

FAYETTEVILLE CITY COUNCIL  
AGENDA  
REGULAR MEETING  
FEBRUARY 18, 1992  
7:00 P.M.



FAYETTEVILLE CITY COUNCIL  
AGENDA  
REGULAR MEETING  
CITY HALL COUNCIL CHAMBER  
FEBRUARY 18, 1992  
7:00 P.M.

*Check & loss  
Absent at  
beginning*

INVOCATION - PLEDGE OF ALLEGIANCE

RECOGNITION: Presentation of Proclamation establishing the week of February 16-22 as ENGINEERS' WEEK

Presentation of certificate of Appreciation to a citizen on behalf of the Fayetteville Fire Department and the City of Fayetteville

*A 7/0*  
ITEM 1. Approval of Agenda

ITEM 2. Consent:

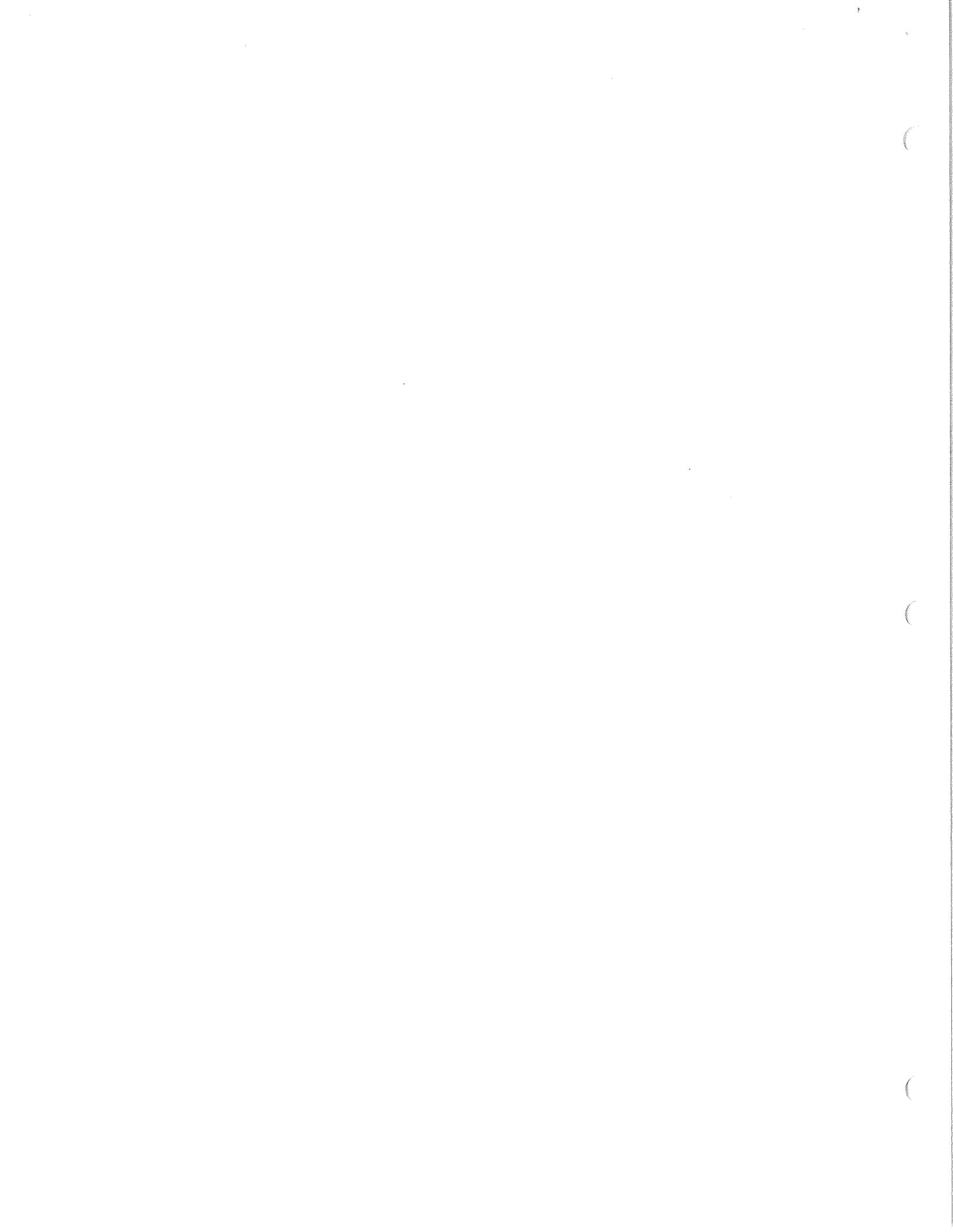
- A 7/0*
- A. Approve minutes of regular meeting of February 3, 1992.
  - B. Adopt ordinance amending Section 21-48 of the Code of Ordinances of the City of Fayetteville.
  - C. Approve the rezoning from M2 Industrial District to R6 Residential District or to a more restrictive zoning classification for an area located at 1203 North Street Extension. (P92-5)
  - D. Approve the rezoning from C1 Local Business District to P2 Professional District or to a more restrictive zoning classification for an area located on the west side of Gillespie Street (SR 2311) and the north side of Blount Street and addressed as 356 Gillespie Street and 114 Blount Street, respectively. (P92-8)
  - E. Authorize Mayor to executive Municipal Agreement between the City of Fayetteville and NC Department of Transportation for Reinspection of Bridges on the Municipal Street System.
  - F. Adopt ordinance revising Section 20-106, Traffic Schedule #6 - Stop Intersections.
  - G. Adopt ordinance revising Section 20-106, Schedule #8 - Speed Control.
  - H. Adopt ordinance revising Section 20-106, Schedule #16 - Prohibition of Right Turn on Red Signal.
  - I. Set public hearing for March 2, 1992, to consider reduction of speed limit on Ruth Street.

*J. Tax refunds*  
ITEM 3. Public Hearings:

- A 7/0*
- A. Consideration of adoption of ordinance amending Chapter 20, Motor Vehicles and Traffic, to reduce speed limit to 25 miles per hour for streets in College Lakes Subdivision - Bayshore Drive, Deerpath Drive, Saddle Ridge Road, Sandstone Drive and Shoreline Drive.

PRESENTED BY: City Traffic Engineer

RECOMMENDED ACTION: Adoption of ordinance



**B. Consideration of adoption of resolutions confirming assessment roll and levying assessments on the following locations:**

- A 7/10* }
1. Barrington Circle (from Bragg Boulevard to Bragg Boulevard)
  2. Summer Duck Road (from Ruritan Drive to Dead End)
  3. Converse Court (from Converse Avenue to Cul-de-sac)

PRESENTED BY: City Attorney

RECOMMENDED ACTION: Adoption of resolutions

*Good*

**C. Consideration of adoption of a resolution 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.**

*A 8/10*

PRESENTED BY: City Manager

RECOMMENDED ACTION: Adoption of resolution

**D. Consideration of annexation ordinances extending the corporate limits of the City of Fayetteville, NC.**

- court to 3/2*
1. The Greens, Section 1, Part 1 - Property of Broadwell Land Company - (Contiguous Area)

PRESENTED BY: Assistant City Manager for Operations

RECOMMENDED ACTION: See attached memorandum

- Deny 6/2*
2. Norton Wrecker Service - 412 West Mountain Drive - Property of Mark S. Norton - (Satellite Area)

PRESENTED BY: Assistant City Manager for Operations

RECOMMENDED ACTION: Denial of annexation request



ITEM 4. Consideration of request from Frank Dawkins to address City Council.

A 8/10 Refer to Staff

ITEM 4A. Request from CFVH re: traffic light

A 8/10 Refer to S&R Comm

ITEM 5. Consideration of resolution directing the Clerk to investigate an annexation petition received under G.S. 160A-31 (Skibo Square - Contiguous Area).

PRESENTED BY: Assistant City Manager for Operations

RECOMMENDED ACTION: Adoption of resolution

A 6/2 (Kend, Tracy)

ITEM 6. Consideration of the following Traffic Services matters:

A. Consideration of municipal agreement for proposed Railroad Crossing Signal Improvement - Blount Street at CSX Railroad (North Yard)

PRESENTED BY: City Traffic Engineer

A 8/10 Denial

RECOMMENDED ACTION: Denial of proposal

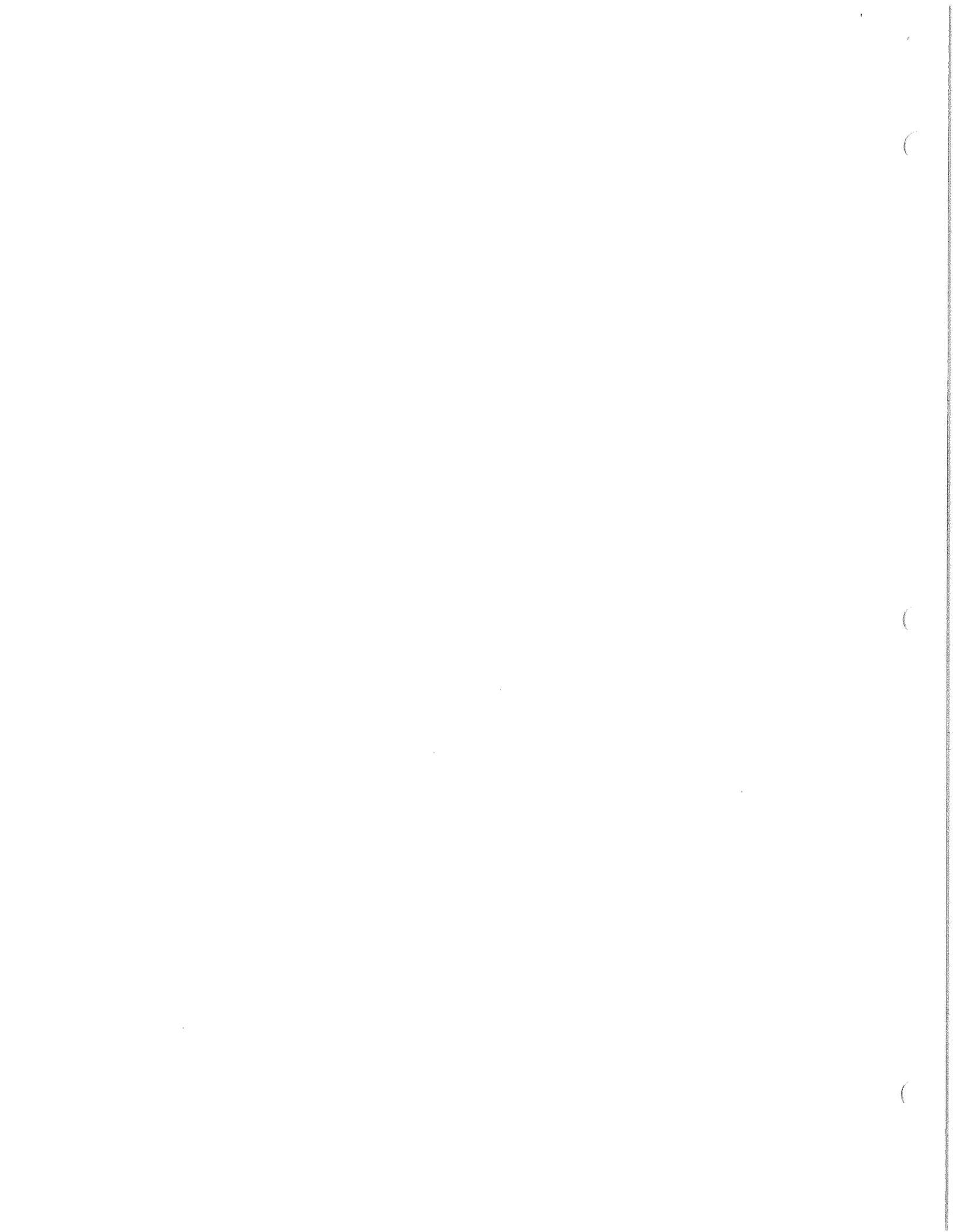
B. Consideration of municipal agreement for proposed Railroad Crossing Signal Improvement - Jasper Street at CSX Railroad

A 8/10

PRESENTED BY: City Traffic Engineer

RECOMMENDED ACTION: Adoption of Municipal Agreement

ITEM 7. Consideration of setting a joint meeting with Fayetteville Metropolitan Housing Authority.



ITEM 8. Consideration of request for legal representation.

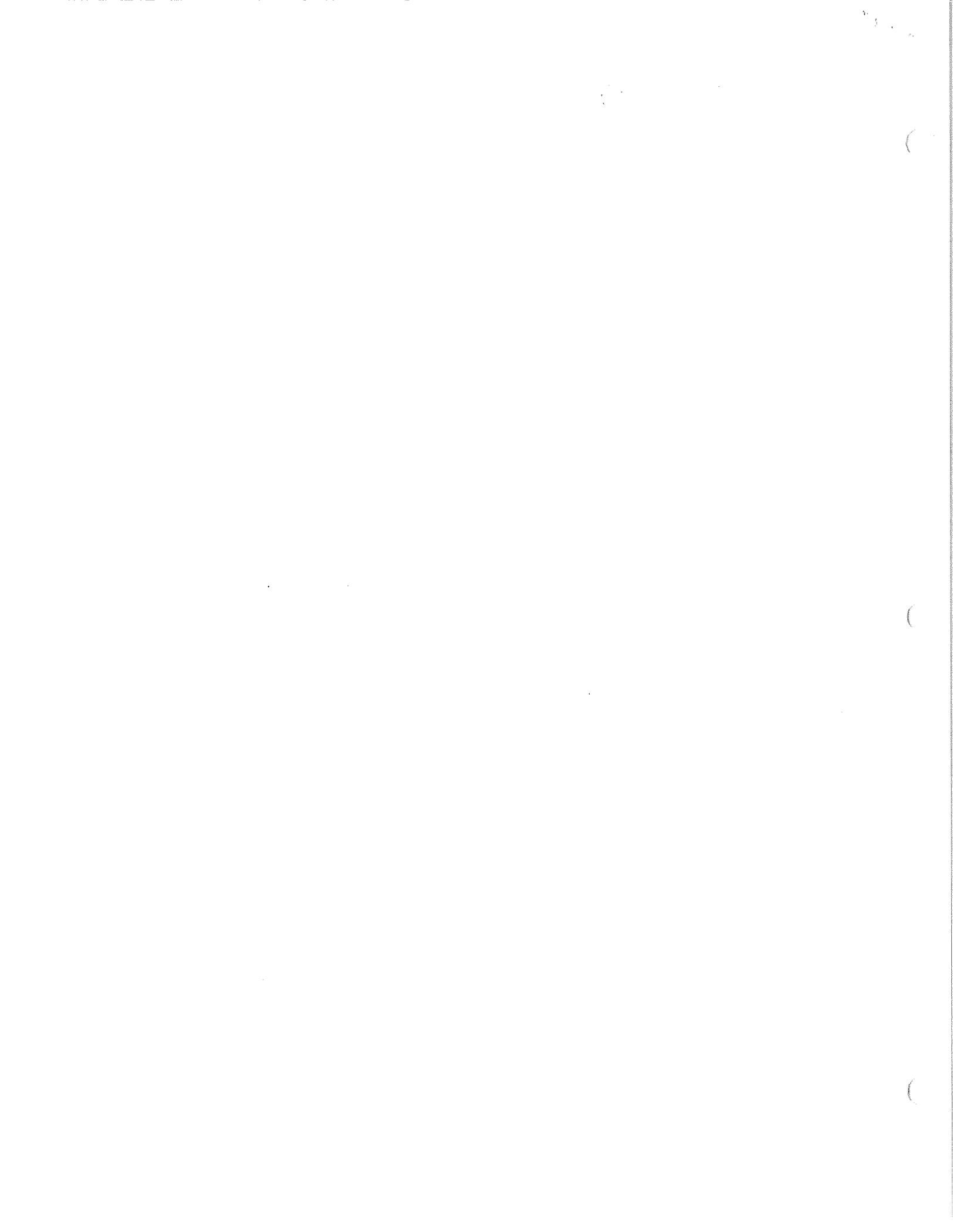
A 7/1 (Robertson)

ITEM 9. Appointments:

- A. Nominations to fill two vacancies on Appearance Commission.
- B. Nominations to fill one vacancy on Human Relations Commission.

ITEM 10. Administrative Reports:

- A. Statement of taxes collected by Cumberland County Tax Collector for the month of January, 1992.
- B. Report on Street Lighting Improvement Program
- C. Report on Implementation of Drug Task Force Recommendations
- D. User Fee Study



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- F. Adopt ordinance revising Section 20-106, Traffic Schedule #6 - Stop Intersections.
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**ITEM 3. Public Hearings:**

- A. Consideration of adoption of ordinance amending Chapter 20, Motor Vehicles and Traffic, to reduce speed limit to 25 miles per hour for streets in College Lakes Subdivision - Bayshore Drive, Deerpath Drive, Saddle Ridge Road, Sandstone Drive and Shoreline Drive.

**PRESENTED BY: City Traffic Engineer**

**RECOMMENDED ACTION: Adoption of ordinance**

B. Consideration of adoption of resolutions confirming assessment roll and levying assessments on the following locations:

1. Barrington Circle (from Bragg Boulevard to Bragg Boulevard)
2. Summer Duck Road (from Ruritan Drive to Dead End)
3. Converse Court (from Converse Avenue to Cul-de-sac)

PRESENTED BY: City Attorney

RECOMMENDED ACTION: Adoption of resolutions

C. Consideration of adoption of a resolution 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.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Adoption of resolution

D. Consideration of annexation ordinances extending the corporate limits of the City of Fayetteville, NC.

1. The Greens, Section 1, Part 1 - Property of Broadwell Land Company - (Contiguous Area)

PRESENTED BY: Assistant City Manager for Operations

RECOMMENDED ACTION: See attached memorandum

2. Norton Wrecker Service - 412 West Mountain Drive - Property of Mark S. Norton - (Satellite Area)

PRESENTED BY: Assistant City Manager for Operations

RECOMMENDED ACTION: Denial of annexation request

ITEM 4. Consideration of request from Frank Dawkins to address City Council.

ITEM 5. Consideration of resolution directing the Clerk to investigate an annexation petition received under G.S. 160A-31 (Skibo Square - Contiguous Area).

PRESENTED BY: Assistant City Manager for Operations

RECOMMENDED ACTION: Adoption of resolution

ITEM 6. Consideration of the following Traffic Services matters:

A. Consideration of municipal agreement for proposed Railroad Crossing Signal Improvement - Blount Street at CSX Railroad (North Yard)

PRESENTED BY: City Traffic Engineer

RECOMMENDED ACTION: Denial of proposal

- B. Consideration of municipal agreement for proposed Railroad Crossing Signal Improvement - Jasper Street at CSX Railroad

PRESENTED BY: City Traffic Engineer

RECOMMENDED ACTION: Adoption of Municipal Agreement

ITEM 7. Consideration of setting a joint meeting with Fayetteville Metropolitan Housing Authority.

ITEM 8. Consideration of request for legal representation.

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#### 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.



**DRAFT**

FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBERS  
433 HAY STREET  
MONDAY, FEBRUARY 3, 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); Joseph Pillow (District 3); Thelbert Torrey  
(District 4); Suzan Cheek (District 5); and Mark Kendrick  
(District 6)

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  
Jimmy Teal, Assistant to the City Manager  
Jason Brady, Public Information Officer  
Al Mitchell, Assistant City/County Planning Director  
Frank Simpson, Inspections Superintendent  
Jerome Brown, Transit Director  
Peter Pavlikianidis, 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 Dr. Ernie Johnson, Senior Pastor of Highland Presbyterian Church, followed by the Mayor leading in the Pledge of Allegiance to the American Flag.

1. Approval of Agenda

Mayor Pro-Tem Evans moved to approve the agenda, seconded by Councilmember Robertson and carried unanimously.

2. Consent

Mayor Dawkins presented the consent agenda and asked if any items should be removed before calling for action. There being none, Councilmember Bolton moved to approve the consent agenda. After a second from Councilmember Kendrick, the consent agenda and following items were unanimously approved.

- 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.

<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 No. 2398965	LT 56 BIK A MACKS PK	189.83

ITEM 2A

<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
NGolf Carts of Fayetteville, Inc.	Cost figures overstated per audit information	Loc: 4006 Murchison Road Business M1 & E	566.43

E. Approve Supplemental Agreement Number 2(A) between Fayetteville Regional Airport and Wilbur Smith Associates in the amount of \$135,000.00.

F. Award of construction contract for underground storage tank removal and installation to Braswell Equipment Co., Inc., lowest bidder in the amount of \$170,499.00.

Bids received were as follows:

*Braswell Equipment Co., Inc.	\$170,499.00
J. J. Barnes, Inc.	\$219,370.00
Jones & Frank Corporation	\$226,381.05

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)

### 3. Public Hearings:

Mayor Dawkins read the policy for the public hearing speakers and non-public hearing speakers.

A. Consideration of public input on plan for compliance with American Disabilities Act.

This item was presented by Jerome Brown, Transit Director, giving the salient points of the plan 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 within 3/4 of a mile of the current bus routes.
4. The City of Fayetteville will be the certifying agency for approving ADA eligibility.

Following questions by Council, the public hearing was opened at 7:36 p.m.

Mayor Dawkins recognized Nancy Dever, P.O. Box 35171, stating she had served on the ADA Committee and is here to request some clarification on several points. Ms. Dever was quoting from the ADA booklet she had received; she questioned why the City is not in compliance when the deadline was January 26, 1992, and really should have been in place by July 1, 1990. She also stated that Cumberland County has contracted with City Transit and there have been so many problems brought about by this Human Service Transportation System (HSTS) not fulfilling the people's needs, that the County is considering not recontracting with the City in July, which means they will pull all the County vans and the City will have to buy new vans. Mayor Dawkins requested Jerome Brown to respond to these concerns at the end of the public hearing.

Marie Presler, 114 Hearthstone Drive, encouraged Council to read their copy of the ADA. She feels that Council does not care about any of the handicapped or elderly citizens. Ms. Presler stated that she feels the handicapped and elderly have to spend entirely too much money just to get to the doctor on fixed incomes and they need this pickup service.

Dorothy Bullard Kimbrough, 517 Donovan Street, stated she is in favor of any service that will get to the handicapped and elderly individuals.

Harry Bennett, 2116 Henry Street, President of the Local Federation of the Blind, concurred with the other speakers.

There being none further to speak on this matter, the public hearing was closed at 7:52 p.m. Jerome Brown quoted from the 1988 Paratransit Handbook used to serve as a guideline in preparing the ADA plan stating they were to be in full compliance as soon as possible but no later than January 26, 1997. John Smith stated that the plan will be presented to the Cumberland County Joint Planning Board before it is considered again by City Council. If approved by Council, the plan will be submitted to the Federal Urban Mass Transportation Administration (UMTA).

- 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)

This item was presented by Assistant Planning Director Al Mitchell stating that the Planning Board and Planning staff recommended approval with the findings that it will not be detrimental to the surrounding area and it fits in with the character of the area.

The public hearing was opened at 7:58 p.m. and there being none to speak in favor or opposition to this matter, the public hearing was closed.

Councilmember Bolton moved to follow the recommendation to approve the Special Use Permit with the findings that it will not be detrimental to the surrounding area and it fits in with the character of the area. The motion was seconded by Councilmember McBryde and carried unanimously.

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

This item was presented by City Attorney Bob Cogswell stating that Attorney Herb Thorp has requested a continuance until the second meeting in March. Councilmember Cheek moved to continue this item until March 16, seconded by Councilmember Pillow and carried unanimously.

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

Mr. Peter Pavlikianidis appeared before Council to appeal the lien on his property at 209 Lawrence Street. City Manager John Smith referred to the backup information in the agenda packet showing the registered letters to Mr. Pavlikianidis dating back to 1989.

Council took no action.

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.

This item was presented by City Manager John Smith with a recommendation by the Mayor's Task Force On Drugs recommending adoption of the resolutions.

A RESOLUTION URGING THE CUMBERLAND COUNTY COMMISSIONERS TO TAKE IMMEDIATE STEPS TO ENLARGE THE CUMBERLAND COUNTY JAIL. RESOLUTION NO. R1992-016.

Councilmember McBryde introduced the foregoing resolution and moved its adoption, seconded by Councilmember Bolton and carried unanimously.

- 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 RESOLUTION URGING THE CUMBERLAND COUNTY LEGISLATIVE DELEGATION TO STRONGLY SUPPORT IMMEDIATE CONSTRUCTION OF ADDITIONAL PRISONS IN KEEPING WITH THE SUCCESSFUL STATE-WIDE BOND REFERENDUM ON NOVEMBER 1990. RESOLUTION NO. R1992-017.

The foregoing resolution was introduced by Councilmember Robertson and moved its adoption, seconded by Councilmember Pillow and carried unanimously.

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

A RESOLUTION ENCOURAGING THE CUMBERLAND COUNTY COMMISSIONERS TO EXPAND TREATMENT AND AFTERCARE SERVICES, INCLUDING HALFWAY HOUSES, FOR CHEMICALLY DEPENDENT PERSONS AND THEIR FAMILIES. RESOLUTION NO. R1992-018.

Councilmember Kendrick introduced the foregoing resolution and moved its adoption, seconded by Councilmember Torrey and carried unanimously.

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

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

City Manager John Smith presented this item which was a continuation from the Information Meeting. He offered three recommendations as a first step in implementing the recommendations that were adopted. Mayor Pro-Tem Evans suggested that we furnish the three (3) police officers and start arresting the customers as well as the sellers. She suggested the best time to accomplish this is between 4:00 p.m. and 2:00 a.m. Following some discussion, Councilmember Cheek moved to add three (3) police officers and authorize funding from the Contingency Fund or have staff bring back a budget ordinance amendment. The motion was seconded by Councilmember Robertson and carried unanimously.

Councilmember Kendrick moved to set aside up to \$250,000.00 matching grants, seconded by Councilmember Bolton and carried unanimously.

8. Consideration of adoption of resolutions fixing date of public hearings (February 18, 1992) concerning annexation petitions:

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

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31 AS AMENDED. RESOLUTION NO. R1992-019.

Councilmember Kendrick introduced the foregoing resolution and moved its adoption, seconded by Mayor Pro-Tem Evans and carried 7 to 2 with Councilmembers Ross and Torrey voting in opposition.

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

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31 AS AMENDED. RESOLUTION NO. R1992-020.

Councilmember Bolton introduced the foregoing resolution and moved its adoption, seconded by Councilmember Kendrick and carried 6 to 3 with Councilmembers Torrey, Robertson, and Cheek voting in opposition.

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

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)

RESOLUTION ADOPTING A REVISION TO THE ELECTORAL DISTRICT BOUNDARIES OF THE CITY FOR THE PURPOSE OF ACCOUNTING FOR TERRITORY ANNEXED TO THE CITY. RESOLUTION NO. R1992-021.

Councilmember Kendrick introduced the foregoing resolution and moved its adoption, seconded by Councilmember Bolton and carried 7 to 2 with Councilmembers Ross and Torrey voting against.

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

10. Appointments

A. Nominations to fill one vacancy on Appearance Commission.

There were no nominations to fill the unexpired term to December 1992 of Mr. Gordon Rose in the Engineer Category.

B. Nominations to fill one vacancy on Human Relations Commission.

Councilmember Torrey nominated James W. Florence to fill the unexpired term to March 1993 of Sharon Courson.

11. Administrative Reports

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

<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 Personal 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

There being no further business, the meeting was adjourned at 8:42 p.m. upon motion and second.

Respectfully submitted,

\_\_\_\_\_  
Bobbie A. Joyner, City Clerk

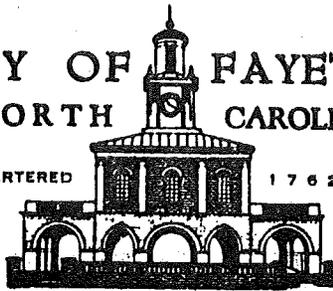
\_\_\_\_\_  
J. L. Dawkins, Mayor

kblc



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

February 7, 1992

MEMORANDUM

TO: The Mayor and Members of the City Council

FROM: Robert C. Cogswell, Jr.   
City Attorney

SUBJECT: Amendment to Section 21-48

Several years ago, Section 17-15 was repealed. Therefore, this reference in Section 21-48 should be deleted.

RCC/jkp

Attachment

0008.21

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

ITEM 2.B.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
AMENDING SECTION 21-48 OF THE CODE OF ORDINANCES  
OF THE CITY OF FAYETTEVILLE

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

Section 1. Sec. 21-48. Tattoeing--Health certificate. is amended by deleting from the first sentence the words and phrases "under section 17-15".

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

Adopted this \_\_\_\_\_ day of February, 1992.

CITY OF FAYETTEVILLE

By:

\_\_\_\_\_  
J. L. Dawkins, Mayor

ATTEST:

\_\_\_\_\_  
Bobbie A. Joyner, City Clerk

0037

gonorrhoea or other venereal diseases and free from tuberculosis or other communicable disease. It shall be unlawful for any person to tattoo any other person without first obtaining such a certificate and having the same in his or her possession. Such a certificate shall become void six months after it has been issued. (Code 1950, § 16-46; Ord. No. 1987-4, § 7, 1-20-87)

**Sec. 21-49. Same--Records.**

Every person engaging in any tattooing business pursuant to a license issued under the terms of section 17-15.1 shall at all times keep a record of the names, addresses and ages of all persons tattooed, which record shall at all times be open to the inspection of the police department of the city. (Code 1950, § 16-47; Ord. No. 1987-4, § 8, 1-20-87)

**Sec. 21-50. Telephones on streets.**

It shall be unlawful to have, maintain, install, use or operate any telephone upon any of the streets or sidewalks except by permission of the council. (Code 1950, § 16-48)

Cross reference--Obstructions on streets and sidewalks generally, § 26-3.

**Secs. 21-51, 21-52. Reserved.**

Editor's note--Sections 21-51 and 21-52, pertaining to tennis courts and vacancy, are repealed by Ord. No. 1987-3, § 1, adopted Jan. 20, 1987, said sections derived from Code 1950, §§ 16-49, 16-50.

**Sec. 21-53. City declared bird sanctuary.**

All that territory embraced within the territorial limits of the City of Fayetteville, in Cumberland County, shall be a bird sanctuary, pursuant to N.C.G.S. section 160A-188.

It shall be unlawful for any person to hunt, kill or trap any birds protected by the North Carolina Wildlife Resources Commission within the territorial limits referred to in this section. Any person violating the provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than thirty (30) days. (Ord. No. 1979-11, 5-29-79; Ord. No. 1987-4, § 9, 1-20-87)

Section	Subject	Derivation
21-38	Profanity	Code 1950, § 16-35, Ord. No. 1970-2, §§ 1, 2, 5-25-70
21-39	Prostitution	Code 1950, § 16-36, Ord. No. 1976-8, 2-9-76
21-40	Sales; bankrupt stock	Code 1950, § 16-38
21-41	Shoeshining on streets	Code 1950, § 16-39
21-42	Soliciting patronage for hotels, etc.	Code 1950, § 16-40
21-43	Spitting	Code 1950, § 16-41

**Sec. 21-39.1. Reserved.**

Editor's note--As per instruction of letter dated April 27, 1988, Section 21-39.1 was transferred to Section 31-28, and added as subsection (b) thereof at the discretion of the editors.

**Secs. 21-40--21-43. Reserved.**

Note--See editor's note at § 21-38.

**Sec. 21-44. Reserved.**

Editor's note--Ord. No. 1983-22, adopted Dec. 19, 1983, provided for the repeal of § 21-44. Sunday observance required, as derived from an ordinance adopted Dec. 14, 1959, §§ 1, 2; Ord. No. 1969-16, §§ 2, 3, adopted Nov. 24, 1969; Ord. No. 1969-20, adopted Dec. 22, 1969; Ord. No. 1978-4, adopted Feb. 27, 1978; and Ord. No. 1982-25, adopted Nov. 22, 1982.

**Secs. 21-45--21-47. Reserved.**

Editor's note--Sections 21-45--21-47, pertaining to tattooing, are repealed by Ord. No. 1987-3, § 1, adopted Jan. 20, 1987. Said sections derived from Code 1950, §§ 16-43--16-45.

**Sec. 21-48. Tattooing--Health certificate.**

Every person who is licensed <sup>delete</sup> under section 17-15 to set up, maintain or engage in any tattoo work or tattoo business and any person who actually engages in tattooing another person within the corporate limits of the city shall obtain from the Cumberland County health department a health certificate as often as once every six months showing that such person is free from syphilis,



# 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 17, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P92-5. THE REZONING FROM M2 INDUSTRIAL DISTRICT TO R6 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT 1203 NORTH STREET EXTENSION. (FAYETTEVILLE ORDINANCE)

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

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

Mr. Lloyd stated that the Planning staff recommends approval of the requested rezoning to R6 Residential District based on the following:

1. The 1972 Land Use Plan calls for residential development at this location.

The Planning staff finds that all or any portion of this site is suitable for the R5A and R5 Residential and P1 and P2 Professional Districts and not suitable for the P3(P) Flex Office, M1 Light Industrial or any of the commercial district classifications.

The owner was present for the hearing.

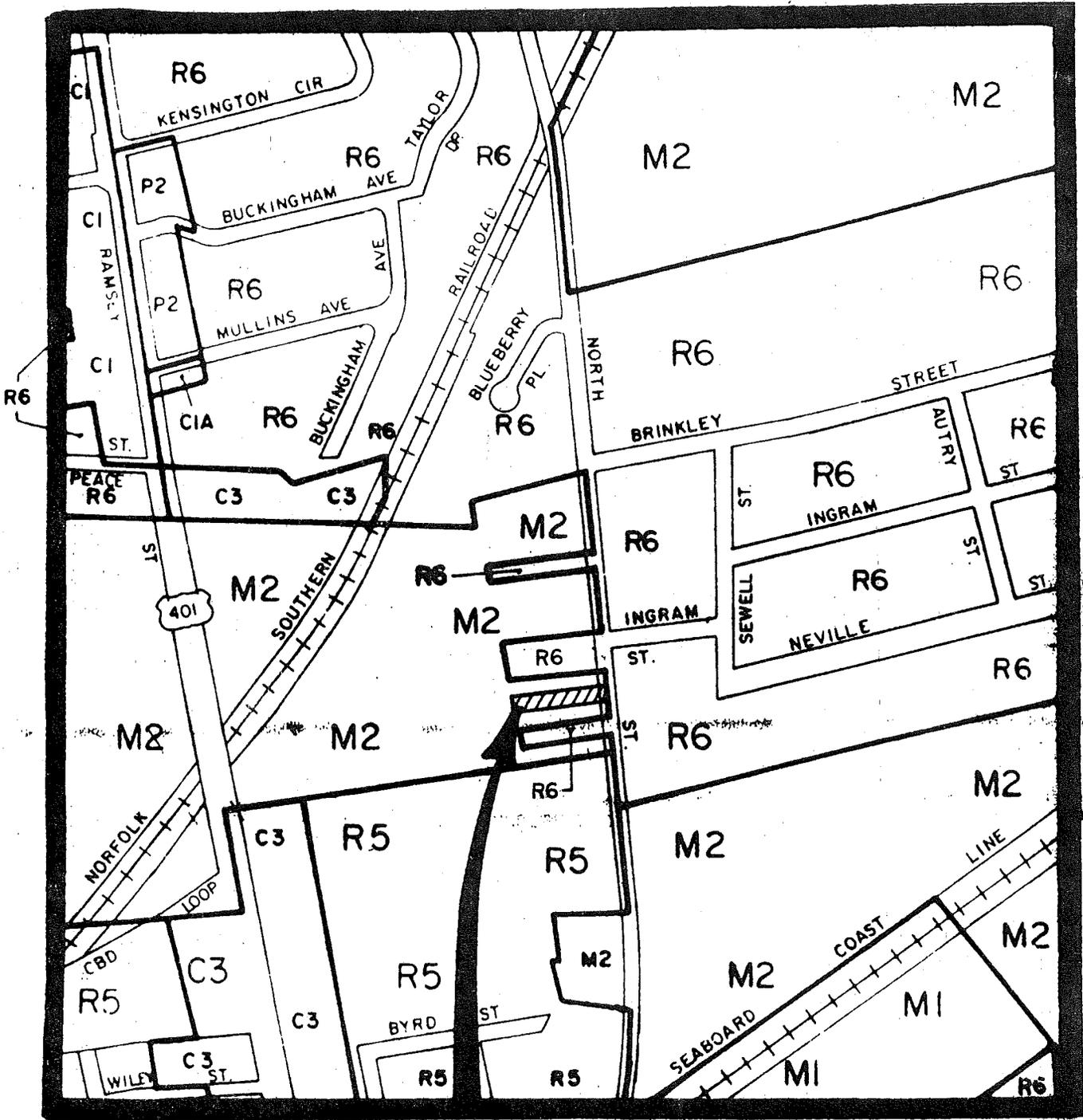
No one appeared in opposition to the requested rezoning.

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

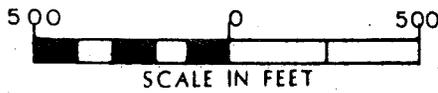
bs

Attachment

ITEM 2.C.



NORTH



REQUESTED REZONING M2 TO R6		
ACREAGE: 0.32 Ac. ±	HEARING NO: P92-5	
ORDINANCE: FAYETTEVILLE	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

# 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 17, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P92-8. THE REZONING FROM C1 LOCAL BUSINESS DISTRICT TO P2 PROFESSIONAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE WEST SIDE OF GILLESPIE STREET (SR 2311) AND THE NORTH SIDE OF BLOUNT STREET AND ADDRESSED AS 356 GILLESPIE STREET AND 114 BLOUNT STREET, RESPECTIVELY. (FAYETTEVILLE ORDINANCE)

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

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

Mr. Lloyd stated that the Planning staff recommends approval of the requested rezoning to R6 Residential District based on the following:

1. The 1972 Land Use Plan calls for residential development at this location.

The Planning staff finds that all or any portion of this site is suitable for the R5A and R5 Residential and P1 and P2 Professional Districts and not suitable for the P3(P) Flex Office, M1 Light Industrial or any of the commercial district classifications.

Mr. Herb Thorp appeared before the Board representing the owner. He stated that property had been foreclosed on, and Home Federal desires to put a duplex on the property.

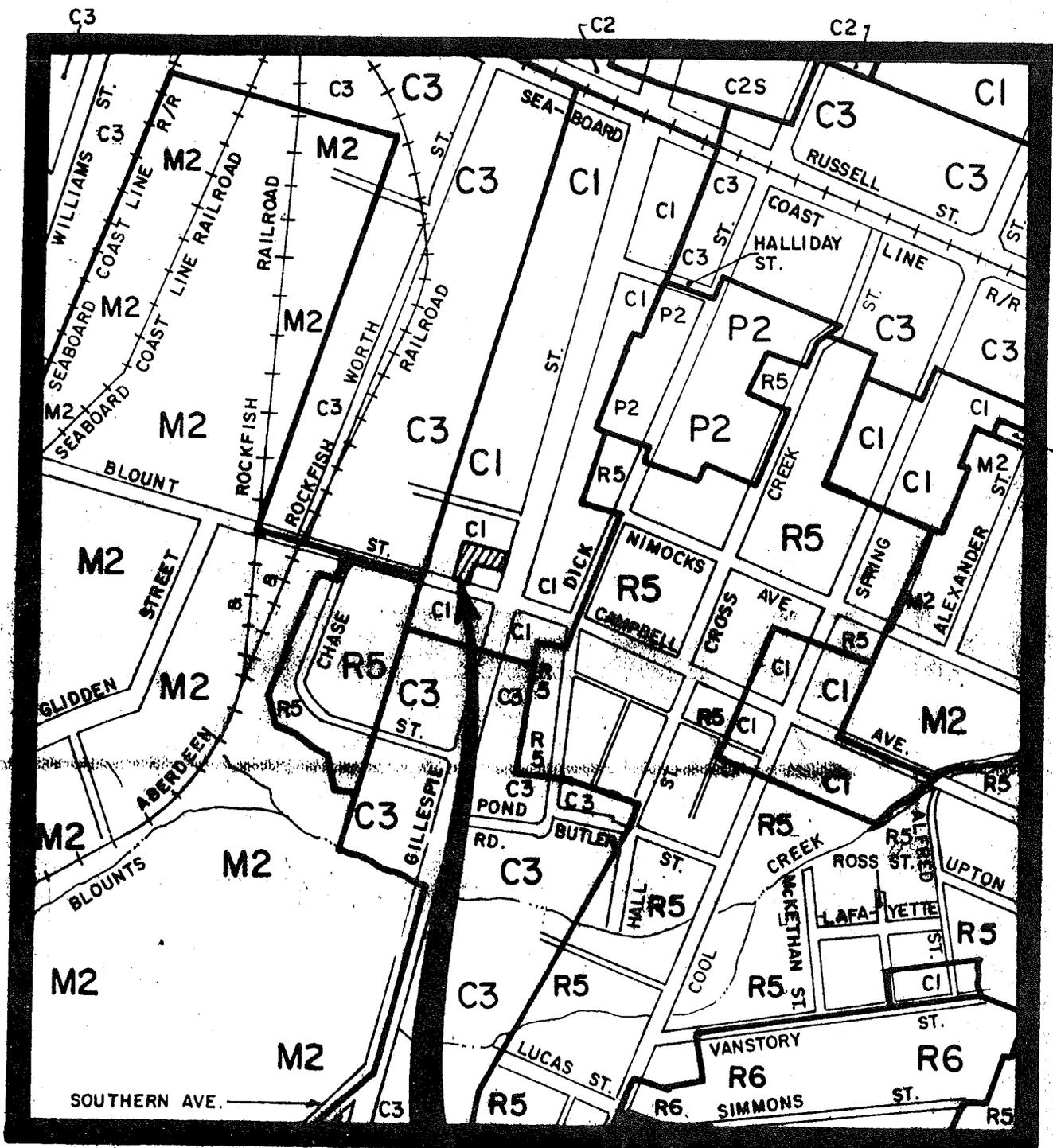
No one appeared before the Board in opposition to the requested rezoning.

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

bs

Attachment

**ITEM 2.D.**



## REQUESTED REZONING

CI TO P2

ACREAGE: 0.26 AC. ±

HEARING NO: P92-8

ORDINANCE: FAYETTVILLE

HEARING DATE

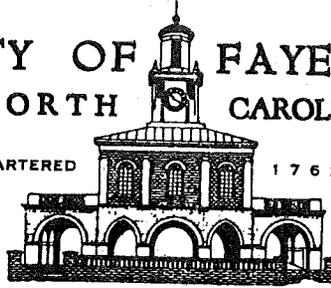
ACTION

PLANNING BOARD

GOVERNING BOARD

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



ENGINEERING DEPARTMENT  
433 HAY STREET

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

February 11, 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: Proposed Municipal Agreement Between the City and the North Carolina Department of Transportation for Reinspection of Bridges on the Municipal Street System -- State Project 8.2999333 -- F. A. Project BRZ-NBIS(5)

The City of Fayetteville owns and maintains fifteen (15) bridges and/or reinforced concrete box culverts which are subject to Federal Regulations requiring bi-annual inspection. The Federal Highway Administration furnishes 80% of the funds and requires the City furnish the remaining 20%. This inspection program and subsequent engineering analysis is conducted by N.C.D.O.T., usually through a Structural Engineering Consultant. The City's estimated cost is \$4,000 which is included in the City Budget.

We recommend approval of the agreement and authorization for the Mayor and Clerk to execute.

MLW/mak

Enclosure: N.C.D.O.T. Proposed Municipal Agreement

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

ITEM 2.E.

NORTH CAROLINA  
CUMBERLAND COUNTY

---

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

AND

MUNICIPAL AGREEMENT

CITY OF FAYETTEVILLE

REINSPECTION OF BRIDGES ON  
THE MUNICIPAL STREET SYSTEM  
STATE PROJECT 8.2999333  
F. A. PROJECT BRZ-NBIS(5)

---

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

W I T N E S S E T H:

WHEREAS, the Surface Transportation Assistance Act of 1978 provided funding for a Federal-Aid Highway Bridge Replacement and Rehabilitation Program; and

WHEREAS, the Highway Bridge Replacement and Rehabilitation portion of the law requires that all structures defined as bridges located on public roads must be inspected on a cycle, not to exceed two years in accordance with the National Bridge Inspection Standards (NBIS); and

WHEREAS, the Municipality has requested the Department or a Consultant retained by the Department to reinspect and analyze all public bridges located on its Municipal Street System in compliance with the National Bridge Inspection Standards; and

WHEREAS, the Department and the Municipality are authorized to enter into an agreement for such work under the provisions of G.S. 136-18(12), G.S. 136-41.3, and G.S. 136-66.1; and,

WHEREAS, the City Council of the Municipality has approved the hereinabove referenced reinspections and has agreed to participate in certain costs thereof in the manner and to the extent as hereinafter set out.

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

1. The Department or a Consulting Engineering firm retained by the Department shall reinspect, analyze, and prepare the necessary inspection reports for all bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards.

2. All work shall be done in compliance with the following documents:

(A) National Bridge Inspection Standards (23 CFR, Chapter 1, Part 650)

(B) NCDOT Manual for Maintenance Inspection, Rating and Posting of Bridges on the North Carolina Highway System

(C) AASHTO Manual for Maintenance Inspection of Bridges - 1983

(D) Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges - December, 1988.

3. The Municipality shall be responsible for providing any required traffic control personnel during the work period.

4. The Municipality shall furnish all data in the possession of the Municipality that can be released that will help the Department or its Consultant in the accomplishment of the work including but not limited to appropriate municipal maps showing the location of the bridges, plans for the bridges when available, and any prior inspection reports.

5. The Municipality shall designate a responsible Municipal official with whom the Department or its Consultant will coordinate the work.

6. It is understood by the parties hereto that the Federal Highway Administration, through the Department, is to participate in the costs of the work to the extent of eighty (80) percent of actual costs, subject to compliance with all applicable federal policy and procedural rules and regulations. All costs not participated in by the Federal Highway Administration shall be borne by the Municipality.

7. Upon completion of the bridge reinspection, and analysis work, the Department shall invoice the municipality for the actual costs not participated in by the Federal Highway Administration. Reimbursement shall be made by the Municipality upon receipt of said invoice.

8. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, the Municipality hereby authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, until such time as the Department has received payment in full.

9. Upon completion of the work the Department shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this agreement. Further, the Department shall make such materials available at its office for three (3) years from the date of payment of the Final Voucher by the Federal Highway Administration under this agreement, for inspection and audit by the Federal Highway Administration, or any authorized representatives of the Federal Government.

IT IS UNDERSTOOD AND AGREED that the approval of the work by the Department is subject to the conditions of this agreement, and that no expenditure of funds on the part of the Department will be made until the terms of this agreement have been complied with on the part of the Municipality.

IN WITNESS WHEREOF, this agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given, as evidenced by the attached certified copy of resolution, ordinance or charter provision, as the case may be.

L. S.  
ATTEST

CITY OF FAYETTEVILLE

\_\_\_\_\_  
CLERK  
SEAL OF MUNICIPALITY

BY: \_\_\_\_\_  
MAYOR

L. S.  
ATTEST

DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
SECRETARY TO THE BOARD

BY: \_\_\_\_\_  
STATE HIGHWAY ADMINISTRATOR

APPROVED AS TO FORM  
LACY H. THORNBURG  
ATTORNEY GENERAL

BY: \_\_\_\_\_  
ASSISTANT ATTORNEY GENERAL

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

The following resolution was introduced, and Council Member \_\_\_\_\_ moved that it be adopted. The motion was seconded by Council Member \_\_\_\_\_, and, upon being put to a vote, the resolution was \_\_\_\_\_ carried;

WHEREAS, the City of Fayetteville has requested the Department of Transportation to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the reinspection and analysis of all public bridges on the Municipal Street System in the City of Fayetteville; and

WHEREAS, the City of Fayetteville proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a Consulting Engineering firm retained by the Department of Transportation will reinspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards; and

WHEREAS, under the proposed agreement the Federal Highway Administration shall reimburse the Department of Transportation for eighty (80) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations; and

WHEREAS, under the proposed agreement the City of Fayetteville shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration. -

NOW, THEREFORE, BE IT RESOLVED that the agreement for the hereinabove referenced bridge inspection work is hereby formally approved by the City of Fayetteville and the Mayor and Clerk (or Manager) of this Municipality

are hereby empowered to sign and execute the required agreement between the City of Fayetteville and the Department of Transportation.

This Resolution was passed and adopted the \_\_\_\_\_ day of \_\_\_\_\_, 1992.

I, \_\_\_\_\_, Clerk (or Manager) of the City of Fayetteville, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality;

WITNESS, my hand and the official seal of the City of \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_, 1992.

SEAL OF  
MUNICIPALITY

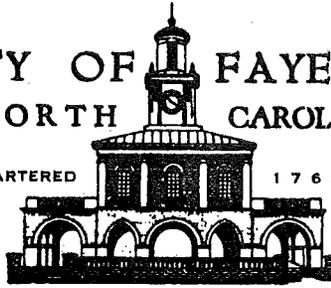
\_\_\_\_\_  
CLERK (OR MANAGER)

CITY OF FAYETTEVILLE  
NORTH CAROLINA

Handwritten text along the right edge of the page, possibly bleed-through from the reverse side. The text is mostly illegible but appears to be a list or series of entries.

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

February 11, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

REFERENCE: Revision to Section 20-106  
Traffic Schedule # 6 - Stop Intersections

We recommend adoption of the attached ordinance which will establish proper traffic control in accordance with the Manual on Uniform Traffic Control Devices on these newly accepted streets.

LAC/psc

Attachment  
Ordinance

cc: Roger L. Stancil, Assistant City Manager - Operations

An Equal Opportunity



Affirmative Action Employer

ITEM 2.F.

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

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

Sec. 20-106. Traffic Schedule Number 6 - Stop Intersections.

There is hereby added to said schedule the following:

<u>STREET</u>	<u>SHALL STOP AT</u>
Stone Way Court	Rivercliff Road

This ordinance shall be in full force and effective  
February 21, 1992.

ADOPTED this the 18th day of February, 1992.

CITY OF FAYETTEVILLE

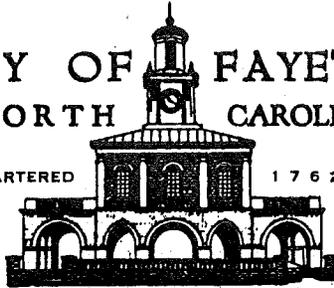
BY: \_\_\_\_\_  
J.L. Dawkins, Mayor

ATTEST:

\_\_\_\_\_  
Bobbie A. Joyner, City Clerk

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

February 11, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

REFERENCE: Revisions to Section 20-106  
Schedule # 8 - Speed Control

The North Carolina Department of Transportation has proposed increasing the speed limit on Cliffdale Road (SR 1400) and Morganton Road (SR 1404) to 45 miles per hour.

We would recommend that a revision of speed limit on Cliffdale Road (SR 1400) be delayed until completion of the 5 lane improvements currently under construction.

Based on an observed 85% speed of 51 mph, we would recommend adoption of the attached ordinance which would increase the speed limit to 45 mph on Morganton Road (SR 1404) from our western corporate limit to a point 0.5 miles west of US 401 Bypass (Ruritan Drive).

LAC/psc

Enclosures  
Ordinance  
NCDOT Request

cc: Roger L. Stancil, Assistant City Manager - Operations

An Equal Opportunity



Affirmative Action Employer

ITEM 2.6.

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

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

Sec. 20-106. Traffic Schedule Number 8 - Speed Control.

There is hereby added to said schedule the following:

45 Miles Per Hour Speed Limit

Morganton Road (SR 1404) - Beginning at a point 0.5 miles  
west of US 401 Bypass; thence,  
westwardly 0.21 miles to the  
City limits.

This ordinance shall be in full force and effective  
February 21, 1992.

ADOPTED this the 18th day of February, 1992.

CITY OF FAYETTEVILLE

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

ATTEST:

\_\_\_\_\_  
Bobbie A. Joyner, City Clerk



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

Fayetteville, North Carolina 28302  
January 27, 1992

JAMES G. MARTIN  
GOVERNOR

DIVISION OF HIGHWAYS

THOMAS J. HARRELSON  
SECRETARY

WILLIAM G. MARLEY, JR., P.E.  
STATE HIGHWAY ADMINISTRATOR

Ref: Fayetteville  
Cumberland County

Mr. Louis A. Chalmers, P.E.  
City Traffic Engineer  
339 Alexander Street  
Fayetteville, North Carolina 28301-5797

Dear Mr. Chalmers:

Attached are certificate forms declaring certain modifications to the speed limits on state system streets in Fayetteville, Cumberland County.

Please present our recommendations to your City Council for their consideration and for enactment of the appropriate municipal ordinances. Upon enactment, please execute the certificate forms and return the original form to Mr. E. R. Goff, Division Traffic Engineer, P.O. Box 1150, Fayetteville, North Carolina 28302.

If further information is required, please contact me at 919-486-1493.

Yours very truly,

W. F. Rosser, P.E.  
DIVISION ENGINEER

By: E. R. Goff  
DIVISION TRAFFIC ENGINEER

WFR:ERG:la

Attachment

CERTIFICATION OF MUNICIPAL ORDINANCE DECLARING SPEED LIMIT MODIFICATIONS AND REQUEST FOR CONCURRING ORDINANCE BY DEPARTMENT OF TRANSPORTATION:

I, \_\_\_\_\_, Clerk of the \_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_ (City) \_\_\_\_\_ (Town)

\_\_\_\_\_ Fayetteville \_\_\_\_\_, do hereby certify that the \_\_\_\_\_ (Governing Body)

of the \_\_\_\_\_ duly enacted on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (City) \_\_\_\_\_ (Town)

19\_\_ an ordinance based upon an engineering and traffic investigation pursuant to authority granted by G. S. 20-141 (f) declaring the following speed limit modifications as set forth below on the following described portion of a State Highway System Street:

Declare the Following Speed Limit

<u>Speed Limit</u>	<u>Ordinance Number</u>	<u>Description</u>
<u>45</u>	<u>250200159</u>	<u>On SR 1400 from the western corporate limits</u> <u>of Fayetteville, a point 0.11 mile east of SR 3193 eastward</u> <u>to a point 0.04 mile west of US 401 Bypass.</u>
<u>45</u>	<u>250200160</u>	<u>On SR 1404 from the westernmost corporate limit, a point</u> <u>0.15 mile east of SR 3259, eastward to a point 0.50 mile</u> <u>west of US 401 Bypass</u>

Rescind the Following Speed Limit

<u>Speed Limit</u>	<u>Ordinance Number</u>	<u>Description</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

said ordinance to become effective upon adoption of the Department of Transportation of a concurring ordinance and the erection of signs giving notice of the authorized speed limit; that said ordinance is recorded in Minute Book \_\_\_\_\_ at page \_\_\_\_\_.

In witness whereof, I have hereunto set my hand and the seal of the \_\_\_\_\_

of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_,

19 \_\_\_\_\_.

\_\_\_\_\_  
(Seal)

*[Handwritten signature]*

CERTIFICATION OF MUNICIPAL ORDINANCE DECLARING SPEED LIMIT MODIFICATIONS AND REQUEST FOR CONCURRING ORDINANCE BY DEPARTMENT OF TRANSPORTATION:

I, \_\_\_\_\_, Clerk of the \_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_ (City) (Town)

\_\_\_\_\_ Fayetteville \_\_\_\_\_, do hereby certify that the \_\_\_\_\_ (Governing Body)

of the \_\_\_\_\_ duly enacted on the \_\_\_\_\_ day of \_\_\_\_\_, (City) (Town)

19\_\_\_\_ an ordinance based upon an engineering and traffic investigation pursuant to authority granted by G. S. 20-141 (f) declaring the following speed limit modifications as set forth below on the following described portion of a State Highway System Street:

Declare the Following Speed Limit

<u>Speed Limit</u>	<u>Ordinance Number</u>	<u>Description</u>
45	250200159	On SR 1400 from the western corporate limits of Fayetteville, a point 0.11 mile east of SR 3193 eastward to a point 0.04 mile west of US 401 Bypass.
45	250200160	On SR 1404 from the westernmost corporate limit, a point 0.15 mile east of SR 3259, eastward to a point 0.50 mile west of US 401 Bypass

Rescind the Following Speed Limit

<u>Speed Limit</u>	<u>Ordinance Number</u>	<u>Description</u>

said ordinance to become effective upon adoption of the Department of Transportation of a concurring ordinance and the erection of signs giving notice of the authorized speed limit; that said ordinance is recorded in Minute Book \_\_\_\_\_ at page \_\_\_\_\_.

In witness whereof, I have hereunto set my hand and the seal of the \_\_\_\_\_

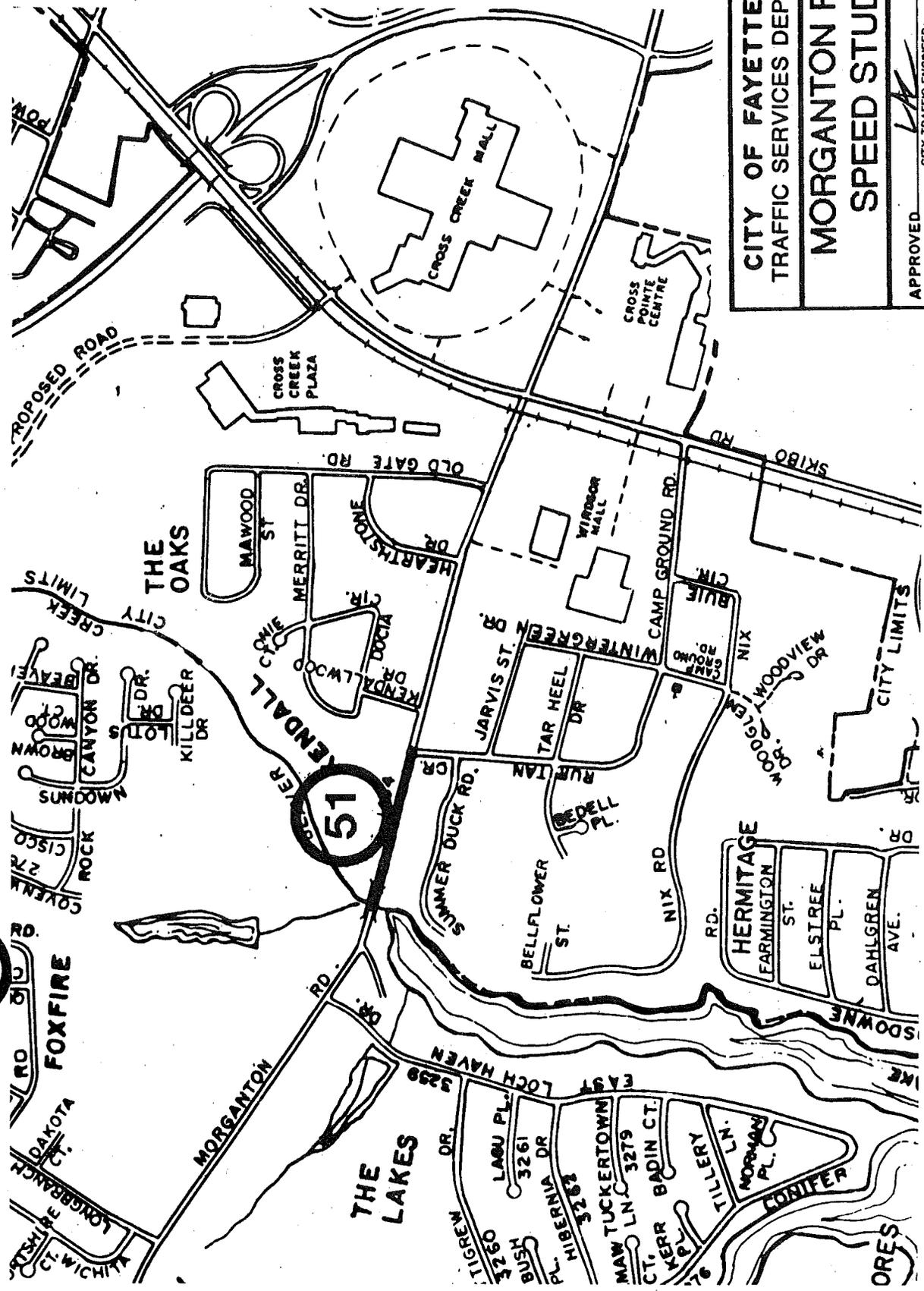
of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_,

19\_\_\_\_\_.

\_\_\_\_\_  
(Seal)

~~07/13/00~~

REVISION	DATE	BY



**CITY OF FAYETTEVILLE**  
**TRAFFIC SERVICES DEPARTMENT**

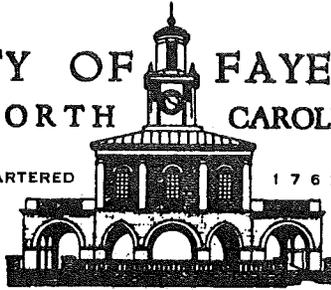
**MORGANTON ROAD**  
**SPEED STUDY**

APPROVED	CITY TRAFFIC ENGINEER
DESIGNED BY	DRAWN BY
NO. 1	RSS
DATE 2-12-92	FIELD BOOK
SCALE 1"=1000'	SHEET 01

**# #** 85% SPEED (MPH)

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

February 11, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

Handwritten initials 'LAC' in black ink, positioned to the right of the 'FROM' line.

REFERENCE: Revision to Section 20-106  
Schedule # 16 - Prohibition of Right Turn  
on Red Signal

A review of our existing right turn on red ordinance reveals several ordinance locations which no longer are controlled by traffic signals.

The attached ordinance will reduce the locations around the city, where right turn on red is prohibited, to three intersections. These three locations do not have adequate site distance to allow right turn on red to operate safely.

We recommend the adoption of the attached ordinance.

LAC/psc

Attachment  
Ordinance

cc: Roger L. Stancil, Assistant City Manager - Operations

An Equal Opportunity



Affirmative Action Employer

ITEM 2.H.

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

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

Sec. 20-106. Traffic Schedule Number 16 - Prohibition  
of Right Turn on Red Signal

There is hereby rescinded from said schedule the following:

Ordinance adopted April 14, 1980

There is hereby added to said schedule the following:

Churchill Drive (Southbound) at Morganton Road  
Gillespie Street (Southbound) at Eastern Boulevard  
Pinecrest Drive (Northbound) at Mirror Lake Drive/Rush Road

This ordinance shall be in full force and effective  
February 18, 1992.

ADOPTED this the 18th day of February, 1992.

CITY OF FAYETTEVILLE

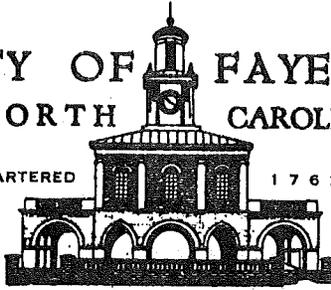
BY: \_\_\_\_\_  
J.L. Dawkins, Mayor

ATTEST:

\_\_\_\_\_  
Bobbie A. Joyner, City Clerk

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

February 12, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

REFERENCE: Petition for Speed Limit Reduction - Ruth Street

We have received a petition from residents on Ruth Street requesting the speed limit on their street be changed to 25 MPH. City Council Policy requires that a majority of 51% of the residents sign the petition and that these signatures be verified. There are 28 residences on this street and we have received 16 signatures of which we can verify only 12 signatures. Fifteen signatures must be verified to meet the 51% requirement.

We recommend that the City Council hold a public hearing at their March 2, 1992 meeting to receive public input on this requested speed limit reduction assuming that we will be able to verify the rest of the needed signatures by February 18, 1992.

LAC/psc

Enclosures  
Petition  
Map

cc: Roger L. Stancil, Assistant City Manager - Operations

An Equal Opportunity



Affirmative Action Employer

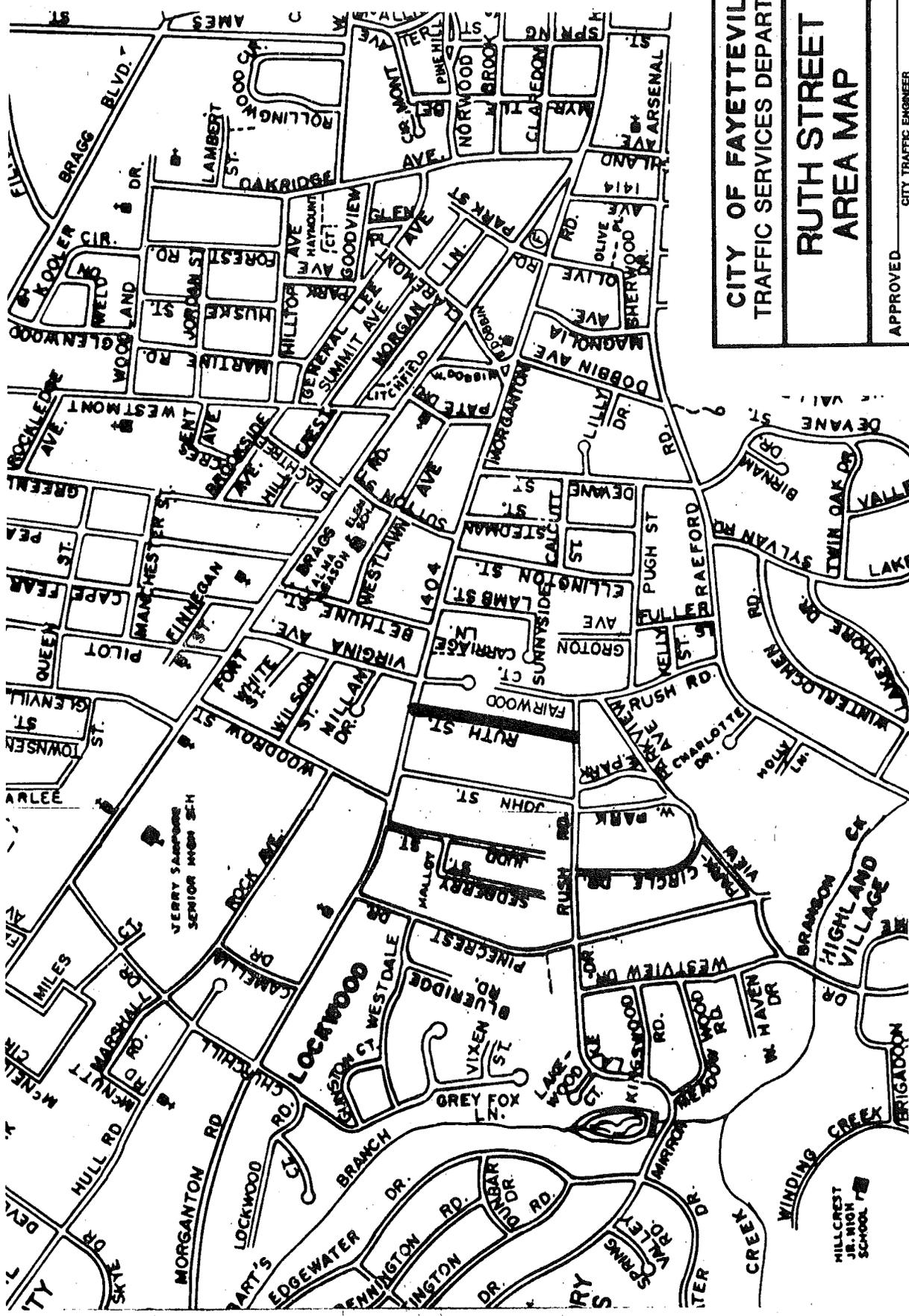
ITEM 2.I.

**RUTH STREET SPEED LIMIT CHANGE PETITION**

We, the undersigned, do hereby request that the Fayetteville City Council take action to reduce the speed limit on Ruth Street from 35 m.p.h. to 25 m.p.h. Ruth Street is used to cut through from Morganton Road to Raeford Road. As people go to and come home from work, they use Ruth Street at very high rates of speed. We are concerned that a child or other pedestrian will be hit or a serious automobile accident will be caused.

NAME	ADDRESS	
✓ Jean Moore	112 Ruth St.	486-8021
✓ Denise Serrin	116 Ruth Street	484-2633
✓ Sh. B. Ediff	141 Ruth Street	
✓ <del>Elizabeth Hill</del>	140 Ruth Street	485-4020
✓ R. D. Smith	139 Ruth Street	485-4834
✓ Ruthyn Crumley	139 Ruth St	484-2285
Thodore F Pelletier	130 Ruth St.	
Atwood Barry Crowder	133 Ruth St.	
✓ H. Lee Monk	131 Ruth St.	484-9798
Jama Stroud	126 Ruth St.	483-5410
✓ Kayal D. Hill	122 Ruth St	
Linda F Hill	122 Ruth St	
Robt Satt	115 Ruth St	483-3544
Meredith Gantt	115 Ruth St	
✓ Lucy Gardner	109 Ruth St.	
Juan A G	110 1/2 Ruth St	
✓ Laurash W. Goss	110 1/2 Ruth St	484-8243
✓ William S. Goss	114 Ruth St.	486-0441
✓ Brenda McFadyen	111 Ruth St.	486-5703
John D. McFadyen	111 Ruth St	
R. Allen Moore	112 Ruth St.	

REVISION	DATE	BY



**CITY OF FAYETTEVILLE**  
**TRAFFIC SERVICES DEPARTMENT**

**RUTH STREET**  
**AREA MAP**

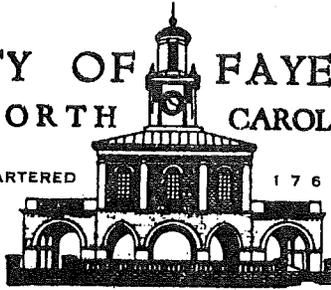
APPROVED: CITY TRAFFIC ENGINEER  
DESIGNED BY: DRAWN BY: RSV  
SCALE: 1" = 100' DATE: 2-15-92

FIELD BOOK NO. SHEET OF



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

February 11, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

REFERENCE: Petition for Speed Limit Reduction  
College Lakes Subdivision - Bayshore Drive,  
Deerpath Drive, Saddle Ridge Road, Sandstone Drive  
and Shoreline Drive

We have received petitions signed by a majority of residents on the above referenced streets for a 25 miles per hour speed zone.

If, following the public hearing, City Council should agree with the proposed speed reduction; adoption of the attached ordinance will establish a 25 miles per hour speed limit in the College Lakes Subdivision at the above referenced streets in accordance with City Council Policy.

LAC/psc

Attachments  
Ordinance  
Map

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

An Equal Opportunity



Affirmative Action Employer

ITEM 3.A

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

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

Sec. 20-106. Traffic Schedule Number 8 - Speed Control.

There is hereby added to said schedule the following:

25 Miles Per Hour Speed Limit

<u>Bayshore Drive:</u>	From Saddle Ridge Road to its end.
<u>Deer Path Drive:</u>	From Saddle Ridge Road to its end.
<u>Saddle Ridge Road:</u>	From Sandstone Drive to its end
<u>Sandstone Drive:</u>	From Saddle Ridge Road to its end
<u>Shoreline Drive:</u>	From Saddle Ridge Road to its end

This ordinance shall be in full force and effective  
February 28, 1992.

ADOPTED this the 18th day of February, 1992.

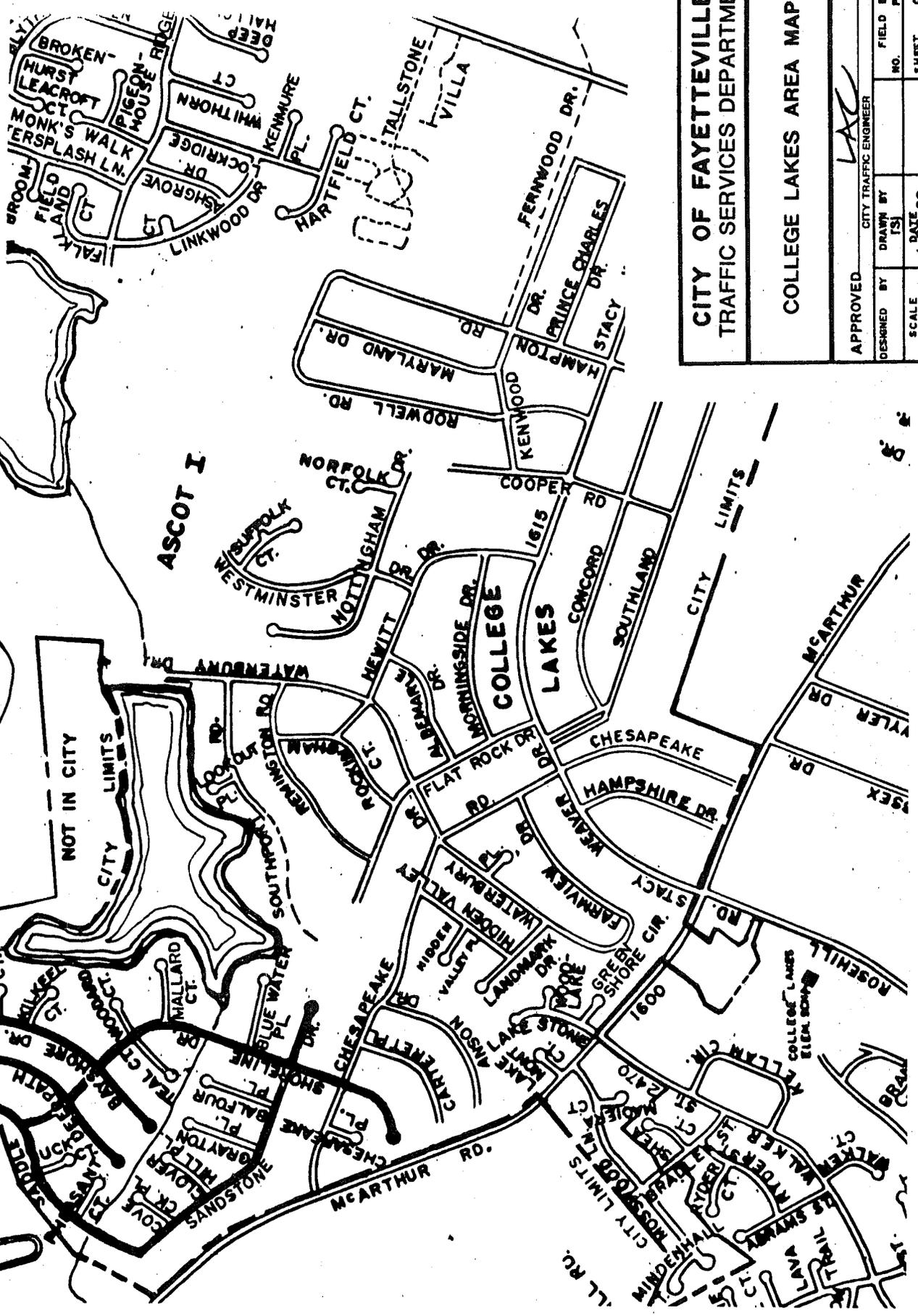
CITY OF FAYETTEVILLE

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

ATTEST:

\_\_\_\_\_  
Bobbie A. Joyner, City Clerk

REVISION	DATE	BY



**CITY OF FAYETTEVILLE**  
**TRAFFIC SERVICES DEPARTMENT**

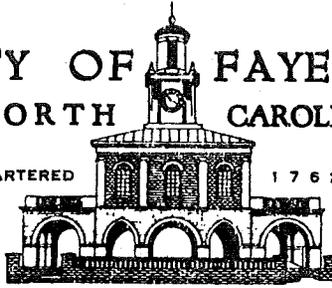
**COLLEGE LAKES AREA MAP**

APPROVED	CITY TRAFFIC ENGINEER
DESIGNED BY	DRAWN BY
SCALE	DATE
FIELD BOOK NO.	SHEET OF



THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

FEBRUARY 14, 1992

MEMORANDUM

TO: The Mayor and Members of City Council  
FROM: John P. Smith, City Manager *JS*  
SUBJECT: Addendum to Agenda of February 18, 1992

Please add the following items to your agenda for Tuesday,  
February 18:

- Consideration of request from Cape Fear Valley Medical Center for traffic signal on Village Drive.

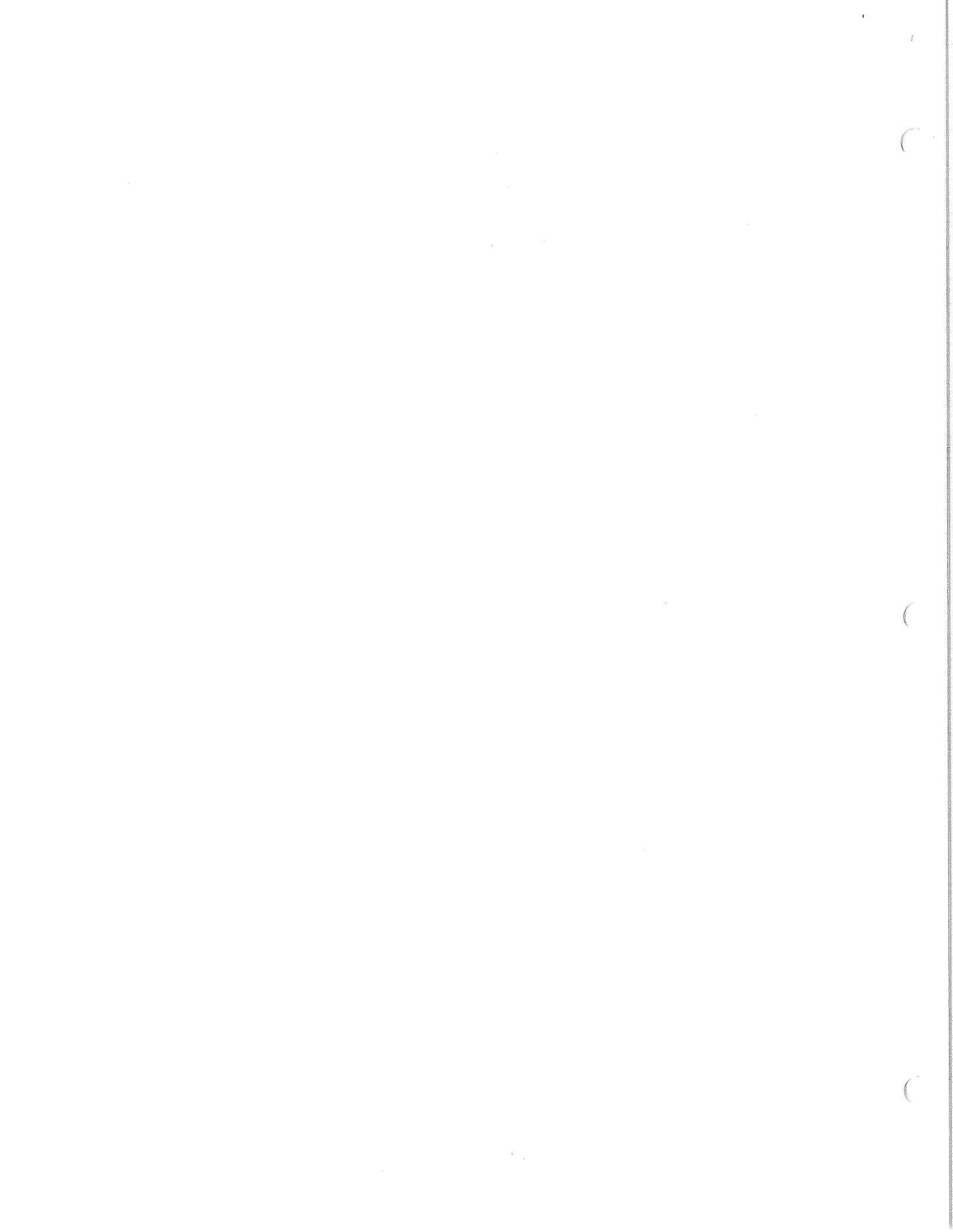
Appearing: Michael Jansen of Cape Fear Valley Medical Center

- Approve tax refund of \$551.67 to NC Housing Finance Agency.
- Approve tax refunds of less than \$100. (See attached list)

An Equal Opportunity  
City of

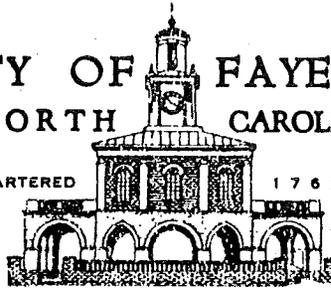


Affirmative Action Employer  
Dogwoods



THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



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

PAINT/SIGN DIVISION 433-1638  
SIGNALS DIVISION 433-1639  
333 ALEXANDER STREET  
FAYETTEVILLE, NC 28301-5797

July 23, 1991

MEMORANDUM

TO: John P. Smith, City Manager

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

REFERENCE: Cape Fear Valley Hospital Request for New Driveway  
and Traffic Signal on Village Drive at Conover Drive

We have reviewed the above referenced request and met with Mr. John Carlyle, Administrator and Harry Lipps, Director of Engineering to review our study of the area.

We advised Mr. Carlyle and Mr. Lipps that:

- 1) The hospital should submit a driveway application to the City Engineer for the proposed new driveway and a right turn lane in accordance with the attached preliminary plan.
- 2) The hospital will construct the right turn lane in conformance with City specifications, at their expense, and dedicate the proposed utility and pole easement.
- 3) The hospital may request the installation of a traffic signal upon submittal of the driveway application. Based on our traffic projections at this intersection, we can recommend installation of the traffic signal if the hospital will agree to pay the estimated \$30,000 materials and labor charges.
- 4) Should the hospital not request a traffic signal upon submittal of the driveway application, the City will monitor traffic and recommend a traffic signal when traffic volumes meet Manual on Uniform Traffic Control Devices warrants - subject to availability of funds.

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

John P. Smith  
Page two  
July 23, 1991

Mr. Carlyle advises that the hospital is currently reviewing local subdivision covenant restrictions to make certain they will not prohibit this new driveway. We should expect further action of this new driveway within 60 - 90 days.

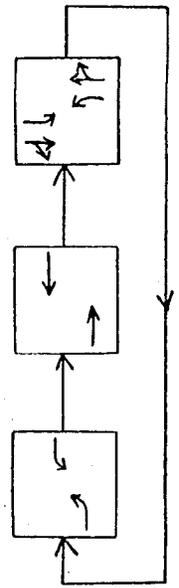
LAC/psc

Enclosure  
Preliminary Plan

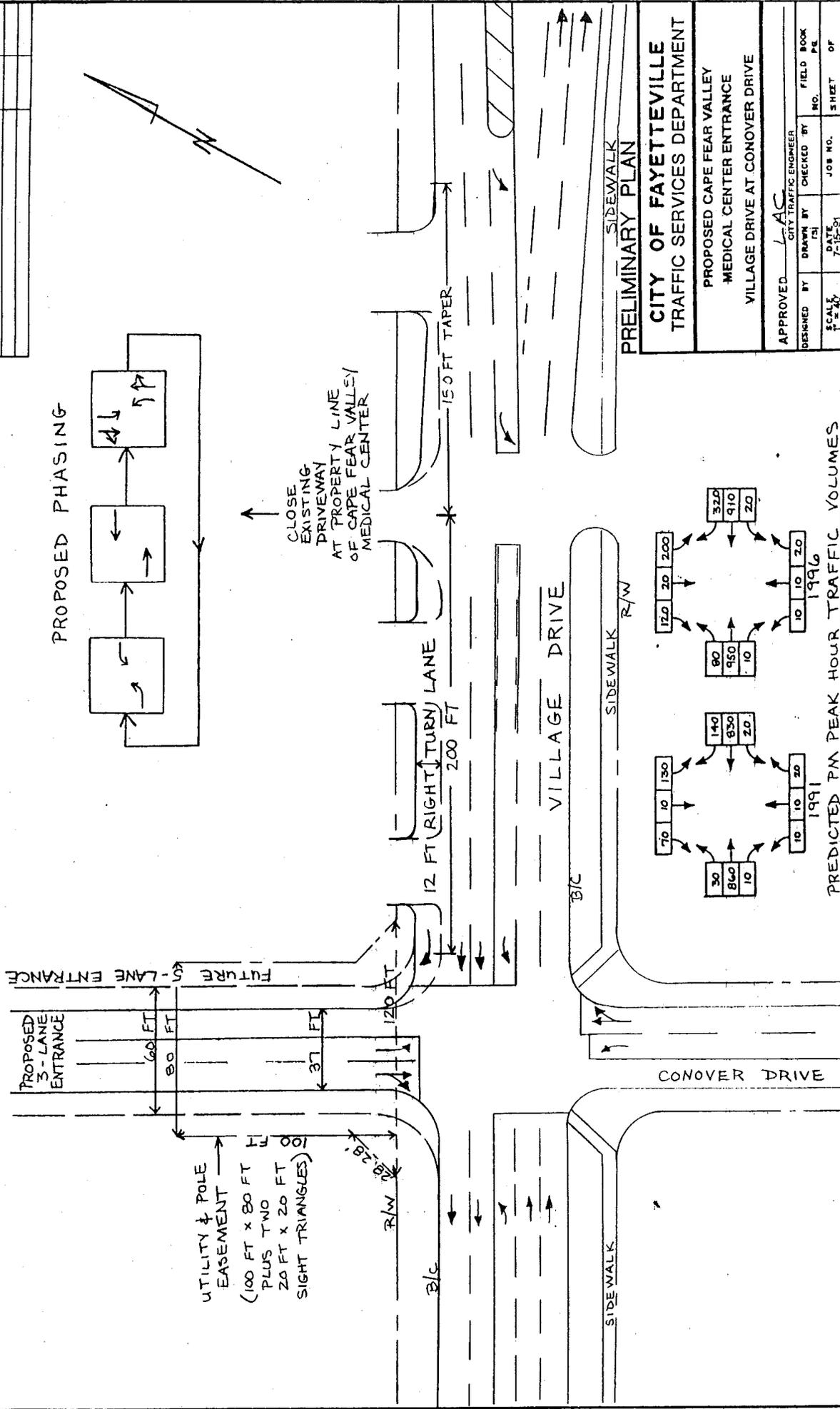
cc: Roger L. Stancil, Assistant City Manager - Operations  
Robert M. Bennett, P.E., City Engineer

REVISION:	DATE:	BY:

**PROPOSED PHASING**



CLOSE EXISTING DRIVEWAY AT PROPERTY LINE OF CAPE FEAR VALLEY MEDICAL CENTER



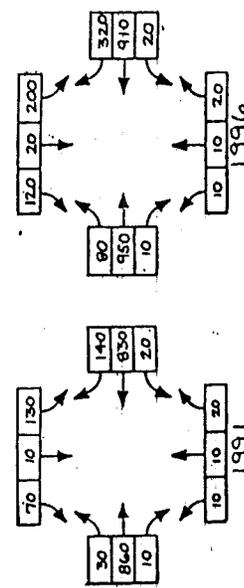
UTILITY & POLE EASEMENT  
 (100 FT x 80 FT PLUS TWO 20 FT x 20 FT SIGHT TRIANGLES)

**PRELIMINARY PLAN**

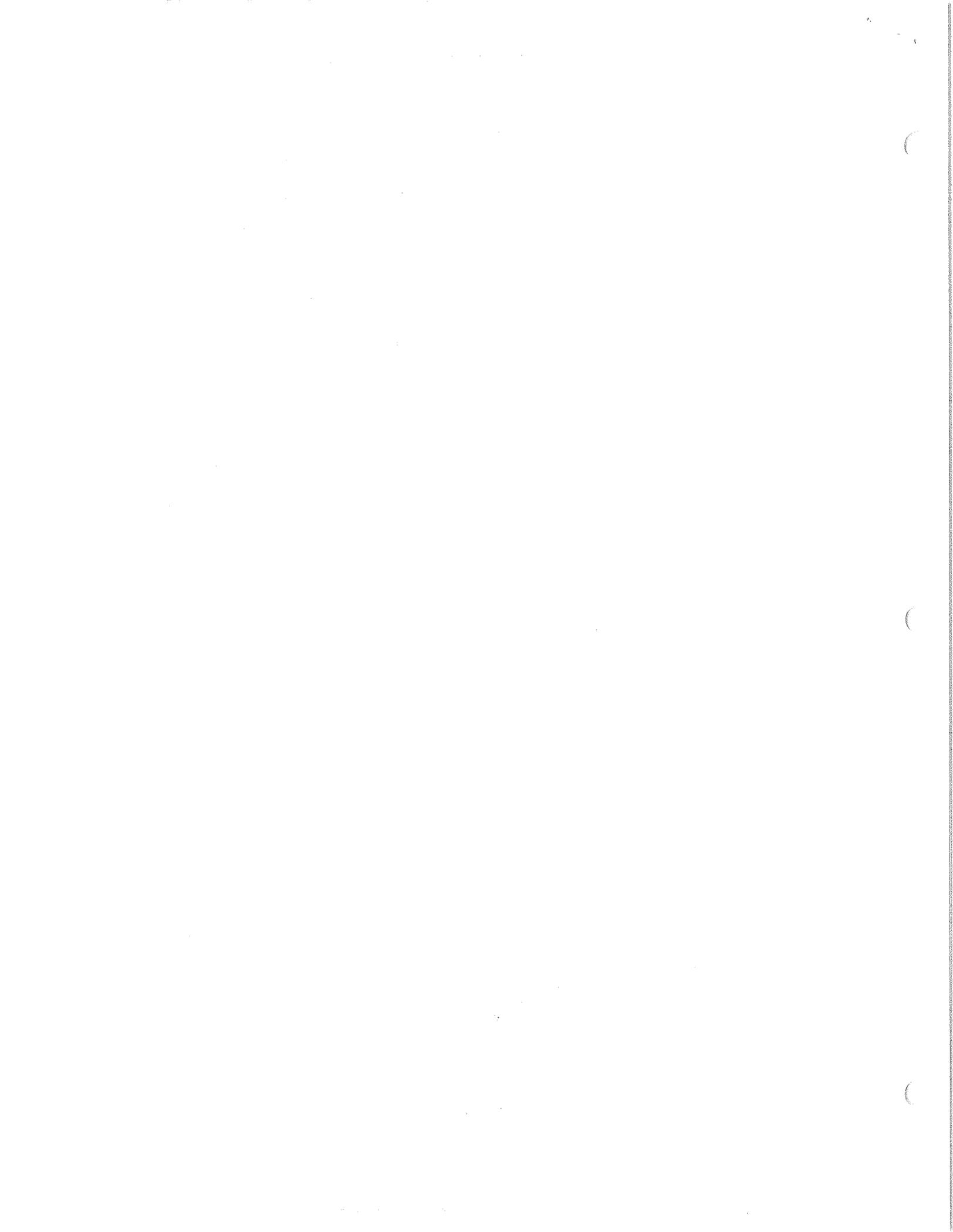
**CITY OF FAYETTEVILLE**  
 TRAFFIC SERVICES DEPARTMENT

PROPOSED CAPE FEAR VALLEY MEDICAL CENTER ENTRANCE  
 VILLAGE DRIVE AT CONOVER DRIVE

APPROVED	LAC	CITY TRAFFIC ENGINEER
DESIGNED BY		CHECKED BY
SCALE	1" = 40'	DATE
		7-15-91
		JOB NO.
		NO. OF SHEET
		FIELD BOOK
		PE

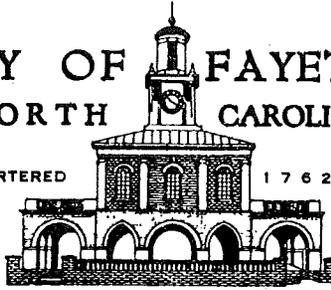


PREDICTED PM PEAK HOUR TRAFFIC VOLUMES  
 1991  
 1996



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

February 13, 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>
NC Housing Finance Agency	Property in exempt status. Owned by the State	808 Little Ave. Lot 10, #7181	551.67

KN/be

FIN-183

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City of



Affirmative Action Employer  
Dogwoods

CITY REFUND  
1989 = 263.34  
1990 = 288.33

TAXPAYER'S NAME NC Housing Finance Agency

MAILING ADDRESS P.O. Box 28066  
Raleigh NC 27611-28066

BILL NUMBER 2665670

SOCIAL SECURITY 56-1700536

PROPERTY DESCRIPTION 808 Riddle Ave. Rt. 10 # 7181  
Joe B. Ray Not Prop.

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) 89-90, I OVERPAID COUNTY TAXES IN THE AMOUNT OF \$ 724.56 AND CITY/TOWN OF Fayetteville TAXES IN THE AMOUNT OF \$ 551.67. 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: Property in exempt status. owned by the State.

SINCERELY  
  
David G. Martin, Vice President  
12-31-91  
DATE

\*\*\*\*\*

ASSESSOR'S RECOMMENDATION: OK  
SIGNATURE: Stephen T. Hume DATE: JAN 29 1992

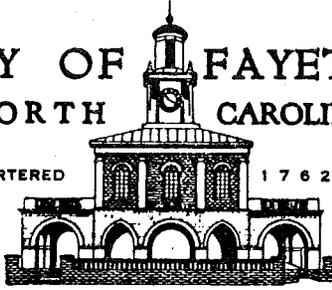
COUNTY ATTORNEY'S RECOMMENDATION: OK  
SIGNATURE: Robert Anderson DATE: JAN 29 1992

ACTION TAKEN BY THE BOARD: **APPROVED**  
SIGNATURE: Jessica Jarrell DATE: FEB 04 1992

VERIFIED BY THE CLERK TO THE BOARD: Okay - D. Lewis  
DATE: 2/5/92

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



FINANCE DEPARTMENT  
2ND FLOOR, CITY HALL

433 HAY STREET  
P.O. DRAWER D

FAYETTEVILLE, NC 28302-1746

February 13, 1992

MEMORANDUM

TO: John P. Smith, City Manager  
FROM: Kai Nelson, Finance Director *WN*  
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>
Winston, Andreas K.	Adjust vehicle value per NADA.		\$ 3.41
West, Joseph R. & Linda M.	Taxpayer listed a 1984 Olds not owned.		70.71
Viles, Alvia W.	Taxpayer listed a 1991 Ford in error. Refund difference in 1991 Ford and 1983 Nissan		43.28
Smith, Jimmie Lee & Cora	Taxpayer listed a vehicle that is registered in D.C.		28.39
Sessoms, Bill E.	Clerical error-adjust value of 1987 Toyota Celica per NADA	187 Toyota Celica	2.48
Nash, Mary L.	1991 Ford charged on bill #2467991		57.51
Moore, William C.	Adjust value of 1988 VW Jetta per NADA		1.44



John P. Smith  
Page 2  
February 13, 1992

<u>Taxpayer's Name</u>	<u>Nature of Clerical Error</u>	<u>Property Description</u>	<u>Amount</u>
Moody, James L.	Vehicle failed to be deleted during data entry		7.37
Lowe, William & Diane L.	Taxpayer listed a 1984 Honda, VIN #JHMEE2756KS007836 in error for 1991. Did not own per Bill of Sale.		26.52
Joyce, Virginia B.	Adjust value of Olds per VIN		12.58
Hinds, Sidney Rae III	Adjust value of 1965 Ford per condition		9.23
Hampton, Carrie L.	1987 Toyota charged on bill #2802324		78.17
Freeman, Sandra Brittain	Adjust value of 1990 Dodge per VIN		7.85
Fowler, Joseph M. & Valen D.	Taxpayer listed a 1986 Chevy not owned per Bill of Sale		42.75
Flowers, Thomas C.	1964 AMC keyed twice in error		6.73
Flakes, Valrie R.	Taxpayer listed 1980 Toyota twice in error		10.88
Fipps, Kellum G. & Shirley	1974 boat keyed incorrectly		29.42
Cooper, Craig S. & Kimberly M.	Illegal tax - military non- resident		89.58
Bunce, Margaret	Vehicle keyed twice in error		10.08
Blanchard, Richard P. & Joan M.	Adjust value of 1990 Dodge per Bill of Sale		10.10

KN/be

PUBLIC HEARING  
SPEAKERS

SUBJECT: REDUCE SPEED LIMIT - COLLEGE LAKES

DATE: February 18, 1992

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

OPPONENT (Against)

✓ 1.	<u>John Noble</u>	<u>444 Deerpark Dr</u>
2.		
3.		
4.		
5.		

PUBLIC HEARING

CITIZEN INPUT

RE: \_\_\_\_\_

Date: \_\_\_\_\_

S P E A K E R S:

(Name)

(Address)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

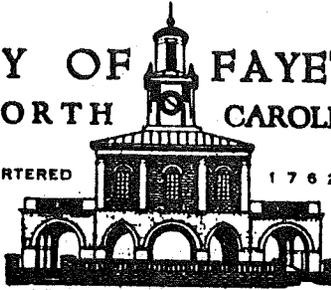
8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY ATTORNEY  
P.O. BOX 1513  
FAYETTEVILLE, NO. 28302-1513

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

February 11, 1992

MEMORANDUM

TO: John P. Smith  
City Manager

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

SUBJECT: Confirmation of Assessment Rolls

The following assessment rolls are ready for confirmation following the public hearings set for February 18, 1992:

1. Barrington Circle (from Bragg Boulevard to Bragg Boulevard)
2. Summer Duck Road (from Ruritan Drive to Dead End)
3. Converse Court (from Converse Avenue to Cul-de-sac)

The resolutions confirming the assessment rolls and levying the assessments need to be adopted by the City Council.

RCC/jkp

0007.10

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

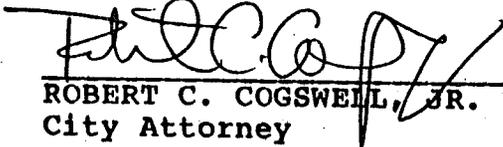
ITEM 3.B.

CERTIFICATE SHOWING NOTICES OF THE HEARING ON  
PRELIMINARY ASSESSMENT ROLL WERE MAILED TO  
OWNERS OF PROPERTY SHOWN ON THE ROLL

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF  
FAYETTEVILLE:

I, Robert C. Cogswell, Jr., City Attorney of the City of Fayetteville, North Carolina, do hereby certify that notices of the preliminary Assessment Rolls for the following paving improvement projects were mailed by first class mail on the 5th day of February, 1992, to the owners of the property shown on the preliminary Assessment Roll.

1. Barrington Circle (from Bragg Boulevard to Bragg Boulevard)
2. Summer Duck Road (from Ruritan Drive to Dead End)
3. Converse Court (from Converse Avenue to Cul-de-sac)

  
ROBERT C. COGSWELL, JR.  
City Attorney

CERTIFY.3

Resolution No. R1992-

RESOLUTION CONFIRMING ASSESSMENT ROLL  
AND LEVYING ASSESSMENTS

WHEREAS, the City Council of the City of Fayetteville has on February 18, 1992, held a public hearing, after due notice as required by law, on the Assessment Roll for the improvement of Barrington Circle (from Bragg Boulevard to Bragg Boulevard) for paving;

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

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

1. The Assessment Roll for the improvement of Barrington Circle (from Bragg Boulevard to Bragg Boulevard) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll, attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.
3. The City Attorney is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
4. Pursuant to the policy of the City Council of the City of Fayetteville adopted on September 21, 1987, a thirty percent (30%) discount shall be applied to any assessments paid before the expiration of thirty (30) days from the date that notice is published of confirmation of the Assessment Roll pursuant to Chapter 160A, Section 229, of the General Statutes of North Carolina.
5. The Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina.

6. The Deputy Tax Collector is hereby further directed to publish once on the 19th day of March, 1992, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

This the 18th day of February, 1992, at \_\_\_\_\_ p.m.

\_\_\_\_\_  
J. L. DAWKINS, MAYOR

ATTEST:

\_\_\_\_\_  
BOBBIE A. JOYNER, CITY CLERK

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

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

CONFIRM. 5

Property Length = 1,189.18'  
 Construction Length = 562.00'  
 Construction Cost = \$30,594.32  
 3.5% Engineering Cost = 1,070.80  
 Total Cost = \$31,665.12

BARRINGTON CIRCLE  
 ASSESSMENT ROLL FOR PAVING  
 (FROM BRAGG BOULEVARD TO BRAGG BOULEVARD)

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

Assessment Rate = \$10.00/Foot

Construction Approved by City Council - 1/16/90

PER CITY COUNCIL ACTION DATED 1-1-88

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
<u>W/S North and East From Bragg Boulevard</u>				
Mildred B. Poole 2412 Barrington Circle Fayetteville, NC 28303-4284	0428-31-6266 2412 Barrington Circle 6.52 Acres and Rear Lots 59-61 Poole Property, Section 2 Plat Book 11, Page 70	2789-389	310.0'	\$3,100.00
Carl A. Barrington 2336 Barrington Circle Fayetteville, NC 28303-4284	0428-31-9044 2336 Barrington Circle Lot 5, Poole Property, Section 2 Plat Book 11, Page 70	621-14	140.00'	\$1,400.00
Richmond Fayetteville Association 2512 Cary Street West Richmond, VA 23220-5117	0428-40-0829 2320 Barrington Circle Lots 3 and 4, Poole Property, Section 2 Plat Book 11, Page 70	2803-779	200.00'	\$2,000.00
Richmond Fayetteville Association 2512 Cary Street West Richmond, VA 23220-5117	0428-40-1713 2302 Barrington Circle Lot 2, Poole Property, Section 2 Plat Book 11, Page 70	2803-779	100.00'	\$1,000.00

Property Length = 1,189.18'  
 Construction Length = 562.00'  
 Construction Cost = \$30,594.32  
 3.5% Engineering Cost = 1,070.80  
 Total Cost = \$31,665.12  
 Assessment Rate = \$10.00/Foot

BARRINGTON CIRCLE  
 ASSESSMENT ROLL FOR PAVING  
 (FROM BRAGG BOULEVARD TO BRAGG BOULEVARD)

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

Construction Approved by City Council - 1/16/90

PER CITY COUNCIL ACTION DATED 1-1-88

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
<u>E/S North and East From Bragg Boulevard</u>				
Mildred B. Poole 2412 Barrington Circle Fayetteville, NC 28303-4284	0428-31-6266 Private Park Area 6.52 Acres and Rear Lots 59-61 Poole Property, Section 2 Plat Book 11, Page 70	2789-389	439.18'	\$4,391.80 (\$2,360.00 was prepaid 1-15-90. Leaving a balance due of \$2,031.80)

COST TO CITY = \$19,773.32 (62.45%)  
 COST TO OWNERS = 11,891.80 (37.55%)

TOTAL = \$31,665.12

Paving to be assessed at the rate of \$10.00 per foot upon the lots and parcels of land abutting upon the improved street portion according to the extent of the respective frontage thereon by an equal rate per foot of such frontage, to be paid after completion of such work and within thirty (30) days after notice of assessment, in cash with no interest, or in five equal annual installments, bearing annual interest at eight percent (8%), payable annually.

Robert C. Cogswell, Jr.  
 City Attorney





PUBLIC HEARING  
SPEAKERS

SUBJECT: ASSESSMENT - BARRINGTON CIRCLE

DATE: February 18, 1992

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

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

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. \_\_\_\_\_

Resolution No. R1992-

RESOLUTION CONFIRMING ASSESSMENT ROLL  
AND LEVYING ASSESSMENTS

WHEREAS, the City Council of the City of Fayetteville has on February 18, 1992, held a public hearing, after due notice as required by law, on the Assessment Roll for the improvement of Summer Duck Road (from Ruritan Drive to Dead End) for paving;

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

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

1. The Assessment Roll for the improvement of Summer Duck Road (from Ruritan Drive to Dead End) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll, attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.
3. The City Attorney is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
4. Pursuant to the policy of the City Council of the City of Fayetteville adopted on September 21, 1987, a thirty percent (30%) discount shall be applied to any assessments paid before the expiration of thirty (30) days from the date that notice is published of confirmation of the Assessment Roll pursuant to Chapter 160A, Section 229, of the General Statutes of North Carolina.
5. The Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina.

6. The Deputy Tax Collector is hereby further directed to publish once on the 19th day of March, 1992, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

This the 18th day of February, 1992, at \_\_\_\_\_ p.m.

\_\_\_\_\_  
J. L. DAWKINS, MAYOR

ATTEST:

\_\_\_\_\_  
BOBBIE A. JOYNER, CITY CLERK

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

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

CONFIRM. 7

Property Length = 2,564.03'  
 Construction Length = 1,237.00'  
 Construction Cost = \$71,180.11  
 3.5% Engineering Cost = 2,491.30  
 Total Cost = \$73,671.41

SUMMER DUCK ROAD  
 ASSESSMENT ROLL FOR PAVING  
 (FROM RURITAN DRIVE TO DEAD END)

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

Assessment Rate = \$10.00/Foot

Construction Approved by City Council - 10/23/89

PER CITY COUNCIL ACTION DATED 1-1-88

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
<u>N/S West from Ruritan Drive</u>				
Woodruff Corporation 812 Sante Fe Drive Fayetteville, NC 28303-2850	<u>0408-71-6282</u> Narrow strip along north side of Summer Duck Road Eden Subdivision, Sections 1 and 2 .11 Acre Murray Fork Land Plat Book 49, Page 70	2822-189	295.14'	\$2,951.40
Le Thi Thu Huyen 1000 6 Woodcreek Drive Fayetteville, NC 28314-1119	<u>0408-71-0431</u> Lot 9, Eden Subdivision, Sections 1 and 2 Plat Book 49, Page 70	3199-441	134.79'	\$1,347.90
Albert J. and Earline R. Johnson 5412 Summer Duck Road Fayetteville, NC 28314-1448	<u>0408-71-4405</u> 5412 Summer Duck Road Lot 8, Eden Subdivision, Sections 1 and 2 Plat Book 49, Page 70	3246-871	136.26'	\$1,362.60
William D. and Diem T. George 6313 Bella Terra Court Fayetteville, NC 28304-5500	<u>0408-71-2469</u> Lot 7, Eden Subdivision, Sections 1 and 2 Plat Book 49, Page 70	3574-374	145.00'	\$1,450.00
Winfred R. and Regina D. Martin 5509 Lawnwood Drive Fayetteville, NC 28304-2014	<u>0408-71-1532</u> Lot 6, Eden Subdivision, Sections 1 and 2 Plat Book 49, Page 70	3606-107	131.37'	\$1,313.70

Property Length = 2,564.03'  
 Construction Length = 1,237.00'  
 Construction Cost = \$71,180.11  
 3.5% Engineering Cost = 2,491.30  
 Total Cost = \$73,671.41

SUMMER DUCK ROAD  
 ASSESSMENT ROLL FOR PAVING  
 (FROM RURITAN DRIVE TO DEAD END)

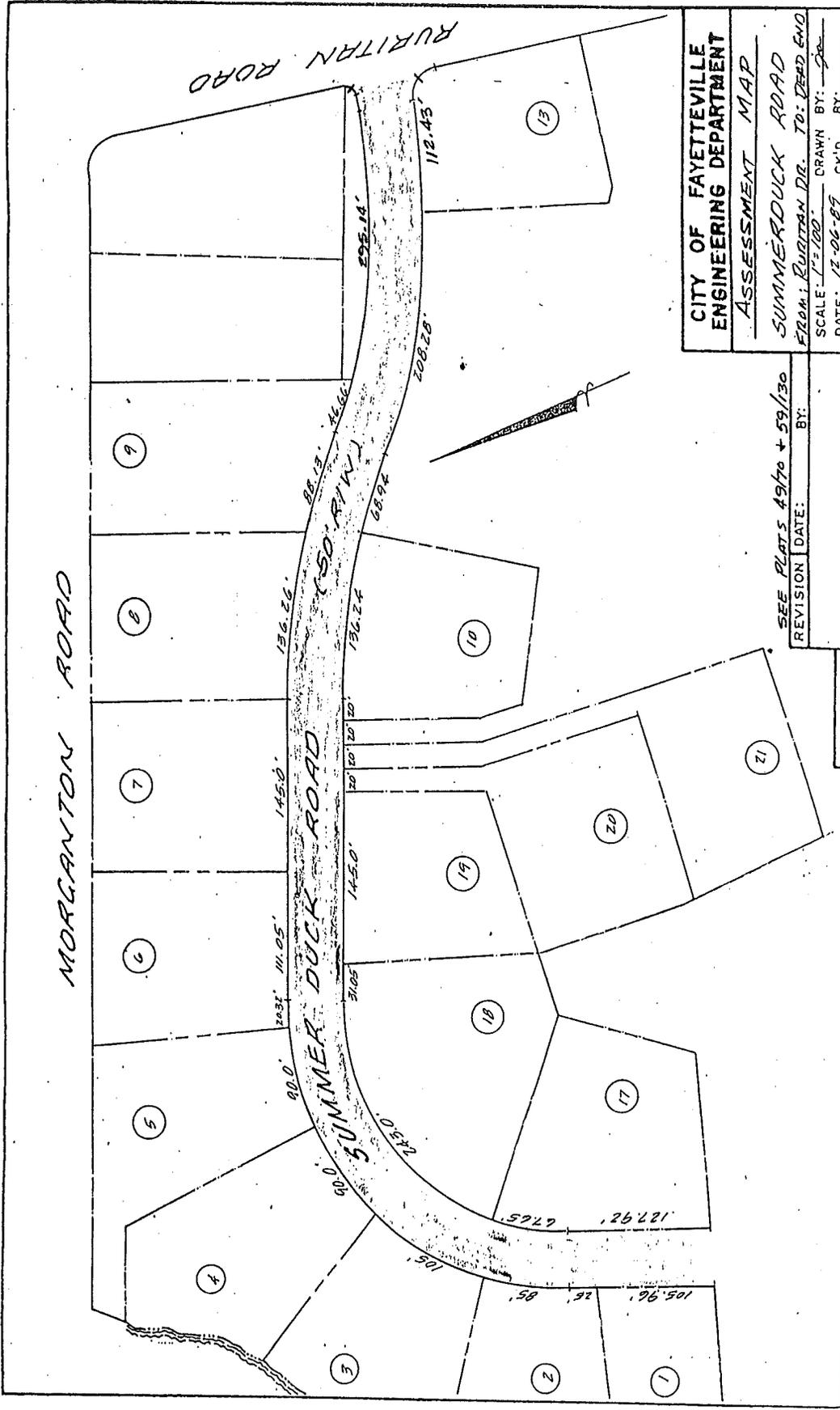
Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

Assessment Rate = \$10.00/Foot

Construction Approved by City Council - 10/23/89

PER CITY COUNCIL ACTION DATED 1-1-88

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
Kenneth W. and Martha S. Tew Route 7, Box 106T Fayetteville, NC 28306-9802	0408-71-0504 Lot 5, Eden Subdivision, Section 3 Plat Book 59, Page 130	3733-305	90.00'	\$900.00
Bette W. Broadwell 812 Sante Fe Drive Fayetteville, NC 28303-2899	0408-61-8584 Lot 4, Eden Subdivision, Section 3 Plat Book 59, Page 130	3201-350	90.00'	\$900.00
Elizabeth Ann Broadwell 812 Sante Fe Drive Fayetteville, NC 28303-2899	0408-61-7465 Lot 3, Eden Subdivision, Section 3 Plat Book 59, Page 130	3201-348	105.00'	\$1,050.00
Bobbie L. and Than T. Rogers 106A Lake Clair Place Fayetteville, NC 28304-2515	0408-61-6345 Lot 2, Eden Subdivision, Section 3 Plat Book 59, Page 130	3723-050	110.00'	\$1,100.00
Bobbie L. and Than T. Rogers 106A Lake Clair Place Fayetteville, NC 28304-2515	0408-61-4245 Lot 1, Eden Subdivision, Section 3 Plat Book 59, Page 130	3723-057	105.96'	\$1,059.60
S/S West from Ruritan Drive	0408-71-7027 108 Ruritan Drive Lot 13, Eden Subdivision, Sections 1 and 2 Plat Book 49, Page 70	3551-61	112.43'	\$1,124.30



CITY OF FAYETTEVILLE  
 ENGINEERING DEPARTMENT  
 ASSESSMENT MAP  
 SUMMERDUCK ROAD  
 FROM: RURITRAN DR. TO: DEAD END  
 SCALE: 1"=100'  
 DATE: 12-06-89  
 DRAWN BY: [Signature]  
 CK'D BY: [Signature]

SEE PLATS 4970 + 59/130  
 REVISION DATE: BY:

FIELD BK:



Resolution No. R1992-

RESOLUTION CONFIRMING ASSESSMENT ROLL  
AND LEVYING ASSESSMENTS

WHEREAS, the City Council of the City of Fayetteville has on February 18, 1992, held a public hearing, after due notice as required by law, on the Assessment Roll for the improvement of Converse Court (from Converse Avenue to Cul-de-sac) for paving;

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

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

1. The Assessment Roll for the improvement of Converse Court (from Converse Avenue to Cul-de-sac) for paving in the City of Fayetteville, North Carolina, is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and following sections, does hereby levy assessments as contained in the said Assessment Roll, attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.
3. The City Attorney is hereby directed to deliver to the Deputy Tax Collector the said Assessment Roll.
4. Pursuant to the policy of the City Council of the City of Fayetteville adopted on September 21, 1987, a thirty percent (30%) discount shall be applied to any assessments paid before the expiration of thirty (30) days from the date that notice is published of confirmation of the Assessment Roll pursuant to Chapter 160A, Section 229, of the General Statutes of North Carolina.
5. The Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233, of the General Statutes of North Carolina.

6. The Deputy Tax Collector is hereby further directed to publish once on the 19th day of March, 1992, the notice required by Chapter 160A, Section 229, of the General Statutes of North Carolina.

This the 18th day of February, 1992, at \_\_\_\_\_ p.m.

\_\_\_\_\_  
J. L. DAWKINS, MAYOR

ATTEST:

\_\_\_\_\_  
BOBBIE A. JOYNER, CITY CLERK

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

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

CONFIRM.9

Property Length = 482.65'  
 Construction Length = 247.00'  
 Construction Cost = \$17,789.50  
 3.5% Engineering Cost = 622.63

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

Total Cost = \$18,412.13

Assessment Rate = \$10.00/Foot

Construction Approved by City Council - 10/23/89

PER CITY COUNCIL ACTION DATED 1-1-88

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
Jeff and Gay Lain 224 Timberlake Drive Fayetteville, NC 28314-1212	<u>0419-80-6852</u> 1503 Converse Road Lot 20, Block I Plat Book 14, Page 46	2954-493	111.95'	\$1,119.50
Juan E. and Patricia Rodriguez 1020 Pamalee Drive Fayetteville, NC 28303-3833	<u>0419-80-5829</u> 1505 Converse Court Lot 19, Block 2, Kornbow Lake Plat Book 14, Page 46	2774-356	84.50'	\$845.00
Robert E. and Jeanette G. Dudley 1510 Swainey Street Fayetteville, NC 28303-3054	<u>0419-81-4043</u> 1507 Converse Court Lot 18, Block I, Kornbow Lake Plat Book 14, Page 46	2295-415	84.50'	\$845.00
Ms. Bella J. McArthur 1509 Converse Court Fayetteville, NC 28303-3072	<u>0419-81-6103</u> 1509 Converse Court Lot 17, Block I, Kornbow Lake Plat Book 14, Page 46	2073-325	84.50'	\$845.00

Property Length = 482.65'  
 Construction Length = 247.00'  
 Construction Cost = \$17,789.50  
 3.5% Engineering Cost = 622.63

CONVERSE COURT  
 ASSESSMENT ROLL FOR PAVING  
 (FROM CONVERSE AVENUE TO CUL-DE-SAC)

Submitted to City Council  
 Final Approval By City Council  
 To City Finance Department  
 To City Clerk

Total Cost = \$18,412.13  
 Assessment Rate = \$10.00/Foot

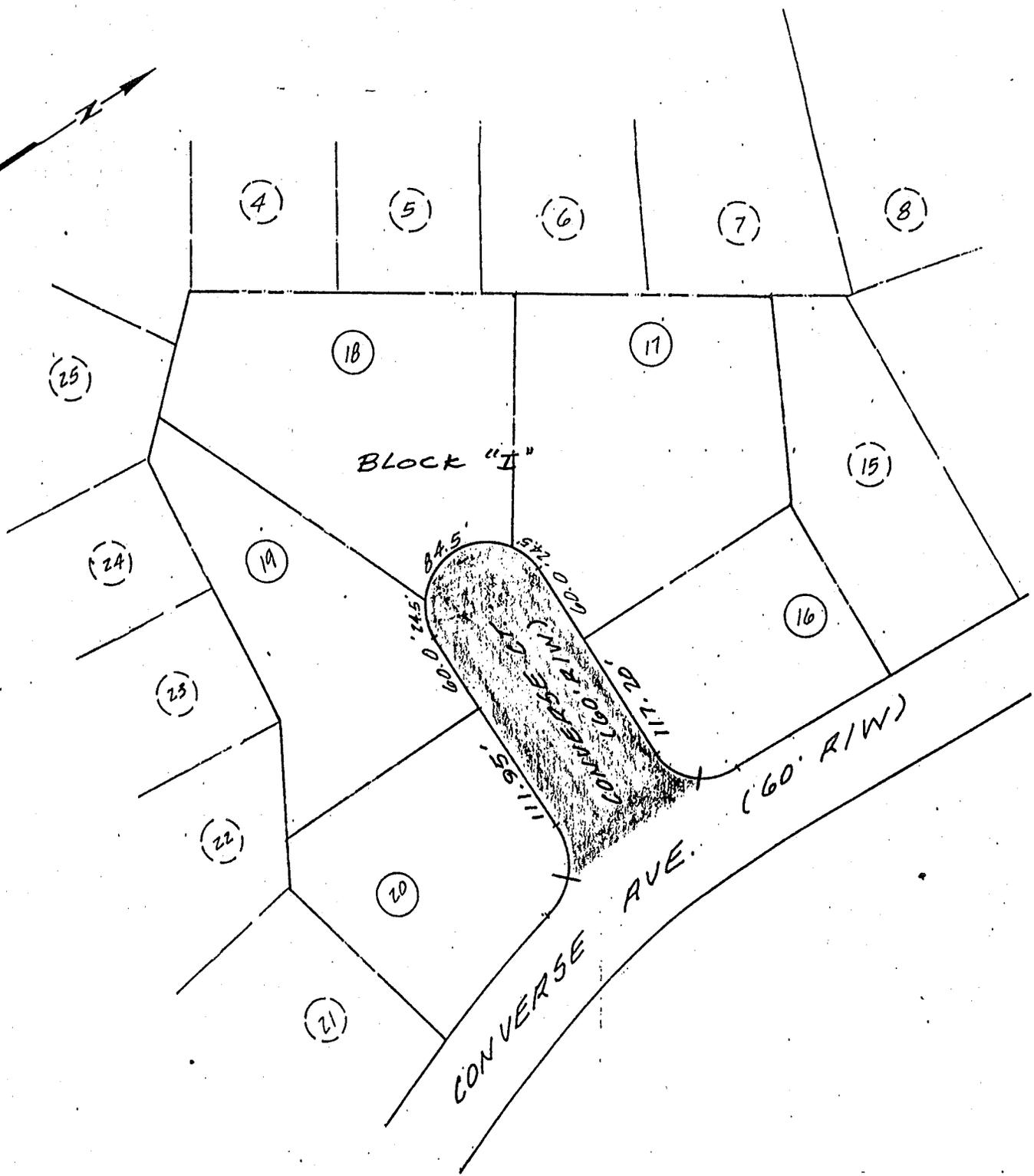
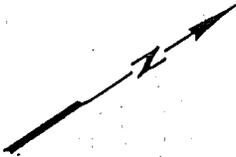
Construction Approved by City Council - 10/23/89

PER CITY COUNCIL ACTION DATED 1-1-88

Property Owner	Property Description	Deed Book/Page	Frontage	Assessment
John H. and Garnet O. Alderman 1701 Johnson Street Fayetteville, NC 28303-5807	0419-81-7036 1511 Converse Street Lot 16, Block I, Kornbow Lake Plat Book 14, Page 46	2880-12	117.20'	\$1,172.00
COST TO CITY = \$13,585.63 (73.79%)				
COST TO OWNERS = 4,826.50 (26.21%)				
TOTAL = \$18,412.13				

Paving to be assessed at the rate of \$10.00 per foot upon the lots and parcels of land abutting upon the improved street portion according to the extent of the respective frontage thereon by an equal rate per foot of such frontage, to be paid after completion of such work and within thirty (30) days after notice of assessment, in cash with no interest, or in five equal annual installments, bearing annual interest at eight percent (8%), payable annually.

Robert C. Cogswell, Jr.  
 City Attorney



CITY OF FAYETTEVILLE ENGINEERING DEPARTMENT	
ASSESSMENT MAP	
CONVERSE CT.	
FROM: CONVERSE AVE. TO: CUL-DE-SAC	
DATE 12-06-89	DRAWN BY <i>ja</i>
SCALE 1" = 100'	FLD BK _____

REF: PLAT 14/46

REVISION  
DATE

FIELD BK:



PUBLIC HEARING  
SPEAKERS

SUBJECT: ASSESSMENT - SUMMER DUCK RD.

DATE: February 18, 1992

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

OPPONENT (Against)

✓ 1.	<u>William D George</u>	<u>Lot 7 Summer Duck Rd.</u>
✓ 2.	<u>Albert Johnson</u>	<u>Lot 8 Summer Duck Rd.</u>
✓ 3.	<u>WENDELL BENNER</u>	<u>Lot 18 Summer Duck Rd.</u>
4.	_____	_____
5.	_____	_____

PUBLIC HEARING

CITIZEN INPUT

RE: \_\_\_\_\_

Date: \_\_\_\_\_

S P E A K E R S:

(Name)

(Address)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

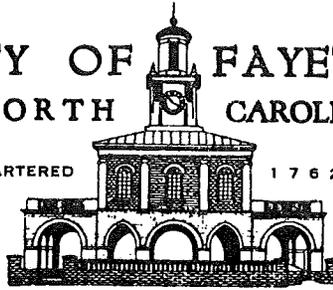
8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



ENGINEERING DEPARTMENT  
433 HAY STREET

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

February 11, 1992

MEMORANDUM

TO: Mr. John P. Smith, City Manager

THROUGH: Roger L. Stancil, Assistant City Manager

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

SUBJECT: Public Hearing to Consider a Request for Closing a Portion of North Pearl Street

A petition was received on January 15, 1992 requesting the closing 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. On January 21, 1992, the Council set a public hearing for February 18, 1992 to consider this request.

The notice of public hearing has been advertised in the newspaper for four successive weeks and abutting property owners have been notified.

Subject section of North Pearl Street has never been opened or maintained by the City; therefore, Lot 19 is now "landlocked". Upon the official closing of the street by the Council, ownership of the portion closed will be vested in the abutting property owners. The owner of Lot 19 is planning to use his portion of the street as access to the lot. Building Inspections Superintendent, Frank Simpson, has stated that a building permit can be issued, using the "closed" portion as access.

We recommend adoption of the attached resolution which reserves to the City of Fayetteville an easement for public access which was requested by the City Parks & Recreation Department. Also reserved is an all purpose underground and overhead utility easement in the area to be closed.

APB/mak

Enclosures: Resolution  
Map

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

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

ITEM 3.C.

**NORTH CAROLINA  
CUMBERLAND COUNTY  
CITY OF FAYETTEVILLE**

**RESOLUTION AND ORDER  
CLOSING A PORTION OF  
NORTH PEARL STREET**

At the regular meeting of the Fayetteville City Council held on the 18th day of February, 1992, and upon the motion of Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and with the following Councilmembers voting **FOR** said resolution:

\_\_\_\_\_

\_\_\_\_\_

and the following Councilmembers voting **AGAINST** said resolution:

\_\_\_\_\_

\_\_\_\_\_

the following RESOLUTION was adopted:

**R E S O L U T I O N**

**WHEREAS**, under authority of N.C.G.S. 160A-299, a public hearing before the City Council of the City of Fayetteville, North Carolina, was advertised as required by law, and duly held on the 18th day of February, 1992, in accordance with the notice calling for said public hearing, and all adjoining property owners having been notified by certified mail of the time, place and purpose of said meeting, the purpose of which was to determine whether that certain street portion in the City of Fayetteville, North Carolina, known as that 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, should be closed as a public street; and a notice of said hearing having been posted at both ends of said street portion for four weeks prior to the holding of said hearing; and

**WHEREAS**, during the said public hearing all interested citizens were invited to comment and state any objections they may have to the closing of a portion of North Pearl Street as a public street, and there was no objection to same; and

**WHEREAS**, the City Council, following such public hearing, after considering all of the facts, has determined that the closing of a portion of North Pearl Street is not contrary to the public interest and that no individual owning property in the vicinity of said street portion will thereby be deprived of reasonable means of ingress and egress to their property;

**NOW, THEREFORE, IT IS ORDERED AND DIRECTED:**

That the portion of North Pearl Street, within the limits covered by the following description only, be closed as a public street under the following terms and conditions:

- 1) Description of area closed as a public street;

**NORTH CAROLINA  
CUMBERLAND COUNTY  
CROSS CREEK TOWNSHIP**

That 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.

The City of Fayetteville reserves a public access easement and an all purpose, underground and overhead utility easement in and over the entire area of North Pearl Street as described above.

2) That the closing of a portion of North Pearl Street will not affect any easement granted to the City of Fayetteville for public utilities;

3) That the City of Fayetteville will no longer be responsible for maintenance of said street portion;

4) That a copy of this **ORDER**, together with an affidavit of publication of notice and certified mail receipts, be recorded in the office of the Register of Deeds of Cumberland County;

**IN WITNESS WHEREOF**, the City of Fayetteville has caused this instrument to be signed in its name by its Mayor, attested by its City Clerk, and its corporate seal hereto affixed, all by order of its City Council.

**ADOPTED**, this 18th day of February, 1992.

**CITY OF FAYETTEVILLE**

**BY:** \_\_\_\_\_  
J. L. Dawkins, Mayor

**ATTEST:**

\_\_\_\_\_  
Bobbie A. Joyner, City Clerk

NORTH PEARL STREET 50' R/W

Block "E"

11

N74°15'E  
186.90'

12

S08°52'W  
104.79'

BERTHA C. GARVIN  
D.B. 2335 PG. 407

SHADOWLAWN  
DRIVE 50' R/W

Block "B"

18

N30°29'E  
164.65'

N24°15'W  
116.63'

S30°00'W  
165.98'

F. L. DICKENS  
CONSTRUCTION, CO.  
PG.  
D.B. 3729-596

S24°15'E  
151.63'

19

M.00°00'W  
123.01'

N39°13'W  
133.96'

REF: PLAT 25/3

CITY OF FAYETTEVILLE, N.C.  
ENGINEERING DEPARTMENT

PROPOSED STREET CLOSING  
PT. N. PEARL STREET

FROM: PT. SHADOWLAWN DR. TO: E. EDGE PLAT 25/3  
DATE 12-16-91 DRAWN BY GODWIN  
SCALE 1" = 50' CK'D BY

REVISION

DATE \_\_\_\_\_ BY \_\_\_\_\_



PUBLIC HEARING  
SPEAKERS

SUBJECT: CLOSING NORTH PEARL ST.

DATE: February 18, 1992

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

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

PUBLIC HEARING

CITIZEN INPUT

RE: \_\_\_\_\_

Date: \_\_\_\_\_

S P E A K E R S:

(Name)

(Address)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

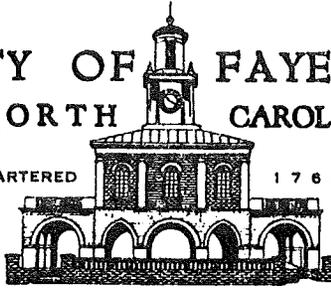
8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

FEBRUARY 13, 1992

MEMORANDUM

TO: The Mayor and Members of City Council  
FROM: John P. Smith, City Manager  
SUBJECT: Annexation of The Greens, Section 1, Part 1

The street construction in this proposed annexation is not in accordance with current City standards. Those portions of this subdivision that were previously annexed have concrete curb and gutter. This section does not.

City street standards are currently under review and asphalt curb is an option Council may wish to consider. The Streets and Roads Committee has not looked favorably on asphalt curb. In the past we have accepted streets in annexed areas that did not meet City standards where the annexation was involuntary (initiated by the City). However, it seems to me that in new subdivisions where the developer builds with the intent to request annexation, we should require that City standards are met.

The street standards are under review and will be presented to Council within the next 30 days. Therefore I recommend that the Council either deny the petition or delay action pending adoption of the new street standards. If the streets meet the new standards, then I would recommend annexation of this property.

JPS:ssm

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

ITEM 3. D. 1.

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

February 13, 1992

MEMORANDUM

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

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

SUBJECT: Agenda Item - Public Hearing - Annexation of The Greens, Section 1, Part 1 (Petition-Initiated Contiguous Area)

A public hearing has been scheduled for February 18, 1992, concerning the proposed petition-initiated annexation of The Greens, Section 1, Part 1. (See Map A and Map B attached.) The Notice of Public Hearing was published in the February 7, 1992, edition of The Fayetteville Observer-Times.

After holding the public hearing, the City Council has the authority to adopt an ordinance annexing the area. The City Council has the authority to make the ordinance effective immediately or on any specified date within six months from the date of passage of the ordinance.

In deciding on whether to annex or not to annex this area, the City Councilmembers might want to consider a variety of information. The overall purpose of this memo is to present this information to the City Council.

The memo is organized as follows:

- Section A provides basic information about the area proposed for annexation.
- Section B evaluates the area in terms of several criteria.
- Section C provides a summary, conclusions, and recommendations.

Two maps are attached to the memo, along with a proposed ordinance.

DN/p

Attachments

ANNEX-661

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

SECTION A

BASIC INFORMATION ABOUT THE AREA PROPOSED FOR ANNEXATION

1. NAME OF AREA: The Greens, Section 1, Part 1
2. TYPE OF PROPOSED ANNEXATION: Petition-Initiated (Contiguous Area)
3. CONTEXT/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.

4. 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.)

5. REASON FOR THE PETITION:

The owner of the property, Broadwell Land Company, is developing the property as residential. Since neither water nor sewer were available before the development project was started, water and sewer extensions were needed. Therefore, the developer requested PWC water and sanitary extensions to the area.

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 requesting annexation.

6. IS AREA CONTIGUOUS? Yes.
7. NUMBER OF ACRES IN PETITION AREA: 7.31 acres

8. PRESENT CONDITIONS:

	<u>Number of Acres</u>	
	<u>By Development Status</u>	<u>By Category</u>
a. <u>Present Use of Land</u>		
<u>Land Use Type</u>		
<u>Developed Land</u>	0	
<u>Land Currently Being Developed</u>	7.31	
As residential (29 lots)		6.48
As streets		.83
<u>Undeveloped Land</u>	0	
TOTAL	7.31	

b. Present Number of Housing Units - 0

c. <u>Present Demographics</u>	<u>Total</u>	<u>White</u>	<u>Other</u>	<u>Black</u>
(1) <u>Total Population</u>	0	0	0	0
(2) <u>Voting Age Population</u>	0	0	0	0
(3) <u>Registered Voters</u>	0	0	0	0

d. Present Streets - One new street (Hastings Court) is presently under construction and about 90 percent completed, as of the time of preparation of this report. (See Map B.)

e. Present Utilities

- (1) PWC Sewer Lines - Already installed
- (2) PWC Water Lines - Already installed
- (3) PWC Fire Hydrants - Already installed
- (4) PWC Electrical Lines - Already installed (underground)
- (5) PWC Street Lights - Already installed

f. Present Ad Valorem Tax Value - The present ad valorem tax value of the area (before re-evaluation) is estimated as \$53,217. Ad valorem tax revenues for the remainder of FY 91-92 would be based on this value. The components of this value are shown below.

<u>Real Property Value</u>		<u>Assumptions</u>
Land	\$53,217	7.31 acres at \$7,280 per acre
Buildings	0	(Part of a 71.50 acre tract of
Improvements	0	land valued at \$520,559)
Total Real	\$53,217	

<u>Personal Property Value</u>	
None	0

<u>Total Value - Real and Personal Property</u>	
Total	\$53,217

9. FACTORS AFFECTING EXPECTED FUTURE CONDITIONS:

a. Plans of Owner - The Broadwell Land Company plans to develop the site as residential. Development is currently underway.

b. Development Controls

(1) Zoning

(a) Current Zoning in County - PND (To be built as R10)

(b) Likely Future Zoning After Annexation - R10

(2) Land Use Plans

(a) Current Plan (1971) - Low Density Residential (Stage I)

10. EXPECTED FUTURE CONDITIONS:

a. Future Use of Land

(1) Residential - Based on the plans of the owner/developer, the property will be developed as residential. An unrecorded map submitted with the petition shows 29 lots. According to the petitioner, one single-family unit will be constructed on each lot; the units will probably be owner-occupied. The probable purchase cost will be approximately \$85,000; this includes land, building, and improvements. The expected completion date is July 1993. However, past experience has shown that it is very difficult to predict how fast a new residential area will be completed, because of the lack of knowledge about the future demand for housing.

(2) Non-residential - None

b. Future Number of Housing Units - When residential construction is completed, i.e., when the area is completely built-out, this area will have 29 housing units. It is not known how fast the housing units will be built.

c. Future Demographics - When the area is completely built-out, it can be projected that the future total population will be 72. This is based on 29 housing units times 2.5 persons per unit. This projection is based on the assumption that no housing units will be vacant. The persons per household is based on the 1990 Census City-wide average for Fayetteville. Since it is not known how fast the housing units will be built, it is not possible to know by when this population growth will occur.

d. Future Streets - One new street is projected to be completed in the area by 7-1-92.

<u>Name</u>	<u>Approx. Length</u>	<u>Being Built to City Standards?</u>	<u>Being Built to NCDOT Standards?</u>	<u>Is City Likely to Assume Maintenance Responsibility?</u>
Hastings Court	810'	No	Yes	?

e. Future Utilities - When development is completed, this area will have the full range of utilities (sewer, water, fire hydrants, electricity, street lights).

f. Future Ad Valorem Tax Value - When the area is completely built-out, it can be projected that the future total ad valorem tax value will be \$2,755,000. The components of this projected value are shown below. Conservative assumptions were used.

(1) <u>Real Property Value</u>		<u>Assumptions</u>
Land	\$ 290,000	29 lots at \$10,000 per lot
Buildings	2,030,000	29 houses at \$70,000 per house
Improvements	145,000	29 houses at \$5,000 per house
Total Real	<u>\$2,465,000</u>	
(2) <u>Personal Property Value</u>		
Automobiles	\$ 290,000	29 houses at 1 auto per house
		Each auto valued at \$10,000
(3) <u>Total Value Real and Personal Property</u>		
Total	<u>\$2,755,000</u>	

SECTION B

EVALUATION OF THE AREA PROPOSED FOR ANNEXATION

Through a staff review process, the City staff and the PWC staff have analyzed the proposed annexation in terms of the following criteria:

1. Compliance With Statutory Standards
2. Ability of City Operating Departments and PWC to Provide Services
3. Fiscal Impact (A Comparison of the Projected Costs of Providing Services With the Project Revenues)
4. Impact at Time of Annexation on Minority Population Percentages (In Overall City and in Adjacent City Council Districts)
5. Other Impacts/Problems Identified in Staff Reviews
6. Other Issues Raised in Staff Review

Information about each of these criteria is presented below.

1. COMPLIANCE WITH STATUTORY STANDARDS

G.S. 160A-31 sets forth one standard which an area must meet when it is annexed by petition. The one standard is that the area must be contiguous to the municipal boundary. The proposed annexation area is contiguous to the municipal boundary.

2. ABILITY OF CITY OPERATING DEPARTMENTS AND PWC TO PROVIDE SERVICES

a. Methodology - The head of each City operating department and the PWC Manager were asked to review the proposed area in terms of how their departments would serve this area.

b. Findings - Based on responses received from the City operating departments and from PWC, all operating departments and PWC appear capable of serving the area, if it is annexed.

### 3. FISCAL IMPACT

Fiscal impact analysis involves comparing the projected costs of providing services with the projected revenues. This technique is useful in evaluating proposed annexations. The results of the analysis for The Greens property are presented below. The City and PWC are treated separately.

#### a. City - Fiscal Impact

(1) Procedure - Several steps were involved in analyzing the fiscal impact of the proposed annexation on the City.

(a) Revenues - First, annual operating revenues were projected. Since it is not known how fast the new homes proposed for the area will be constructed and occupied, it was not possible to project revenues for each year from now to build-out. Instead, revenues were projected for this fiscal year (FY 91-92) and for a hypothetical "build-out year." Four revenue sources were projected for both FY 91-92 and the "build-out year": ad valorem tax, sales tax, beer-wine tax, and Powell Bill. The worksheet used in preparing the projections is included in this memo as Appendix A. Some of the major assumptions were: that the annexation would be effective 2-29-92; that when the area is completely built-out, it will have 29 housing units (all occupied) with a total population of 72; that values will be as shown in Section A 10f; that the City tax rate will remain the same; and that there will be no inflation.

(b) Costs - Next, annual costs were projected, based on the costs specified by department heads in the review process. As in the case of revenues, costs were projected for this fiscal year (FY 91-92) and for a hypothetical "build-out year." In FY 91-92, it is projected that there will be no houses completed and no streets accepted for maintenance. The only cost will be for installing one traffic control sign (\$100). By "build-out year," it is projected that the City would have spent \$1,595 on providing a roll-out cart to each house (29 houses times \$55 per cart). In the "build-out year," it is projected that the City's annual cost for street maintenance will be \$355 (1.5 mile times \$2,370 per mile). Although there would be other annual costs for providing fire protection, police protection, sanitation service, etc., these departments did not specify these costs. (In most cases, the departments stated that they could absorb the area with no cost.) There might be costs for rural fire department debt assumption with the Westarea Fire Department, but these costs are unknown at this time.

(c) Results - The results of comparing the revenues and costs for FY 91-92 and "build-out year" are shown below. In FY 91-92, there will be a slight deficit. However, by

"build-out year," there will be a large annual surplus. The surplus would be more than enough to cover the cost for providing roll-out carts to the houses as they are built.

<u>Year</u>	<u>Annual Operating Revenue</u>	<u>Annual Operating Costs</u>	<u>Annual Surplus (Deficit)</u>
FY 91-92	99	100	(1)
Build-out year	24,419	355	24,064

b. Public Works Commission - Fiscal Impact

(1) Procedure - Several steps were involved in analyzing the fiscal impacts of the proposed annexation on PWC.

(a) Revenues - First, revenues to PWC were considered. In FY 91-92, no significant revenues to PWC will occur. However, by "build-out year," it can be assumed that PWC would be receiving revenues from the new water and sewer customers and from the new electrical service customers. Also, PWC would have received tapping fees and lateral charges from homeowners as homes were connected.

(b) Costs - Next, costs to PWC were projected. In FY 91-92, it can be assumed that PWC would incur a cost in the form of a refund to the developer, after annexation. This refund would be based on one-third of the cost to the developer of extending the water and sewer lines. According to PWC, the refund would be \$7,947.89. Since there are no active accounts in the area, there would be "no costs" to PWC in terms of reduction in water rates or elimination of street light surcharges. In the "build-out year," it can be assumed that PWC's costs of treating sewer and providing water will be offset by the rates received.

(2) Results - Revenues and costs were discussed above. However, it is not possible to quantify all of these revenues and costs for FY 91-92 and for "build-out year" (as was done for the City).

4. IMPACT AT TIME OF ANNEXATION ON MINORITY POPULATION PERCENTAGES (IN OVERALL CITY AND IN ADJACENT DISTRICTS)

As shown in Section A of this memo (Item 8 - Present Conditions), this area presently has zero housing units and zero population. It is assumed that these conditions will not change between now and the assumed effective date of annexation (2-29-92). Therefore, there will be no impact at the time of annexation on minority population percentages, either at the overall City level or at the district level. (This area is adjacent to City Council Election District #1 - Old District #1 and new District #1.)

5. OTHER IMPACTS/PROBLEMS IDENTIFIED IN STAFF REVIEW

- a. Methodology - During staff review, the head of each City operating department and the PWC Manager were asked to identify any additional impacts/problems, if the area were annexed. It was suggested that the cumulative impact of other annexations enacted during the previous two fiscal years be considered.
- b. Findings
  - 1) PWC - Impacts/Problems - None identified.
  - 2) City Operating Departments - Impacts/Problems:
    - a. Fire Department - The staff of the Fire Department pointed out that many annexations have been enacted on the north side in the past few years. Continued annexations on the north side will eventually have an impact on the Fire Department's operating costs, especially after development.

6. OTHER ISSUES RAISED IN STAFF REVIEW

- a. Methodology - During staff review, the head of each City operating department and the PWC Manager were asked whether the consideration of this proposed annexation raised any other issues which need to be addressed.
- b. Findings
  - 1) PWC - Other Issues Raised - None raised.
  - 2) City Operating Departments - Other Issues Raised:
    - a. Engineering Department - The staff of the Engineering Department reported that a recent field inspection has revealed that the developer is not constructing the new street to City specifications. Based on this fact, the Engineering Department staff predicts that the new street will most likely require maintenance activity sooner than normal. The new street should not be accepted for City maintenance unless the developer is required, at his expense, to bring the street up to City standards.

SECTION C

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

In summary, this memo has analyzed the proposed petition-initiated annexation of The Greens, Section 1, Part 1. The memo has provided basic information about the area, with a focus on present conditions and expected future conditions. The memo has also evaluated the area in terms of several criteria.

The basic conclusions are as follows:

- The area does comply with statutory standards, since the area is contiguous.
- The City operating departments and PWC appear to be able to provide services to the area.
- The fiscal impact of annexing the area appears to be very positive for the City, as measured at the "build-out year." However, City departments did not quantify very many of their costs. The fiscal impact analysis for PWC needs to be refined before conclusions can be drawn.
- If the area is annexed effective 2-29-92, there will be no impact on minority population percentages.
- The Fire Department has raised concern over the cumulative impact of annexations on the north side.
- The Engineering Department has pointed out that the developer has not constructed the one street in the area to City standards.

Based on these conclusions, in particular the one about street construction, the City staff recommends that the City Council defer action on this proposed annexation until such time as proposed changes in street construction standards are reviewed and acted upon. If the City's current standards are not changed, then it might be appropriate to either not annex the area or to annex the area but not accept the street.. If the City's current standards are changed, then it would be appropriate to annex the area at a later date and to accept the street.

APPENDIX A  
ANNEXATION REVENUE PROJECTION WORK SHEET

AREA #: \_\_\_\_\_ AREA NAME: THE GREENS, SECTION 1, PART 1  
 ASSUMED EFFECTIVE DATE: 2-29-92

PETITION-INITIATED  
 CITY-INITIATED

DATE PROJECTION PREPARED: 2-12-92 DATE REVISED: \_\_\_\_\_

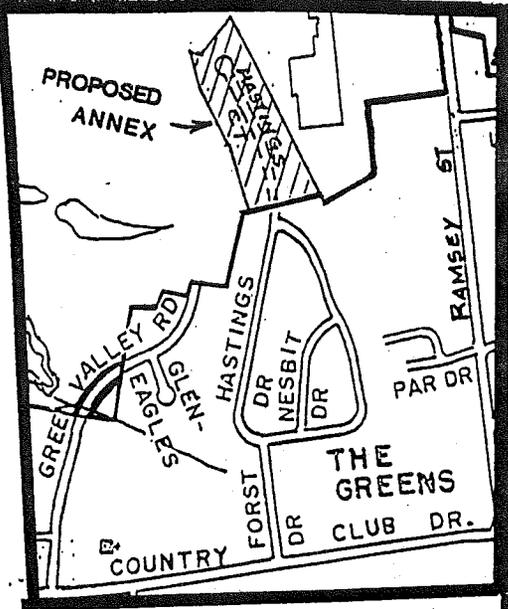
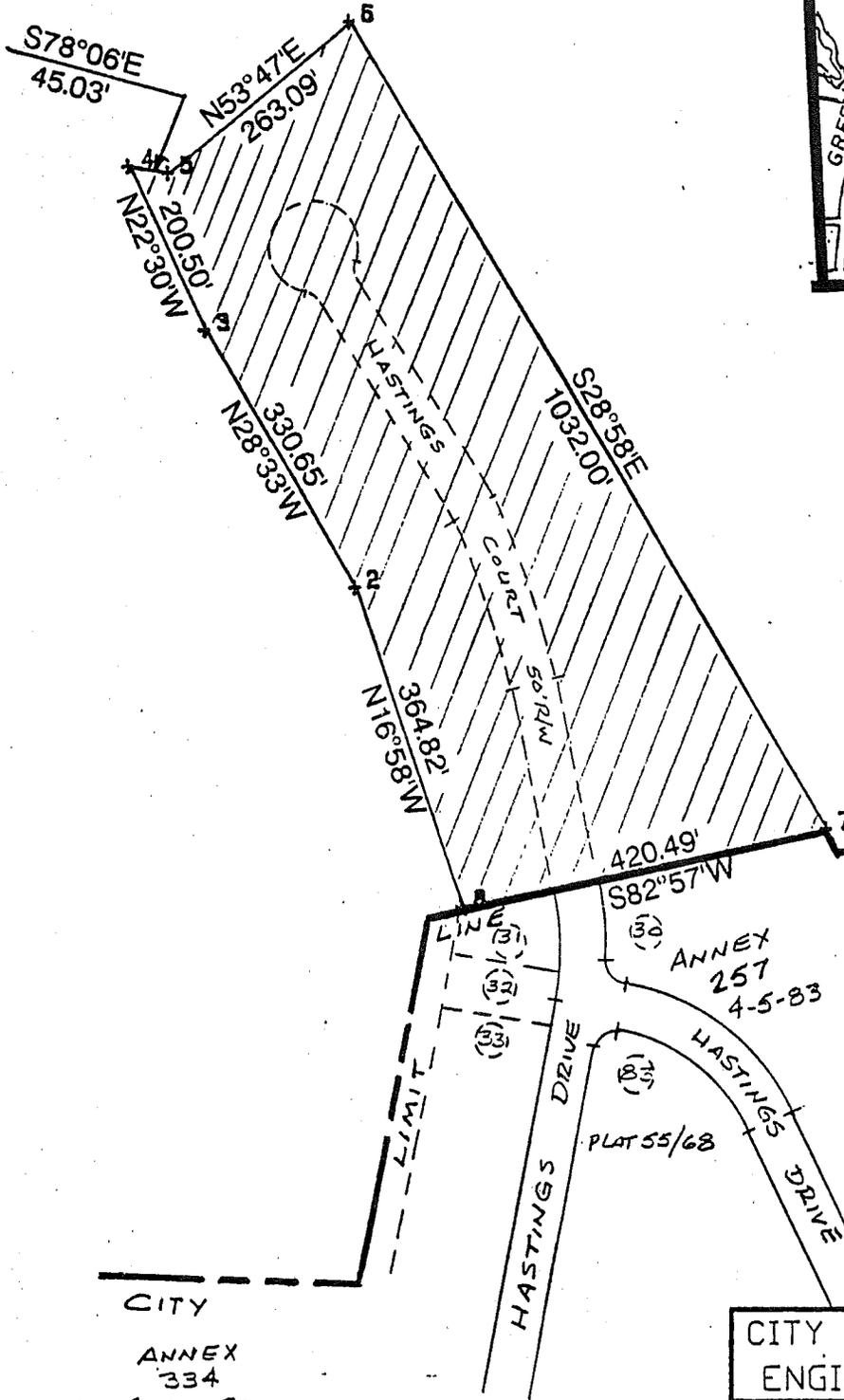
I. CITY-GENERAL FUND	FISCAL YEARS					TOTAL
	91-92	"Build- Out Year"				
<b>A. REVENUES</b>						
1. Ad Valorem Tax						
a. Real Property - Taxable Value						
Land <sup>1</sup>	53,217	290,000				
Buildings <sup>1</sup>	0	2030000				
Improvements <sup>1</sup>	0	145,000				
Gross Total	53,217	2465000				
Market Index Adjustment	0	0				
Adjusted Total Real Property	53,217	2465000				
b. Personal Prop. - Taxable Val.						
Automobiles <sup>1</sup>	0	290,000				
Business Equip., Fixtures <sup>1</sup>	0	0				
Mobile Homes <sup>1</sup>	0	0				
Other <sup>1</sup>	0	0				
Total Personal Property	0	290,000				
c. Total Val. - Real and Pers.	53,217	2755000				
d. Tax Rate (Per \$100 Value)	.577	.577				
e. Gross A. V. Revenue	307	15,896				
f. Deduction for Prorating	-203	-0				
g. Adjusted A. V. Revenue	104	15,896				
h. Collection Rate	.95	.95				
i. Final Adjusted A. V. Revenue	99	15,101				
2. Sales Tax						
a. Projected Population <sup>2</sup>	0	72				
b. Per Capita Distribution	59	59				
c. Sales Tax Revenue	0	4,248				
3. Beer and Wine Tax						
a. Projected Population <sup>2</sup>	0	72				
b. Per Capita Distribution	4	4				
c. Beer and Wine Tax Revenue	0	3,456				
4. Powell Bill						
a. Projected Population <sup>2</sup>	0	72				
b. Per Capita Distribution	19.61	19.61				
c. Revenue from Pop.	0	1,412				
d. # Miles Streets to be Accept <sup>2</sup>	0	.15				
e. Per Mile Distribution	1345.47	1345.47				
f. Revenue from Street Miles	0	202				
g. Powell Bill Revenue (c + f)	0	1,614				
5. Total Revenue (1i+2c+3c+4g)	99	24,419				

NOTES:  
 1. As of the January 1 immediately preceding the beginning of the fiscal year.  
 2. As of the first day of the fiscal year (July 1).

ASSUMPTIONS: See text.

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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 GREENS  
SECTION 1, PART 1

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE CITY OF FAYETTEVILLE, NORTH CAROLINA

WHEREAS, the City Council has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7 o'clock, p.m., on the 18th day of February, 1992, after due notice by publication on the 7th day of February, 1992; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the City of Fayetteville as of the 29th day of February, 1992.

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 2. Upon and after the 29th day of February, 1992, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Fayetteville shall cause to be recorded in the Office of the Register of Deeds of Cumberland County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. The Mayor of the City of Fayetteville shall also cause such map and ordinance to be filed with the County Board of Elections of Cumberland County.

Adopted this 18th day of February, 1992.

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J. L. Dawkins, Mayor

ATTEST:

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Bobbie A. Joyner, City Clerk

PUBLIC HEARING  
SPEAKERS

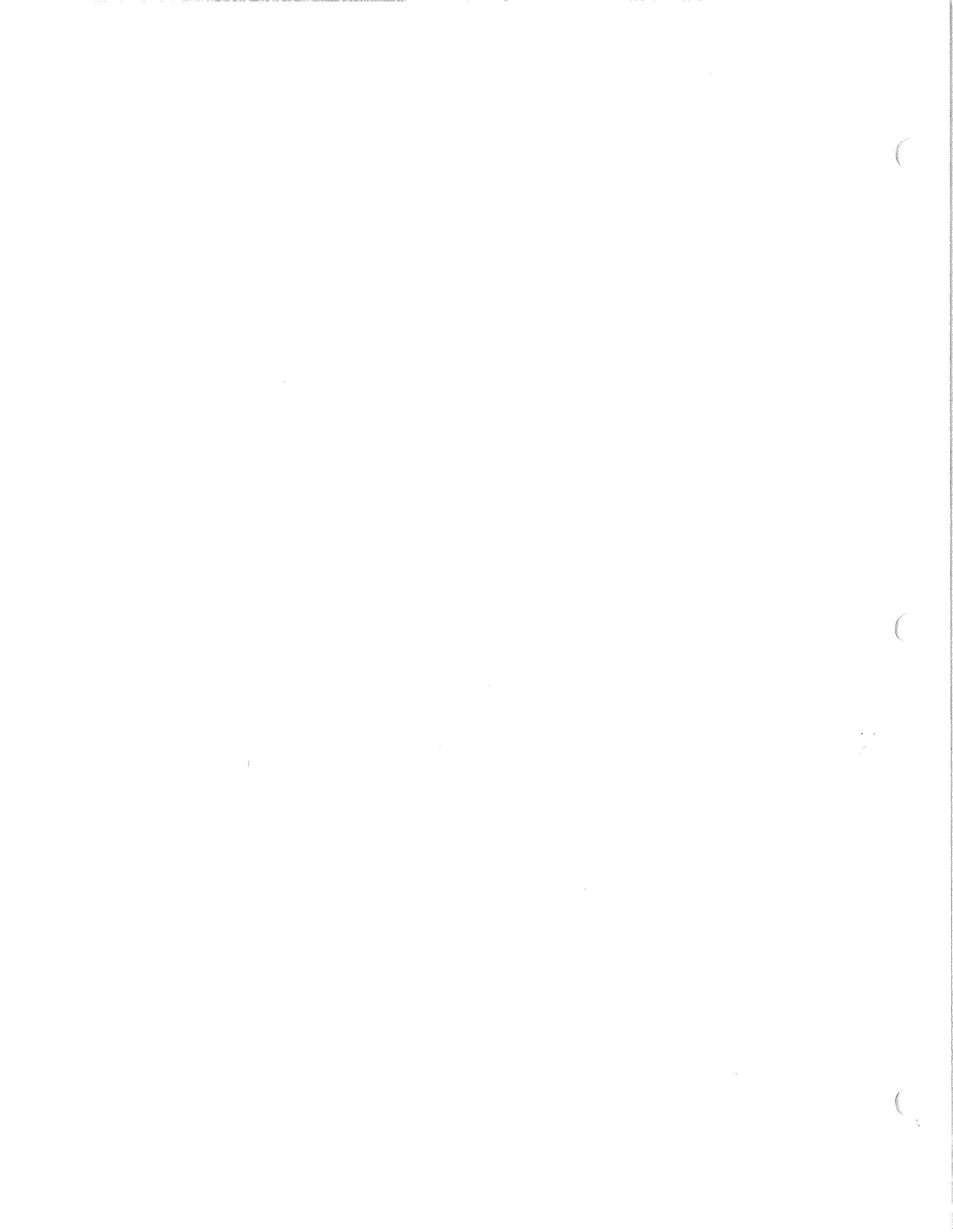
SUBJECT: Assessment - Converse Ave. to Cul-de-Sac

DATE: Feb. 18, 1992

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

OPPONENT (Against)

X 1.	<u>Jeannette B. Dodkey</u>	<u>(1507 Converse Court owner) 1510 SWAINY ST. FAYETTEVILLE NC 28303</u>
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____



PUBLIC HEARING  
SPEAKERS

SUBJECT: ANNEXING THE GREENS, SEC 1, PART 1

DATE: February 18, 1992

(Name)	<u>PROPONENT</u> (In Favor)	(Address)
1. <u>Don Broadwell</u>		<u>110 Lamb St.</u>
2.		
3.		
4.		
5.		

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

PUBLIC HEARING

CITIZEN INPUT

RE: \_\_\_\_\_

Date: \_\_\_\_\_

S P E A K E R S:

(Name)

(Address)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

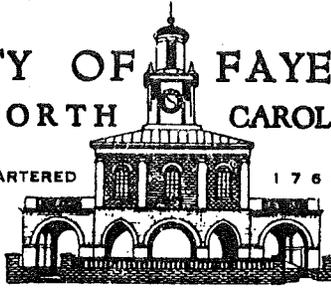
8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

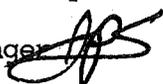
FAYETTEVILLE, NC 28301-5537

433 HAY STREET

FEBRUARY 13, 1992

MEMORANDUM

TO: The Mayor and Members of City Council

FROM: John P. Smith, City Manager 

SUBJECT: Proposed Annexation - Norton Wrecker Service

This is a petition for a satellite annexation. It has been and continuous to be my position not to recommend satellite annexations, except of City owned property. These type of annexations create confusion in service provision. This particular annexation would require the extension of sewer service a considerable distance outside the City to reach the property.

Therefore, I do not recommend annexing this property.

JPS:ssm

An Equal Opportunity  
City of

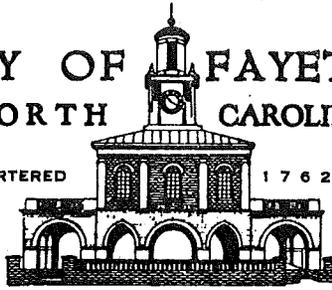


Affirmative Action Employer  
Dogwoods

ITEM 3.D.2.

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

February 13, 1992

MEMORANDUM

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

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

SUBJECT: Agenda Item - Public Hearing - Annexation of Norton's Wrecker Service - 412 West Mountain Drive - (Petition-Initiated Satellite Area)

A public hearing has been scheduled for February 18, 1992, concerning the proposed petition-initiated satellite annexation of Norton's Wrecker Service. (See Map A and Map B attached.) The Notice of Public Hearing was published in the February 7, 1992, edition of The Fayetteville Observer-Times.

After holding the public hearing, the City Council has the authority to adopt an ordinance annexing the area. The City Council has the authority to make the ordinance effective immediately or on any specified date within six months from the date of passage of the ordinance.

In deciding on whether to annex or not to annex this area, the City Councilmembers might want to consider a variety of information. The overall purpose of this memo is to present this information to the City Council.

The memo is organized as follows:

- Section A provides basic information about the area proposed for annexation.
- Section B evaluates the area in terms of several criteria.
- Section C provides a summary, conclusions, and recommendations.

Three maps are attached to the memo, along with a proposed ordinance.

DN/p

Attachments

ANNEX-664

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

SECTION A

BASIC INFORMATION ABOUT THE AREA PROPOSED FOR ANNEXATION

1. NAME OF AREA: Norton's Wrecker Service
2. TYPE OF PROPOSED ANNEXATION: Petition-Initiated (Satellite Area)
3. 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.
4. 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.
5. 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.
  - a. 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.
6. IS AREA CONTIGUOUS? No. However, it might be possible to make the area contiguous by adding road right-of-way. (See Map C.)
7. NUMBER OF ACRES IN PETITION AREA: 1.12 acres
8. PRESENT CONDITIONS:

	<u>Number of Acres</u>	
	<u>By Development Status</u>	<u>By Category</u>
a. <u>Present Use of Land</u>		
<u>Land Use Type</u>		
<u>Developed Land</u>	1.12	
<u>Commercial</u> - Wrecker Service and Auto Storage Yard		1.12
<u>Land Currently Being Developed</u>	0	
<u>Undeveloped Land</u>	0	
<u>TOTAL</u>	1.12	

- b. Present Number of Housing Units - 0  
Note: The one building in the area was formerly used as a house. It is now used as the office of the wrecker service.

c. <u>Present Demographics</u>	<u>Total</u>	<u>White</u>	<u>Other</u>	<u>Black</u>
(1) <u>Total Population</u>	0	0	0	0
(2) <u>Voting Age Population</u>	0	0	0	0
(3) <u>Registered Voters</u>	0	0	0	0

d. Present Streets

There are no streets located within the petition area. The property is served by two existing streets, West Mountain Drive and Sandy Valley Road.

e. Present Utilities

(1) Current Utility Connections

<u>Address of Structure</u>	<u>Is Structure Currently Connected To:</u>		
	<u>PWC Electrical?</u>	<u>PWC Water?</u>	<u>PWC Sewer?</u>
412 West Mountain Drive	Yes	No	No

(2) Present Availability of Utilities

- (a) PWC Sewer Lines - Not available
- (b) PWC Water Lines - Available
- (c) PWC Fire Hydrants - Available
- (d) PWC Electrical Lines - Available
- (e) PWC Street Lights - Available

f. Present Ad Valorem Tax Value - The present ad valorem tax value of the area (before re-evaluation) is estimated as \$26,456. Ad valorem tax revenues for the remainder of FY 91-92 would be based on this value. The components of this value are shown below.

Real Property Value

Land	\$20,518
Buildings	5,938
Improvements	0
Total Real	\$26,456

Assumptions

Based on total of 2 tax parcels.

Personal Property Value

Business Equipment	0
--------------------	---

None listed as of 1-1-91 at this site.

Total Value - Real and Personal Property

Total	\$26,456
-------	----------

9. FACTORS AFFECTING EXPECTED FUTURE CONDITIONS:

a. Plans of Owner - There is no evidence that the owner has any plans to change the land use in this area.

b. Development Controls

(1) Zoning

- (a) Current Zoning in County - C3
- (b) Likely Future Zoning After Annexation - C3

(2) Land Use Plans

- (a) Current Plan (1971) - Low Density Residential - (Stage II)

10. EXPECTED FUTURE CONDITIONS:

- a. Future Use of Land
  - (1) Residential - None
  - (2) Non-residential - No change from present use of land (Wrecker service and storage of automobiles) is expected.
- b. Future Number of Housing Units - No housing units expected.
- c. Future Demographics - No population expected.
- d. Future Streets - No new streets are expected in the area.
- e. Future Utilities - No changes expected. However, owner of property might decide to connect to water, which is already available. Also, owner might request that sewer be extended to his property.
- f. Future Ad Valorem Tax Value - It is projected that the future total ad valorem tax value for this area will be \$64,465. Future ad valorem tax revenues (for FY 92-93 and subsequent fiscal years) would be based on this projected value. Since no new development is expected in the area, no change in tax value attributable to new development is expected. However, it is expected that values will change in FY 92-93, due to two reasons. One reason is re-evaluation. It is expected that re-evaluation will cause the value of real property to increase from \$26,456 to \$31,905, an increase of \$5,449. The second reason is that Mr. Norton has listed two wrecker trucks as personal property (business equipment) as of 1-1-92. The listing of these two trucks will increase the personal property value from \$0 to \$32,560. The components of the projected values for FY 92-93 and subsequent fiscal years are shown below.

Real Property Value

Land	\$26,833
Buildings	5,072
Improvements	0
Total Real	\$31,905

Assumptions

Based on total of 2 tax parcels.

Personal Property Value

Business Equipment	\$32,560
--------------------	----------

Listed as of 1-1-92 at this site.

Total Value - Real and Personal Property

Total	\$64,465
-------	----------

SECTION B

EVALUATION OF THE AREA PROPOSED FOR ANNEXATION

In this section of the memo, the area is evaluated in terms of the following criteria:

1. Compliance With Statutory Standards For A Satellite Annexation
2. Ability Of City Operating Departments And PWC To Provide Services
3. Impacts/Problems Related To Annexing The Area As A Satellite

4. Other Issues Raised In Staff Review
5. Fiscal Impact
6. Impact At Time Of Annexation On Minority Population Percentages

Information about each of these criteria is presented below.

1. COMPLIANCE WITH STATUTORY STANDARDS FOR A SATELLITE ANNEXATION

G.S. 160A-58.1(b) states that a non-contiguous area proposed for annexation must meet five standards. These standards are set forth below. Underneath each standard, compliance is discussed.

- (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.

The proposed area meets this standard. The nearest point on the proposed area is only about 350 feet from the primary corporate limits. (See Map B.)

- (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.

The proposed area meets this standard.

- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

The question of whether the proposed area meets this standard was investigated during the staff review process. The head of each City operating department and the PWC Manager were asked to comment on whether annexing this area as a satellite would present problems in providing services.

The following problems were mentioned.

- There would be confusion over which properties are inside and outside the City.
- Sanitation trucks and emergency vehicles would have to exit and re-enter the City.
- If a sewer extension were requested by the property owner, the extension might be costly to PWC.

Although these problems were mentioned, no department head reported that due to the area's situation, their departments would be unable to provide the same services within the proposed satellite area as within the rest of the City. It should also be noted that the City currently provides services to four other satellite areas.

Therefore, it can perhaps be concluded that the proposed area meets this standard.

- (4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.

Clarification of this standard was obtained on June 4, 1986, from Jake Wicker, an annexation expert at the Institute of Government. According to Mr. Wicker, this standard is poorly drafted. Mr. Wicker interprets the standard as follows: If a city is considering the satellite petition annexation of an area which is made up of land which has been subdivided, then the city must annex all of the subdivided land which is requested for annexation, not just part of the subdivided land which is requested for annexation.

In the case of the Norton Wrecker Service property, the area requested for annexation is made up of subdivided land. If the City decides to annex this area, then the area will meet the standard so long as the City annexes all of the land which is requested for annexation.

- (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

According to the staff of the City Engineering Department, the current overall size of the City (through Annexation #91-11-348) is 42.55 square miles. The City currently has four satellite areas (the Airport, PWC Point of Delivery #2, PWC Point of Delivery #3, and the Shaw Road-Gregory Street area). These four satellite areas make up approximately 1.79 square miles of the City's overall area. The remaining 40.76 square miles of the City is area within the primary corporate limits. Ten percent (10%) of this area is 4.076 square miles.

The area proposed for annexation is only 1.12 acres in size (.00175 square miles). If the proposed area is annexed and added to the area within all other satellite areas, the total satellite area of the City (1.79175 square miles) will not exceed ten percent (10%) of the area within the primary corporate limits (4.076 square miles).

Therefore, the proposed area meets this standard.

## 2. ABILITY OF CITY OPERATING DEPARTMENTS AND PWC TO PROVIDE SERVICES

- a. Methodology - The head of each City operating department and the PWC Manager were asked to review the proposed area in terms of how their departments would serve this area.

b. Findings

- (1) City Operating Departments - Based on responses received from the City operating departments, all operating departments appear capable of serving the area, if it is annexed. Although certain problems were mentioned, no department reported that it would not be able to provide services.

- (2) PWC - Based on information received from the PWC Manager, PWC already serves this area with water, fire hydrants, electrical service, and street lights. If the owner requests a sewer line extension, it is assumed that PWC would be able to extend the line, if the owner pays for two-thirds of the cost of the extension.

### 3. IMPACTS/PROBLEMS RELATED TO ANNEXING THE AREA AS A SATELLITE

- a. Methodology - During staff review, the head of each City operating department and the PWC Manager were asked to identify any additional impacts/problems, if the area were annexed. It was suggested that the cumulative impact of other annexations enacted during the previous two fiscal years be considered.

- b. Findings

- (1) PWC - Impacts/Problems:

As discussed under Fiscal Impacts, PWC predicts that this annexation might be costly, if the property owner requests a sewer line extension after annexation.

- (2) City Operating Departments - Impacts/Problems:

- (a) Sanitation Division - Annexing a satellite area might create problems for the drivers of sanitation trucks, who might get confused over which properties are in the City and which are outside. Serving satellites is a problem because trucks have to exit and enter the City. The City has too many "satellite" areas and "island" areas already; the City should try to eliminate satellites, not create new areas.

- (b) Engineering Department - If this area is annexed as a satellite, other petitioners would expect Council to annex their areas as satellites. Isn't there a law which limits the number of satellite annexations a city can have? Fayetteville already has at least four. Annexing satellites means that City limit signs would have to be placed close together.

- (c) Police - Annexing satellites creates problems of jurisdictional "squabbles." For example, a wreck occurs in the street between the primary corporate limits and the satellite corporate limits. Police officers are not sure which department should investigate. City? Sheriff's Department? Highway Patrol?

### 4. OTHER ISSUES RAISED IN STAFF REVIEW

- a. Methodology - During staff review, the head of each City operating department and the PWC Manager were asked whether the consideration of this proposed annexation raised any other issues which need to be addressed.

b. Findings

- (1) PWC - Other Issues Raised: - None raised.
- (2) City Operating Departments - Other Issues Raised:
  - (a) Fire Department - Concerns over response time were raised by the Fire Department. The proposed area is beyond the recommended travel distance for a first-due pumper (which would come from Station #5). However, the same problem exists for the J. P. Riddle Stadium, which was annexed several years ago. Also, it should be noted that response time by the City Fire Department should be no slower than by the Pearce's Mill Fire Department and Cumberland Road Fire Department; these departments currently serve the area proposed for annexation.

5. FISCAL IMPACT

Fiscal impact analysis involves comparing the projected costs of providing services with the projected revenues. This technique is useful in evaluating proposed annexations. The results of the analysis for the Norton property are presented below. The City and PWC are treated separately.

a. City - Fiscal Impact

- (1) Procedure - Several steps were involved in analyzing the fiscal impact of the proposed annexation on the City.
  - (a) Revenues - First, annual operating revenues were projected. Since this area involves no population, only ad valorem tax revenues were projected. The worksheet used in preparing the projections is included in this memo as Appendix A. Some of the major assumptions were: that the annexation would be effective 2-29-92; that the area is completely built-out, so there will be no new growth in tax base or population; that 1992 re-evaluation values can be used for FY 92-93 and subsequent fiscal years; that the City tax rate will remain the same; and that there will be no inflation.
  - (b) Costs - Next, annual costs were projected, based on the costs specified by department heads in the review process. The only cost specifically reported was \$55 for one roll-out cart. Although there will be some additional operating costs if this area is annexed, the departments did not specify those costs. In most cases, the departments stated that they could absorb the area with no cost. It should be noted that there will be no costs for rural fire department debt assumption, because the Pearce's Mill Fire Department stated that it was not interested in receiving any reimbursement for this area, if annexed.

- (2) Results - The results are shown in the table below for five fiscal years. The results should be used with caution because operating departments failed to quantify very many of their costs.

<u>Fiscal Year</u>	<u>Annual Operating Revenues</u>	<u>Annual Operating Costs</u>	<u>Annual Surplus (Deficit)</u>	<u>Cumulative Surplus (Deficit)</u>
91-92	49	55	(6)	(6)
92-93	352	0	352	346
93-94	352	0	352	698
94-95	352	0	352	1,050
95-96	352	0	352	1,402
5 Year	1,457	55	1,402	-

b. Public Works Commission - Fiscal Impact

- (1) Procedure - Several steps were involved in analyzing the fiscal impact of the proposed annexation on PWC.

(a) Revenues - First, revenues to PWC were considered. It is not anticipated that PWC will receive any additional revenues as a direct result of annexing the area. However, after annexation, the owner of the property might perceive an incentive to connect to the water line which is already available. (This information would be based on lower inside-City tapping fees and lateral charges.) If this event occurs, then PWC would collect the tapping fees and lateral charges paid by the owner at the time of connection. Also, if this event occurs, then PWC would also gain one new water customer and therefore monthly water revenues. One other event could occur which would create revenues for PWC. The owner might request that sewer be extended to the property. If this event occurs, then PWC would collect two-thirds of the cost of the extension, plus lateral charges at the time of the extension and connection. PWC would also gain one new sewer customer and therefore monthly sewer revenues.

(b) Costs - Next, costs to PWC were considered. As pointed out in Section A of this memo, PWC water lines, fire hydrants, electrical lines, and street lights are already available to this area. The only utility which is not available is sewer. During the review process, the PWC Manager stated that if the property is annexed, the owner might request that sewer lines be extended to the property. If this event occurs, then there would be costs to PWC. The PWC Manager projected the costs at around \$8,000. This is based on extending the sewer line 700 feet along Sandy Valley Road from Southern Avenue to the area. The extension would cost around \$25,000. Under current policy, the customer would be required to pay for two-thirds (2/3) of the extension and PWC would be required to pay for one-third (1/3). In considering this projected cost to PWC, several issues need to be resolved. How likely is it for the owner to request

that sewer lines be extended? Could the projected costs to PWC be decreased if PWC paid one-third (1/3) for only the portion of the extension which crosses the owner's property?

- (2) Results - As discussed above, revenues and costs for PWC depend upon several contingent events. The events are so hypothetical that it is not possible to present the revenues and costs in a table (as was done for the City).

6. IMPACT AT TIME OF ANNEXATION ON MINORITY POPULATION PERCENTAGES (IN OVERALL CITY AND IN ADJACENT DISTRICTS)

As shown in Section A of this memo (Item 8 - Present Conditions), this area presently has zero housing units and zero population. It is assumed that these conditions will not change between now and the assumed effective date of annexation (2-29-92). Therefore, there will be no impact at the time of annexation on minority population percentages, either at the overall City level or at the district level. (This area is adjacent to new City Council Election District #2 and Old District #6.) Because this area is presently commercial and because it is expected to remain commercial in the future, it should never have any impact on minority population percentages.

SECTION C

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

In summary, this memo has analyzed the proposed petition-initiated satellite annexation of the Norton Wrecker Service property. The memo has provided basic information about the area, with a focus on present conditions and expected future conditions. The memo has also evaluated the area in terms of several criteria.

The basic conclusions are as follows:

- The area does comply with the five statutory standards for a satellite annexation.
- The City operating departments and PWC appear to be able to provide services to the area.
- Despite the ability to serve, the City operating departments and PWC have identified some serious impacts and problems relating to annexing the area as a satellite.
- The Fire Department has raised the issue of response time.
- The fiscal impact of annexing the area appears to be positive for the City and negative for PWC. However, City departments did not quantify very many of their costs.
- Annexing the area will not affect minority population percentages.

Based on these conclusions, the City staff recommends that the City Council not annex this area as a satellite.

The issue of whether the City should make the area contiguous by adding road right-of-way has been raised in connection with this petition. Map C shows how this could be done. The Engineering Department staff has pointed out that over the years, the City has added street right-of-way in order to annex certain tracts of land for which a petition had been received. However, when the City did this, it was usually for the purpose of controlling new development. The Public Works Commission has recommended against adding street right-of-way to artificially create a contiguous annexation area because to do so raises significant questions concerning the availability of water and sewer facilities to properties adjacent to the right-of-way. The City Traffic Engineer has suggested that instead of putting the burden on the City to add right-of-way, the petitioner should try to convince the owners of intervening parcels to add their names to the original petition.

The City staff recommends that the City Council deny the petition.

**ANNEXATION REVENUE PROJECTION WORK SHEET**

AREA #: \_\_\_\_\_ AREA NAME: NORTON'S WRECKER SERVICE  
 ASSUMED EFFECTIVE DATE: 2-29-92

PETITION-INITIATED  
 CITY-INITIATED

DATE PROJECTION PREPARED: 2-12-92 DATE REVISED: \_\_\_\_\_

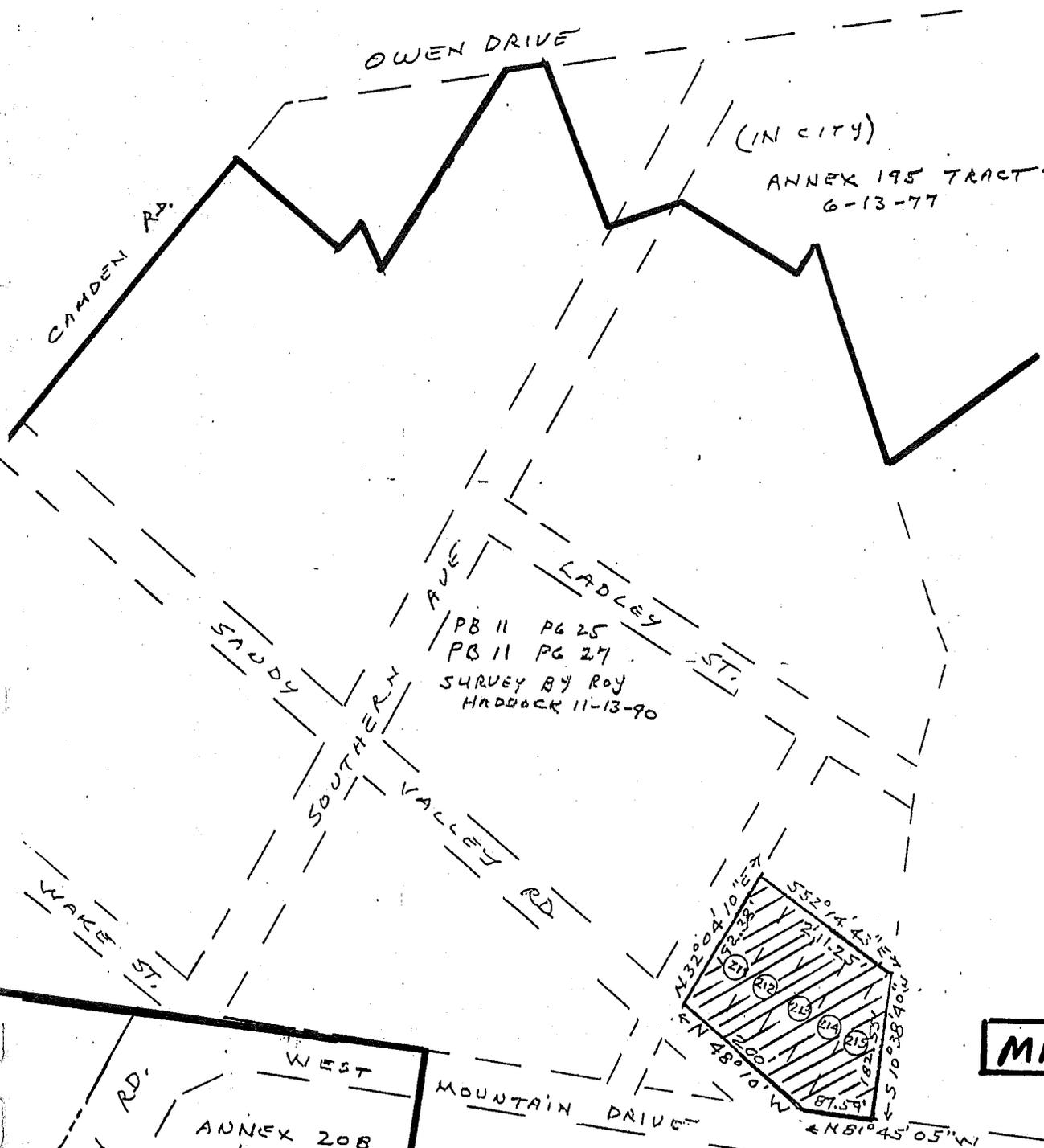
I. CITY-GENERAL FUND	FISCAL YEARS					TOTAL
	91-92	92-93	93-94	94-95	95-96	
<b>A. REVENUES</b>						
1. Ad Valorem Tax						
a. Real Property - Taxable Value						
Land <sup>1</sup>	20,518	26,833	26,833	26,833	26,833	
Buildings <sup>1</sup>	5,938	5,072	5,072	5,072	5,072	
Improvements <sup>1</sup>	0	0	0	0	0	
Gross Total	26,456	31,905	31,905	31,905	31,905	
Market Index Adjustment	0	0	0	0	0	
Adjusted Total Real Property	26,456	31,905	31,905	31,905	31,905	
b. Personal Prop. - Taxable Val.						
Automobiles <sup>1</sup>	0	0	0	0	0	
Business Equip., Fixtures <sup>1</sup>	0	32,560	32,560	32,560	32,560	
Mobile Homes <sup>1</sup>	0	0	0	0	0	
Other <sup>1</sup>	0	0	0	0	0	
Total Personal Property	0	32,560	32,560	32,560	32,560	
c. Total Val. - Real and Pers.	26,456	64,465	64,465	64,465	64,465	
d. Tax Rate (Per \$100 Value)	.577	.577	.577	.577	.577	
e. Gross A. V. Revenue	152	371	371	371	371	
f. Deduction for Prorating	-100	-0	-0	-0	-0	
g. Adjusted A. V. Revenue	52	371	371	371	371	
h. Collection Rate	.95	.95	.95	.95	.95	
i. Final Adjusted A. V. Revenue	49	352	352	352	352	1,457
2. Sales Tax						
a. Projected Population <sup>2</sup>	0	0	0	0	0	
b. Per Capita Distribution	59	59	59	59	59	
c. Sales Tax Revenue	0	0	0	0	0	0
3. Beer and Wine Tax						
a. Projected Population <sup>2</sup>	0	0	0	0	0	
b. Per Capita Distribution	4	4	4	4	4	
c. Beer and Wine Tax Revenue	0	0	0	0	0	0
4. Powell Bill						
a. Projected Population <sup>2</sup>	0	0	0	0	0	
b. Per Capita Distribution	19.61	19.61	19.61	19.61	19.61	
c. Revenue from Pop.	0	0	0	0	0	
d. # Miles Streets to be Accept <sup>2</sup>	0	0	0	0	0	
e. Per Mile Distribution	1345.47	1345.47	1345.47	1345.47	1345.47	
f. Revenue from Street Miles	0	0	0	0	0	
g. Powell Bill Revenue (c + f)	0	0	0	0	0	0
5. Total Revenue (1i+2c+3c+4g)	49	352	352	352	352	1,457

**NOTES:**

1-As of the January 1 immediately preceding the beginning of the fiscal year.  
 2-As of the first day of the fiscal year (July 1).

**ASSUMPTIONS:** See text.





CAMDEN RD.

OWEN DRIVE

(IN CITY)

ANNEX 195 TRACT 2  
6-13-77

SAUDY

SOUTHERN

VALLEY RD

PB 11 PG 25  
PB 11 PG 27  
SURVEY BY ROY  
HADDACK 11-13-90

LADLEY ST.

WAKE ST.

WEST

MOUNTAIN DRIVE

ANNEX 208  
1-23-74  
(IN CITY)

LEGION RD.

 Petition Area (Satellite)  
 City Limits

**MAP B**

CITY OF FAYETTEVILLE, N.C.  
ENGINEERING DEPARTMENT

PETITION FOR ANNEXATION  
(MARK S. NORTON)

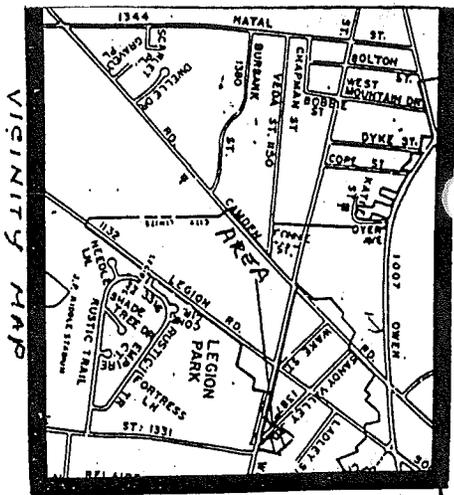
1.116 AC

REVISION  
DATE \_\_\_\_\_ BY \_\_\_\_\_

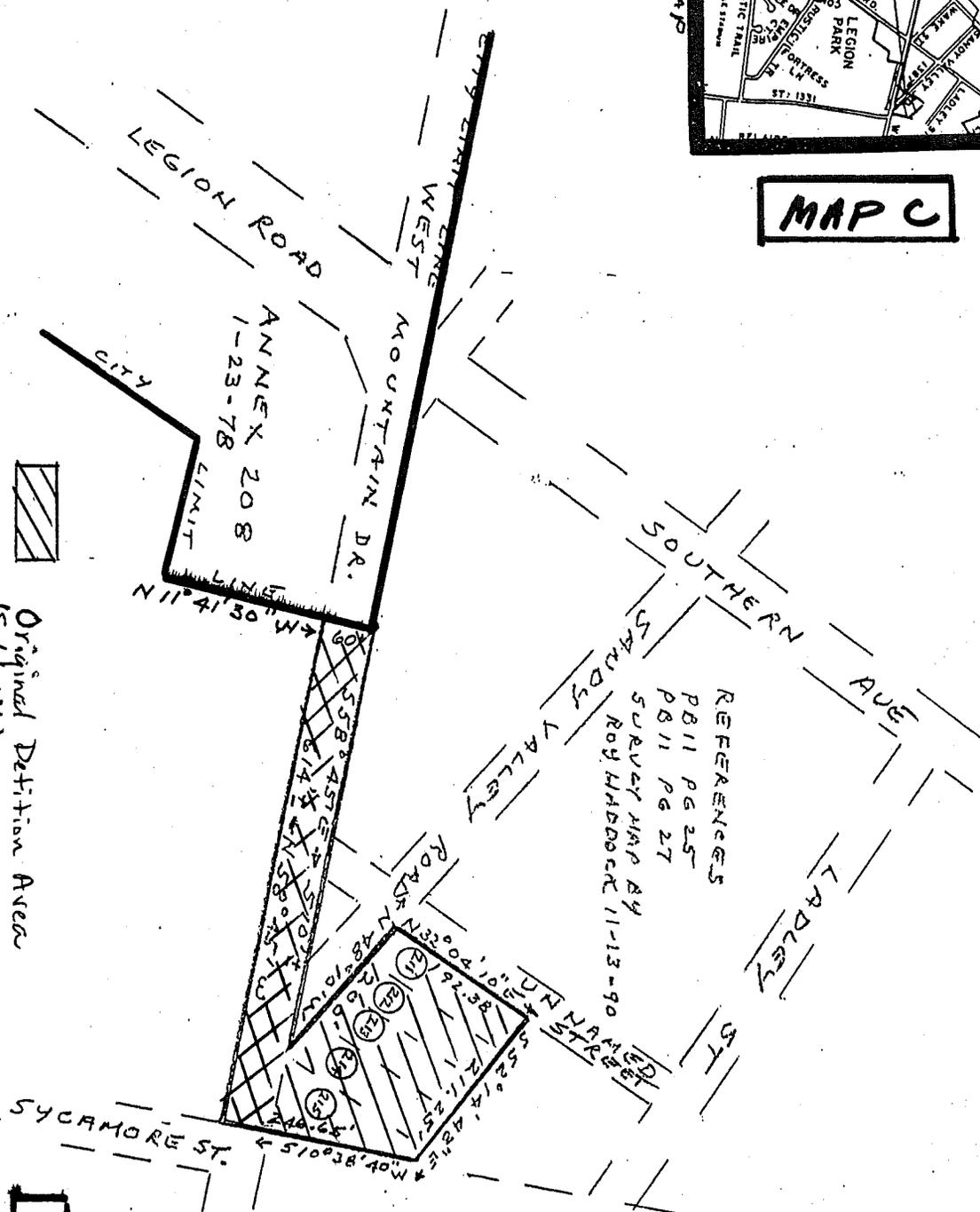
DATE 12-18-71 DRAWN BY \_\_\_\_\_  
SCALE 1" = 200' CK'D BY \_\_\_\_\_

FIELD BK





**MAP C**



REFERENCES  
 PB 11 PG 25  
 PB 11 PG 27  
 SURVEY MAP BY  
 ROY HADDON CT 11-13-90

**MAP C**

Original Detention Area  
 (Set 11/76)  
 Road Right-of-Way  
 Added to Make Area  
 Contiguous  
 City Limits

FIELD BK:  
 DATE

REVISION  
 DATE

**CITY OF FAYETTEVILLE**  
**ENGINEERING DEPARTMENT**  
 REQUEST FOR ANNEXATION  
 (MORTON PROPERTY)  
 1.753 AC  
 DATE 12-'8-'91 DRAWN BY \_\_\_\_\_  
 SCALE 1" = 200' CK'D BY \_\_\_\_\_

NORTON'S WRECKER SERVICE  
412 WEST MOUNTAIN DRIVE  
(AT SANDY VALLEY ROAD)  
(SATELLITE AREA)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE CITY OF FAYETTEVILLE, NORTH CAROLINA

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1, as amended, to annex the area described herein; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7 o'clock, p.m., on the 18th day of February, 1992, after due notice by publication on the 7th day of February, 1992; and

WHEREAS, the City Council further finds that the area described herein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Fayetteville.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Fayetteville.
- c. The area described is so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Fayetteville; and

WHEREAS, the City Council does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1, as amended; and

WHEREAS, the City Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City and of the area proposed for annexation will be best served by annexing the area described herein;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following described non-contiguous territory, is hereby annexed and made part of the City of Fayetteville as of the 29th day of February, 1992.

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 2. Upon and after the 29th day of February, 1992, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Fayetteville shall cause to be recorded in the Office of the Register of Deeds of Cumberland County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. The Mayor of the City of Fayetteville shall also cause such map and ordinance to be filed with the County Board of Elections of Cumberland County.

Adopted this 18th day of February, 1992.

---

J. L. Dawkins, Mayor

ATTEST:

---

Bobbie A. Joyner, City Clerk



PUBLIC HEARING  
SPEAKERS

SUBJECT: ANNEXING NORTON WRECKER SERVICE

DATE: Feb. 18, 1992

(Name)	<u>PROPONENT</u> (In Favor)	(Address)
1.	<u>Mark S. Norton</u>	<u>408 Eugene St. Fayetteville</u>
2.	<u>JAMEST MONROE</u>	<u>807 VARSITY DR</u>
3.	_____	_____
4.	_____	_____
5.	_____	_____

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



2004 Morganton Road  
Fayetteville, North Carolina  
February 10, 1992

Mr. John Smith  
City Manager  
433 Hay Street  
Fayetteville, North Carolina 28301

Dear Mr. Smith:

I am requesting placement on the City Council Agenda for the meeting on Tuesday, February 18, 1992.

The purpose of this request is to provide Council with information pertaining to my late father, C. R. "Charlie" Dawkins, and the naming of a major thoroughfare in recognition of his many accomplishments.

Enclosed for your information is a resume on my father.

Sincerely,



Frank Dawkins

Enclosure

ITEM 4

**C. R. "CHARLIE" DAWKINS**

**1911 - 1977**

**Fayetteville Resident from 1944 until his death in 1977.**

**Former Member, Board of Aldermen, Fayetteville, NC**

**Former Member, Fayetteville City Council, and Mayor Pro-Tem**

**Former Member, North Carolina State Highway Commission - Appointed by Governor Robert Scott. Represented Cumberland, Hoke and Bladen Counties. Some of the projects that he was responsible for bringing to Fayetteville were: The Central Business District Loop (CBD); widening of US 401 to Kelly-Springfield Tire Company; widening of Morganton Road; and numerous other highway projects throughout the counties he represented.**

**Member of the original Board of Directors of both local schools for the handicapped (Fuller School and Hillsboro Street School).**

**Charter Member and Past President, Fayetteville Exchange Club. Presented "Book of Golden Deeds" Award, 1969-1970, by the Exchange Club.**

**District Governor and Member, Board of Directors, North Carolina Exchange Clubs**

**Former Member, Airport Commission**

**Former Member, Board of Trustees, Fayetteville State University**

**"Man of the Year" Award, 1970, Fayetteville Chamber of Commerce**

**"Distinguished Service Award", 1972, Cumberland County Commissioners**

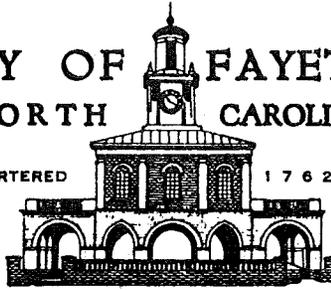
**Former Mason and Shriner**

**Former Member, Snyder Memorial Baptist Church**

**Wife - Louise S. Dawkins  
Son - C. Frank Dawkins  
Daughter - Sarah D. McKeough  
(All of Fayetteville)**

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

February 10, 1992

MEMORANDUM

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

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

SUBJECT: Agenda Item - Annexation Petition - Skibo Square

On February 5, 1992, the City received an annexation petition. The petition requests annexation of property (29.08 acres) to be developed as a new commercial area to be known as Skibo Square. A new K-MART and Lowe's will be built on the site. The property is located on the eastern side of Skibo Road (U.S. 401 By-pass), South of Campground Road and North of the Colonial Storage Center. (See Map A - Vicinity Map.) The property is contiguous to the City.

Water and/or 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 owners have submitted a petition for annexation.

The petition was signed by the following seven (7) individuals: J. P. Riddle; March F. Riddle; Carolyn R. Armstrong; George Armstrong; Sharlene R. Williams; Robert J. Williams, IV; and Joseph P. Riddle, III. In addition, the petition was signed by officers of Skibo Square, Inc. (Joseph P. Riddle, III, President, and Sharlene R. Williams, Secretary).

The first step in the process is for the petition to be presented to City Council. The City Council can then consider adopting a Resolution Directing the City Clerk to Investigate the Sufficiency of a Petition. (To investigate the sufficiency of a petition means to verify that the persons signing the petition actually own the property.)



Roger L. Stancil  
Page 2  
February 10, 1992

The following materials are submitted for the February 18, 1992, City Council meeting:

1. Map A - Vicinity Map.
2. Copy of Annexation Petition.
3. Copy of Legal Description Submitted With the Petition. (The Map submitted with the petition was too large to be reproduced for the agenda packet.)
4. Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31.

The City staff recommends that the annexation petition process be started for this property. The City staff recommends that the City Council adopt the attached resolution.

DN/p

Attachments



Received 2-5-92

PETITION REQUESTING ANNEXATION  
(CONTIGUOUS AREA)

Date Feb, 5, 1992

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

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

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

(Insert Metes and Bounds Description of Boundaries)

" See Attached Description "

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

*Robert J. Williams, II*

<u>NAME</u>	<u>ADDRESS</u>
1. <i>[Signature]</i>	
2. <i>March J. Riddle</i>	P.O. Box 53646
3. <i>Carolyn R. Armstrong</i>	Fayetteville, N.C. 28305
4. <i>Joseph P. Riddle III</i>	
5. <i>Sharlene R. Williams</i>	
6. <i>George H. Amundson</i>	
7. SKIBO SQUARE, INC.	

*Joseph P. Riddle III*  
President

*Sharlene R. Williams*  
Secretary

SKIBO SQUARE  
ANNEXATION AREA

Beginning at the northeast corner of Campground Road as recorded in Plat Book 59, Page 119, Cumberland County Registry, entitled The Paragon Group, thence running along the southern margin property line of said property South 74 degrees 19 minutes 19 seconds East 364.80 feet to an iron pipe; thence South 82 degrees 30 minutes 39 seconds East 491.16 feet to a point; thence a new line South 07 degrees 23 minutes 38 seconds West 90.22 feet, South 78 degrees 08 minutes 11 seconds West 34.88 feet, South 15 degrees 45 minutes 15 seconds West 390.00 feet, South 49 degrees 33 minutes 21 seconds East 123.87 feet, South 03 degrees 28 minutes 50 seconds East 90.00 feet; South 15 degrees 45 minutes 45 seconds West 167.86 feet, South 62 degrees 25 minutes 47 seconds West 166.15 feet, South 15 degrees 45 minutes 15 seconds West 354.33 feet, North 74 degrees 14 minutes 45 seconds West 484.46 feet to a point in the eastern property line of Colonial Storage Centers, I, Inc.; thence running along the eastern property line of said property North 15 degrees 51 minutes 52 seconds East 139.95 feet to a point; thence North 74 degrees 05 minutes 08 seconds West 313.34 feet to a point; thence South 15 degrees 50 minutes 38 seconds West 175.08 feet to a point; thence North 74 degrees 09 minutes 24 seconds West 268.51 feet to a point in the eastern right of way margin of Skibo Road (U.S. 401 By-Pass);

thence running along the new right of way margin of Skibo Road North 19 degrees 34 minutes 13 seconds East 180.00 feet to a point; thence North 15 degrees 45 minutes 15 seconds East 1006.13 feet to a point; thence running 13.58 feet along the arc of a curve to the right, having a radius of 25.00 feet to a point; thence running along the southern margin of Campground Road South 74 degrees 13 minutes 19 seconds East 50.00 feet to a point; thence running 100.43 feet along the arc of a curve to the right having a radius of 183.91 feet to a point; thence North 46 degrees 58 minutes 24 seconds East 80.00 feet to the point and place of Beginning and containing 29.083 acres more or less.

Skibo Square  
(Eastern Side of Skibo Road,  
South of Campground Road)

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE**  
**A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on February 18, 1992, by the City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Fayetteville deems it advisable to proceed in response to this request for annexation;

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

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED this 18th day of February, 1992.

---

J. L. Dawkins, Mayor

ATTEST:

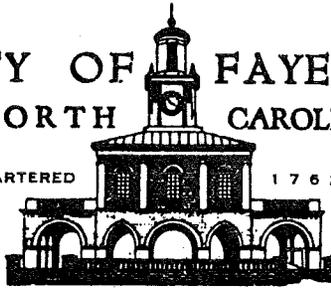
---

Bobbie A. Joyner, City Clerk



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

February 11, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

REFERENCE: Proposed Railroad Crossing Signal Improvement  
Blount Street at CSX Railroad (North Yard)

The North Carolina Department of Transportation has proposed a Railroad Crossing Signal Improvement on Blount Street at the CSX Railroad North Yard.

We would recommend AGAINST proceeding with this Railroad Signal Improvement due to the low traffic volume (approximately 4,500 vehicles per day) and the high volume of train shifting activity occurring at the North Yard. An additional consideration for not proceeding with this project is the proposal by the City to relocate this train switching operation to Milan yard and eliminate the service track running parallel to Ray Avenue.

LAC/psc

Enclosures  
Request from NCDOT  
Area Map

cc: Roger L. Stancil, Assistant City Manager - Operations

An Equal Opportunity



Affirmative Action Employer

ITEM 6-A



STATE OF NORTH CAROLINA  
 DEPARTMENT OF TRANSPORTATION  
 P.O. BOX 25201  
 RALEIGH 27611-5201  
 February 4, 1992

JAMES G. MARTIN  
 GOVERNOR

DIVISION OF HIGHWAYS

THOMAS J. HARRELSON  
 SECRETARY

WILLIAM G. MARLEY, JR., P.E.  
 STATE HIGHWAY ADMINISTRATOR

Mr. Louis B. Chalmers  
 City of Fayetteville  
 234 Green St.  
 Fayetteville, N.C. 28301

Dear Mr. Chalmers:

Subject: Railroad Crossing Signals in Fayetteville

In recent years the Federal government has provided funds to the states for railway-highway grade crossing signalization projects. Each year, the State of North Carolina examines all of the public railway-highway grade crossings in the State and ranks them according to their need for improvement. Based on the existing train volume, automobile volume, train speed, past accident experience, and existing protection, the following location in Fayetteville has qualified for Federal funds.

<u>Location</u>	<u>Proposed Improvement</u>	<u>Estimated Project Cost</u>	<u>Estimated Share of Project Cost</u>	<u>Estimated Municipal Share of Annual Maintenance Cost</u>
Blount Street at CSX Transportation Railroad Crossing No. 629 574G	Install Automatic Warning Devices	\$70,000	\$7,000	\$625

Under this program, the Federal government will pay 90 percent of the eligible cost. The municipality will be required to pay all costs not paid by Federal funds. Under North Carolina General statute 160A-298, the municipality will also be liable for payment directly to the Railroad for one-half the annual maintenance cost of the signal installation. We have shown above our estimate of the total construction cost and the municipality's share of the annual maintenance cost, based on current schedules.

The estimated construction costs shown above are preliminary ones and are subject to considerable variation. Detailed estimates will be prepared during the preliminary engineering phase of the project and will, in part, depend on whether the proposed automatic devices consist of flashing light signals only or a combination of flashing light signals and gates. Unfortunately, preliminary engineering of the project cannot begin until municipal participation is assured. Based on the current funding levels for the Railway-Highway Safety Program, this project will be scheduled for construction during the Federal Fiscal Year which begins October 1, 1993.

We have attached a municipal agreement for this work. If you wish to participate in this project, please have the agreement executed on behalf of the municipality and return both copies to us. After execution on behalf of the State, one copy will be returned to you.

If you elect to participate in this project a detailed estimate, plans and materials list will be provided for your approval before the railroad company is authorized to construct the project. If, at that time, the municipality decides not to proceed with the project we would drop the project from the current program, and the municipality would be billed for 10% of the preliminary engineering costs incurred to that time.

It is important that you let us know your decision within the next 60 days. If you wish further information, write or call us at (919) 733-3915; we will be happy to help you.

Yours very truly,

*Cindy Baity*

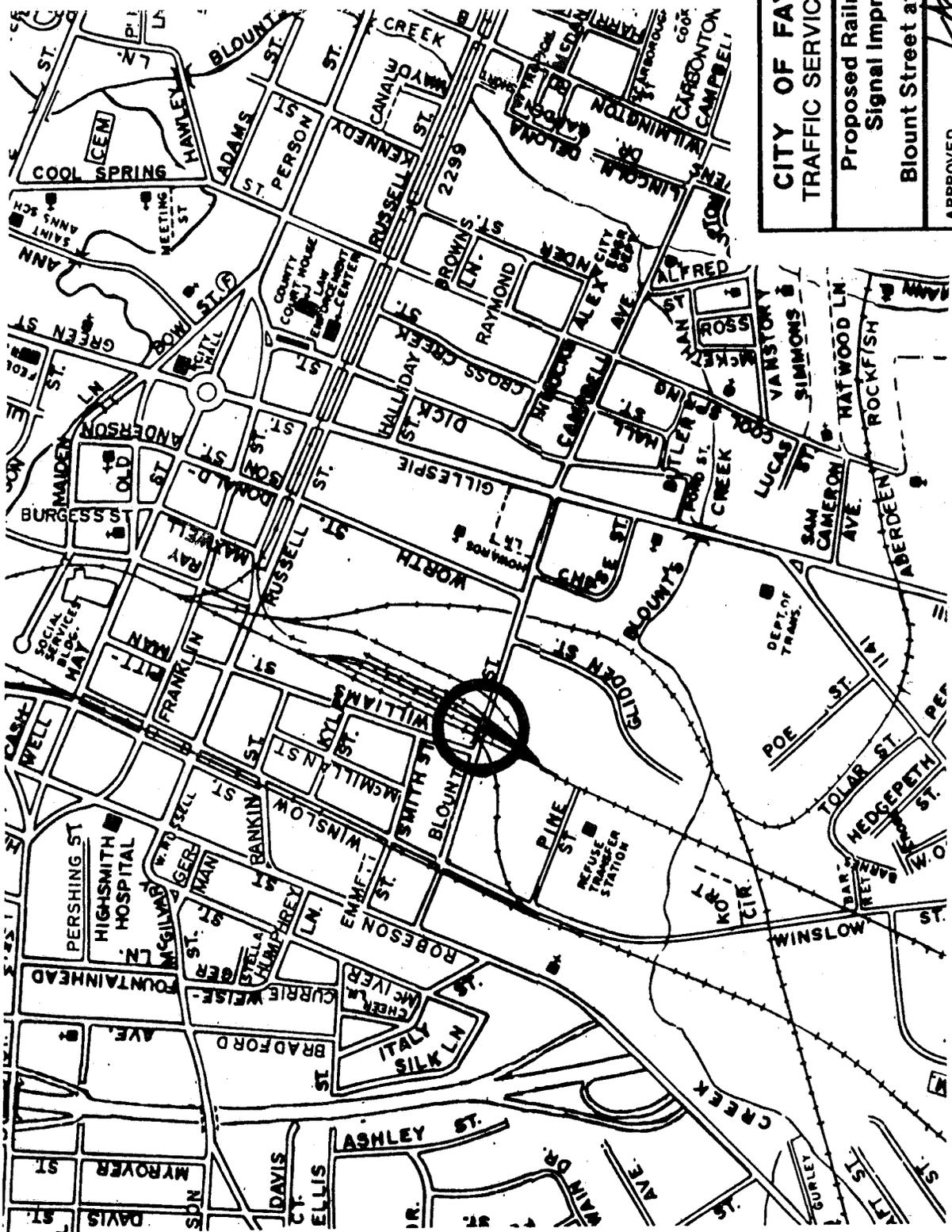
C.L. Baity  
Signals and Geometrics  
Design Engineer

CLB/TL

Attachments

cc: Mr. W.F. Rosser, P.E.  
Mr. W.G. Marley, Jr., P.E.

REVISION	DATE	BY



**CITY OF FAYETTEVILLE**  
**TRAFFIC SERVICES DEPARTMENT**

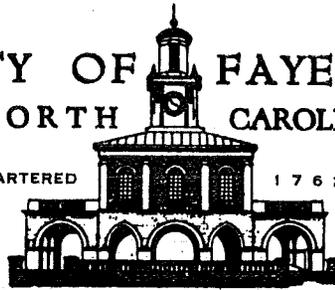
Proposed Railroad Crossing  
Signal Improvement  
Blount Street at CSX Railroad

APPROVED:  CITY TRAFFIC ENGINEER

DESIGNED BY	FIELD BOOK NO.
DRAWN BY	NO.
RSJ	
SCALE	DATE
1" = 1000'	2-12-92
SHEET	OF

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

February 11, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

REFERENCE: Proposed Railroad Crossing Signal Improvement  
Jasper Street at CSX Railroad

The North Carolina Department of Transportation has proposed a Railroad Signal Improvement on Jasper Street at CSX Railroad.

Jasper Street is collector street carrying approximately 6,500 vehicles per day. The presence of three schools in the area make this location an attractive safety project.

We would recommend that City Council adopt the enclosed municipal agreement which authorizes NCDOT to proceed with development of detailed plans and specifications for this project. The estimated City participation on this project of \$7,000 for construction and \$325 annual maintenance could come from future Powell Bill appropriations.

LAC/psc

Enclosures  
NCDOT Request and Proposed Agreement  
Area Map

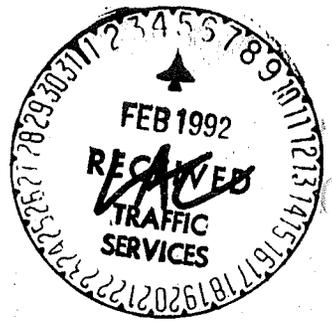
cc: Roger L. Stancil, Assistant City Manager - Operations  
Kai Nelson, Finance Director

An Equal Opportunity



Affirmative Action Employer

ITEM 6.8



STATE OF NORTH CAROLINA  
 DEPARTMENT OF TRANSPORTATION  
 P.O. BOX 25201  
 RALEIGH 27611-5201

February 4, 1992

DIVISION OF HIGHWAYS

JAMES G. MARTIN  
 GOVERNOR

WILLIAM G. MARLEY, JR., P.E.  
 STATE HIGHWAY ADMINISTRATOR

THOMAS J. HARRELSON  
 SECRETARY

Mr. Louis B. Chalmers  
 City of Fayetteville  
 234 Green St.  
 Fayetteville, N.C. 28301

Dear Mr. Chalmers:

Subject: Railroad Crossing Signals in Fayetteville

In recent years the Federal government has provided funds to the states for railway-highway grade crossing signalization projects. Each year, the State of North Carolina examines all of the public railway-highway grade crossings in the State and ranks them according to their need for improvement. Based on the existing train volume, automobile volume, train speed, past accident experience, and existing protection, the following location in Fayetteville has qualified for Federal funds.

<u>Location</u>	<u>Proposed Improvement</u>	<u>Estimated Project Cost</u>	<u>Estimated Share of Project Cost</u>	<u>Estimated Municipal Share of Annual Maintenance Cost</u>
Jasper Street at CSX Transportation Railroad Crossing No. 629 911V	Revise Automatic Warning Devices	\$70,000	\$7,000	\$325

Under this program, the Federal government will pay 90 percent of the eligible cost. The municipality will be required to pay all costs not paid by Federal funds. Under North Carolina General statute 160A-298, the municipality will also be liable for payment directly to the Railroad for one-half the annual maintenance cost of the signal installation. We have shown above our estimate of the total construction cost and the municipality's share of the annual maintenance cost, based on current schedules.

The estimated construction costs shown above are preliminary ones and are subject to considerable variation. Detailed estimates will be prepared during the preliminary engineering phase of the project and will, in part, depend on whether the proposed automatic devices consist of flashing light signals only or a combination of flashing light signals and gates. Unfortunately, preliminary engineering of the project cannot begin until municipal participation is assured. Based on the current funding levels for the Railway-Highway Safety Program, this project will be scheduled for construction during the Federal Fiscal Year which begins October 1, 1993.

We have attached a municipal agreement for this work. If you wish to participate in this project, please have the agreement executed on behalf of the municipality and return both copies to us. After execution on behalf of the State, one copy will be returned to you.

If you elect to participate in this project a detailed estimate, plans and materials list will be provided for your approval before the railroad company is authorized to construct the project. If, at that time, the municipality decides not to proceed with the project we would drop the project from the current program, and the municipality would be billed for 10% of the preliminary engineering costs incurred to that time.

It is important that you let us know your decision within the next 60 days. If you wish further information, write or call us at (919) 733-3915; we will be happy to help you.

Yours very truly,

*Cindy Baity*

C.L. Baity  
Signals and Geometrics  
Design Engineer

CLB/TL

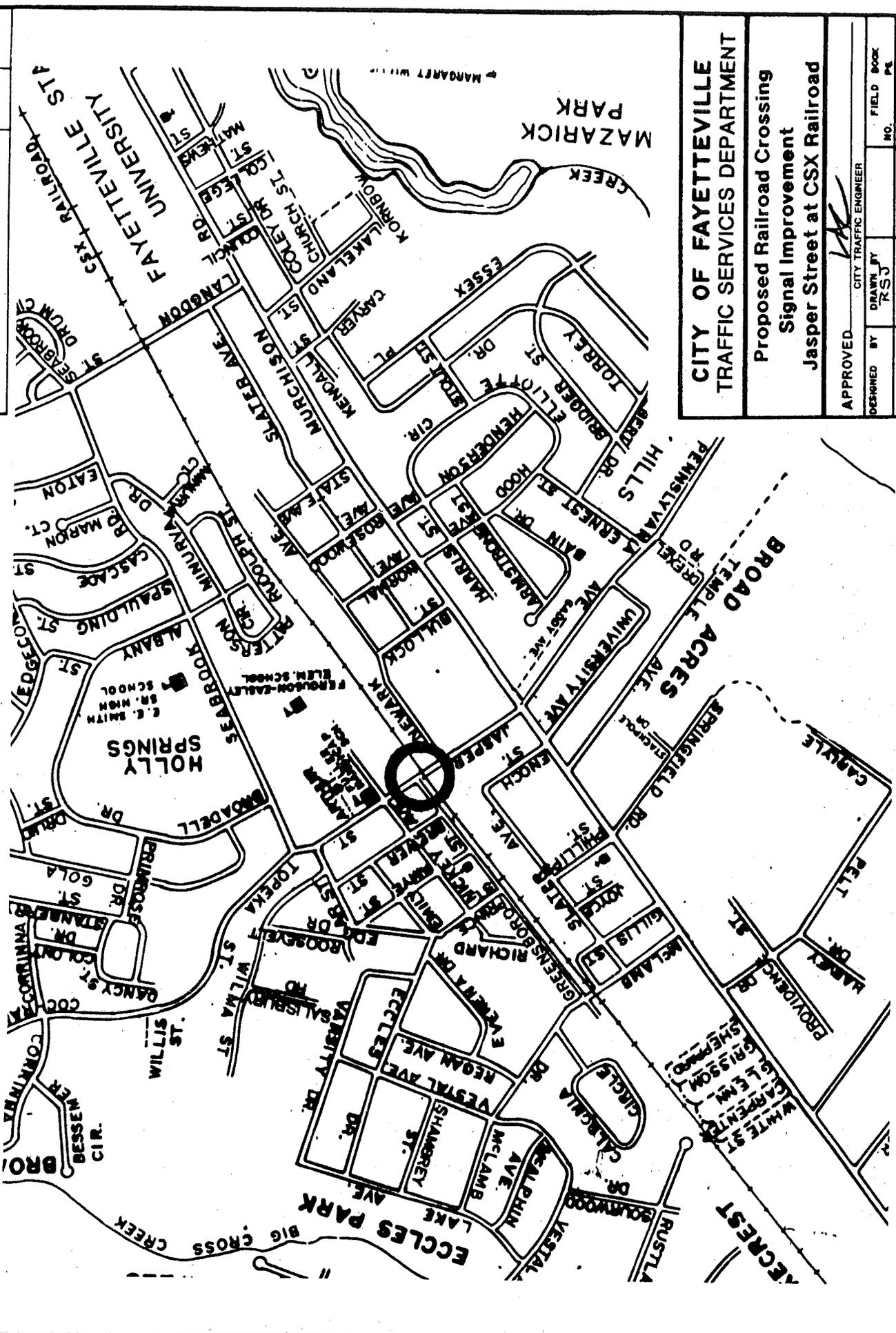
Attachments

cc: Mr. W.F. Rosser, P.E.  
Mr. W.G. Marley, Jr., P.E.

## INSTRUCTIONS

1. Please fill in required signature of finance officer, municipal signatures and municipal seal on both copies of the agreement.
2. Fill in required information, signatures, and municipal seal on both copies of the Certified Copy of Resolution.
3. Return both copies to this office. The agreement will then be dated and executed by the State with a copy being sent to the municipality.

REVISION	DATE	BY



**CITY OF FAYETTEVILLE**  
**TRAFFIC SERVICES DEPARTMENT**

**Proposed Railroad Crossing**  
**Signal Improvement**  
**Jasper Street at CSX Railroad**

APPROVED: *[Signature]*  
 CITY TRAFFIC ENGINEER

DESIGNED BY: **R.S.J.**  
 DRAWN BY: **R.S.J.**

SCALE: 1" = 1000'  
 DATE: 2-12-92

FIELD BOOK NO. PE  
 SHEET OF

**NORTH CAROLINA  
CUMBERLAND COUNTY**

THIS AGREEMENT, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the Department, and the CITY OF FAYETTEVILLE, a municipal corporation, hereinafter referred to as the Municipality;

**WITNESSETH THAT:**

WHEREAS, the Federal Highway Administration is authorized and directed by the provisions of Section 401 of Chapter 23 of the United States Code to assist and cooperate with State and local governments to increase highway safety; and

WHEREAS, the "Surface Transportation And Uniform Relocation Assistance Act of 1987" provides funds for correcting safety hazards not on the Federal-Aid System as selected or designated by the State and subject to the approval of the U.S. Secretary of Transportation; and

WHEREAS, certain railroad-highway grade crossings on the Municipal Street System of the Municipality as indicated on the attached Exhibit "A" and incorporated herein, have been selected for participation in the "Surface Transportation And Uniform Relocation Assistance Act of 1987" in accordance with Federal-Aid standards and requirements; and

WHEREAS, 23 USC 405(f) provides that in any state wherein the state is without legal authority to construct or maintain a project under this system, such state shall enter into a formal agreement for such construction or maintenance with the appropriate local officials of the municipality in which such a project is located; and

WHEREAS, the Department of Transportation is authorized by the provisions of G.S. 136-18(12) to carry out the provisions of Federal-Aid highway acts for improvement projects on streets on the Municipal Street System; and

WHEREAS, the Department of Transportation and the Municipality are authorized to enter into agreements for the performance of such work on the Municipal Street System by the provisions of G.S. 136-18(12), G.S. 136-41.3, and G.S. 136-66.1; and

WHEREAS, the Department of Transportation will enter into such agreements as are necessary to improve the protective devices at the crossings selected and to obtain maximum Federal-Aid participation in the cost of the project, but in any event, the Municipality shall be responsible for any and all expense incurred in the planning, design, and installation of the protective devices incurred by the Department of Transportation, but not reimbursed by the Federal Highway Administration.

NOW THEREFORE, the Municipality and Department do agree:

1. The Department will arrange to have the necessary plans and detailed estimate prepared by the railroad concerned (or by a consultant for the railroad) and will review such plans with the Municipality before approving them for construction.

2. The Department will supervise, as necessary, the work of installing the protective devices to insure installation is according to plans. In the event substantial changes in plans are found necessary during construction, Department will consult with the Municipality before approving such changes. Department will also make a final inspection of the completed installation to insure it operates according to plans.

3. The Department will obtain all necessary Federal Highway Administration approvals.

4. All sites selected for improvement, all plans for improvements and all contracts with the railroad will be subject to the prior approval of the Municipality.

5. It is understood by the parties hereto that the Federal Highway Administration is to participate in the project costs to the extent of ninety (90) percent, subject to compliance with all applicable federal policy and procedural rules and regulations. Such project costs will include, but not be limited to those incurred by the Department and authorized by the Department in the preparation of plans and estimates, and the costs of materials, installation, and any other incidental items. The Department will invoice the Municipality for all costs not reimbursed by the Federal Highway Administration. The Municipality agrees that, if the Federal Highway Administration should not participate in certain project costs because of noncompliance with Federal and/or State regulations, it will reimburse the Department for such costs regardless of any nonparticipation in the costs by the Federal Highway Administration.

6. The Department will enter into an agreement with the railroad or railroads for the installation of the protective devices. The Department will submit one final itemized invoice to the Municipality for said costs within one year after completion of the work.

7. In the event the Municipality fails for any reason to reimburse the Department for costs as provided hereinabove, the Municipality hereby authorizes the Department to apply so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, as authorized by G.S. 136-41.3.

8. It is understood the railroad is responsible for the maintenance of the protective devices and the Municipality shall be responsible for payment to the Railroad fifty (50) percent of Railroad's costs of maintenance of said devices pursuant to the provisions of G.S. 160A-298(c).

IN WITNESS WHEREOF, this agreement has been executed the day and year heretofore set out on the part of the Department and of the said Municipality by authority duly given, as evidenced by the attached certified copy of resolution, ordinance, or charter provision, as the case may be.

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

\_\_\_\_\_  
(Signature of Finance Officer)

ATTEST:

MUNICIPALITY OF FAYETTEVILLE

\_\_\_\_\_  
CLERK

BY: \_\_\_\_\_

MAYOR

(SEAL)

APPROVED AS TO FORM

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_

Assistant Attorney General

BY: \_\_\_\_\_

State Highway Administrator

EXHIBIT A

Railroad Grade Crossing in the Municipality of Fayetteville,  
Cumberland County, North Carolina at which improvements are to be  
made:

Z-2844B

Crossing of Jasper Street and CSX Transportation Tracks,  
Crossing No. 629 911V, to be improved by the revision of  
automatic warning devices for an estimated project cost of  
\$70,000.

CERTIFIED COPY OF RESOLUTION

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

WHEREAS, the Department of Transportation, an agency of the State of North Carolina, pursuant to the provisions of G.S. 136-18(12) proposes to contract with the Federal Highway Administration to obtain Federal-Aid funds for the improvements in the protective devices at certain highway-railway crossings on the Municipal Street System for which the Municipality is responsible; and

WHEREAS, the Municipality will reimburse the Department of Transportation for any and all expense incurred in the planning, design and installation of the protective devices incurred by the Department of Transportation, not reimbursed by the Federal Highway Administration; and

WHEREAS, in order to carry out the aforesaid projects and to promote the public interest and general welfare of the Municipality, it is necessary for the Municipality to enter into a contract with the Department of Transportation to provide for the installation and maintenance of the protective devices at certain highway-railroad crossings on the Municipal Street System.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Mayor and the Clerk of the Municipality of Fayetteville are hereby formally authorized to enter into a contract with the Department of Transportation to obtain Federal-Aid highway funds necessary to improve the protective devices at the said grade crossing, for the Department of Transportation to perform certain work, and the Mayor and Clerk of the Municipality are hereby empowered to sign and execute the required agreement between the Municipality and the Department of Transportation.

I, \_\_\_\_\_ Clerk of the Municipality of Fayetteville, do hereby certify that the above is a true and correct copy of the excerpts of the Minutes of the governing body of the said Municipality of a meeting duly held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

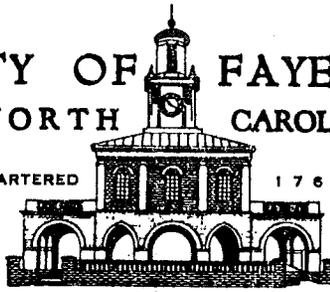
WITNESS my hand and the official seal of the Municipality, this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

(SEAL)

Municipality of: \_\_\_\_\_ Fayetteville

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

FEBRUARY 13, 1992

MEMORANDUM

TO: The Mayor and Members of City Council  
FROM: John P. Smith, City Manager  
SUBJECT: Meeting with Housing Authority

At the last meeting, Councilmember Cheek proposed a joint meeting with the Housing Authority Board. If Council favors a meeting I would suggest a future information meeting.

JPS:ssm

An Equal Opportunity  
City of



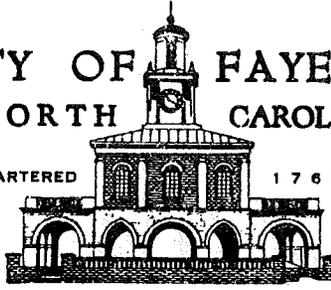
Affirmative Action Employer  
Dogwoods

ITEM 7



THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

FEBRUARY 11, 1992

MEMORANDUM

TO: The Mayor and Members of City Council  
FROM: John P. Smith, City Manager *JPS*  
SUBJECT: Representation

As a named defendant in the case of Jones vs City of Fayetteville, I am requesting provision of legal representation pursuant to G.S. 160A-167.

JPS:ssm

An Equal Opportunity  
City of

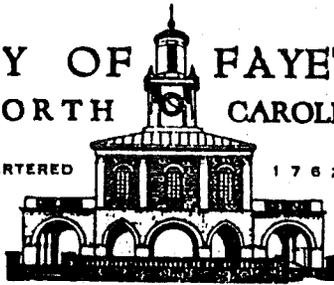


Affirmative Action Employer  
Dogwoods

ITEM 8

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



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

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

22 January 1992

FILED IN THE OFFICE OF THE CLERK OF THE CITY COUNCIL  
JAN 22 1992  
CITY OF FAYETTEVILLE, N.C.

City of Fayetteville  
ATTN: City Council  
City Hall  
Fayetteville, NC 28301

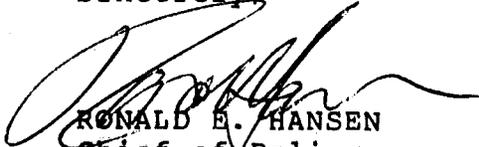
RE: Betty Lou Jones, and Howard Jones v. Chief Hansen  
Lt. Simons, Sgt. Marable and Sgt. Cox  
City of Fayetteville

Dear Members of City Council:

I have been sued by Betty Lou Jones and Howard Jones in 92 09 CIV 3 H as a result of performing my duties as the Chief of Police of the City of Fayetteville. Pursuant to N.C.G.S. 160A-167, I am requesting that the City Council provide for the defense of this case and authorize the hiring of an attorney on my behalf.

Thank you for your consideration. I am

Sincerely,

  
RONALD E. HANSEN  
Chief of Police

BEW/klg

122nd NATIONALLY ACCREDITED

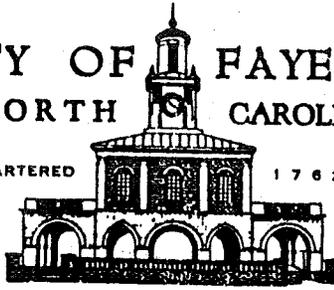


LAW ENFORCEMENT AGENCY

An Equal Opportunity Affirmative Action Employer

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



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

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

22 January 1992

RECEIVED  
CITY OF FAYETTEVILLE  
JAN 23 1992  
CITY CLERK'S OFFICE

City of Fayetteville  
ATTN: City Council  
City Hall  
Fayetteville, NC 28301

RE: Betty Lou Jones, and Howard Jones v. Chief Hansen  
Lt. Simons, Sgt. Marable and Sgt. Cox  
City of Fayetteville

Dear Members of City Council:

I have been sued by Betty Lou Jones and Howard Jones in 92 09 CIV 3 H as a result of performing my duties as a police officer assigned to the Office of Professional Standards & Inspections, for the police department of the City of Fayetteville. Pursuant to N.C.G.S. 160A-167, I am requesting that the City Council provide for the defense of this case and authorize the hiring of an attorney on my behalf.

Thank you for your consideration. I am

Sincerely,

A handwritten signature in cursive script that reads 'A. M. Marable'.

A. M. MARABLE  
Sergeant of Police

BEW/klg

122nd NATIONALLY ACCREDITED

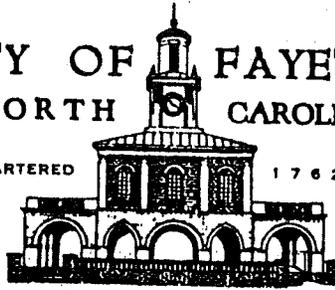


LAW ENFORCEMENT AGENCY

An Equal Opportunity Affirmative Action Employer

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



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

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

22 January 1992

City of Fayetteville  
ATTN: City Council  
City Hall  
Fayetteville, NC 28301

RE: Betty Lou Jones, and Howard Jones v. Chief Hansen  
Lt. Simons, Sgt. Marable and Sgt. Cox  
City of Fayetteville

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Thank you for your consideration. I am

Sincerely,

A handwritten signature in cursive script, appearing to read 'Orval L. Cox, Jr.', is written over the typed name.

ORVAL L. COX, JR.  
Sergeant of Police

BEW/klg

122nd NATIONALLY ACCREDITED

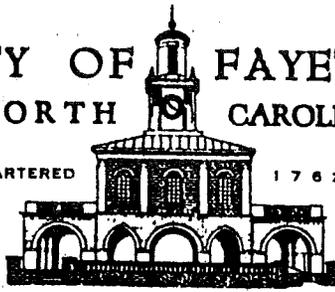


LAW ENFORCEMENT AGENCY

An Equal Opportunity Affirmative Action Employer

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

22 January 1992

City of Fayetteville  
ATTN: City Council  
City Hall  
Fayetteville, NC 28301

RE: Betty Lou Jones, and Howard Jones v. Chief Hansen  
Lt. Simons, Sgt. Marable and Sgt. Cox  
City of Fayetteville

Dear Members of City Council:

I have been sued by Betty Lou Jones and Howard Jones in 92 09 CIV 3 H as a result of performing my duties as the commander of the Office of Professional Standards & Inspections, for the police department of the City of Fayetteville. Pursuant to N.C.G.S. 160A-167, I am requesting that the City Council provide for the defense of this case and authorize the hiring of an attorney on my behalf.

Thank you for your consideration. I am

Sincerely,

A handwritten signature in cursive script that reads 'W. H. Simons'.

WILLIAM H. SIMONS  
Lieutenant of Police

BEW/klg

122nd NATIONALLY ACCREDITED



LAW ENFORCEMENT AGENCY

An Equal Opportunity Affirmative Action Employer

February 5, 1992

City of Fayetteville  
Attn: City Council  
City Hall  
Fayetteville, NC 28301

Re: Betty Lou Jones, and Howard Jones v.  
R. L. Robinson, Chief Hansen, Lt. Simons, Sgt. Marable and  
Sgt. Cox  
City of Fayetteville

Dear Members of City Council,

I have been sued by Betty Lou Jones and Howard Jones in 92 09 CIV 3 H as a result of performing my duties as a member of the Police Department of the City of Fayetteville. Pursuant to N.C.G.S. 160A-167, I am requesting that the City Council provide for the defense of this case and authorize the hiring of an attorney on my behalf.

Thank you for your consideration.

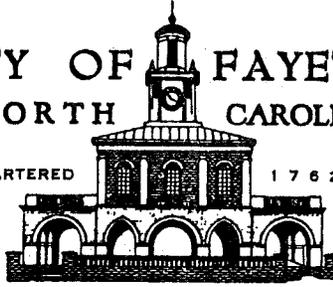
Sincerely,

  
Raymond L. Robinson

RLR

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY CLERK  
433 HAY STREET

FAYETTEVILLE, NC 28301-5537

(919) 433-1989  
FAX (919) 433-1780

February 11, 1992

**MEMORANDUM**

TO: John P. Smith, City Manager  
FROM: Bobbie A. Joyner, City Clerk *BJ*  
SUBJECT: **AGENDA ITEM FEBRUARY 18, 1992 CITY COUNCIL MEETING -  
NOMINATIONS TO BOARDS AND COMMISSIONS**

**A. APPEARANCE COMMISSION - 2 Vacancies**

Meets 4th Tuesday, 7:00 p.m., City Hall

Nominations are needed to fill the unexpired term of Lonnie M. Player (W/M), at large category, term to December 1993 (resignation letter attached). 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 still open to fill the unexpired term of Sharon Courson (W/F) to March 1993. James A. Florence (B/M) was nominated by Councilmember Torrey at the last meeting. (Information Form is attached.)

Nomination Forms are attached for your use.

**NOTE:** There will be 7 vacancies on Human Relations Commission in March--  
3 not eligible for another term.

Attachments

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

**ITEM 9**



**Player, Inc.**  
SINCE 1938

P.O. DRAWER 27 • 200 S. McPHERSON CHURCH RD.  
FAYETTEVILLE, NC 28302 • 919/868-2121

January 28, 1992



Mr. Bill Hester  
Fayetteville Appearance Commission  
433 Hay Street  
Fayetteville, N. C. 28301

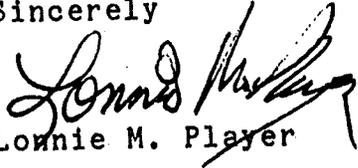
Dear Bill:

When I accepted appointment to the Fayetteville Appearance Commission, I expressed my desire to help with the creation of a landscape ordinance for Fayetteville. I also expressed by intention to resign once an ordinance had been adopted. I am delighted that I had a part in creating what I think is a good ordinance. I have enjoyed the work and value the new friends I made in the process.

Please accept my resignation from the Fayetteville Appearance Commission effective January 29, 1992. If any problems arise concerning the ordinance, please know that I am available to assist in an informal way if called upon to do so.

Best personal regards.

Sincerely

  
Lonnie M. Player

LMP/bm

A

NOMINATION FORM  
BOARDS, COMMITTEES AND COMMISSIONS  
CITY OF FAYETTEVILLE

(PLEASE PRINT OR TYPE)

*HUMAN RELATIONS*

NOMINATION FOR VACANCY ON THE

*James Florence*

BY COUNCILMEMBER

*W. Torrey*

DATE:

*Feb 3, 1992*

Mr. / MRS. / MS.

*James A. Florence*

DOES LIVE IN CITY LIMITS AND IS NOT SERVING ON ANOTHER BOARD OR COMMISSION

ADDRESS

*1879 Gola Dr City*

(Street and/or P.O. Box)

ZIP:

*28301*

TELEPHONE:

HOME

*488-5484*

BUSINESS

BUSINESS

*486-7164*

JOB TITLE:

RACE

*B.*

SEX

*M*

ACTIVITIES:

OTHER INFORMATION:

Received by City Clerk

*BG*

*2-3-92*

(date)

Elected: YES

NO

Letter:

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**NOMINATION FORM**  
**BOARDS, COMMITTEES AND COMMISSIONS**  
**CITY OF FAYETTEVILLE**

(PLEASE PRINT OR TYPE)

NOMINATION FOR VACANCY ON THE \_\_\_\_\_

BY COUNCILMEMBER \_\_\_\_\_ DATE: \_\_\_\_\_

Mr./Mrs./Ms. \_\_\_\_\_ DOES LIVE IN CITY LIMITS AND IS  
NOT SERVING ON ANOTHER BOARD OR  
COMMISSION

ADDRESS \_\_\_\_\_ ZIP: \_\_\_\_\_  
(Street and/or P.O. Box)

TELEPHONE: HOME \_\_\_\_\_ BUSINESS \_\_\_\_\_

BUSINESS \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

RACE \_\_\_\_\_ SEX \_\_\_\_\_

ACTIVITIES: \_\_\_\_\_

OTHER INFORMATION: \_\_\_\_\_

Received by City Clerk \_\_\_\_\_ (date)

Elected: YES \_\_\_\_\_ NO \_\_\_\_\_ Letter: \_\_\_\_\_



**NOMINATION FORM**  
**BOARDS, COMMITTEES AND COMMISSIONS**  
**CITY OF FAYETTEVILLE**

(PLEASE PRINT OR TYPE)

NOMINATION FOR VACANCY ON THE \_\_\_\_\_

BY COUNCILMEMBER \_\_\_\_\_ DATE: \_\_\_\_\_

Mr./Mrs./Ms. \_\_\_\_\_ DOES LIVE IN CITY LIMITS AND IS  
NOT SERVING ON ANOTHER BOARD OR  
COMMISSION

ADDRESS \_\_\_\_\_ ZIP: \_\_\_\_\_  
(Street and/or P.O. Box)

TELEPHONE: HOME \_\_\_\_\_ BUSINESS \_\_\_\_\_

BUSINESS \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

RACE \_\_\_\_\_ SEX \_\_\_\_\_

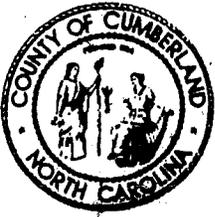
ACTIVITIES: \_\_\_\_\_

OTHER INFORMATION: \_\_\_\_\_

Received by City Clerk \_\_\_\_\_ (date)

Elected: YES \_\_\_\_\_ NO \_\_\_\_\_ Letter: \_\_\_\_\_

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# COUNTY OF CUMBERLAND TAX COLLECTOR



FAYE S. PARRISH  
TAX COLLECTOR

P.O. Drawer 449  
Fayetteville, North Carolina 28302-0449  
Telephone: (919) 483-8131

FEBRUARY 3, 1992

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

DEAR SIR,

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

1991 TAXES	3,944,334.73
FAY. VEHICLE TAX	43,610.50
1990 TAXES	13,946.64
1989 TAXES	1,700.00
1988 & PRIOR REAL & PERSONAL TAXES	1,815.62
TOTAL INTEREST	8,468.71
TAXES ON CITY OWNED PROPERTY DEDUCTED	
<b>TOTAL COLLECTIONS</b>	<b>4,013,876.20</b>

YOURS TRULY,

*Faye S. Parrish*

FAYE S. PARRISH  
TAX COLLECTOR

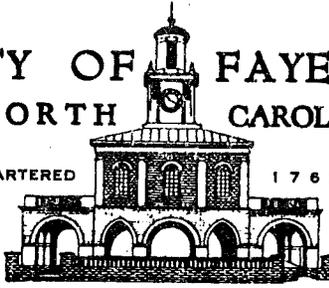
ABJ/BF

ITEM 10.A.

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THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

FEBRUARY 13, 1992

MEMORANDUM

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

In implementing the actions of City Council at your last meeting I have taken the following steps:

1. Authorized the hiring of three additional police officers. A budget amendment transferring funds from Council contingency to the Police Department budget will be submitted for approval at your next meeting.
2. I have appointed a staff task force with representatives from Police, Parks and Recreation, Finance, Community Development and City Manager's Office. The purpose of this task force is to search out grants and coordinate the application for and implementation of grant funds.

JPS:ssm

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

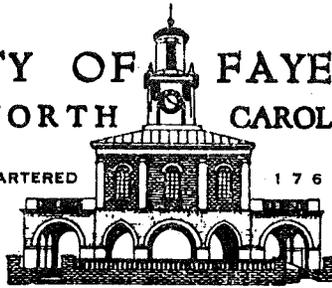
ITEM 10.C.

1941



THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

FEBRUARY 13, 1992

MEMORANDUM

TO: The Mayor and Members of City Council

FROM: John P. Smith, City Manager

SUBJECT: User Fee Study

One of the goals Council discussed during budget sessions last year was to review the City's user fees. Some adjustments in user fees have been made. However, given the outlook for the future I believe it is time to do a comprehensive review of current user fees as well as tax supported programs where user fees may be an alternative source of financial support.

Accordingly I asked Kai Nelson to request proposals for a user fee study. His analysis is attached. There are funds budgeted for this purpose. We will have the results of this study in time for making recommendations in the upcoming budget.

JPS:ssm

An Equal Opportunity  
City of

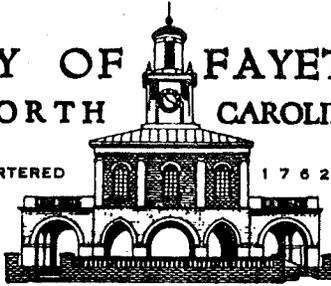


Affirmative Action Employer  
Dogwoods

ITEM 10.D.

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

February 10, 1992

MEMORANDUM

TO: John P. Smith, City Manager  
John B. (Ben) Brown, Jr., Assistant City Manager for  
Administration and Finance  
Roger L. Stancil, Assistant City Manager for Operations

FROM: Kai Nelson, Finance Director *KN*

SUBJECT: User Fee Study

Several times during the past few months, the City's financial issues have been discussed with City Council. As recently as January 21, the City Manager discussed critical budget and financial issues with City Council at their Information Meeting. User fees were addressed as part of those discussions.

As a follow-up to those discussions, the City solicited proposals from 6 firms on January 27 to conduct a user fee study. The purpose of the study would be to determine the justification for and recommend the rates to be charged to users of various benefit-based public services. The project is time sensitive with the goal of potentially incorporating components of the study recommendation into the fiscal year 1993 budget. Funds are available in the Finance Department budget to proceed with the project.

Cherry, Bekaert & Holland and DMG were the sole responders to the RFP. DMG quoted a fee of \$27,930 (including expenses) and 368 hours. CB&H quoted a fee of \$41,800 (exclusive of expenses) and 440 hours. Based on discussions that I have had with other municipal jurisdictions, both DMG's and CB&H's hours appear to be in the "ballpark" for an engagement of this size and scope.

DMG brings extensive user fee experiences to the table including Asheville, Greenville, Winston-Salem, and the counties of Haywood, Person, Onslow, Orange, Ashe, Durham, Bladen, Wayne, Hertford and Iredell. DMG has more exhaustive experiences outside of North Carolina. CB&H cited a user fee experience in a water and sanitary sewer company located in South Carolina.

Based on the proposals submitted, DMG clearly has more exhaustive and extensive experiences in conducting user fee studies and quoted a substantially lower fee (approximately \$14-16,000). As this project is time sensitive, I recommend that we authorize DMG to proceed with the study.

KN/a

An Equal Opportunity  
City of



Affirmative Action Employer  
Dogwoods

January 27, 1992

Friends of the Arsenal  
4630 Canterbury Rd.  
Fayetteville, NC 28304

City Manager John Smith  
City Hall  
Fayetteville, NC 28301

Dear Mr. Smith,

We, the Friends of the Arsenal; concerned citizens of the City of Fayetteville and Cumberland County; wish to remind both you and the Fayetteville City Council of the Council's past policy regarding the naming of the Central Business District Loop.

At a City Council meeting held on February 21, 1990, a delegation from our group introduced a petition, asking that the Central Business District Loop be renamed "The Fayetteville Arsenal Expressway"; in honor of the Federal Arsenal that stood on Haymount Hill and occupied the site through which the Central Business District Loop passes in part. We were informed at this meeting that no decision regarding the naming of the Central Business District Loop would be made until the Central Business District Loop is completed.

Since the proposed terminus of the Central Business District Loop is N.C. Highway 87; and since the Central Business District Loop has yet to be extended beyond Robeson Street; we respectfully request that the Fayetteville City Council abide by their past decision and not rename the Central Business District Loop until such time as it is fully completed.

Sincerely,

*Thomas L. Myers*

Thomas L. Myers  
Chairman,  
Friends of the Arsenal

CC:

Mayor J.L. Dawkins  
Councilman Thomas Bolton  
Councilman F. Milo McBryde  
Councilman Mark C. Kendrick  
Councilwoman Susan Cheek  
Councilman Thelbert Torrey  
Councilwoman Mildred D. Evans  
Councilman Nat Robertson, Jr.  
Councilwoman Ida Mae Ross  
Councilman Joseph L. Pillow

**INFORMATION**

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is essential for ensuring the integrity of the financial system and for providing a clear audit trail.

2. The second part of the document outlines the specific procedures that must be followed when recording transactions. It details the steps from initial entry to final review, ensuring that all necessary checks and balances are in place.

3. The third part of the document addresses the role of management in overseeing the financial reporting process. It highlights the need for regular communication and oversight to prevent errors and ensure compliance with all relevant regulations.

4. The fourth part of the document discusses the importance of transparency and accountability in financial reporting. It stresses that stakeholders have a right to know the true financial position of the organization, and that this can only be achieved through honest and accurate reporting.

5. The fifth part of the document provides a summary of the key points discussed and offers final recommendations for improving the financial reporting process. It encourages a culture of continuous improvement and high ethical standards.

6. The sixth part of the document concludes with a statement of commitment to the highest standards of financial reporting. It reaffirms the organization's dedication to transparency, accuracy, and integrity in all its financial activities.

7. The seventh part of the document provides a final review of the document's content, ensuring that all key points have been covered and that the information is presented in a clear and concise manner.

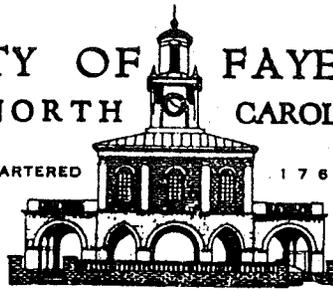
8. The eighth part of the document is a concluding statement that reiterates the organization's commitment to excellence in financial reporting and its dedication to serving its stakeholders with the highest quality of information.



~~SECRET~~

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED 1782



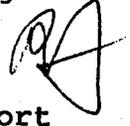
OFFICE OF THE CHIEF OF POLICE  
SUITE 124, 131 DICK STREET

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

29 January 1992

THE CITY OF FAYETTEVILLE, NORTH CAROLINA, IS A MEMBER OF THE INTERNATIONAL ASSOCIATION OF POLICE (IAP) AND THE INTERNATIONAL ASSOCIATION OF POLICE CHIEFS (IAPC). THE CITY IS COMMITTED TO THE HIGHEST LEVELS OF PROFESSIONALISM AND INTEGRITY IN THE POLICE SERVICE. THE CITY IS COMMITTED TO THE HIGHEST LEVELS OF PROFESSIONALISM AND INTEGRITY IN THE POLICE SERVICE. THE CITY IS COMMITTED TO THE HIGHEST LEVELS OF PROFESSIONALISM AND INTEGRITY IN THE POLICE SERVICE.

**MEMORANDUM**

**TO :** Roger Stancil, Assistant City Manager  
**FROM :** Ronald E. Hansen, Chief of Police   
**SUBJECT:** Professional Standards Monthly Report

Attached please find the November 1991 monthly report for the Office of Professional Standards.

REH:lof

Attachment

122nd NATIONALLY ACCREDITED



LAW ENFORCEMENT AGENCY

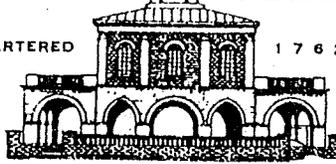
An Equal Opportunity Affirmative Action Employer

**INFORMATION**

THE CITY OF FAYETTEVILLE  
NORTH CAROLINA

CHARTERED

1762



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

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

28 January 1992

**ADMINISTRATIVE**

**MEMORANDUM TO:** Ronald E. Hansen, Chief of Police

**SUBJECT:** Office of Professional Standards & Inspections  
Monthly Report for November 1991

The monthly report from the Office of Professional Standards & Inspections for the month of November 1991 is submitted for your review.

*Vera L. Bell*

VERA L. BELL, Lieutenant  
Office of Professional Standards  
and Inspections

/klg

Attachments

122nd NATIONALLY ACCREDITED



LAW ENFORCEMENT AGENCY

An Equal Opportunity Affirmative Action Employer

**DEPARTMENTAL INVESTIGATIONS  
NOVEMBER 1991**

This Year, 1991, to date: 162  
Last Year, 1990, to date: 160

<u>FILE NUMBER</u>	<u>COMPLAINT</u>	<u>DISPOSITION</u>
91-154(D)	Vehicle Accident	Exonerated
91-155(D)	Prisoner Search	Disc. Action
91-156(D)	Vehicle Pursuit	Exonerated
91-157(D)	Damage to City Property	Exonerated
91-158(D)	Vehicle Pursuit	Exonerated
91-159(D)	Unsat. Performance	Disc. Action
91-160(D)	Vehicle Accident	Disc. Action
91-161(D)	Sexual, Ethnic, Racial	Disc. Action
91-162(D)	Vehicle Accident	Disc. Action

CASES PENDING FOR JANUARY 1991 = 2	91-007(D) & 91-009(D)
CASE PENDING FOR JULY 1991 = 1	91-091(D)
CASE PENDING FOR AUGUST 1991 = 1	91-109(D)
CASE PENDING FOR SEPTEMBER 1991 = 1	91-123(D)

CARRY OVER CASE FROM JULY 1991

91-099(D)	Unsat. Performance	Exonerated
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CARRY OVER CASE FROM OCTOBER 1991

91-137(D)	Vehicle Accident	Disc. Action
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<u>DISPOSITION</u>	<u>THIS MONTH</u>	<u>YEAR TO DATE</u>	
Disc. Action	6	95	61%
Exonerated	5	58	37%
Not Sustained	<u>0</u>	<u>3</u>	<u>2%</u>
<b>TOTALS</b>	<b>11</b>	<b>156</b>	<b>100%</b>

**CITIZEN COMPLAINTS  
NOVEMBER 1991**

This Year, 1991, to date: 45  
Last Year, 1990, to date; 58

<u>FILE NUMBER</u>	<u>COMPLAINANT RACE &amp; SEX</u>	<u>NATURE OF COMPLAINT</u>	<u>DISPOSITION OF CASE</u>
91-040(C)	B/M	Pointed Weapon	Disc. Action
91-042(C)	B/M	Excessive Force	Exonerated
91-043(C)	W/F	Courtesy	Exonerated
91-044(C)	B/M	Unsat. Performance	Exonerated
91-045(C)	W/M	Courtesy	Disc. Action

CASE PENDING FOR NOVEMBER 1991 = 1      91-041(C)

**CARRY OVER CASES FROM OCTOBER 1991**

91-038(C)	W/M	Excessive Force	Exonerated
91-039(C)	B/M	Courtesy	Exonerated

<u>DISPOSITION</u>	<u>THIS MONTH</u>	<u>YEAR TO DATE</u>	
Disc. Action	2	15	34%
Exonerated	<u>5</u>	<u>29</u>	<u>66%</u>
<b>TOTALS</b>	<b>7</b>	<b>44</b>	<b>100%</b>

USE OF FORCE INVESTIGATIONS  
NOVEMBER 1991

This Year, 1991, to date: 90  
Last Year, 1990, to date: 55

<u>FILE NUMBER</u>	<u>FORCE USED</u>	<u>INJURY</u>	<u>CHARGE(S)</u>	<u>DISPOSITION</u>
91-087(F)	Handgun	None	Stolen Vehicle	Exonerated
91-088(F)	K-9	None	Poss. Cocaine	Disc. Action
91-089(F)	Mace	Minor	Drunk & Disr.	Exonerated
91-090(F)	Mace	None	Res/Del/Obs	Exonerated

CASES PENDING JANUARY 1991 = 2      91-002(F) & 91-004(F)

CASE PENDING OCTOBER 1991 = 1      91-078(F)

CARRY OVER CASES FROM OCTOBER 1991

91-080(F)	Hands	Minor	AOLEO	Disc. Action
91-081(F)	Mace	None	Assault	Exonerated

<u>DISPOSITION</u>	<u>THIS MONTH</u>	<u>YEAR TO DATE</u>	
No Excessive Force	4	83	96%
Excessive Force	<u>2</u>	<u>4</u>	<u>4%</u>
TOTALS	6	87	100%

POLICE VEHICLE PURSUITS  
NOVEMBER 1991

Vehicle Pursuits = 2





# Fayetteville Historic Resources Commission

N - O - T - I - C - E

This is to advise that the Fayetteville Historic Resources Commission Administration Committee will hold a special meeting on Wednesday, February 19, 1992, at 4:00 p.m. in Room 223, Old Cumberland County Courthouse, 130 Gillespie Street, Fayetteville, North Carolina, to consider the following item of business:

1. FY 1992-93 Budget

Elisa A. Novick  
Historic Resources Planner/Commission Secretary

**INFORMATION**



**MAILING LIST MEMBERS OF THE FAYETTEVILLE HISTORIC RESOURCES COMMISSION**

	<u>Telephone No.</u>	<u>Category and Term</u>
Mr. W. Wayne McGary 119½ Broadfoot Avenue Fayetteville, NC 28305	484-4989 (O) 485-2384 (H)	(1) Licensed/registered architect 10/91 - 10/93 2nd term
Mr. Robert R. Nimocks P.O. Box 58121 Fayetteville, NC 28305	485-1707 (O)	(3) Realtor, developer or contractor /91 - 10/92
Ms. Sue Brown Bandy 1215 Hilltop Avenue Fayetteville, NC 28305	484-4025 (H)	(2) Historic preservationist or cultural or Social Historian 10/91 - 10/93
Ms. Ruby Murchison 701 Topeka Fayetteville, NC 28301	678-8249 (O) 488-4365 (H)	(6) At-large 7/91 - 10/92
Mr. Henry Player P.O. Drawer 27 Fayetteville, NC 28302	868-2121 (O) 485-1469 (H)	(4) Building designer or land use design professional 10/91 - 10/93
Ms. Arnetha Robinson 1862 Broadell Drive Fayetteville, NC 28301	488-5085 (H)	(5) (Suggested) Historic District property owner 11/91 - 10/92
Mr. Jon Young Acting Dean, College of Arts and Sciences Fayetteville State University 1200 Murchison Road Fayetteville, NC 28301	485-1681 (O) 485-8696 (O)	(6) At-large 10/91 - 10/93

	<u>Telephone No.</u>	<u>Title</u>
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**Ex-Officio**

George Vaughan P.O. Drawer 1829 Fayetteville, NC 28302	678-7606	Planning Director
John P. Smith 433 Hay Street Fayetteville, NC 28301-5537	433-1990	City Manager



# 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

MINUTES  
CUMBERLAND COUNTY JOINT PLANNING BOARD  
JANUARY 21, 1992  
7:30 P.M.

Members Present

John Britt, Chairman  
John Canady  
David Hasan  
James Lucas  
Merrill McLaurin  
Robert McNeill  
William Tew  
Peggy Vick

Members Absent

John Davis, Vice-Chairman  
Dawson Carr  
W.A. Maxwell, Sr.  
Ernest Morine  
Roland Schmidt

Staff Present

George Vaughan  
Thomas J. Lloyd  
Roy Taylor  
Barbara Swilley

1. ROLL CALL AND APPROVAL OF THE MINUTES OF THE JANUARY 7, 1992 REGULAR MEETING

Chairman Britt called the meeting to order at 7:30 p.m. in Public Hearing Room #3 of the Old County Courthouse. He asked if there were any corrections to the Minutes. A motion was made by Mr. Canady and seconded by Ms. Vick to approve the Minutes of January 7, 1992 as written. The motion passed unanimously. Mr. McNeill was not present for voting.

2. REQUESTS FOR PUBLIC HEARING DEFERMENTS

Chairman Britt asked if there were any public hearing deferrals. There were none.

3. ABSTENTIONS BY BOARD MEMBERS

Mr. McNeill indicated that he would abstain from voting on Case No. 92-12 under Plats and Plans.

4. READING OF POLICY STATEMENT REGARDING TIME LIMITS FOR PUBLIC HEARINGS

Mr. Lloyd read the Planning Board's policy on time limits for public hearing and the City of Fayetteville Appeals Procedure.

**INFORMATION**

5. PUBLIC HEARINGS

- A. CASE NO. P92-1. THE REZONING FROM R5A RESIDENTIAL DISTRICT TO O&I OFFICE AND INSTITUTIONAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF HOPE MILLS ROAD (NC HWY 59) AND REDWOOD DRIVE (SR 1267). (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area. He explained that the nature of the request involved the sign limitation in the R5A Residential District versus the O&I Office and Institutional District.

Mr. Lloyd stated that the Planning staff recommends approval of the requested rezoning to O&I Office and Institutional District based on the following:

1. Hope Mills Road is designated as a limited business street at this location, and the O&I Office and Institutional District is appropriate; and
2. The proposed rezoning will place all property under the same ownership in the same zoning classification.

Mr. Don Tesh appeared before the Board representing the Christus Victor Evangelical Lutheran Church. He stated that the R5A Residential District was related to an old plan to provide high rise units for the elderly, and that plan had been abandoned.

No one appeared in opposition to the requested rezoning.

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

- B. 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)

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.

- C. CASE NO. P92-3. THE ADDITION OF CONDITIONAL USE OVERLAY DISTRICT TO ALLOW A PRIVATELY OWNED BORROW PIT AND DEMOLITION LANDFILL IN AN RR RURAL RESIDENTIAL DISTRICT FOR AN AREA LOCATED WEST OF DOC BENNETT ROAD (SR 2212) AND SOUTH OF I-95 BYPASS. (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area. He displayed a site plan of the proposed property and reviewed the application.

Mr. Lloyd stated that the Planning staff recommends approval of the Conditional Use Overlay District application as submitted with the addition that the property owner follow all State and County applicable erosion and sedimentation control ordinances based on the following:

1. The Airport Area Plan calls for industrial uses at this location.

Mr. Graham Moore, president of Crowell Constructors, Inc., appeared before the Board stating that the borrow pit and demolition landfill had been in operation for eighteen years, and now he is required to get a State permit.

Mr. Tom Ray, Airport Manager, appeared before the Board in opposition stating that the Airport is not opposed to the Conditional Use Overlay District provided there is no hazard to air navigation or operation.

Ms. Patsy Shaw, resident, appeared before the Board in opposition stating that the trucks using the road constantly keep it torn up.

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.

- C. CASE NO. P92-3. THE ADDITION OF CONDITIONAL USE OVERLAY DISTRICT TO ALLOW A PRIVATELY OWNED BORROW PIT AND DEMOLITION LANDFILL IN AN RR RURAL RESIDENTIAL DISTRICT FOR AN AREA LOCATED WEST OF DOC BENNETT ROAD (SR 2212) AND SOUTH OF I-95 BYPASS. (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area. He displayed a site plan of the proposed property and reviewed the application.

Mr. Lloyd stated that the Planning staff recommends approval of the Conditional Use Overlay District application as submitted with the addition that the property owner follow all State and County applicable erosion and sedimentation control ordinances based on the following:

1. The Airport Area Plan calls for industrial uses at this location.

Mr. Graham Moore, president of Crowell Constructors, Inc., appeared before the Board stating that the barrow pit and demolition landfill had been in operation for eighteen years, and now he is required to get a State permit.

Mr. Tom Ray, Airport Manager, appeared before the Board in opposition stating that the Airport is not opposed to the Conditional Use Overlay District provided there is no hazard to air navigation or operation.

Ms. Patsy Shaw, resident, appeared before the Board in opposition stating that the trucks using the road constantly keep it torn up.

Ms. Bertha Williams appeared before the Board in opposition stating that she has just moved to the County and is concerned that garbage is being put in the landfill.

Mr. Robert L. Murphy appeared before the Board in opposition stating that the owners had been given permission to use the road provided it was properly maintained. He stated there is a great deal of dust connected with the road, and the road is not kept up. He stated that the landfill operates through the weekends, and drivers have torn up Ms. Shaw's yard and attempted to assault her when she confronted them.

Mr. Moore appeared before the board in rebuttal stating that he was not aware of some of these problems.

The Board discussed access to the property and the status of the road.

After discussion, a motion was made by Mr. McNeill and seconded by Ms. Vick to continue this case until the February 18, 1992 meeting. The motion passed unanimously.

D. CASE NO. P92-4. THE INITIAL ZONING TO R10 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE WEST SIDE OF MISSION HILL ROAD (FORMERLY LANDFILL ROAD), SOUTH OF THE INTERSECTION OF CHERRY BLOSSOM LANE, OAK HAVEN ROAD, AND PERSIMMON ROAD. (HOPE HILLS ORDINANCE)

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 based on the following:

1. The proposed initial Hope Hills zoning is consistent with the previous County zoning.

Mr. Bailey McLean, deacon of the United Spring Hill Missionary Baptist Church, appeared before the Board questioning the annexation of the right-of-way of the road. He stated that the property owner had blocked off the road and denied access to the church.

The Board explained to Mr. McLean that the request for initial zoning has nothing to do with the access problem and suggested that he discuss the matter further with Town of Hope Hills officials.

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. Canady and seconded by Mr. McLaurin to follow the staff recommendation. The motion passed unanimously.

E. CASE NO. P92-5. THE REZONING FROM I12 INDUSTRIAL DISTRICT TO R6 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT 1203 NORTH STREET EXTENSION. (FAYETTEVILLE ORDINANCE)

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

Mr. Lloyd stated that the Planning staff recommends approval of the requested rezoning to R6 Residential District based on the following:

1. The 1972 Land Use Plan calls for residential development at this location.

The Planning staff finds that all or any portion of this site is suitable for the R5A and R5 Residential and P1 and P2 Professional Districts and not suitable for the P3(P) Flex Office, I11 Light Industrial or any of the commercial district classifications.

The owner was present for the hearing.

No one appeared in opposition to the requested rezoning.

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

F. CASE NO. P92-6. THE REZONING FROM R10 RESIDENTIAL DISTRICT TO R6A RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE SOUTH SIDE OF JUNIPER DRIVE, WEST OF CAMDEN ROAD (SR 1003). (COUNTY ORDINANCE)

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

Mr. Lloyd stated that the Planning staff recommends approval of the requested rezoning to R6A Residential District based on the following:

1. The subject property meets the purpose and intent statement of the R6A Residential District in that the area is characterized by an inner mixture of single-family units and mobile homes.

Mr. Charles J. Perry appeared before the Board stating that he wants to put two mobile homes on the lot to move his children out of his house.

No one appeared in opposition to the requested rezoning.

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

- G. CASE NO. P92-7. THE ADDITION OF CONDITIONAL USE OVERLAY DISTRICT TO ALLOW A CABINET SHOP AND CONTRACTOR'S OFFICE IN AN R6A RESIDENTIAL DISTRICT FOR AN AREA LOCATED AT 4606 CUMBERLAND ROAD. (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area. He reviewed the conditions in the Application.

Mr. Lloyd stated that the Planning staff recommends denial of the requested Conditional Use Overlay District based on the following:

1. The 1971 Land Use Plan for low density residential use in this area; and
2. This area is not part of the business street located on Cumberland Road.

Mr. James Valasco appeared before the Board stating that he remodels and makes custom additions to houses, and he would not be on the property full-time.

Mr. Harold Cash, owner of the property to the north, appeared before the Board stating that there is a noise pollution problem and smoke from the burning of wood on the property. He stated that Mr. Valasco currently operates under different hours than indicated in the application.

Chairman Britt stated that he felt this was a small lot for that size building.

Ms. Vick stated that it looks like the wrong area for a building contractor, and it appears that a lot of undesirable materials would be stored on the site.

A motion was made by Mr. Lucas and seconded by Ms. Vick to follow the staff recommendation. The motion passed unanimously.

- H. CASE NO. P92-8. THE REZONING FROM C1 LOCAL BUSINESS DISTRICT TO P2 PROFESSIONAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE WEST SIDE OF GILLESPIE STREET (SR 2311) AND THE NORTH SIDE OF BLOUNT STREET AND ADDRESSED AS 356 GILLESPIE STREET AND 114 BLOUNT STREET, RESPECTIVELY.  
(FAYETTEVILLE ORDINANCE)

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

Mr. Lloyd stated that the Planning staff recommends approval of the requested rezoning to R6 Residential District based on the following:

1. The 1972 Land Use Plan calls for residential development at this location.

The Planning staff finds that all or any portion of this site is suitable for the R5A, and R5 Residential and P1 and P2 Professional Districts and not suitable for the P3(P) Flex Office, M1 Light Industrial or any of the commercial district classifications.

Mr. Herb Thorp appeared before the Board representing the owner. He stated that property had been foreclosed on, and Home Federal desires to put a duplex on the property.

No one appeared before the Board in opposition to the requested rezoning.

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

## 6. PLATS AND PLANS

- A. CASE NO. 92-12. THE CONSIDERATION OF THE BLOCKBUSTER VIDEO PROPERTY IN A C1P SHOPPING CENTER DISTRICT FOR PRELIMINARY SITE PLAN DEVELOPMENT REVIEW FOR AN AREA LOCATED ON THE NORTH SIDE OF U.S. HWY 401 (RAEFORD ROAD) AND EAST OF SR 1468 (MONTCLAIR ROAD).  
(FAYETTEVILLE ORDINANCE)

Mr. Lloyd displayed a map outlining the location and site plan for the property.

Mr. Todd Levine appeared before the Board stating that they are concerned with the City Engineer's requirements on 24-inch curb and gutter as it is now eighteen-inch on the property.

Mr. Vaughan explained the appeal process.

Ms. Vick discussed the amount of parking and landscaping. Mr. Levine explained their landscaping plans.

A motion was made by Mr. Tew and seconded by Mr. Lucas to approve the Preliminary Site Plan Development Review subject to the conditions outlined in the packets. The motion passed unanimously. Mr. McNeill abstained from voting on this matter.

B. CASE NO. 92-21. THE CONSIDERATION OF THE CROSS CREEK HEATING & AIR CONDITIONING PROPERTY IN A C(P) PLANNED COMMERCIAL DISTRICT FOR PRELIMINARY SITE PLAN DEVELOPMENT REVIEW FOR AN AREA LOCATED ON THE CORNER OF SR 1105 (GRAHAM ROAD) AND SR 1104 (STRICKLAND BRIDGE ROAD). (COUNTY ORDINANCE)

A motion was made by Mr. Tew and seconded by Mr. McLaurin to approve the Preliminary Site Plan Development Review subject to the conditions outlined in the packets. The motion passed unanimously.

C. CASE NO. 91-260. THE CONSIDERATION OF THE JASPER FRANK JALL, JR. PROPERTY IN AN UNZONED AREA FOR PRELIMINARY SUBDIVISION REVIEW AND APPROVAL FOR AN AREA LOCATED BETWEEN FISHER ROAD (SR 1848) AND LINA DRIVE (A PRIVATE CLASS C STREET). (COUNTY ORDINANCE)

Mr. Lloyd displayed the recorded final plan and the circumstances surrounding the sale of the lot to Mr. Larry Stewart.

Mr. Larry Stewart appeared before the Board stating that he was caught in the middle.

After discussion, a motion was made by Mr. McNeill and seconded by Mr. McLaurin to rescind the no access easement on Lot 3B and approve the lot for development. The motion passed unanimously with Mr. Tew voting present.

D. CASE NO. P92-15. CONSIDERATION OF SOUTHERN NATIONAL BANK PROPERTY IN A C1P SHOPPING CENTER DISTRICT FOR PRELIMINARY AND FINAL SITE PLAN DEVELOPMENT REVIEW FOR AN AREA LOCATED ON THE NORTH SIDE OF U.S. HWY 401 SOUTH (RAEFORD ROAD) AND EAST OF FAIRFIELD ROAD. (FAYETTEVILLE ORDINANCE)

Mr. Lloyd displayed a site plan and stated the reason for the variances.

A motion was made by Mr. Lucas and seconded by Mr. Canady to approve the variance for the location of the building. The motion passed unanimously.

7. DISCUSSION

A. REQUEST FROM COUNTY INSPECTION DEPARTMENT TO ESTABLISH CIVIL PENALTY FOR COUNTY ZONING VIOLATIONS

Mr. Kenneth Sykes, Director of the County Inspections Department, appeared before the Board. He explained the reasons for seeking civil penalties in the Zoning Ordinance.

After discussion, a motion was made by Mr. Lucas and seconded by Ms. Vick for the staff to work with Mr. Sykes in developing civil penalties for zoning violations of the Zoning and Subdivision Ordinances.

B. THREE-YEAR WORK PROGRAM FOR PLANNING DEPARTMENT

The Board discussed having a dinner meeting the first meeting in March in order to develop a three-year work program for the Department.

8. ADJOURNMENT

There being no further business, the meeting adjourned at 9:06 p.m.

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# 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

MINUTES  
CUMBERLAND COUNTY JOINT PLANNING BOARD  
JANUARY 7, 1992  
7:30 P.M.

### Members Present

John Britt, Chairman  
John Davis, Vice-Chairman  
David Hasan  
James Lucas  
W.A. Maxwell, Sr.  
Merrill McLaurin  
Robert McNeill  
Ernest Morine  
Peggy Vick

### Members Absent

John Canady  
Dawson Carr  
Roland Schmidt  
William Tew

### Staff Present

George Vaughan  
Will Denning  
Hope Barnhart

1. ROLL CALL AND APPROVAL OF THE MINUTES OF THE DECEMBER 17, 1991 REGULAR MEETING

Chairman Britt called the meeting to order at 7:30 p.m. in Public Hearing Room #3 of the Old County Courthouse. He asked if there were any corrections to the Minutes. A motion was made by Vice-Chairman Davis and seconded by Ms. Vick to approve the Minutes of December 17, 1991 as written. The motion passed unanimously.

2. ABSTENTIONS BY BOARD MEMBERS

Chairman Britt asked if any members wished to abstain from voting on any item on the Agenda. Mr. McNeill indicated that he would abstain from voting on Case No. 92-1.

3. PLATS AND PLANS

A. CASE NO. 92-1. THE CONSIDERATION OF THE OFFICE PARK PROPERTY IN A C1P SHOPPING CENTER DISTRICT FOR PRELIMINARY SITE PLAN DEVELOPMENT REVIEW FOR AN AREA LOCATED ON THE NORTH SIDE OF EXECUTIVE PLACE AND EAST OF RAVENHILL ROAD. (FAYETTEVILLE ORDINANCE)

Mr. Vaughan displayed a map outlining the location and site plan for the property. He stated that the Planning staff recommended approval subject to the conditions outlined in the packet with the revision to the one on buffering which should site the Fayetteville Ordinance rather than the County Ordinance.

A motion was made by Vice-Chairman Davis and seconded by Mr. Morine to approve the Preliminary Site Plan Development Review subject to the conditions with the correction. The motion passed unanimously. Mr. McNeill abstained from voting on this matter.

## INFORMATION

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B. CASE NO. 92-5. THE CONSIDERATION OF THE SCHULTZ CHIROPRACTIC CENTER IN A C(P) PLANNED COMMERCIAL DISTRICT FOR PRELIMINARY SITE PLAN DEVELOPMENT REVIEW FOR AN AREA LOCATED ON THE SOUTH SIDE OF U.S. HWY 401 SOUTH (RAEFORD ROAD) AND WEST OF DURANT DRIVE (SR 1226). (COUNTY ORDINANCE)

Mr. Vaughan displayed a map outlining the location and site plan for the property. He stated that the Planning staff recommended approval subject to the conditions as outlined in the packets.

Mr. Dwight Johnson appeared before the Board as an adjoining property owner. He stated that he objected to the granting of the variance for the side yard based on the fact that the building could be built in compliance with the Ordinance. He stated that the variance would hamper the expansion and repair of his business and would decrease the value of his property. He stated that the variance is a convenience rather than a necessity.

The Board discussed the placement of the building on the lot. A motion was made by Vice-Chairman Davis and seconded by Mr. Hasan to delay the request for two weeks in order to revise the site plan to show the location of the buildings on the adjoining property in relationship to the proposed location of the building.

Dr. Schultz appeared before the Board stating that he had at first submitted a plan with the building, but had revised it since the Health Department did not want vehicular traffic over the septic tank drain fill.

A motion was made by Ms. Vick and seconded by Mr. Morine to deny the requested variance. The motion failed 4 to 5 with Ms. Vick and Messrs. Lucas, Maxwell and Morine voting in favor of the motion and Chairman Britt, Vice-Chairman Davis and Messrs. Hasan, McLaurin and McNeill voting in opposition.

Upon a vote on the original motion, it passed unanimously.

4. COMPREHENSIVE PLAN

A. DISCUSSION OF SINGLE FAMILY ELEMENT

Mr. Denning appeared before the Board and discussed the Single-Family and Multi-Family Residential policies. The Board discussed the implementation of the proposed policies with revisions to the Zoning and Subdivision Ordinances and future planning tasks.

5. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:54 p.m.

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