

FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
JANUARY 21, 1992
7:00 P.M.



FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 21, 1992
7:00 P.M.

INVOCATION - PLEDGE OF ALLEGIANCE

RECOGNITION:

ITEM 1. Approval of Agenda

ITEM 2. Consent:

- A. Approve minutes of regular meeting of January 6, 1992.
- B. Set public hearing for February 3, 1992, for public input on plan for compliance with American Disabilities Act.
- C. Adopt resolution declaring cost and ordering preparation of preliminary assessment roll and setting time and place for public hearing on preliminary assessment roll for the following locations: (Public hearing date: February 18, 1992):
 - 1. Barrington Circle
 - 2. Converse Court
 - 3. Summer Duck Road
- D. Adopt Capital Project Amendments 92-9, 92-10 and 92-11.
- E. Adopt Capital Project Ordinance Partial Closeouts 92-6, 92-7 and 92-8.
- F. Adopt Capital Project Ordinance Closeouts 92-2, 92-3, 92-4 and 92-5.
- G. Adopt Special Revenue Fund Project Ordinance 92-1 and 92-2.
- H. Adopt resolution transferring cablevision franchise and cablevision system operations to Time-Warner Entertainment Co., L.P. (Second reading)
- I. Adopt resolution authorizing condemnation of Parcel N-1 for the Bayview Drive drainage easement.
- J. Adopt resolution setting a public hearing for closing a portion of North Pearl Street from the northeasternmost corner of Lot 19, Block "B", Edenroc Subdivision, Plat Book 25, Page 3, to the southeastern line of Edenroc Subdivision. (Public hearing date: February 18, 1992.)
- K. Approve revisions to Traffic Schedule Number 6 (Stop Intersections) and Traffic Schedule Number 11 (Parking Prohibited), & Traffic Schedule # 10 (Loading Zones)
- L. Approve lease agreement between City of Fayetteville and The Women's Center, Inc., for space in Transit Information Center (224 Hay Street).
- M. Approve bid award for purchase of two (2) 28,000 lbs GVW cab and chassis to LaFayette Motor Sales, low bidder. (PWC)
- N. Approve bid award for purchase of two (2) Aerial Lifts with Utility Bodies to Altec Industries, Inc., low bidder. (PWC)

- O. Approve bid award for purchase of Relay and Control Switchboards for POD #1 (Owen Drive Substation) to Keystone Electric, low bidder. (PWC)
- P. Approve bid award for purchase of Relay and Control Switchboards for POD #3 (Reilly Road Switching Station and Waters Edge Substation) to Keystone Electric, Inc., low bidder. (PWC)

ITEM 3. Public Hearings:

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

PRESENTED BY: Historic Resources Commission

RECOMMENDED ACTION: Historic Resources Commission recommends approval

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

PRESENTED BY: Planning Board Staff

RECOMMENDED ACTION: Planning Board recommends approval

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

PRESENTED BY: City Manager

RECOMMENDED ACTION: Award contract to low bidder

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

ITEM 6. Report from Streets and Roads Committee.

PRESENTED BY: City Manager

RECOMMENDED ACTION: Instruct staff to prepare appropriate ordinances

ITEM 7. Consideration of request from Councilmember Ida Ross for discussion of naming a street in honor of Dr. Martin Luther King, Jr.

ITEM 8. Consideration of request for legal representation.

ITEM 9. Appointments:

- A. Nominations to fill one vacancy on Appearance Commission.
- B. Nominations to fill one vacancy on Wrecker Review Board.

ITEM 10. Administrative Reports:

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

B. Report of disposal of surplus property.

C. Other

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

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

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

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

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

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

DRAFT

Present: Mayor J. L. Dawkins

Councilmembers Nat Robertson (at-large); Milo McBryde (at-large); Tommy Bolton (District 1); Ida Ross (District 2); Joseph Pillow (District 3); Thelbert Torrey (District 4); and Suzan Cheek (District 5)

Absent: Mildred Evans (at-large) - excused; Mark Kendrick (District 6) - excused

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
Mike Walker, Interim City Engineer
Robert Barefoot, Parks and Recreation Director
Kai D. Nelson, Finance Director
Al Mitchell, Assistant City/County Planning Director
Tim Wood, PWC Manager
Carl Legatski, Friends of the Parks Chairman
Carol Stancil, FASCINATE-U Committee
Heather Scarff, FASCINATE-U Committee
Sandy Saunders, Parks and Recreation Commission Chairman
Eddie Burke, Cherry, Bekaert & Holland
Tom Ray, Airport Manager
Richard Herrera, Community Services Director
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 Diana Smith, Cape Fear Valley Medical Center's Chaplain's Assistant, followed by the Mayor leading in the Pledge of Allegiance to the American Flag.

RECOGNITION

Mayor Dawkins welcomed Boy Scout member Patrick Sleem.

Mayor Dawkins announced that Dorothy Gilmore had passed away at 2:30 a.m. today and offered our prayers and thoughts to the family. Dorothy Gilmore was a City employee with Parks and Recreation for over 25 years and has meant so much to all of us but especially the young people of our community.

1. Approval of Agenda

City Manager John Smith requested to change Item 2Q. from Consent to 5A. because it does not require setting a public hearing but action under the Planning Board matters. He requested to add Item 17 for recommendation for acceptance of right-of-way dedication on Blanton Road Project. Mr. Smith also requested that an error be corrected on the agenda Item for 3C. It should show adoption of a resolution confirming the assessment roll and levying assessments on MeHarry Drive instead of setting a public hearing for the preliminary. He added that the backup material was correct. Also, the approval of the minutes of the November 18th meeting be added as 2Q.

Councilmember Bolton moved to approve the agenda with the foregoing changes. The motion was seconded by Councilmember McBryde and carried unanimously 7 to 0 by voice vote.

2. Consent:

City Attorney Bob Cogswell requested that Item 2S. setting a public hearing be changed from February 3rd to January 21st at the request of the property owner who is working under a time constraint.

Mayor Dawkins presented the consent agenda and asked if any items should be removed before calling for action. Councilmember Bolton moved to approve the consent agenda with the change in Item 2S. as requested. After a second from Councilmember McBryde, the consent agenda and following items were unanimously approved.

A. Approve minutes of information meeting of September 23, 1991.

B. Approve minutes of regular meeting of December 2, 1991.

C. Approve requests for tax refunds:

F. A. Dawson - Building #2 double listed with PIN 0438-18-40-3629, Dup 1108-1110 N/S Gentry Street Building only - \$359.10

Robert L. Tygh, Jr., DVM, PA - 1990 listing corrected per an audit to remove the leaseholds as they are charged to the real estate, T/A Ambassador Animal Hospital LOC: 6180 Ramsey Street - \$163.38

D. Approve bid award for purchase of rear loader refuse vehicle to Smith International Truck Center, lowest responsible bidder in the amount of \$50,722.27.

Bids received were as follows:

*Smith International Truck Center	\$50,722.27
Bennett's White GMC Trucks	\$52,639.00
Triple T Parts and Equipment Company, Inc.	\$59,802.00

E. Adopt Budget Ordinance Amendment 92-8.

This amendment is to transfer \$52,244.00 from Other Appropriations to the Environmental Services Department to be used in conjunction with the Vehicle Replacement Program to purchase a cab and chassis.

F. Approve renewal of Lease Agreement with Cape Fear Studios for space in Municipal Market.

G. Adopt Budget Ordinance Amendment 92-7.

This amendment is to transfer funds from Other Appropriations to the Parks and Recreation Department and the Environmental Services Department in conjunction with the Vehicle Replacement Program. Parks and Recreation will purchase a commercial mower at \$9,025.00 and two trucks for \$25,468.00. Environmental Services will purchase three dump trucks for \$103,763.00. This amendment will appropriate donations in the amount of \$550.00 for the Police Department's DARE T-Shirt Program.

H. Adopt resolution for award of contract for Scarborough Street Drainage to low bidder, Barnhill Contracting Company, Inc., in the amount of \$214,024.80.

Bids received were as follows:

*Barnhill Contracting Company, Inc.	\$214,024.80
Nortec Construction Services, Inc.	\$243,322.48
McDonald Grading Company	\$270,259.00

City estimate	\$209,410.75
---------------	--------------

The resolution is as follows:

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

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

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

- I. Adopt resolutions authorizing condemnation of Parcel E-1, Parcel W-2 and Parcel W-3 for the Blanton Road widening project.

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY (PARCEL E-1, \$17,515.00). RESOLUTION NO. R1992-001.

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY (PARCEL W-2, \$3,575.00). RESOLUTION NO. R1992-002.

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY (PARCEL W-3, \$54,000.00). RESOLUTION NO. R1992-003.

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

- J. Adopt resolution accepting the high bid for the sale of surplus City property located east of Davis Court in the amount of \$5,126.00 to Hilton E. Cashion.

Bids received were as follows:

*Hilton E. Cashion	\$5,126.00
Lionel O. Best	\$3,100.00

RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY (DAVIS COURT - TRACT). RESOLUTION NO. R1992-004.

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

- K. Adopt resolution authorizing advertisement for bids of surplus City property located at the southeast corner of Deep Creek Road and Christian Street.

RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY. RESOLUTION NO. R1992-005.

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

- L. Set joint public hearing with Historic Resources Commission to consider designation of John A. Oates House as historic property. Public hearing to be held January 21, 1992.

- M. Approve amendment to Downtown Commercial Loan Program.

- N. Approve Supplemental Agreement Number One with Wilbur Smith Associates.

- O. Approve recommendation from Airport Commission for consulting firm for Fayetteville Regional Airport.

- P. Approve revision to Traffic Schedule #6 - Stop Intersections.

AN ORDINANCE AMENDING SECTION 20-106, MOTOR VEHICLES AND TRAFFIC (TRAFFIC SCHEDULE NO. 6 - STOP INTERSECTIONS, TYRON DRIVE AND DOBBIN AVENUE). ORDINANCE NO. NS1992-001.

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

- Q. Approval of minutes of regular meeting of November 18, 1991.

- R. Set public hearing for February 3, 1992, to consider an application by James M. Kizer for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances from Chapter 32, Article IV, Section 32-23, 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)
- S. Set public hearing for January 21, 1992, to consider an application by Larry R. Godwin for a Special Use Permit as provided for by the City of Fayetteville Code of Ordinances from Chapter 32, Article IV, Section 32-35, "Prohibited Uses," Item (1), to allow the operation of an abattoir in an M2 Industrial District for an area located on the west side of Eastern Boulevard (SR 1737), between SR 1738 and River Road (SR 1714). (P91-130)
- T. Adopt Budget Ordinance Amendment 92-9.

This amendment is to authorize the Enhanced 9-1-1 Special Revenue Fund for FY 1991-92 in the amount of \$178,519.00.
- U. Approval of the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification for an area located on the west side of U.S. Highway 401 North (Ramsey Street), west of Longview Drive. (P91-126)
- V. Approval of the rezoning from M2 Industrial District to R6 Residential District or to a more restrictive zoning classification for an area located at 1121 North Street Extension. (P91-135)
- W. Approval of the rezoning from M2 Industrial District to R6 Residential District or to a more restrictive zoning classification for an area located at 1207 and 1209 North Street Extension. (P91-140)

3. Public Hearings:

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

- A. Consideration of a resolution for the construction of a drainage system east of Ramsey Street and north of Kinlaw Road across the Milligan, Keefe and Kinlaw properties.

This item was presented by City Manager John Smith stating that shortly after this area was annexed in 1988, the City and PWC awarded a joint contract to install utilities and repair streets.

Storm water from an existing pipe near Ramsey Street flows along a natural, open channel across the Milligan property and Keefe property to a paved ditch on the north side of the Kinlaw property and then into an existing 36-inch pipe that flows under Arbutus Trail. He stated that several property owners had approached the City about a participation project, and the only legal way to spread these payments out over a period of time is through the assessment process, which is a 50 percent participation of the City and the abutting property owners.

Councilmember Cheek asked if the water would turn the proposed sharp corner satisfactorily and would it accommodate a large amount of water?

Acting City Engineer Mike Walker responded this is the normal procedure for running storm drainage along the rear property lines in order for the best utilization of the property.

Councilmember Cheek also asked if the pipe across the road would have to be replaced. Mr. Smith responded it would need to be upgraded, however there would not be an assessment to the property owners on this portion of the project.

The public hearing was opened at 7:15 p.m. and speaking in favor of the project was Dr. R. R. Milligan. He stated there had been a problem with the water running into Ramsey Street from both sides prior to the sewer line being put in. Since then there is a problem of the sewer pipe being exposed if the problem prevails. He stated they feel the rip rap is not doing the job. Dr. Milligan invited all the Councilmembers to come out and observe this situation.

Also recognized in favor of the project was Lucy G. Kinlaw, 5817 Arbutus Trail. She concurred with Dr. Milligan and stated their property is at the end of the line and whatever everyone else does affects them. She concluded by stating they feel this project would be the best solution.

Speaking in opposition was Dr. John H. Dalness, 5809 Arbutus Trail. He stated he does not feel there are any drainage or erosion problems, and this project will remove more trees and literally destroy their yard. He stated from what he has learned, this project has been discussed for over two years and neither he nor his neighbor, the Ruckers, have ever been consulted. Dr. Dalness stated the drainage project was completed successfully by Public Works Commission and he feels that Dr. Milligan is unhappy with the appearance of their property following the installation of the sewer pipes. He stated the Engineers have offered numerous solutions but all have been rejected. Dr. Dalness stated this project would be to improve an undeveloped private property zoned commercial, and he does not feel it is reasonable to require them or the City taxpayers to finance the upgrading of someone else's property and to have their property destroyed in the process.

Also speaking in opposition was Manuel Rucker, 5815 Arbutus Trail. He stated they do not have a drainage problem and did not have one when they bought the property three and one-half years ago. He stated they were not consulted about this project; and if he was going to be expected to pay out money for a project, he feels he should have been consulted.

There being none further to be heard on this matter, the public hearing was closed at 7:25 p.m. Councilmember Ross asked Engineer Mike Walker to give his opinion of the situation. Mr. Walker reviewed the drainage and erosion problem that exists at this time and stated their plans are to go underground and follow the property lines.

Councilmember Bolton asked Mr. Walker if what has been done out there is satisfactory as far as erosion control? Mr. Walker responded that from conversations by he and the staff with Mr. Keefe and Dr. and Mrs. Milligan, they were not happy with the appearance of the rip rap that PWC's contractor had placed there. After a period of time, the sewer began to be eroded and the top surface of the pipe began to be exposed. From what Mr. Walker has learned, PWC has been back to correct that problem; however, the Milligans are not happy with the job the rip rap is doing or with the appearance. Councilmember Bolton then asked Mr. Walker as an Engineer if he thought it would be better improved with this project. Mr. Walker responded that from both an engineering and street maintenance standpoint, it is always better to have an underground system so that some of the rear portions of these lots can be utilized that are not presently being utilized. Councilmember Bolton asked Mr. Walker if he felt Dr. Dalness' property would be improved by this project. City Manager John Smith requested to respond to this question by reviewing the procedures of the assessment policy whereby a property owner can appear at the assessment public hearing to show by appraisals if they have or have not benefited from this project, then Council would make that determination.

Councilmember Pillow asked what existing landscape would be disturbed by this project and is the landscape on the right-of-way? Mr. Smith responded there would be a chain link fence involved and some shrubbery and trees along the Dalness property. Mr. Walker added this would be worked out at the time of the project as to what, if anything, would have to be done or to rebuild. This is not the final design, only a basic layout of the pipeline.

FINAL RESOLUTION ORDERING THE CONSTRUCTION OF A STORM SEWER AND DRAINAGE SYSTEM IN A PORTION OF THE KINWOOD SUBDIVISION. RESOLUTION NO. R1992-006.

Councilmember Bolton moved to adopt the foregoing resolution, seconded by Councilmember McBryde and carried 6 to 1 with Councilmember Pillow voting in opposition.

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

B. Consideration of reallocation of unexpended CBDG funds.

This item was presented by Community Services Director Richard Herrera. He stated that several years ago they conducted housing rehabilitation programs in the Savoy Heights and Eufaula Street areas knowing that the limited amount of funds available from HUD could not possibly complete rehabilitation activities in those specific areas. In the Fairview Park target area, it was discovered that there were not as many program-eligible rehabilitation properties as previously anticipated. In the Taft Street area, some of the properties were found to be in the flood hazard area and one street was zoned commercial. The Fayetteville Redevelopment Commission therefore requests that the combined overage of \$320,000.00, which may be reallocated to other eligible projects, be divided between Savoy Heights and Eufaula Street with \$160,000.00 each.

Councilmember Ross asked Mr. Herrera if there would be enough money to finish the projects that have already been started. Mr. Herrera responded they felt with this reallocation most of the deficiencies could be addressed.

The public hearing was opened at 7:40 p.m. and speaking in favor of the reallocation was Ms. Eddis Douglas, 732 Eufaula Street. Ms. Douglas stated that 31 years ago when they purchased their property they were not told that they would be in a commercial area which includes a landfill. She stated she would not qualify for the rehabilitation but she wanted to speak for her neighbors that would qualify and need the repair work.

Speaking in opposition was Ms. Lula McDonald, 744 Eufaula Street, owner of Jean's Rest Home. She stated their property abuts the County Landfill, and they have a terrible problem with odors, large rats, wild dogs, and wild cats and the living conditions are terrible. She says she would like to see houses fixed, but she feels that the need to be delivered from these terrible conditions is greater.

Mr. Herrera stated that in a conversation with Ms. McDonald in the hall before the meeting, he felt she was asking for urban renewal which would be another subsidy program.

Councilmember Torrey requested that the County be contacted concerning the possibility of closing the Landfill at the residential area. Mayor Dawkins suggested Council give blessings to the staff of the Inspections Department and possibly the Health Department to coordinate with County Solid Waste on this problem.

Mayor Dawkins requested a follow-up report be received as soon as possible on the progress.

There being none further to be heard on this matter, the public hearing was closed at 7:50 p.m.

Councilmember Cheek asked Mr. Herrera if under the current guidelines, could we be a little bit general in our specifications of the Eufaula Street housing rehabilitation housing area in case a public health study needs to be made or some public improvements that might be made along that particular area. Mr. Herrera responded that he felt this could be done.

Councilmember Cheek moved to follow staff's recommendation for the reallocation of the CBDG Funds. The motion was seconded by Councilmember Pillow and carried unanimously 7 to 0.

C. Consideration of adoption of resolution confirming assessment roll and levying assessments for McHarry Drive.

This item was presented by City Attorney Bob Cogswell stating the public hearing was properly advertised, and the one property owner has been notified.

The public hearing was opened at 7:52 p.m. and there being none to speak in favor or opposition, the public hearing was closed.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS.
RESOLUTION NO. R1992-007.

Councilmember Ross moved to adopt the foregoing resolution, seconded by Councilmember Bolton and carried unanimously 7 to 0.

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

4. PWC MATTERS:

- A. Consideration of bid award to Tennessee Valley Electric Supply, low evaluated bid, for purchase of two (2) Commercial Transformers in the amount of \$19,754.00.

This item was presented by PWC Manager Tim Wood with a recommendation to award to the low evaluated bidder of Tennessee Valley Electric Supply in the amount of \$19,754.00.

Bids received were as follows:

Eastern Electric Supply, Inc.	\$18,728.00
*Tennessee Valley Electric Supply	\$19,754.00
Mill Power Supply Company	\$20,140.00
Western Electric Supply Company	\$20,382.00
HESCO, Inc.	\$23,188.00
Rigby Electric Supply	\$25,704.00

Councilmember McBryde moved to follow the recommendation to award the bid, seconded by Councilmember Pillow and carried unanimously 7 to 0.

- B. Consideration of bid award to Mill Power Supply, low evaluated bid, for purchase of one (1) Commercial Transformer, Padmount, 750 kVa in the amount of \$10,539.90.

This item was presented by PWC Manager Tim Wood recommending award to the lowest bidder in compliance.

Bids received were as follows:

Eastern Electric Supply, Inc.	\$10,039.00
*Mill Power Supply Company	\$10,539.90
Tennessee Valley Electric Supply	\$10,617.00
Westinghouse Electric Supply Company	\$11,040.00
HESCO, Inc.	\$11,107.00
Rigby Electric Supply	\$12,536.00

Councilmember Robertson moved to award the bid as recommended, seconded by Councilmember McBryde and carried unanimously 7 to 0.

- C. Consideration of bid award to Westinghouse Electric Supply Company, low evaluated bid, for purchase of one hundred thirty (130) 25 kVa CSP Overhead Transformers in the amount of \$79,040.00.

This item was presented by PWC Manager Tim Wood recommending award to the lowest evaluated bidder.

Bids received were as follows:

National Transformer Sales, Inc.	\$68,900.00
*Westinghouse Electric Supply Company	\$79,040.00
Power and Telephone Supply Company, Inc.	\$82,212.00
Tennessee Valley Electric Supply	\$83,070.00
Eastern Electric Supply, Inc.	\$84,110.00
HESCO, Inc.	\$86,320.00
Rigby Electric Supply	\$94,380.00
Mill Power Supply Company	\$99,801.00

Councilmember Bolton moved to award to the low evaluated bidder as recommended, seconded by Councilmember Ross and carried unanimously 7 to 0.

- D. Consideration of bid award to National Transformer Sales, Inc., low evaluated bid, for purchase of twenty-five (25) 50 kVa CSP Overhead Transformers in the amount of \$15,475.00.

Councilmember Cheek requested a clarification in the agenda backup for the bid award amount showing \$25,475.00 in the recommendation and \$15,475.00 in the bids received. Mr. Wood responded the \$15,475.00 is correct.

PWC Manager Tim Wood presented this item and recommended the award to the low evaluated bidder of National Transformer Sales, Inc., in the amount of \$15,475.00.

Bids received were as follows:

*National Transformer Sales, Inc.	\$15,475.00
Eastern Electric Supply, Inc.	\$21,550.00
Westinghouse Electric Supply Company	\$21,750.00
Power and Telephone Supply, Inc.	\$22,207.50
Tennessee Valley Electric Supply	\$22,475.00
Mill Power Supply Company	\$23,383.50
HESCO, Inc.	\$24,725.00
Rigby Electric Supply	\$29,075.00

Councilmember Cheek moved to award to the low evaluated bidder as recommended, seconded by Councilmember McBryde and carried unanimously 7 to 0.

- E. Consideration of bid award to National Transformer Sales, Inc., low evaluated bid, for purchase of fifteen (15) 75 kVa Residential Padmount Transformers.

This item was presented by PWC Manager Tim Wood with a recommendation to award to the low evaluated bid in the amount of \$15,120.00.

Bids received were as follows:

*National Transformer Sales, Inc.	\$15,120.00
Eastern Electric Supply, Inc.	\$21,165.00
HESCO, Inc.	\$22,725.00
Westinghouse Electric Supply Company	\$22,890.00
Mill Power Supply Company	\$25,668.70
Rigby Electric Supply	\$29,580.00

Councilmember Pillow moved to follow the recommendation to award to the low evaluated bidder, seconded by Councilmember Bolton and carried unanimously 7 to 0.

- F. Consideration of bid award to Eastern Electric Supply, Inc., low bid meeting specifications, for purchase of 60,000' of 4/0 URD Triplex Cable in the amount of \$45,240.00.

This item was presented by PWC Manager Tim Wood with a recommendation to award to the low bidder meeting specification.

Bids received were as follows:

Mill Power Supply Company	\$44,031.00
*Eastern Electric Supply, Inc.	\$45,240.00
HESCO, Inc.	\$46,860.00
Rigby Electric Supply Company	\$47,760.00
Power and Telephone Supply	\$47,878.00
Elite Electric	\$48,225.00
Scott-Parris	\$49,800.00
Tennessee Valley Electric Supply	\$50,340.00

Councilmember McBryde moved to follow the recommendation to award to the low bid meeting specification, seconded by Councilmember Bolton and carried unanimously 7 to 0.

- G. Consideration of award of contract to Insituform Southeast, sole source, for reconstruction (lining) of approximately 2710' of sanitary sewer main in Dunn Road (US 301N), between Person St. and River Rd. in the amount not to exceed \$200,280.50.

This item was presented by PWC Manager Tim Wood with a recommendation to award to the sole source.

Councilmember Torrey moved to follow the recommendation to award the contract, seconded by Councilmember Ross and carried unanimously 7 to 0.

5. Consideration of appeal of assessment on Southland Drive. (Continued from December 2, 1991.)

This item was presented by City Attorney Bob Cogswell stating this is an appeal of a tax assessment which are considered as tax liens and have to be handled as tax appeals. There are three basis on which Council can relieve the property owner: (1) if it's imposed through clerical error, (2) if it's an illegal tax, or (3) if it's a tax levied for an illegal purpose. He distributed a letter received from Herb Thorp and requested Council hear Mr. Thorpe at this time.

Mr. Thorp gave a brief history of this situation and stated at the time the property was rezoned several years ago, they had recorded a "covenant against access" which gave the neighborhood the necessary assurances that they would not be using Southland Drive as a through street for heavy traffic. They discovered that the developer had deeded a spite strip to the City, and Mr. Riddle is now an abutting property owner. Mr. Thorp stated this property is abutting without benefit of access and therefore deriving no benefit from the paving by the City. Mr. Thorp continued by stating that one week following Mr. Riddle's letter to City Engineer Bob Bennett on March 31, 1987, a deed was filed for a one-foot-wide strip of land abutting the southern right-of-way line of Southland Drive. This was done without the knowledge of Mr. Thorp or Mr. Riddle. Mr. Thorpe stated the appropriate action that they are asking for would be under the Statute 160A-228 entitled Hearing on Preliminary Assessment Roll Revision Confirmation. This deals with the public hearing and Council's action on the assessment in whole or in part. Mr. Thorp stated he is requesting Council to set this matter for a later date for the purpose of hearing from March Development Corporation to show cause as to whether the assessment roll on August 7, 1989, should or should not be modified to grant them the exemption.

City Attorney Bob Cogswell stated that his and the City's position would be that proper notice was given to the property owner and their opportunity to argue no benefit would be at that public hearing. Once that public hearing has concluded and the statutory time has elapsed, they have no further opportunity to argue benefit. Mr. Cogswell stated the notice was sent to the property owner, Joseph P. Riddle, P.O. Box 53646, Fayetteville, NC 28305, by first-class mail, and it was not returned.

Following some discussion, Councilmember Robertson moved to continue this item to February 3, seconded by Councilmember Bolton and carried 6 to 1 with Councilmember Pillow voting in opposition.

- A. Set public hearing for February 3, 1992, to consider the rezoning from R10 Residential District to C1P Shopping Center District or to a more restrictive zoning classification for an area located on the west side of Stamper Road between Bragg Boulevard and the intersection of Lyon and Stamper Roads. (P91-125)

Councilmember McBryde moved to approve the rezoning as recommended, seconded by Councilmember Cheek and carried unanimously 7 to 0.

6. Consideration of request from Friends of the Park for use of Tokay Recreation Center for children's museum.

This item was presented by Carl Legatski stating that the Friends of the Park and the Parks and Recreation Advisory Commission has adopted the proposal by the Steering Committee of FASCINATE-U to develop a children's museum at Tokay Recreation Center. He introduced Carol Stancil and Heather Scarff to make the presentation. Carol Stancil gave some examples of the hands-on items for the children's museum and requested Council's approval of the project so that they can begin obtaining additional resources such as grant donations and sponsorships.

Heather Scarff presented the criteria for choosing this location in response to Councilmember Torrey's question. Parks and Recreation Director Robert Barefoot expounded on why this location was chosen over some of the others because of the size of the existing facility.

Following some discussion, Councilmember McBryde moved to approve the concept as requested, seconded by Councilmember Robertson and carried unanimously 7 to 0.

7. Consideration of approval of joint use agreement between Fayetteville Parks and Recreation Department and Cape Fear Teen Center.

This item was presented by Chairman of Parks and Recreation Advisory Board Sandy Saunders requesting approval of the Joint Use Agreement. He introduced Commission members that were present in the audience and Teen Center Boardmembers.

Councilmember McBryde moved to approve the agreement as recommended, seconded by Councilmember Robertson and carried unanimously 7 to 0.

8. Consideration of release of liability form for Fort Bragg assistance in Lamon Street ballfield project.

Councilmember Bolton moved to approve the release of the liability as recommended by City Manager John Smith in the agenda packet. The motion was seconded by Councilmember Cheek and carried unanimously 7 to 0.

9. Consideration of adoption of ordinance transferring cablevision franchise and cablevision system operations to Time-Warner Entertainment Co., L.P.

Councilmember Robertson moved to adopt the first reading of the ordinance as recommended by the City Attorney, seconded by Councilmember McBryde and carried unanimously 7 to 0.

10. Consideration of the following Transit Mall items:

- A. Consideration of repeal of Section 26-42 of the Fayetteville City Code.

AN ORDINANCE REPEALING SECTION 26-42 (OPENING OF HAY STREET TRANSIT MALL). ORDINANCE NO. S1992-001.

- B. Consideration of amendment to Traffic Schedule #8 - Speed Control - to establish a 15 miles per hour speed limit on Transit Mall.

AN ORDINANCE AMENDING SECTION 20-106, MOTOR VEHICLES AND TRAFFIC (TRAFFIC SCHEDULE NO. 8 - SPEED CONTROL, HAY STREET MALL). ORDINANCE NO. NS1992-002.

- C. Consideration of amendment to Traffic Schedule #11 - Parking Prohibited on Transit Mall.

AN ORDINANCE AMENDING SECTION 20-106, MOTOR VEHICLES AND TRAFFIC (TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED). ORDINANCE NO. NS1992-003.

Councilmember Cheek introduced the foregoing ordinances A, B, and C and moved their adoption, seconded by Councilmember Ross and carried unanimously 7 to 0.

Copies of the foregoing ordinances are on file in the Clerk's Office in Ordinance Book S1992 and NS1992.

11. Consideration of request from Fayetteville Airport Commission for joint meeting to discuss lease negotiations and landing fees.

Councilmember Cheek requested that the status of the air service related matters and the access road be added to the agenda and moved to set the special meeting for January 13, 1992, 7:00 p.m., multipurpose room first floor City Hall for the joint meeting with the Airport Commission. The motion was seconded by Councilmember Ross and carried unanimously 7 to 0.

The City Manager reminded Council that the lease negotiations would be in Executive Session.

12. Consideration of adoption of resolutions directing the City Clerk to investigate petitions requesting annexation:

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

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER GS 160A-31. RESOLUTION NO. R1992-008.

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

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER GS 160A-31. RESOLUTION NO. R1992-009.

Councilmember Robertson introduced the foregoing resolutions A. and B. and moved their adoption, seconded by Councilmember McBryde and carried 5 to 2 with Councilmembers Ross and Torrey voting in opposition.

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

13. Consideration of presentation and acceptance of Audit Report for Fiscal Year 91-92.

This item was presented by Eddie Burke, Field Manager for Cherry, Bekaert & Holland. He walked Council through each section and reviewed some of the keyed highlights of the financial statement. Mr. Burke requested Council's acceptance of the Audit Report.

Councilmember Bolton moved to accept the audit report for fiscal year 91-92, seconded by Councilmember Cheek and carried unanimously 7 to 0.

City Manager John Smith presented Council with an outline of his findings and comments.

14. Appointments:

- A. Nominations to fill six vacancies on Appearance Commission.

Councilmember McBryde moved to elect the five nominees by acclamation, seconded by Councilmember Bolton and carried unanimously 7 to 0. The names and terms are as follows:

1. Mr. Robbie Farris, Architect Category
2. Ms. Dawn MacKnull Berg, At-large Category
3. Mr. Bill Pollitt, At-large Category
4. Ms. Judy Masters, Landscape Category, elected for a second term
5. Mr. Lonnie Player, At-large Category, elected for a second term

These terms will expire December 31, 1993.

Nominations are still needed to fill the unexpired term to December 1992 of Mr. Gordon Rose, Engineer Category.

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

Nominations are still open for the Chairman of the Wrecker Review Board. Mr. Bill Mauldin was nominated by Councilmember Kendrick at the last meeting. Mr. Fred Richardson had submitted a letter showing his interest to serve.

Following some discussion, Council took no action. This item will be placed on the next agenda.

- C. Nominations to fill two vacancies on Personnel Review Board.

Councilmember Bolton moved to elect both nominees by acclamation, seconded by Councilmember McBryde and carried unanimously 7 to 0.

They are as follows:

1. Mr. Charles Darlington was elected to fill the vacancy of Joe Lee Henderson to December 1993.
2. Mr. John Mitchell was elected for a second term to December 1993.

- D. Nominations to fill three vacancies on Redevelopment Commission.

Councilmember Cheek moved to elect the three nominees by acclamation, seconded by Councilmember Bolton and carried unanimously 7 to 0.

They are as follows:

1. Mr. Matthew D. Jarmond, Jr., elected to fill the vacancy of Mr. J. T. Gibson.
2. Mrs. Beulah Wallace was elected to fill the vacancy of Veronica Wilson.
3. Mr. John Hood was elected to a second term.

All the foregoing terms will expire December 31, 1993.

15. Administrative Reports

- A. Statement of taxes collected for the month of November, 1991, from the Cumberland County Tax Collector for a total amount of \$2,660,488.02 was accepted by Council.
- B. Report on traffic signal removal on Campbell Avenue, Cool Spring Street and Old Wilmington Road submitted in the packet.
- C. Report of tax refunds of less than \$100.
 1. Donald G. and Kelley M. Winn - Illegal Tax: Military Non-Resident - \$31.60
 2. Glenn and James Williams - Equipment cost figures in error; leasehold improvements included in real value, business personal property - \$71.67
 3. Vander L. and Mable Smith - Taxpayer listed a 1976 Pontiac not owned - \$26.29
 4. Mr. and Mrs. Richard D. Serano - Taxpayer listed a 1984 Volvo not owned, Lot. 150 Kinwood, Section 5, 5711 Danville Drive and personal property - \$34.83
 5. Robert L. Rice - Adjust value of 1978 Lincoln per VIN correction, 2701 Colgate Drive, Lot 73, Section 2, Briarwood Hills and personal property - \$4.91
 6. James D. Jarvis - Taxpayer listed a vehicle not owned, 4606 Blanton Drive, one-half acre Vance and Lottie, Blanton Road, Lot 62 and personality - \$56.29
 7. Linda Faye Jackson - Correct tax district to Raeford Road - \$66.95
 8. John C. Guinn - Correct tax district to Pearces Mill - \$48.78
 9. Ulises and Sylvia Galarza-Castillero - Discovered in error, did not own vehicle - \$8.23
 10. Pamela Rene Branch - 1987 Chrysler charged on bill #3257511, 1990 Discovery - \$51.28
 11. Mr. and Mrs. James P. Allen - Adjust value of 1984 Lincoln per VIN correction, 3520 Cranbrook Drive, Lot 277, Section 3, North Hills and personal property - \$25.91
 12. Franklin and Lisa Raynor - Illegal tax, military non-resident - \$49.28
- D. Report on Thoroughfare Plan, Roadway Cross-Sections was submitted in packet.
- E. Report on Holiday Schedule for Sanitation Division was submitted in packet.
- F. Discussion of Pate Drive Paving.

City Manager John Smith recommended this item be referred to Council's Streets and Roads Committee.

Councilmember Bolton moved to refer this item to the Streets and Roads Committee of City Council, seconded by Councilmember McBryde and carried unanimously 7 to 0.

16. Consideration of request for Executive Session to discuss Industrial Development Project.

Councilmember McBryde moved to follow the recommendation of the City Manager to participate in the Industrial Development Project, seconded by Councilmember Cheek and carried unanimously 7 to 0.

17. Consideration of acceptance of dedication of right-of-way on Blanton Road.

City Attorney Bob Cogswell presented this item and recommended adoption of the resolution which would save the City some money on this project.

A RESOLUTION ACCEPTING A PORTION OF A PUBLIC GRADED ROAD ON PLAT BOOK 15, PAGE 50, OF THE CUMBERLAND COUNTY REGISTRY (BLANTON ROAD SOUTH OF PAMELEE DRIVE). RESOLUTION NO. R1992-010.

Councilmember Bolton introduced the foregoing resolution and moved its adoption, seconded by Councilmember Pillow and carried 6 to 1 with Councilmember Robertson in opposition.

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

There being no further business, the meeting was adjourned at 9:16 p.m. upon motion and second.

Respectfully submitted,

Bobbie A. Joyner, City Clerk

J. L. Dawkins, Mayor

kb1a

1870

RESOLUTION DECLARING COST
AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL
AND SETTING TIME AND PLACE FOR PUBLIC HEARING
ON PRELIMINARY ASSESSMENT ROLL
FOR BARRINGTON CIRCLE
(FROM BRAGG BOULEVARD TO BRAGG BOULEVARD)

WHEREAS, the paving improvement of Barrington Circle (from Bragg Boulevard to Bragg Boulevard) was ordered by Resolution of the City Council duly passed on the 16th day of January, 1990, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements have been determined;

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

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Attorney is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 18th day of February, 1992.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 18th day of February, 1992, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Attorney is hereby directed to issue public notice of the above-described public hearing, to be published on the 6th day of January, 1992, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. If confirmed, any assessment paid before the expiration of thirty (30) days from the date notice is published of the confirmation of the assessment roll pursuant to North Carolina General Statutes Section 160A-229, will receive a thirty percent (30%) discount.

ITEM 2.C.

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

This the _____ day of January, 1992.

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 against the passage of the above resolution:

RDC.6

RESOLUTION DECLARING COST
AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL
AND SETTING TIME AND PLACE FOR PUBLIC HEARING
ON PRELIMINARY ASSESSMENT ROLL
FOR CONVERSE COURT
(FROM CONVERSE AVENUE TO CUL-DE-SAC)

WHEREAS, the paving improvement of Converse Court (from Converse Avenue to Cul-de-sac) was ordered by Resolution of the City Council duly passed on the 23rd day of October, 1989, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements have been determined;

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

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Attorney is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 18th day of February, 1992.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 18th day of February, 1992, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Attorney is hereby directed to issue public notice of the above-described public hearing, to be published on the 6th day of January, 1992, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. If confirmed, any assessment paid before the expiration of thirty (30) days from the date notice is published of the confirmation of the assessment roll pursuant to North Carolina General Statutes Section 160A-229, will receive a thirty percent (30%) discount.

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

This the _____ day of January, 1992.

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 against the passage of the above resolution:

RDC.8

RESOLUTION DECLARING COST
AND ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL
AND SETTING TIME AND PLACE FOR PUBLIC HEARING
ON PRELIMINARY ASSESSMENT ROLL
FOR SUMMER DUCK ROAD
(FROM RURITAN DRIVE TO DEAD END)

WHEREAS, the paving improvement of Summer Duck Road (from Ruritan Drive to Dead End) was ordered by Resolution of the City Council duly passed on the 23rd day of October, 1989, and has been completed in accordance therewith; and

WHEREAS, the cost of said improvements have been determined;

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

1. That the cost of the above-described improvement has been computed and determined.
2. That the City Attorney is hereby directed to prepare a preliminary assessment roll, in accordance with Chapter 160A, Section 227, of the General Statutes of North Carolina, showing the individual assessments upon properties benefited by said improvement.
3. That the City Clerk is hereby directed to make available during regular office hours, in her office, the said preliminary assessment roll for the purpose of inspection by the public from this day through the 18th day of February, 1992.
4. That this City Council will hold a public hearing in accordance with Chapter 160A, Section 228, of the General Statutes of North Carolina, beginning at 7:00 p.m., on the 18th day of February, 1992, at the City Hall Council Chamber, 433 Hay Street, Fayetteville, North Carolina, for the purpose of hearing all interested persons who appear.
5. That the City Attorney is hereby directed to issue public notice of the above-described public hearing, to be published on the 6th day of January, 1992, and to secure publisher's affidavit certifying the advertisement of said hearing.
6. If confirmed, any assessment paid before the expiration of thirty (30) days from the date notice is published of the confirmation of the assessment roll pursuant to North Carolina General Statutes Section 160A-229, will receive a thirty percent (30%) discount.

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

This the _____ day of January, 1992.

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 against the passage of the above resolution:

RDC.4

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED

1762



FAYETTEVILLE, NC 28302-1748

FINANCE DEPARTMENT
2ND FLOOR, CITY HALL

433 HAY STREET
P.O. DRAWER D

MEMORANDUM

JANUARY 14, 1992

TO: John B. Brown, Assistant City Manager for Administration and Finance

THROUGH: Kai D. Nelson, Finance Director *WLN*

FROM: Michael E. McNair, Grants and Special Projects Manager *MEANS*

SUBJECT: Capital Project Ordinance Amendments #92-9, 92-10 and 92-11

Please find enclosed copies of Capital Project Ordinance Amendments (CPOA) #92-9, 10 and 11. A synopsis of each action can be found below.

CPOA #92-9

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

CPOA #92-10

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

CPOA #92-11

The City has received from the NCDOT a funding authorization to proceed with the replacement of the Winslow Street bridge totaling \$501,202. There is also a related contract award presentation scheduled for the Council's regularly scheduled meeting of January 21, 1992. This ordinance amendment appropriates additional funds as required to reflect the funding authorization.

It is respectfully recommended that CPOA's #92-9, 10 and 11 be submitted to the Council for favorable consideration.

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 2.D.

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 92-9 (CAP 84-7)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1. The project change authorized is to CAP 84-7 adopted June 6, 1984, for Digital Traffic Control System.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various grant and loan agreements executed with the Federal and State governments and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

NCDOT

\$ 5,459

Section 4. The following amounts are appropriated for the project:

Project Expenditures

\$ 5,459

Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

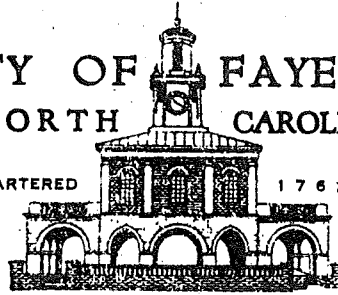
Adopted this 21st day of January, 1992.

Mike McNair

Agenda

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

November 27, 1991

MEMORANDUM

TO: Kai Nelson, Finance Director

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

We are requesting a budget amendment to our Computerized Signal System Capital Project Ordinance to establish funding for a Computer Maintenance Agreement. This agreement is essential to the continued operation of our Signal System following final acceptance on October 21, 1991.

Concurrent Computer Corporation has provided an agreement for annual maintenance at \$6,348. We would anticipate reimbursement of 86% of this annual fee (\$5,459) from our proposed Municipal Agreement with North Carolina Department of Transportation for operational support of the Computerized Signal System.

LAC/psc

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

Enclosure
Agreement and Documentation

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

Primary Service Agreement

Concurrent Computer Corporation, ("Concurrent") agrees to provide maintenance and support ("Service") to Buyer in the United States for the standard hardware equipment ("Products") identified on the attached Quotation Number N101791-S01-C00 in accordance with the terms and conditions stated herein and those stated on the Quotation.

This Agreement shall be for an initial term of one (1) year. Upon expiration of the initial term, this Agreement shall automatically continue for successive one year periods unless mutually terminated by both parties at the end of the initial or any renewal term upon 60 days prior written notice.

CITY OF FAYETTEVILLE, NC TRAFFIC SERVICES DEPT.

Buyer 339 Alexander St. Fayetteville, NC

Address

System Location

3212

tbd

CPU Model Number

Serial Number

Raleigh, NC

Service Office

Remote Diagnostics installed:

Yes ☐ No ☐

Third Party Products installed:

Yes ☐ No ☐

Initial Term of Agreement: From: 10/1/91 Through: 9/30/92

Principal Period of Maintenance (PPM):

Days of Coverage: From: Monday Through: Friday

Hours of Coverage: From: 8:00 A.M. Through: 5:00 P.M.

Scheduled Use Time: From: _____ Through: _____

SERVICE CHARGES:

☐ Monthly \$ _____ ☒ Quarterly \$ 1,587.00 ☐ Annually \$ _____

Total Yearly Service Charge \$ 6,348.00

All notices required by this Agreement shall be in writing and sent to the parties designated below. The date notice is received shall be its effective date.

Concurrent

THOMAS R. HOSACK SIGNAL SYSTEM ENGINEER
Buyer

The parties agree that the Agreement states the entire agreement between the parties with respect to its subject matter and supercedes all prior agreements and representations of the parties, oral or written. The Agreement may only be amended in writing and signed by duly authorized representatives of both parties.

BUYER

By (Signature)

Name (Type or Print)

Title

Date

CONCURRENT COMPUTER CORPORATION

By (Signature)

Name (Type or Print)

Title

Date

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 92-10 (CAP 91-5)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1. The project change authorized is to CAP 91-5 adopted May 20, 1991, for the Fayetteville Releaf Street Tree Program.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various grant and loan agreements executed with the Federal and State governments and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

Owner Contributions

\$1,380

Section 4. The following amounts are appropriated for the project:

Project Expenditures

\$1,380

Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 21st day of January, 1992.

CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 92-11 (CAP 84-3)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1. The project change authorized is to CAP 84-3 adopted February 6, 1984, for the replacement of the Winslow Street Bridge.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various grant and loan agreements executed with the Federal and State governments and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

NCDOT	\$104,962
City Share	<u>26,240</u>
	<u>\$131,202</u>

Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$131,202</u>
----------------------	------------------

Section 5. Copies of this capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 21st day of January, 1992.

N. C. DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
POLICY AND FUND ADMINISTRATION BRANCH

LETTER OF AUTHORIZATION

FROM: DIVISION ADMINISTRATOR
FEDERAL HIGHWAY ADMINISTRATION
RALEIGH, NORTH CAROLINA 27611

TO:
POLICY AND FUND ADMINISTRATION BRANCH

CLASS OF FUNDS
F.A. BRIDGE REPLACEMENT

FEDERAL AID PROJECT NO.
BRZ-0620(7)

STATE PROJECT NO.
8.2440101

COUNTY
CUMBERLAND

ADT	PRESENT	FUTURE	YEAR
	3,000	6,000	2000

INFO. CF: 10-25-91
W. F. ROSSER
L. K. BARGER

FEDERAL ROUTE NO.
NOT ON SYSTEM

ID. NO.
B-1456

FUNCTIONAL CLASS
L

APPROPRIATION CODE
117

AUTHORIZATION NO.
2

URBAN AREA
FAYETTEVILLE-221

8-19-91

STATE ROUTE

CITY STREET

GENERAL LOCATION

BRIDGE #000000000051175(175)OVER BLOUNTS CREEK AND APPROACHES ON WINSLOW STREET.

GENERAL DESCRIPTION OF WORK

REPLACE STRUCTURE AT EXISTING- 36' CLEAR ROADWAY WIDTH- APPROX. 45' LENGTH

RAILROAD CROSSING:

NAME OF RAILROAD AND LOCATION: _____

NO. OF TRACKS: MAIN _____ PASSING _____ INDUSTRIAL _____

NO. AND SPEED OF TRAINS _____

EXISTING PROTECTION _____

PROPOSED PROTECTION _____

(ADDITIONAL CROSSINGS SHOWN ON ATTACHED SHEET: YES _____ ; NONE _____ ;

YOU ARE AUTHORIZED TO PROCEED WITH THE WORK BELOW

CONSTRUCTION OF BRIDGE BY CITY CONTRACT.

ESTIMATED COST: \$ 446,002.00

AUTHOR: 10-11-91 \$ 501,002.00 FEDERAL FUNDS \$ 446,002.00

PE: \$ 34,200

ROW: \$ 20,000

UTIL: \$ 1,000

CONST: \$ 446,002

REMARKS

MUNICIPAL AGREEMENT EXECUTED 1-11-84

~~PLANS, SPECIFICATIONS AND ESTIMATE ATTACHED.~~

This authorization is given with the understanding that all applicable permits will be obtained prior to bid opening.

DATE

8-19-91

8-21-91

DATE

10-16-91

SIGNATURE OF REQUESTING OFFICIAL

David G. Robinson

DAVID G. ROBINSON, Ph.D., P.E.

SIGNATURE OF APPROVING OFFICIAL

[Signature]

TITLE

MANAGER

POLICY AND FUND ADMINISTRATION BRANCH

FOR:

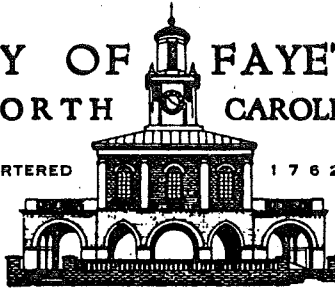
DIVISION ADMINISTRATOR
FEDERAL HIGHWAY ADMINISTRATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED

1782



FAYETTEVILLE, NC 28302-1746

FINANCE DEPARTMENT
2ND FLOOR, CITY HALL

433 HAY STREET
P.O. DRAWER D

MEMORANDUM

JANUARY 14, 1992

TO: John B. Brown, Assistant City Manager for Administration and Finance

THROUGH: Kai D. Nelson, Finance Director *KDN*

FROM: Michael E. McNair, Grants and Special Projects Manager *ME/MSE*

SUBJECT: Capital Project Ordinance Partial Closeouts #92-6, 92-7 & 92-8

Please find enclosed copies of Capital Project Ordinance Partial Closeouts (CPOPC) 92-6, 92-7 and 92-8. The purpose of these partial closeouts is to remove obsolete records which represent the completion of various phases in the respective projects. The total budget and financial activity to be removed represent the total expenditures as of June 30, 1991 as audited by the City's independent auditors, Cherry, Bekaert & Holland.

It is respectfully recommended that and CPOPC's #92-6, 92-7 and 92-8 be submitted to the Council for favorable consideration.

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 2.E.

CAPITAL PROJECT ORDINANCE PARTIAL CLOSEOUT
CLO 92-6 (CAP 89-865)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that the following capital project ordinance, adopted pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, is hereby closed:

Section 1. The project partial closing is to CAP-89-865 adopted on June 26, 1989, for the Hay Street Amtrak project. This project partial closeout will affect part of CAP 89-865.

Section 2. The finance director is hereby directed to proceed with the necessary closing entries and collection of all grant and loan agreements outstanding.

Section 3. The following revenues were made available for the project:

	<u>Available</u>	<u>Used</u>
Private Donations	\$ 69,053	\$ 69,053
General Fund Transfer	<u>295,939</u>	<u>295,939</u>
	\$364,992	\$364,992

Section 4. The following amounts were appropriated and expended for the project:

	<u>Estimated</u>	<u>Actual</u>
Project Expenditures	<u>\$364,992</u>	<u>\$364,992</u>

Section 5. Copies of this capital project ordinance closeout shall be made available to the budget officer and the project director.

Adopted this 21st day of January, 1992.

CAPITAL PROJECT ORDINANCE PARTIAL CLOSEOUT
CLO 92-7 (CAP 89-862)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that the following capital project ordinance, adopted pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, is hereby closed:

- Section 1. The project closing is to CAP-89-862 adopted on June 19, 1989, amended on June 18, 1990 for the Museum of the Cape Fear. This project partial closeout will affect parts of CAP-89-862.
- Section 2. The finance director is hereby directed to proceed with the necessary closing entries and collection of all grant and loan agreements outstanding.
- Section 3. The following revenues were made available for the project:

	<u>Available</u>	<u>Used</u>
Transfer-General Fund	<u>\$269,101</u>	<u>\$269,101</u>

- Section 4. The following amounts were appropriated and expended for the project:

	<u>Estimated</u>	<u>Actual</u>
Project Expenditures	<u>\$269,101</u>	<u>\$269,101</u>

- Section 5. Copies of this capital project ordinance closeout shall be made available to the budget officer and the project director.

Adopted this 21st day of January, 1992.

CAPITAL PROJECT ORDINANCE PARTIAL CLOSEOUT
CLO 92-8 (CAP 7)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that the following capital project ordinance, adopted pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, is hereby closed:

- Section 1. The project partial closing is to CAP 7 adopted on June 28, 1982, amended on June 15, 1987, October 17, 1988, August 7, 1989, October 15, 1990, March 4, 1991, and July 15, 1991, for the Beautification of the Market Square. This project partial closeout will affect part of CAP 7.
- Section 2. The finance director is hereby directed to proceed with the necessary closing entries and collection of all grant and loan agreements outstanding.
- Section 3. The following revenues were made available for the project:

	<u>Available</u>	<u>Used</u>
State Contributions/Grants	\$266,058	\$266,058
General Fund Transfer	96,446	96,446
	<u>148,128</u>	<u>148,128</u>
	\$510,631	\$510,631

- Section 4. The following amounts were appropriated and expended for the project:

	<u>Estimated</u>	<u>Actual</u>
Project Expenditures	\$510,631	\$510,631

- Section 5. Copies of this capital project ordinance closeout shall be made available to the budget officer and the project director.

Adopted this 21st day of January, 1992.

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED

1762



FAYETTEVILLE, NC 28302-1746

FINANCE DEPARTMENT
2ND FLOOR, CITY HALL

433 HAY STREET
P.O. DRAWER D

MEMORANDUM

JANUARY 14, 1992

TO: John B. Brown, Assistant City Manager for Administration and Finance

THROUGH: Kai D. Nelson, Finance Director *KDN*

FROM: Michael E. McNair, Grants and Special Projects Manager *MEME*

SUBJECT: Capital Project Ordinance Closeouts #92-2, 92-3, 92-4, and 92-5

Please find enclosed copies of Capital Project Ordinance Closeouts (CPOC) #92-2, 92-3, 92-4 and 92-5. A synopsis of each action can be found below.

CPOC #92-2

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

CPOC #92-3

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

CPOC #92-4

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

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 2. F.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 92-2 (CAP 87-899)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that the following capital project ordinance, adopted pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, is hereby closed:

- Section 1. The project closing is to CAP-87-899 adopted on May 18, 1987, amended on June 22, 1987, June 6, 1988, August 15, 1988 and March 6, 1989 for the Park Improvement Program. This project closeout will affect all of CAP-87-899.
- Section 2. The finance director is hereby directed to proceed with the necessary closing entries and collection of all grant and loan agreements outstanding.
- Section 3. The following revenues were made available for the project:

	<u>Available</u>	<u>Used</u>
Transfer-General Fund	\$ 749,900	\$ 749,943
Donation-Friends of the Parks	20,000	19,947
Transfer-Revenue Sharing	81,416	81,416
Interfund Transfers	191,963	191,963
	<u>\$1,043,279</u>	<u>\$1,043,269</u>

- Section 4. The following amounts were appropriated and expended for the project:

	<u>Estimated</u>	<u>Actual</u>
Project Expenditures	<u>\$1,043,279</u>	<u>\$1,043,269</u>

- Section 5. Copies of this capital project ordinance closeout shall be made available to the budget officer and the project director.

Adopted this 21st day of January, 1992.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 92-3 (CAP 90-5)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that the following capital project ordinance, adopted pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, is hereby closed:

Section 1. The project closing is to CAP-90-5 adopted on August 7, 1989 for design services for Linear Park project. This closeout will affect all of CAP-90-5.

Section 2. The finance director is hereby directed to proceed with the necessary closing entries and collection of all grant and loan agreements outstanding.

Section 3. The following revenues were made available for the project:

	<u>Available</u>	<u>Used</u>
Transfer General Fund	\$22,000	\$22,000
Intrafund Transfer	<u>2,322</u>	<u>2,322</u>
	\$24,322	\$24,322

Section 4. The following amounts were appropriated and expended for the project:

	<u>Estimated</u>	<u>Actual</u>
Project Expenditures	<u>\$24,322</u>	<u>\$24,322</u>

Section 5. Copies of this capital project ordinance closeout shall be made available to the budget officer and the project director.

Adopted this 21st day of January, 1992.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 92-4 (CAP 89-843)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that the following capital project ordinance, adopted pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, is hereby closed:

Section 1. The project closing is to CAP-89-843 adopted July 17, 1988, amended on January 16, 1990 and March 19, 1990. This project closeout will affect all of CAP-89-843.

Section 2. The finance director is hereby directed to proceed with the necessary closing entries and collection of all grant and loan agreements outstanding.

Section 3. The following revenues were made available for the project:

	<u>Available</u>	<u>Used</u>
Program Year 14, Rental Rehabilitation	<u>\$181,000</u>	<u>\$181,000</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Estimated</u>	<u>Actual</u>
Project Expenditures	<u>\$181,000</u>	<u>\$181,000</u>

Section 5. Copies of this capital project ordinance closeout shall be made available to the budget officer and the project director.

Adopted this 21st day of January, 1992.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 92-5 (CAP 89-808)

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that the following capital project ordinance, adopted pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, is hereby closed:

Section 1. The project closing is to CAP-89-808 adopted June 19, 1989, for renovation of the Prince Charles Hotel. This project closeout will affect all of CAP-89-808.

Section 2. The finance director is hereby directed to proceed with the necessary closing entries and collection of all grant and loan agreements outstanding.

Section 3. The following revenues were made available for the project:

	<u>Available</u>	<u>Used</u>
Urban Development Action Grant	<u>\$2,606,000</u>	<u>\$2,606,000</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Estimated</u>	<u>Actual</u>
Project Expenditures	<u>\$2,606,000</u>	<u>\$2,606,000</u>

Section 5. Copies of this capital project ordinance closeout shall be made available to the budget officer and the project director.

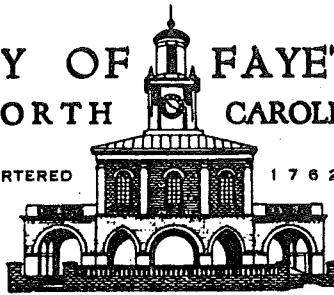
Adopted this 21st day of January, 1992.



THE CITY OF FAYETTEVILLE NORTH CAROLINA

CHARTERED

1782



FINANCE DEPARTMENT
2ND FLOOR, CITY HALL

433 HAY STREET
P.O. DRAWER D

FAYETTEVILLE, NC 28302-1746

MEMORANDUM

JANUARY 14, 1992

TO: John B. Brown, Assistant City Manager for Administration and Finance

THROUGH: Kai D. Nelson, Finance Director *KDN*

FROM: Michael E. McNair, Grants and Special Projects Manager *MEMS*

SUBJECT: Special Revenue Fund Project Ordinances #92-1 & 92-2

As a result of the City's most recent financial audit (FY 1990-91); subsequent meetings with the City's auditors-Cherry, Bekaert & Holland and the desire to remain in conformance with Generally Accepted Accounting Principles, it has been determined that some of the City's capital project activities are better represented on the financial statements in another manner. Consequently some reclassification of capital projects to other non-capital classifications will be required and implemented during the next couple of years. Special Revenue Fund Project Ordinances #92-1 and #92-2 are the first such actions. They will be followed by other ordinances as we progress with recommendations made by the auditors.

Please find enclosed copies of Special Revenue Fund Project Ordinances #92-1 and 92-2. A synopsis of each action can be found below.

#92-1

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

#92-2

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

It is respectfully recommended that Special Revenue Fund Project Ordinances #92-1 and 92-2 be submitted to the Council for favorable consideration.

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 2.6

CPOC #92-5

This ordinance documents the completion of the Urban Development Action Grant (UDAG) utilized in the Prince Charles Hotel renovation project. As you are aware, a total of \$2,606,000 was drawn from the UDAG and forwarded to the Prince Charles Development Corporation as required in the UDAG agreement. The City will retain a receivable in the amount of \$2,606,000 on its books.

It is respectfully recommended that CPOC's #92-2, 92-3, #92-4, and 92-5 be submitted to the Council for favorable consideration.

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 92-1

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Chapter 159 of the General Statutes of North Carolina, the following Special Revenue Fund project ordinance is hereby authorized:

Section 1. The project authorized is for the purchase of miscellaneous equipment and other discretionary items for the Fayetteville Police Department utilizing Federal Forfeiture Funds.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various grant and loan agreements executed with the Federal and State governments and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

Federal Forfeiture Receipts

\$ 61,604

Section 4. The following amounts are appropriated for the project:

Project Expenditures

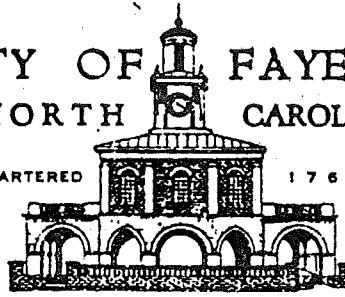
\$ 61,604

Section 5. Copies of this Special Revenue Fund project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 21st day of January, 1992.

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

9 January 1992

ADMINISTRATIVE
MEMORANDUM TO:

Captain S. C. Sessoms
MCID Commander

*ACD
1-10-92*

SUBJECT: Receipt of State Revenue Funds

On January 9, 1992, I attended a press conference in Raleigh where I received 2 checks from the North Carolina Department of Revenue. These are Excise Tax checks on Controlled Substances.

Check #861291 is subject to equitable sharing with CCBN and requires we transfer to them 12.5%.

= \$16,741.08 - 12.5% (\$2,092.64) to CCBN
= \$14,648.44 to FPD

Check #861261 for \$3,223.64 is entirely the property of the Fayetteville Police Department.

The checks have been forwarded to Ms. Barbara Matthews for distribution to Finance.

[Signature]
SERGEANT R. D. FISHER
Forfeiture Officer
Major Crimes Investigation Division

RDF/jeb

*cc: Major Cant
Major Mangel*

122nd NATIONALLY ACCREDITED



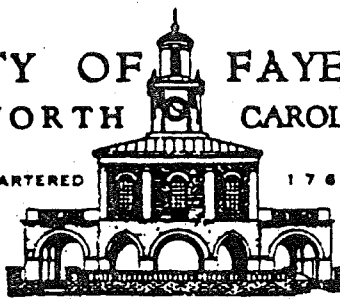
LAW ENFORCEMENT AGENCY

*Out
1-10-92*

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

5 December 1991

ADMINISTRATIVE

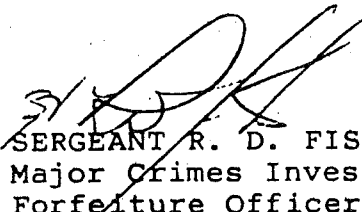
MEMORANDUM TO: Captain S. C. Sessoms
MCID Commander

SUBJECT: Federal Forfeitures

On 12-4-91, the Department received a check from the U.S. Marshal's office. This represents money from a federal forfeiture case involving Anthony Young and Richard Brown. This is a City County Bureau of Narcotics case and the monies are to be divided on an equitable sharing basis as follows:

TOTAL	12.5% to CCBN	Remaining Amt. to FPD
\$8,287.50	\$1,035.94	\$7,251.56

The check has been forwarded to Ms. Barbara Matthews for deposit into the forfeiture account at City Finance.


SERGEANT R. D. FISHER
Major Crimes Investigation Division
Forfeiture Officer

RDF/jeb

44-5980-0550

122nd NATIONALLY ACCREDITED

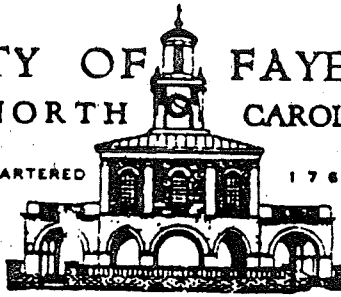


LAW ENFORCEMENT AGENCY

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

10 December 1991

ADMINISTRATIVE

MEMORANDUM TO: Ronald E. Hansen
Chief of Police

THROUGH: Captain S. C. Sessoms
MCID Commander

SUBJECT: Federal Forfeiture

On December 9, 1991, I received a copy of a letter to Mr. John Nalepa from Marshall Evans of CCBN in reference to the receipt of Federal Forfeiture funds. The check was deposited in the County Finance Account and we should have the following amount forthcoming:

41,680.64
Amount Due to FPD - ~~\$41,679.92~~ (50%) *5,210*
Amount remitted to CCBN - ~~\$10,419.98~~ (12.5%)
Total Amount Due FPD - ~~\$31,259.95~~ (37.5%)
36,470.00

City Finance, (Mike McNair) should be made aware to expect the receipt of this money into our forfeiture account so we may immediately return CCBN's share.

ST D. Fisher
SERGEANT R. D. FISHER
Forfeiture Officer
Major Crimes Investigations Division

RDF/jeb

cc: Major Moyd
Barbara Matthews

122nd NATIONALLY ACCREDITED



LAW ENFORCEMENT AGENCY

An Equal Opportunity Affirmative Action Employer

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 92-2

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Chapter 159 of the General Statutes of North Carolina, the following Special Revenue Fund project ordinance is hereby adopted:

Section 1. The project authorized is for the Police Athletic League.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various grant and loan agreements executed with the Federal and State governments and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

Donations-Florence Rogers Charitable Trust	<u>\$3,200</u>
--	----------------

Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$3,200</u>
----------------------	----------------

Section 5. Copies of this Special Revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 21st day of January, 1992.

The Florence Rogers Charitable Trust

P.O. Box 36006
Fayetteville, N.C. 28303
919-484-2033

December 20, 1991

Ronald E. Hansen, Chief of Police
City of Fayetteville Police Department
131 Dick Street, Suite 124
Fayetteville, North Carolina 28301-5798

Dear Mr. Hansen:

The enclosed check in the amount of \$3,200.00 is to honor the grant request submitted by the Police Department.

The grant is to be used toward the at-risk children Judo Program. The Trust understands the program is going to address many areas, thus helping the youths involved to become citizens.

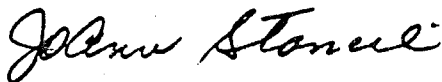
We will look forward to hearing from the Project Director on the progress of the young people taking part in the program. When it becomes feasible for the youths to have observers, please call me to set a time I might visit.

When the grant monies have been expended, please furnish the Trust with documentation of the expenditures.

The Trustees wish you, your staff and the volunteers much success with the Judo Program.

Sincerely,

The Florence Rogers Charitable Trust



JoAnn Stancil
Administrator of Grants

Enclosure

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
APPROVING TRANSFER OF CABLEVISION FRANCHISE

WHEREAS American Television and Communications Corporation (the "Franchisee") is the holder of a cable television franchise (the "Franchise") for the City of Fayetteville; and

WHEREAS the Franchisee is a majority owned subsidiary of Time Warner, Inc. ("Time Warner"), a widely held New York Stock Exchange company which intends to create a new limited partnership entity comprised of the business and assets of its filmed entertainment, programming and cable divisions, which entities shall be known as Time Warner Entertainment Company, L.P. ("TWE"); and

WHEREAS Time Warner will retain majority ownership as well as operating and management control of TWE and will operate TWE as a controlled subsidiary of Time Warner employing the assets of the Franchisee including the Franchise, and the assets of Warner Cable, Lorimar Telepictures, HBO and Warner Bros.; and

WHEREAS Time Warner intends to offer minority limited partnership interests in TWE to strategic partners in TWE, including Toshiba Corporation and C. Itoh and Company, Ltd.; and

WHEREAS the Franchisee will continue to exist as an operating division of TWE, with the existing management structure remaining at both the local and corporate levels and no change is anticipated in the manner in which the business and operations of the Franchisee are conducted;

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

Section 1. Transfer of the Franchise and the cable television system operating pursuant to the Franchise from the Franchisee to TWE (including any necessary transfers through one or more subsidiaries of Time Warner), is hereby authorized and consented to in all respects, subject to the following conditions:

- a. These transactions will have not changed the ongoing local management of the cable systems serving the City of Fayetteville;
- b. There will be no adverse impact on the local cable system, or its customers, services, business practices or personnel;
- c. The day-to-day management of the cable system in this community will initially be the same.

- d. The Franchisee will continue to exist as an operating division of TWE;
- e. The present officers and managers of the Franchisee will transfer their current positions in a cable division of TWE.
- f. The present corporate officers of Time Warner, Inc. (the parent company of the Franchisee) will also serve initially as officers of TWE.

Adopted this the _____ day of January, 1992.

CITY OF FAYETTEVILLE

BY:

J. L. Dawkins, Mayor

ATTEST:

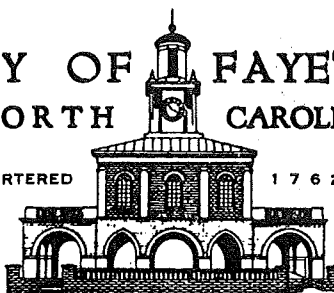
Bobbie A. Joyner, City Clerk

0035

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED

1762



ENGINEERING DEPARTMENT
433 HAY STREET

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

January 15, 1992

M E M O R A N D U M

TO: Mr. John P. Smith, City Manager

THROUGH: Roger L. Stancil, Assistant City Manager

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

SUBJECT: Acquisition of Land for Elm Street and Bayview
Drainage Project -- Parcel N-1

A very small strip of land containing 960.67 square feet is needed to replace an existing inadequate drainage structure with an adequate drainage system. This acquisition has been discussed with the owners since August of 1991.

Additionally, the City has made copies of the drainage project plans, drainage calculations, the erosion control plan and the state's approval of the erosion control plan to the owners, their consulting engineer, various representatives and their attorney. There is no more information to give. The owners simply have not executed an easement and the contractor has been delayed two full months on this portion of the project.

This parcel is currently being appraised. The value is not known at this time, but will be made available to you at the Council meeting of January 21, 1992. We recommend adoption of the attached resolution so that the project may go forward.

APB/mak

Enclosures: Resolution
Map

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

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 2.I.

**A RESOLUTION AUTHORIZING CONDEMNATION
TO ACQUIRE CERTAIN PROPERTY**

WHEREAS, the governing body of the City of Fayetteville hereby determines that it is necessary and in the public interest to acquire certain property for the following public purposes:

BAYVIEW DRIVE DRAINAGE EASEMENT

WHEREAS, the proper officials or representatives of the City of Fayetteville have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAYETTEVILLE, THAT:

1. The City of Fayetteville shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

PARCEL N-1

\$ _____

2. The City Attorney is directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

ADOPTED, this the 21st day of January, 1992.

CITY OF FAYETTEVILLE

BY: _____
J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

FOREST LAKE

BAYVIEW DRIVE
(FORMERLY OFFSHORE DRIVE)

WINTERLOCHEN
RD.

EXISTING
EASEMENT

SAN. SEWER EASEMENT

LLOYD PROP.

PB 29 PG 48

BEAVER PROP.

PANTELAKOS PROP.

PB 30 PG 80

EASEMENT AREA = 960.67 SQ FT MORE OR LESS

CITY OF FAYETTEVILLE, N.C.
ENGINEERING DEPARTMENT
FOREST LAKE INC.

DB 3636 PG 62

DATE 7-15-91 DRAWN BY Dale
SCALE 1" = 50' CK'D BY

REVISION

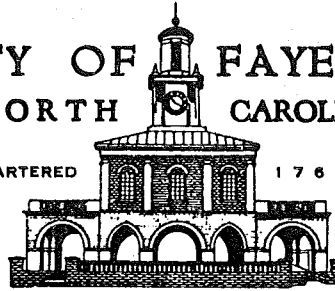
DATE BY

FIELD BK 415



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



ENGINEERING DEPARTMENT
433 HAY STREET

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

January 15, 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: Proposed 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 15, 1992, a petition signed by the owner of Lot 12 and a representative of the owner of Lot 19, subject plat, was filed with the Engineering Department. Also, a check in the amount of \$125 was received from Dickens Construction Co., Inc. in accordance with the previously adopted City Policy.

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 setting the public hearing for February 18, 1992.

APB/mak

Enclosures: Petition
Preliminary Resolution
Map

cc: Michael L. Walker, P.E., Acting City Engineer
Frank Simpson, Building Inspections Superintendent

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 2.J

NORTH CAROLINA

PETITION

CUMBERLAND COUNTY

TO: The Mayor and Members of the City Council of Fayetteville,
North Carolina

The undersigned petitioners hereby file a petition as follows:

1. That the petitioners are the owners of property adjacent to North Pearl Street located in the City of Fayetteville, described as follows:

Lot 12, Block "E", 1902 Pearl Street, Bertha C. Garvin;
Lot 19, Block "B", North Pearl Street, F.L. Dickens
Construction Company, Inc.

2. That the petitioners seek to close the above described portion of North Pearl Street, it being located in the City of Fayetteville, North Carolina.

3. That the closing of said portion of North Pearl Street would be in the best interest of the public generally and the petitioners in particular.

4. That the petitioners own all of the property adjacent to the portion of North Pearl Street as described in paragraph 1.

5. That the use of that portion of North Pearl Street desired to be closed is not necessary as a reasonable means of ingress or egress to and from the general area.

6. That persons owning property and/or living in the vicinity of North Pearl Street will not be denied access to their property as a result of the closing of aforesaid street portion.

WHEREFORE, the petitioners respectfully petition the City Council of the City of Fayetteville, North Carolina, acting under the authority of North Carolina General Statute 160A-299, to set a date for public hearing on the request to close the above described portion of North Pearl Street, and after said public hearing, to order the closing thereof.

THIS THE 13th DAY OF January, 1992.

Bertha C. Garvin
Bertha C. Garvin, Petitioner

John D. Egan for F.L. Dickens Const Co.
F. L. Dickens Construction Co.
Petitioner

NORTH CAROLINA

PRELIMINARY RESOLUTION AND NOTICE

CUMBERLAND COUNTY

OF INTENT TO CLOSE A PORTION OF

CITY OF FAYETTEVILLE

NORTH PEARL STREET

The City Council of the City of Fayetteville, North Carolina hereby gives notice that pursuant to N.C.G.S. 160A-299, at its regular meeting at 7:00 p.m. on the 18th day of February, 1992, it will consider the matter of the closing a portion of North Pearl Street, more particularly described as follows:

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.

The above described street portion is located within the corporate limits of the City of Fayetteville, North Carolina. The purpose of this Preliminary Resolution and Notice of Intent is to comply with N.C.G.S. 160A-299, and the City Council hereby directs that this Preliminary Resolution and Notice of Intent to Close shall be published once a week for four successive weeks prior to the hearing, a copy of which shall be sent by certified mail to all owners of property adjoining the street portion as shown on the County tax records, and a Notice of the Closing and Public Hearing shall be promptly posted in at least two (2) places along the

street. At the conclusion of such hearing, the City Council either will or will not order the closing of said street as a public street. All persons interested in the closing or non-closing of said street are notified and invited to appear and be heard at such meeting of the City Council at said time in the City Hall, Fayetteville, North Carolina. Individuals desiring to speak at this public hearing shall sign up with the City Clerk, by name and home address (in writing or in person) before 5:00 p.m. on the scheduled public hearing date, at City Hall/2nd floor, or between 6:30 and 7:00 p.m. on the public hearing date at City Hall Council Chambers.

ADOPTED, this the 21st day of January, 1992.

CITY OF FAYETTEVILLE

BY: _____
J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

PUBLISH: January 24th & 31st and February 7th & 14th, 1992

Block "E"

11

N74°15'E
186.90'

S08°52'W
104.79'

12

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

$\Delta = 8.30'$
R=647.86'

NORTH PEARL STREET 50' R/W

SHADOWLAWN
DRIVE 50' R/W

Block "B"

18

N30°29'E
164.65'

N24°15'W
116.63'

S24°15'E
152.63'

J. B. ROUSE III
D.B. 3144 PG. 266

19

N39°13'W
133.96'

M00°03'S
123.01'

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

FIELD BK

11-11-11

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

January 15, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

LAC

REFERENCE: Revision to Traffic Schedule # 6 - Stop Intersections

Adoption of the attached ordinance will establish traffic control at these new intersections in accordance with the Manual on Uniform Traffic Control Devices.

We recommend adoption of this ordinance.

LAC/psc

Attachment
Ordinance

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

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 2. K.

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>
Garden Court	Fair Oaks Drive
Fair Oaks Drive	Cottage Way

This ordinance shall be in full force and effective January 31, 1992.

ADOPTED this the 21st day of January, 1992.

CITY OF FAYETTEVILLE

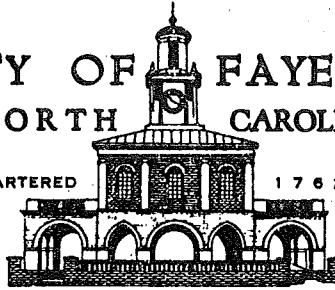
BY: _____
J.L. Dawkins, Mayor

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

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

January 15, 1992

MEMORANDUM

TO: John P. Smith, City Manager

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

LAC

REFERENCE: Loading Zone - Hay Street - Old Fayetteville Commons

Following opening of the transit mall to two-way traffic, it has been suggested that a twenty minute loading zone should be provided in the bus pull-outs both in the 100 and 300 blocks of Hay Street.

Adoption of the two attached ordinances will revise the No Parking Ordinance adopted at last council meeting to provide for a twenty minute loading zone in the 100 and 300 blocks of Hay Street.

LAC/psc

Attachments
Ordinances

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



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

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

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

There is hereby rescinded from said schedule the following:

PARKING PROHIBITED AT ALL TIMES

Hay Street - From Ray Avenue to the Market Square

There is hereby added to said schedule the following:

PARKING PROHIBITED AT ALL TIMES

Hay Street - Northside - Beginning at the West back
of curb Market Square westwardly for a
distance of 94 feet.

Hay Street - Northside Beginning 154 feet west of
back of curb Market Square, thence
westwardly to back of curb Ray Avenue.

Hay Street - Southside - Beginning at the East back
of curb Ray Avenue eastwardly for a distance
of 190 feet.

Hay Street - Southside Beginning 250 feet west of back of
curb Ray Avenue, thence eastwardly to back of
curb Market Square.

This ordinance shall be in full force and effective January 31, 1992.

ADOPTED this the 21st day of January, 1992.

CITY OF FAYETTEVILLE

BY: _____
J.L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

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 10 - Loading Zones.

There is hereby added to said schedule the following:

- Twenty Minute Loading Zone -

Hay Street - North Side - West of back of curb Market Square
from a point 94 feet, thence west for a distance
of 60 feet.

Hay Street - Southside - East of back of curb of Ray Avenue
from a point 190 feet, thence east for a distance
of 60 feet.

This ordinance shall be in full force and effective January 31, 1992.

ADOPTED this the 21st day of January, 1992.

CITY OF FAYETTEVILLE

BY: _____
J.L. Dawkins, Mayor

ATTEST:

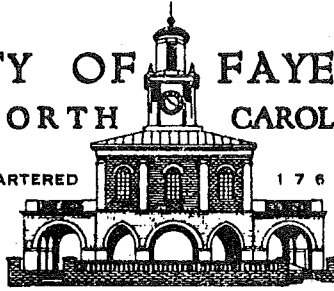
Bobbie A. Joyner, City Clerk



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED

1762



CITY MANAGER

FAYETTEVILLE, NC 28301-5537

433 HAY STREET

JANUARY 15, 1992

MEMORANDUM

TO: John P. Smith, City Manager
FROM: Roger L. Stancil, Assistant City Manager *ROS*
RE: Lease of Second Floor, Transit Information Center

Attached is a proposed lease with the Women's Center for the second floor of the Transit Information Center. The terms are the same as our current lease which expires January 31, 1992. The new lease is for one year.

The Transit Director and I recommend that Council approve this lease.

RLS:ssm

Attachment

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 2.1.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

LEASE

THIS LEASE AGREEMENT, made and entered into this the _____ day of _____, 19____, by and between the CITY OF FAYETTEVILLE, a municipal corporation organized under the laws of the State of North Carolina (hereinafter referred to as the "LESSOR") and THE WOMEN'S CENTER, INC. (hereinafter referred to as the "LESSEE");

WITNESSETH:

1. Leased Property. The LESSOR hereby leases to the LESSEE, subject to the terms and conditions hereinafter expressed, 1,492 square feet in the Transit Information Center building, 222 Hay Street, within the City of Fayetteville, and more particularly described as Lease Space One in said building as designated on Attachment A to this lease.
2. Possession by LESSEE. Possession of the leased property shall be delivered to LESSEE not later than the commencement date of the lease.
3. LESSOR's Warranties. The LESSOR represents that it owns the leased property in fee simple and that the property is free from encumbrances except as referred to elsewhere in this lease. The LESSOR represents that it has the full right, power, and authority to enter into this lease for the term herein granted and that the leased property may be used by the LESSEE during the entire term for the purposes herein set forth.
4. Term. The term of this lease shall be for one (1) year, beginning on the 1st of February, 1992, and ending at midnight on the 31st of January, 1993.

OFFICE OF THE
CITY ATTORNEY
FAYETTEVILLE, N. C.

5. Option to Terminate. Either party may terminate this agreement by (1) giving forty-five (45) days written notice to the other, (2) forfeiting all of its right, title and interest in and to all sums which it shall have paid as rent hereunder and (3) performing all of its obligations hereunder through such termination date, including the surrender of the leased property in good repair, ordinary wear and tear excepted, on or before that date.

6. Rent. The rent for the term of this lease shall be One Hundred Fifty Dollars (\$150.00) per month payable by the fifth day of each month.

7. Taxes. The LESSOR agrees that it will list in its name for taxation the leased premises and all improvements and buildings thereon, provided however, that should LESSEE's property ever be declared non-exempt from ad valorem taxes, then and in that event, the LESSEE agrees it will pay all taxes assessed against the leased premises and special assessments by the City or County during the term of this lease, to include all personal property of the LESSEE, and the real property demised herein.

8. Use. The LESSEE shall use and occupy the leased property for offices of the Women's Center. The LESSEE shall not use or knowingly permit any part of the leased property to be used for any other purpose or unlawful purpose.

9. Quiet Enjoyment. LESSEE, upon the payment of the rent herein reserved and upon the performance of all the terms of this lease, shall at all times during the lease term and during any extension or renewal term peaceably and quietly

enjoy the leased property without any disturbance from the LESSOR or from any other person claiming through the LESSOR.

10. Repairs or Alterations. That no alteration and no physical or structural change and no change in the color of surfacing shall be made to the exterior or interior of the building located on the premises without the written approval of the LESSOR, nor shall any additional structure be constructed or permitted to be built upon the premises unless the plans and exterior designs for such structure have likewise been approved in writing.

The LESSEE shall bear the entire expense of any repairs, alterations, improvements, maintenance and replacements required to be done to the leased property because of fault or neglect on the part of the LESSEE. Any repairs, alterations, improvements, maintenance and replacements required by the terms of this paragraph shall be accomplished promptly with first class materials, in a good and workmanlike manner, in compliance with all applicable laws of all governmental authorities. Any addition, alteration, or repair approved by the LESSOR shall be deemed real property if it becomes permanently affixed to the demised premises or cannot be removed without substantial injury to the demised premises.

11. LESSEE's Compliance with Laws. The LESSEE at its sole expense shall comply with all laws, orders, and regulations of federal, state, and municipal authorities, and with any direction of any public officer, pursuant to law, which shall impose any duty upon the LESSOR or the LESSEE with respect to the leased property. The LESSEE, at its sole

expense, shall obtain all licenses or permits which may be required for the conduct of its business within the terms of this lease, or for the making of repairs, alterations, improvements, or additions, and the LESSOR, where necessary, will join with the LESSEE in applying for all such permits or licenses.

12. Surrender. The LESSEE shall vacate the leased property in the good order and repair in which such property now is, ordinary wear and tear and casualties by accidental fire not occurring through the LESSEE's negligence alone excepted, and shall remove all its personal property therefrom so that the LESSOR can repossess the leased property not later than noon on the day upon which this lease or any extension thereof ends, whether upon notice or by holdover or otherwise. The LESSOR shall have the same rights to enforce this covenant by ejectment and for damages or otherwise as for the breach of any other condition or covenant of this lease. The LESSEE may at any time prior to or upon the termination of this lease or any renewal or extension thereof remove from the leased property all materials, equipment, and personal property of every other sort or nature installed by the LESSEE thereon, provided that such property is removed without substantial injury to the leased property. No injury shall be considered substantial if it is promptly corrected by restoration to the condition prior to the installation of such property, if so requested by the LESSOR. Any such property not removed shall become the property of the LESSOR.

13. Utilities. It is agreed and understood between the parties hereto that the rent to be paid by the LESSEE is sufficient consideration to cover all charges for electricity, light, and heat and air conditioning that may be contributable to their operations within the demised premises; however, LESSEE expressly assumes responsibility for any telephone or other communication service used, rendered, or supplied upon or in connection with the leased property, and shall indemnify the LESSOR against any liability or damages on such account.

14. Remedies. If either party shall be in default with respect to any separate performance hereunder, and shall have remained in default for ten (10) days after receipt of notice of default, there shall be a breach of this lease. The defaulting party shall remain fully liable for performing his remaining obligations under this lease. The defaulting party shall be liable for reasonable damages as provided by law and for all costs and expenses, to include attorney fees, incurred by the other party on account of such default, except as otherwise provided herein. Waiver by either party of any breach of the other's obligation shall not be deemed a waiver of any other or subsequent breach of the same obligation. No right or remedy of any party is exclusive of any other right or remedy provided or permitted by law or equity, but each shall be cumulative of every other right or remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise any may be enforced concurrently or from time to time.

15. LESSOR's Right to Perform. If the LESSEE shall default in the performance of any covenant or condition in this

lease required to be performed by the LESSEE, the LESSOR may, after forty-five (45) days written notice to the LESSEE, perform such covenant or condition for the account and at the expense of the LESSEE, and the LESSEE shall reimburse the LESSOR for the amount of such expense. Should the LESSEE, pursuant to this lease, become obligated to reimburse or otherwise pay the LESSOR any sum of money in addition to the specific rent, the amount thereof shall be deemed additional rent, in which event the LESSOR shall have the remedies for default in the payment thereof provided by this lease. The provisions of this paragraph shall survive the termination of this lease.

16. LESSOR's Right of Entry. The LESSOR and its representatives may enter the leased property, at any reasonable time, for the purpose of inspecting the leased property, performing any work which the LESSOR elects to undertake made necessary by reason of the LESSEE's default under the terms of this lease, exhibiting the leased property for sale, lease, or mortgage, financing, or posting notices of nonresponsibility under any mechanic's lien law.

17. Insurance.

(a) The LESSOR shall keep the building and improvements situated on the leased property insured against loss or damage by fire with all risk extended coverage endorsement in an amount sufficient to prevent the LESSOR and LESSEE from becoming a co-insurer under the terms of the applicable policies. Any and all insurance proceeds payable under any such extended coverage policy shall be payable to the LESSOR

and LESSEE jointly as their respective interests may appear. Such insurance shall be issued by financially responsible insurers duly authorized to do business in this state.

(b) Notwithstanding paragraph 17(a), LESSEE, at its own expense, shall insure its own contents, including any computer equipment, any hardware or software attendant thereto, against loss by fire, theft, vandalism, or any other physical damage not due to the negligence of the LESSOR.

(c) From the date hereof until the termination date of the term of this lease, the LESSEE shall keep the leased property insured, at its sole cost and expense, against claims for personal injury or property damage proximately caused by the negligence of LESSEE, its agents, officers or employees, under a policy of comprehensive general liability insurance, with at least a \$1,000,000 single limit liability and \$250,000 for property damage, and such policy shall name the LESSOR as an additional insured; in the alternative, LESSEE shall have the right to maintain said coverage through a program of self-insurance, or combination self-insured retention and excess coverage.

18. Assignment and Subletting. The LESSEE shall not assign, mortgage, or encumber this lease, nor sublet or permit the leased property or any part thereof to be used by others.

19. Idemnification. Except for claims arising out of acts caused by the affirmative negligence of the LESSOR or its representatives, the LESSEE shall indemnify and defend the LESSOR and the leased property, at the LESSEE's expense, against all claims, expenses and liabilities proximately caused

by any act or negligence of the LESSEE or its agents, contractors, employees or licensees arising from the operation, management, or use of the leased premises during the term of this lease.

20. Destruction of Premises; Condemnation.

(a) In the event of damage or destruction to the leased premises as a result of fire, or other loss not due to normal wear and tear, LESSOR shall be required to repair the premises in an expeditious manner as possible provided that the LESSOR's expenditures and repair shall not exceed the insurance proceeds payable under the policy maintained pursuant to paragraph 17(a) of this lease; provided further, that in the event the damage or destruction of the premises exceeds more than fifty percent (50%) of its then reproducible or replacement cost, as determined by a building contractor licensed to do business in the state of North Carolina, then LESSOR shall be under no obligation to repair or restore the premises and all insurance proceeds shall be payable as set forth in paragraph 17(a). In the case of either a partial or total destruction, all rent shall be apportioned to the date of the loss.

(b) In the event that the demised premises are subject to acquisition under the laws of eminent domain by any public or private condemnor, and the taking is less than the entire demised premises, LESSEE shall have the option to terminate this lease provided that the portion of the demised premises remaining after the taking is insufficient in size to make it feasible for LESSEE to continue its operation and use of the property for the remainder of the term of the lease; if the

taking is of the entire premises, then in that event the lease shall terminate. In the event of either a partial or total taking, (1) all rent shall be apportioned at the date of taking, and (2) LESSOR shall be entitled to all compensation awarded by the condemning authority either by payment, settlement, or jury award.

21. Notice. Any notice under this lease must be in writing and must be sent by registered or certified mail to the last address of the party to whom the notice is to be given, as designated by such party in writing. The LESSOR hereby designates its address as 433 Hay Street, Fayetteville, North Carolina 28301. The LESSEE hereby designates its address as Post Office Box 2384, Fayetteville, North Carolina 28302.

22. Sovereign Law. This lease shall be governed by, construed, and enforced in accordance with the laws of the State of North Carolina.

23. Entire Agreement. This lease contains the entire agreement between the parties, and any executory agreement hereafter made shall be ineffective to change, modify or discharge it in whole or in part, unless such executory agreement is in writing and signed by the party against whom enforcement of the change, modification or discharge is sought.

24. Binding. This agreement shall inure to the benefit of and be binding upon the heirs, legal representatives, successors and assigns of the parties hereto. Wherever used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders as the context may require.

IN WITNESS WHEREOF, the parties have executed this lease agreement in duplicate the date first above written.

CITY OF FAYETTEVILLE

By: John P. Smith, City Manager

ATTEST:

Bobbie A. Joyner, City Clerk

THE WOMEN'S CENTER, INC.

By: _____

ATTEST:

Secretary of the Corporation

0026

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

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

WITNESS my hand and Notarial Seal this the _____ day of _____, 19____.

NOTARY PUBLIC

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, _____, a Notary Public in and for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged that he/she is the _____ for THE WOMEN'S CENTER, INC., and that by authority duly given and as the act of THE WOMEN'S CENTER, INC., the foregoing instrument was signed in its name by its _____, sealed with its corporate seal and attested by _____ as its _____.

WITNESS my hand and Notarial Seal this the _____ day of _____, 19____.

NOTARY PUBLIC

My Commission Expires: _____

0026



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

PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE

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

ELECTRIC & WATER UTILITIES

January 14, 1992

MEMO TO: John P. Smith, City Manager

FROM: Tim Wood, General Manager *Tim Wood*

SUBJECT: PWC Items For City Council Agenda - January 21, 1992

M. Approval of bid award in the amount of \$56,000.00 to LaFayette Motor Sales, low bidder, for purchase of two (2) 28,000 lbs. GVW cab and chassis. Bids were received December 18, 1991, as follows:

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

N. Approval of bid award in the amount of \$77,162.00 to Altec Industries, Inc., low bidder, for purchase of two (2) Aerial Lifts with Utility Bodies. Bids were received December 18, 1991, as follows:

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

O. Approval of bid award in the amount of \$123,553.00 to Keystone Electric, low bidder, for purchase of Relay and Control Switchboards for POD #1 (Owen Drive Substation). Bids were received December 17, 1991, as follows:

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



Memo: John P. Smith
January 14, 1992
Page 2

P.

Approval of bid award to Keystone Electric, Inc., low bidder, for purchase of Relay and Control Switchboards for POD #3 (Reilly Road Switching Station and Waters Edge Substation). Bids were received December 17, 1991, as follows:

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

TW:gm

NOTICE OF PUBLIC HEARING REGARDING THE
DESIGNATION BY ORDINANCE OF THE JOHN A. OATES HOUSE

TAKE NOTICE that there will be a joint public hearing of the Fayetteville City Council and the Fayetteville Historic Resources Commission on January 21, 1992, at 7:00 p.m. in the City Council Chambers, City Hall, 433 Hay Street, Fayetteville, North Carolina, to consider an ordinance designating as an historic property the John A. Oates House located at the northeast intersection of Green and Grove Streets. Anyone desiring to speak at said public hearing, is required to submit their name to the City Clerk, Room 211, City Hall, 433 Hay Street, prior to 7:00 p.m., January 21, 1992.

CITY OF FAYETTEVILLE

BY: Robert C. Cogswell, Jr.
City Attorney

Publish: JANUARY 10, 1992

0019.2



Fayetteville Historic Resources Commission

19 December 1991

MEMORANDUM

To: John P. Smith, City Manager
J.L. Dawkins, Mayor and City Council Members

From: Lisa Novick, Historic Resources Planner
Cumberland County Joint Planning Board *lu*

Subject: Local Designation of the John A. Oates House

It is my pleasure to inform you that the North Carolina State Historic Preservation Office concurs with the Fayetteville Historic Resources Commission recommendation that the John A. Oates House and grounds is a significant local historic property worthy of local designation. The house is important architecturally, an excellent example of early twentieth century Classical Revival form dating to the renovations in 1909 by John A. Oates, distinguished author, lawyer and judge, who owned the house until his death in 1958.

I respectfully request to set a date for a joint public hearing with the Council and the Commission at your regular meeting on January 6, 1992 to hold the public hearing at the next regular meeting January 21, 1992 to designate the property.

Thank you for your consideration and cooperation. I send you my best wishes for the holidays and a most healthy and prosperous New Year.

Attachment: Local Designation Report

c: George E. Vaughan
Matthew Rooney
Roger Stancil
✓ Robert C. Cogswell
Bobbie Joyner

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
DESIGNATING THE JOHN A. OATES HOUSE AS A HISTORIC LANDMARK

THAT WHEREAS, on the 21st day of January, 1992, the Fayetteville City Council and the Fayetteville Historic Properties Commission held a joint public hearing pursuant to G.S. 160A-400.6 for the purpose of considering the designation of the John A. Oates House as a historic landmark, and that there was no objection to said designation on the part of the property owner;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fayetteville that the John A. Oates House is hereby designated a historic landmark pursuant to G.S. 160A-400.6;

THAT those elements of the property that are integral to its historical and architectural value, including the land area of the property so designated and other relevant information, are included in the application for local designation of the Fayetteville Historic Resources Commission which is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein;

THAT from and after the adoption of this ordinance, the necessary waiting period required by Part 3.B, Chapter 160A of the North Carolina General Statutes, shall be observed prior to its demolition.

Adopted this _____ day of January, 1992.

CITY OF FAYETTEVILLE

BY:

J. L. Dawkins, Mayor

ATTEST:

Bobbie A. Joyner, City Clerk

0036

APPLICATION FOR LOCAL DESIGNATION
FAYETTEVILLE HISTORIC RESOURCES COMMISSION

(The information in Section 6 and 7 is excerpted from the March 31, 1982 National Register Nomination written by Linda Jasperse on file at the Commission's office at the Cumberland County Joint Planning Board).

1. NAME OF PROPERTY:
John A. Oates House
2. OWNER OF PROPERTY:
John A. Oates, MD.
6440 Brownlee Drive
Nashville, TN 37205
Telephone: (615)322-3146 (Office)
(615)352-0148 (Home)
3. NAME AND ADDRESS OF PROPERTY:
John A. Oates House Property's Tax Parcel No.:
406 St. James Square 0437-75-0770
Fayetteville, NC 28301
4. MAP (SEE ATTACHMENT)
5. This designation includes the exterior of the house and 0.84 acres.
6. ARCHITECTURAL DESCRIPTION

Located at the intersection of Green and Grove Streets, the John A. Oates House stands as the sole reminder of the area around James Square, once a political center for Cumberland County during the late eighteenth and well into the nineteenth century. Exhibiting a notable Classical Revival form adopted during an extensive renovation in 1909 by its owner John A. Oates, the house retains portions of its original fabric, especially in its underpinnings, dating from its tenure as the hostelry for Barge's Tavern. The present-day significance of the dwelling primarily stems from its association with John A. Oates, a lawyer, judge, publisher, author, educator, and historian of local prominence, in addition to its important Classical Revival architectural character.

The John A. Oates House is a two-story five-bay frame dwelling, which is dominated by a colossal two-story pedimented portico supported by four fluted columns and decorated with a dentil cornice. Built on a brick foundation which conceals massive and sturdy beams, the weatherboarded walls contain fenestration consisting of a central entrance bay, and 1/1 sash windows with molded architraves in both the lower and upper stories of the outer bays. The entrance bay has double doors with panes

of oval beveled glass on the first story, and a single door fronted by a balcony with heavily-turned features, like brackets, balusters, and spherical ornament, on the second. The roof caps the main block forms a cross gable, and some of the ends are pedimented and display dentil trim. Handsome detailing of this type is found scattered throughout, such as the dentil cornice and molded cornerboards.

The remaining elevations have many of the same basic features as the front. Some changes in fenestration do occur on the north side where dining room windows have 36/1 sashes. There are three rear projections, all with gable roofs. A total of five chimneys are scattered throughout and serve the main block and rear projections. On the south end is a glassed-in conservatory.

The John A. Oates House interior as remodeled has a central hall with a rear staircase placement. The front double doors, which have oval beveled glass, an egg and dart motif, molded architraves, and heavy recessed panels in the lower half, open into the hall. Parlors with sliding doors flank the hall, the most notable being the north one. It contains a fireplace with a classically-inspired surround, featuring stylized Ionic pilasters, a heavily molded shelf, and a flat-paneled architrave. A molded cornice and foliated plaster ceiling medallion also adorn this room.

The staircase, which is situated perpendicularly to the far end of the main hall, has simple flat paneling enclosing the stringer, a square newel post and balusters, and a rounded handrail. This staircase accessed the upstairs which contains three bedrooms.

The back hall terminates just beyond the staircase base and forms a leg to permit access to a right rear bedroom. Directly across the hall is a dining room, a kitchen, and a small storage room which once housed a kitchen.

7. HISTORICAL BACKGROUND:

John A. Oates' association with the house on the north side of Grove Street at James Square started as early as 1897 when he married its owner, Emma E. Dodd.¹ He gained formal possession of it in 1923, and in the intervening years remodeled it to its present Classical Revival Style.² Its previous century historical associations are strong, however, and help to distinguish it as a local landmark.

James Square, named for early benefactor James Hogg, was the county courthouse site around 1800. Nearby were clustered dwellings, commercial establishments, and law enforcement-related buildings. Local reports hold that the

John A. Oates Property was originally owned by Lewis and George Barge who operated in part a hotel and a tavern, the latter being the present day Barge's Tavern which has since been severed and relocated.³ Although the early history of the house is obscure, some architectural evidence in the central core does suggest a late eighteenth/early nineteenth century construction phase.

The importance of the dwelling in Fayetteville's architectural and historical record, however, is its classical revival character and its associations with prominent Fayetteville resident John A. Oates, who created the character during an extensive 1908 remodelling. He married a widow, Emma E. Dodd, c.1897, and her family, the Cains, had owned or occupied the house as early as 1868.⁴

The property was known at that time as the Millar Place, after the family who owned it between 1826 and 1858.⁵ Julia Cain became the owner of the house and lot by settlement in 1896, after an intermediate transfer. She deeded it to her sister and brother-in-law Emilene E. and W. Murphy Dodd in 1875.⁶ Emilene, or "Emmie", retained ownership even after her widowhood, and eventually transferred it to her second husband, John A. Oates in 1923.⁷ His association with the house and the 1908 remodelling which he carried out predate his formal ownership.

John A. Oates was born in 1870, the son of John Alexander and Mary Jewell Ashford Oates of Sampson County. He was a graduate of Wake Forest College and later entered the legal profession.⁸ He actively pursued the profession in Fayetteville, was a licensed attorney (1910), a member of the Cumberland County Bar Association, the first judge of the recorder's court (1913), the board of education and the board of trustees in the City and/or county schools, and served on the state board of education. He was active in politics as a state senator in the General Assembly (1917), and in business as president of the local Chamber of Commerce even before it was incorporated in 1924.

Oates was also a devout Baptist and worked to spread the cause by operating the North Carolina Baptist Publishing Company in the first decade of this century, by publishing the North Carolina Baptist briefly, by serving as president of the Baptist State Convention in 1916, and by faithfully attending Fayetteville's First Baptist Church. The list of contributions of this well-accomplished individual is long, but perhaps one of the most enduring is his authorship of the 900 page The Story of Fayetteville, and the Upper Cape Fear in 1950, one of the few available narratives on local history.¹⁰

John Oates died in 1958, at which time the house and surrounding property went by will to his second wife, Isabelle, (now Isabelle Hunter) and their two married

children. It is still in their possession today, and the owners are currently exploring various possibilities for the adaptive re-use of the structure.

(Note: The property now belongs to John A. Oates, MD.)

8. STATEMENT OF SIGNIFICANCE:

The John A. Oates House is a two-story five-bay frame dwelling which is modeled in the Classical Revival style and exhibits a prominent two-story pedimented portico at the front, molded door and window surrounds, and dentil and egg-and dart detailing. It is situated on a highly visible site near the busy Fayetteville intersection of Grove, Ramsey, Rowan and Green streets, once part of a prime local residential area. This house, owned and remodeled in the early twentieth century by John A. Oates, lawyer, judge, educator, and community-minded citizen, is one of only three period houses remaining in the immediate area. Resting once in the shadow of the former late eighteenth/early nineteenth century Cumberland County courthouse at James Square, its historic associations reach back almost two hundred years, for the site on which it stands was occupied by a hotel and tavern whose old foundation and other components form the base of the present day house.

MAJOR BIBLIOGRAPHICAL REFERENCES:

John A. Oates House: Reference Notes

¹From the Oates Bible, as compiled by the Colonel Robert Rowan Chapter of the Daughters of the American Revolution, "Bible Records of Cumberland County, North Carolina and other Socialities" (Fayetteville, Cumberland County; compiled 1958-1959), 120.

²Interview with Isabelle Oates Lindley Hunter, by Linda Jasperse, 17 June 1981, Fayetteville, North Carolina; Emma E. Oates and others to John A. Oates, Cumberland County Deeds, Office of the Register of Deeds, Cumberland County Courthouse, Fayetteville, Book 298, Page 287, hereinafter cited as Cumberland County Deeds.

³Junior Service League of Fayetteville, Inc., "A Guide to Historic Fayetteville and Cumberland County" (Fayetteville: The 1975 Provisional Class of the Junior Service League of Fayetteville, 1976), 20, ; Will of Lewis Barge, Senior, Cumberland County Wills, Box "A", Page 139, Estates Records Division, Cumberland County Courthouse, Fayetteville, North Carolina, hereinafter cited as Cumberland County Wills.

⁴Cumberland County Deeds, Book 61, Page 241.

⁵Cumberland County Deeds, Book 37, Page 35; Book 54, Page 251.

⁶Cumberland County Deeds, Book 64, Page 240.

⁷Cumberland County Deeds, Book 298, Page 287.

⁸Lucille Miller Johnson, "The Gracious Oates Home," in Hometown Heritage (Raleigh: The Graphic Press, 1978), 30-31.

⁹John A. Oates, The Story of Fayetteville and the Upper Cape Fear (Charlotte, N.C.: The Dowd Press, Inc., 1950; reprinted, Raleigh, N.C.: Litho Industries Incorporated, 1972), 128, 296, 299, 315, 458-461, 526, 550, hereinafter cited as Oates, Story of Fayetteville.

¹⁰Oates, Story of Fayetteville, 324, 504.

¹¹Cumberland County Vital Statistics, Death Records, Book 59, Page 175; Cumberland County Wills, Book "O", Page 232.

Colonel Robert Rowan Chapter of the Daughters of the American Revolution, compiler. "Bible Records of Cumberland County, North Carolina and Other Socialites." Fayetteville, N.C.: compiled 1958-9.

Cumberland County Records: Deeds, Death Records, Estate Records, Vital Statistics.

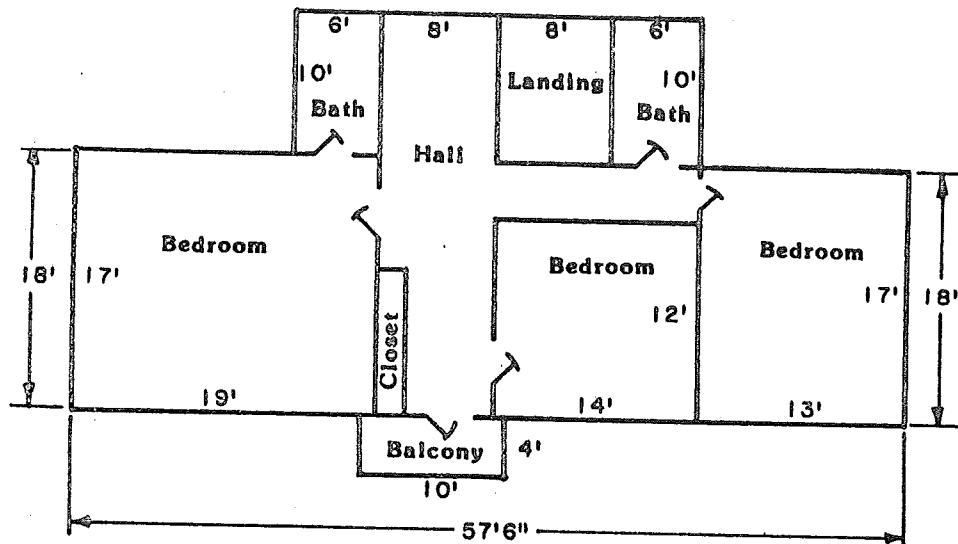
Hunter, Mrs. David. Fayetteville, North Carolina. Interviews by Linda Jasperse.

Johnson, Lucile Miller. Hometown Heritage. Raleigh: The Graphic Press, 1978.

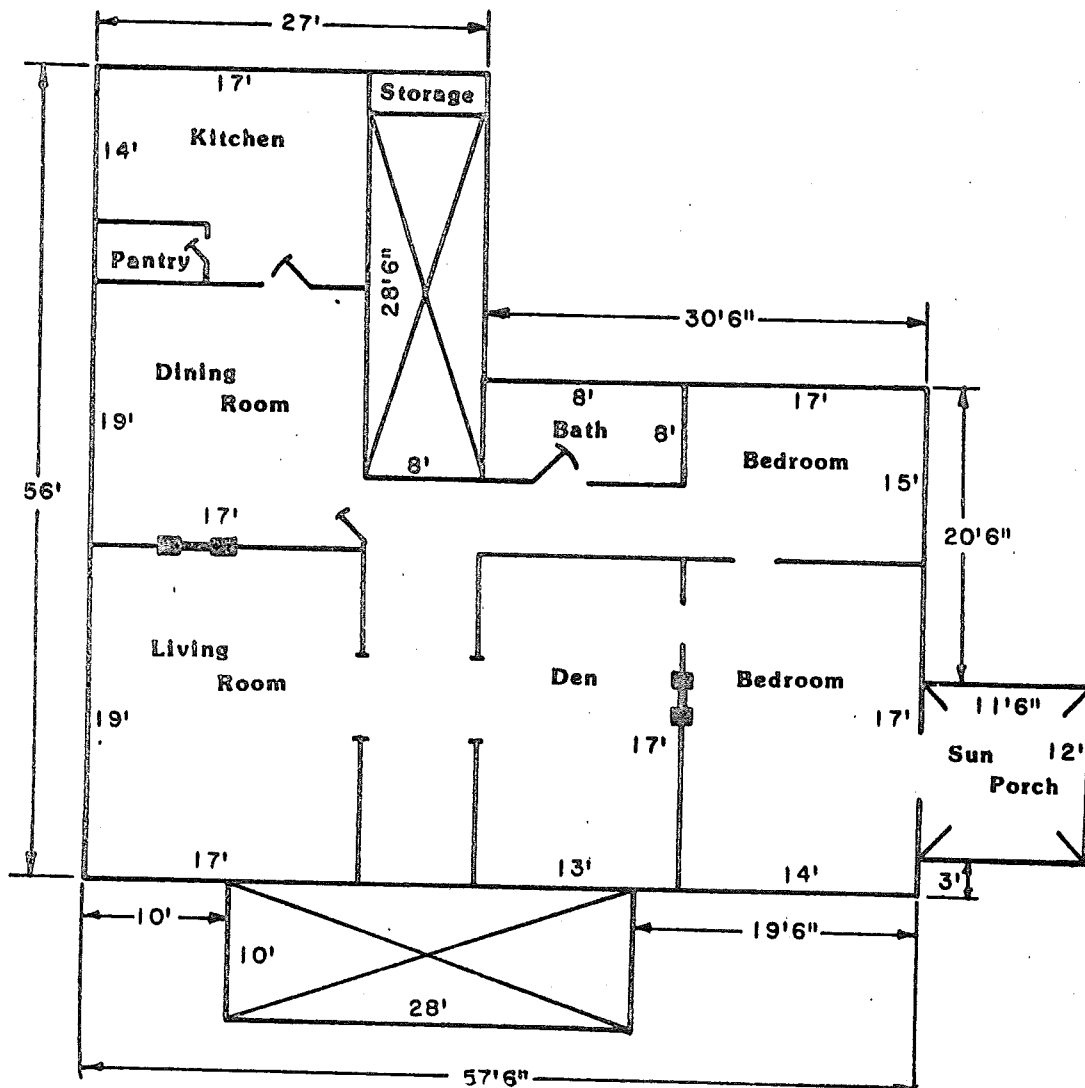
Junior Service League of Fayetteville, Inc. "A Guide to Historic Fayetteville and Cumberland County." Fayetteville: The 1975 Provisional Class of the Junior Service League of Fayetteville, 1976.

Oates, John A. The Story of Fayetteville and the Upper Cape Fear. Charlotte, N.C.: The Dowd Press, Inc., 1950; reprint ed., Raleigh, N.C.: Litho Industries Inc., 1972.

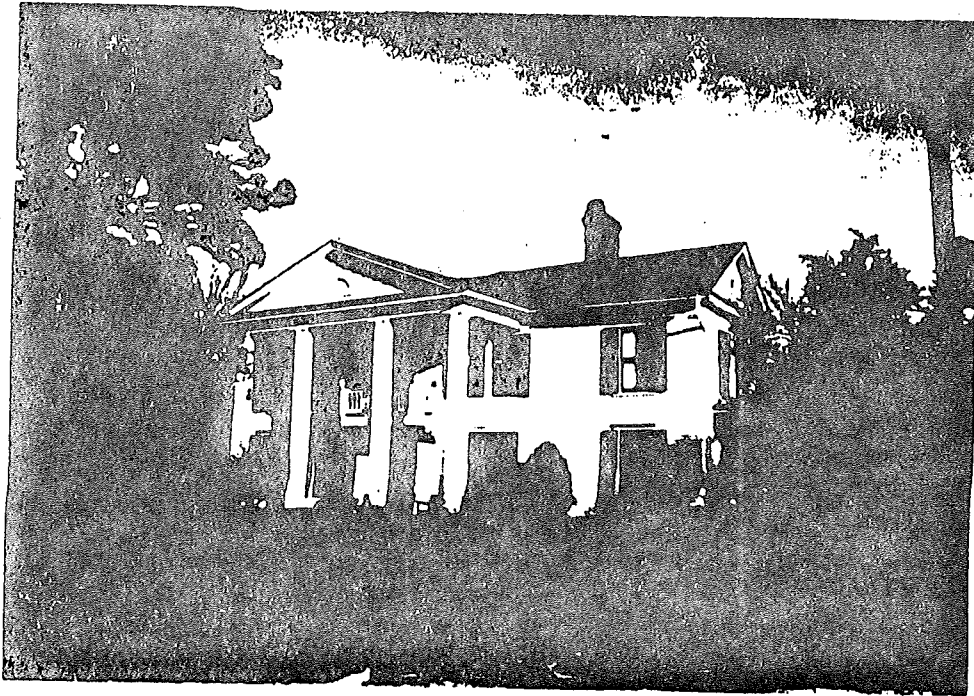
9. PHOTOGRAPH (SEE ATTACHMENT)



Upper Level



First Floor



SUBJECT FRONT



SUBJECT REAR

ITEM 3-A

PUBLIC HEARING
SPEAKERS

SUBJECT: JOHN A. OATES HOUSE - HISTORIC PROPERTY

DATE: January 21, 1992

(Name) PROPONENT (In Favor) (Address)

1. WAYNE MCGARY 129 MAGNOLIA AVE. FAYETTEVILLE
28305
2. _____
3. _____
4. _____
5. _____

OPPONENT (Against)

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

PLANNING DEPARTMENT

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

CUMBERLAND COUNTY JOINT PLANNING BOARD

John Britt
CHAIRMAN

George Vaughan
PLANNING DIRECTOR

January 15, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL
FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD
SUBJECT: PUBLIC HEARING ITEM TO BE HEARD AT THE
JANUARY 21, 1992 CITY COUNCIL MEETING

- A. CASE NO. P91-130. AN APPLICATION BY LARRY R. GODWIN FOR A SPECIAL USE PERMIT AS PROVIDED FOR BY THE CITY OF FAYETTEVILLE CODE OF ORDINANCES FROM CHAPTER 32, ARTICLE IV, SECTION 32-35, "PROHIBITED USES," ITEM (1), TO ALLOW THE OPERATION OF AN ABATTOIR IN AN M2 INDUSTRIAL DISTRICT FOR AN AREA LOCATED ON THE WEST SIDE OF EASTERN BOULEVARD (SR 1737), BETWEEN SR 1738 AND RIVER ROAD (SR 1714). (FAYETTEVILLE ORDINANCE)

PLANNING BOARD MEETING DATE:
PLANNING BOARD ACTION:

NOVEMBER 19, 1991
APPROVED

bs

Attachments

ITEM 3.B.

John Smith

PLANNING DEPARTMENT

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

CUMBERLAND COUNTY JOINT PLANNING BOARD

John Britt
CHAIRMAN

George Vaughan
PLANNING DIRECTOR

January 21, 1992

MEMO TO: FAYETTEVILLE CITY COUNCIL

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: CASE NO. P91-130. AN APPLICATION BY LARRY R. GODWIN FOR A SPECIAL USE PERMIT AS PROVIDED FOR BY THE CITY OF FAYETTEVILLE CODE OF ORDINANCES FROM CHAPTER 32, ARTICLE IV, SECTION 32-35, "PROHIBITED USES," ITEM (1), TO ALLOW THE OPERATION OF AN ABATTOIR IN AN M2 INDUSTRIAL DISTRICT FOR AN AREA LOCATED ON THE WEST SIDE OF EASTERN BOULEVARD (SR 1737), BETWEEN SR 1738 AND RIVER ROAD (SR 1714). (FAYETTEVILLE ORDINANCE)

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

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

Mr. Lloyd stated that the Planning staff recommends approval of the Special Use Permit provided there is abatement of noise, smoke and odor from the use as required in Section 32-35 of the Fayetteville Code of Ordinances.

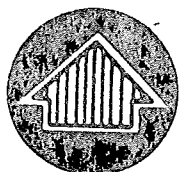
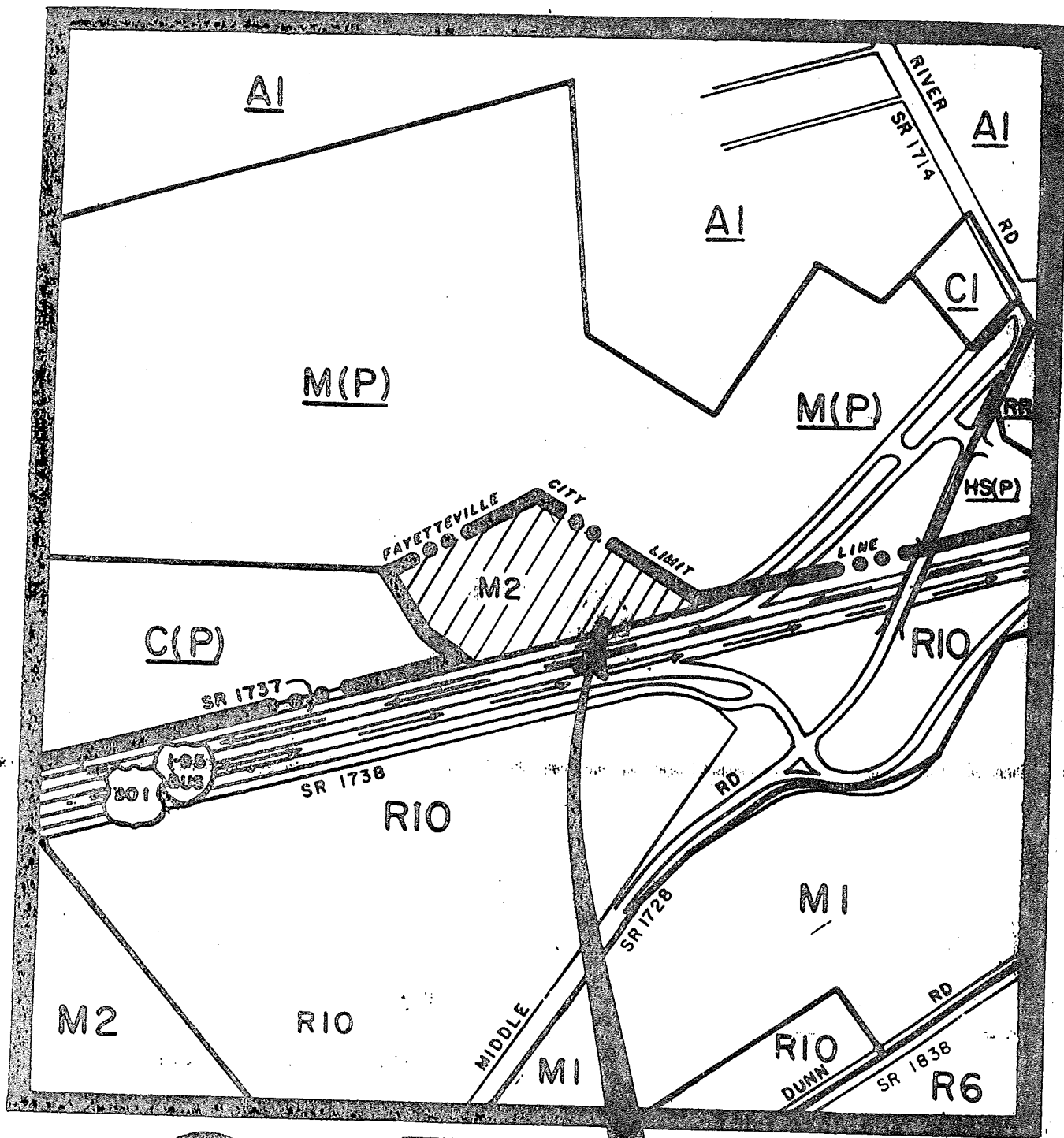
No one appeared in opposition to the requested Special Use Permit.

Mr. Godwin was asked if there would be cooking or rendering on the site. He stated that there would be neither.

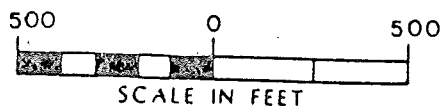
A motion was made by Mr. Lucas and seconded by Mr. Maxwell to follow the staff recommendation. The motion passed unanimously.

bs

Attachment



NORTH

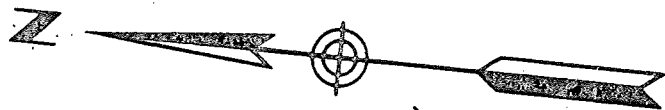


SPECIAL USE PERMIT

ACREAGE: 7.27 Ac.±		HEARING NO: P91-130	
ORDINANCE: FAYETTEVILLE		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PROPERTY OF LARRY GOOWIN
D.B. 2714, PG. 759

AREA IN COUNTY



ALBERT MCCAULEY
D.B. 2635 PG. 127

PROPERTY OF LARRY GOOWIN
D.B. 2714, PG. 759, 763, 769

FAYETTEVILLE CITY LIMIT LN.

N 58° 37' E
544.11'

S 51° 14' E
727.44'

N 28° 35' W
240.31'

N 48° 29' W
144.25'

S 81° 34' W
718.51'

S 79° 28' W
73.65'

301 Service Road

GRAVEL

ASPHALT

EXISTING BLDG.

ASPHALT

GRAVEL
EMPLOYEE
PARKING

SPECIAL USE PERMIT

CASE NO. P91-130

REQUEST : USE FOR ABATTOIR

ZONED : M2 ACREAGE: 7.27 AC.±

SCALE : 1" = 100'

SPEAKERS WILL BE SWORN IN

ITEM 3-B

PUBLIC HEARING
SPEAKERS

SUBJECT: LARRY GODWIN - SPECIAL USE - EASTERN BLVD
DATE: January 21, 1992 (P91-130)

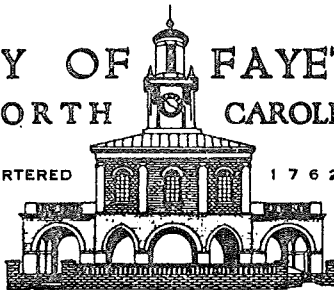
(Name)	<u>PROPONENT</u> (In Favor)	(Address)
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

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

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED

1762



ENGINEERING DEPARTMENT
433 HAY STREET

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

January 14, 1992

M E M O R A N D U M

TO: Mr. John P. Smith, City Manager

THROUGH: Roger L. Stancil, Assistant City Manager

FROM: Michael L. Walker, P.E., Acting City Engineer *MW*

SUBJECT: Project No. 8.2440101 (B-1456) Cumberland County
F. A. Project BRZ-0620(7)
Bridge on Winslow Street over Blount's Creek
Engineering Project No. 03-336-86

Bids were received for this project on January 7, 1992. This project is somewhat unusual because costs are being shared between the City and the Federal Highway Administration (FHWA). The division of costs is 80% FHWA and 20% City.

After the bid opening, the bids were sent to N.C.D.O.T. in Raleigh for their review. Accordingly, the bids have now been reviewed and pre-approved by N.C.D.O.T. who acts as the FHWA executive agent. Formal approval by N.C.D.O.T. will follow the award of the Contract by the City Council.

A total of five (5) bids were received. The three low bids are tabulated below:

C. C. Mangum, Inc. Raleigh, NC	\$432,515.22
Della Construction of N. C. Sanford, NC	\$448,064.10
Sanford Construction Co. Sanford, NC	\$478,459.88
CITY ESTIMATE	\$413,799.30

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 4

M E M O R A N D U M

Mr. John P. Smith

Page Two

January 14, 1992

We recommend awarding this bridge contract to the low bidder, C. C. Mangum, Inc., based on the contract unit prices submitted in their bid dated January 7, 1992. This project which is to be completed by August 30, 1992 has both an incentive clause and a liquidated damage clause. The incentive clause is \$500 per calendar day not to exceed a total of \$15,000 while the liquidated damage clause is \$500 for each day of overrun.

MLW/mak

Enclosures: Bid Tabulation
Award of Contract

1456 TIP # B-1456 8-2440101 CUMBERLAND CITY ENGINEERING DEPARTMENT, FAYETTEVILLE, NORTH CAROLINA
 BRZ - 0620(7) 0.088 MILES BID OPENING 2:30 PM EST, JAN 7, 1992
 GRADING, PAVING, DRAINAGE AND STRUCTURE
 WINSLOW ST BRIDGE OVER BLOUNT'S CREEK IN FAYETTEVILLE, N.C.

LINE #	DESCRIPTION	QUANTITY	UNIT	PRICE	CITY'S ESTIMATE		C.C. MANGUM, INC		DELLA CONST OF NC		SANFORD CONSTRUCTION	
					EXTENSION	UNIT/PRICE	EXTENSION	UNIT/PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE
PART A - ROADWAY ITEMS												
1	MOBILIZATION	1	LS	\$21,500.00	\$21,500.00	\$18,700.00	\$18,700.00	\$22,200.00	\$22,200.00	\$23,000.00	\$23,000.00	
2	CLEARING & GRUBBING	1	AC	\$1,500.00	\$1,500.00	\$100.00	\$100.00	\$1.00	\$1.00	\$100.00	\$100.00	
3	UNDERCUT EXCAVATION	130	CY	\$10.00	\$1,300.00	\$10.00	\$1,300.00	\$11.00	\$11.00	\$10.00	\$10.00	
4	GRADING	1	LS	\$40,000.00	\$40,000.00	\$22,807.50	\$22,807.50	\$30,000.00	\$30,000.00	\$22,807.50	\$22,807.50	
5	SILT CLEANOUT	52	CY	\$12.00	\$624.00	\$8.00	\$416.00	\$5.00	\$5.00	\$8.00	\$416.00	
6	FOUNDATION CONDT. MATERIAL	23	TON	\$20.00	\$460.00	\$14.20	\$328.60	\$15.00	\$15.00	\$14.20	\$328.60	
7	BEDDING MAT. PIPE CULVERT	23	TON	\$20.00	\$460.00	\$14.20	\$328.60	\$15.00	\$15.00	\$14.20	\$328.60	
8	15" RCP PIPE CULVERT CLASS III	157	LF	\$40.00	\$6,280.00	\$16.00	\$2,512.00	\$21.50	\$3,375.50	\$16.00	\$2,512.00	
9	18" RCP PIPE CULVERT CLASS III	157	LF	\$60.00	\$9,420.00	\$19.60	\$3,080.00	\$23.50	\$3,700.00	\$19.60	\$3,080.00	
10	24" RCP PIPE CULVERT CLASS III	148	LF	\$60.00	\$8,880.00	\$23.00	\$3,404.00	\$25.00	\$3,700.00	\$25.00	\$3,700.00	
11	STABILIZER AGGREGATE	90	TON	\$12.00	\$1,080.00	\$11.00	\$990.00	\$15.00	\$1,350.00	\$11.00	\$990.00	
12	INCIDENTAL STONE BASE	12	TON	\$14.00	\$168.00	\$13.80	\$165.60	\$20.00	\$240.00	\$13.80	\$165.60	
13	FIELD LAB RENT, BIT PLANT	1	LS	\$500.00	\$500.00	\$500.00	\$500.00	\$250.00	\$250.00	\$500.00	\$500.00	
14	ASPHALT CEMENT FOR PLANT M	42	TON	\$100.00	\$4,200.00	\$109.15	\$4,584.30	\$100.00	\$4,200.00	\$109.15	\$4,584.30	
15	BIT. CONC. BASE H9	760	TON	\$21.50	\$16,340.00	\$24.55	\$18,658.00	\$24.12	\$18,316.80	\$24.55	\$18,658.00	
16	BIT. CONC. SURFACE I-1	215	TON	\$22.00	\$4,730.00	\$27.80	\$5,977.00	\$27.80	\$5,977.00	\$27.80	\$5,977.00	
17	BIT. PLANT MIX PVT REPAIR	5	TON	\$90.00	\$450.00	\$65.00	\$325.00	\$100.00	\$500.00	\$65.00	\$325.00	
18	PIPE REMOVAL	365	LF	\$6.00	\$2,190.00	\$4.50	\$1,642.50	\$10.00	\$3,650.00	\$4.50	\$1,642.50	
19	MASONRY DRAIN STRUCTURE	8	EA	\$450.00	\$3,600.00	\$605.00	\$4,840.00	\$850.00	\$6,800.00	\$605.00	\$4,840.00	
20	MASONRY DRAIN STRUCTURE	3	EA	\$175.00	\$525.00	\$151.45	\$454.35	\$175.00	\$525.00	\$151.45	\$454.35	
21	FRAME W/COVER DET 840.154	1	EA	\$275.00	\$275.00	\$259.40	\$259.40	\$200.00	\$200.00	\$259.40	\$259.40	
22	FRAME W/2 GRATES 840.16	4	EA	\$235.00	\$940.00	\$241.75	\$967.00	\$225.00	\$225.00	\$241.75	\$967.00	
23	FRAME W/COVER STD 840.548	3	EA	\$175.00	\$525.00	\$161.45	\$484.35	\$200.00	\$200.00	\$161.45	\$484.35	
24	2" CONC C&G	836	LF	\$9.00	\$7,524.00	\$7.35	\$6,144.60	\$9.00	\$7,524.00	\$7.35	\$6,144.60	
25	CONC. DRIVEWAY	27	SY	\$35.00	\$945.00	\$14.45	\$390.15	\$35.00	\$945.00	\$14.45	\$390.15	
26	METER OR VALVE BOX	4	EA	\$200.00	\$800.00	\$125.00	\$500.00	\$170.00	\$680.00	\$125.00	\$500.00	
27	INDUST. MANHOLES	4	EA	\$500.00	\$2,000.00	\$100.00	\$400.00	\$400.00	\$1,600.00	\$100.00	\$400.00	
28	SEEDING & MULCHING	0.23	AC	\$2,200.00	\$506.00	\$2,000.00	\$400.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	
29	UTILIZER, TEMP SEEDING	0.13	AC	\$1,000.00	\$130.00	\$2,095.00	\$273.50	\$1,000.00	\$1,000.00	\$2,095.00	\$273.50	
30	HYDROSEED SILT FENCE	110	LB	\$6.50	\$715.00	\$5.15	\$566.50	\$6.00	\$660.00	\$5.15	\$566.50	
31	HYDROSEED SILT FENCE	73	LF	\$35.00	\$2,555.00	\$27.75	\$2,016.75	\$33.00	\$2,409.00	\$27.75	\$2,016.75	
32	10" D.I. WATER PIPE CL 50	184	LF	\$35.00	\$6,440.00	\$31.00	\$5,704.00	\$35.00	\$6,440.00	\$31.00	\$5,704.00	
33	10" D.I. WATER PIPE FITTINGS	134	EA	\$6.00	\$804.00	\$5.00	\$670.00	\$5.00	\$670.00	\$5.00	\$670.00	
34	1" TAPPING VALVE	2	EA	\$50.00	\$100.00	\$48.00	\$96.00	\$48.00	\$96.00	\$48.00	\$96.00	
35	1" TAPPING VALVE	30	TON	\$40.00	\$1,200.00	\$35.00	\$1,050.00	\$35.00	\$1,050.00	\$35.00	\$1,050.00	
36	PORTABLE CONST. ZONE	163	LF	\$40.00	\$6,520.00	\$37.50	\$6,112.50	\$37.50	\$6,112.50	\$37.50	\$6,112.50	
37	14" PRECAST S/S PIPE CL 50	3	EA	\$800.00	\$2,400.00	\$1,410.00	\$4,230.00	\$1,410.00	\$4,230.00	\$1,410.00	\$4,230.00	
38	15" S/M INSIDE DROP ASSY	1	EA	\$450.00	\$450.00	\$110.00	\$110.00	\$450.00	\$450.00	\$110.00	\$110.00	
39	BREAK DOWN & REBUILD M/H	2	EA	\$200.00	\$400.00	\$170.00	\$340.00	\$170.00	\$340.00	\$170.00	\$340.00	
40	REMOVE EXISTING M/H	1	EA	\$200.00	\$200.00	\$170.00	\$170.00	\$200.00	\$200.00	\$170.00	\$170.00	
41	STATIONARY CONSTR SIGNS	235	SF	\$7.00	\$1,645.00	\$4.90	\$1,150.50	\$8.00	\$1,880.00	\$4.90	\$1,150.50	
42	TYPE III BARRICADES	98	LF	\$13.00	\$1,274.00	\$13.65	\$1,336.70	\$8.00	\$784.00	\$13.65	\$1,336.70	
43	SIGNS MTD ON BARRICADES	132	SF	\$9.00	\$1,188.00	\$8.00	\$1,056.00	\$8.00	\$1,056.00	\$8.00	\$1,056.00	
44	NON-METALIC DRUMS	1	EA	\$45.00	\$45.00	\$42.70	\$42.70	\$40.00	\$40.00	\$42.70	\$42.70	
45	PORTABLE CONST. ZONE	1	LS	\$150.00	\$150.00	\$1,545.00	\$1,545.00	\$2,500.00	\$2,500.00	\$1,545.00	\$1,545.00	
46	TRAFFIC CON. DEVICES											
STRUCTURE ITEMS												
47	RAD EXISTING STRUCTURE	1	LS	\$20,000.00	\$20,000.00	\$16,000.00	\$16,000.00	\$20,800.00	\$20,800.00	\$16,000.00	\$16,000.00	
48	FOUNDATION EXCAV ABUT 132	1	LS	\$12,500.00	\$12,500.00	\$50,000.00	\$50,000.00	\$40,000.00	\$40,000.00	\$59,000.00	\$59,000.00	
49	REINFORCING STEEL (BRIDGE)	32457	LB	\$0.50	\$16,228.50	\$0.41	\$13,307.37	\$0.46	\$14,605.65	\$0.46	\$14,605.65	
50	REFOY COATED REINFORCING	977	LB	\$1.00	\$977.00	\$2.00	\$1,954.00	\$0.65	\$635.05	\$1.00	\$977.00	
51	STEEL (BRIDGE)											
52	CHANNEL EXCAVATION	210	CY	\$10.00	\$2,100.00	\$5.00	\$1,050.00	\$5.00	\$1,050.00	\$5.00	\$1,050.00	
53	18-6 CY CONCRETE (BRIDGE)	18-6	CY	\$450.00	\$8,370.00	\$250.00	\$4,650.00	\$250.00	\$4,650.00	\$250.00	\$4,650.00	
54	ELASTOMETRIC BEARING PADS	295.2	CY	\$280.00	\$82,576.00	\$255.00	\$75,276.00	\$225.00	\$66,420.00	\$250.00	\$73,800.00	
55	13" X 19" PRESTRESSED CONC	717.3	LF	\$149.00	\$106,877.00	\$120.00	\$86,076.00	\$120.00	\$86,076.00	\$120.00	\$86,076.00	
56	CURED SLABS											
57	12" PRESTRESSED CONC PILES	1500	LF	\$16.00	\$24,000.00	\$21.00	\$31,500.00	\$22.00	\$33,000.00	\$21.00	\$31,500.00	
58	THREE BAR METAL RAIL	73-96	LF	\$160.00	\$11,833.60	\$200.00	\$14,792.00	\$200.00	\$14,792.00	\$200.00	\$14,792.00	
59	BRIDGE APPROACH SLABS	1	LS	\$6,500.00	\$6,500.00	\$13,000.00	\$13,000.00	\$12,500.00	\$12,500.00	\$18,000.00	\$18,000.00	
60	FLYER FABRIC FOR RIP RAP	115	SY	\$4.00	\$460.00	\$3.00	\$345.00	\$3.00	\$345.00	\$3.25	\$368.75	
61	PLAIN RIP RAP CL II	565	TON	\$30.00	\$16,950.00	\$26	\$14,670.00	\$26	\$14,670.00	\$26	\$14,670.00	
TOTAL AMOUNT BID ENTIRE PROJECT					\$415,799.30		\$432,315.22	\$448,064.10		\$478,459.88		
ROADWAY ITEMS					\$172,876.50		\$151,712.83	\$178,995.80		\$156,122.35		
STRUCTURE ITEMS					\$240,922.80		\$280,602.37	\$269,068.30		\$322,337.53		



The above tabulation is an accurate listing of the three low bids.
 A complete listing is available in the office of the city engineer.
Michael L. Walker
 MICHAEL L. WALKER, P.E.
 Acting City Engineer

AWARD OF CONTRACT

EXERPT OF MINUTES OF THE CITY COUNCIL,
CITY OF FAYETTEVILLE, NORTH CAROLINA

At a regular meeting of the Mayor and City Council of the City of Fayetteville, North Carolina, duly held on the 21st day of January, 1992, in City Hall, pursuant to due and lawful notice to all Council Persons, _____, Mayor, presiding and _____

Council Persons present.

OBJECT OF THE MEETING: The acceptance of proposals and the award of a contract incorporated in the INVITATION FOR BIDS, PROPOSAL, ETC., contained in the CONTRACT DOCUMENTS FOR "Winslow Street Bridge Project"

Engineering Project #03-336-86

The bids on the aforementioned work were received, opened in public, and recorded in the minutes of the City Council of the City of Fayetteville; thereupon, after consideration of the several bids by the City Council in consultation with the Engineer, it was determined that the acceptance of the proposal and bid of C. C. Mangum, Inc. would be in the best interest of the City of Fayetteville, North Carolina, and consequent upon which the following resolution was proposed by _____ and seconded by _____.

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

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

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

The foregoing resolution was adopted by the City Council to award the Contract on a unit price basis.

Council Persons voting aye, _____

Council Persons voting no, _____

Council Persons absent or abstaining, _____

MAYOR

CITY CLERK

Approved as to form and legal sufficiency:

CITY ATTORNEY



January 15, 1992

Mr. John Smith
City Manager
433 Hay Street
Fayetteville, NC 28303

Reference: McFayden Lake

Gentlemen:

I hereby request to be placed on the City Council Meeting Agenda for January 21, 1992, to discuss the court order to drain McFayden Lake and the repercussions it will have on the property owners and also the city residents which use this lake for recreational purposes.

Thank you for your assistance in this matter.

Sincerely,


George R. Youngal

ITEM 5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

MINUTES
STREETS, ROADS AND TRANSPORTATION COMMITTEE
DECEMBER 5, 1991

MEMBERS PRESENT: Mark Kendrick, Chairman
Thelbert Torrey

MEMBERS ABSENT: Tommy Bolton

OTHERS PRESENT: John P. Smith, City Manager
John B. (Ben) Brown, Assistant City Manager for
Administration and Finance
Louis Chalmers, City Traffic Engineer
Mike Walker, Acting City Engineer
Frank Simpson, Inspections Superintendent
Jennings McArthur, Engineering Technician
Members of the Press

Chairman Kendrick called the meeting to order at 7:05 p.m. in the First Floor Multipurpose Room in City Hall.

The first item of business was a discussion of truck routes and weight limits. Louis Chalmers reviewed the current City truck routes. Mr. Chalmers pointed out the major deficiency in the current ordinance is the absence of weight limits. He presented the following recommendations:

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

The Committee instructed staff to prepare an appropriate ordinance incorporating the above recommendations for City Council consideration.

ITEM 6

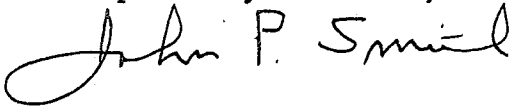
The next item was discussion of impact fees. After a presentation by Mr. Chalmers and discussion, the Committee instructed the City Manager to place this report on a future City Council agenda.

The next item was a discussion of proposed street standards. Mr. Chalmers presented a draft staff report. The Committee agreed that staff should have one more meeting with the development group prior to formal presentation to City Council.

The next item was a discussion of traffic on Commerce Street. Mr. Chalmers reported that traffic volumes and accident data did not support installation of a traffic signal at Commerce and Robeson Street. The Committee took no action.

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "John P. Smith". The signature is written in dark ink and is positioned above the printed name and title.

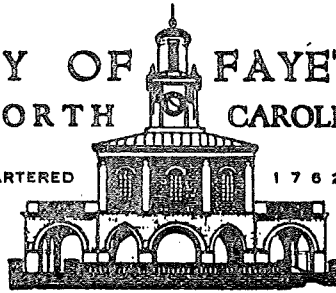
JOHN P. SMITH
City Manager

JPS/sck

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED

1782



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

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

January 15, 1992

MEMORANDUM

TO: The Mayor and Members of the City Council

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

SUBJECT: Request for Legal Representation; Ather Bridges v.
City of Fayetteville et al.

Attached are two requests for legal representation in the above referenced case. Pursuant to Section 2-40 of the Fayetteville City Code and G.S. 160A-167, I find that they were acting in the course and scope of their employment at all times alleged and recommend that you authorize their legal representation.

RCC/jkp

Attachment

0008.16

An Equal Opportunity
City of



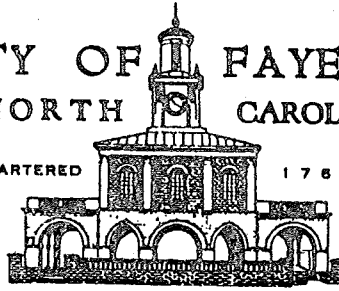
Affirmative Action Employer
Dogwoods

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

10 January 1992

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

RE: Ather Bridges v. Guilette, Simons,
City of Fayetteville

Dear Members of City Council:

I have been sued by Ather Bridges, Jr. in 92 CVS 133 as a result of performing my duties as a Fayetteville police officer. 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,

W. H. Simons

WILLIAM H. SIMONS
Lieutenant of Police

BEW/klg

NATIONALLY ACCREDITED



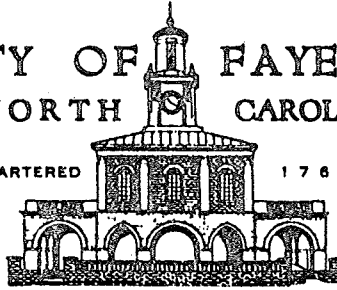
LAW ENFORCEMENT AGENCY

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

10 January 1992

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

RE: Ather Bridges v. Guilette, Simons,
City of Fayetteville

Dear Members of City Council:

I have been sued by Ather Bridges, Jr. in 92 CVS 133 as a result of performing my duties as a Fayetteville police officer. 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, appearing to read 'Sgt. T. Guilette'.

TOM GUILLETTE
Sergeant of Police

BEW/klg

122nd NATIONALLY ACCREDITED



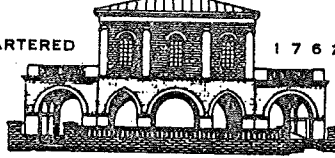
LAW ENFORCEMENT AGENCY

An Equal Opportunity Affirmative Action Employer

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED

1762



FAYETTEVILLE, NC 28301-5537

CITY CLERK
433 HAY STREET

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

January 14, 1992

MEMORANDUM

TO: John P. Smith, City Manager
FROM: Bobbie A. Joyner, City Clerk
SUBJECT: AGENDA ITEM JANUARY 21, 1992 CITY COUNCIL MEETING -
NOMINATIONS TO BOARDS AND COMMISSIONS

A. APPEARANCE COMMISSION - 1 Vacancy

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

Nominations are still open to fill the unexpired term to December 1992 of Mr. Gordon Rose (W/M) - Engineer Category.

B. WRECKER REVIEW BOARD - 1 Vacancy

Meets when needed

Nominations are still open for the Chairman of the Wrecker Review Board for a term to October 1993. Mr. Bill Mauldin (W/M) was nominated by Councilmember Kendrick. Attached is a letter from Mr. Fred Richardson volunteering his services as Chairman of the board.

Nomination Forms are attached for your use.

Attachments



NOMINATION FORM
BOARDS, COMMITTEES AND COMMISSIONS
CITY OF FAYETTEVILLE

(PLEASE PRINT OR TYPE)

NOMINATION FOR VACANCY ON THE WRECKER REVIEW BOARD

BY COUNCILMEMBER KENDRICK DATE: 12-2-91

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

ADDRESS 821 Shadow Lawn ZIP: _____
(Street and/or P.O. Box)

TELEPHONE: HOME 484-2672 BUSINESS _____

BUSINESS _____ JOB TITLE: _____

RACE W

SEX M

ACTIVITIES: _____

OTHER INFORMATION: SCM Retired

Received by City Clerk Bj 11-26-91
(date)

Elected: YES _____ NO _____ Letter: _____

November 26, 1991

Office of the Mayor
ATTN: Mayor J.L. Dawkins
433 Hay Street
Fayetteville, NC 28301

Dear Mayor Dawkins:

Reference our phone conversation I would like to volunteer to serve as chairman of the wrecker review board.

Fred G. Richardson
3516 Gowan Lane
Fayetteville, NC 28311
630-1124

Retired military, Retired government employee, Retired,
Married, Eleanor H. Richardson, wife, two sons, one
daughter, one granddaughter.

My reason for approaching you regarding the position of chairman of the wrecker review board is I have the time and the desire to serve my community. I have no connections, financial, or other with the wrecker service, or the Fayetteville Police Department.

Sincerely,


Fred G. Richardson

In the City limits per David Mack 12-2-91.
Brenda

B



NOMINATION FORM
BOARDS, COMMITTEES AND COMMISSIONS
CITY OF FAYETTEVILLE

(PLEASE PRINT OR TYPE)

NOMINATION FOR VACANCY ON THE _____

BY COUNCILMEMBER _____ DATE: _____

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

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

TELEPHONE: HOME _____ BUSINESS _____

BUSINESS _____ JOB TITLE: _____

RACE _____ SEX _____

ACTIVITIES: _____

OTHER INFORMATION: _____

Received by City Clerk _____ (date) _____

Elected: YES _____ NO _____ Letter: _____



NOMINATION FORM
BOARDS, COMMITTEES AND COMMISSIONS
CITY OF FAYETTEVILLE

(PLEASE PRINT OR TYPE)

NOMINATION FOR VACANCY ON THE _____

BY COUNCILMEMBER _____ DATE: _____

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

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

TELEPHONE: HOME _____ BUSINESS _____

BUSINESS _____ JOB TITLE: _____

RACE _____ SEX _____

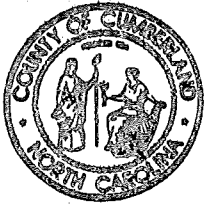
ACTIVITIES: _____

OTHER INFORMATION: _____

Received by City Clerk _____ (date) _____

Elected: YES _____ NO _____ Letter: _____





COUNTY OF CUMBERLAND TAX COLLECTOR



FAYE S. PARRISH
ASSISTANT TAX COLLECTOR

P.O. Drawer 449
Fayetteville, North Carolina 28302-0449
Telephone: (919) 483-8131

A.B. JOHNSON
TAX COLLECTOR

JANUARY 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 DECEMBER, 1991. GENERAL STATUTES # 105-370 REQUIRES
THAT THIS REPORT BE MADE TO THE CITY COUNCIL AT EACH REGULAR
MEETING.

1991 TAXES	5,781,871.41
FAY. VEHICLE TAX	60,404.30
1990 TAXES	54,138.50
1989 TAXES	2,499.38
1988 & PRIOR REAL & PERSONAL TAXES	823.02
TOTAL INTEREST	5,856.02
TAXES ON CITY OWNED PROPERTY DEDUCTED	
 TOTAL COLLECTIONS	 5,905,592.63

YOURS TRULY,

FAYE S. PARRISH
TAX COLLECTOR

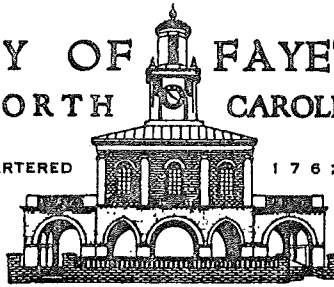
ABJ/BF

ITEM 10.A



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED 1762



ADMINISTRATIVE SERVICES
PURCHASING
MAINTENANCE & SUPPLY

280 LAMON STREET
FAYETTEVILLE, NC 28301
433-1785/1786/1787

January 3, 1992

MEMORANDUM

TO: Mayor and Members of City Council
FROM: William J.B. McGugan, Admin. Svcs. Director *WJBMCG*
RE: Disposal of Surplus Property of Minimal Value

Under the terms of the Policy Statement adopted by the City Council on June 6, 1983, regarding the disposal of surplus property, the attached list of sold surplus property is submitted for your information.

The attached list of items were jointly inspected by the using department and the Administrative Services Department. It was declared that these items could not be reutilized in the operation of the City. Therefore, having no further use to the City, were disposed of under private negotiation and sale.

WJBMCG/gj

Attachment

Ok
B. Brown
4/8/92

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

ITEM 10.B

MEMORANDUM
January 3, 1992
Page 2

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

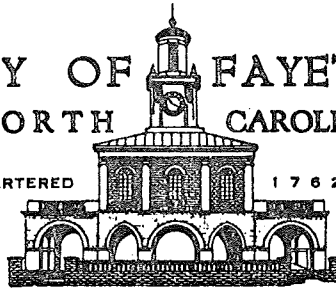
*The Stedman Town Council
requests the honor of your presence
at the
Dedication and Open House
of our New Town Hall
on Sunday, January 26, 1992, 3:00 p.m.
Stedman Town Hall
5110 Front Street
The Honorable Charlie Rose
U.S. House of Representative
7th District North Carolina
will be the Keynote Speaker*



THE CITY OF FAYETTEVILLE
NORTH CAROLINA

CHARTERED

1762




COMMUNITY DEVELOPMENT DEPARTMENT
FAYETTEVILLE REDEVELOPMENT COMMISSION
ROOM 209, FIRST-CITIZENS BANK BUILDING
TELEPHONE (919) 433-1590

POST OFFICE BOX 635
FAYETTEVILLE, NORTH CAROLINA
28302

January 7, 1992

MEMORANDUM

TO: MAYOR DAWKINS AND THE MEMBERS OF THE CITY COUNCIL
AND
THE BOARD OF COMMISSIONERS OF THE FAYETTEVILLE
REDEVELOPMENT COMMISSION

FROM:  Nancy Peters, Accounting Technician

SUBJECT: Monthly Fiscal Status Report for Period Ending
December 31, 1991

For your information, I am enclosing the latest Community Development
Fiscal Reports. If you have any questions, please contact me.

NP:lbg
Enclosures

An Equal Opportunity
City of



Affirmative Action Employer
Dogwoods

INFORMATION

16th Year
Project Status Report
HUD 1991/91
December 31, 1991

<u>Project</u>	<u>Budgets</u>	<u>Spent to Date</u>	<u>Obligated</u>	<u>Balance</u>
<u>Taft Street</u> Rehabilitation	\$150,000.00	\$142,708.04	\$2,758.96	\$4,533.00
<u>Fairview Park</u> Rehabilitation	150,000.00	127,144.00	.00	22,856.00
<u>Reduced Interest</u> <u>Loan Program</u>	98,259.00	.00	.00	98,259.00
<u>Youth Sports</u> <u>Cultural Program</u>	25,000.00	.00	.00	25,000.00
<u>Senior Citizens</u> <u>Housing Loan</u>	320,000.00	.00	.00	320,000.00
<u>Vanstory Street</u> <u>Acquisition Phase II</u>	63,113.00	8,403.13	.00	54,709.87
<u>Downtown Loan Program</u> Improvements	82,079.00	.00	.00	82,079.00
<u>Administration</u>	<u>180,000.00</u>	<u>155,349.66</u>	<u>.00</u>	<u>24,650.34</u>
Totals	\$1,068,451.00	\$433,604.83	\$ 2,758.96	\$632,087.21

17th Year
Project Status Report
HUD 1991/92
December 31, 1991

<u>Project</u>	<u>Budgets</u>	<u>Spent to Date</u>	<u>Obligated</u>	<u>Balance</u>
<u>Taft Street T/A #1</u> Rehabilitation	\$150,000.00	\$23,080.39	\$.00	\$126,919.61
<u>Fairview Park T/A #2</u> Rehabilitation	150,000.00	.00	.00	150,000.00
<u>Deep Creek Road Area</u> <u>T/A #3</u> Rehabilitation	279,100.00	.00	55,820.00	223,280.00
<u>Senior Citizens -</u> <u>City Wide</u> Rehabilitation	300,000.00	20,000.00	60,000.00	220,000.00
<u>Savoy Heights</u> Drainage & Site Improvements	10,500.00	.00	.00	10,500.00
<u>Administration</u>	<u>222,400.00</u>	<u>.00</u>	<u>.00</u>	<u>222,400.00</u>
Totals	\$1,112,000.00	\$ 43,080.39	\$115,820.00	\$953,099.61

Rental Rehabilitation
Project Status Report
December 31, 1991

<u>Project</u>	<u>Budget</u>	<u>Spent to Date</u>	<u>Obligated</u>	<u>Balance</u>
<u>HUD/1989</u>				
Rental Rehabilitation	<u>\$155,000.00</u>	<u>\$155,000.00</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
Totals	<u>\$155,000.00</u>	<u>\$155,000.00</u>	<u>\$ -0-</u>	<u>\$ -0-</u>
<u>HUD/1991</u>				
Rental Rehabilitation	<u>\$ 33,000.00</u>	<u>\$ 6,630.00</u>	<u>\$ -0-</u>	<u>\$26,370.00</u>
Totals	<u>\$ 33,000.00.</u>	<u>\$ 6,630.00</u>	<u>\$ -0-</u>	<u>\$26,370.00</u>

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
DECEMBER 3, 1991
7:30 P.M.

Members Present

John Britt, Chairman
John Davis, Vice-Chairman
John Canady
Dawson Carr
David Hasan
James Lucas
Merrill McLaurin
Robert McNeill
Ernest Morine
Roland Schmidt
William Tew

Members Absent

W.A. Maxwell, Sr.
Peggy Vick

Staff Present

George Vaughan
Thomas J. Lloyd
Peggy Crumpler
Tina Shepard
Barbara Swilley

1. ROLL CALL AND APPROVAL OF THE MINUTES OF THE NOVEMBER 19, 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 Mr. Tew to approve the Minutes of November 19, 1991 as written. The motion passed unanimously.

2. REQUESTS FOR PUBLIC HEARING DEFERMENTS

There were no requests for public hearing deferments.

3. ABSTENTIONS BY BOARD MEMBERS

Chairman Britt asked if there were any abstentions by Board members. Vice-Chairman Davis indicated that he would abstain from voting on Case Nos. P91-136, P91-139 and P91-144.

4. READING OF POLICY STATEMENT REGARDING TIME LIMITS FOR PUBLIC HEARINGS

Mr. Lloyd read the Planning Board's policy on time limits for public hearings and the City of Fayetteville Appeals Procedure.

INFORMATION

5. PUBLIC HEARINGS

- A. CASE NO. P91-115. THE REZONING FROM R6A RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE SOUTH SIDE OF BERNADINE STREET, WEST OF MURCHISON ROAD (NC HWY 87/210). (COUNTY ORDINANCE)

Mr. Lloyd stated that this case had previously been discussed by the Board at the October 15, and November 5, 1991 meetings. It was decided to hear the case as a Conditional Use Overlay District rather than a C3 Heavy Commercial District rezoning.

Mr. Lloyd displayed a map outlining the existing zoning and land use and site plan of the area and reviewed the conditions of the application.

Mr. Lloyd stated that the Planning staff recommends denial of the requested Conditional Use Overlay district based on the following:

1. The 1983 Reevaluation of the Land Use Plan indicates that this area should remain medium-density residential.

Note: If the Planning Board finds it appropriate to approve the Conditional Use Overlay District, it is requested that a time limit be placed on removal of any cars which may exceed the amount of storage and the installation of a landscaped buffer.

Mr. Dick Lewis appeared before the Board representing Mr. Alvin Billingsley. He stated that the property had been used for nonresidential uses for the past eighteen years. He stated that the previous use of the property had been steel fabrication, and when Mr. Billingsley bought the property, he was informed that his use was grandfathered, and he did not have to seek a rezoning or any type of approval. He stated that owners in the area had no objections to the current use of the property. He stated that Mr. Billingsley had gotten rid of a previous undesirable tenant when his lease expired. He stated that there had been six area lights installed. Mr. Lewis cited the amount of crime that had occurred in the area. He stated that Mr. Billingsley had enhanced the neighborhood in his improvements to the property. He stated that Mr. Billingsley could not add any additional septic tanks since this is located in water shed for Glenville Treatment Plant, and if this use is not approved, only the single-family residential use is allowable on the property.

No one appeared in opposition to the requested Conditional Use Overlay District.

Chairman Britt asked about the number of cars to be stored on the property. Mr. Lewis indicated that the applicant would prefer as many as the Board felt allowable.

Vice-Chairman Davis asked the maximum sign size allowable in the R6 Residential District. Mr. Lloyd indicated that ten square feet is the maximum allowed.

Vice-Chairman Davis asked if the Board could impose a time limit on the use. Mr. Vaughan stated that the Board would have to establish a basis for the time limit.

Mr. Hasan stated that there is a great deal of rental in the area, and possibly that is part of the reason there was no opposition to the case.

Mr. Billingsley stated that he would like to have at least seventy-five cars stored in the area because it is an area convenient to dealers.

A motion was made by Mr. McLaurin to approve the Conditional Use Overlay District with a maximum of fifty automobiles allowed stored on the site with ninety days to comply with this. Vice-Chairman Davis asked if McLaurin would accept a ten square foot maximum sign and planting and a solid fence to be installed within 120 days. Mr. McLaurin agreed, and Vice-Chairman Davis seconded this motion.

After discussion, Vice-Chairman Davis withdrew his second to the motion.

A substitute motion was made by Mr. Hasan to defer this case to the meeting of December 17, 1991 to allow the applicant additional time to work with the staff to come up with acceptable restrictions. The motion was seconded by Mr. McNeill. The substitute motion passed 9 to 2 with Chairman Britt and Messrs. Canady, Carr, Hasan, Lucas, McNeill, Morine, Schmidt and Tew voting in favor of the motion and Vice-Chairman Davis and Mr. McLaurin voting in opposition.

B. CASE NO. P91-133. THE REZONING FROM RR RURAL RESIDENTIAL DISTRICT TO M(P) PLANNED INDUSTRIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE SOUTH SIDE OF SR 2268 (JOHNSON ROAD), EAST OF U.S. HWY 301 (EASTERN BOULEVARD). (COUNTY ORDINANCE)

Mr. Lloyd stated that the Planning Board had reviewed this case as a rezoning from RR Rural Residential District to M(P) Planned Industrial District at the November 19, 1991 meeting.

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area and site plan for 14-1/2 acres of the original request. He

stated that the site plan includes the M2 Heavy Industrial District setbacks.

Mr. Lloyd stated that the Planning staff recommends denial of the requested Conditional Use Overlay District based on the following:

1. That the 1971 Land Use Plan calls for residential uses at this location.
2. This location does not meet the 1978 Land Use Policies Plan criteria for rezoning to MP Planned Industrial District as outlined in the Land Use Policies Plan

Note: Should the Planning Board decide to approve the Conditional Use Overlay District, the site should be developed to comply with the setbacks of the M(P) Planned Industrial District which requires 100 foot front yards and 50 foot side and back yards; and the State Road should be required to be paved to the driveway entrance of the warehousing project.

The Planning staff finds that all or any portion of this site is suitable for the R15 Residential District. The Planning staff further finds that all or any portion of this site is not suitable for the R10, R6, R6A, R5A or R5 Residential, O&I Office and Institutional, C1 Local Business, C(P) Planned Commercial, C3 Heavy Commercial or M1 Light Industrial Districts.

Mr. Neil Yarborough appeared before the Board representing the property owner and the proposed lessee. He stated that the site is 1,000 feet from the paved service road and provides an excellent location for the clients to be served by the warehouse. He stated that after the opposition understood what and how the property was to be developed, they had no problems with the development. Mr. Yarborough stated that the applicant cannot live with the staff recommendations. He stated that the applicant changed his plan from one to two buildings in order to buffer the area from the warehousing units.

No one appeared in opposition to the requested rezoning.

A motion was made by Mr. Lucas and seconded by Mr. Hasan to approve the Conditional Use Overlay District.

Mr. McNeill asked if the property owners understood that the road would not be paved. Mr. Yarborough stated that there was no representation to the property owners that the road would be paved. They explained to the owners that fifty mobile homes were possible on the property as zoned.

Mr. McNeill asked if the developer could put a base course crush and run on the road. Mr. Yarborough stated that the developer could not do this, and the warehousing would be phased in based on demand.

Vice-Chairman Davis asked what size vehicles would be using the warehouses. Mr. Yarborough stated that they would be tractor-trailers.

Vice-Chairman Davis asked how many loads per day would be taken in and out of the warehouse. Mr. Yarborough stated that approximately three to four loads per day would be taken in.

Vice-Chairman Davis made a substitute motion to approve the original requested rezoning of the entire twenty-three acres to M(P) Planned Industrial District. The substitute motion was seconded by Mr. Schmidt.

Mr. McLaurin asked Mr. Yarborough if his clients could live with the original request. Mr. Yarborough indicated that they could not go along with the original request.

Upon a vote of the substitute motion, it failed 2 to 9 with Vice-Chairman Davis and Mr. Schmidt voting in favor of the motion and Chairman Britt and Messrs. Canady, Carr, Hasan, Lucas, McLaurin, McNeill, Morine and Tew voting in opposition.

Upon a vote of the original motion, it passed 9 to 2 with Vice-Chairman Britt and Messrs. Canady, Carr, Hasan, Lucas, McLaurin, McNeill, Morine and Tew voting in favor and Vice-Chairman Davis and Mr. Schmidt voting in opposition.

C. CASE NO. P91-135. THE REZONING FROM M2 INDUSTRIAL DISTRICT TO R6 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT 1121 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 1971 Land Use Plan calls for low-density residential development at this location.

The Planning staff finds that all or any portion of this site is suitable for the P1 and P2 Professional Districts. The staff further

finds that all or any portion of this site is not suitable for the C1A Commercial, C1 Local Business, C1P Shopping Center, C2 Central Business, C3 Heavy Commercial, M1 Industrial or R5A and R5 Residential Districts.

Ms. Shirley Fetterly appeared before the Board representing the neighborhood stating that the owners would like the property to be conforming uses.

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. Canady and seconded by Mr. Schmidt to approve the requested rezoning. The motion passed unanimously.

D. CASE NO. P91-136. THE REZONING FROM RR RURAL RESIDENTIAL DISTRICT TO R10 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE WEST SIDE OF HOKE LOOP ROAD, NORTH OF RAEFORD ROAD (U.S. HWY 401 SOUTH). (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area. He reviewed with the Board the Overlay Noise Information from Fort Bragg and the adopted 1983 Cliffdale Road Area Plan.

Mr. Lloyd stated that the Planning staff recommends denial of the requested rezoning to R10 Residential District based on the following:

1. The 1983 Cliffdale Area Plan calls for this area to remain agricultural; and
2. The noise exposure forecast from the Fort Bragg impact area indicates the area is not suitable for residential development.

The Planning staff finds that all or any portion of this site is not suitable for the R15 Residential District.

Mr. Herb Thorp appeared before the Board representing the applicants, King Model Homes and the Gillis'. He stated that Mr. Wood bought his tract of property five years ago with the intention of building affordable housing for the military. He stated that the builder will be taking the risk that sewer will be extended to the property, and without R10 Residential District zoning, the development will not be feasible. He stated that the 1983 Plan did not anticipate the amount of development in the area and asked those in the audience in favor of the request to stand.

Mr. Joseph Curtis appeared before the Board in opposition stating that he was concerned about the effect of R10 Residential District zoning on property values in the area. He stated that in addition to risk, developers should consider the burden on other people. He stated that the property contains historical burial sites, wetlands and woodpeckers. He asked the Board to help maintain the environment and property values. He stated that the property had become an illegal dump site, and the owner had done nothing to clean up the mess.

Mr. Claude Nelson appeared before the Board in opposition stating that he is concerned about the impact on the educational system. He stated that no more zoning should take place until the children of the area are taken care of. He stated that E.E. Miller School was built too small. He stated that with the approval of this request, huts will have to return to Cliffdale Elementary School. He asked that the Board consider affordable schools and stated that the rezoning request would overload the existing schools in the area.

Mr. Levy Goddard appeared before the Board in opposition representing Cliffdale Road Subdivision. He stated that there is a drainage problem in the area with low water pressure in the summer, and builders have a history of making promises and leaving the area after development.

Mr. Glen Prillaman appeared before the Board in opposition representing Fort Bragg. He stated that the northernmost tract is located in an area which is normally not acceptable for residential development according to HUD noise standards. He stated that if developed, the 25 decibel noise reduction should be included in construction. He stated that Fort Bragg is opposed to the rezoning request based on five factors: 1) Quality of life will be diminished for residents of this area because of the noise; 2) Development of the area could inhibit the mission of Fort Bragg and Pope Air Force Base; 3) Fort Bragg/Pope Air Force Base activity has the largest impact on economic development in Cumberland County; 4) In addition to military and civilian employment, Fort Bragg/Pope Air Force Base are responsible for an additional 19,150 jobs in the area; and 5) The noise complaints from the area could reduce the missions at Fort Bragg/Pope Air Force Base. Mr. Prillaman stated that part of the tract of 191/139 was a foraging area for the red cocked woodpecker colony.

Mr. Thorp appeared before the Board in rebuttal stating that RR Rural Residential District would represent no development. He stated that the developer will comply with the Endangered Species Act. He stated that housing development contributes to the employment base. He stated that schools are a problem that should be coped with. He stated that King Model Homes has always developed subdivisions with adequate water pressure.

Mr. Maurice Howard appeared before the Board in rebuttal stating that he is a trained psychiatric social worker and psychologist. He stated that he has walked over the property many times and is concerned about the total loss of wildlife habitat in the western part of the County.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. McNeill and seconded by Mr. Canady to approve the requested rezoning.

Mr. Lucas asked whether the hospital and housing areas on Fort Bragg are located in noise area. Mr. Prillaman stated that the hospital is not located in a noise area, and there are some housing areas on Fort Bragg in the noise area.

Mr. Schmidt pointed out the importance of Fort Bragg and Pope Air Force Base to the area.

Upon a vote of the motion, it passed 9 to 1 with Chairman Britt and Messrs. Canady, Carr, Hasan, Lucas, McLaurin, McNeill, Morine and Tew voting in favor and Mr. Schmidt voting in opposition. Vice-Chairman Davis abstained from voting on this matter.

E. CASE NO. P91-137. THE REZONING FROM R10 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT 1104 HOPE MILLS ROAD. (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 C1 Local Business District based on the following:

1. The area is designated as a limited business street, and the County C1 Local Business District is appropriate.

The Planning staff finds that all or any portion of this site is suitable for the O&I Office and Institutional District. The staff further finds that all or any portion of this site is not suitable for the R6, R5A or R5 Residential Districts.

No one appeared in favor or in opposition to the request.

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. Schmidt to follow the staff recommendation. The motion passed unanimously.

- F. CASE NO. P91-138. THE REZONING FROM O&I OFFICE AND INSTITUTIONAL DISTRICT AND R6 RESIDENTIAL DISTRICT TO R6A RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE SOUTH SIDE OF ELIZABETH STREET BETWEEN GRAHAM AND WARFIELD STREETS AND ON THE NORTH AND SOUTH SIDES OF LEE STREET. (SPRING LAKE 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 proposed rezoning conforms with the Spring Lake Land Use Plan prepared in 1981.

Mr. James Holton appeared before the Board and stated that he had purchased the mobile home park in 1976. He stated that the plan for the mobile home park had been approved in 1964. He stated that some of the mobile homes in the park were 1974 models and needed to be replaced but could not be replaced with the existing zoning. He requested that if the Board would not approve the R6A Residential District that the O&I Office and Institutional District be rezoned at least to R6 Residential District.

Mr. Howard Pate 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. Lucas and seconded by Mr. Carr to approve the R6 Residential District for the property.

A substitute motion was made by Mr. Canady to approve the R6A Residential District. The substitute motion was seconded by Vice-Chairman Davis. The Board discussed the pros and cons of nonconforming use on the property. Upon a vote on the substitute motion, the motion passed 7 to 4 with Chairman Britt, Vice-Chairman Davis and Messrs. Canady, Carr, Hasan, Morine and Tew voting in favor of the motion and Messrs. Lucas, McLaurin, McNeill and Schmidt voting in opposition.

- G. CASE NO. P91-139. THE REZONING FROM RR RURAL RESIDENTIAL DISTRICT TO R10 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT THE WEST END OF FLYING CLOUD LANE AND WOODMARK DRIVE, NORTH OF HOKE LOOP ROAD (SR 1593). (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area. He reviewed with the Board the Overlay Noise Information from Fort Bragg and the adopted 1983 Cliffdale Road Area Plan.

Mr. Lloyd stated that the Planning staff recommends denial of the requested rezoning to R10 Residential District based on the following:

1. The 1983 Cliffdale Area Plan calls for this area to remain agricultural; and
2. The noise exposure forecast from the Fort Bragg impact area indicates the area is not suitable for residential development.

The Planning staff finds that all or any portion of this site is not suitable for the R15 Residential District.

Mr. Herb Thorp appeared before the Board representing the applicants, King Model Homes and the Gillis'. He stated that Mr. Wood bought his tract of property five years ago with the intention of building affordable housing for the military. He stated that the builder will be taking the risk that sewer will be extended to the property, and without R10 Residential District zoning, the development will not be feasible. He stated that the 1983 Plan did not anticipate the amount of development in the area and asked those in the audience in favor of the request to stand.

Mr. Joseph Curtis appeared before the Board in opposition stating that he was concerned about the effect of R10 Residential District zoning on property values in the area. He stated that in addition to risk, developers should consider the burden on other people. He stated that the property contains historical burial sites, wetlands and woodpeckers. He asked the Board to help maintain the environment and property values. He stated that the property had become an illegal dump site, and the owner had done nothing to clean up the mess.

Mr. Claude Nelson appeared before the Board in opposition stating that he is concerned about the impact on the educational system. He stated that no more zoning should take place until the children of the area are taken care of. He stated that E.E. Miller School was built too small.

He stated that with the approval of this request, huts will have to return to Cliffdale Elementary School. He asked that the Board consider affordable schools and stated that the rezoning request would overload the existing schools in the area.

Mr. Levy Goddard appeared before the Board in opposition representing Cliffdale Road Subdivision. He stated that there is a drainage problem in the area with low water pressure in the summer, and builders have a history of making promises and leaving the area after development.

Mr. Glen Prillaman appeared before the Board in opposition representing Fort Bragg. He stated that the northernmost tract is located in an area which is normally not acceptable for residential development according to HUD noise standards. He stated that if developed, the 25 decibel noise reduction should be included in construction. He stated that Fort Bragg is opposed to the rezoning request based on five factors: 1) Quality of life will be diminished for residents of this area because of the noise; 2) Development of the area could inhibit the mission of Fort Bragg and Pope Air Force Base; 3) Fort Bragg/Pope Air Force Base activity has the largest impact on economic development in Cumberland County; 4) In addition to military and civilian employment, Fort Bragg/Pope Air Force Base are responsible for an additional 19,150 jobs in the area; and 5) The noise complaints from the area could reduce the missions at Fort Bragg/Pope Air Force Base. Mr. Prillaman stated that part of the tract of 191/139 was a foraging area for the red cocked woodpecker colony.

Mr. Thorp appeared before the Board in rebuttal stating that RR Rural Residential District would represent no development. He stated that the developer will comply with the Endangered Species Act. He stated that housing development contributes to the employment base. He stated that schools are a problem that should be coped with. He stated that King Model Homes has always developed subdivisions with adequate pressure.

Mr. Maurice Howard appeared before the Board in rebuttal stating that he is a trained psychiatric social worker and psychologist. He stated that he has walked over the property many times and is concerned about the total loss of wildlife habitat in the western part.

After finding that the request is reasonable, not unduly discriminatory, in the public interest and all uses permitted in the proposed district are suitable for this property, a motion was made by Mr. McNeill and seconded by Mr. Canady to approve the requested rezoning.

Mr. Lucas asked whether the hospital and housing areas on Fort Bragg are located in noise area. Mr. Prillaman stated that the hospital is not located in a noise area, and there are some housing areas on Fort Bragg in the noise area.

Mr. Schmidt pointed out the importance of Fort Bragg and Pope Air Force Base to the area.

Upon a vote of the motion, it passed 9 to 1 with Chairman Britt and Messrs. Canady, Carr, Hasan, Lucas, McLaurin, McNeill, Morine and Tew voting in favor and Mr. Schmidt voting in opposition. Vice-Chairman Davis abstained from voting on this matter.

H. CASE NO. P91-140. THE REZONING FROM M2 INDUSTRIAL DISTRICT TO R6 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT 1207 AND 1209 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 1971 Land Use Plan calls for low-density residential development at this location.

The Planning staff finds that all or any portion of this site is suitable for the P1 and P2 Professional Districts. The staff further finds that all or any portion of this site is not suitable for the C1A Commercial, C1 Local Business, C1P Shopping Center, C2 Central Business, C3 Heavy Commercial, M1 Industrial or R5A and R5 Residential Districts.

Ms. Shirley Fetterly appeared before the Board representing the neighborhood stating that the owners would like the property to be conforming uses.

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. Canady and seconded by Mr. Schmidt to approve the requested rezoning. The motion passed unanimously.

- I. CASE NO. P91-141. THE REZONING FROM C(P) PLANNED COMMERCIAL DISTRICT TO R10 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT THE WEST END OF DUNCAN STREET, NORTH OF RUTH STREET AND WEST OF NC HWY 87. (SPRING LAKE 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 R10 Residential District based on the following:

1. The 1981 Spring Lake Land Use Plan calls for residential development at this location.

The Planning staff finds that all or any portion of this site is not suitable for the R6, R5A and R5 Residential or O&I Office and Institutional Districts.

No one appeared in favor or in opposition to the request.

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. Schmidt to approve the requested rezoning. The motion passed unanimously.

- J. CASE NO. P91-142. THE REZONING FROM PND PLANNED NEIGHBORHOOD DISTRICT TO RR RURAL RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE WEST SIDE OF CARVERS FALLS ROAD (SR 1713), EAST OF RALEIGH ROAD (U.S. HWY 401 NORTH). (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 RR Rural Residential District based on the following:

1. The 1971 Land Use Plan calls for rural uses at this location.

The Planning staff finds that all or any portion of this site is suitable for the R15 Residential District. The staff further finds that all or any portion of this site is not suitable for the R10 Residential District.

Mr. Keith Collier appeared before the Board representing his father. He stated that he would like to have the property rezoned as was to take place on the adjoining property.

Ms. Linda Miller appeared before the Board. She stated that she owned the home adjoining the property and she was opposed to less restrictive zoning.

A motion was made by Mr. McLaurin to deny the request. The motion was seconded by Mr. Canady and passed 7 to 4 with Vice-Chairman Davis and Messrs. Canady, Carr, Lucas, McLaurin, McNeill and Schmidt voting in favor of the motion and Chairman Britt and Messrs. Hasan, Morine and Tew voting in opposition.

- K. CASE NO. P91-143. THE ADDITION OF CONDITIONAL USE OVERLAY DISTRICT TO ALLOW AN AUTOMOBILE REPAIR GARAGE IN AN R6A RESIDENTIAL DISTRICT FOR AN AREA LOCATED ON THE NORTH SIDE OF SPRING AVENUE (SR 1602), WEST OF GROGG STREET (SR 1635). (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area. He displayed a site plan and outlined the conditions.

Mr. Lloyd stated that the Planning staff recommends denial of the Conditional Use Overlay District based on the following:

1. The 1971 Land Use Plan calls for residential uses at this location.

Mr. William Sherman appeared before the Board stating that he would live on the property so that the cars would be secure, he stated that he wanted to get his thirteen year old son involved with the business.

Mr. George Holmes appeared before the Board in support of the petition.

A motion was made by Mr. Lucas and seconded by Mr. Schmidt to deny the requested rezoning. The motion passed unanimously.

- L. CASE NO. P91-144. THE REZONING FROM RR RURAL RESIDENTIAL DISTRICT TO R10 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE WEST SIDE OF HOKE LOOP ROAD (SR 1593), NORTH OF RAEFORD ROAD (U.S. HWY 401 SOUTH). (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 denial of the requested rezoning to R10 Residential District based on the following:

1. The 1983 Cliffdale Road Area Plan calls for rural agricultural uses at this location.

The Planning staff finds that all or any portion of this site is not suitable for the R15 Residential District.

Mr. Herb Thorp appeared before the Board and stated that the number of people in favor of the request had left when the two previous cases were concluded. He recited that things had changed since the 1983 plan was adopted. He stated that sewer would be available for development.

Mr. Bobby Thomas appeared before the Board. He stated that he lived south of the property and was concerned over the rate of growth in area and the density that could occur. He stated that a number of individual wells in the area had to be redrilled since the development had occurred in the area because of low water.

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 Mr. Carr to approve the rezoning.

Mr. McNeill stated that as a matter of equity, the Board should consider the R15 Residential District since there was no guarantee that sewer was available.

Mr. Vaughan stated that the Planning Board could consider Conditional Use Overlay District, allowing R10 Residential District density and restrictions provided that sewer was extended.

Vice-Chairman Davis stated that would be contract zoning.

A substitute motion was made by Mr. McNeill and seconded by Mr. Lucas to approve a Conditional Use Overlay District allowing development with R10 Residential District restrictions if sanitary sewer is provided. Upon a vote on the substitute motion, it failed 4 to 6 with Messrs. Hasan, Lucas, McNeill and Morine voting in favor of the motion and Chairman Britt and Messrs. Canady, Carr, McLaurin, Schmidt and Tew voting in opposition. Vice-Chairman Davis abstained from voting on this matter.

Upon a vote on the original motion. The motion passed 9 to 1 with Chairman Britt and Messrs. Canady, Carr, Hasan, Lucas, McLaurin, Morine, Schmidt and Tew voting in favor of the motion and Mr. McNeill voting in opposition. Vice-Chairman Davis abstained from voting on this matter.

6. DISCUSSION

Chairman Britt stated that Mr. Cogswell suggested that all appointed members attended a December 16 meeting on open meetings.

Mr. McNeill requested that the staff provide a map and a list of conditions on all Conditional Use Overlay Districts approved within the last two years.

Chairman Britt stated that he would like to see Conditional Use Overlay District zoning conducted in a manner similar to subdivision review. A motion was made by Vice-Chairman Davis and seconded by Mr. McNeill to refer the matter to the Operations Committee. The motion passed unanimously.

Mr. Vaughan stated that the planning staff would attempt to accommodate the City Council request through the general Land Use Plan Study.

Ms. Crumpler distributed copies of the Single-Family Residential Policy to the Board members.

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:15 p.m.

bs

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 NOVEMBER 19, 1991 7:30 P.M.

Members Present

John Britt, Chairman
John Canady
Dawson Carr
David Hasan
James Lucas
W.A. Maxwell, Sr.
Merrill McLaurin
Robert McNeill
Ernest Morine
William Tew
Peggy Vick

Members Absent

John Davis, Vice-Chairman
Roland Schmidt

Staff Present

George Vaughan
Thomas J. Lloyd
Tina Shepard
Barbara Swilley

1. ROLL CALL AND APPROVAL OF THE MINUTES OF THE NOVEMBER 3, 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 Mr. Tew and seconded by Ms. Vick to approve the Minutes of November 3, 1991 as written. The motion passed unanimously.

2. REQUESTS FOR PUBLIC HEARING DEFERMENTS

Chairman Britt asked if there were any requests for public hearing deferments. There were none.

3. ABSTENTIONS BY BOARD MEMBERS

Chairman Davis asked if any Board member wished to abstain from discussion and voting on any item on the Agenda. Mr. McNeill stated that he would abstain from voting on Case No. P91-131 since he will do an appraisal on part of the property.

4. READING OF POLICY STATEMENT REGARDING TIME LIMITS FOR PUBLIC HEARINGS

Mr. Lloyd read the Planning Board's policy on time limits for public hearings and the City of Fayetteville Appeals Procedure.

INFORMATION

5. PUBLIC HEARINGS

- A. CASE NO. P91-118. THE REZONING FROM R6A RESIDENTIAL DISTRICT TO M(P) PLANNED INDUSTRIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE SOUTH SIDE OF WILKES ROAD (SR 1007), EAST OF U.S. HWY 301/I-95 BUSINESS (EASTERN BOULEVARD). (COUNTY ORDINANCE)

Mr. Lloyd displayed a map outlining the existing zoning and land use in the area. He stated that the Planning Board had considered this case at their meeting of October 15, 1991 as a request to rezone to M(P) Planned Industrial District and decided to review the case as a Conditional Use Overlay District. He reviewed the proposed site plan and application with the Planning Board.

Mr. Lloyd stated that the Planning staff recommends approval of the requested Conditional Use Overlay District based on the following:

1. The Airport Area Plan calls for industrial uses at this location;
2. In approving the Conditional Use Overlay District, provisions should be made that all transmission, brake, antifreeze and fuels be contained on and removed from the site; and
3. A landscaped buffer be installed along the east and west borders adjoining residentially zoned property and between the storage yard and house facing Wilkes Road.

Mr. Robert Jones appeared before the Board stating that he had submitted the Conditional Use Application as requested.

Reverend Miller appeared before the Board stating that he was not fully aware of the facts of the case, but knew that Mr. Jones is a person of good character. He stated that their church had had to rezone property in the area for development. He stated that he did not believe that the salvage yard would be a hazard to the church.

Mr. Roy Thomas appeared before the Board as a concerned citizen stating that the property has been in operation for three years, and the Board should give the man a chance to earn a living.

Ms. Virginia Brewington appeared before the Board stating that the property surrounds her home, and she is in favor of the proposed use. She stated that the juvenile detention center and Myrover-Reese Home are also located in the area, and the junk yard presents no more a problem than those two uses.

Mr. Bobby Jackson, representing the Fayetteville Jaycees, appeared before the Board in opposition. He asked how many members of the Board had seen the site. He stated that the Jaycees intend to develop a totally accessible park on nearby property, and one is not available in the City or County. He presented a resolution from the Board of County Commissioners supporting the park. He stated that he had been threatened in the last twenty-four hours. He stated that the Jaycees are opposed to the proposed junk yard/salvage yard.

Chairman Britt asked if the Jaycees were not going to build a park if the Conditional Use Permit is approved. Mr. Jackson indicated that they would not build a park because commitments from several businesses would not come through if the junk yard/salvage yard is allowed.

Mr. McNeill asked Mr. Jackson if the County landfill did not propose a problem. Mr. Jackson stated that the only possible problem would be if there was a fire at the landfill and the wind was coming from the north.

Mr. Hasan asked if he was totally against the salvage yard. Mr. Jackson indicated that he is, and the County should pursue clean up of the site.

Mr. Jackson stated that following the last public hearing the sheriff's deputy counted fifty-nine cars on the site when Mr. Jones had indicted that there were only twenty-five.

Mr. Billy Richardson appeared before the Board as a concerned citizen stating that he had no authority from Myrover-Reese, but he would seek that authority at the next Board meeting. He stated that Myrover-Reese has completed a twenty-bed facility and hopes to build another twenty beds and a chapel. He stated that Myrover-Reese would work in partnership with the Jaycees in assisting the handicapped, and it would provide therapy for the residents of Myrover-Reese. He stated that the presence of a junk yard will cause additional problems in raising funds for expansion of Myrover-Reese. He stated that the Cumberland County Board of Commissioners have endorsed and offered financial assistance to Myrover-Reese, and the treatment and rehabilitation of drug and alcohol addicts is important.

Mr. McNeill made a motion to approve the staff recommendation with the addition of a limit of twenty-five vehicles on the site, and requiring a fence and buffer be built around the entire site and the entire site be cleaned up within 120 days. The motion was seconded by Mr. Canady.

Mr. McNeill asked Mr. Lloyd about the pollution of the lake. Mr. Lloyd stated that he had received a call and had discussed the matter with Mr.

Flynt Worrell, a member of the Hazardous Waste Commission, who had been requested to investigate the site by the Jaycees. Mr. Lloyd stated that Mr. Worrell told him that there is pollution in the lake which comes from an abandoned City or County landfill site, which is not part of the subject property. Mr. Lloyd stated that Mr. Worrell recommended that no more development of the park take place until an environmental assessment could take place of the entire park site.

Chairman Britt noted that the motion on the floor was consistent with the adopted Land Use Plan for the area.

Mr. McLaurin stated that he felt that the entire building and grounds should be cleaned up.

Ms. Vick stated that she was concerned about approving this when the man had been operating outside of the Zoning Ordinance.

Mr. Hasan asked if the Jaycees would be satisfied if only operable cars were kept on the property. Mr. Jackson said that was not acceptable.

Mr. Tew asked how long the business had been in operation. Mr. Jones indicated it had been in operation for three years.

Chairman Britt asked Mr. Jackson how long the Jaycees had owned their property. Mr. Jackson said they had owned the property for one and one-half years, and they had only recently become aware of Mr. Jones' operation.

Mr. Ronald Brewington stated that the oily substance in the water was from the service stations and runoff from U.S. Highway 301, which is upstream of both sites. He stated that this has been a problem for many years.

A substitute motion was made by Mr. Lucas and seconded by Ms. Vick to deny the Conditional Use Overlay District. Upon a vote of the substitute motion, it failed 3 to 8 with Ms. Vick and Messrs. Lucas and Maxwell voting in favor of the motion and Chairman Britt and Messrs. Canady, Carr, Hasan, McLaurin, McNeill, Morine and Tew voting in opposition.

Upon a vote of the original motion, it passed 8 to 3 with Chairman Britt and Messrs. Canady, Carr, Hasan, McLaurin, McNeill, Morine and Tew voting in favor and Messrs. Lucas and Maxwell and Ms. Vick voting in opposition.

- B. CASE NO. P91-122. THE REZONING FROM R10 RESIDENTIAL DISTRICT TO R6A RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED AT THE NORTH END OF WELSH LAKE DRIVE, NORTH 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 proposed rezoning meets the purpose and intent statement of the R6A Residential District with the inner mixture of conventional single-family homes and mobile homes on individual lots.

The Planning staff finds that all or any portion of this site is not suitable for the R6 Residential District.

No one appeared in favor of the requested rezoning.

Mr. Herman Shaw appeared in opposition stating that he lives seventy-five feet from the property and does not want a mobile home park located on the property. He stated that there is an invalid that lives approximately ten feet from the property, and most of the time the thirty-foot easement is washed out. He stated that it was under water twenty to twenty-five years ago.

Mr. Lloyd stated that the property cannot be developed for a mobile home park at this time because it does not have access from a State maintained road.

A motion was made by Mr. Maxwell and seconded by Mr. Lucas to deny the requested rezoning. The motion passed unanimously.

- C. CASE NO. P91-123. THE REZONING FROM R10M RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED BETWEEN FRONT AND JEFFERSON STREETS, EAST OF ELM STREET. (STEDMAN 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 C3 Heavy Commercial District based on the following:

1. That the proposed rezoning will place all of the property under one ownership in the same zoning classification.

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

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

- D. CASE NO. P91-124. THE REZONING FROM R10 RESIDENTIAL DISTRICT TO RR RURAL RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED EAST OF THE SOUTHERN END OF VINEYARD DRIVE AND NORTH OF TILLMAN ROAD (SR 1107). (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 based on the following:

1. The 1971 Land Use Plan calls for residential uses at this location.

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

Ms. Carleen Davis appeared before the Board stating that the purpose of the rezoning is to allow a mobile home to be placed on the property so that her son may help with the care of his father. She stated that she had had a stroke and at times could not handle her husband.

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. McLaurin and seconded by Mr. Hasan to follow the staff recommendation. The motion passed unanimously.

- E. CASE NO. P91-125. THE REZONING FROM R10 RESIDENTIAL DISTRICT TO C1P SHOPPING CENTER DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE WEST SIDE OF STAMPER ROAD BETWEEN BRAGG BOULEVARD AND THE INTERSECTION OF LYON AND STAMPER ROADS. (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 denial of the requested rezoning to C1P Shopping Center District and approval of P2 Professional District based on the following:

1. That the P2 Professional District is in accordance with the Land Use Policies Plan for a community shopping center;
2. The P2 Professional District is consistent with the recommendations found in the Stamper Reevaluation Road Study conducted in 1984.

The Planning staff finds that this site is suitable for the P1 Professional and R6 Residential Districts. The Planning staff further finds that all or any portion of this site is not suitable for the P3 Flex Office, C1A Commercial, C1 Local Business or the R5A and R5 Residential Districts.

Mr. Stacy Weaver appeared before the Board representing Dr. Maxwell. He stated that it is not possible to expand the C1P Shopping Center District any further north because of the location of the lake and the museum. He stated that the subject property is caught in the middle. It is not suitable for residential; and it is not part of the shopping center. He presented a petition in support of the rezoning from several churches in the area.

Mr. Cameron Stout appeared before the Board to ask for clarification about off-street parking.

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. McNeill to approve the C1P Shopping Center District rezoning based on the fact that site plan review provided under the C1P Shopping Center District is more favorable than the P2 Professional District zoning. The motion passed unanimously.

- F. CASE NO. P91-126. THE INITIAL ZONING TO C1P SHOPPING CENTER DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE WEST SIDE OF U.S. HWY 401 NORTH (RAIASEY STREET), WEST OF LONGVIEW DRIVE. (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 C1P Shopping Center District based on the following:

1. The proposed initial zoning is consistent with 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. Canady and seconded by Mr. McNeill to follow the staff recommendation. The motion passed unanimously.

- G. CASE NO. P91-127. THE REZONING FROM R5A RESIDENTIAL DISTRICT TO C(P) PLANNED COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE NORTH SIDE OF CLOVER STREET, WEST OF BRAGG BOULEVARD. (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 C(P) Planned Commercial District based on the following:

1. The proposed rezoning is consistent with the 1978 Business Street Plan; and
2. The proposed rezoning is a logical extension of the C(P) Planned Commercial Districts located to the east and south of the property.

The Planning staff finds that all or any portion of this site is suitable for the O&I Office and Institutional or C1 Local Business District. The Planning staff further finds that all or any portion of this site is not suitable for the R5 Residential District.

Mr. Stacy Weaver appeared before the Board representing the petitioner, stating that this property is located behind the Prestige Body Shop. He stated that vacant lots adjoin the property on one side, and there are some homes approximately 300 yards away from the site. He stated that in the past vehicles have been stored on the site, but it has been cleaned up.

Ms. Netress Williams appeared before the Board in opposition stating that she owns two lots to the west of the property, and there is a ditch

between the subject property and her lots. She stated that they fought this rezoning in 1989 and were successful. She stated that at that time junk cars were stored in the lot which she feared would pollute her lots. She stated that her home is within 200 feet of the property on the north side. She stated that the business in the front operates into the night, and she is concerned about potential noise.

Mr. Jerry Williams appeared before the Board in opposition stating that the subject property has continued to be used as a junk yard even though the rezoning was denied in 1989.

Mr. Weaver appeared before the Board in rebuttal stating that Prestige does not own the property. He stated that the cars belong to the owner's husband who passed away one and one-half years ago, and he had collected used cars. He stated Mr. Gillespie had helped to liquidate those cars. He stated that the Environmental Protection Agency has checked the site out and cleared the property of any hazardous materials.

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

H. CASE NO. P91-128. THE REZONING FROM R6 RESIDENTIAL DISTRICT TO O&I OFFICE AND INSTITUTIONAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE SOUTH SIDE OF CLIFFDALE ROAD (SR 1400), EAST OF BUHMANN DRIVE. (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 denial of the requested rezoning to O&I Office and Institutional District based on the following:

1. The 1980 Cliffdale Road Area Plan calls for residential uses at this location.

The Planning staff finds that this site is not suitable for the R5A or R5 Residential Districts.

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

A motion was made by Ms. Vick and seconded by Mr. Hasan to follow the staff recommendation. The motion passed unanimously.

- I. CASE NO. F91-129. AN APPLICATION BY JAMES H. KIZER FOR A SPECIAL USE PERMIT AS PROVIDED FOR BY THE CITY OF FAYETTEVILLE CODE OF ORDINANCES FROM CHAPTER 32, ARTICLE IV, SECTION 32-23, ITEM (4a), TO ESTABLISH GROUNDS AND FACILITIES FOR A PRIVATE EQUESTRIAN CENTER AND PASTURE TO OPERATE ON A NONPROFIT BASIS IN AN R10 RESIDENTIAL DISTRICT FOR AN AREA LOCATED ON THE EAST SIDE OF U.S. HWY 401 NORTH (RALEIGH ROAD), EAST OF ANDREWS ROAD (SR 1611). (FAYETTEVILLE ORDINANCE)

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

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

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

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

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

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

- J. CASE NO. F91-130. AN APPLICATION BY LARRY R. GODWIN FOR A SPECIAL USE PERMIT AS PROVIDED FOR BY THE CITY OF FAYETTEVILLE CODE OF ORDINANCES FROM CHAPTER 32, ARTICLE IV, SECTION 32-35, "PROHIBITED USES," ITEM (1), TO ALLOW THE OPERATION OF AN ABATTOIR IN AN I12 INDUSTRIAL DISTRICT FOR AN AREA LOCATED ON THE WEST SIDE OF EASTERN BOULEVARD (SR 1737), BETWEEN SR 1738 AND RIVER ROAD (SR 1714). (FAYETTEVILLE ORDINANCE)

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

Mr. Lloyd stated that the Planning staff recommends approval of the Special Use Permit provided there is abatement of noise, smoke and odor from the use as required in Section 32-35 of the Fayetteville Code of Ordinances.

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

Mr. Godwin was asked if there would be cooking or rendering on the site. He stated that there would be neither.

A motion was made by Mr. Lucas and seconded by Mr. Maxwell to follow the staff recommendation. The motion passed unanimously.

K. CASE NO. P91-131. THE REZONING FROM RR RURAL RESIDENTIAL DISTRICT TO C(P) PLANNED COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE SOUTH SIDE OF NC HWY 24 BETWEEN DOWNING ROAD (SR 1834) AND THE I-95 INTERCHANGE. (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 denial of the requested rezoning to C(P) Planned Commercial District based on the following:

1. The 1971 Land Use Plan calls for residential uses at this location; and
2. Proposed rezoning does not meet the criteria for commercial zoning in that it has no access.

The Planning staff finds that all or any portion of this site is suitable for the R15 Residential District. The staff further finds that all or any portion of the site is not suitable for the R10, R6, R6A, R5A, and R5 Residential, O&I Office and Institutional and C1 Local Business Districts.

Note: The 1974 Commercial Areas Plan calls for a regional shopping center in this area; however, having no access, this tract would not be an appropriate site for the regional shopping center.

Mr. Neil Yarborough appeared before the Board representing the petitioner stating that his client has prescriptive access which would have to be improved to make the site developable.

No one appeared in opposition to the requested rezoning.

Mr. Tew asked what the present use of the property was. Mr. Yarborough stated that it is used to grow cotton.

Mr. Yarborough stated that a better access would be negotiated upon approval of the 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. Carr to approve the requested rezoning. The motion passed unanimously with Mr. McNeill abstaining.

- L. CASE NO. P91-132. THE REZONING FROM R10 RESIDENTIAL DISTRICT TO R6A RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE EAST SIDE OF SMITH DRIVE, SOUTH OF CUMBERLAND ROAD (SR 1141). (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 proposed rezoning meets the purpose and intent statement of the R6A Residential District with the inner mixture of conventional single-family homes and mobile homes on individual lots.

The Planning staff finds that all or any portion of this site is not suitable for the R6 Residential District.

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

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

- M. CASE NO. P91-133. THE REZONING FROM RR RURAL RESIDENTIAL DISTRICT TO M(P) PLANNED INDUSTRIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION FOR AN AREA LOCATED ON THE SOUTH SIDE OF SR 2268 (JOHNSON ROAD), EAST OF U.S. HWY 301 (EASTERN BOULEVARD). (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 denial of the requested rezoning to M(P) Planned Industrial District based on the following:

1. That the 1971 Land Use Plan calls for residential uses at this location.
2. This location does not meet the 1978 Land Use Policies Plan criteria for industrial development in that proper access is not provided to the site.

The Planning staff finds that all or any portion of this site is suitable for the R15 Residential District. The Planning staff further finds that all or any portion of this site is not suitable for the R10, R6, R6A, R5A or R5 Residential, O&I Office and Institutional, C1 Local Business, C(P) Planned Commercial, C3 Heavy Commercial or M1 Light Industrial Districts.

Mr. Neil Yarborough appeared before the Board representing the petitioner stating that he would like to continue this case and submit it as a Conditional Use Overlay District. He stated that for the benefit of those present, he would like to explain the purpose of the operation. He stated the operation will be involved with dry storage for industries. Examples of current clients that Mr. Corney, the proposed purchaser of the property, include Western Publishing Company and Purolator. He indicated that this type of storage is necessary to enhance the economic development capabilities of the County. He stated that access is a problem since the area is served by a dirt road which is well maintained. He stated that the site will not experience day-in and day-out traffic with the proposed use. He described the building use as occupying only about eight acres of the property, and a suitable buffer zone would be provided the residents to the east of the property.

Mr. Corney appeared before the Board stating that no hazardous waste materials or chemicals will be stored on the site. He stated that the approximate hours of operation would be 7:00 a.m. to 6:00 p.m., and rarely would they work after 6:00 p.m. or on Saturday and never on Sunday.

Mr. Thomas Davis appeared before the Board with a petition from residents in the area opposed to the rezoning. He stated that the area has a high water table, and water stands on the back portion of this property much of the time. He stated that there is no place for runoff to go other than on to his property. He stated that South Sanders Street is very dusty. He stated that the area is almost completely surrounded by manufacturing, and that is enough. He stated that they did not receive rezoning of the proposed M(P) Planned Industrial District to the south. He stated that the soil has a high clay content and does not absorb water readily. He stated that the last well dug in the area to provide water had to be dug 800 feet. He stated that the residents are concerned about noise and pollution.

Mr. Dave Partain asked for an explanation of dry storage. Mr. Corney stated that dry storage means there will be no refrigeration on site, and nothing of a liquid nature is to be stored on the site.

Mr. Davis stated that there are also problems with septic systems in the area due to the nature of the soil.

Mr. Maurice Allender appeared before the Board stating that this road is not well maintained and deteriorates generally within two days after the State grates it. He stated that water stands in the ditches, and more driveways will mean less drainage, and the development will produce more runoff. He stated that the site presents a poor situation for additional development.

Mr. John Bostick appeared before the Board stating that he lives on Sanders Road. His wife has bronchitis which is brought about by the dust.

Mr. McNeill asked the petitioner if he had considered paving the road to the site. Mr. Corney stated that the \$3 million investment, he felt that it should be discussed with the Department of Transportation to see if they would pave the road.

Mr. McNeill made a motion to continue this case until December 3, 1991 in order for the applicant to submit a Conditional Use Overlay District request, and asked that the possibility of paving the road and off-site drainage be investigated. The motion was seconded by Ms. Vick and passed unanimously.

6. PLATS AND PLANS

A. CASE NO. 91-322. THE CONSIDERATION OF THE MCCAULEY-MCDONALD, INV. INC. QUICK STOP IN A C(P) PLANNED COMMERCIAL DISTRICT FOR PRELIMINARY SITE PLAN ADDITION REVIEW FOR A PROPERTY LOCATED AT THE NORTHWEST CORNER OF U.S. HWY 301 AND SR 1344 (BLACK AND DECKER ROAD). (COUNTY ORDINANCE)

Mr. Lloyd indicated that this case is before the Board for approval of variances

A motion was made by Mr. Lucas and seconded by Mr. Canady to approve the plans subject to the conditions as outlined in the packets. The motion passed unanimously.

7. ADJOURNMENT

There being no further business, the meeting adjourned at 9:59 p.m.