, INC			JONES & FRANK CORP.		
			UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION				
1 MOBILIZATION	1	LS	\$7,500.00	\$7,500.00	\$4,033.00	\$4,033.00	\$13,100.00	\$13,100.00	\$820.00	\$820.00	\$820.00	\$820.00		
2 DESIGN DRAWINGS	1	LS	\$2,500.00	\$2,500.00	\$600.00	\$600.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00		
3 UNDERGROUND TANK REMOVAL	1	LS	\$30,300.00	\$30,300.00	\$16,802.00	\$16,802.00	\$43,637.00	\$43,637.00	\$55,916.00	\$55,916.00	\$55,916.00	\$55,916.00		
4 SOIL REMOVAL	10	TON	\$35.00	\$350.00	\$55.00	\$550.00	\$55.00	\$550.00	\$180.00	\$1,800.00	\$180.00	\$1,800.00		
5 SOIL REMOVAL	10	TON	\$35.00	\$350.00	\$18.00	\$180.00	\$15.00	\$150.00	\$10.00	\$100.00	\$10.00	\$100.00		
6 SOIL REMOVAL	10	TON	\$35.00	\$350.00	\$62.00	\$620.00	\$60.00	\$600.00	\$180.00	\$1,800.00	\$180.00	\$1,800.00		
7 SOIL REMOVAL	10	TON	\$35.00	\$350.00	\$25.00	\$250.00	\$23.00	\$230.00	\$10.00	\$100.00	\$10.00	\$100.00		
8 WATER-FREE-PHASE PRODUCT	500	GAL	\$10.00	\$5,000.00	\$0.72	\$360.00	\$1.50	\$750.00	\$1.20	\$600.00	\$1.20	\$600.00		
9 SOIL SAMPLING & ANALYSIS	35	EA	\$180.00	\$6,300.00	\$520.00	\$18,200.00	\$330.00	\$11,550.00	\$7.43	\$260.05	\$7.43	\$260.05		
10 TANK INSTALLATION	1	LS	\$110,000.00	\$110,000.00	\$128,904.00	\$128,904.00	\$146,303.00	\$146,303.00	\$154,485.00	\$154,485.00	\$154,485.00	\$154,485.00		
TOTAL OF BID				\$163,000.00		\$170,499.00		\$219,370.00		\$226,381.05		\$226,381.05		

I certify that this is a true and accurate account of all bids received.

Richard C. Hampton
 Richard C. Hampton
 Purchasing Agent

City of Fayetteville
Bidders List Bid #919201
Underground Storage Tanks

O'Connor Company
P.O. Box 628
Southern Pines, NC 28387

Jones & Frank
622 Maywood Ave.
Raleigh, NC 27603

SGI
100 N. Greensboro St.
Suite B-13A
Carrboro, NC 27510

Highway Constructors Inc.
P.O. Drawer 100
Marston, NC 28363

Braswell Equipment Co.
P.O. Box 64322
Fayetteville, NC 28306

Enerdyne Energy Systems, Inc.
Attn: Francis Chester
P.O. Box 3008
Sanford, NC 27331

Action Oil Equipment
Route #1
Zebulon, NC 27597

SPATCO
1501 S. Bloodworth Street.
Raleigh, NC 27610

JJ Barnes, Inc.
118 Drake Street
Fayetteville, NC 28302

CSSI
6040-A Six Forks Road
Suite 246
Raleigh, NC 27609

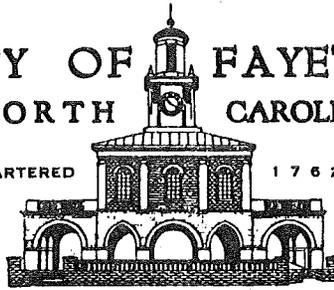
Westinghouse Environmental
John Funk, P.E.
P.O. Box 58069
Raleigh, NC 27658-8069

E S & J Enterprises
Route 1
Autryville, NC 28318

John Blyth
Trac Engineering
P.O. Box 20325
Tallahassee, FL 32316

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



ENGINEERING DEPARTMENT
433 HAY STREET

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

January 27, 1992

M E M O R A N D U M

TO: Craig Hampton, Purchasing Agent
FROM: Gerald J. Howland, City Engineer 
SUBJECT: Bid Opening for Underground Tank Removal and
Installation Held January 23, 1992 -- City Bid No.
919201.

I recommend that the apparent low bidder, Braswell Equipment Company, Inc. be awarded the contract for their bid.

GJH/sc

An Equal Opportunity
City of

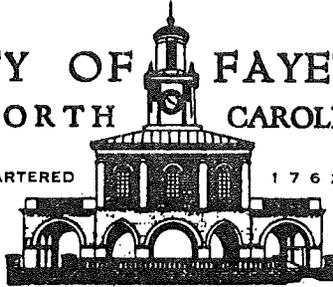


Affirmative Action Employer
Dogwoods



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 433-1795
SIGNALS DIVISION 433-1796
339 ALEXANDER STREET
FAYETTEVILLE, NC 28301-5797

January 27, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

LAC

REFERENCE: College Lakes Subdivision
Petitions for 25 Miles Per Hour Speed Zone

We have received petitions signed by a majority of residents on the following streets requesting that the speed limit on their street be reduced to 25 miles per hour:

Bayshore Drive
Deerpath Drive
Saddle Ridge Road
Sandstone Drive
Shoreline Drive

We would suggest that City Council hold a public hearing at their February 17, 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 2.6

23 Homes

right at
McARTHUR
aches. per

DATE Jan 17, 92

We, the undersigned residents of Bayshore Drive
from Saddle Ridge Rd to its end
do hereby petition the City Council to reduce the speed limit on our street to 25 Miles Per
Hour:

PRINTED NAME	ADDRESS	TELEPHONE #	SIGNATURE
1. <u>Ronald Finlay</u> ✓	<u>549 Bayshore</u>	<u>488 0237</u>	<u>R. Finlay</u>
2. <u>THOMPSON, DERRICA?</u>	<u>541 Bayshore?</u>	<u>488 6562</u>	<u>Derrick Thompson</u>
3. <u>Horne, Jason</u> ✓	<u>537 Bayshore</u>	<u>822 8282</u>	<u>Jason Horne</u>
4. <u>Patrick Burke</u> ✓	<u>529 Bayshore Dr</u>	<u>822-0633</u>	<u>Patrick Burke</u>
5. <u>Robert H Way</u> ✓	<u>514 Bayshore Dr</u>	<u>488-8889</u>	<u>Robert H Way</u>
6. <u>DAVID M GRAE</u> ✓	<u>513 BAYSHORE DRIVE</u>	<u>488-4468</u>	<u>David M Grae</u>
7. <u>William Clark</u> ✓	<u>509 Bayshore Dr</u>	<u>822-1948</u>	<u>William Clark</u>
8. <u>Kay Jenkins</u> ✓	<u>462 Bayshore Dr.</u>	<u>822-2515</u>	<u>Kay Jenkins</u>
9. <u>Willie J. Davis</u> ✓	<u>458 Bayshore Dr</u>	<u>822-1682</u>	<u>Willie Davis</u>
10. <u>Constance Dunston</u>	<u>454 Bayshore Dr</u>	<u>822-7412</u>	<u>Constance Dunston</u>
11. <u>Alice Yagodzinski</u> ✓	<u>455 Bayshore</u>		<u>Alice Yagodzinski</u>
12. <u>Rhoda Hall</u> ✓	<u>457 Bayshore Dr.</u>	<u>822-6454</u>	<u>Rhoda Hall</u>
13. <u>Cindy Lee</u> ✓	<u>459 Bayshore Dr</u>	<u>822-5159</u>	<u>Cindy Lee</u>
<u>Randy Lee</u>	<u>459 Bayshore Dr</u>	<u>822-5159</u>	<u>Randy Lee</u>
14. <u>TABATHA COOK?</u>	<u>461 Bayshore Dr?</u>	<u>822-3778</u>	<u>Tabatha Cook</u>
15. <u>JO ANN STEWART</u> ✓	<u>504 BAYSHORE?</u>	<u>488-1466</u>	<u>Jo Ann Stewart</u>
16. <u>John Meininger</u> ✓	<u>525 BAYSHORE</u>	<u>822-9990</u>	<u>John Meininger</u>
17. <u>Joni Smith</u> ✓	<u>452 Bayshore</u>	<u>822-9798</u>	<u>Joni Smith</u>
18. <u>J Melvin</u> ✓	<u>550 Bayshore</u>	<u>488 9381</u>	<u>J Melvin</u>
<u>J Melvin</u>			

9 to 100's
Homes

DATE Jan 14, 92

We, the undersigned residents of Deer Path Drive
from Saddle Ridge Rd to its end

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

PRINTED NAME	ADDRESS	TELEPHONE #	SIGNATURE
1. <u>Nancy Veroni</u> ✓	<u>537 Deerpath Dr.</u>	<u>822-9941</u>	<u>Nancy Veroni</u>
2. <u>Renee Jones</u> ✓	<u>533 Deerpath</u>	<u>630-6631</u>	<u>Renee Jones</u>
3. <u>DEAN L. ANDERSON</u> ✓	<u>532 DEERPATH</u>	<u>488-7250</u>	<u>Dean Anderson</u>
4. <u>VERN HUTCHISON</u> ✓	<u>528 DEERPATH</u>	<u>488-5108</u>	<u>Vern Hutchison</u>
5. <u>Mike Stuckey</u> ✓	<u>521 Deerpath Dr</u>	<u>822-1837</u>	<u>Michael Stuckey</u>
6. <u>PETE MARRON</u> ✓	<u>522 DEERPATH DR</u>	<u>630-1168</u>	<u>Pete Marron</u>
7. <u>Charles H. Yates</u> ✓	<u>505 Deerpath Dr</u>	<u>488-4551</u>	<u>Charles H. Yates</u>
8. <u>GARY EAGLE</u> ✓	<u>504 DEERPATH DR</u>	<u>822-9078</u>	<u>Gary Eagle</u>
9. <u>Douglas C. ELLARD</u>	<u>443 DEERPATH DR</u>	<u>822-4376</u>	<u>Douglas C. Ellard</u>
10. <u>Paul Ellard</u> ✓	<u>443RD Deerpath Dr.</u>		<u>Paul Ellard</u>
11. <u>John Noble</u> ✓	<u>444 Deerpath Dr</u>		<u>John R. Noble</u>
12. <u>OLGA BYRD</u> ✓	<u>448 Deerpath Dr</u>	<u>488-2919</u>	<u>Olga Byrd</u>
13. <u>Kathleen Barton</u>	<u>445 Deerpath</u>		<u>Kathleen Barton</u>
14. <u>Donna Grader</u> ✓	<u>456 DEERPATH</u>	<u>630-6601</u>	<u>Donna Grader</u>
15. <u>Clement Colward</u> ✓	<u>452 Deerpath</u>	<u>488-8773</u>	<u>Clement Colward</u>
16. <u>Linda Harmon</u> ✓	<u>447 Deerpath Dr.</u>	<u>488-1601</u>	<u>Linda Harmon</u>
17. <u>Jill C. Dieffenbach</u> ✓	<u>509 Deerpath Dr</u>	<u>822-6883</u>	<u>Jill C. Dieffenbach</u>
18. <u>Shari A. Huggins</u> ✓	<u>513 Deerpath Dr.</u>	<u>822-1918</u>	<u>Shari A. Huggins</u>
19. <u>Charles Bagby</u> ✓	<u>541 Deerpath Dr</u>	<u>822-1952</u>	<u>Charles Bagby</u>

DATE Jan 18, 92

We, the undersigned residents of Sandstone Drive Saddle Ridge Rd
from Saddle Ridge Road Sandstone On. 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>
1. <u>Mary J. Reynolds</u> ✓	<u>425 Saddle Ridge Rd</u>	<u>488-8554</u>	<u>Mary J Reynolds</u>
2. <u>PEGGY T. FURIN</u> ✓	<u>423 SADDLE RIDGE</u>	<u>484-6398</u>	<u>Peggy T. Furin</u>
3. <u>Willie R. Blue</u> ✓	<u>421 SADDLE RIDGE</u>	<u>822-4850</u>	<u>Willie R. Blue</u>
4. <u>Betty J. CATERO</u> ✓	<u>419 SADDLE RIDGE</u>	<u>822-0102</u>	<u>Betty J. Catero</u>
5. <u>Diane Taylor</u> ✓	<u>417 Saddle Ridge</u>	<u>822-2388</u>	<u>Diane Taylor</u>
6. <u>Brenda Fisher</u> ✓	<u>378 Saddle Ridge</u>	<u>488-6419</u>	<u>Brenda Fisher</u>
7. <u>Roy A. Zeilvogel</u> ✓	<u>374 SADDLE RIDGE</u>	<u>822-1955</u>	<u>Roy A. Zeilvogel</u>
8. <u>Harlan Kimbace</u> <u>Harlan Kimbace</u> ✓	<u>432 Saddle Ridge</u>	<u>488-0769</u>	<u>Harlan Kimbace</u>
9. <u>Brenda Gokksborough</u> ✓	<u>430 Saddle Ridge</u>	<u>822-6434</u>	<u>Brenda Gokksborough</u>
10. <u>Virginia Tharp</u> ✓	<u>434 Saddle Ridge</u>	<u>822-0151</u>	<u>Virginia Tharp</u>
11. <u>THOMAS McPowell</u> ✓	<u>440 SADDLE RIDGE RD</u>	<u>822-0110</u>	<u>Thomas McPowell</u>
12. <u>Suzette Hall</u> ✓	<u>450 Saddle Ridge</u>	<u>822-8204</u>	<u>Suzette Hall</u>
13. <u>Betty Taylor</u> ✓	<u>452 Saddle Ridge</u>	<u>488-2716</u>	<u>Betty Taylor</u>
14. <u>Marie VASSAYR</u> ✓	<u>470 Saddle Ridge</u>	<u>488-7915</u>	<u>Marie Vassayr</u>
15. <u>Beverly Acker</u> ✓	<u>478 Saddle Ridge Rd</u>	<u>488-4010</u>	<u>Beverly Acker</u>
16. <u>PAUL Hollizo</u> ✓	<u>482 Saddle Ridge Rd</u>	<u>488-5311</u>	<u>Paul Hollizo</u>
17. <u>John Young</u> ✓	<u>483 Saddle Ridge Rd</u>	<u>488-2976</u>	<u>John Young</u>
18. <u>Ann Wilkie</u> ✓	<u>481 Saddle Ridge</u>	<u>488-6011</u>	<u>Ann Wilkie</u>
19. <u>Carmen Laureneau</u> ✓	<u>448 Saddle Ridge</u>	<u>822-5518</u>	<u>Carmen Laureneau</u>

DATE Jan 17, 92

We, the undersigned residents of Saddle Ridge Road Sandstone, TN.

from Sandstone Drive Saddle Ridge Rd to its end

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

PRINTED NAME	ADDRESS	TELEPHONE #	SIGNATURE
1. <u>Nephi Cardejon</u> ✓	<u>5332 Sandstone Dr.</u>	<u>488-7893</u>	<u>[Signature]</u>
2. <u>Robert R. Reame</u> ✓	<u>5328 Sandstone Dr.</u>	<u>822-1723</u>	<u>[Signature]</u>
3. <u>Corrie Sacco</u> ✓	<u>5324 Sandstone</u>	<u>822-5869</u>	<u>[Signature]</u>
4. <u>Rosemond Ames</u> ✓	<u>5324 SANDSTONE</u>	<u>634-4782</u>	<u>[Signature]</u>
5. <u>NORE CAMPBELL</u> ✓	<u>5316 SANDSTONE DR</u>		<u>[Signature]</u>
6. <u>Cynthia Green</u> ✓	<u>5311 Sandstone</u>	<u>488-6106</u>	<u>[Signature]</u>
7. <u>Leonard T. Penly</u> ✓	<u>5323 Sandstone Dr</u>	<u>658-1775</u>	<u>[Signature]</u>
8. <u>Sharon Pugh</u> ✓	<u>5404 Sandstone</u>	<u>488-8285</u>	<u>[Signature]</u>
9. <u>L. Thomas</u> ✓	<u>5409 Sandstone</u>	<u>488-8081</u>	<u>[Signature]</u>
10. <u>Mike Miller</u> ✓	<u>5418 Sandstone Dr.</u>	<u>488-3581</u>	<u>[Signature]</u>
11. <u>Susan Dieck</u> ✓	<u>5419 Sandstone Dr</u>	<u>488-8327</u>	<u>[Signature]</u>
12. <u>J.C. Williams</u> ✓	<u>5421 Sandstone Dr.</u>	<u>488-6933</u>	<u>[Signature]</u>
13. <u>Gisela Stallings</u> ✓	<u>5425 Sandstone Dr</u>	<u>822-9375</u>	<u>[Signature]</u>
14. <u>NEAL L. BOLIN</u> ✓	<u>5431 SANDSTONE</u>	<u>488-1584</u>	<u>[Signature]</u>
15. <u>BARBARA J. McCauley</u> ✓	<u>5433 SANDSTONE</u>	<u>822-5808</u>	<u>[Signature]</u>
16. <u>Julie Schaff</u> ✓	<u>5435 Sandstone</u>	<u>822-1507</u>	<u>[Signature]</u>
17. <u>Robert Keape</u> ✓	<u>5439 Sandstone</u>	<u>822-0374</u>	<u>[Signature]</u>
18. <u>Frank Musser</u> ✓	<u>5441 SANDSTONE</u>	<u>822-3075</u>	<u>[Signature]</u>
19. <u>KENT L. EDWARDS</u> ✓	<u>5443 SANDSTONE</u>	<u>488-0464</u>	<u>[Signature]</u>

43 Homes on Shoreline

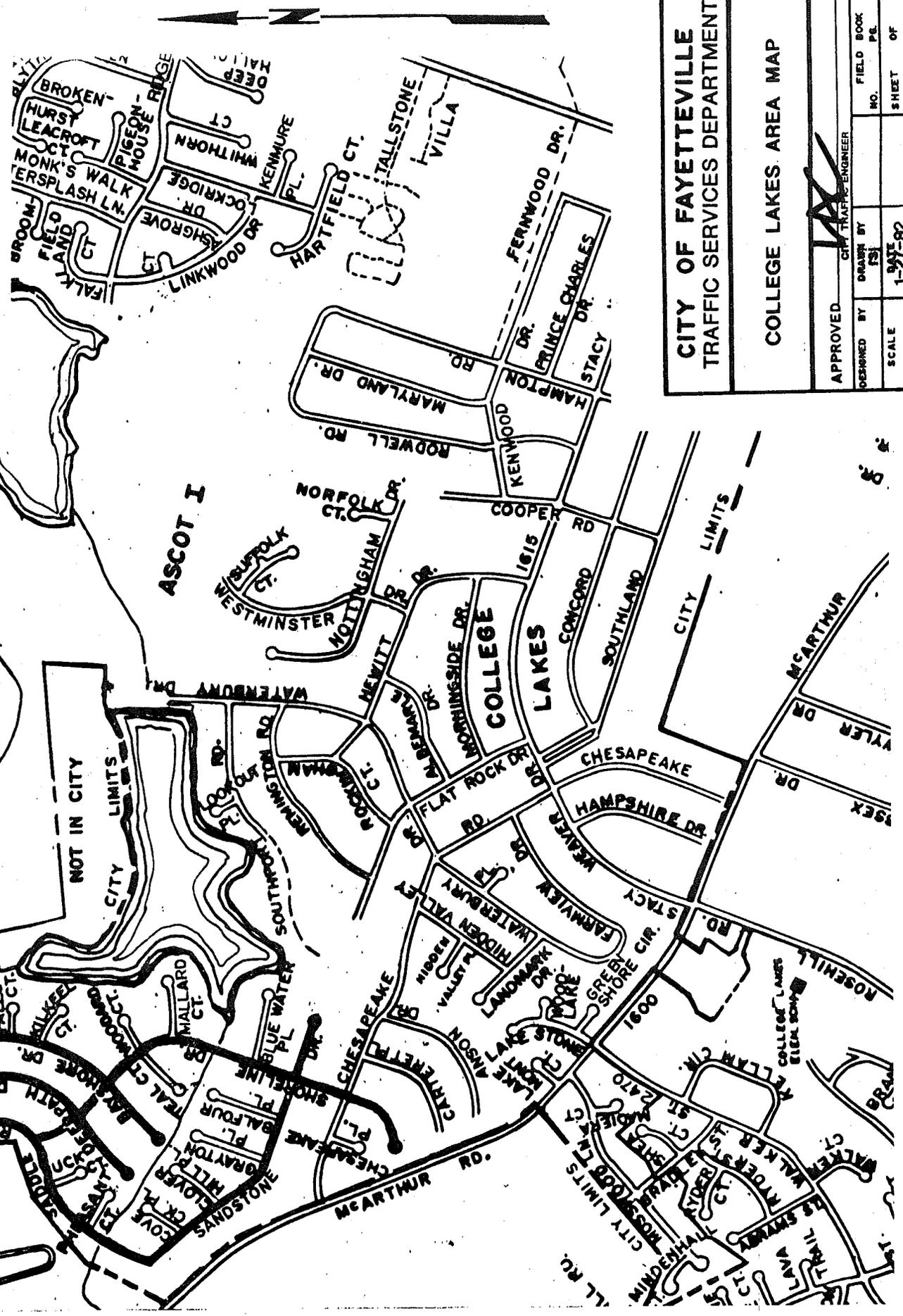
DATE Jan. 14, 92

We, the undersigned residents of Shoreline Drive
from Saddle Ridge Rd to its end

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

PRINTED NAME	ADDRESS	TELEPHONE #	SIGNATURE
1. HAZEL INGLIS ✓	452 SHORELINE	822-6525	<u>Hazel Inglis</u>
2. Irene O. Griffin ✓	448 Shoreline Dr.	488-7174	<u>Irene O. Griffin</u>
3. DEBI MILLER ✓	446 Shoreline	488-1025	<u>Debi Miller</u>
4. Wileen A. Keen ✓	449 Shoreline	488-8265	<u>Wileen A. Keen</u>
5. RAY JVEY ✓	441 Shoreline	822-1905	<u>Ray Jvey</u>
6. James McNair ✓	434 SHORELINE	488-7921	<u>James McNair</u>
7. Betty Kattley ✓	439 Shoreline	488-4771	<u>Betty Kattley</u>
8. Stephen Miranda ✓	424 Shoreline	822-0594	<u>Stephen Miranda</u>
9. Chong ✓ ?	425 Shoreline	822-4571	<u>Chong ✓</u>
10. Shirley Nightingale ✓	427 Shoreline	488-1955	<u>Shirley Nightingale</u>
11. Carl Freitas ✓	471 Shoreline Dr	822-1530	<u>Carl Freitas</u>
12. Buck Smith ✓ <small>Fred R. Williams</small>	460 Shoreline Dr	822-1143	<u>Buck Smith</u>
13. Fred R. Williams ✓	443 Shoreline Dr.	822-1673	<u>Fred R. Williams</u>
14. John Manning ?	445 Shoreline Dr	488-4107	<u>John Manning</u>
15. Chae & Nicholson ✓	447 Shoreline Dr	822-0294	<u>Chae & Nicholson</u>
16. GEORGE SIMMONS ✓	455 Shoreline DR	488-5211	<u>George Simmons</u>
17. Cecilia McCall ✓	454 Shoreline Dr.	488-5199	<u>Cecilia McCall</u>
18. Chris McCall ✓	505 Shoreline Dr	488-7941	<u>Chris McCall</u>
19. GEORGE BRIEMAN ✓	504 Shoreline Dr.	488-9619	<u>George Brieman</u>

REVISION	DATE	BY



CITY OF FAYETTEVILLE
TRAFFIC SERVICES DEPARTMENT

COLLEGE LAKES AREA MAP

APPROVED: *[Signature]* CITY TRAFFIC ENGINEER

DESIGNED BY: *[Signature]* DRAFTER

SCALE: 1" = 27'-82"

FIELD BOOK NO.	
SHEET OF	

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

January 29, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL
FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD
SUBJECT: CONSENT ITEM FOR THE FEBRUARY 3, 1992
CITY COUNCIL MEETING

NONCONTROVERSIAL PLANNING BOARD ITEMS:

- A. CASE NO. P92-2. THE INITIAL ZONING TO R10 RESIDENTIAL DISTRICT AND C1 LOCAL BUSINESS DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT THE INTERSECTION OF ROXIE AVENUE AND BOONE TRAIL, WEST OF CARLOS AVENUE AND BEING THE PROPERTY OF W.E. ROYAL, RICHARD E. ESSLINGER AND ROBERT E. HALLISEY.
(FAYETTEVILLE ORDINANCE)

PLANNING BOARD MEETING DATE: JANUARY 21, 1992

PLANNING BOARD ACTION: RECOMMENDED APPROVAL

bs

Attachments

ITEM 2 H.

PLANNING DEPARTMENT

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

CUMBERLAND COUNTY JOINT PLANNING BOARD

John Britf
CHAIRMAN

George Vaughan
PLANNING DIRECTOR

February 3, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P92-2. THE INITIAL ZONING TO R10 RESIDENTIAL DISTRICT AND C1 LOCAL BUSINESS DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT THE INTERSECTION OF ROXIE AVENUE AND BOONE TRAIL, WEST OF CARLOS AVENUE AND BEING THE PROPERTY OF W.E. ROYAL, RICHARD E. ESSLINGER AND ROBERT E. HALLISEY.
(FAYETTEVILLE ORDINANCE)

ACTION: THE EIGHT MEMBERS PRESENT AT THE JANUARY 21, 1992 REGULAR MEETING VOTED UNANIMOUSLY TO APPROVE THE INITIAL ZONING

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

Mr. Lloyd stated that the Planning staff recommends approval of the initial zoning to R10 Residential District and C1 Local Business District based on the following:

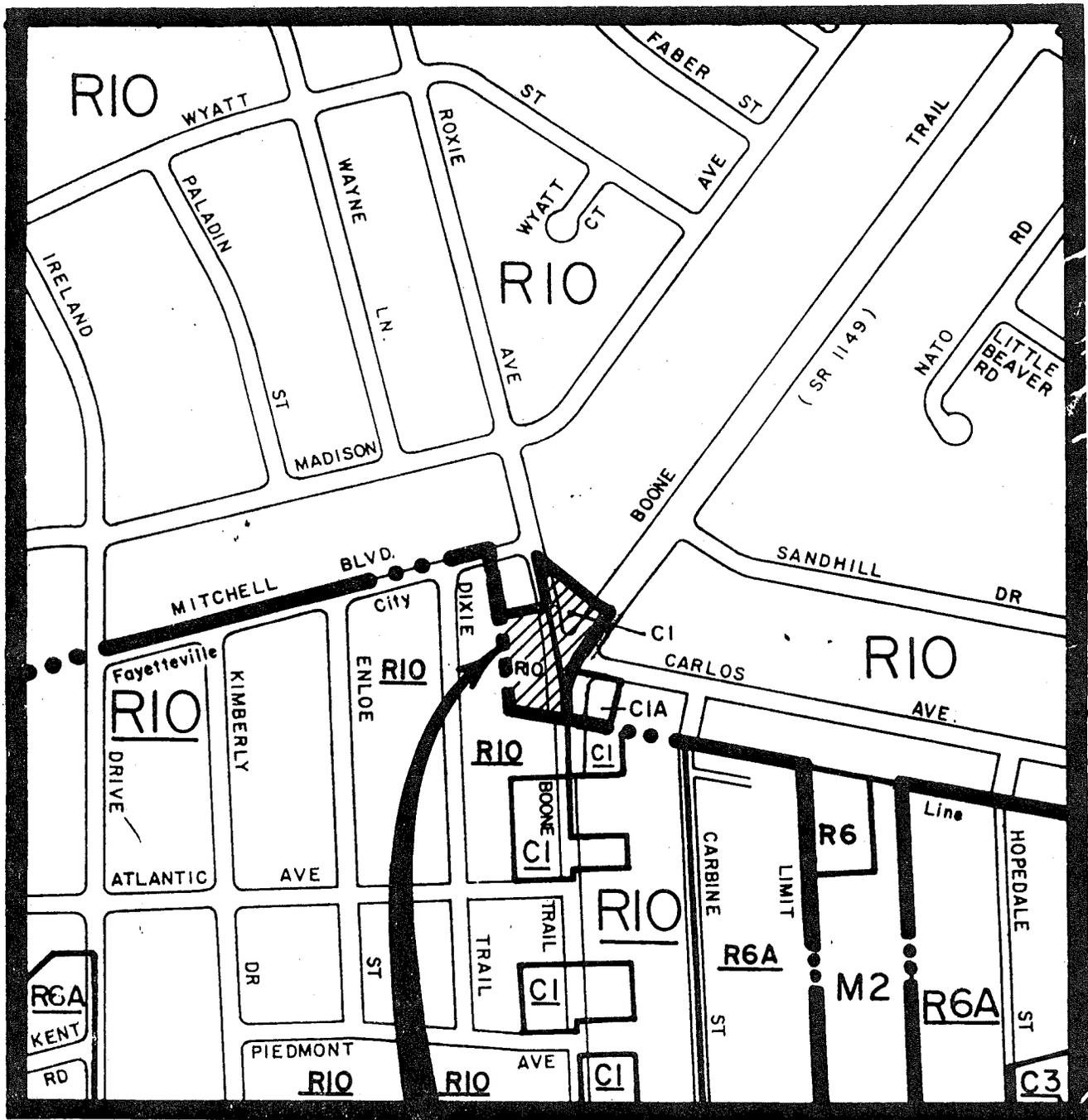
1. The proposed initial zoning is similar to the previous County zoning.

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

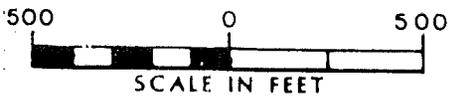
After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. Tew and seconded by Ms. Vick to follow the staff recommendation. The motion passed unanimously.

bs

Attachment



NORTH



SCALE IN FEET

INITIAL ZONING TO RIO & CI

ACREAGE: 2.70 AC. ±	HEARING NO: P92-2	
ORDINANCE: FAYETTEVILLE	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

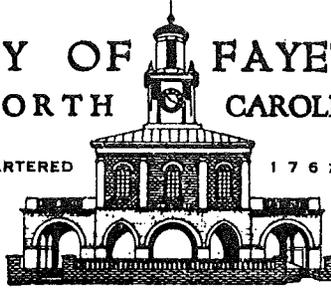
ANNEX NO. 348
 PIN: 0416-92-3134-
 -1074-
 -91-1897-

E.B.



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



TRANSIT DIRECTOR

TRANSIT DEPARTMENT
455 GROVE STREET
FAYETTEVILLE, NC 28301

January 28, 1992

MEMORANDUM

TO: John P. Smith, City Manager

FROM: Jerome Brown, Transit Director *JB*

SUBJECT: Agenda Item

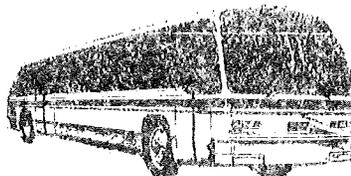
Please find attached a draft of a plan to comply with the Americans with Disabilities Act (ADA). The salient points of the plan are as follows:

1. The services to the elderly and handicapped under ADA will be within the same service area as the fixed route system.
2. All fixed route buses will be equipped with wheelchair lifts as the current ones are replaced.
3. A paratransit system to provide door to door service must be created. The door to door service must be provided with 3/4 of a mile of the current bus routes.
4. The City of Fayetteville will be the certifying agency for approving ADA eligibility.

Call me if you have questions.

JSB/bb

Attachment



Fayetteville Area System of Transit "FAST"

An Equal Opportunity/Affirmative Action Employer

ITEM 3.A.



Americans With Disabilities Act

PARATRANSIT PLAN

JANUARY 1992

FAYETTEVILLE AREA SYSTEM OF TRANSIT

**455 Grove Street
Fayetteville, NC 28301**

**Contact Person: Jerome S. Brown
PHONE: (919) 433-1743**

SECTION I

INTRODUCTION:

On September 6, 1991, the U.S. Department of Transportation (USDOT) published final regulations of the Americans with Disabilities Act of 1990 (ADA). Included in these regulations was a requirement that public entities operating fixed route transportation service for the general public also provide complementary paratransit service to persons unable to use the fixed route system. The regulations also require that a plan for implementing complementary paratransit service be submitted by January 26, 1992 and service be in full compliance as soon as possible, but no later than January 26, 1997.

Following is the Fayetteville Area System of Transit's (FAST) Paratransit Plan of compliance with the ADA's regulations.

**Name of Entity Submitting Plan: Fayetteville
Area System of Transit**

**Address: 455 Grove Street, Fayetteville, N.C.
28301**

**Contact Person: Jerome S. Brown, Director of
Transit**

Telephone Number: (919) 433-1743

SECTION II DESCRIPTION OF THE FIXED ROUTE SYSTEM

HISTORICAL AND GEOGRAPHIC DESCRIPTION OF THE SERVICE AREA:

Cumberland County (Map B) played an role in North Carolina's history, having served as the state's capital during the General Assembly's 1789 ratification of the Constitution and the chartering of the University of North Carolina.

Fayetteville is a tale of two towns. Today's sixth largest municipality in North Carolina was created by combining two early trading settlements. The town of Campbellton, established in 1736 and located on the Cape Fear River, and the town of Cross Creek, established in 1765 and located at the site of two creeks crossing each other, merged in 1778 to become Upper and Lower Campbellton. In 1783, the town was renamed Fayetteville, in honor of the Marquis de LaFayette, the French

general who helped the colonies gain their independence from Great Britain.

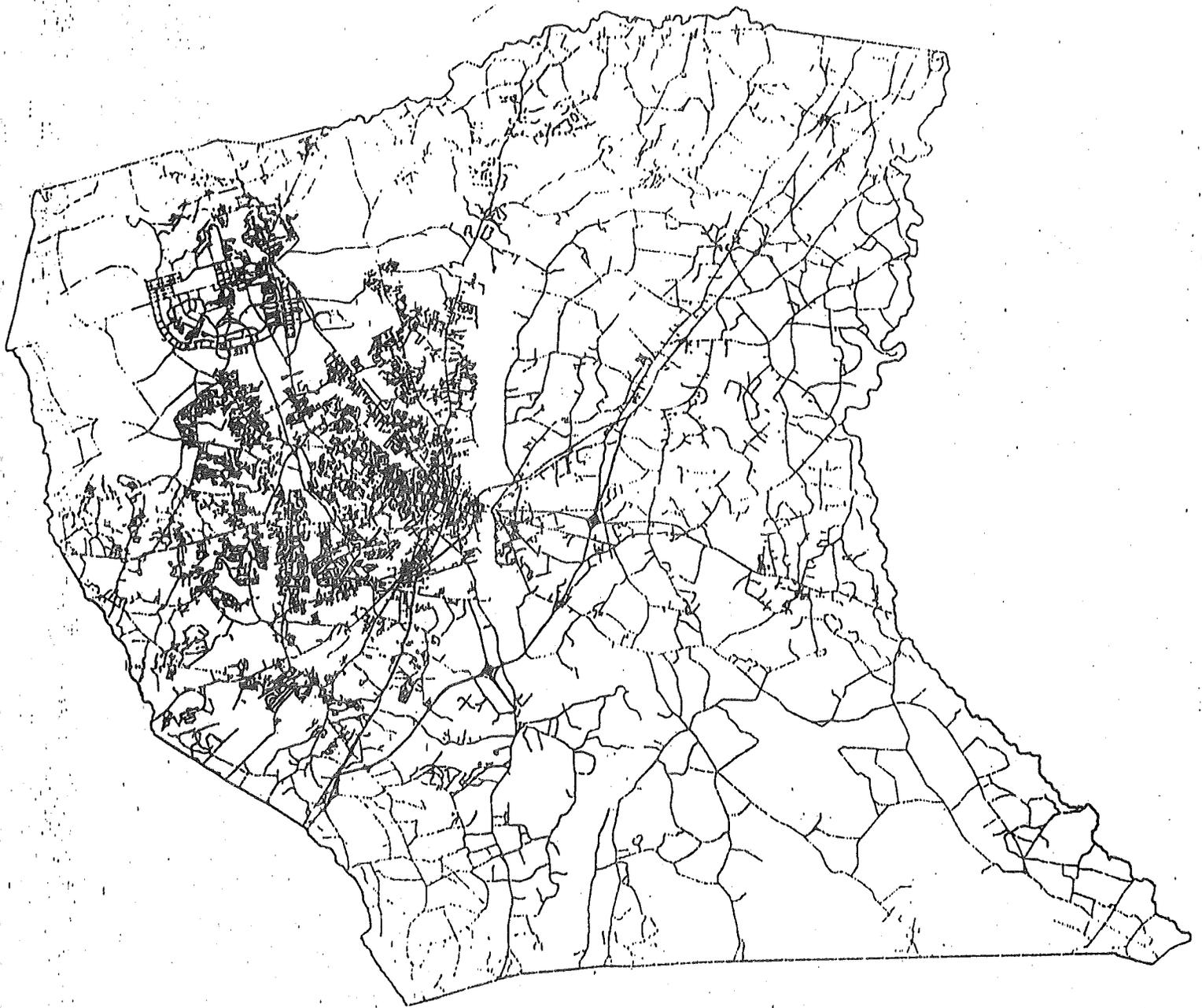
There are two major communities that make-up Cumberland County. They are Hope Mills and Spring Lake. Hope Mills is located South of Fayetteville and is approximately seven miles away. Spring lake is ten miles west of Fayetteville.

Currently FAST has twenty (20) buses on eight (8) routes (Map A) operates 6 days a week and the hours of service are 5:30AM through 7:30PM. Sunday service is not provided. The number of vehicles operating on weekdays during peak hours is 12 (morning and evening). The number of vehicles in operation during non-peak hours is ten (10).

During FY 90-91, approximately 535,574 vehicle miles of service were provided, and a total of 1,047,030 passengers were transported. FAST's fare structure is \$.60 regular fare, \$.25 for transfers, \$.30 elderly and handicapped,

\$5.40 for a 10-ride pass, \$24.00 monthly pass and an \$18.00 monthly student pass.

FAST has 6 (six) buses equipped with wheelchair lifts which equals 30% fleet accessibility. All of the buses kneel. 100% of the routes are accessible on an on call basis.



CUMBERLAND COUNTY

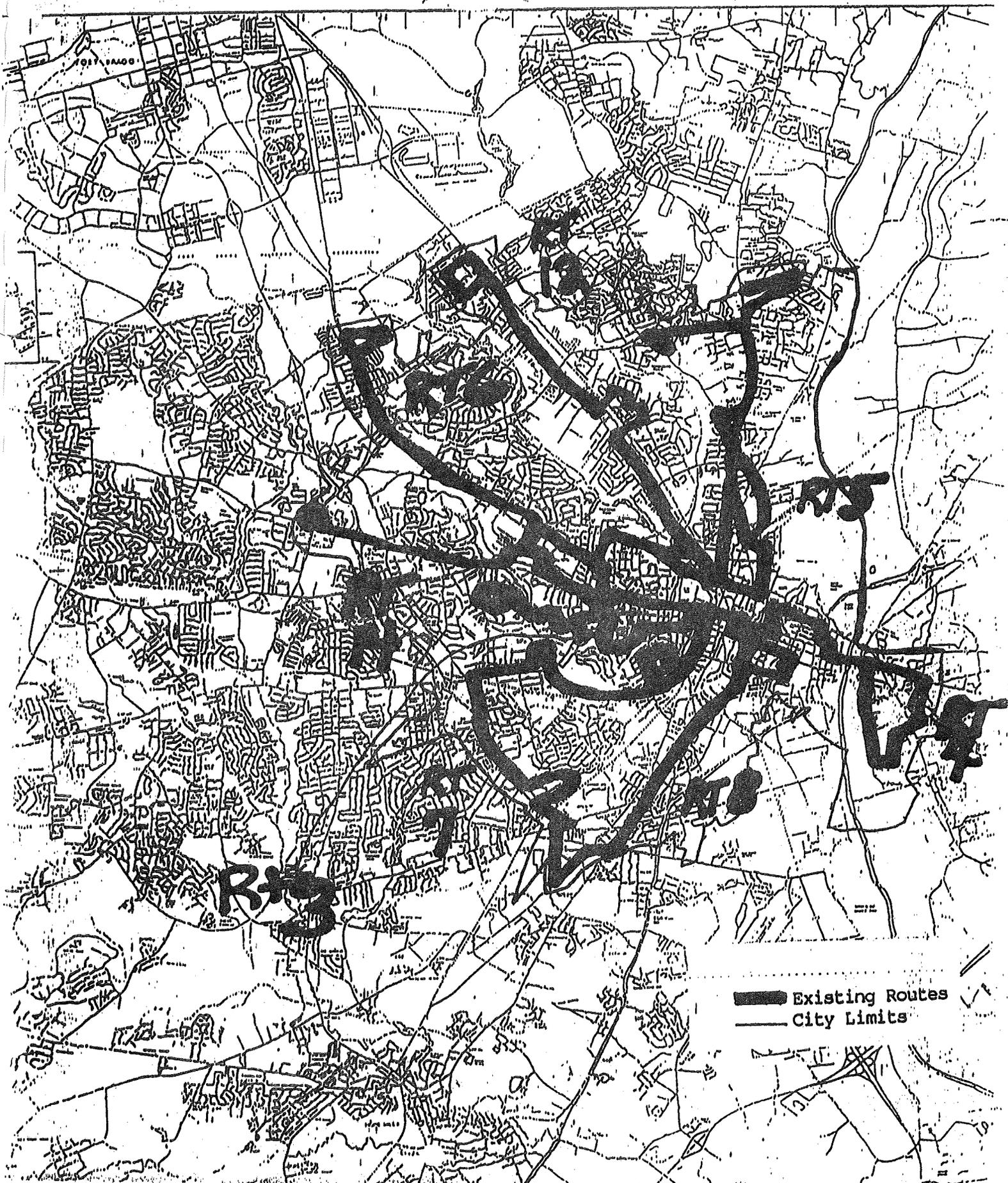
MAP A

DEMOGRAPHIC DESCRIPTION

Cumberland County experienced significant population growth between 1980 and 1990. The areas of Hope Mills and Spring Lake were the fastest growing areas. The population of Fayetteville increased approximately 27 percent between 1980 and 1990. Cumberland County's population for 1980 was 247,160 and is currently 274,566 for 1990 (Table 1.3).

The population in Cumberland County continues to increase, but the ethnic composition of the county remains steady. In 1980 the percent of White (non-Hispanic) individuals in Cumberland County was 64%, Black 30%, and Other race population 5%. The 1990 census figures for the same groups changed slightly. The percent of White (non-Hispanic) persons in Cumberland County for 1990 was 61%, Black 31%, and Other race populations 6%.

MAP B



Existing Routes
City Limits

* TABLE 1.3
 CUMBERLAND COUNTY 1990
 POPULATION AND HOUSEHOLDS

AREA	1990 POPULATION	PERCENT OF COUNTY	1990 ** HOUSEHOLDS	PERCENT OF COUNTY
FAYETTEVILLE	75,695	28%	31,712	32%
HOPE MILLS	8,184	3%	3,133	3%
SPRING LAKE	7,524	3%	3,090	3%
UNINCORPORATED	183,163	67%	60,425	61%
CUMBERLAND COUNTY	274,566	100%	98,360	100%

*TABLE CONTAINS 1990 CENSUS DATA
 **HOUSEHOLDS = OCCUPIED HOUSING UNITS

SECTION III

DESCRIPTION OF EXISTING PARATRANSIT SERVICES

INVENTORY OF PARATRANSIT SERVICES:

In December of 1985 the Human Services Transportation System (HSTS) was started at FAST. HSTS provides transportation for the Senior Citizens, the handicapped and the economically disadvantaged. Services are provided to human service agencies on a contract basis. Currently services are provided to the Dept. of Social Services, Mental Health and Retardation, Cumberland County Coordination Council on Older Adults, Retired Senior Volunteer Program, Sickle Cell..., Handicapped Adults for Independent Living, Cumberland County Association of the Blind, the City of Fayetteville Parks and Recreation Dept. and Sugar and Spice Adult Daycare

Center.

Eligibility requirements vary with the agency being served. Each agency certifies the clients transported on its behalf.

The Human Service Transportation System operates Monday through Friday from 7:30AM until 6:00PM. Currently the system utilizes nine (9) vans and two (2), twenty-two (22) passenger buses. Six of the vehicles are wheelchair lift equipped.

During FY 90-91 HSTS provided 179,865 miles of service and transported 30,583 passengers.

SURVEY OF EXISTING SERVICES

Other agencies providing paratransit in Cumberland County and the city of Fayetteville are taxicabs, Association for the Blind, South

Eastern Rehabilitation, Parks and Recreation, public schools, churches and group homes.

The Taxicabs contract with human service agencies such as DSS. The eligibility requirements are age and income. The city and county are serviced on an "on call" basis. The fare is paid by the contracting agency. There are no capacity constraints and the days and hours of operation are Monday through Friday from 7:30AM to 7:30PM.

The remaining agencies use vans and/or taxicabs to transport their clients. Some own their own vans while others contract with van owners.

SECTION IV

DESCRIPTION OF PROPOSED COMPLEMENTARY SERVICE

The proposed complementary paratransit system will operate in the same areas of the duty as the fixed route system. Transportation provided by the paratransit system will be within the current city boundaries except in those areas where the fixed route system serves the county (See Map C).

It is anticipated that the paratransit fleet will be composed of one (1) 25-30ft lift equipped bus and two (2) 15 passenger lift equipped vans. The hours of operation would be from 5:45AM until 7:00PM Monday thru Saturday with no service on Sundays.

DEMAND RESPONSE

Anyone who is certified as being ADA eligible can use the demand response system. Persons

who are considered ADA eligible fall within three categories. The first category of eligibility includes: "Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities." The second category of eligibility includes: "Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance to board, ride, and disembark from any vehicle which is readily assessible to and usable by individuals with disabilities if the individual wants to travel on a route of the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route." The third category of eligibility

includes: "Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system." A certified ADA eligible individual may use the demand response system by calling the operation center to request transportation. The ADA patron must give name, address, trip origin and destination and the time for pickup. Upon receiving this information a vehicle will be dispatched as soon as possible.

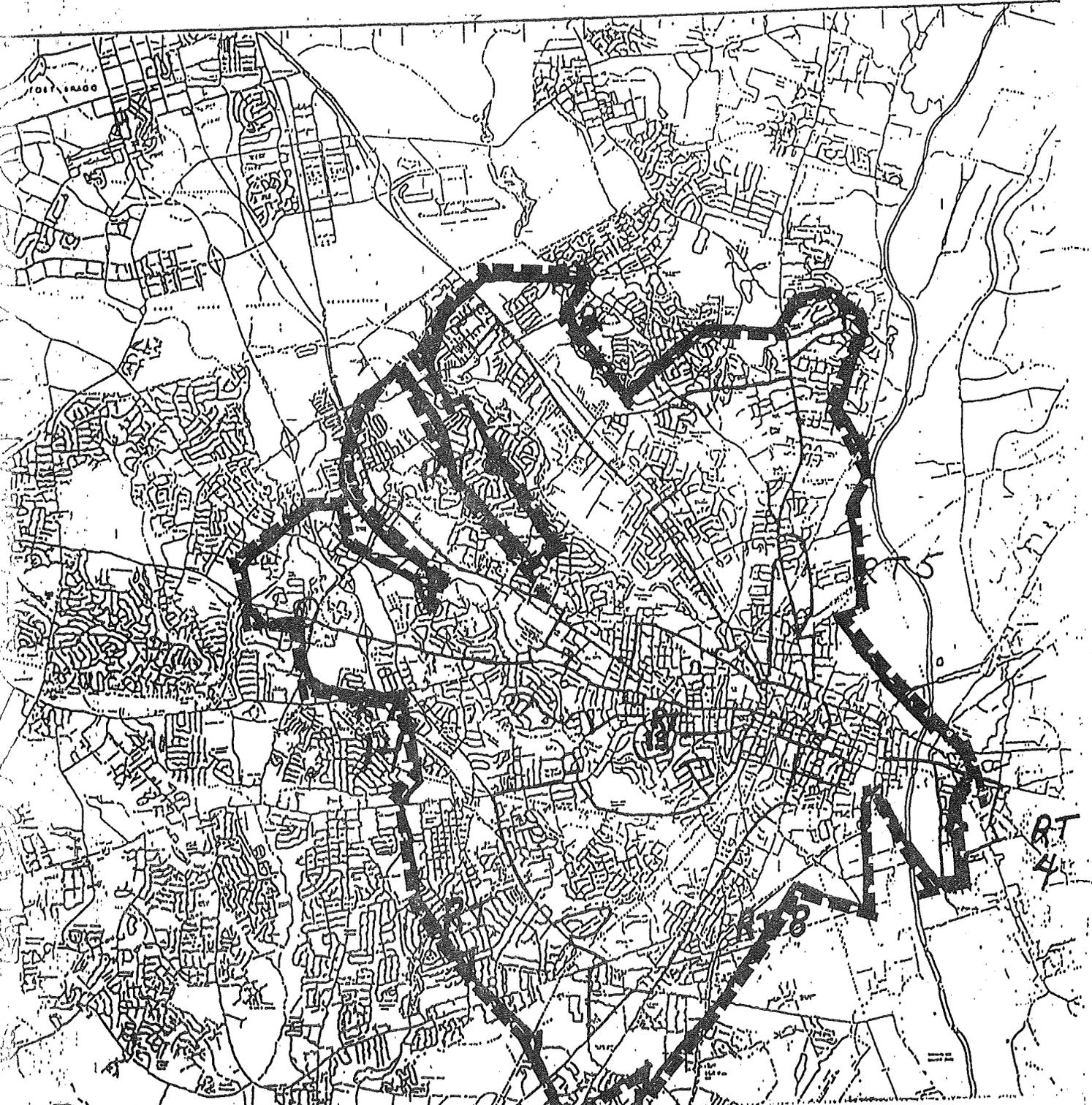
SUBSCRIPTION

Any ADA eligible person that resides within the service area may also subscribe for transportation if the trip request is routine, i.e. doctor's appointment, routine shopping excursions, etc... This method would ensure the most percept service because it would give FAST an opportunity to plan a more expective route.

ESTIMATE OF DEMAND

The demand for ADA eligible transportation was estimated using 1990 census information as base data. It was assumed that 5% of the population was ADA eligible (as per ADA handbook). With this in mind it was determined that 1,211 persons would be ADA eligible. 3,785 persons are disabled in the city of Fayetteville. ADA eligible individuals are estimated at 1.7%* or 1,135 that fit categories 1 & 3. Individuals that are ADA eligible category 2 would be 7% of the total population (Table 1.4). * ADA Paratransit Handbook

MAP C



— Existing Routes
— Paratransit Service Area Boundary

* TABLE 1.4
1990

AREA	1990 POPULATION		TRANSPORTATION DISABILITY POPULATION		PERCENT OF COUNTY		ADA ELIGIBLE CATEGORIES		ADA ELIGIBLE CATEGORIES		TOTAL ADA ELIGIBLE
							1 & 3	2	1 & 3	2	
FAYETTEVILLE	75,695	3,785	28%	-	1,135	76	1,211				
HOPE MILLS	8,184	409	3%		123	8	131				
SPRING LAKE	7,524	376	3%		113	8	120				
UNINCORPORATED	183,163	9,158	67%		2,747	183	2,931				
CUMBERLAND COUNTY	274,566	13,728	100%		4,118	275	4,393				

*TABLE CONTAINS 1990 CENSUS DATA

DESCRIPTION OF PLANNED MODIFICATIONS TO THE EXISTING SYSTEM

Currently, there is not a paratransit system that provides door-to-door transportation to the elderly and handicapped. The door-to-door service provided is done so by a contractual arrangement with Human Service Agencies.

The current fixed route system is accessible only on the routes that have wheelchair lift equipped buses. There are currently six (6) of these buses in the fleet. The fleet is scheduled to be replaced over the next five (5) years. As the fleet is replaced each bus will be purchased with wheelchair lifts.

DESCRIPTION OF HOW THE PROPOSED PARATRANSIT SERVICE WILL MEET THE SIX SERVICE CRITERIA

SERVICE AREA

The service area for the proposed system will include all of the populated areas within 3/4 miles of an existing bus route (Map C). The system is configured in such a manner that most of the areas within the current boundaries are within the 3/4 mile standard and therefore will be included in the service area (Map B).

RESPONSE TIME

Any request for service from an ADA eligible individual who resides within the service area will be accommodated within 24 hours of the request. Request for service will be received Monday thru Friday by operations personnel. On Sundays requests will be received by mechanical means. The hours that service will be requested will be from 7:00AM until 6:00PM

Monday thru Friday. Requests will not be received on Saturdays for next day service because the transit system does not operate on Sundays. Riders will be able to subscribe for transportation services at least 14 days in advance.

FARES

The fare for the paratransit service is proposed to be \$1.20 per trip. This fare is twice the base fare for the increased level of transportation. A person without a disability can ride the fixed route system for \$.60.

TRIP PURPOSE

The patrons that use the paratransit system will not be restricted by trip purpose nor will types of trips have priority over others.

HOURS AND DAYS OF SERVICE

The paratransit system will operate the same hours and days as the fixed route system. The days of operation will be Monday thru Saturday. Service will start Monday thru Friday at 5:30AM and Saturdays 6:00AM. Service will end at 7:30PM Monday thru Saturday. There will be no service of any kind on Sundays.

CAPACITY RESTRAINTS

Trips will be scheduled for pickup no more than one hour before the requested pickup time. Vehicles that are dispatched to a location for pickup can wait no more than 5 minutes. If demand dictates, additional vehicles and staff will be placed into service to meet the increased demand.

No shows would be defined as individuals who canceled trips less than ten (10) minutes before pickup. Three no shows within a two week

period could result in a suspension of transportation services to that individual.

TIMETABLE FOR IMPLEMENTATION

The following milestones will have to be implemented to be 100% compliance with the new ADA regulations:

Month	Year	Event
March	1992	Institute the ADA certification prices. Purchase and install an answering machine to handle Sunday calls for "on-call" bus.
July 1,	1992	Approval of 92/93 budget that would allow the support of coordinated trips with HSTS patrons.
July 15,	1992	Begin coordinating trips with HSTS patrons.
September	1992	Purchase and install video equipment for the hearing impaired.
March	1993	Purchase two (2) 25-30 ft lift equipped buses with radios. Purchase three (3) lift equipped vans with radios. Purchase three (3) backup radios.
June	1993	Approval of the budget for the paratransit service.
September	1993	Purchase and install Telecommunication Display Devices. Permit the transportation of oxygen.
March	1994	Purchase one (1) 25-30ft. lift equipped bus with radio. Purchase three lift equipped vans with radios. Purchase two (2) backup radios.

ADA PROGRAM BUDGET

CAPITAL ITEMS:

FY 91/92
No Capital Purchases This Year \$0

FY 92/93
Purchase answering machine to handle Sunday "on-call" bus
Subtotal \$250
\$250

FY 93/94
Purchase two (2) 25-30 ft. lift equipped buses with radios \$270,000
Purchase three (3) lift equipped vans with radios \$74,967
Purchase three backup radios \$6,000
Subtotal \$350,967

FY 94/95
If demand dictates the following purchases would be made:
Purchase one (1) 25-30 ft. lift equipped buses with radios \$140,000
Purchase two (2) lift equipped vans with radios \$30,000
Purchase two (2) backup radios \$4,000
Subtotal \$174,000

FY 95/96
No Purchases

ADA PROGRAM BUDGET

OPERATING EXPENDITURE ITEMS	COST				
	FY 91/92	FY 92/93	FY 93/94	FY 94/95	FY 95/96
SALARIES AND WAGES	\$0	\$0	\$58,429	\$89,211	\$91,888
BENEFITS	\$0	\$0	\$15,776	\$16,170	\$16,655
RISK MANAGEMENT		\$0	\$15,000	\$15,375	\$15,836
TELEPHONE		\$700	\$500	\$513	\$528
MAINTENANCE AND FUEL			\$110,595	\$141,378	\$145,619
TRAINING AND TRAVEL	\$250	\$1,500	\$1,500	\$1,538	\$1,584
OPERATING SUPPLIES	\$750	\$800	\$875	\$897	\$924
PRINTING AND COPYING	\$500	\$1,500	\$2,000	\$2,050	\$2,112
TOTAL	\$1,500	\$4,500	\$204,675	\$267,131	\$275,145
TOTAL BUDGET	\$1,500	\$9,000	\$555,642	\$441,131	\$275,145
REVENUE					
FARE			\$1.20		
ESTIMATED DAILY REVENUE			\$316	\$324	\$332
ESTIMATED ANNUAL REVENUE			\$94,257	\$96,614	\$99,029
ESTIMATED ANNUAL COST			\$204,675	\$209,792	\$215,037
ESTIMATED ANNUAL NET COST			(\$110,418)	(\$113,178)	(\$116,008)
FEDERAL SHARE (FTA)			(\$55,209)	(\$56,589)	(\$58,004)
CITY SHARE			(\$55,209)	(\$56,589)	(\$58,004)

SECTION V

ADA PARATRANSIT ELIGIBILITY STANDARDS

The following individuals are ADA paratransit eligible:

1. Individuals with a disability who can use an accessible vehicle, but the fixed route service they need to use is not accessible.
2. Individuals who, because of the nature of their disability, cannot use a fixed route system that is otherwise accessible.
3. Individuals with impairment-related conditions that prevent them from getting to or from a boarding or disembarking location.
4. Individuals who have been certified by another transit system as ADA eligible.
5. A person traveling as a companion of a

person who is ADA eligible is also eligible for that trip, not including Personal Care Attendants.

A. The eligible individual and the companion must have the same destination.

B. Personal Care Units are mobility aids. Mobility aids are not covered under ADA. They will be eligible according to space availability.

C. Any additional individuals other than the companion will be eligible according to space availability.

6. Individuals with a temporary disability which meet one or more of the five (5) categories previously stated.

7. Eligible individuals who do not reside in Cumberland County, but requesting service, will need to show eligibility certification. If no certification is submitted, the presumed eligible individual will be honored for 21 days.

ADMINISTRATIVE APPEAL PROCESS

After the submission of a complete application (Table 1.5), FAST will notify the individual in writing of its decision concerning eligibility. If the decision is that the individual is ineligible, the written notice will state the reasons for the finding and the appeal process.

THE APPEAL PROCESS

The applicant must first submit a written appeal to the committee appointed by City Council.

The committee, upon receipt of the appeal, will review the case and make recommendations to the City Manager.

The City Manager will have the final decision.

Written notice of the final decision will be sent to the applicant.

ELIGIBILITY CERTIFICATION APPLICATION

1. Name _____

2. Address _____

State _____ Zip _____

3. Telephone Number (Home) _____ (Work) _____

4. Date of Birth ____/____/____

5. What is the disability which prevents you from using our fixed route service? _____

Is this condition temporary? _____ If Yes, expected duration until
____/____/____

6. How does this disability prevent you from using fixed route services? Please explain completely. Use an additional sheet if needed. _____

7. Are there any other effects of your disability of which we need to be aware? _____

THE FOLLOWING INFORMATION WILL BE USED TO ENSURE THAT AN APPROPRIATE VEHICLE IS UTILIZED TO PROVIDE YOUR TRANSPORTATION AND THAT AN ACCURATE ANALYSIS OF YOUR TRIP REQUESTS CAN BE MADE BY THE (NAME OF PUBLIC ENTITY).

8. Do you use any of the following aids to mobility? (Check all that apply)

Manual wheelchair___ Electric wheelchair___ Powered scooter___
Cane___ Crutches___ Personal care attendant___ Guide dog___

9. Do you require a Personal Care Attendant when you travel using transit?

Yes___ No___

10. Please Answer the following questions:

Can you travel 200 feet without the assistance of another person?

Yes___ No___ Sometimes___

Can you travel 1/4 mile without the assistance of another person?

Yes___ No___ Sometimes___

Can you travel (Insert maximum corridor dimension) without the assistance of another person?

Yes___ No___ Sometimes___

Can you climb three 12-inch steps without assistance?

Yes___ No___ Sometimes___

Can you wait outside without support for ten minutes?

Yes___ No___ Sometimes___

11. I hereby certify that the information given above is correct.

Signed_____ Date___/___/___

12. If this application has been completed by someone other than the person requesting certification, that person must complete the following:

Name _____

Address _____

_____ State _____ Zip _____

Daytime Phone _____

Signed _____ Date ____/____/____

In order to allow the (name of public entity) to evaluate your request, it may be necessary to contact a physician or other professional to confirm the information you have provided. Please complete the following information and authorization form.

The following physician _____ Health Care Professional _____ Rehabilitation Professional _____ (check one) is familiar with my disability and is authorized to provide information to the (name of public entity) required to complete this certification.

Name _____

Address _____

State _____ Zip _____

Phone Number _____

Print Name _____ Date of Birth ____/____/____

Signed _____ Date ____/____/____

Dear _____

The attached authorization form has been submitted by _____, who has indicated that you can provide information regarding his/her disability and its impact upon his/her ability to utilize our transit services. Federal law requires that (name of public entity) provide paratransit services to persons who cannot utilize available fixed route services. The information you provide will allow us to make an appropriate evaluation of this request and its application to specific trip requests. Thank you for your cooperation in this matter.

Capacity in which you know the applicant:

Medical Diagnosis of condition causing disability:

Is the condition temporary? No _____

Yes _____ Expected duration until ___/___/___

If the person has a disability effecting mobility:

Is the person:

Able to walk 200 feet without assistance? Yes _____ No _____
Sometimes _____

Able to walk 1/4 mile without assistance? Yes _____ No _____
Sometimes _____

Able to walk (maximum corridor dimension) without assistance?
Yes _____ No _____ Sometimes _____

Able to climb three 12-inch steps without assistance?
Yes _____ No _____ Sometimes _____

Able to wait outside without support for 10 minutes?
Yes _____ No _____ Sometimes _____

Does this person use any mobility aids? If so, what?

If the person has a visual impairment:

Visual Acuity with Best Correction:

Right Eye____ Left Eye____ Both Eyes____

Visual Fields:

Right Eye____ Left Eye____ Both Eyes____

If the person has a cognitive disability:

Is the person able to:

Give addresses and telephone numbers upon request?

Yes____ No____

Recognize a destination or landmark?

Yes____ No____

Deal with unexpected situations or unexpected change in routine?

Yes____ No____

Ask for, understand and follow directions?

Yes____ No____

Safely and effectively travel through crowded and/or complex facilities?

Yes____ No____

Is there any other effect of the disability of which the (name of public entity) should be aware? Please describe._____

Your Name:

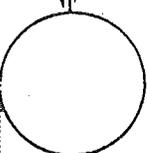
Office Address:

Office Phone Number:

Signature:

Eligibility Documentation

The ADA eligible individual will be issued a picture identification card showing the name of the certifying agency; the name of the applicant, the telephone number of the certifying agency's coordinator, an expiration date for eligibility and a brief synopsis of the individual's limitations.

 <div style="display: inline-block; vertical-align: middle; text-align: center;">  Certificate of Eligibility for ADA Paratransit Service </div>	
Name _____	
I.D. # _____	
Signature _____	Date Issued _____
Expiration Date _____	
Eligibility Conditions _____	Travel with PCA Yes <input type="checkbox"/> No <input type="checkbox"/>

BACK

The person identified on this card has been determined "ADA Paratransit Eligible" in accordance with the provisions of 49 CFR Part 37 and may be entitled to receive complementary paratransit service subject to the provisions thereof.

_____ (signature of public entity representative)

_____ (name of issuing public entity)

_____ (city/town) _____ (state)

Paratransit Coordinator's
Phone #: _____

SECTION VII

The city of Fayetteville operate the Human Service Transportation System. This system provides transportation services to the elderly and handicapped and contracts with area human service agencies. Many of the trips that are provided under these agencies originate and terminate within the service area.

Under the proposed ADA plan any ADA eligible person who lives within the service area may ride with HSTS paratransit. The trips would be coordinated by the city's HSTS coordinator.

SECTION VIII

CERTIFICATIONS and RESOLUTIONS

Pending completion of planning process

PUBLIC HEARING
SPEAKERS

SUBJECT: ADA (AMERICAN DISABILITIES ACT)

DATE: February 3, 1992

(Name)	PROPOSER (In Favor)	(Address)
1.	<u>DOROTHY BULLARD Kimbrough</u>	<u>517 DOXBORAN ST.</u>
2.	<u>HARRY E. Bennett</u>	<u>2116 Henry Ave</u>
3.	_____	_____
4.	_____	_____
5.	_____	_____

OPPONENT (Against)

1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

PUBLIC HEARING

CITIZEN INPUT

RE: ADA

Date: 2-3-92

S P E A K E R S:

- | | (Name) | (Address) |
|------|--------------|-------------------|
| ✓ 1. | Nancy Dever | P.O. Box 35771 |
| ✓ 2. | Maui Presler | 115 Heathstone Dr |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |
| 8. | | |
| 9. | | |
| 10. | | |

PUBLIC HEARING

CITIZEN INPUT

RE: _____

Date: _____

S P E A K E R S:

(Name)

(Address)

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

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

January 29, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL
FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD
SUBJECT: PUBLIC HEARING ITEM TO BE HEARD AT THE
FEBRUARY 3, 1992 CITY COUNCIL MEETING

- A. CASE NO. P91-129. 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 32-23, ITEM (4a), TO ESTABLISH GROUNDS AND FACILITIES FOR A PRIVATE EQUESTRIAN CENTER AND PASTURE TO OPERATE ON A NONPROFIT BASIS IN AN R10 RESIDENTIAL DISTRICT FOR AN AREA LOCATED ON THE EAST SIDE OF U.S. HWY 401 NORTH (RALEIGH ROAD), EAST OF ANDREWS ROAD (SR 1611).
(FAYETTEVILLE ORDINANCE)

PLANNING BOARD MEETING DATE:
PLANNING BOARD ACTION:

NOVEMBER 19, 1991
RECOMMENDED APPROVAL

bs

Attachments

ITEM 3B

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

February 3, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P91-129. 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 32-23, ITEM (4a), TO ESTABLISH GROUNDS AND FACILITIES FOR A PRIVATE EQUESTRIAN CENTER AND PASTURE TO OPERATE ON A NONPROFIT BASIS IN AN R10 RESIDENTIAL DISTRICT FOR AN AREA LOCATED ON THE EAST SIDE OF U.S. HWY 401 NORTH (RALEIGH ROAD), EAST OF ANDREWS ROAD (SR 1611).
(FAYETTEVILLE ORDINANCE)

ACTION: THE ELEVEN MEMBERS PRESENT AT THE NOVEMBER 19, 1991 REGULAR MEETING VOTED UNANIMOUSLY TO APPROVE THE SPECIAL USE PERMIT.

Mr. Lloyd displayed a map outlining the existing zoning and land use and site plan for the area.

Mr. Lloyd stated that the Planning staff recommends approval of the Special Use Permit based on the following:

1. No detriment is found to the surrounding area; and
2. The equestrian center fits in with the character of the area.

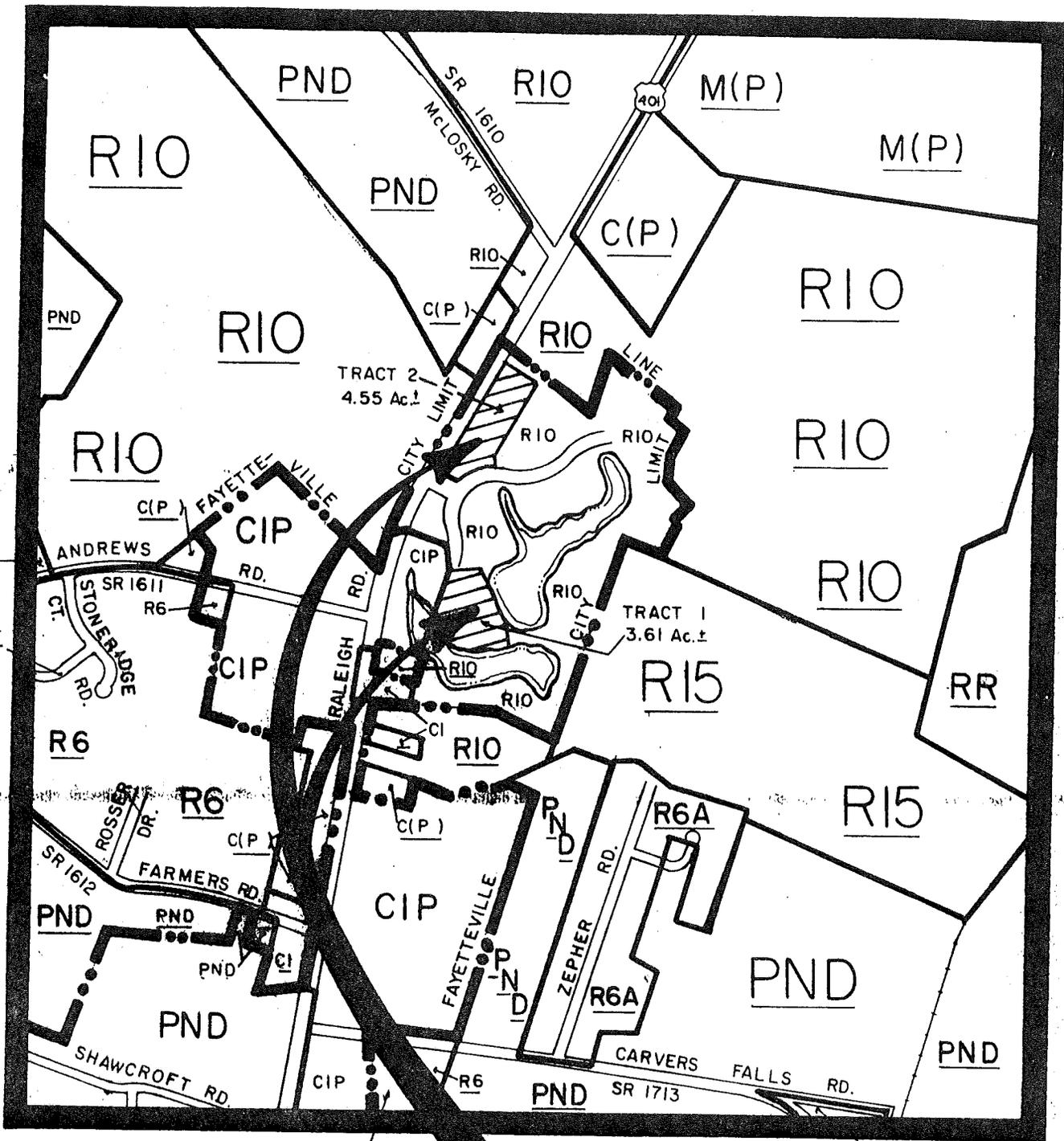
Mr. Dohn Broadwell appeared before the Board stating that the proposed Special Use Permit is part of a large lot single-family subdivision. He stated that the area has been used for horses for a long time. He stated that the equestrian center will be run by the Homeowners' Association and would be nonprofit.

No one appeared in opposition to the requested Special Use Permit.

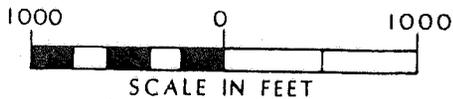
A motion was made by Mr. Tew and seconded by Mr. Maxwell. The motion passed unanimously.

bs

Attachment



NORTH



SPECIAL USE PERMIT

ACREAGE: 8.16 Ac.±

HEARING NO: P91-129

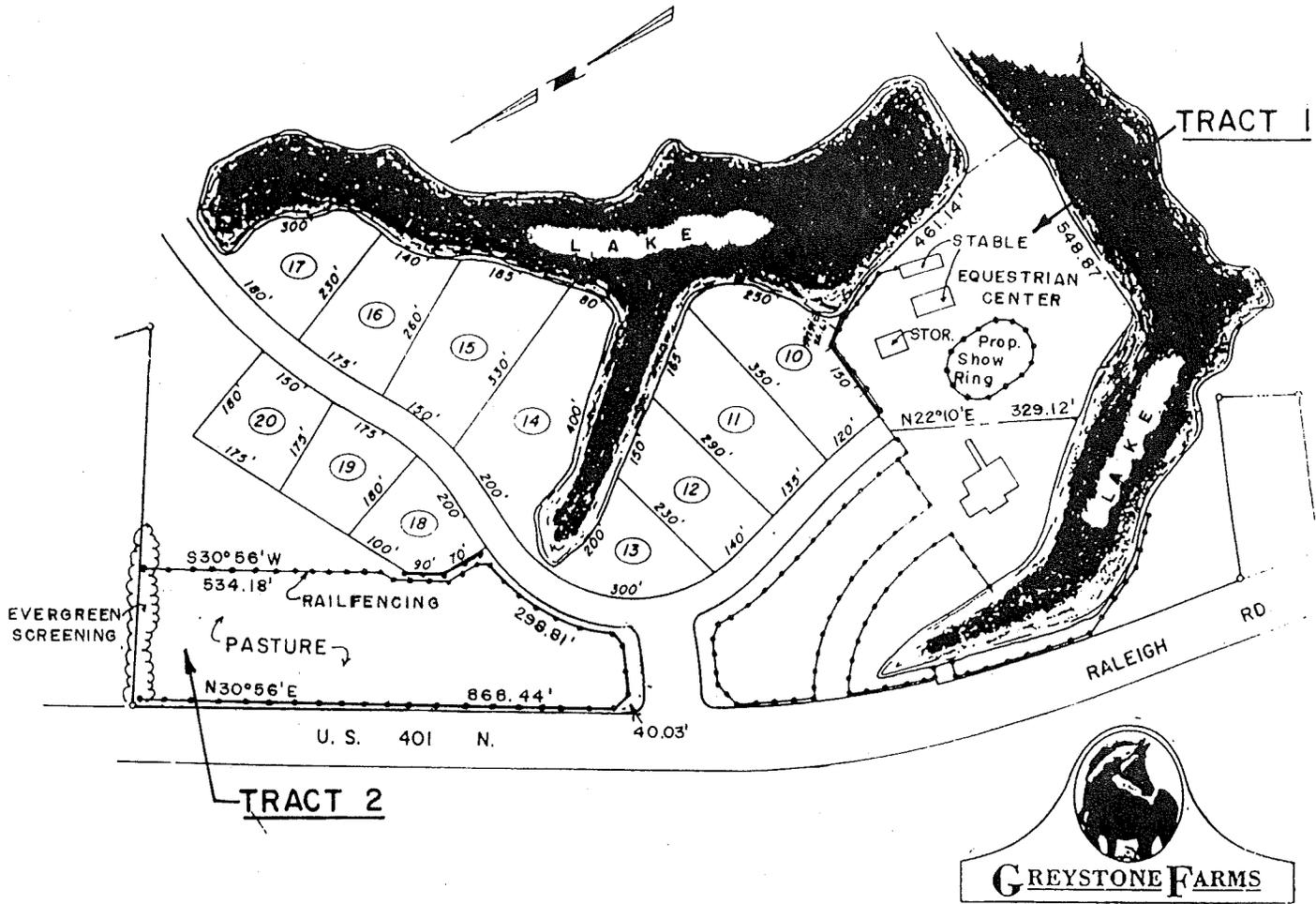
ORDINANCE: FAYETTEVILLE

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD



SPECIAL USE PERMIT

CASE NO. - P91-129

REQUEST: EQUESTRIAN CENTER / PASTURE

ZONING: RIO SCALE: 1" = 300'

ACREAGE: TRACT 1 = 3.61 Ac.±

TRACT 2 = 4.55 Ac.±

SPEAKERS WILL BE SWORN

ITEM 3-B

PUBLIC HEARING
SPEAKERS

SUBJECT: SPECIAL USE PERMIT - KIZER - US 401

DATE: February 3, 1992

(Name)	<u>PROPONENT</u> (In Favor)	(Address)
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

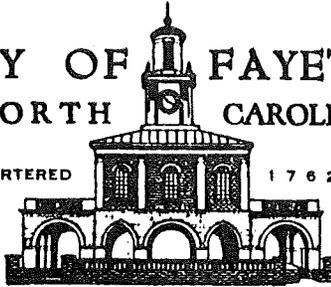
	<u>OPPONENT</u> (Against)	
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

1. 2.

SECRET - NO FORN DISSEM
SECRET - NO FORN DISSEM

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

January 29, 1992

MEMORANDUM

TO: The Mayor and Members of the City Council

FROM: Robert C. Cogswell, Jr. 
City Attorney

SUBJECT: Protest of Assessment; J. P. Riddle; Southland Drive

The following is a summary of the history of this case (an asterisk denotes a document that was in your January 6 agenda packet):

1. March 24, 1987 - Notices of public hearing to consider the paving of Southland Drive sent to all affected property owners; notice was sent to J. P. Riddle, Post Office Box 53646, Fayetteville, North Carolina 28305;
2. March 31, 1987 - Letter* from J. P. Riddle indicating that he did not own any property on any streets in College Lakes;
3. April 6, 1987 - Public hearing on preliminary resolution to approve the paving of Southland Drive; deed* executed from Paul Thompson Development Corporation to the City of Fayetteville for a 1 foot strip abutting right-of-way on Southland Drive adjacent to Mr. Riddle's property;
4. April 8, 1987 - Deed* from Paul Thompson Development Corporation to the City of Fayetteville recorded;
5. May 12, 1989 - City Council adopts resolution setting public hearing for June 5, 1989, to confirm assessment roll and the final costs for the paving of Southland Drive, along with six other assessment public hearings;
6. May 22, 1989 - Notices sent to all affected property owners (39) on Southland Drive for the June 5, 1989, hearing; notice sent to J. P. Riddle, Post Office Box 53646, Fayetteville, North Carolina 28305;

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 4

7. June 5, 1989 - Public hearing on Southland Drive continued to July 17, 1989, due to the fact that some property owners at the public hearing stated they were not benefitted by the improvement;
8. July 12, 1989 - Notices sent to all affected property owners including Mr. Riddle indicating that the City would not be in a position to respond to the property owners claiming no benefit at the scheduled July 17, 1989, hearing and that the recommendation was going to be made that the hearing would be postponed until August 7, 1989;
9. July 17, 1989 - Public hearing continued to August 7, 1989;
10. August 7, 1989 - Public hearing resumed on Southland Drive and the assessment roll was confirmed, with five lots having the assessment reduced.

The procedure for setting the public hearings and mailing the notices was followed in each and every case above. The statutes require that the person designated to mail the notices shall file with the Council a certificate showing they were mailed by first-class mail on what date, and further recites that "such a certificate shall be conclusive as to compliance with the mailing provisions of this section in the absence of fraud" (NCGS 160A-227). The original certificates are in a file in my office. One letter was returned, but it was not Mr. Riddle's. As you can see, there were actually two notices sent in 1989 regarding the public hearing to confirm the assessment roll.

When the public hearing was held in April of 1987, the title work to determine the owners for that hearing was done by the Engineering Department. After the paving was completed in 1989, the list of the property owners from the 1987 public hearing was given to my office, with Mr. Riddle shown as the owner of the property in question and no mention was made of the deed from Mr. Thompson. My office searched the records of the property owners from that time forward up to May when the notices were sent out. I was unaware of the deed from Mr. Thompson to the City for the 1 foot strip until this year when Mr. Riddle, through his attorney, challenged the assessment.

Based upon the foregoing, I requested an opinion from the Attorney General. My request dated January 9, 1992, and the response of the Attorney General dated January 28, 1992, are attached.

The Mayor and Members of the City Council

Page 3

January 29, 1992

The address shown on the assessment roll for J. P. Riddle is his business mailing address. This is where all notices were sent. After the assessment roll was confirmed, and the ledger cards were prepared in the Finance Department, one number was dropped off the post office box address for Mr. Riddle. However, from the point in time the assessment roll was confirmed, there was no further legal requirement to send any notices to property owners. We do this to make them aware of the 30 percent discount one more time to keep them from missing it. Because of this, it is possible that Mr. Riddle did not receive the follow-up letter advising him of the 30 percent discount. I did not discover this particular error in the assessment card address until I began writing Mr. Riddle in an effort to collect the assessment and got no response. However, this is not the type of legal defect in the proceedings that would authorize you to set aside the entire assessment. This very issue occurred several years ago right after I became City Attorney. At that time I obtained an opinion from the Attorney General that ruled the City Council could not relieve the assessment.

The reason this was placed upon your agenda was that Mr. Riddle, through his attorney, paid two years annual installments of the assessment under protest. Under the statute, once the assessment roll is confirmed, they are "a lien on the property assessed of the same nature and to the same extent as the lien for county and city property taxes, . . .". Thus, the provisions of GS 105-381 are invoked by payment of the assessment under protest. This statute gives you the authority to release the tax if it's (1) imposed through clerical error, (2) an illegal tax, or (3) a tax levied for any illegal purpose. Any tax released in violation of this provision may be recovered from any member or members of the governing body who voted for the release, refund, or compromise by civil action instituted by any resident of the taxing unit (GS 105-380). It is this particular provision in the statute that has caused me to be very strict in my recommendations to you concerning the release of any tax. In considering Mr. Riddle's request from the standpoint of a payment of a tax under protest, I cannot find where any of the three conditions exist to release the tax and therefore could not recommend it to you.

Please notice that the Attorney General's opinion is based upon the fact that we did not mislead Mr. Riddle in any way. Had I been aware of the deed I would have notified Mr. Riddle at the time. However, the Attorney General did not seem to find fault with this failure to notify Mr. Riddle. Therefore, in light of the Attorney General's opinion, and the requirements of GS 105-381, the only other alternative that I can see for Mr. Riddle is to seek a declaratory judgement in the courts.

RCC/jkp

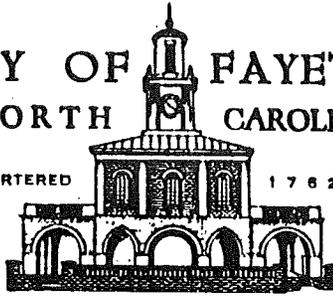
Attachment

cc: Herb Thorp

0008.12

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

January 9, 1992

Mr. Charles J. Murray
Deputy Attorney General
Post Office Box 629
Raleigh, North Carolina 27602-0629

Re: Request for an Opinion; Special Assessments; Payment Under Protest

Dear Mr. Murray:

In March of 1987 the City of Fayetteville sent notices to abutting property owners of a public hearing to take place pursuant to GS 160A-224, to consider the paving of a street. Upon receipt of this letter, Property Owner A wrote to the City that he did not own any land on the street. Property Owner B owned a 1 foot strip between Property Owner A and the street right-of-way. Property Owner B did not receive any notice of the public hearing. At the public hearing the City approved the preliminary resolution pursuant to GS 160A-225. On the day of the public hearing, Property Owner B deeded to the City the 1 foot strip, thus making Property Owner A an abutting owner. However, the deed was not recorded until two days after the public hearing. Property Owner A was never notified by the City of the fact that this deed was in existence and had been recorded. In 1989, after the paving project was complete, notices were sent to the abutting property owners of the public hearing to consider confirmation of the assessment roll, pursuant to GS. 160A-227. Property Owner A was one of the abutting owners notified. Due to two continuances of the public hearing, all abutting property owners to include Property Owner A were notified of a second public hearing. Neither of the notices to Property Owner A in 1989 advised him of the deed from Property Owner B. All notices for both public hearings in 1987 and 1989 complied with the statute and the proceedings conducted by the City Council complied with the statute. Property Owner A did not appear at any public hearing. At the time of the confirmation of the assessment roll in 1989, pursuant to GS 160A-232, payment by annual installment was approved. Recently, Property Owner A paid two annual installments under protest, and requested relief upon

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

Mr. Charles J. Murray

Page 2

January 9, 1992

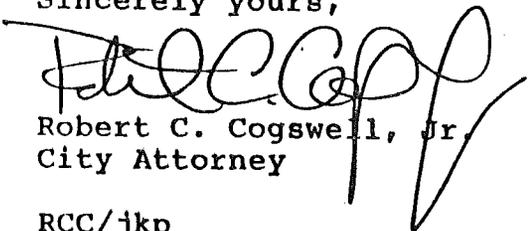
the basis that he received no benefit from the paving because he had several years ago recorded a covenant against access on the property to prohibit access from his property to the street that was paved. Property Owner A has requested that the City Council make a reassessment pursuant to GS 160A-231.

Based upon the foregoing facts, I would request your opinion as to whether or not there was any irregularity, omission, error, or lack of jurisdiction that would constitute authority for the City Council to make a reassessment pursuant to GS 160A-231.

If the answer to the foregoing is in the affirmative, I would request your opinion on another issue. GS 160A-228 makes an assessment a lien to the same extent as a lien for county and city property taxes after it is confirmed. Since Property Owner A made two payments under protest, I would assume that the provisions of GS 105-380 and GS 105-381 are invoked. If the City Council has the authority to make a reassessment, and it is determined that no benefit accrued to Property Owner A and therefore no assessment should be levied, does the City Council then have the authority to refund the two annual installments paid under protest, in light of GS 105-394?

If you should have any further questions, please do not hesitate to contact me. This matter has been scheduled for Council consideration on February 2, 1992, and your response prior to that time would be greatly appreciated.

Sincerely yours,


Robert C. Cogswell, Jr.
City Attorney

RCC/jkp



State of North Carolina

Department of Justice

P.O. BOX 629

RALEIGH

27602-0629

January 28, 1992

LACY H. THORNBURG
ATTORNEY GENERAL

Mr. Robert C. Cogswell
Fayetteville City Attorney
P. O. Box 1513
Fayetteville, N. C. 27602-0629

Dear Mr. Cogswell:

The following is submitted in response to your letter dated January 9, 1992 regarding a special assessment under the provisions of Article 10 of Chapter 160A. For purposes of this response I have assumed two facts not expressly set out in your letter. The first fact is that the sole basis for the determination of the amount of the assessment was the amount of frontage on the street to be paved under the provisions of N.C.G.S. 160A-218(1) and the second fact is that the failure to notify Property Owner A of the deed from Property Owner B to the City did not involve any fraud or intentional effort to mislead Property Owner A.

It is the opinion of this office that there has been no "irregularity, omission, error or lack of jurisdiction" to support the City Council's setting aside of the assessment. The only fact that is even unusual in the situation described in your letter is that Property Owner A received notice of the first public hearing when he was technically not entitled to such notice. In regard to all subsequent procedures Property Owner A received all appropriate notices and all statutory requirements were met. From the statement of the facts set out in your letter, two years elapsed between the time that Property Owner A received the notice of the public hearing in 1987 and the subsequent notice in 1989. Given the nature of the property owned by Property Owner B, i.e. a one foot strip, Property Owner A could hardly rely on an assumption that Property Owner B would not transfer that property. In any event, the recording of the deed from Property Owner B to the City very clearly gave Property Owner A record notice that he was now an abutting property owner, and if in fact he had no actual knowledge of his status it was because of an unreasonable reliance on an unwarranted and false assumption that Property Owner B continued to own the one foot strip.

The presumption in favor of regularity afforded the assessment of liens for the paving of streets also supports a conclusion that a reassessment under N.C.G.S. § 160A-231 is not appropriate.

Furthermore, there is a presumption in favor of the regularity of a proceeding under which public improvements, authorized by the General Assembly, have been made. Gallimore v. Thomasville, 191 N. C., 648, 132 S.E., 657, and the assessment roll is prima face evidence of a valid assessment and of the regularity and correctness of all prior proceedings. Anderson v. Albemarle, 182 N. C., 434, 109 S.E., 262; McQuillen, Mun. Corp., sec. 2117. In the absence of any showing to the contrary assessments are presumed valid and he who attacks their validity had the burden of establishing the contrary. Justice v. Asheville, 161 N. C., 62, 76 S.E., 822 Anderson v. Albemarle, supra.

Asheboro v. Miller, 220 N. C. 298, 301, 17 S.E.2d 105 (1941).

Because the answer to the first question is in the negative I will not respond to the second issue in your letter regarding N.C.G.S. §§ 105-380, 105-381 and 105-394.

Sincerely,

LACY H. THORNBURG
ATTORNEY GENERAL


Charles J. Murray
Special Deputy Attorney General

CJM/mr

CASE NOTES

Editor's Note. — Redevelopment Comm'n v. Guilford County, 274 N.C. 585, 164 S.E.2d 476 (1968), cited below, was decided under former provisions similar to subsection (a) of this section.

A distinction between an erroneous tax and an illegal or invalid tax is recognized by this section and North Carolina case law. Redevelopment Comm'n v. Guilford County, 274 N.C. 585, 164 S.E.2d 476 (1968).

An illegal or invalid tax results when the taxing body seeks to impose a tax without authority, as in cases where it is asserted that the rate is

unconstitutional, or that the subject is exempt from taxation. Redevelopment Comm'n v. Guilford County, 274 N.C. 585, 164 S.E.2d 476 (1968).

When Injunction Will Lie. — Injunction will lie when the tax or assessment is itself invalid or illegal. Redevelopment Comm'n v. Guilford County, 274 N.C. 585, 164 S.E.2d 476 (1968).

Quoted in Reeves Bros. v. Town of Rutherfordton, 282 N.C. 559, 194 S.E.2d 129 (1973).

Cited in Cedar Creek Enters., Inc. v. State Dep't of Motor Vehicles, 290 N.C. 450, 226 S.E.2d 336 (1976).

§ 105-380. No taxes to be released, refunded, or compromised.

(a) The governing body of a taxing unit is prohibited from releasing, refunding, or compromising all or any portion of the taxes levied against any property within its jurisdiction except as expressly provided in this Subchapter.

(b) Taxes that have been released, refunded, or compromised in violation of this section shall be deemed to be unpaid and shall be collectible by any means provided by this Subchapter, and the existence and priority of any tax lien on property shall not be affected by the unauthorized release, refund, or compromise of the tax liability.

(c) Any tax that has been released, refunded, or compromised in violation of this section may be recovered from any member or members of the governing body who voted for the release, refund, or compromise by civil action instituted by any resident of the taxing unit, and when collected, the recovered tax shall be paid to the treasurer of the taxing unit. The costs of bringing the action, including reasonable attorneys' fees, shall be allowed the plaintiff in the event the tax is recovered.

(d) The provisions of this section are not intended to restrict or abrogate the powers of a board of equalization and review or any agency exercising the powers of such a board. (1901, c. 558, s. 31; Rev., s. 2854; C.S., s. 7976; 1971, c. 806, s. 1; 1973, c. 564, s. 2.)

Local Modification. — Town of Stoneville: 1975, c. 336.

CASE NOTES

Duty of Commissioners to Rescind Order Releasing Tax. — It is not only competent, but the duty of county commissioners to rescind an order improvidently granted to release one from the

assessment of a legal tax upon property. Lemly v. Commissioners of Forsyth, 85 N.C. 379 (1881) (decided under former similar provisions).

§ 105-381. Taxpayer's remedies.

(a) **Statement of Defense.** — Any taxpayer asserting a valid defense to the enforcement of the collection of a tax assessed upon his property shall proceed as hereinafter provided.

(1) For the purpose of this subsection, a valid defense shall include the following:

- a. A tax imposed through clerical error;
- b. An illegal tax;
- c. A tax levied for an illegal purpose.

(2) If a tax has not been paid, the taxpayer may make a demand for the release of the tax claim by submitting to the governing body of the taxing unit a written statement of his defense to payment or enforcement of the tax and a request for release of the tax at any time prior to payment of the tax.

(3) If a tax has been paid, the taxpayer, at any time within five years after said tax first became due or within six months from the date of payment of such tax, whichever is the later date, may make a demand for a refund of the tax paid by submitting to the governing body of the taxing unit a written statement of his defense and a request for refund thereof.

(b) **Action of Governing Body.** — Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct tax liability or notify the taxpayer in writing that no release or refund will be made. The governing body may, by resolution, delegate its authority to determine requests for a release or refund of tax of less than one hundred dollars (\$100.00) to the finance officer, manager, or attorney of the taxing unit. A finance officer, manager, or attorney to whom this authority is delegated shall monthly report to the governing body the actions taken by him on requests for release or refund. All actions taken by the governing body or finance officer, manager, or attorney on requests for release or refund shall be recorded in the minutes of the governing body. If a release is granted or refund made, the tax collector shall be credited with the amount released or refunded in his annual settlement.

(c) **Suit for Recovery of Property Taxes.** —

(1) **Request for Release before Payment.** — If within 90 days after receiving a taxpayer's request for release of an unpaid tax claim under (a) above, the governing body of the taxing unit has failed to grant the release, has notified the taxpayer that no release will be granted, or has taken no action on the request, the taxpayer shall pay the tax. He may then within three years from the date of payment bring a civil action against the taxing unit for the amount claimed.

(2) **Request for Refund.** — If within 90 days after receiving a taxpayer's request for refund under (a) above, the governing body has failed to refund the full amount requested by the taxpayer, has notified the taxpayer that no refund will be made, or has taken no action on the request, the taxpayer may bring a civil action against the taxing unit for the amount claimed. Such action may be brought at any time within three years from the expiration of the period in which the governing body is required to act.

(d) **Civil Actions.** — Civil actions brought pursuant to subsection (c) above shall be brought in the appropriate division of the general court of justice of the county in which the taxing unit is located. If, upon the trial, it is determined that the tax or any part of it was illegal or levied for an illegal purpose, or excessive as the result of a clerical error, judgment shall be rendered therefor with interest thereon at six percent (6%) per annum, plus costs, and the judgment shall be collected as in other civil actions. (1901, c. 558, s. 30; Rev., s. 2855; C. S., s. 7979; 1971, c. 806, s. 1; 1973, c. 564, s. 3; 1977, c. 946, s. 2; 1985, c. 150, s. 1; 1987, c. 127.)



PETER PAVLIKIANIDIS

P & J HOME IMPROVEMENT

~~3205 Regatta Drive~~ 4534 West Field Rd Restoration-
Fayetteville, NC 28304
Phone 867-4940



JOHN PAVLIKIANIDIS
202 N. Churchill Dr.
Fayetteville, NC 28303
Phone 484-5329

SUBMITTED TO		DATE
CITY COUNCIL		
FAY. N.C.		
CITY, STATE AND ZIP CODE		LOCATION
	DATE	

ESTIMATE/RECEIPT

I NEED TO MEET THE CITY COUNCIL OF FAYETTEVILLE, N.C.

THIS REQUEST CONCERN THE JUDGEMENT CITY OF FAYETTEVILLE HAS CREATE TO OUR PROPERTY LOCATED ON 209 LAWRENCE AVE,

PS WALTER HARE SOULD BE AT THE MEETING?

Peter Pavlikianidis

Received 1-29-92 9:55

*Sharon Molina
City Manager's Secretary*

ITEM 5

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

CITY MANAGER

JANUARY 17, 1992

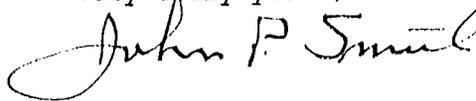
Mr. P.I Pavlikianidis
3201 Rogers Drive
Fayetteville, NC 28303

Dear Mr. Pavlikianidis:

After meeting with you in my office on December 30, 1991, regarding the lien on 209 Lawrence Street, I have reviewed the file and discussed the case with Mr. Frank Simpson, Inspections Superintendent. I can find no irregularities on the part of the City and therefore no basis for recommending to City Council for a release of the lien or any of the interest.

If you wish to appeal this matter directly to City Council, please let me know in writing and I will place your request on a City Council agenda.

Very truly yours,



JOHN P. SMITH
City Manager

JPS:ssm

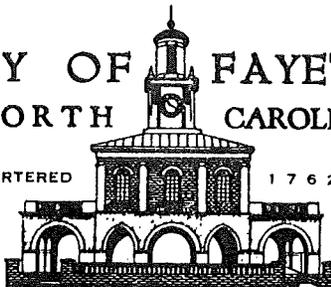
An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



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

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

January 29, 1992

MEMORANDUM

TO: John P. Smith
City Manager

FROM: Janet Jones *JJ*
Paralegal

SUBJECT: John J. Pavlikiamidis, Peter I. Pavlikiamidis, and
Athena P. Sarantoulis (Owners of Property Located at
209 Lawrence Street); Past Due Demolition Lien/
Judgment for \$1,590.85

The attached is a sequence of events that have transpired on the above-referenced past due lien. I have also made copies of some of the documents for your backup.

I have personally talked with Mr. Pavlikiamidis numerous times regarding his past due lien. I have also consulted with the Inspections Department regarding the procedure used to impose this lien. Gerry Moore and Frank Simpson have been helpful. As far as I have been able to ascertain, proper notice was given to the owners of this property. By his own admission, Mr. Pavlikiamidis stated to me that he received the letters but did not open them, and therefore did not know what was in them.

After the Finance Department sent the past due lien to me for collection, I began the procedure set out in North Carolina General Statute 105-375 for foreclosure against his property. Everything done in our office has been done per statutory requirements. A judgment has been placed in the Clerk of Superior Court's office in Volume 152, Page 239. This lien was filed on December 16, 1991.

If you have any questions or need more documentation, please call me at 1988.

JJ/jkp

Attachments

0007.8

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

SEQUENCE OF EVENTS

PROPERTY: 209 Lawrence Avenue

PIN NO.: 0438-45-4092

OWNERS: Peter I. Pavlikiamidis
John J. Pavlikiamidis
Athena P. Sarantoulis

DEED BOOK: 3207, Page 66

08-11-89 First certified letter from Inspection Department

08-21-89 Certified letter received - Receipt signed by Peter Pavlikiamidis

08-30-89 Bids received from:

B. T. Bellamy	\$1,350.00
DWT Enterprises	\$1,200.00
D&D Miscellaneous Services	\$1,200.00

09-06-89 Second certified letter from Inspection Department quoting cost of clearing lot and securing the house

09-13-89 Certified letter received - Receipt signed by Peter Pavlikiamidis

10-13-89 Lien Imposed: \$1,275.00

05-02-91 Letter from City Attorney's office referencing past due assessment - Deadline of June 1, 1991

06-07-91 No payment received - Notice of foreclosure proceedings

11-14-91 Certified letter from City Attorney's office to owners as determined by title search. Owners are as follows:

1. John J. Pavlikiamidis
2. Peter I. Pavlikiamidis
3. Athena P. Sarantoulis

11-16-91 Certified letter signed for by John Pavlikiamidis (copy attached)

The other two owners did not claim the letters after several notices by post office (copy attached)

SEQUENCE OF EVENTS
(continued)

- 12-07-91 &
12-14-91 Notice of judgment advertised in legal section of
Fayetteville Observer
- 12-16-91 Judgment of \$1,590.85 + \$4.00 fee filed with Clerk
of Court, Book 152, Page 239
- 12-18-91 Copy of judgment mailed to all three owners

0007.7

INSPECTION DEPARTMENT
POST OFFICE BOX 1846

LOBBY - CITY HALL
TELEPHONE (919) 433-1707
OR 433-1714

FAYETTEVILLE, NC 28301-5024

Mr. Peter Pavlikiamiois
Mr. John Pavlikiamiois
3201 Rogers Drive
Fayetteville, NC 28303

DATE: August 11, 1989

Dear Owners:

The purpose of this letter is to inform you that the property located at lot on Lawrence Avenue (0438-10-45-4092) was inspected on August 10, 1989, for compliance with Chapter 14, Section 10 entitled, "Garbage, Trash and Weeds" of the City Code of Ordinances. This inspection revealed that the following conditions exist which are violations of this code:

All undergrowth and/or rubbish needs to be removed from lot.

In the interest of the health, safety and general welfare of all citizens of the City, please take the necessary action to correct the above stated violation(s) so as to bring the property into compliance with the code within seven (7) days of receipt of this letter; to eliminate the possibility of legal action to abate the unlawful condition(s), and the cost incurred being a lien against the real property.

Your cooperation in the matter will be greatly appreciated. If you have any question(s) pertaining to the violation(s) as outlined above or if we may be of any assistance in any way, please do not hesitate to call upon us.

Sincerely,

Gerry E. Moore
Housing Inspector

GEM/jsq

CD-124

Lot on Lawrence Ave (4012)

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. (Extra charge)		2. <input type="checkbox"/> Restricted Delivery (Extra charge)	
3. Article Addressed to: MR. Peter Pavlikianonis MR. John Pavlikianonis 3201 ROGERS DRIVE JAY, NC 28303		4. Article Number P 148 086 855	
5. Signature - Address X [Signature]		Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
6. Signature - Agent X [Signature]		Always obtain signature of addressee or agent and DATE DELIVERED	
7. Date of Delivery 8-27-89		8. Addressee's Address (ONLY if requested and fee paid)	

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

P 148 086 855

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED NOT FOR INTERNATIONAL MAIL

TL (See Reverse) Insp

Sent to MR. Peter Pavlikianonis MR. John Pavlikianonis	
Street and No. 3201 Rogers Dr.	
P.O., State and ZIP Code JAY, NC 28303	
Postage	\$.25
Certified Fee	.85
Special Delivery Fee	
Restricted Delivery Fee	
Turn Receipt showing whom and Date Delivered	.90
Turn Receipt showing to whom, date, and Date Delivered	
	2.00
Post Office FAYETTEVILLE, NC AUG 28 1989 Lawrence Ave.	

PS Form 3800, June 1985

LOT CLEARING / DEMOLITION / SIGN REMOVAL

BID SHEET

TO: INSPECTION DEPARTMENT
CITY OF FAYETTEVILLE
P. O. BOX 1846
FAYETTEVILLE, NC 28302

DATE OF BID: August 28, 89

[PLEASE CHECK ONE SECTION AND FILL IN APPROPRIATE INFORMATION]

With reference to the lot located at LAWRENCE AVE,
I, the undersigned, agree to remove all refuse, rubbish and undergrowth from the
lot. THE FOLLOWING BID IS SUBMITTED: \$ 1200.00.

With reference to the structure located at _____,
I, the undersigned, agree to demolish structure, remove all refuse, rubbish and
undergrowth from the lot. THE FOLLOWING BID IS SUBMITTED: \$ _____.

With reference to the sign located at _____,
I, the undersigned, agree to remove said sign and I shall be responsible for any
and all damages to the property which may occur during removal. THE FOLLOWING
BID IS SUBMITTED: \$ _____.

Other [specify] _____

I UNDERSTAND THAT THE ABOVE WORK WILL BE TO THE SATISFACTION OF THE CITY OF FAYETTEVILLE'S INSPECTION DEPARTMENT PRIOR TO ANY REQUEST FOR PAYMENT BEING MADE. [BID PRICE INCLUDES ALL SALVAGEABLE MATERIALS AND SUCH SHALL BECOME PROPERTY OF BIDDER.]

D E D MISCELLANEOUS SERVICES
CONTRACTOR'S SIGNATURE

ROUTE 11, BOX 207-E (LOT 1)
STREET

FAY NC 28314
CITY/STATE/ZIP CODE

FOR OFFICE USE ONLY

OWNER: MR. PETER PAULIKIAMIOIS
MR. JOHN PAULIKIAMIOIS
3201 ROGERS DR.
FAY NC 28303

DATE WORK COMPLETED: 10-3-89
PIN: 0438-10-45-4092

TO: DEPUTY TAX COLLECTOR

THE WORK AS STATED ABOVE HAS BEEN SATISFACTORILY COMPLETED. THE AFORESAID BILL PLUS THE ADMINISTRATIVE FEE OF \$ 75.00 IS, THEREFORE, SUBMITTED FOR APPROPRIATE COLLECTION IN ACCORDANCE WITH SECTION 14-10.3(b) AND SECTION 16-50(a) OF THE CITY CODE.

Jerry E. Mon
HOUSING INSPECTOR

LOT CLEARING / DEMOLITION / SIGN REMOVAL

BID SHEET

TO: INSPECTION DEPARTMENT
CITY OF FAYETTEVILLE
P. O. BOX 1846
FAYETTEVILLE, NC. 28302

DATE OF BID: August 30, 89

[PLEASE CHECK ONE SECTION AND FILL IN APPROPRIATE INFORMATION]

With reference to the lot located at LAWRENCE AVENUE,
I, the undersigned, agree to remove all refuse, rubbish and undergrowth from the
lot. THE FOLLOWING BID IS SUBMITTED: \$ 1350.00.

With reference to the structure located at _____,
I, the undersigned, agree to demolish structure, remove all refuse, rubbish and
undergrowth from the lot. THE FOLLOWING BID IS SUBMITTED: \$ _____.

With reference to the sign located at _____,
I, the undersigned, agree to remove said sign and I shall be responsible for any
and all damages to the property which may occur during removal. THE FOLLOWING
BID IS SUBMITTED: \$ _____.

Other [specify] HOUSE MUST BE SEALED

I UNDERSTAND THAT THE ABOVE WORK WILL BE TO THE SATISFACTION OF THE CITY OF FAY-
ETTEVILLE'S INSPECTION DEPARTMENT PRIOR TO ANY REQUEST FOR PAYMENT BEING MADE.
[BID PRICE INCLUDES ALL SALVAGEABLE MATERIALS AND SUCH SHALL BECOME PROPERTY OF
BIDDER.]

B. F. Bellamy
CONTRACTOR'S SIGNATURE
626 McDuffie St
STREET
Fayetteville NC
CITY/STATE/ZIP CODE

FOR OFFICE USE ONLY

OWNER: _____

DATE WORK COMPLETED: _____

P I N : 0438-10-45-4092

TO: DEPUTY TAX COLLECTOR

THE WORK AS STATED ABOVE HAS BEEN SATISFACTORILY COMPLETED. THE AFORESAID BILL
PLUS THE ADMINISTRATIVE FEE OF \$ 75.00 IS, THEREFORE, SUBMITTED FOR APPROPRIATE
COLLECTION IN ACCORDANCE WITH SECTION 14-10.3(b) AND SECTION 16-50(a) OF THE
CITY CODE.

HOUSING INSPECTOR

LOT CLEARING / DEMOLITION / SIGN REMOVAL

BID SHEET

TO: INSPECTION DEPARTMENT
CITY OF FAYETTEVILLE
P. O. BOX 1846
FAYETTEVILLE, NC 28302

DATE OF BID: 8-30-89

[PLEASE CHECK ONE SECTION AND FILL IN APPROPRIATE INFORMATION]

With reference to the lot located at 209 LAWRENCE ST. FAY., N.C.,
I, the undersigned, agree to remove all refuse, rubbish and undergrowth from the
lot. THE FOLLOWING BID IS SUBMITTED: \$ 525.00.

With reference to the structure located at 209 LAWRENCE ST. FAY., N.C.,
I, the undersigned, agree to ~~demolish structure~~, remove all refuse, rubbish and
undergrowth from the lot. THE FOLLOWING BID IS SUBMITTED: \$ 1200.00.
Secure House

With reference to the sign located at _____,
I, the undersigned, agree to remove said sign and I shall be responsible for any
and all damages to the property which may occur during removal. THE FOLLOWING
BID IS SUBMITTED: \$ _____.

Other [specify] _____

I UNDERSTAND THAT THE ABOVE WORK WILL BE TO THE SATISFACTION OF THE CITY OF FAYETTEVILLE'S INSPECTION DEPARTMENT PRIOR TO ANY REQUEST FOR PAYMENT BEING MADE. [BID PRICE INCLUDES ALL SALVAGEABLE MATERIALS AND SUCH SHALL BECOME PROPERTY OF BIDDER.]

DWT ENTERPRISES - Donald W. Taylor
CONTRACTOR'S SIGNATURE

609 BISCAIYNE DRIVE
STREET

FAYETTEVILLE, N.C. 28301
CITY/STATE/ZIP CODE

FOR OFFICE USE ONLY

OWNER: _____

DATE WORK COMPLETED: 10-5-89

P I N : 0438-10-45-4092

TO: DEPUTY TAX COLLECTOR

THE WORK AS STATED ABOVE HAS BEEN SATISFACTORILY COMPLETED. THE AFORESAID BILL PLUS THE ADMINISTRATIVE FEE OF \$ 75.00 IS, THEREFORE, SUBMITTED FOR APPROPRIATE COLLECTION IN ACCORDANCE WITH SECTION 14-10.3(b) AND SECTION 16-50(a) OF THE CITY CODE.

HOUSING INSPECTOR

INSPECTION DEPARTMENT
POST OFFICE BOX 1846

LOBBY - CITY HALL
TELEPHONE (919) 433-1707
OR 433-1714

FAYETTEVILLE, NC 28301-5024

SECOND NOTICE

Mr. Peter Pavlikiamiois
Mr. John Pavlikiamiois
3201 Rogers Drive
Fayetteville, NC 28303

DATE: September 6, 1989

Dear Owners:

The purpose of this letter is to inform you that the property located at Lawrence Avenue (0438-10-45-4092) was inspected on August 28, 1989, for compliance with the City of Fayetteville's Code entitled, "Garbage, Trash and Weeds". This inspection revealed that the following conditions exist which are violations of this code:

Overgrowth and/or rubbish.
House must be secured.

In the interest of the health, safety and general welfare of all citizens of the City, please take the necessary action to correct the above stated violation(s) so as to bring the property into compliance with the code within seven (7) days of receipt of this letter; to eliminate the possibility of legal action to abate the unlawful condition(s), and the cost incurred being a lien against the real property.

In the event, for any reason, you or interested parties should fail to comply, our office will correct the problem for a cost of \$1,200 plus an administrative cost of \$75 totaling \$1275.

This cost will be assessed against your property by the Deputy Tax Collector.

If I can be of further assistance, please do not hesitate to call upon us.

Sincerely,

Gerry E. Moore
Housing Inspector

GEM/jsp

CD-126

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge)
 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 MR. Peter Pavlikianov
 MR. John Pavlikianov
 3201 Rogers Drive
 Fayetteville, NC 28303

4. Article Number
 P 148 086 935

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
 X *Peter Pavlikianov*

6. Signature - Agent
 X

7. Date of Delivery
 7/13/84

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1988. * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

501 Lawrence Ave (4092)

P 148 086 935

RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 MAIL INTERNATIONAL MA

SNTL (See Reverse) *Snop*

Sent to MR. Peter PAVLIKIANOV
 MR. John Pavlikianov

Street and No
 3201 Rogers Drive

P.O. State and ZIP Code
 Fayetteville, NC 28303

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage	\$
Postmark	

PS Form 3800, June 1985

FAYETTEVILLE, NC
 SEP 6
 1984

CITY OF FAYETTEVILLE FINANCE DEPARTMENT

REQUEST FOR PAYMENT

RFP 51853

ISSUE CHECK TO: D & D MISCELLANEOUS SERVICES

DATE: 10-04-89

Route 11, Box 207-E (Lot 1)

DUE DATE: 10-06-89

Fayetteville, NC 28314

DESCRIPTION	AMOUNT	ACCOUNT NUMBER
For cleaning of lot: Lawrence Avenue	\$ 1,200.00	11-4380-0490

REMARKS: Please send check to [unclear]

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

DEPARTMENT: Inspection

CHECKED BY:

DEPT. HEAD: [Signature]

APPROVED BY FINANCE DIRECTOR:

WHITE COPY (Original) - Finance

YELLOW COPY - Department File Copy

May 2, 1991

Mr. Peter Pavlikiamiois
Mr. John Pavlikiamiois
3205 Rogers Drive
Fayetteville, North Carolina 28303-3962

Re: Delinquent Lot Clearing/Demolition
Lawrence Street; PIN 0438-10-45-4092

Dear Sirs:

Your delinquent assessment account has been forwarded to our office for collection.

To date, you are past due from October 13, 1989, in the amount of \$1,275.00 in principal, plus \$197.62 in interest. A payment of \$1,472.62 is due and payable.

If a payment is not made, we are authorized by North Carolina General Statute 105-375 to institute foreclosure proceedings against your property. This action will result in the sale of your property to satisfy our lien.

Please contact our office regarding this matter. All payments should be made payable to the City of Fayetteville and mailed to Post Office Box 1513, Fayetteville, NC 28302.

If this account is not paid by June 1, 1991, we will institute foreclosure proceedings immediately.

Sincerely yours,

Janet C. Jones
Paralegal

JCJ:jas

June 7, 1991

Mr. Peter Pavlikiamiois
Mr. John Pavlikiamiois
3205 Rogers Drive
Fayetteville, North Carolina 28303-3962

Re: Delinquent Assessment(s) - Demolition
Lawrence Street; PIN 0438-10-45-4092

Dear Sirs:

Please consider this letter notification that foreclosure proceedings are being instituted against you for non-payment of our assessment lien(s). This means that your property will be sold to satisfy our lien(s).

Sincerely,

Janet C. Jones
Paralegal

JCJ:jas

No Prt.
8-26-91
10-8-91

November 14, 1991

CERTIFIED MAIL - RETURN RECEIPT

Mr. John J. Pavlikiamidis
202 North Churchill Drive
Fayetteville, North Carolina 28303-5018

Dear Mr. Pavlikiamidis:

This is to advise that a lot cleaning lien, which was levied on October 13, 1989, against the property described below, is past due and remains unpaid. On the date this lien was levied you were the listed taxpayer of this property. This lien, together with penalties, interest, and costs, constitute a prior lien upon the real estate described below. Please take notice that unless the amount shown below is paid within thirty (30) days from this date, or a satisfactory arrangement for payment is made, a judgment will be docketed against the property in the Office of the Clerk of Superior Court of Cumberland County. The judgment will be executed in the manner provided by law, and the property will be sold at a public sale to the highest bidder.

<u>Amount of Tax</u>	\$1,275.00
<u>Penalties and Interest</u>	254.98
<u>Costs</u>	<u>60.87</u>
<u>Total Due</u>	<u>\$1,590.85</u>

<u>Property</u>	Lots 161-167 and Pt. Lots 168-174, J. F. Fisher Property, 209 Lawrence Avenue, Tax ID #0438-45-4092, Cumberland County Registry
-----------------	---

It will not be possible for me to give you further notice before proceeding as indicated above. If the judgment is docketed or execution is placed in the hands of the Sheriff, additional costs will be added. I trust that you will pay the amount due promptly and avoid expense to you or the loss of your property.

Mr. John J. Pavlikiamidis
Page 2
November 14, 1991

If you have any questions regarding this letter, please contact Janet Jones at the City Attorney's Office at (919) 433-1988.

Very truly yours,

Tax Collector
City of Fayetteville
CMRR # P 857 288 751

0126.47

SENDER: Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to: Mr. John J. Pavlikiamidis 202 North Churchill Drive Fayetteville, NC 28303-5018	4. Article Number P 857 288 751
Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee <i>John J. Pavlikiamidis</i> X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery 11/16/91	

PS Form 3811, Apr. 1989 *U.S.G.R.O. 1989-238-815 DOMESTIC RETURN RECEIPT

November 14, 1991

CERTIFIED MAIL - RETURN RECEIPT

Ms. Athena P. Sarantoulis
1015 Norwood Street
Fayetteville, North Carolina 28305-4830

Dear Ms. Sarantoulis:

This is to advise that a lot cleaning lien, which was levied on October 13, 1989, against the property described below, is past due and remains unpaid. On the date this lien was levied you were the listed taxpayer of this property. This lien, together with penalties, interest, and costs, constitute a prior lien upon the real estate described below. Please take notice that unless the amount shown below is paid within thirty (30) days from this date, or a satisfactory arrangement for payment is made, a judgment will be docketed against the property in the Office of the Clerk of Superior Court of Cumberland County. The judgment will be executed in the manner provided by law, and the property will be sold at a public sale to the highest bidder.

Amount of Tax \$1,275.00

Penalties and Interest 254.98

Costs 60.87

Total Due \$1,590.85

Property Lots 161-167 and Pt. Lots 168-174,
J. F. Fisher Property, 209
Lawrence Avenue, Tax ID
#0438-45-4092, Cumberland County
Registry

It will not be possible for me to give you further notice before proceeding as indicated above. If the judgment is docketed or execution is placed in the hands of the Sheriff, additional costs will be added. I trust that you will pay the amount due promptly and avoid expense to you or the loss of your property.

Ms. Athena P. Sarantoulis

Page 2

November 14, 1991

If you have any questions regarding this letter, please contact Janet Jones at the City Attorney's Office at (919) 433-1988.

Very truly yours,

November 14, 1991

Tax Collector
City of Fayetteville

CMRR # P 857 288 752

0126.50

[Faint, mostly illegible text, likely a letter body or receipt details]

[Faint, mostly illegible text, likely a signature block or address]

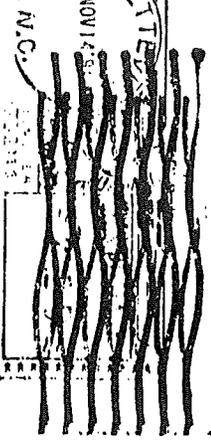
[Faint, mostly illegible text, likely a date and time stamp]

[Faint, mostly illegible text, likely a footer or contact information]

CITY OF FAYETTEVILLE
Office of the City Attorney
P.O. Box 1513
Fayetteville, NC 28302-1513

Fold at line over top of envelope to the
right of the return address.

CERTIFIED
P 857 288 752
MAIL



Ms. Athena P. Sarantoulas
1015 Norwood Street
Fayetteville, NC 28305-4830

RETURNED TO SENDER
REASON CHECKED
Undeliverable: Perused
Attempted: Perused
Insufficient address
No such street number
No such office in state
Do not remain in this envelope

Name SM
1st Notice _____
2nd Notice _____
Return to _____

November 14, 1991

CERTIFIED MAIL - RETURN RECEIPT

Mr. Peter I. Pavlikiamidis
3205 Rogers Drive
Fayetteville, North Carolina 28303-3962

Dear Mr. Pavlikiamidis:

This is to advise that a lot cleaning lien, which was levied on October 13, 1989, against the property described below, is past due and remains unpaid. On the date this lien was levied you were the listed taxpayer of this property. This lien, together with penalties, interest, and costs, constitute a prior lien upon the real estate described below. Please take notice that unless the amount shown below is paid within thirty (30) days from this date, or a satisfactory arrangement for payment is made, a judgment will be docketed against the property in the Office of the Clerk of Superior Court of Cumberland County. The judgment will be executed in the manner provided by law, and the property will be sold at a public sale to the highest bidder.

<u>Amount of Tax</u>	\$1,275.00
<u>Penalties and Interest</u>	254.98
<u>Costs</u>	<u>60.87</u>
<u>Total Due</u>	<u>\$1,590.85</u>

<u>Property</u>	Lots 161-167 and Pt. Lots 168-174, J. F. Fisher Property, 209 Lawrence Avenue, Tax ID #0438-45-4092, Cumberland County Registry
-----------------	---

It will not be possible for me to give you further notice before proceeding as indicated above. If the judgment is docketed or execution is placed in the hands of the Sheriff, additional costs will be added. I trust that you will pay the amount due promptly and avoid expense to you or the loss of your property.

Mr. Peter I. Pavlikiamidis
Page 2
November 14, 1991

If you have any questions regarding this letter, please contact Janet Jones at the City Attorney's Office at (919) 433-1988.

Very truly yours,

Tax Collector
City of Fayetteville

CMRR # P. 857 288 814

0126.44

The following is a copy of the letterhead memorandum dated and captioned as above, which was prepared by the City of Fayetteville, North Carolina, on November 14, 1991, and is being furnished to you for your information. The letterhead memorandum is being furnished to you for your information and is not intended to constitute an offer of insurance or any other financial product. The letterhead memorandum is being furnished to you for your information and is not intended to constitute an offer of insurance or any other financial product. The letterhead memorandum is being furnished to you for your information and is not intended to constitute an offer of insurance or any other financial product.

Very truly yours,
[Signature]

Enclosure
[Signature]
[Address]
[City, State, Zip]
[Phone Number]

It will not be a problem for you to have further copies of this letterhead memorandum prepared and furnished to you. If you have any questions regarding this letterhead memorandum, please contact Janet Jones at the City Attorney's Office at (919) 433-1988.

Fold at line over top of envelope to the right of the return address.

CERTIFIED

P 557 288 814

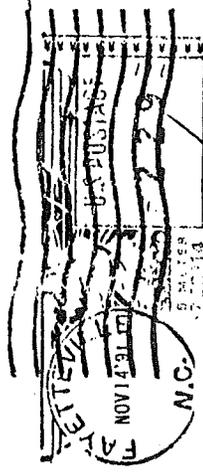
MAIL

CITY OF FAYETTEVILLE
Office of the City Attorney
P.O. Box 1513
Fayetteville, NC 28302-1513

Unclassified
Afternoon
Postage and Fees Paid
Fayetteville, NC
No such office in state
Do not remove this envelope

Handwritten: Peter I. Pavlikiamidis
205 Rogers Drive
Fayetteville, NC 28303-3962

Unclassified
Afternoon
Postage and Fees Paid
Fayetteville, NC
No such office in state
Do not remove this envelope



Handwritten: Home
102 N. 10th St
2nd Floor
Fayetteville, NC 28303
DEC 05 1991

Handwritten: NAME: PAVLIKIAMIDIS
1st Notice 11-16-91
2nd Notice 11-22-91
Return 11-30-91



NOTICE OF SERVICE BY PUBLICATION
STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

In accordance with General Statute Section 105-375, I will on December 17, 1991, in the General Court of Justice, Superior Court Division of Cumberland County, docket a judgment against the following individuals and property for delinquent assessment liens or demolition taxes. These individuals will take notice that once the judgment is obtained execution will be issued and the property sold as provided by law. The tax lien may be paid before the judgment is entered.

GRIGSBY, MARY M.; JOHN AND MAGGIE GROOM; THEIR HEIRS, ASSIGNS, DEVISES, AND ALL PERSONS WHO MAY HAVE AN INTEREST OF WHATSOEVER KIND AND FROM WHATSOEVER SOURCE IN AND TO THE REAL ESTATE DESCRIBED HEREIN; ALL LIENHOLDERS OF RECORDS AS CONTEMPLATED BY N.C.G.S. 105-375(c)

Lot 8, Block B, College Heights
Deed Book 263, Page 362
Cumberland County PIN #0438-01-9011

SANDERS, JAMMIE AND CAROL; NATIONAL MORTGAGE COMPANY

Lots 131-134, Chandler Heights Subdivision
Plat Book 12, Page 1
Cumberland County PIN #0428-57-4968

PAVLIKIAMIDIS, JOHN J. AND PETER I.; SARANTOULIAS, ATHENA P.

Lots 161-167 and Pt. Lots 168-174
J. F. Fisher Property, 209 Lawrence Avenue
Cumberland County PIN #0438-45-4092

ROSE, SOL C. AND MARY B.; WINDOVER FUNDING (GUARANTY SAVINGS AND LOAN, INC.)

6 Acre Tract, Deep Creek Road
Cumberland County PIN #0447-30-3743

CAMPBELL, SARAH; HER HEIRS, ASSIGNS, DEVISES, AND ALL PERSONS WHO MAY HAVE AN INTEREST OF WHATSOEVER KIND AND FROM WHATSOEVER SOURCE IN AND TO THE REAL ESTATE DESCRIBED HEREIN; ALL LIENHOLDERS OF RECORDS AS CONTEMPLATED BY N.C.G.S. 105-375(c)

Lots 38-40, Fairview, Section 3, 419 Ingram Street
Cumberland County PIN #0438-82-7212

Barbara Lincoln
City of Fayetteville Tax Collector

Publish: December 7, 1991, and December 14, 1991

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

VOL # 152 PG # 239
In the General Court of Justice
Superior Court Division
Before the Clerk BY

City of Fayetteville
Plaintiff

JUDGMENT FOR ASSESSMENTS

v.

Peter I. Pavlikiamidis, John J. Pavlikiamidis,
and Athena P. Sarantoulis
Defendant

FILED
1991 DEC 16 PM 3:15
CUMBERLAND CO., N.C.

Pursuant to the provisions of Section 105-375 of the General Statutes, I hereby certify that a demolition lien duly levied and assessed by the City of Fayetteville against the property described below and listed in the name(s) of Peter I. Pavlikiamidis, John J. Pavlikiamidis, and Athena P. Sarantoulis for the year(s) 1989, is due and unpaid; that said tax constitutes a prior lien upon the real property hereinafter described that may become attached to said real estate in accordance with G.S. Sec. 105-356; that the amount now due and owing to the City of Fayetteville on account of said taxes, penalties, interest, and costs is as follows:

<u>YEAR</u>	<u>TAXES</u>	<u>INTEREST</u>	<u>COST</u>	<u>TOTAL</u>
1989	\$1,275.00	\$254.98	\$60.87	\$1,590.85

Interest on said total at (8%) from December 16, 1991, to date of execution sale.

Total amount of judgment.....\$ 1,590.85
 C.S.C. Fee (Docketing and indexing judgment).....\$ 4.00
 C.S.C. Fee (Issuing execution).....\$ _____

That City of Fayetteville has a prior lien for the amount of the judgment, plus interest at the rate of 8% per annum from the date shown above until paid, upon the following real estate located in Cross Creek Township, Cumberland County, North Carolina.

Description: Lots 161-167 and Pt. Lots 168-174, J. F. Fisher Property, 209 Lawrence Avenue
Cumberland County Map Parcel Number: 0438-45-4092
See: Deed Book 3207; Page 66 for further description

I further certify that on November 14, 1991, I mailed a registered (certified) letter(s) to Peter I. Pavlikiamidis, John J. Pavlikiamidis, and Athena P. Sarantoulis, as current owner(s) notifying them of my intention to docket this judgment as required by law.

This the 16th day of December, 1991.

Barbara Lincoln
Deputy Tax Collector, City of Fayetteville

Filed: 12-16-91

Docketed: 12-16-91 at 3:15 o'clock P m.

Bobby Abundge
Clerk of Superior Court
Bobby

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
URGING THE CUMBERLAND COUNTY COMMISSIONERS
TO TAKE IMMEDIATE STEPS TO ENLARGE
THE CUMBERLAND COUNTY JAIL**

- WHEREAS,** *The use and abuse of drugs in our neighborhoods is a major problem; AND*
- WHEREAS,** *Adequate jail space does little to keep the merchants of the drug culture off the streets; AND*
- WHEREAS,** *This situation minimizes a police officer's ability to enforce the law and provide a drug free neighborhood; AND*
- WHEREAS,** *The citizens appointed to the Mayor's Task Force on Drugs in Our Community find more jail space a high priority in providing relief from this intolerable situation;*

NOW THEREFORE BE IT RESOLVED, *that the Fayetteville City Council urges the Cumberland County Commissioners to take immediate steps to enlarge the Cumberland County Jail.*

ALSO BE IT RESOLVED, *that a copy of this resolution be forwarded to the Chairman of the Cumberland County Commissioners.*

Adopted this _____ day of _____, 1992.

J. L. Dawkins, Mayor

Ida Ross, Councilmember

Mildred Evans, Councilmember

Joseph L. Pillow, Councilmember

Milo McBryde, Councilmember

Thelbert Torrey, Councilmember

Nat Robertson, Councilmember

Suzan K. Cheek, Councilmember

Tommy Bolton, Councilmember

Mark Kendrick, Councilmember

ATTEST:

Bobbie A. Joyner, City Clerk

ITEM 6.A.



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
URGING THE CUMBERLAND COUNTY LEGISLATIVE DELEGATION
TO STRONGLY SUPPORT IMMEDIATE CONSTRUCTION
OF ADDITIONAL PRISONS IN KEEPING WITH THE SUCCESSFUL
STATE-WIDE BOND REFERENDUM OF NOVEMBER 1990**

WHEREAS, *The people of the State of North Carolina approved a bond referendum for the construction of new prisons in November 1990; AND*

WHEREAS, *Little, if any, progress has been made on the construction of new prisons using these funds; AND*

WHEREAS, *Additional prison space is desperately needed to successfully prosecute the war on drugs in this and every other community in this state;*

NOW THEREFORE BE IT RESOLVED, *that the Fayetteville City Council, representing its citizens and their frustrations in this drug war, strongly supports immediate construction of additional prisons in keeping with the voter-approved bonds and urges its legislative delegation to take whatever action is necessary to implement this decision of the people.*

FURTHER, BE IT RESOLVED, *that a copy of this resolution be forwarded to the Chairman of the Cumberland County Legislative Delegation.*

Adopted this _____ day of _____, 1992.

J. L. Dawkins, Mayor

Ida Ross, Councilmember

Mildred Evans, Councilmember

Joseph L. Pillow, Councilmember

Milo McBryde, Councilmember

Thelbert Torrey, Councilmember

Nat Robertson, Councilmember

Suzan K. Cheek, Councilmember

Tommy Bolton, Councilmember

Mark Kendrick, Councilmember

ATTEST:

Bobbie A. Joyner, City Clerk

ITEM 6.B.



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
ENCOURAGING THE CUMBERLAND COUNTY COMMISSIONERS TO EXPAND
TREATMENT AND AFTERCARE SERVICES, INCLUDING HALFWAY HOUSES,
FOR CHEMICALLY DEPENDENT PERSONS AND THEIR FAMILIES**

WHEREAS, *The use and abuse of drugs in our neighborhoods is a major problem; AND*

WHEREAS, *Government must provide resources both to initiate and to complete the change of culture so as to restore safety to the community; AND*

WHEREAS, *We must break the cycle of traffic in illegal drugs and provide treatment alternatives for the chemically dependent;*

NOW THEREFORE BE IT RESOLVED, *that the Fayetteville City Council urges the Cumberland County Commissioners to expand treatment and aftercare services, including halfway houses, for chemically dependent persons and their families.*

ALSO BE IT RESOLVED, *that a copy of this resolution be forwarded to the Cumberland County Commissioners.*

Adopted this _____ day of _____, 1992.

J. L. Dawkins, Mayor

Ida Ross, Councilmember

Mildred Evans, Councilmember

Joseph L. Pillow, Councilmember

Milo McBryde, Councilmember

Thelbert Torrey, Councilmember

Nat Robertson, Councilmember

Suzan K. Cheek, Councilmember

Tommy Bolton, Councilmember

Mark Kendrick, Councilmember

ATTEST:

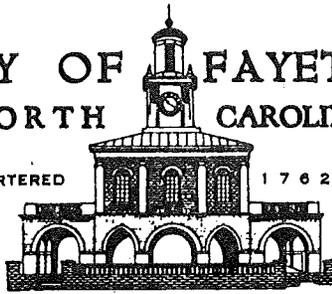
Bobbie A. Joyner, City Clerk

ITEM 6.C.



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

January 29, 1992

MEMORANDUM

TO: The Mayor and Members of City Council
FROM: John P. Smith, City Manager 
SUBJECT: Drug Task Force Recommendations

The recommendations of the Task Force are all worthy of implementation. The recommendations are well thought out and are somewhat interrelated. The intent of the Task Force was to make general recommendations and leave specific implementation strategy up to the City.

We were not prepared at your meeting Monday to propose specific implementation strategies or to suggest priorities. The City should have a very specific plan of action which sets priorities, establishes clear objectives, and identifies sources of current and future funding. The problems we are attempting to solve will not be solved overnight. There are no quick fixes, and there are certainly not unlimited resources.

While it is imperative that the City begin the process, it is just as imperative that we take a long-term approach, and at the same time try to ensure that scarce resources are wisely used. The Task Force has provided the outline. Our job is now to carefully and thoughtfully fill in the details.

The Task Force recognized that the City is already carrying out successful programs. It has recommended expanding those programs it feels are the most likely to succeed in dealing with the problems. As a first step in implementing the recommendations, I propose the following:

1. Begin implementation of recommendation number thirteen (13) by filling the vacancy in the position of Community Relations Specialist. This position was frozen as part of our 3 percent work force reduction. This position would be augmented with another position or perhaps two in fiscal year 1992-93. The existing vacancy can be filled in two to three weeks if

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 7

January 29, 1992

approved. Other positions if approved in the 92-93 budget can be filled by the end of July. This person would be assigned the task of organizing target neighborhoods and seeking involvement of businesses and places of worship. The ultimate operating cost of \$72,525 can be thus phased in, giving the City time to identify the funding source or program cuts needed to support the program on a continuing basis. A significant amount of time is spent by people in this section maintaining records on our current burglar alarm ordinance. We will be submitting to you a revised ordinance in the near future that could free up this time for community work.

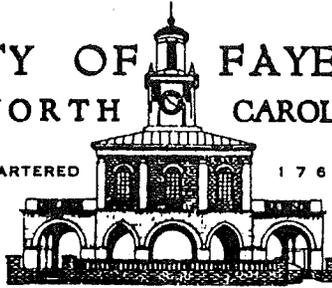
2. Implement recommendation number nine (9) and seek matching funding from Cumberland County Schools.
3. Implement recommendation number two (2) by reserving \$250,000 from current fund balances as a reserve fund for matching federal grants. President Bush has announced his 12 billion dollar anti-drug program which includes grant funds to local programs. The Task Force report can be an excellent tool for use in grant applications. In this way we can stretch local dollars and hopefully cover much of the start-up cost for implementing the remainder of the recommendations. Continuation funding can be addressed in the FY 92-93 budget.

If these recommendations are to be implemented, the Council must face the hard decisions of how to fund these programs not only this year but also next year and thereafter. Either additional revenue has to be raised or cuts made in other services. Each of the Task Force recommendations needs to be analyzed in terms of its impact on other services. Adding more police officers in the neighborhoods may require additional investigative and clerical staff for support. Transferring officers from one program to another has its consequences. Our concentration on traffic enforcement was successful in reducing traffic deaths and property damage. As we have moved officers from traffic to street crimes, we are seeing the trend in traffic deaths, injuries and property damage start up again. Balancing priorities in services and programs requires careful consideration.

JPS/kblc

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



OFFICE OF THE CHIEF OF POLICE
SUITE 124, 131 DICK STREET

FAYETTEVILLE, N. C. 28301-5798
TELEPHONE: (919) 433-1819

27 January 1992

MEMORANDUM

MEMORANDUM FOR THE CHIEF OF POLICE
FROM THE MAYOR'S TASK FORCE ON DRUGS
SUBJECT: MAYOR'S TASK FORCE ON DRUGS
IN OUR COMMUNITY

MEMORANDUM

TO : Roger Stancil, Assistant City Manager
FROM : Ronald E. Hansen, Chief of Police *REH*
SUBJECT: Mayor's Task Force on Drugs in our Community

I have reviewed the recommendations of the Mayor's Task Force and attempted to analyze those recommendations that pertain totally or in part to the Police Department.

RECOMMENDATION 1:

We recommend that City Council acknowledge that street-level drug dealing and purchasing is a crisis, and that it work toward adoption of a crisis management plan by researching the practicality of implementing a curfew and/or other local ordinances designed to aid police in street-level drug enforcement.

RESPONSE:

If the City elects to implement a curfew, additional resources will be needed to address that mandate. Dependent upon the thrust of the curfew, the expectations of City Council and your office, a cost projection would be made. It should suffice to say that if a curfew or even a Parental Responsibility Ordinance is implemented citizens expectations will require enforcement, current resources do not provide for that effort.

RECOMMENDATION 7:

We recommend that City Council act favorably upon the recommendation of the Chief of Police to expand neighborhood based foot and mounted patrols in high risk areas.

122nd NATIONALLY ACCREDITED



LAW ENFORCEMENT AGENCY

An Equal Opportunity Affirmative Action Employer



Roger Stancil, Assistant City Manager
27 January 1992
Page Two

RESPONSE:

As I have often indicated, Neighborhood Foot Patrols are an effective method of policing high crime areas. Mounted Neighborhood Patrols are extremely effective. My reaction is that we should establish at least three more walking or mounted beats, that effort should be flexible enough so that the officers can be moved to other areas once the neighborhood crime problems are displaced. The movement of neighborhood officers from their established turf is not a recommended strategy as neighborhoods tend to become possessive of their beat officers. However, when I consider cost, it appears more feasible to recommend three officers and three mounts be added to our authorized strength and then assign the officers to various neighborhoods with or without horses and in some instances on bicycle patrol.

RECOMMENDATION 8:

We recommend that City Council work cooperatively with the Fayetteville Metropolitan Housing Authority to establish police substations within Housing Authority properties and that City Council buy a type of Recreational Vehicle (RV) to serve as a mobile police substation. This police substation would be located in various areas of the City as needed.

RESPONSE:

We have had the idea of a roving police substation for some time as it will address the needs of our neighborhoods as well as the Cross Creek Mall area during the Christmas season. This substation can either be a motorized vehicle similar to a large motor home or a large trailer towed by a truck. Either design has the same basic function, that of a public service counter with the availability of a non-sworn clerk to take reports, an area for an officer to interview suspects or complainants and if necessary an office for a magistrate. The unit can also be used at traffic check points and for DWI campaigns. We have applied for a grant, however, that effort is doubtful due to the current availability of federal grant funds.

RECOMMENDATION 9:

We recommend that City Council direct the Chief of Police to expand drug education programs taught by law enforcement officers in city middle/junior high schools and special schools, and that cooperative efforts between the police and city schools be expanded.

Roger Stancil, Assistant City Manager
27 January 1992
Page Three

RESPONSE:

It is apparent that we should increase our School Resource Program by two officers. One to be assigned to Hill Crest the other to Reid Ross. This assignment would create the necessary linkage between the D.A.R.E. Program offered in Grade 6 and the students in Grades 7, 8 & 9 prior to their movement to high school.

Our current D.A.R.E. officer (one full time) teaches the D.A.R.E. curriculum in fourteen schools. Obviously we need another officer assigned to D.A.R.E. to reduce the teaching burden and allow for more student/officer interaction.

RECOMMENDATION 13:

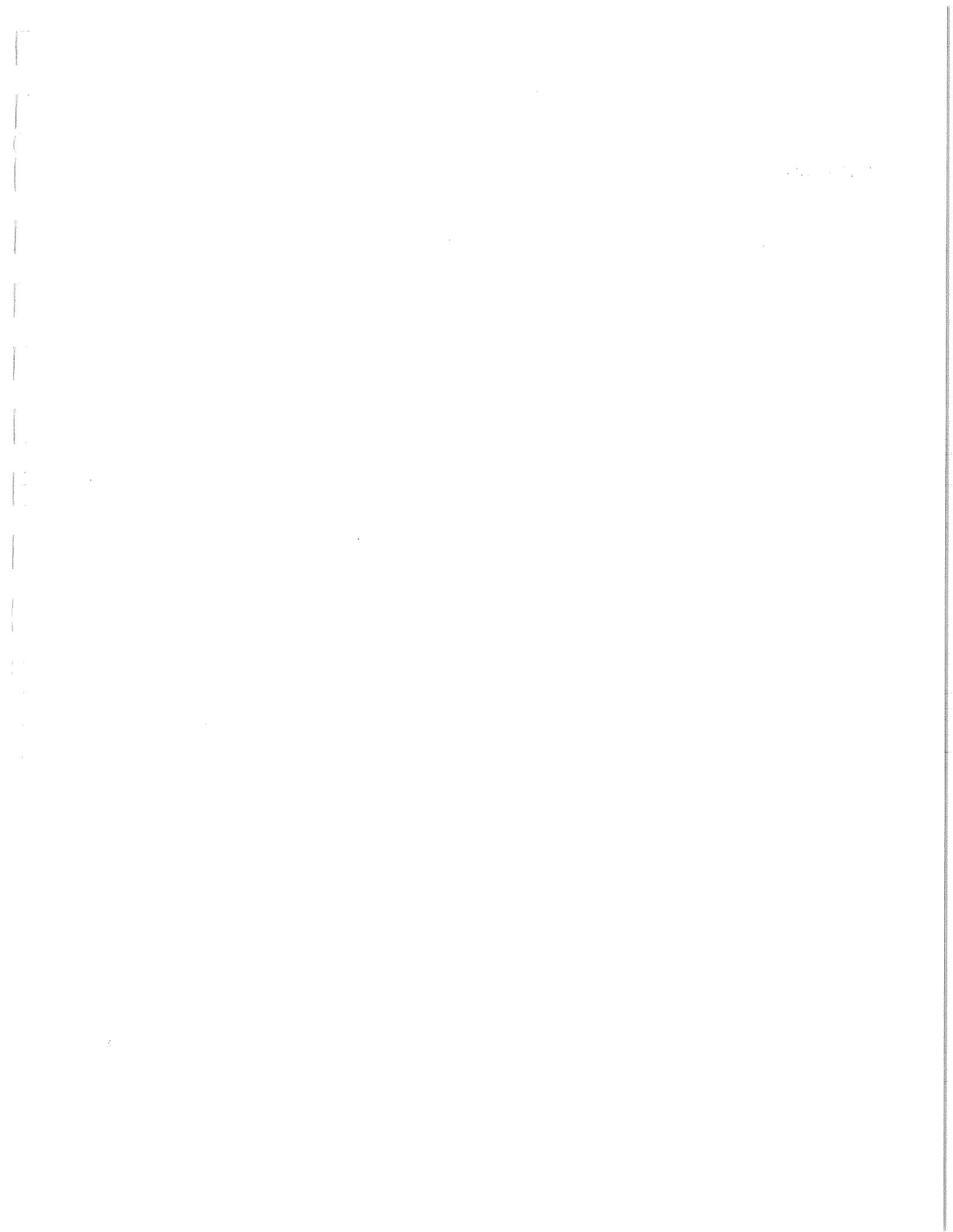
We recommend that City Council have the Police Department expand Neighborhood Watch Programs beyond residential members only, and to include businesses, industry and places of worship, and to actively seek their involvement.

RESPONSE:

Our Crime Prevention Specialist is doing a superb job but simply cannot keep up with the demand for services. Our Specialist is not only burdened with managing our substandard alarm ordinance but has had to assume part of the duties of our Community Relations Specialist since that position was frozen this budget year. We desperately need relief in this area. I suggest that we fill the Community Relations Specialist position and create another position to share the job responsibilities of both positions. The alarm ordinance deficiencies should be immediately addressed to relieve that burden, that effort alone would create a more cost effective alarm response and reduce the workload for both Specialists.

REH:lof

2 Attachments--Cost Analysis and Drug Task Force Report



**COST ANALYSIS
(Approximation)**

RECOMMENDATION 1

Unable to project until the service mandate is established

RECOMMENDATION 7

Three officers, including fringe benefits, uniforms and assorted equipment \$85,719.00

Three mounts*, equipment, feed, vet service and farrier fees \$7,050.00

TOTAL \$92,769.00

*Donated mounts are assumed

RECOMMENDATION 8

Mobile police substation motor home or trailer type*\$200,000.00

*The trailer design would be less, however, a truck would need to be purchased. The total would probably be at the same cost.

Non-sworn personnel to operate the public service counter and supplies/equipment \$50,000.00

RECOMMENDATION 9

Three officers, including fringe benefits, uniforms and associated equipment* \$85,719.00

Three vehicles, equipment and fuel** \$66,750.00

*Federal forfeiture vehicles may be used however fuel and equipment must be budgeted. \$33,150.00

**The Cumberland County School System should be approached to assume part of the salary costs.

RECOMMENDATION 13

Three employees including fringe benefits, assorted equipment. One Crime Prevention Specialist, one Community Relations Specialist/Crime Prevention Specialist and one Community Relations Specialist* \$72,525.00

*This position was not filled during the FY 91/92 budget year.

Three vehicles (vans), radio, assorted equipment, phone expenses and associated office equipment.

\$59,550.00

Total cost for all recommendations. \$660,463.00

Parks and Recreation Department

DRUG TASK FORCE RECOMMENDATIONS
(Budget Estimates)

Recommendation #10

High Risk Areas: Massey Hill, Myers, Seabrook, Spivey

A.	Expanded Operating Hours Each Site per Week	<u>Current</u>	<u>Proposed</u>
	Building Hours	44	66
	Manhours	80	120
	(Schedule varies with seasonal activities)	M-F 1pm-9pm Sat. 9am-1pm	M-Sat. 1pm-11pm Sun. 1pm - 7pm
B.	Personnel Cost - One Assistant Center Director at Each Center		
	Assistant Center Director Grade 109		\$ 18,189
	33% Fringes		<u>5,457</u>
	Total Cost Per Employee		\$ 23,646
	x 4 At-Risk Sites		<u>x 4</u>
	TOTAL Personnel Cost		\$ 94,584
C.	Equipment - Per Center (Currently Not Available)		
	Physical Fitness Equipment		\$ 6,000
	Computer/Video Games		<u>\$ 4,000</u>
	Total Cost per Center		\$ 10,000
	x 4 At-Risk Sites		<u>x 4</u>
	TOTAL Equipment Cost		\$ 40,000
D.	Utilities - Expanded Hours of Operation		
	Total Cost Per Center		\$ 2,500
	x 4 At-Risk Sites		<u>x 4</u>
	Total Utilities Cost		\$ 10,000
	RECOMMENDATION #10, TOTAL ANNUAL COST		\$144,584

DRUG TASK FORCE RECOMMENDATIONS
(Budget Estimates)

Recommendation #11

1 each	15 Passenger Van	\$ 19,500
1 each	Activity Bus (66 Child/42 Adult)	\$ 42,500
	Annual Fuel and Maintenance	\$ 5,000

*With Handicapp lifts

Recommendation #11 TOTAL COST	\$ 67,000
-------------------------------	-----------

*Unable to determine cost and availability of HSTS vehicle at this time.

Summary

Annual Operating

Personnel	\$ 94,584
Utilities	10,000
Transportation (Fuel, Maint)	5,000
	\$109,584

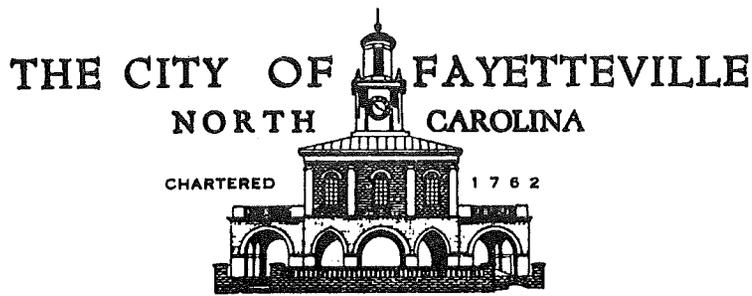
Capital

Equipment	\$ 40,000
Vehicle	\$ 62,000
TOT EQUIP	\$102,000

TOT OPERATING \$109,584

GRAND TOTAL, RECOMMENDATION #10 & #11	\$211,584
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CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

January 30, 1992

MEMORANDUM

TO: Roger L. Stancil, Assistant City Manager for Operations

FROM: David M. Nash, Annexation Studies Coordinator *DMN*

SUBJECT: Agenda Item - Annexation Petition - The Greens, Section 1, Part 1

CONTENT/BACKGROUND: The Greens is an existing residential area located north of Country Club Drive, west of Ramsey Street. (See Map A.) The Greens is being developed by the Broadwell Land Company. The original part of The Greens (which is already developed) was annexed (by petition) in 1983.

On November 26, 1991, the City received an annexation petition from Broadwell Land Company requesting that a 7.31 acre tract adjacent to The Greens be annexed. The petition was signed by Dohn Broadwell, President, Broadwell Land Company. This tract is to be developed as a new section of The Greens. It is known as Section 1, Part 1.

LOCATION: The proposed annexation area is located north of and adjacent to the original part of The Greens. The area is also located to the rear of (west of) the North Gate Shopping Center. (See Map A and Map B.)

REASON FOR THE PETITION: The owner of the property proposes to develop the property as residential. Since neither water nor sewer are available, water and sewer main extensions will be needed.

There is a policy which states that property owners/developers requesting water and sanitary sewer extensions to areas immediately adjacent or contiguous to the City must file a petition for annexation as a prerequisite to utility extensions. The City Council has the freedom to approve or reject the petition. Pursuant to this policy, the owner has submitted a petition.

The petition was presented to City Council on January 6, 1992. The City Council adopted a resolution directing the City Clerk to investigate the

ANNEX-652

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 8.A.

Roger L. Stancil
Page 2
January 30, 1992

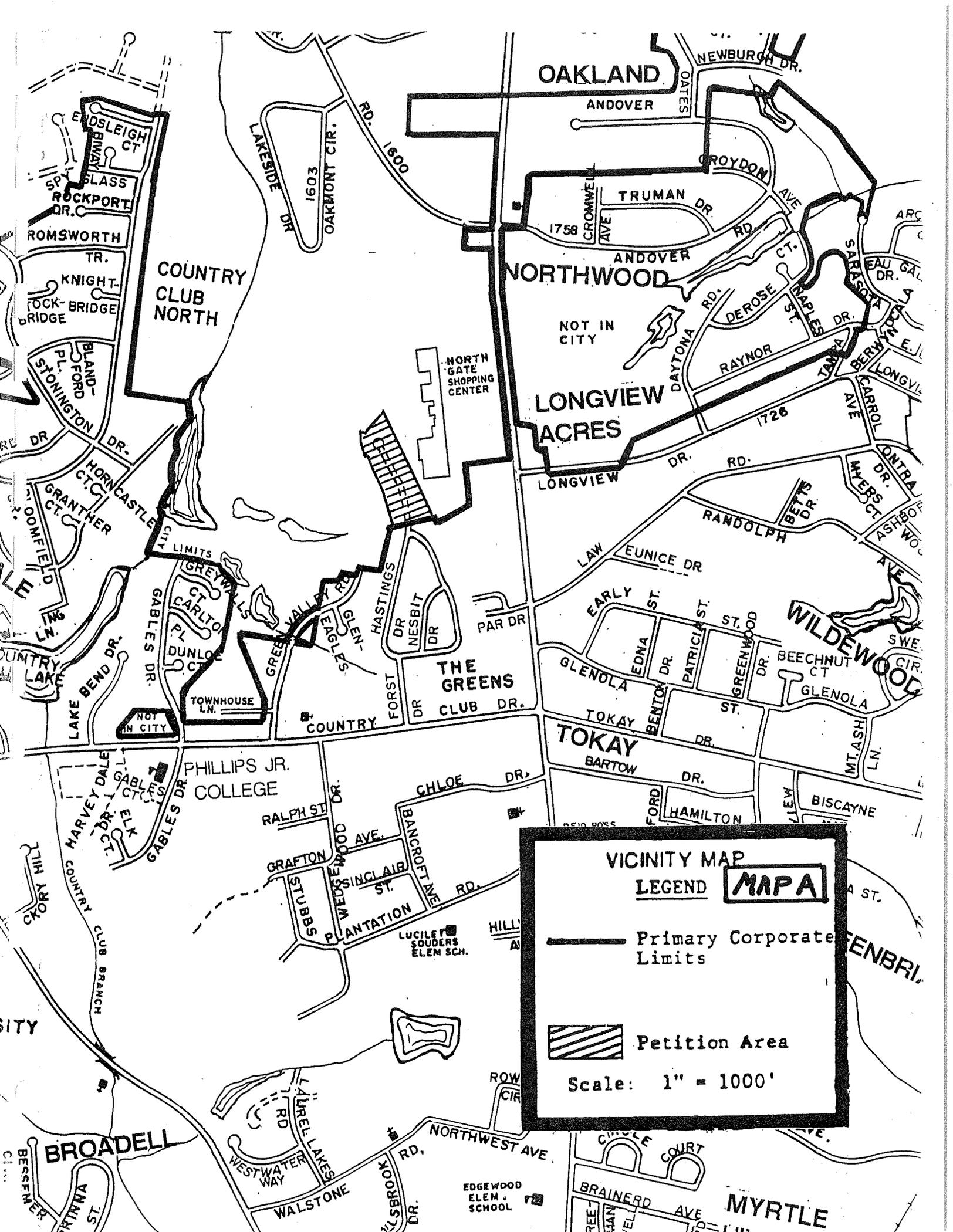
sufficiency of the petition. The sufficiency of the petition has been checked. The next step is for the City Council to fix a date for a public hearing.

The following items are submitted for the February 3, 1992, City Council agenda:

1. Map A - Vicinity Map
2. Certificate of Sufficiency
3. Copy of Annexation Petition
4. Copy of Legal Description Submitted With the Petition
5. Copy of Map Submitted With the Petition
6. Copy of Condition Sheet from Joint Planning Board Submitted With Petition.
7. Resolution Fixing Date of Public Hearing
8. Map B - Legal Description Map

The City staff recommends adoption of the resolution. The recommended public hearing date is February 18, 1992.

DMN/p



VICINITY MAP

LEGEND **MAP A**

— Primary Corporate Limits

 Petition Area

Scale: 1" = 1000'

THE GREENS
SECTION 1, PART 1

CERTIFICATE OF SUFFICIENCY

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

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

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Fayetteville, this 3rd day of February, 1992.

(SEAL)

Bobbie A. Joyner, City Clerk

MOORMAN & KIZER, INC.

Engineers, Planners and Surveyors

115 BROADFOOT AVENUE • POST OFFICE BOX 53774

FAYETTEVILLE, NORTH CAROLINA 28305

TELEPHONE: (919) 484-5191

FAX: (919) 484-0388

November 26, 1991

Description

Broadwell

7.31 Acre Tract Adjacent to The Greens Subdivision

BEGINNING at an existing concrete monument, the northwest corner of Lot 31 of The Greens as recorded in Plat Book 55, Page 68 Cumberland County, North Carolina Registry, said concrete monument being N.C. Grid coordinates of $y = 494,709.19$ and $x = 2,034,875.15$ and running North 16 degrees 58 minutes West, 364.82 feet to a point;

thence North 28 degrees 33 minutes West, 330.65 feet to a point;

thence North 22 degrees 30 minutes West, 200.50 feet to a point in the southern line of the Bill Estate;

thence with said line South 78 degrees 06 minutes East, 45.03 feet to an existing concrete monument;

thence continuing North 53 degrees 47 minutes East, 263.09 feet to an existing concrete monument;

thence South 28 degrees 58 minutes East, 1032.00 feet to an existing concrete monument;

thence to and with the northern line of The Greens as referenced above South 80 degrees 43 minutes West, 420.37 feet to the beginning.

Containing 7.31 acres, more or less.

And being a portion of the 100 acre tract previously conveyed to Broadwell in Deed Book _____, Page _____ Cumberland County, North Carolina Registry.

The above bearings are based on the N.C. Grid System 1927 NAD.

Prepared by MOORMAN & KIZER, INC., Fayetteville, NC

Received 11-26-91

PETITION REQUESTING ANNEXATION
(CONTIGUOUS AREA)

Date November 26, 1991

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

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Fayetteville, North Carolina.

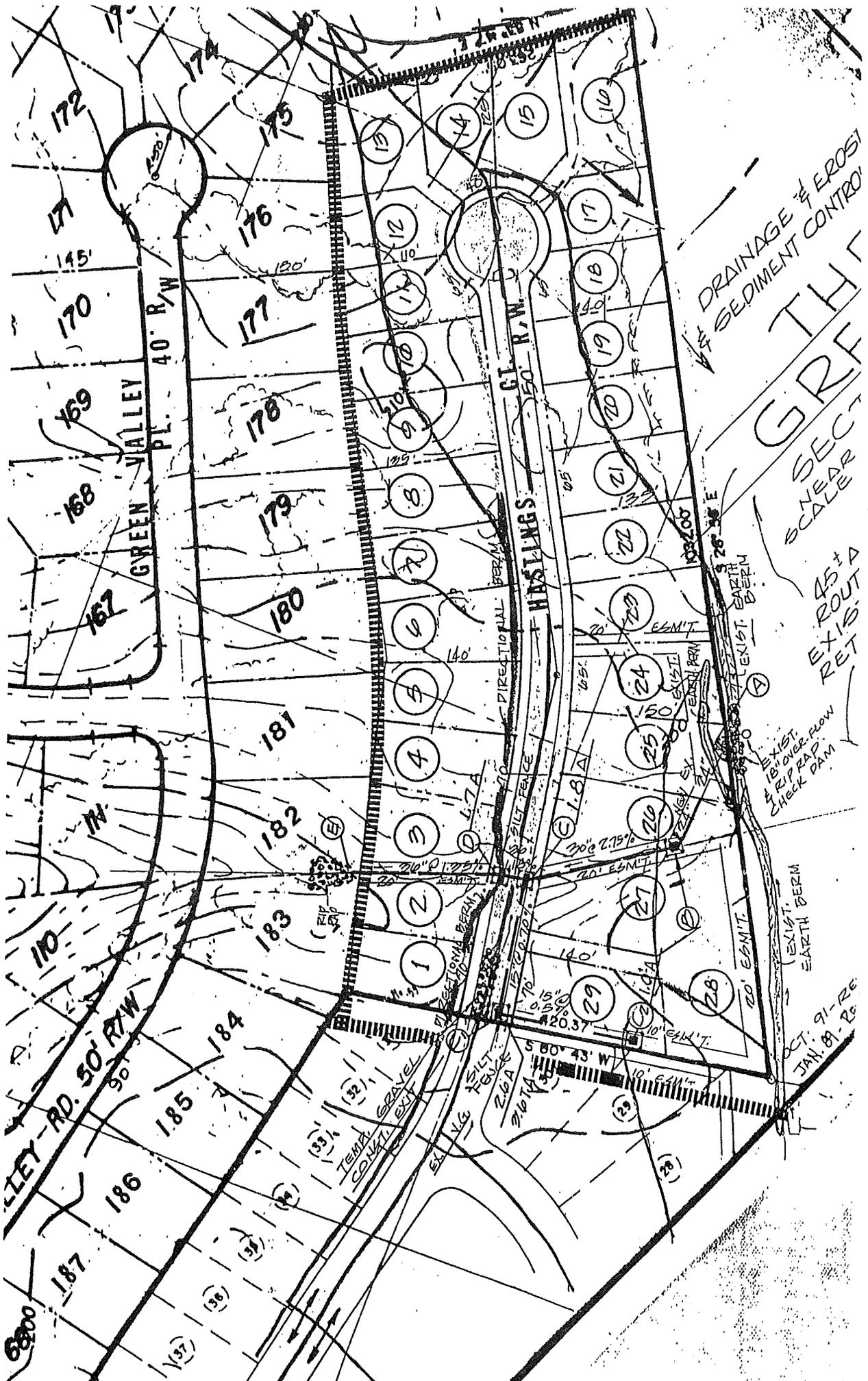
2. The area to be annexed is contiguous to the City of Fayetteville, and the boundaries of such territory are as follows:

(Insert Metes and Bounds Description of Boundaries)

See attached description of 7.31 acre tract to be annexed.

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

<u>NAME</u>	<u>ADDRESS</u>
1. Broadwell Land Company	PO Box 53587, Fayetteville, NC 28305
2. <i>Don B. Broadwell, Jr.</i>	
3.	
4.	
5.	
6.	
7.	



DRAINAGE & EROSION
SEDIMENT CONTROL

GREEN VALLEY PL.
40' R.W.

HASTINGS
50' R.W.

VALLEY RD. 50' R.W.

45'±
EXIST. ROUT
RET.

EXIST.
18" OVER FLOW
RIP RAP
CHECK DAM

OCT. 91-RE
JAN. 89-RE

TEMP. GRAVEL
CONV. EX.

SILT FENCE

DIRECTIONAL BERM

EXIST. EARTH BERM

20' ESMT.

EXIST. EARTH BERM

20' ESMT.

EXIST. EARTH BERM

20' ESMT.

EXIST. EARTH BERM

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PLANNING DEPARTMENT

Pon Office Box 1827
 Fayetteville, NC 28304
 Telephone (910) 443-6131

CUMBERLAND COUNTY JOINT PLANNING BOARD

Planning Staff Approval: OCT 15 1991 Planning Board Approval: NA City or Council Meeting: NA

CASE NO: 91-288 Name of Development: COUNTRY CLUB HILLS (ZERO LOT LINE SUBDIVISION REVISION REVIEW)

Location: NORTH OF US HWY 401 (COUNTRY CLUB DRIVE) AND EAST OF ZONING: R10 ROSEHILL ROAD (SR 1615)

Owner or Developer: BROADWELL LAND CO. Engineer or Designer: ALLEN POWELL

Fayetteville Ordinance County Ordinance Hope Mills Ordinance Stedman Ordinance Spring Lake Ordinance

PLANNING DEPARTMENT ACTION	PLANNING BOARD ACTION	CITY or TOWN (COUNCIL)
<input checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Preliminary	<input type="checkbox"/> Preliminary <input type="checkbox"/> Final
<input type="checkbox"/> Extension <input checked="" type="checkbox"/> Revision	<input type="checkbox"/> Extension <input type="checkbox"/> Revision	<input type="checkbox"/> Extension <input type="checkbox"/> Revision
<input checked="" type="checkbox"/> Approved Conditionally	<input type="checkbox"/> Approved Conditionally	<input type="checkbox"/> Approved Conditionally
<input type="checkbox"/> Denied	<input type="checkbox"/> Denied	<input type="checkbox"/> Denied

CONDITIONS OF APPROVAL

1. That Public Works Commission approve water and sewer plans.
2. That the City Engineer approve street and drainage plans.
3. That all state sedimentation and erosion control ordinances be complied with during construction.
4. That the planning staff approve street names prior to final plat submission and that all street name signs be installed before any occupancy permit be issued.
5. That the City Engineer approve the proposed curbcut(s) and that the proper permit(s) be obtained prior to building permit application.
6. That the signage for this development be in accordance with the applicable sign regulations as set forth in Chapter 3 of the City Code and that the proper permit(s) be obtained prior to the installation of any permanent signs on the property.
7. That the builder/developer submit the individual plot plans to the planning staff for review and approval prior to building permit application.
8. That the developer submit two (2) copies of the legal documents for this development for review and approval by the City Attorney prior to the submission of a final plat for review and approval for recording or the sale of any developed lot or unit in this development.
9. That a final plat be submitted to the planning staff for review and approval for recording and that the plat must be recorded prior to the sale of any developed lot or unit in this development.
10. That this plat or group development be addressed by the planning department prior to the issuance of a building permit.
11. That the final plat must be recorded prior to final inspection on any structure on any lot within this development.

The following conditions are from Traffic Services:

12. That Green Valley Road be extended to the Northern property line along the alignment of Glasgow Place, eliminating this proposed cul-de-sac.

(OVER)

Case No. 91-288 (continued)

13. That the proposed extension of Green Valley Road be renamed from the intersection with "Glasgow Place" to the Northern property line.
14. That a 60' right-of-way be dedicated for Green Valley Road to comply with the proposed Collector Street Plan.
15. That a 60' right-of-way be dedicated for Gables Drive to comply with the proposed Collector Street Plan.

The following conditions are from the City Engineer:

16. That a detailed driveway permit application be submitted to the City Engineering Department for review and approval of each driveway.
17. That all street rights-of-way should be graded to City standard sidewalk grades with a maximum 2H:1V bank slope beyond the right-of-way line, tying into natural grade.
18. Street construction, storm drainage and utility plans shall be submitted to the City Engineering Department for review prior to construction.
19. A minimum 20 ft. wide easement shall be dedicated for all underground storm drainage 30" diameter or less (not within streets) and utility lines. Where two utility lines are within a single easement or a storm drain larger than 30" in diameter, the easement shall be 30 ft. in width.
20. Final street and drainage plans shall be reviewed and approved prior to building permits being issued.
21. All erosion and sedimentation regulations shall be observed.
22. That a plat suitable for recording, showing all required rights-of-way and easements, be approved by the City Engineer prior to recording in the Cumberland County Registry.
23. Street address numbers shall be assigned prior to building permits being issued and the builder shall post these numbers (minimum 4") in full view of the street immediately upon beginning construction.

OFFICIAL PRELIMINARY PLAT CITY/TOWN OF

FAYETTEVILLE

This plat approved by the Cumberland County Joint Planning Board on OCT 15 1991. This plat approved by the City Council/Commissioners on N/A

Comments: APPROVED WITH CONDITIONS

Plat No.: CHE 91 - 288

I certify that this plat has been approved by the Cumberland County Joint Planning Board and the City Council/Commissioners as drawn hereon and may be used for any official purpose as permitted by law, including purchase of building permits. This approval is valid through OCT 15 1992

Thomas J. Goyt (Jr.)
Director of Operational Planning
Cumberland Co. Joint Planning Board

THE GREENS
SECTION 1, PART 1

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at City Hall Council Chamber at 7 o'clock, p.m., on the 18th day of February, 1992.

Section 2. The area proposed for annexation is described as follows:

BEGINNING at an existing concrete monument, the northwest corner of Lot 31 of The Greens, as recorded in Plat Book 55, Page 68, at the Cumberland County Registry; said point being in the City Limit Line, as established by Annexation No. 257, dated April 5, 1983; running thence from said City Limit Line North 16 degrees 58 minutes West 364.82 feet to a point; thence North 28 degrees 33 minutes West 330.65 feet to a point; thence North 22 degrees 30 minutes West 200.50 feet to a point in the southern line of the Bill Estate; thence with said southern line South 78 degrees 06 minutes East 45.03 feet to an existing concrete monument; thence continuing with said line North 53 degrees 47 minutes East 263.09 feet to an existing concrete monument; thence South 28 degrees 58 minutes East 1,032.00 feet to a concrete monument in the City Limit Line, as established by the aforementioned annexation; thence with said City Limit Line South 82 degrees 57 minutes West 420.49 feet to the point and place of BEGINNING . . . containing 7.31 acres, more or less.

Section 3. Notice of said public hearing shall be published in the Fayetteville Observer-Times, a newspaper having general circulation in the City of Fayetteville, at least ten (10) days prior to the date of said public hearing.

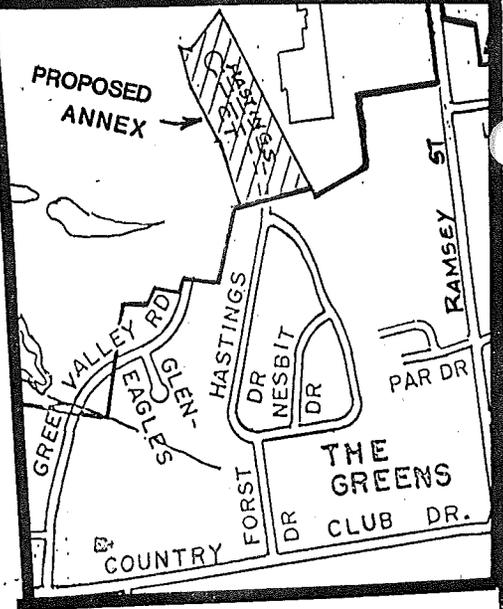
Adopted this the 3rd day of February, 1992.

CITY OF FAYETTEVILLE

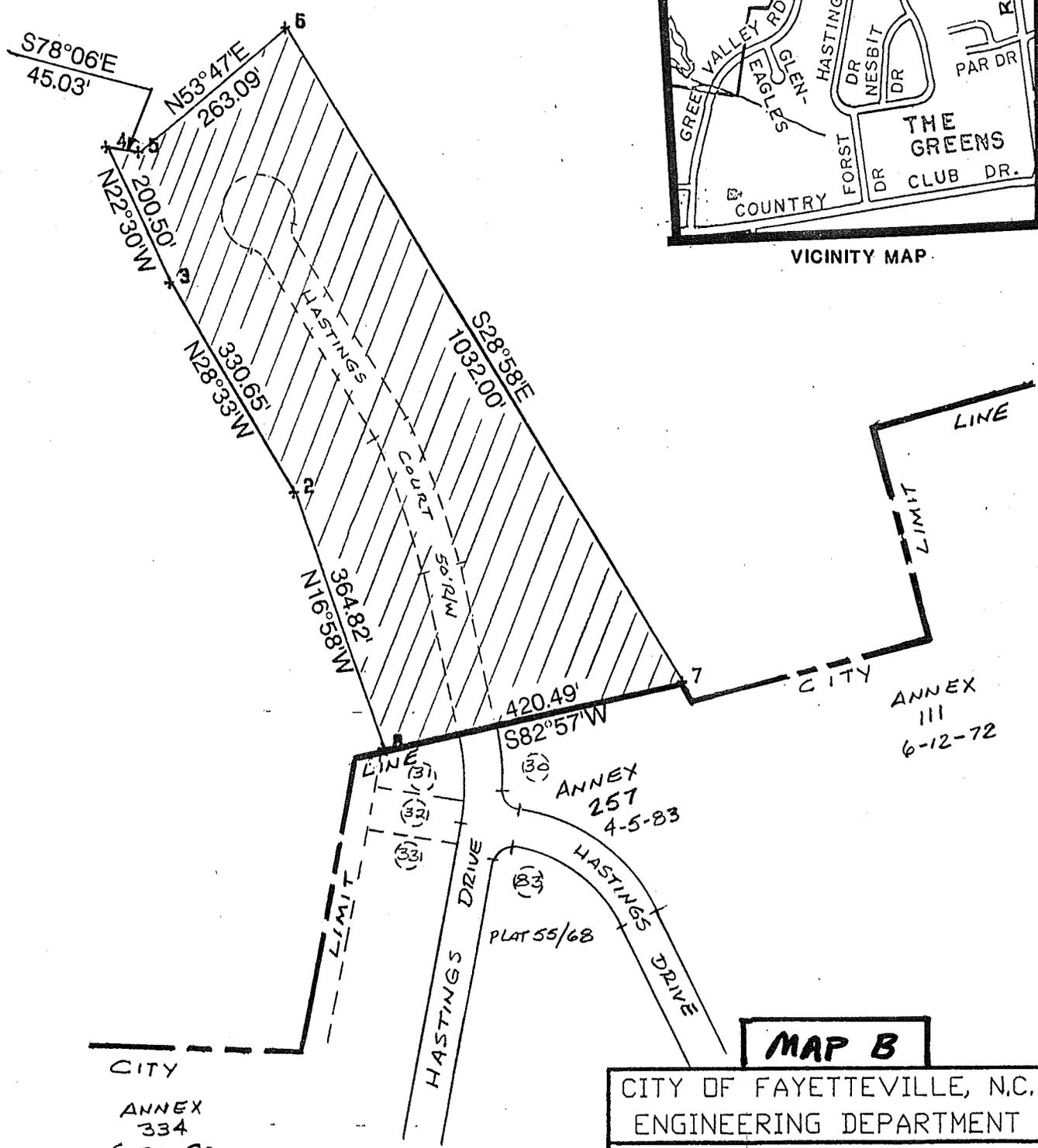
BY: _____
J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk



VICINITY MAP



MAP B

CITY OF FAYETTEVILLE, N.C.
ENGINEERING DEPARTMENT

PROPOSED ANNEXATION
THE GREENS SECT. 1, PART 1
7.31 ACRES

DATE 12-18-91 DRAWN BY GODWIN
SCALE 1"=200' CK'D BY _____

REVISION	
DATE _____	BY _____

FIELD BK

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

January 30, 1992

MEMORANDUM

TO: Roger L. Stancil, Assistant City Manager for Operations

FROM: David M. Nash, Annexation Studies Coordinator *DMN*

SUBJECT: Agenda Item - Annexation Petition - Norton's Wrecker Service - West Mountain Drive at Sandy Valley Road

CONTEXT/BACKGROUND: On August 26, 1991, the City received an annexation petition. The petition was signed by Mark Stephen Norton. The petition requested annexation of property (1.12 acres) which is the current site of Norton's Wrecker Service.

LOCATION: The property is located at the intersection of West Mountain Drive and Sandy Valley Road. (See Map A and Map B.) The street address of Norton's Wrecker Service is 412 West Mountain Drive.

REASON FOR THE PETITION: Mr. Norton states that he would like for the property to be annexed so that the wrecker service can be added to the City's wrecker service rotation list. In order for a wrecker service to be on the City's wrecker service rotation list, it needs to be located within the City. Norton's Wrecker Service was formerly located within the City (at 2200 Southern Avenue). However, the wrecker service was moved to the site at 412 West Mountain Drive about a year ago. This site is outside the City.

REASON THAT A SATELLITE PETITION WAS SUBMITTED - As shown on Maps A and B, the petition area does not abut directly on the municipal boundaries (i.e., the primary corporate limits). Therefore, Mr. Norton has submitted a petition requesting satellite annexation.

The petition was presented to City Council on January 6, 1992. The City Council adopted a resolution directing the City Clerk to investigate the sufficiency of the petition. The sufficiency of the petition has been checked. The next step is for the City Council to fix a date for a public hearing.

ANNEX-654

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 8 B.

Roger L. Stancil
Page 2
January 30, 1992

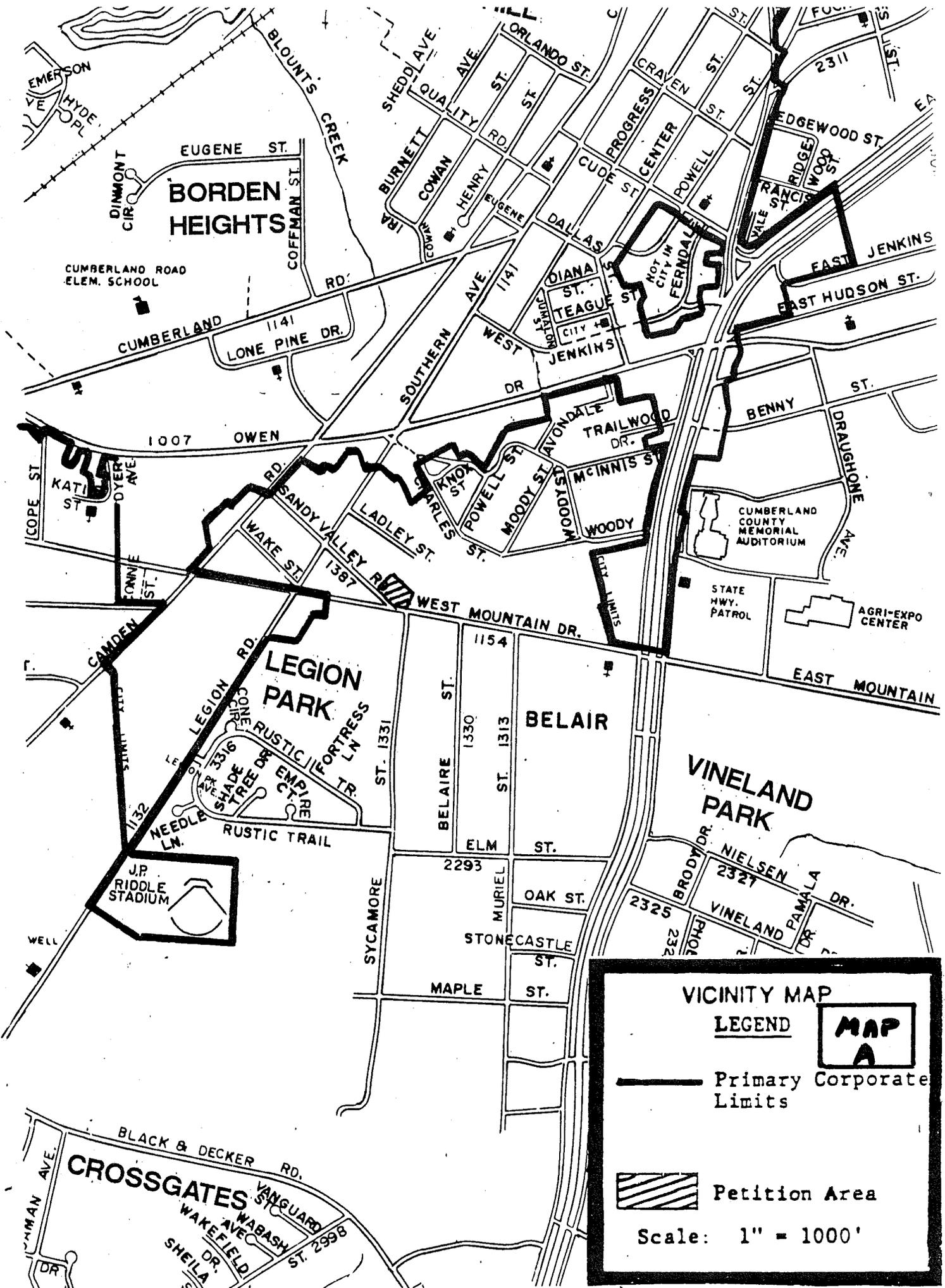
The following items are submitted for the February 3, 1992, City Council agenda:

1. Map A - Vicinity Map
2. Certificate of Sufficiency
3. Copy of Annexation Petition
4. Copy of Deed Submitted With Petition
5. Copy of Tax Map Submitted With Petition
6. Copy of Survey Map Submitted With Petition.
7. Resolution Fixing Date of Public Hearing
8. Map B - Legal Description Map

The City staff recommends adoption of the resolution. The recommended public hearing date is February 18, 1992. In preparing the legal description for the resolution, the City staff has treated the area as a satellite; the City staff has not made the area contiguous by adding road right-of-way.

DMN/p

Attachments





NORTON'S WRECKER SERVICE
WEST MOUNTAIN DRIVE AT
SANDY VALLEY ROAD

CERTIFICATE OF SUFFICIENCY

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

I, Bobbie A. Joyner, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Fayetteville, this 3rd day of February, 1992.

(SEAL)

Bobbie A. Joyner, City Clerk

Received 8-26-91

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION
(SATELLITE AREA)

Date August 12, 1991

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

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Fayetteville, North Carolina.

2. The area to be annexed is non-contiguous to the City of Fayetteville, and the boundaries of such territory are as follows:

(Insert Metes and Bounds Description of Boundaries)

Tract I: Being Lots 211 and 212 described and contained in a certain map made by G. Sam Rowe, C.E. which map is registered in the Register of Deeds Office of Cumberland County, North Carolina, in Map Book 11 Page 25, reference to which is hereby made for further description.

Being a portion of the property known as the Kirkpatrick, Robinson and Manning land shown on map and survey designated as section Four of Southlawn, recorded in Plat Book 9 Page 31, in the Office of the Register of Deeds of Cumberland County, North Carolina.

For history of title see deed recorded in Book 3014 Page 23, Cumberland County Registry.

Tract II: BEGINNING at a point in the northeastern margin of an unnamed street 50 feet wide South 48 degrees 10 minutes East 100 feet from its intersection with another unnamed street 50 feet wide, the southeast corner of Lot No. 212, and running thence with the dividing line between Lot Nos. 212 and 213, North 32 degrees 55 minutes East 201 feet to a stake in the back line of Lot No. 216: thence with the back line of Lot No. 216 about south 55 degrees East 112 feet to a stake in the old line; thence with the old line South 13 degrees 55 minutes West 187.4 feet to a stake in the northern margin of Cumberland Boulevard; thence with it North 48 degrees 10 minutes West about 100 feet to the beginning point, being Lot Nos. 213, 214 and 215, described and contained in a certain map by C. Sam Rowe, C.E. which map is registered in the Office of

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Fayetteville. the Register of Deeds for Cumberland County, in Book of Maps 11 Page 25.

<u>NAME</u>	<u>ADDRESS</u>
1. Mark Stephen Norton	408 Eugene Street Fayetteville, N.C. 28306
2.	
3.	
4.	
5.	
6.	
7.	

For history of title see deed recorded in Book 2714 Page 345 Cumberland County Registry.



DK3628PG0136

RECEIVED

90 NOV 19 PM 4:31

GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

34033

0 5454

Excise Tax \$27.00

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No. (1) 0426-80-5225
(2) 0426-80-6117
Verified by County on the day of, 19.....
by

Mail after recording to Attorney Steve Bunce FILE#1070-90
P.O. Box 35147, Fayetteville, NC 28303

This instrument was prepared by Attorney Steve Bunce

Brief description for the Index Lots 211 thru 215 Southlawn, Section 4

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 19th day of November, 1990, by and between

GRANTOR

GRANTEE

UNITED CAROLINA BANK, A North Carolina
Banking Institution

MARK STEPHEN NORTON

Mailing address:
408 Eugene Street
Fayetteville, NC 28306

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

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

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

FOR LEGAL DESCRIPTION SEE SCHEDULE A, ATTACHED HERETO AND MADE A PART HEREOF.

157

2

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book page.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

- A. Restriction, easements and right-of-ways of record.
- B. County and/or municipal zoning laws, ordinances and regulations.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

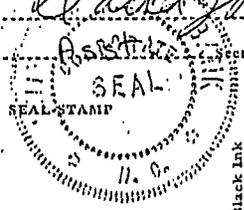
UNITED CAROLINA BANK (Corporate Name) (SEAL)

By: Paul A. How (SEAL)

Vice President

ATTEST: David Little (SEAL)

Assistant Secretary (Corporate Seal) (SEAL)



USE BLACK INK ONLY

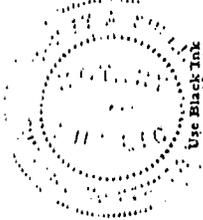
NORTH CAROLINA, County,

I, a Notary Public of the County and State aforesaid, certify that Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this day of, 19.....

My commission expires: Notary Public

SEAL-STAMP NORTH CAROLINA, Cumberland County.

I, a Notary Public of the County and State aforesaid, certify that David Little personally came before me this day and acknowledged that he is Assistant Secretary of UNITED CAROLINA BANK, A NC BANKING INSTITUTION and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Vice President, sealed with its corporate seal and attested by him as its Assistant Secretary. Witness my hand and official stamp or seal, this 19th day of November, 1990



My commission expires 5-10-92 Stanley A. Sullivan Notary Public

The foregoing Certificate(s) of Stanley A. Sullivan

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

By George E. Tatum REGISTER OF DEEDS FOR CUMBERLAND COUNTY, Michelle Washington Deputy/Assistant Register of Deeds

SCHEDULE A: TO BE ATTACHED HERETO AND MADE A PART HEREOF THAT CERTAIN DEED DATED NOVEMBER 19, 1990, FROM UNITED CAROLINA BANK AS GRANTOR TO MARK STEPHEN NORTON AND GRANTEE.

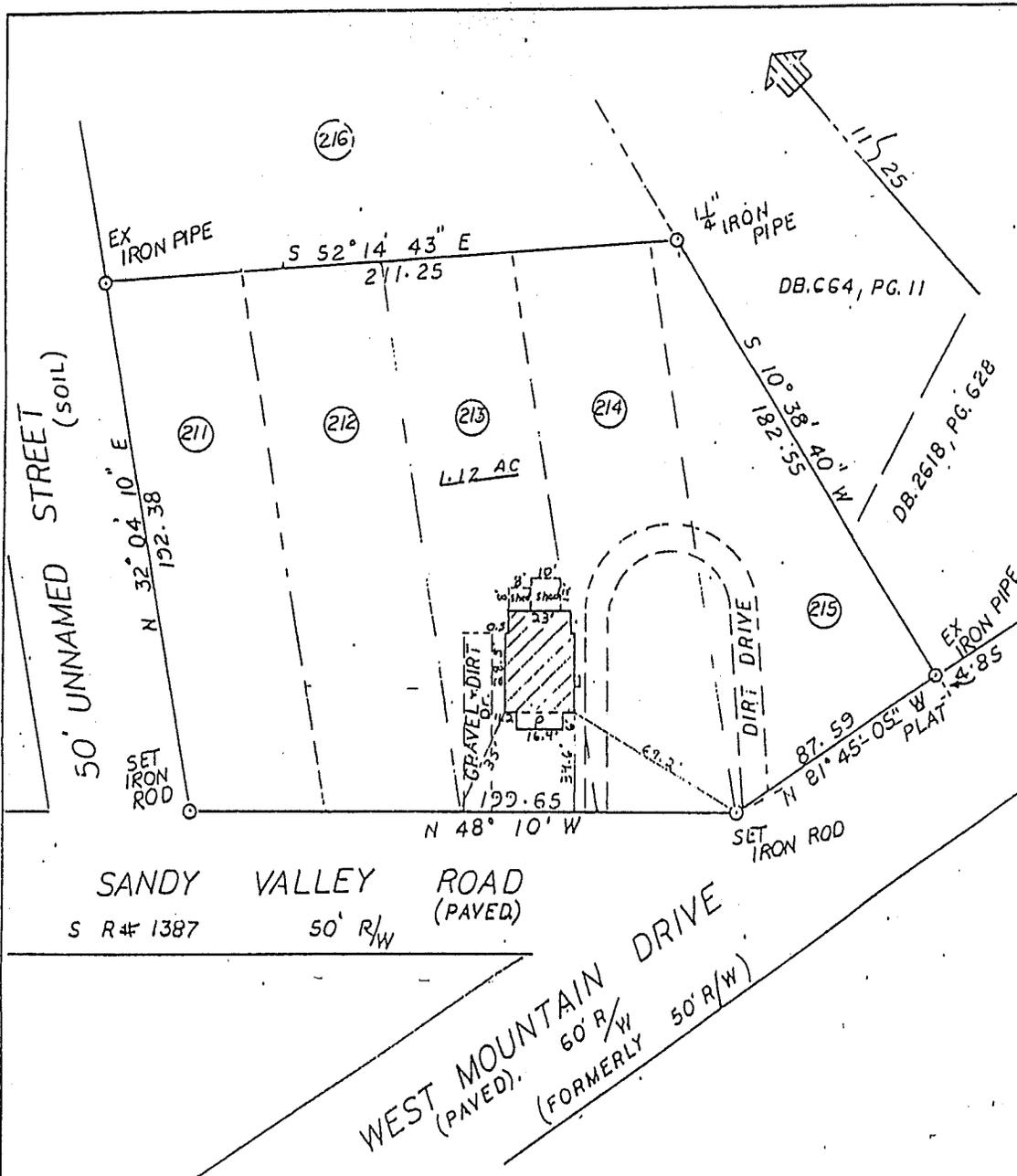
Tract I: Being Lots 211 and 212 described and contained in a certain map made by G. Sam Rowe, C.E. which map is registered in the Register of Deeds Office of Cumberland County, North Carolina, in Map Book 11 Page 25, reference to which is hereby made for further description.

Being a portion of the property known as the Kirkpatrick, Robinson and Manning land shown on map and survey designated as section Four of Southlawn, recorded in Plat Book 9 Page 31, in the Office of the Register of Deeds of Cumberland County, North Carolina.

For history of title see deed recorded in Book 3014 Page 23, Cumberland County Registry.

Tract II: BEGINNING at a point in the northeastern margin of an unnamed street 50 feet wide South 48 degrees 10 minutes East 100 feet from its intersection with another unnamed Street 50 feet wide, the southeast corner of Lot No. 212, and running thence with the dividing line between Lot Nos. 212 and 213, North 32 degrees 55 minutes East 201 feet to a stake in the back line of Lot No. 216; thence with the back line of Lot No. 216 about south 55 degrees East 112 feet to a stake in the old line; thence with the old line South 13 degrees 55 minutes West 187.4 feet to a stake in the northern margin of Cumberland Boulevard; thence with it North 80 degrees 45 minutes West about 85 feet to the intersection with the first mentioned 50 foot street; thence with it North 48 degrees 10 minutes West about 100 feet to the beginning point, being Lot Nos. 213, 214 and 215, described and contained in a certain map by C. Sam Rowe, C.E. which map is registered in the office of the Register of Deeds for Cumberland County, in Book of Maps 11 Page 25.

For history of title see deed recorded in Book 2714 Page 345 Cumberland County Registry.



OWNER: MARK STEPHEN . NORTON

DEED BK. _____ PG. _____

SUBDIVISION: PORTION - MAP NO. 2
SOUTHLAWN DEV.

PLAT BK. 11 PG. 25

TOWNSHIP:

FAYETTEVILLE CUMBERLAND COUNTY

NORTH CAROLINA

SCALE: 1" = 50'

NOTEBOOK NO. _____

HOUSE NO. _____

DATE: NOVEMBER 13, 1990

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP AS DETERMINED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND FOUND THAT THE ABOVE DESCRIBED IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA. THERE ARE NO ENCROACHMENTS ACROSS PROPERTY LINES EXCEPT AS SHOWN ON MAP. NOTE: THE ABOVE FLOOD INFORMATION WAS DETERMINED BY SCALE

NORTH CAROLINA
CUMBERLAND COUNTY

I, ROYU, HADDOCK, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED AND DESCRIPTION RECORDED IN BOOK OF PLATS 11, PAGE 25, THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDE AND DEPARTURES IS 10,000, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED, THAT THIS MAP WAS WITNESSED MY HAND AND SEAL THIS 13th, DAY OF NOVEMBER, A.D., 19 90.

REGISTRATION NO. L-2420

LAND SURVEYOR

P.O. BOX 1141 FAYETTEVILLE, NC
919/323-1977

NORTON'S WRECKER SERVICE
WEST MOUNTAIN DRIVE AT
SANDY VALLEY ROAD

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-58.2, AS AMENDED

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

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

Section 1. That a public hearing on the question of annexation of the non-contiguous area described herein will be held at City Hall Council Chamber at 7 o'clock, p.m., on the 18th day of February, 1992.

Section 2. The area proposed for annexation is described as follows:

BEGINNING at the southeast corner of Lot 214, as shown in Plat Book 11, Page 25, at the Cumberland County Registry and following the southwest lines of Lots 214, 213, 212 and 211, said line also being the northeast right-of-way margin of Sandy Valley Road and running North 48 degrees 10 minutes West 200 feet to a point in the eastern right-of-way margin of an unnamed street; thence with said street and the western line of Lot 211 North 32 degrees 04 minutes 10 seconds East 192.38 feet to the northernmost corner of Lot 211, as shown in Plat Book 11, Page 25, at the Cumberland County Registry; thence following the northeast lines of Lots 211 through 215 of aforesaid plat South 52 degrees 14 minutes 43 seconds East 211.25 feet to the eastern line of the aforementioned Lot 215; thence with said line South 10 degrees 38 minutes 40 seconds West 182.55 feet to the southeast corner of aforesaid Lot 215, also being in the new northern right-of-way margin of West Mountain Drive having a 60 foot right-of-way; thence with the West Mountain Drive right-of-way North 81 degrees 45 minutes 05 seconds West 87.59 feet to the BEGINNING . . . containing 1.116 acres.

Section 3. Notice of said public hearing shall be published in the Fayetteville Observer-Times, a newspaper having general circulation in the City of Fayetteville, at least ten (10) days prior to the date of said public hearing.

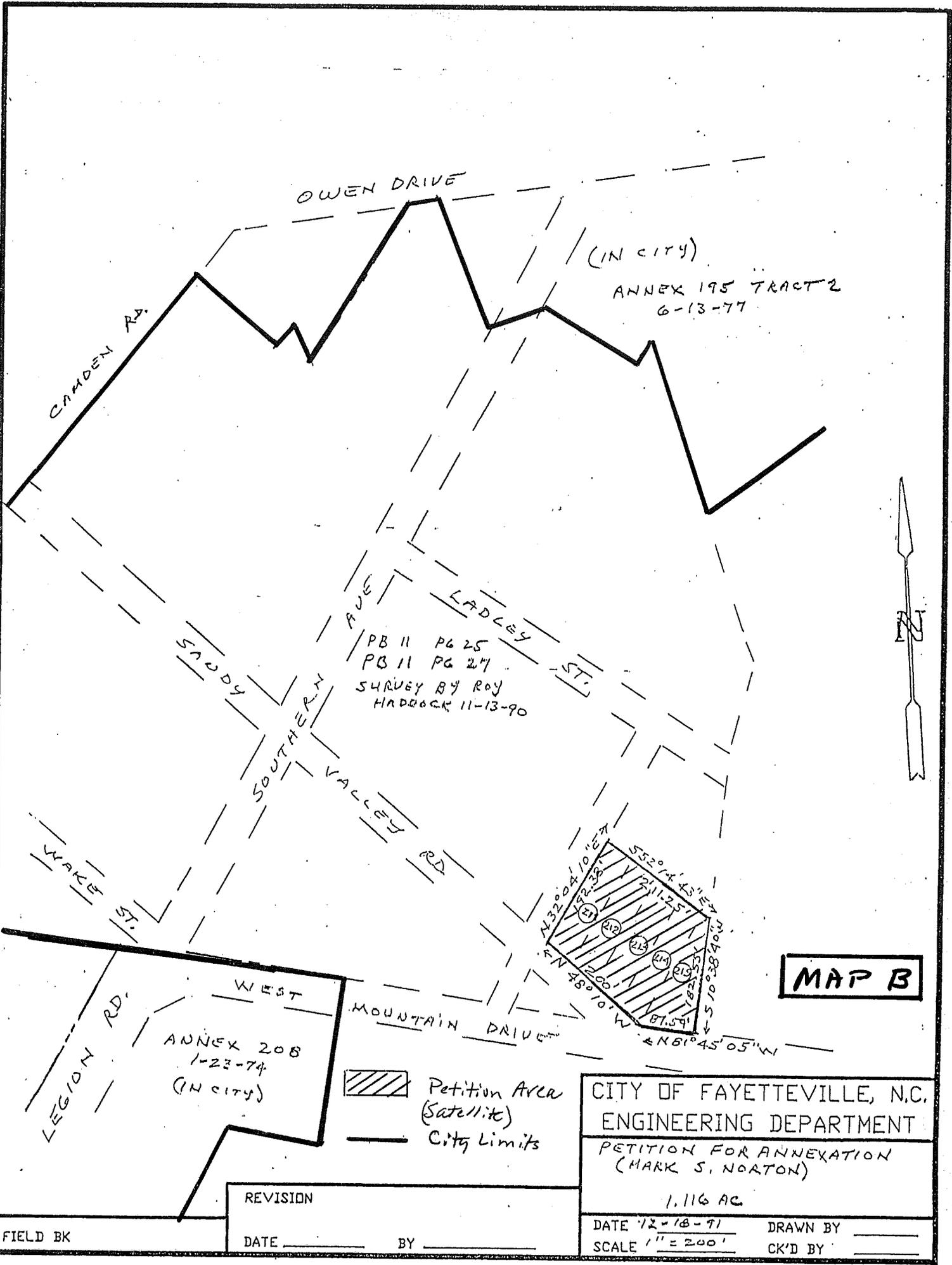
Adopted this the 3rd day of February, 1992.

CITY OF FAYETTEVILLE

BY: _____
J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk



(IN CITY)

ANNEX 195 TRACT 2
6-13-77

PB 11 PG 25
PB 11 PG 27
SURVEY BY ROY
HADDOCK 11-13-90

MAP B

ANNEX 208
1-23-74
(IN CITY)

 Petition Area (Satellite)
 City Limits

CITY OF FAYETTEVILLE, N.C.
ENGINEERING DEPARTMENT
PETITION FOR ANNEXATION
(MARK S. NORTON)

1.116 AC

DATE 12-18-71 DRAWN BY _____
SCALE 1" = 200' CK'D BY _____

REVISION
DATE _____ BY _____

FIELD BK

14

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

January 30, 1992

MEMORANDUM

TO: Roger L. Stancil, Assistant City Manager for Operations

FROM: David M. Nash, Annexation Studies Coordinator *DMN*

SUBJECT: Resolution Assigning Roxie Avenue-Boone Trail Annexation Area to District 6

The Roxie Avenue-Boone Trail area annexation became effective on December 31, 1991. This area is adjacent to District 6. This annexation area needs to be assigned to District 6. Demographic information for the area (as of the time of preparation of the Annexation Report) is as follows:

	<u>Total</u>	<u>White</u>	<u>Other</u>	<u>Black</u>
Total Population	7	7	0	0
Voting Age Population	3	3	0	0
Registered Voters	0	0	0	0

The City staff recommends adoption by City Council of the attached resolution.

DN/p

Attachments: Resolution
Map A

ANNEX-653

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 9

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
ADOPTING A REVISION TO THE ELECTORAL DISTRICT BOUNDARIES
OF THE CITY FOR THE PURPOSE OF ACCOUNTING
FOR TERRITORY ANNEXED TO THE CITY

WHEREAS, on December 19, 1985, the City Council of the City of Fayetteville by Resolution Number R1985-119 (as amended) established six electoral districts as required by Section 4.2 of the City Charter;

AND WHEREAS, on September 16, 1991, the City Council of the City of Fayetteville by Resolution Number R1991-080 revised the electoral district boundaries for the purpose of correcting population imbalances among the districts as shown by the 1990 federal census;

AND WHEREAS, the electoral district boundaries, which were revised on September 16, 1991, by Resolution Number R1991-080, were based on the 1990 census boundaries of the City of Fayetteville, plus all territory annexed in annexations 90-2-324 through 90-11-338;

AND WHEREAS, on September 23, 1991, the City Council of the City of Fayetteville by Resolution Number R1991-081 revised the electoral district boundaries for the purpose of accounting for territory annexed to the City in Annexation Ordinance Numbers 91-4-339 through 91-7-347;

AND WHEREAS, the City Council of the City of Fayetteville has by Annexation Ordinance Number 91-11-348 annexed the territory described in that annexation ordinance to the City of Fayetteville;

AND WHEREAS, N.C.G.S. 160A-23 authorizes the City Council to revise electoral district boundaries from time to time for the purpose of accounting for territory annexed to the City;

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

Section 1. By virtue of the authority granted by N.C.G.S. 160A-23, the electoral district boundaries of the City of Fayetteville are hereby revised as follows:

(1) By adding to District 6 the territory described in Annexation Ordinance No. 91-11-348. (Roxie Avenue - Boone Trail Area)

Section 2. The above stated revision to the electoral district boundaries of the City will not be effective until:

(1) The City of Fayetteville submits the foregoing revision to the electoral district boundaries to the U.S. Department of Justice, and the U.S. Department of Justice preclears the same; and

(2) The City of Fayetteville submits Annexation Ordinance Number 91-11-348 to the U.S. Department of Justice, and the U.S. Department of Justice preclears the annexation.

Section 3. After this revision to the electoral district boundaries of the City of Fayetteville and Annexation Ordinance Number 91-11-348 has been precleared by the U.S. Department of Justice, the staff of the City Engineering Department will revise the boundaries of the City's electoral districts.

Section 4. That pursuant to N.C.G.S. 160A-23(a), the boundaries of the City's electoral districts are shown on the

map of the current City boundaries, and said map is retained permanently in the office of the City Clerk, as required by N.C.G.S. 160A-22.

Adopted this _____ day of _____, 1992.

CITY OF FAYETTEVILLE, NORTH CAROLINA

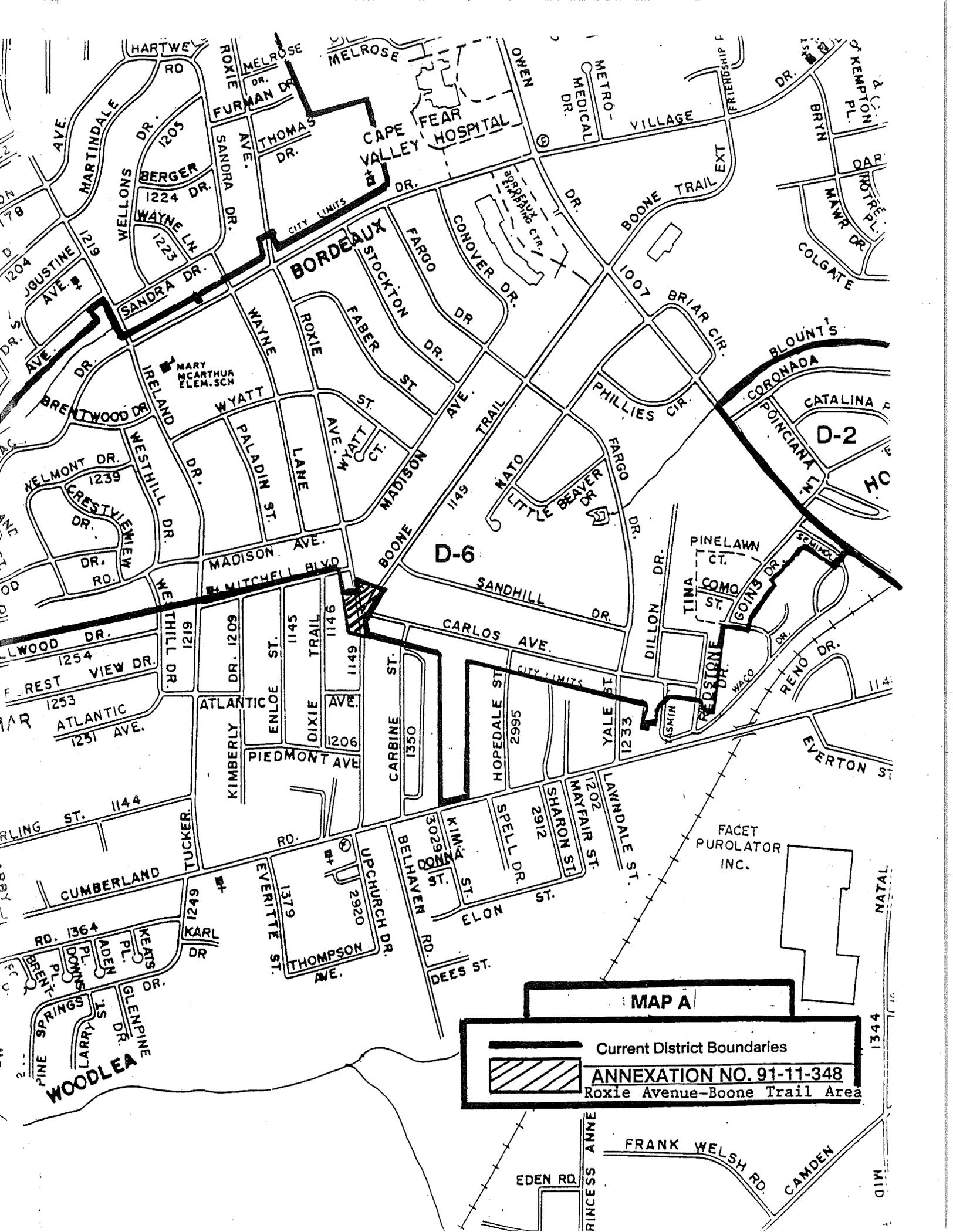
BY:

J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

0025



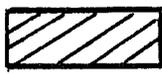
BORDEAUX

D-6

D-2

MAP A

Current District Boundaries



ANNEXATION NO. 91-11-348

Roxie Avenue-Boone Trail Area



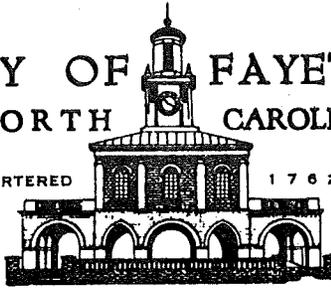
1344

1344



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



CITY CLERK
433 HAY STREET

FAYETTEVILLE, NC 28301-5537

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

January 28, 1992

MEMORANDUM

TO: John P. Smith, City Manager
FROM: Bobbie A. Joyner, City Clerk
SUBJECT: **AGENDA ITEM FEBRUARY 3, 1992 CITY COUNCIL MEETING -
NOMINATIONS TO BOARDS AND COMMISSIONS**

A. APPEARANCE COMMISSION - 1 Vacancy

Meets 4th Tuesday, 7:00 p.m., City Hall

Nominations are still open to fill the unexpired term to December 1992 of Mr. Gordon Rose (W/M) - Engineer Category.

B. HUMAN RELATIONS COMMISSION - 1 Vacancy

Meets 2nd Thursday, 7:00 p.m., City Hall Council Chambers

Nominations are needed to fill the unexpired term of Sharon Courson (W/F) to March 1993. A copy of Ms. Courson's resignation letter is attached.

Nomination Forms are attached for your use.

Attachments

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 10

Sharon K. Courson
P.O. Box 40841
Fayetteville, NC 28309

January 23, 1992

Mr. Elmer Floyd, Director
Human Relations Department
433 Hay Street
Fayetteville, NC 28301

Dear Mr. Floyd:

Due to my new job, I am finding it difficult to get time off to attend the Human Services Commission Meetings.

At this time I must regretfully submit my resignation to you and the commission members.

I hope that in the future my schedule will allow me the opportunity to serve on this commission again.

Sincerely,

Sharon K. Courson

Sharon K. Courson

cc: Mayor J.L. Dawkins and
City Councilmembers

B

NOMINATION FORM
BOARDS, COMMITTEES AND COMMISSIONS
CITY OF FAYETTEVILLE

(PLEASE PRINT OR TYPE)

NOMINATION FOR VACANCY ON THE _____

BY COUNCILMEMBER _____ DATE: _____

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

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

TELEPHONE: HOME _____ BUSINESS _____

BUSINESS _____ JOB TITLE: _____

RACE _____ SEX _____

ACTIVITIES: _____

OTHER INFORMATION: _____

Received by City Clerk _____ (date)

Elected: YES _____ NO _____ Letter: _____



NOMINATION FORM
BOARDS, COMMITTEES AND COMMISSIONS
CITY OF FAYETTEVILLE

(PLEASE PRINT OR TYPE)

NOMINATION FOR VACANCY ON THE _____

BY COUNCILMEMBER _____ DATE: _____

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

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

TELEPHONE: HOME _____ BUSINESS _____

BUSINESS _____ JOB TITLE: _____

RACE _____ SEX _____

ACTIVITIES: _____

OTHER INFORMATION: _____

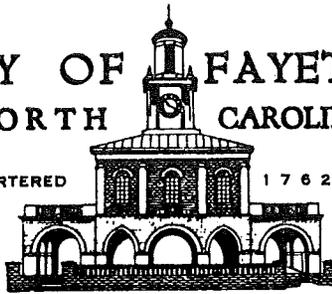
Received by City Clerk _____ (date)

Elected: YES _____ NO _____ Letter: _____



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



FINANCE DEPARTMENT
2ND FLOOR, CITY HALL

433 HAY STREET
P.O. DRAWER D

FAYETTEVILLE, NC 28302-1746

January 22, 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 months of October and November:

<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
GAB Business Services, Inc.	1990 Business Personal Property listing filed in error		23.78
Bunce, Myron G. and wife	Adjust value of 1980 Lincoln per VIN correction	Res 322 McPherson Church Road Lot 8 Sec 1 Westwood and Personel Property	11.89
By Prod Corporation	Cost figures in error per audit information	Loc: 301 Williams Street Business Personal Property	47.09
Enzinger, Charles Kurt	Taxpayer listed a 1988 Dodge not owned		69.28

KN/p

FIN-182

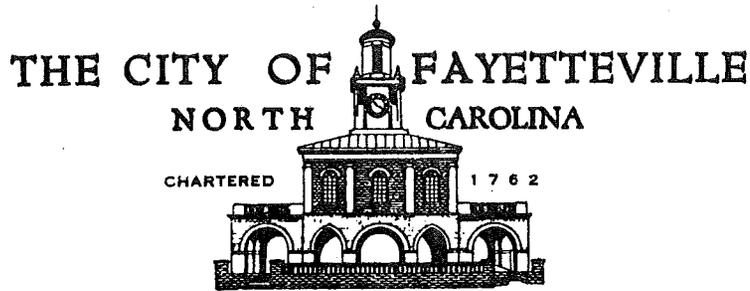
An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 11A





CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

January 30, 1992

MEMORANDUM

TO: Roger L. Stancil, Assistant City Manager for Operations

FROM: David M. Nash, Annexation Studies Coordinator *DMN*

SUBJECT: Report on Boundaries Delineated for Case No. P91-130 (Application by Larry R. Godwin for a Special Use Permit)

A public hearing (Item 3-B) was held on January 21, 1992, concerning the above-referenced case. A map (Map A attached) was included in the agenda material for the case, and a slide of this map was presented at the public hearing. In response to the boundaries shown on the map, City Councilmembers expressed concern over whether the City failed to follow Mr. Godwin's property line when the City annexed the area. You asked me to look into this situation.

The purpose of this memo is to report my findings and opinions regarding this situation. In looking into this situation, I have talked with staff members of the Engineering Department, Inspections Department, and Joint Planning Board. I have also spoken with Mr. Cogswell, and I have contacted Mr. Godwin.

Background - This case involves the property which was annexed into the City as Larry's Sausage Company. The property is owned by Larry R. Godwin. The area was annexed by petition. Mr. Godwin submitted a petition pursuant to the PWC contiguous area - utility extension policy. The area was annexed on May 6, 1991; the annexation was effective on June 30, 1991. After annexation, the area was initially zoned as M-2 in the City. Because of the nature of the business (abattoir), Mr. Godwin had to apply for a Special Use Permit.

Based on my research, I do not believe that the City failed to follow Mr. Godwin's property line when the City annexed the area. This belief is based on two reasons.

The first reason is that the boundaries of the annexation were based on legal descriptions contained in deeds provided by Mr. Godwin. Mr. Godwin provided

ANNEX-655

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Dogwoods

INFORMATION

Roger L. Stancil
Page 2
January 30, 1992

deeds when he petitioned for annexation. In preparing the legal description for the annexation, the City Engineering Department staff used the legal descriptions contained in these deeds.

The second reason is that at the time of annexation the northern boundary line of the Special Use Permit site had not been delineated. This northern boundary line was delineated after annexation due to the following factors:

- a. Mr. Godwin plans to make an addition to the rear of the existing building.
- b. The rear of the proposed addition is very close to the Fayetteville City Limit Line. (See Map A.) (However, it is not in violation of the City's M-2 zoning district set-back requirements.)
- c. Even though the proposed addition is not in violation of City M-2 set-back requirements, Mr. Godwin wants to provide more separation between the rear of the proposed addition and the rear of the project site. Providing more separation will mean that there will be adequate area for loading and unloading.
- d. In order to provide more separation, Mr. Godwin asked his engineers (Moormen-Kizer) to delineate a new boundary for the project site. This newly delineated boundary became the northern side of the project site. (See Map A.) This new boundary was created on land owned by Mr. Godwin.
- e. The delineation of the new boundary created the "area in county" on Map A.

In conclusion, Map A certainly creates the impression that the City failed to follow Mr. Godwin's property line when the City annexed the area. However, based on the two reasons outlined above, I do not believe that this mistake occurred.

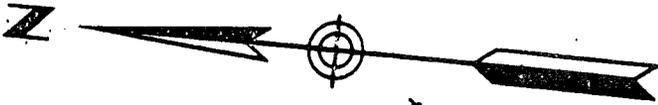
DN/p

Attachment: Map A

PROPERTY OF LARRY GODWIN
D.B. 274, PG. 759

AREA IN COUNTY

MAP A



ALBERT MCCAULEY
D.B. 2695 PG. 127

S 51° 14' E
727.44'

PROPERTY OF LARRY GODWIN
D.B. 274, PG. 788, 789, 789

73.65'
S 79° 28' W

MAP A

FAYETTEVILLE CITY LIMIT LN

50' N 58° 37' E
GRAVEL

Proposed Addition to Existing Building

GRAVEL EMPLOYEE PARKING

24'

EXISTING BLDG.

ASPHALT

ASPHALT

GRAVEL

144.25'
N 48° 29' W

718.51'
S 81° 34' W

301 Service Road

SPECIAL USE PERMIT

CASE NO. P91-130

REQUEST: USE FOR ABATTOIR

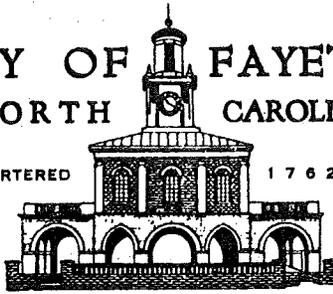
ZONED: M2 ACREAGE: 7.27 AC.±

SCALE: 1" = 100'



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



ENGINEERING DEPARTMENT
433 HAY STREET

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

January 30, 1992

MEMORANDUM

TO: Mr. John P. Smith, City Manager

THROUGH: Roger L. Stancil, Assistant City Manager

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

SUBJECT: McPherson Church Road/Morganton Road Intersection
Improvement Construction Schedule

In response to Councilmember Cheek's request at the last Council Information Meeting (1/27/92), we have prepared a preliminary construction schedule for the above referenced project.

Our goal is to complete all construction by mid-November 1992 so that holiday traffic will not be affected by construction.

All survey field work has been completed and preliminary drawings for the project were completed by the Engineering Department a few days ago. Our tentative schedule for the construction phase of the project is attached.

We feel that the most complex, time consuming portion of this project will be the relocation of all overhead utility/power lines by the Public Works Commission and other utility companies. In order to meet the above preliminary construction schedule, it is absolutely imperative that PWC and all other affected utility companies move as rapidly as possible in relocating their existing utility lines.

MLW/mak

Attachment: Construction Schedule for McPherson Church Road/
Morganton Road Intersection Improvement

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City of



Affirmative Action Employer
Dogwoods

INFORMATION

**CONSTRUCTION SCHEDULE
FOR
MCPHERSON CHURCH ROAD/MORGANTON ROAD
INTERSECTION IMPROVEMENT**

<u>TASK</u>	<u>COMPLETE BY</u>
1. Submit Plans to City Traffic Services Dept., N.C.D.O.T. and PWC for Review	2-05-92
2. Receive Plans reviewed by City Traffic Services Dept., N.C.D.O.T. and PWC	2-28-92
3. Incorporate revisions required by N.C.D.O.T., City Traffic Services Dept. and PWC into Final Drawings	3-13-92
4. Completion of Contract/Specification Documents	4-01-92
5. Submit Final Plans to PWC and other utility companies, showing required utility relocations	5-01-92
6. Advertise for Bids, Bid Opening & Award of Contract	5-18-92
7. Start Construction	6-22-92
8. Completion of Construction	11-13-92

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1782



OFFICE OF THE CHIEF OF POLICE
SUITE 124, 131 DICK STREET

FAYETTEVILLE, N. C. 28301-5798
TELEPHONE: (919) 433-1819

9 January 1992

ADMINISTRATIVE

MEMORANDUM TO: Captain R. E. Shanbley
Patrol Division Commander

SUBJECT: Review of K-9 Program for 1991

The Fayetteville Police Department utilized six K-9 teams throughout the 1991 year. One K-9 team is assigned to each of the five Patrol Division squads and there is a K-9 team either on duty or on-call 24 hours a day.

The following are noteworthy incidents in which the different skills of the K-9 teams have been utilized in pursuing the overall goals of the Department of reducing crime and arresting criminal offenders.

JANUARY

- 1-2-91 Campbell/Basco tracked down James Dinkens for possession of a stolen vehicle. The suspect was hiding in the woods behind some fallen trees.
- 1-20-91 S. Smith/Corso tracked from a B&E at the U.S. Flea Market, 504 N. McPherson Church Rd, and located three bicycles with an approximate value of \$180.
- 1-22-91 C. Williams/Silva conducted a narcotics search of a vehicle and located seven bags of Crack-Cocaine.
- 1-25-91 Buchholtz/Orion trailed from a large saw left by a suspect that was taken from a B&E at Zimmerman Mill Cabinet Shop on Maxwell St. The suspect, William Edward Cox II, was found on Russell St.

FEBRUARY

- 2-9-91 Buchholtz/Orion trailed Ricky Mark Huckabee from 117 Cude St. to 1907 Center St. for Kidnapping/First Degree Burglary.

122nd NATIONALLY ACCREDITED



LAW ENFORCEMENT AGENCY

An Equal Opportunity Affirmative Action Employer

Review of K-9 Program for 1991

Page Two

9 January 1992

FEBRUARY

- 2-17-91 S. Smith/Corso responded to a B&E at 1146 Sleepy Hollow Mobile Home Park with the suspect inside the residence. After the first K-9 warning was given, the suspect gave up without further incident.
- 2-18-91 D. Smith/Flash tracked down Kenneth Junior Burns for traffic violations/Resist, Delay & Obstruct. The suspect was hiding under some clothes and sheet metal.
- 2-23-91 R. Waters/Max tracked from a B&E&L of a motor vehicle at the Knights Inn, Hwy. 53, and located suitcases and a leather coat with a value of \$450.

MARCH

- 3-9-91 S. Smith/Corso responded to 1796 Cardinal Circle for felony warrants on Howard Keith Jones. Upon arrival, the suspect ran from the officers. Corso was given the command to apprehend the suspect. The suspect saw Corso approaching, the suspect stopped and gave up. Corso was called out and returned to his handler.
- 3-15-91 Campbell/Basco located a .20 gauge shotgun after conducting an article search in reference to damage to property at the Econo-Lodge, Hwy. 53/I-95.
- 3-31-91 S. Smith/Corso tracked down Howard Keith Jones for Arson at the McDonald Lumber Co., 126 Cedar Creek Rd.

APRIL

- 4-4-91 Buchholtz/Watson trailed James Edward Comings from a B&E&L of the Speedway Station, 1502 Clinton Rd. Watson trailed off of a 4X4 gauze pad that was placed over some blood found on the broken glass. The suspect also had blood on his wrist.
- 4-5-91 D. Smith/Flash tracked down Paul Lester Baker for Possession of a Stolen Weapon.
- 4-6-91 R. Waters/Max recovered a Colt .380 Caliber handgun valued at \$380 after conducting an article search from a Larceny from a Motor Vehicle.
- 4-12-91 S. Smith/Corso were conducting a track in reference to an armed robbery. While tracking John Luther McPhatter, who was intoxicated, interfered with the track and struck Officer Smith in the face. Without a command given Corso reacted to protect his handler by biting the suspect in the back. Corso was called out and the suspect was arrested for Assault on a Law Enforcement Officer, Damage to Property, Drunk and Disruptive.

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APRIL

- 4-22-91 Buchholtz/Watson trailed from a BE&L at 5219 Madonna Dr. While conducting the trail Watson located the victim's VCR, two T.V.s and a weed eater.
- 4-25-91 Campbell/Basco conducted a narcotics search of a vehicle and located 20 bags of Cocaine in a box under the front passenger seat. This resulted in the arrest of Leo Jones. The value of the drugs was \$500.

MAY

- 5-25-91 S. Smith/Corso tracked down Charles Soles for Attempt B&E of a Motor Vehicle from 4480 Briton Ct.

JUNE

- 6-18-91 Campbell/Basco located four hits of Heroin during a narcotic search in a vehicle. This resulted in the arrest of Lewis Pasquel.
- 6-22-91 S. Smith/Corso tracked down Anthony Langerston and Anthony Cogdell for Larceny of a Motor Vehicle.

JULY

- 7-2-91 S. Smith/Corso located 41.3 grams of Cocaine valued at \$4130 during a narcotics search of Room 142 at the Heart of Fayetteville Motel. Cary Jefferson and Leonard Hoskin were arrested.
- 7-11-91 Buchholtz/Watson ran a trail and located clothes worth \$440 that were taken from a B&E of Cato's, Hay St.
- 7-17-91 Campbell/Basco conducted a track for Second Degree Trespassing and Larceny from Cohen & Green, 445 Glidden St. Basco tracked down Richy McGathy at John's Package Store, Blount St.
- 7-24-91 S. Smith/Corso assisted CCBN with a narcotics search at Golfview and Lake Upchuruch Rd. and located 140 grams of Cocaine in a sock next to a stop sign. Ursula Sauls, Darryl Boilan and DeWayne Zester were arrested.
- 7-29-91 S. Smith/Corso apprehended Willie Roberts as he exited 1815 Powatan St. and attempted to run into the woods during a B&E in Progress. After Corso apprehended the suspect, Officer S. Smith gave Corso the command to release. Corso released the suspect upon the first command given.

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AUGUST

- 8-4-91 D. Smith/Flash located 5.9 grams of Crack-Cocaine under a couch at 151 Groveview Terrace. Valerie Richardson and Fred Crooms were arrested.
- 8-5-91 D. Smith/Flash located seven bags of Crack-Cocaine during a narcotics search of some bushes on Bridger St. Anotone Richardson was arrested.
- 8-14-91 Campbell/Basco tracked Ronnie Rouse for Possession of Stolen Property on School Street.
- 8-18-91 S. Smith/Corso conducted an article search from a B&E of Roses, 3611 Ramsey St. Corso located copper wires, tools and bolt cutters valued at \$1000.

SEPTEMBER

- 9-1-91 R. Waters/Max tracked from a B&E&L at Trans America Warehouse and located a VCR, two camcorders valued at \$675.
- 9-6-91 S. Smith/Corso assisted CCBN with a narcotics search at 3 Cooper St. and located 11.37 grams of Crack-Cocaine. Billy Sessoms, Oscar Phipps and Casey Fulture.
- 9-9-91 D. Smith/Flash located Bob Corriveau during a building search of a residence at 1919 Ireland Dr.
- 9-18-91 Campbell/Basco tracked down Kareem Chavis, Jeffery Lord and Darren Snow from a Larceny of Motor Vehicle, Harris Teeter, 3493 Hastings Dr.
- 9-20-91 S. Smith/Corso located 136 grams of Cocaine valued at \$18,000 during a narcotics search of 3601 Apt. #8, Pinelake Dr. This resulted in the arrest of seven suspects.
- 9-23-91 S. Smith/Corso conducted a narcotics search of a residence at 102 Homeplace and located $\frac{1}{2}$ oz. of Heroin valued at \$2500. This resulted in the arrest of three suspects.
- 9-25-91 D. Smith/Flash tracked down Javel Williams, Antonio Council and Michael Baker for Resist, Delay and Obstruct.
- 9-26-91 D. Smith/Flash and S. Smith/Corso assisted Stanly County Sheriff's Dept. in reference to a drowning of an officer. Corso and Flash alerted approximately $\frac{3}{4}$ of a mile downstream from where the officer fell in. The victim was located within 10-15 minutes after the divers entered the water.

SEPTEMBER

- 9-27-91 D. Smith/Flash conducted an exterior narcotics search of a vehicle at the Servco, Raeford Rd. Flash alerted on the outside of the passenger door by scratching. There was a .38 cal. handgun found under the front passenger seat.
- 9-28-91 S. Smith/Corso trailed from a B&E of a Motor Vehicle and located a Kinwood box speaker valued at \$250.

OCTOBER

- 10-2-91 D. Smith/Flash responded to a B&E at East Side Pawn Shop, 1508 Clinton Rd. Flash alerted on the rear corner of the roof by continually looking up. When D. Smith looked up, the suspect was laying right above him. Roy Karson was arrested.
- 10-5-91 D. Smith/Flash tracked down Hendrix Gay for Attempt B&E at Bits & Pieces, 1720 Clinton Rd.
- 10-7-91 S. Smith/Corso located five bags of Marijuana during a narcotics search of a vehicle the occupants jumped and ran from the vehicle.
- 10-10-91 Campbell/Basco traced down Timothy Breece and Feligah Jones for B&E&L of a residence at 2692 Brigadon St.
- 10-10-91 Buchholtz/Watson trailed Kenneth Swain for First Degree Murder at 1423 Cain Rd., Lot #12. Swain was found in a small shed.

NOVEMBER

- 11-8-91 R. Waters/Max conducted a narcotics search next to a residence and located 20 pack of Cocaine.
- 11-9-91 S. Smith/Corso located 26 bags of Crack-Cocaine during a vehicle narcotics search. Carl McGill, William Clark and James Murphy was arrested for PWITS&D Cocaine.
- 11-13-91 D. Smith/Flash trailed Michael Roary for First Degree Burglary and Attempt Criminal Assault.
- 11-24-91 S. Smith/Corso found 36 bags of Crack-Cocaine during a narcotics search in Groveview Terrace.
- 11-27-91 Campbell/Basco found 14 bags of Cocaine during a narcotics search in Delona Gardens.

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DECEMBER

- 12-2-91 S. Smith/Corso assisted CCBN with a narcotics search of a residence and located 100 grams of cocaine valued at \$10,000 behind some books on a bookcase. Seven suspects were arrested.
- 12-3-91 Campbell/Basco located eight bags of Cocaine and six bags of Heroin valued at \$500. During a narcotics search at Old Wilmington and McDaniel St.
- 12-6-91 D. Smith/Flash located 6.4 grams of Crack-Cocaine during a narcotics search in Groveview Terrace.
- 12-8-91 S. Smith/Corso responded to 130 Openview Drive with a suspect wanted on felony warrants inside the residence hiding in the attic. A K-9 warning was given and the suspect gave up without further incident.
- 12-9-91 Campbell/Basco located 11 bags of Crack-Cocaine during a narcotics search at M&M Storage, 516 Moore St.
- 12-9-91 G. Williams/Silva conducted a narcotics search and located 26 bags of Crack-Cocaine in some tall grass. This resulted in the arrest of Demetrius Campbell.
- 12-9-91 G. Williams/Silva located 11 bags of Crack-Cocaine during a narcotics search at 516 Brunner St.
- 12-18-91 G. Williams/Silva located six bags of Crack-Cocaine during a narcotics search at 605 Moore St.
- 12-25-91 Campbell/Basco tracked down three suspects for B&E&L of Edgewood Elementary School.
- 12-29-91 R. Waters/Max responded to Ramsey St./Mullins Ave. to assist officers in reference to several felony warrants on Tony Lee Milton. Milton who ran from the officers was apprehended by K-9 Max. Max immediately released the suspect upon command.
- 12-29-91 S. Smith/Corso conducted a narcotics search of a vehicle and located five bags of Marijuana under the passenger seat. One suspect was arrested.

The K-9 teams have again benefited the Department and the City of Fayetteville by apprehending criminal violators, recovering stolen property, and taking investigations at the scene of a crime which would not have been possible without the use of a Police K-9.

Through the K-9's ability to track/trail from crime scenes, escape routes of suspects were located and in some instances, tracks/trails led investigators to the suspects' residence.

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In 1991, four of the patrol K-9s were certified in scent discrimination.

During 1991, K-9 teams were used for 726 calls for service and performed one or more of the special abilities that they are trained for in 666 of these calls.

The types of reported calls for the K-9 teams are as follows:

- | | |
|---|----------|
| 1. Tracks | 474 |
| 2. Building Searches | 61 |
| 3. Narcotics Searches | 176 |
| 4. Article Searches | 58 |
| 5. Area Searches | 3 |
| 6. Demonstrations | 29 |
| 7. K-9 Bites (While apprehending felony suspects) | 5 |
| 8. Underwater Body Recovery | 3 |
| 9. Total hours of training (For all K-9 teams) | 1,475.65 |

The K-9 teams were present during many arrests, but the arrests which can be directly attributed to the use of K-9 teams amounted to 25 misdemeanor arrests involving trespassing, narcotics violations, traffic violations, and assault suspect.

There were 88 felony arrests which involved breaking and entering and larceny, narcotics violations, robbery, homicides, criminal assaults and other dangerous weapon assaults.

The K-9 teams are credited for the recovery of stolen monies and property in the amount of \$10,323.00.

The dollar amount of controlled substances (narcotics) located by the K-9 teams had a street value of approximately \$101,990.00 and included Marijuana, Heroin, Cocaine, and Crack-Cocaine.

Our K-9 team assisted outside agencies such as the Cumberland County Sheriff's Department, City-County Bureau of Narcotics, Spring Lake Police Department, Harnett County Sheriff's Department, State Highway Patrol, Stanly County Sheriff's Department, Wilson County Sheriff's Department, Brunswick County Sheriff's Department, Hope Mills Police Department and St. Pauls Police Department for a total of 29 calls for service.

R. R. Porter (PD)
R. R. PORTER
Sergeant of Police
K-9 Unit Supervisor