REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 15, 1973
(Regular Meeting of January 8, 1973)
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members - Godwin, Finch, Plummer, George, Kelly and Shaw

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
R. A. Muench, Public Works Commission
Thurman Williams, Public Works Commission

Mayor Lee called this Regular Meeting of January 15, 1973 to order, as continued from the Regular Meeting of January 8, 1973, which could not be held due to the snow storm on that date.

The Reverend David R. Darnell, Pastor, First Christian Church offered the invocation, Following the invocation, the Pledge of Allegiance to the Flag was led by Mr. Benner Jones, III.

Mayor Lee recognized Captain Basil Foulk, recently retired from the Fayetteville Police Department, and presented him with a framed copy of the City's Certificate of Appreciation.

Mayor Lee also recognized Sheriff W. G. Clark, recently retired as Sheriff of Cumberland County, and presented him with a framed copy of a Resolution of Appreciation in recognition of his many years of service in the Community. Following the presentations, both of these gentlemen were accorded vigorous rounds of applause from those assembled in the Council Chamber.

Mayor Lee then recognized the following Fayetteville Youth Council Members present in the audience to observe Council proceedings: Lisa Hamm, Mitchell Martin, and Lisa Scarborough.

Upon motion by Councilman Godwin, seconded by Councilwoman Finch, minutes of the Regular Meeting of December 11, 1972, were unanimously approved as submitted by the Clerk.

Public hearing having been published for December 11, 1972, and continued from that date to this date and hour, and there being no opposition present, and upon motion by Councilman Shaw, seconded by Councilman Kelly and carried unanimously, the zoning ordinance was amended as follows, as recommended by the Planning Board.

Rezone from R5 Residential District to C1 Local Business District, an area located West of the proposed Owen Drive Expressway, South of Raeford Road, and North of Sandhurst Drive described as follows: (Special note was taken of a letter from the State Highway Commission to the Planning Board showing the location of a proposed street to connect Owen Drive Expressway at this location)

BEGINNING at a point, said point being the northeast corner of the Palladine property; thence with the northern line of the Palladino property, North 89 degrees 58 minutes West 72.82 feet to a stake; thence North 14 degrees 31 minutes West 271.11 feet to a point in the southern margin of a proposed street; thence along the southern margin of said proposed street North 47 degrees 41 minutes East 79.45 feet to a point; thence South 14 degrees 31 minutes East 315.05 feet to the point of BEGINNING.

Public hearing having been published, and there being no opposition present, and upon motion by Councilman Plummer, seconded by Councilman George and carried unanimously, the zoning ordinance was amended as follows:

Zone initially R10 Residential District of an area located at Kintyre Drive and McPherson Church Road, as recommended by the Planning, and described as follows:

BEGINNING at the point of intersection of the Northeastern margin of McPherson Church Road and the centerline of Murray Hill Road; said point being a city limits corner as established by Annexation Number 106 running thence with the centerline of Murray Hill Road and the City limit line North 44 degrees 29 minutes East 201.98 feet to a point; thence continuing with the city limit line South 45 degrees 36 minutes East 330.53 feet to a concrete monument in the northern line of the McPherson property as recorded in Plat Book 21, Page 56, Cumberland County Registry; thence South 67 degrees 50 minutes East 194.13 feet; thence North 10 degrees 45 minutes East 40.27 feet; thence South 79 degrees 03 minutes East 1183.04 feet; thence South 12 degrees 51 minutes East about 435 feet to a point; thence leaving the City limit line and running North 78 degrees 30 minutes West 1,304.7 feet to a concrete monument; thence South 37 degrees 57 minutes West about 60 feet to a point in the northeastern margin of McPherson Church Road; thence with said margin in a northwesterly direction about 780 feet to the point of BEGINNING.

Public hearing having been published and there being no opposition present, and upon motion by Councilman George, seconded by Councilman Shaw and carried; Councilman Kelly having requested and received premission of the Chair to abstain from discussion or voting in this matter, and subject to the following conditions, as recommended by the Planning Board: 1) That the C1P Shopping Center District classification is recommended, and; 2) that a 50 foot buffer be established on the East side of the P2 Professional District and adjacent to the R10 Residential District the zoning ordinance was amended as follows:

Rezone from R10 Residential District to C1P Shopping Center District and P2 Professional District an area located at Boone Trail Extension described as follows:

Tract 1 - C1P Shopping Center District

BEGINNING at the northwest corner of a 12.00 acre tract conveyed by Teague to Stout as recorded in Deed Book 2294, Page 575, Cumberland County Registry and running; thence with the northern line of said tract North 77 degrees 46 minutes East, 339.25 feet to a point in the eastern right of way margin of Boone Trail Extension; thence with said right of way margin as it curves to the right in a southerwesterly direction on a radius of 355.10 feet, an arc distance of 333.62 feet to a point of tanguency; thence south 72 degrees 30 minutes West, 63.46 feet to a point in the western line of the above mentioned 12.00 acre tract; thence with said western line, South 13 degrees 31 minutes East, 770.80 feet to a point in the Briarwood Arms northern line; thence with said North line 86 degrees 50 minutes West, 688.40 feet to a point; thence South 48 degrees 29 minutes West 152.29 feet to a point; thence North 41 degrees 27 minutes West, 150.38 feet to a point; thence North 86 degrees 50 minutes West, 102.21 feet to a point; thence North 34 degrees 24 minutes East, 94.52 feet to a point; thence North 53 degrees 44 minutes West 60.03 feet to a point in the northwestern right of way margin of Boone Trail extension.

Tract 2 - P2 Professional District

BEGINNING at a point South 13 degrees 31 minutes East, 177.66 feet from the northeast corner of 7.92 acre tract conveyed by Frank Teague to Joe W. Stout as shown in Deed Book 2214, Page 31, Cumberland County, North Carolina Registry, said point also being in the southern right of way margin of Boone Trail extension and running thence with said right of way the following courses and distances: North 72 degeees 30 minutes East, 63.46 feet to the point of curvature: with a curve to the left on a radius of 355.10 feet, an arc distance of 333.62 feet to a point in the northern line of a 12.00 acre tract formerly belonging to Teague; thence leaving the aforementioned southern right of way and running with the northern line of the 12.00 acre tract, North 77 degrees 46 minutes East, 267.50 feet to a point, said point being the northeast corner of the 12.00 acre tract; thence South 13 degrees 27 minutes East, 159.18 feet to a point; thence South 54 degrees 23 minutes West, 97.57 feet to a point; thence South 38 degrees 32 minutes West, 59.39 feet to a point in the western right of way margin of a proposed street; thence with said right of way margin as it curves to the right of a radius of 103.20 feet an arc distance of 68.36 feet to the point of tanguancy; thence continuing with the western right of way margin of the proposed street, South 13 degrees 31 minutes East, 360.00 feet to a point; thence South 76 degrees 29 minutes West, 500.00 feet to a point; thence North 13 degrees 31 minutes West, 492.55 feet to the beginning. containing 7.11 acres more or less.

Public hearing had been published for this date and hour on a petition for a Special Use Permit by Merritt-Holland Supply Company, to construct a wholesale store and storage building for welding and refrigeration supplies in an M2 Industrial District, located at 245 Elizabethtown Highway. Planner Hickman stated that the Fayetteville ordinance requires a Special Use Permit in an M2 Industrial District, due to Aceytlyne Gas tanks and other inflammable materials. He also stated that the Fayetteville Fire Department and City Building Inspector have concurred in this request, and have ensured that adequate safe guards will be required and implemented.

Councilman Plummer then offered motion to follow the foregoing recommendation of the Planning Board and grant such Special Use Permit to Merritt-Holland Supply Company, as requested, with the stipulation that the Fire Department and City Building Inspector ensure that the adequate safe guards will be enforced. Motion seconded by Councilman Kelly and carried unanimously.

Public hearing having been published and there being no opposition present, and upon motion by Councilman Plummer, seconded by Councilman Kelly and carried; Councilman Shaw voting no, the corporate limits of the City were extended to include an area in the vicinity of the intersection of Cumberland Road and West Hudson Street, by the adoption of the following ordinance:

AN ORDINANCE EXTENDING THE CITY LIMITS Annexation No. 118

WHEREAS, notice was duly published in the Fayetteville Observer, a newspaper published in the City of Fayetteville, North Carolina, as directed by the City Council of Fayetteville, North Carolina at its regular meeting on December 11, 1972, and as petitioned for by all the owners of the property in said area, that at the regular meeting of said City Council to be held in the Court room of the City Hall the regular meeting place of said City Council, at 8:00 o'clock p.m., on January 8, 1973, there would be considered the annexation to the City of all the area hereinafter described; and said public hearing was continued to January 15, 1973;

AND WHEREAS, no petition was filed or protest made against the annexation thereof to the municipality;

AND WHEREAS, it is considered in the best interest of the City of Fayetteville and its inhabitants to annex said area to and include it within the municipality;

THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DOES ORDAIN:

That in accordance with North Carolina General Statute 160-452 and related statutes, said area, contiguous to the present boundaries of the City described below, be annexed to and made a part of the City of Fayetteville, to wit:

BEGINNING at a point in the Western margin of Dyke Street at the Southeastern corner of the Odom property as described in Deed Book 1079, Page 661, Cumberland County Registry; and running thence

with Odom's southern line North 81 degrees 54 minutes West 190.53 feet to a point; thence North 7 degrees 55 minutes East 118.01 feet to a point in the southern margin of West Hudson Street; thence continuing North 7 degrees 55 minutes East about 165 feet to a point in the northeastern margin of Owen Drive, said point being in the City limit line, thence in a southeasterly direction with the City limit line and the northeastern margin of Owen Drive about 120 feet to the intersection of Cumberland Road; thence in a southerly direction (at 90 degree angles from the northern right of way line of Cumberland Road) and crossing the intersection of Cumberland Road and West Hudson Street about 220 feet to a point in the Southern margin of West Hudson Street; thence in a southeasterly direction with the southern margin of West Hudson Street about 20 feet to the Western margin of Dyke Street; thence with the Western margin of Dyke Street South 7 degrees 00 minutes West 19.31 feet to the point of BEGINNING.

And that the Mayor cause an accurate map of such annexed territory, together with a copy of this ordinance duly certified, to be recorded in the office of the Register of Deeds of Cumberland County and in the office of the Secretary of State.

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

Adopted this 15th day of January, 1973.

Jackson F. Lee
Mayor

(SEAL)

Maurice W. Downs
City Clerk

Public hearing having been published and there being no opposition present, and upon motion by Councilman George, seconded by Councilman Kelly and carried unanimously, the corporate limits were extended to include an area in the vicinity East of Eastwood Avenue and the Cape Fear River by the adoption of the following ordinance:

Annexation No. 119

AN ORDINANCE EXTENDING THE CITY LIMITS

WHEREAS, notice was duly published in the Fayetteville Observer, a newspaper published in the City of Fayetteville, North Carolina, as directed by the City Council of Fayetteville, North Carolina, at its regular meeting on December 11, 1972, and as petitioned for by all the owners of the property in said area that at the regular meeting of said City Council to be held in the Court room of the City Hall the regular meeting place of said City Council, at 8:00 o'clock p.m., on January 8, 1973, there would be considered the annexation to the City of all the area hereinafter described; and said public hearing was continued to January 15, 1973;

AND WHEREAS, no petition was filed or protest made against the annexation thereof to the municipality;

AND WHEREAS, it is considered in the best interest of the City of Fayetteville and its inhabitants to annex said area to and include it within the municipality;

THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DOES ORDAIN:

That in accordance with North Carolina General Statute 160-452 and related statutes, said area, contiguous to the present boundaries of the City, described below, be annexed to and made a part of the City of Fayetteville, to wit:

BEGINNING at a point on the western side of the Cape Fear River, said point also being a city limit corner as established by Annexation Number 97 and running with the City limit line for the following courses and distances: North 79 degrees 15 minutes West 819.8 feet to a point in the eastern right of way margin of the Norfolk and Southern Railroad; thence with said eastern margin South 27 degrees 36 minutes West 1327.2 feet; thence westerly and crossing said railroad about 100 feet; thence in a northeasterly direction with the western margin of said railroad about 1,975 feet; thence leaving the city limit line and crossing the Norfolk and Southern railroad to the southwestern corner of the tract of land described in Deed Book 2299, Page 647, (Tract II); thence with the southern line of said tract South 78 degrees 36 minutes East 657.1 feet to the western side of the Cape Fear River; thence in a southerly direction with the western side of the Cape Fear River to the point of Beginning.

And that the Mayor cause an accurate map of such annexed territory, together with a copy of this ordinance duly certified, to be recorded in the office of the Register of Deeds of Cumberland County and in the office of the Secretary of State.

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

Adopted this 15th day of January, 1973.

Jackson F. Lee
Mayor

(SEAL)

Maurice W. Downs
City Clerk

A public hearing had been published for this date and hour on confirming the assessment roll for the paving of Wilson Street between Woodrow Street and Virginia Avenue. Mayor Lee read into the minutes a certification that all property owners had been notified of the assessments and of this public hearing. Mr. James P. Higgenbotham, 201 Virginia Avenue, a property owner in the area, was recognized with a complaint that considerable damage had been done to his yard and driveway during the extended paving of Wilson Street, and that he had had to expend considerable effort and personal funds to correct the situation, after having made repeated calls to the office of the City Engineer. The City Manager read a letter from a Mrs. Katherine Melvin of Goldsboro, in behalf of her daughter, a college student, also a property owner in the area. Mrs. Melvin stated that her daughter had received no notification of this proposed paving, and voiced objection that the paving would not benefit her daughter's property.

Following brief discussion, Councilman Plummer offered motion that this public hearing be continued to 8:00 p.m., Monday February 12, 1973, Council Chamber City Hall. Motion seconded by Councilman Kelly and carried unanimously.

Upon motion by Councilman Plummer, seconded by Councilman Godwin and carried unanimously, three public hearings published for this date and hour on confirming the assessment rolls for the paving of Buxton Boulevard, Sessoms Street and Montgomery Street, were cancelled, as recommended by the City Manager, to be rescheduled at a later date.

Upon motion by Councilman Plummer, seconded by Councilman George and carried unanimously, the following public hearings were ordered published as follows:

For February 12, 1973 - 1. Rezoning R6 Residential District to C1 Local Business District of an area located on the east side of Ramsey Street between Kensington Circle and Brookwood Street.

For February 12, 1973 - 2. Annexation of an area located in the vicinity of Dallas Street.

For February 26, 1973 - 3. Annexation of an area located in the Hillendale Subdivision.

For February 26, 1973 - 4. Annexation of an area located in the Pleasant Valley Area, West of Owen Drive, South of Boone Trail.

PLANNING BOARD MATTERS:

Upon motion by Councilman Shaw, seconded by Councilman Plummer and carried unanimously, preliminary subdivision and group development review of Meridian Bay Apartments, located in the vicinity of the proposed Owen Drive Expressway, was approved as recommended by the Planning Board, with the condition that no building permits will be issued until all engineering is completed.

Upon motion by Councilman Plummer, seconded by Councilman George and carried unanimously, preliminary subdivision and group development review of Alpine Village on Blanton Road was approved, as recommended by the Planning Board and on condition that no building permits be issued until engineering is completed .

Upon motion by Councilman Plummer, seconded by Councilman Kelly and carried unanimously, preliminary and final subdivision review of Country Club North, Sec. II, vicinity of U. S. 401 Bypass was approved, as recommended by the Planning Board, upon condition that no building permits be issued until engineering is completed.

Upon motion by Councilman Shaw, seconded by Councilman Plummer and carried unanimously, a request for a one inch water and a four inch sanitary sewer connection at 524 McPherson Church Road, Edwards Music Company, outside the City, was approved as recommended by the Planning Board.

Upon motion by Councilman Plummer, seconded by Councilman Godwin and carried unanimously, a request for a one inch water connection to a residence located on Legion Road, outside the City, was approved, as recommended by the Planning Board.

Upon motion by Councilman Plummer, seconded by Councilman Godwin and carried unanimously, a request for a one inch water connection to the Holsum Warehouse Bakery site located on Legion Road, outside the City. Council recognized Dr. David Bingham, representing the Sierra Club, who voiced objection to the approval of this water service on the grounds that it was promoting commercial development in a county area not yet zoned, and which was primarily residential in character.

Upon motion by Councilman Plummer, seconded by Councilman Kelly and carried unanimously, a request for a one inch water connection to Lot 55, Hillendale Subdivision, outside the City, was approved as recommended by the Planning Board.

PUBLIC WORKS COMMISSION MATTERS:

Council recognized Public Works Commission Chairman Thurman Williams on a request for approval of a bid to purchase 800,000 of caustic soda and 120 tons of liquid chlorine from Jones Chemical, Inc, for their bid of $15,880.00 for caustic soda and $18,000.00 for liquid chlorine. Councilman Godwin offered motion, seconded by Councilwoman Finch to approve the foregoing bid of Jones Chemical, Inc., as recommended. Motion carried unanimously.

Upon motion by Councilman George, seconded by Councilman Plummer and carried unanimously, a resolution was adopted authorizing an agreement between the City of Fayetteville and the Seaboard Coastline Railroad Company for a electric distribution line across Seaboard tracks on Mayfair Street

and the Mayor and Clerk authorized and directed to sign said agreement for the City.

Council heard further request from Commissioner Williams for approval of an agreement between Mr. Gordan Peebles, Architect, and Public Works Commission for architectural services to be rendered for an addition to the Public Works Commission Administration Building. The agreement provides for the architects fee to be 6% of the actual construction cost, but not to exceed $18,000. Follosing some discussion, Councilman Shaw offered motion that this matter be continued to the next regular meeting on January 22, 1973. Motion seconded by Councilwoman Finch and carried unanimously.

Council heard further request from Commissioner Williams for approval for Public Works Commission to change the downtown street lighting from the present fluorescent type to 400 watt ceramalux lighting. Commissioner Williams stated that the downtown lighting level would be increased from the present 1 to 2 foot-candles to approximately 5.9 foot-candles as a result of the change over. The estimated cost for said change is $20,000. There would be no additional charge to the City by Public Works Commission for this change over.

Councilman Plummer offered motion that approval be granted for this street lighting change over, as requested by Public Works Commission. Motion seconded by Councilman Godwin, who offered amendment to the motion that the Hillsboro Street area be included in this proposed street light change over. The amendment was seconded by Councilwoman Finch. Following some discussion, Councilman George offered substitute motion to continue this matter for one week, and receive a recommendation from Public Works Commission and the City Manager concerning the lights, and the location of these lights. Motion seconded by Councilman Kelly and carried unanimously.

Mrs. Jacqueline Ducharme had indicated a desire to appear before Council regarding Cumberland Community Action Program, but was not present.

Council recognized Col. James D. C. Breckenridge, Executive Director of the Downtown Association, Inc., on a report of the results of free on-street parking in the downtown area since Thanksgiving. Col. Breckenridge stated that there was favorable reaction from merchants and shoppers alike, and that a two hour limit was generally observed by shoppers, as requested. The incident of employees and others taking advantage of the free on-street parking all day, was generally insignificant, Col. Breckenridge stated. The free parking resulted in a loss of approximately $5,000 per month in revenue to the City. Because of the holiday season, no previous definitive experience factors were available for comparative purposes, and for this reason, the association requested continuance of free on-street parking for another 90 days or until April 30, 1973.

Following some discussion, Councilman Plummer offered motion to continue free on-street parking until April 30, 1973. Motion seconded by Councilwoman Finch and carried unanimously. Col. Breckenridge was requested, by Council, to make or have made a study determining the general results to the economy as a result of this continued free on-street parking, and present it to Council following this additional trial period. The City Manager was also requested to acquire information from various North Carolina cities.

The City Manager reported receipt of a request from the Fayetteville Redevelopment Commission for approval of the execution of a contract for the sale of a parcel of land, Parcel # M-5, in the Murchison Road Redevelopment Area, N. C. R-90 to Humble Oil and Refining Company for their bid of $10,251.00.

Councilman Plummer offered motion, seconded by Councilman Kelly that the sale of the foregoing parcel to Humble Oil and Refining Company for $10,251.00 be, and the same is hereby approved, as requested. Motion carried unanimously.

Upon motion by Councilman Shaw, seconded by Councilman Kelly and carried unanimously, the investment of certain City funds was approved by the adoption of the following resolution:

CITY OF FAYETTEVILLE, NORTH CAROLINA
RESOLUTION ON INVESTMENT OF MUNICIPAL FUNDS

WHEREAS, pursuant to former N.C.G.S. 160-411.5, now G.S. 159-28.1, municipalities are authorized to invest all or any part of the cash balance of anyone or more of their funds; and

WHEREAS, said types of investment are limited but permit bank certificates of deposits upon security being furnished by said bank; and also, permit investment in repurchase agreements of U.S. Treasury securities (bills, notes and bonds) as well as securities offered by Federal Agencies such as the Federal Intermediate Credit Bank, the Federal Land Bank, and the Federal National Mortgage Association, and other; and

WHEREAS, such investments are required to be authorized by resolution of the City Council;

NOW, THEREFORE, IT IS ORDERED AND DIRECTED:

SECTION A.

1. That $100,000.00 be invested as a certificate of deposit in the First Citizens Bank and Trust Company, Fayetteville, North Carolina for 99 days at 6.125% interest, and

2. That $100,000.00 be invested as a certificate of deposit in the First Citizens Bank and Trust Company, Fayetteville, North Carolina for 113 days at 6.125% interest, and

3. That $100,000.00 be invested as a certificate of deposit in the First Citizens Bank and Trust Company, Fayetteville, North Carolina for 113 days at 6.125% interest, and

4. That $100,000.00 be invested as a certificate of deposit in the First Citizens Bank and Trust Company, Fayetteville, North Carolina for 127 days at 6.175% interest; and

5. That $100,000.00 be invested as a certificate of deposit in the Cape Fear Bank and Trust Company, Fayetteville, North Carolina for 91 days at 5.75% interest, and

6. That $100,000.00 be invested as a certificate of deposit in the Southern National Bank, Fayetteville, North Carolina, for 105 days at 5.75% interest, and

7. That $100,000.00 be invested as a certificate of deposit in the Southern National Bank, Fayetteville, North Carolina, for 84 days at 5.625% interest, and

8. That $100,000.00 be invested as a certificate of deposit in the First Union National Bank, Fayetteville, North Carolina for 98 days at 5.625% interest, and

9. That $100,000.00 be invested as a certificate of deposit in the First Union National Bank, Fayetteville, North Carolina for 113 days at 5.625% interest, and

10. That $100,000.00 be invested as a certificate of deposit in the North Carolina National Bank, Fayetteville, North Carolina for 155 days at 5.625% interest, and

11. That $100,000.00 be invested as a certificate of deposit in the North Carolina National Bank, Fayetteville, North Carolina for 183 days at 5.75% interest, and

12. That $100,000.00 be invested as a certificate of deposit in the Southern National Bank, Fayetteville, North Carolina for 85 days at 5.625% interest, and

13. That $133,000.00 be invested as a certificate of deposit in the Southern National Bank, Fayetteville, North Carolina for 211 days at 5.875% interest, and

14. That $100,000.00 be invested as a certificate of deposit in the First Citizens Bank and Trust Company, Fayetteville, North Carolina, for 126 days at 6.125% interest, and

15. That $100,000.00 be invested as a certificate of deposit in the First Citizens Bank and Trust Company, Fayetteville, North Carolina for 140 days at 6.125% interest.

SECTION B.

That the City Treasurer is hereby designated custodian of the evidences of such investments, and it shall be his duty to safely keep same as long as all or any part of the money remains invested.

This 15th day of January, 1973.

Jackson F. Lee
Mayor

ATTEST:

Maurice W. Downs
City Clerk

The City Manager requested Council's adoption of a resolution for the filing of an application before HUD for funds for preservation of the Market House.

Councilwoman Finch offered motion, seconded by Councilman Plummer for the adoption of such resolution and carried unanimously. A copy of the resolution appears below:

R E S O L U T I O N

WHEREAS, Title IV of the Housing and Urban Development Act of 1970 provides for the making of grants by the Department of Housing and Urban Development to States and local public bodies to assist in the preservation of Historic properties; and

WHEREAS, the City of Fayetteville desires to renovate the exterior of the Market House to preserve this Historic Landmark; and

WHEREAS, the Citizens of Fayetteville request the renovation of this Historic Landmark; and

WHEREAS, it is estimated that the cost of the renovation proposed to be carried out in the preservation of the Market House is $13,200.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE:

1. That an application be made to the Department of Housing and Urban Development for a grant in an amount authorized by Title IV of the Housing and Urban Development Act of 1970 for Historic Preservation which amount is presently estimated at $6,600, and that the City of Fayetteville will provide the balance of the cost.

2. That the City Manager is hereby authorized and directed to execute and to file such application with the Department of Housing and Urban Development, to provide additional information and to furnish such documents as may be required by said department, and to execute such contracts as are required by said Department, and to act as the authorized correspondent of the City of Fayetteville.

3. That the United States of America and the Secretary of Housing and Urban Development be, and they hereby are, assured of full compliance by the City of Fayetteville with regulations of the Department of Housing and Urban Development effectuating Title VI of the Civic Rights Act of 1964.

4. That the United States of America and the Secretary of Housing and Urban Development, be and they hereby are, assured of full compliance by the City of Fayetteville with the Federal Labor standards imposed under the Title VII of the Housing Act of 1961 as amended.

Adopted this 15th day of January, 1973.

I certify that the above Resolution was adopted by the City Council at a regular meeting held January 15, 1973.

Jackson F. Lee
Mayor

Attest:

Maurice W. Downs
City Clerk

On the approval of a bid award for the improvement of the Southeast corner of the Market House Square, the City Manager reported that this cost is to be between $10,000. and $12,000. The local share has been raised by Fayetteville Beautiful through contributions. We are attempting to get matching funds for the balance, the City Manager stated. This matter was continued to the next meeting, and the City Manager requested to provide sketch maps of this proposed improvement.

Upon motion by Councilman Plummer, seconded by Councilman Godwin and carried unanimously, the following ordinance was adopted:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA
SECTION 20-106 OF THE CITY CODE
TRAFFIC SCHEDULE NUMBER 10 - "LOADING AND UNLOADING ZONES"

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

SECTION 1) That Traffic Schedule Number 10, Section 20-106 of the Code of Ordinances of the City of Fayetteville, North Carolina, is hereby amended to add the following:

WINSLOW STREET (WEST SIDE)

Beginning at a point 30 feet southwardly from the South curb line of Hay Street and extending 60 feet southwardly

SECTION 2) This ordinance shall be in full force and effect from and after its adoption.

Adopted this 15th day of January, 1973.

Jackson F. Lee
Mayor

ATTEST:

Maurice W. Downs
City Clerk

Upon motion by Councilman Godwin, seconded by Councilman Plummer and carried unanimously, the following ordinance was adopted.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA
SECTION 20-106 OF THE CITY CODE
TRAFFIC SCHEDULE NO. 11, "PARKING PROHIBITED"
PERSON STREET

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

SECTION 1) That Traffic Schedule Number 11, Section 20-106 of the Code of Ordinances of the City of Fayetteville, North Carolina, is hereby amended to add the following:

"PARKING PROHIBITED AT ALL TIMES"

PERSON STREET	South side beginning at a point 140 feet from the east curb line of Cool Spring Street thence running eastwardly for a distance of 330 feet.

SECTION 2) This ordinance shall be in full force and effect from and after its adoption.

Adopted this 15th day of January, 1973.

Jackson F. Lee
Mayor

ATTEST:

Maurice W. Downs
City Clerk

Council heard report from the City Manager that bids had been received for the Fairview Park drainage. The low bid was by C. W. Matthews Contracting Company, Inc., in the amount of $81,654.00, and is recommended. Councilman Godwin offered motion, seconded by Councilman Plummer, and carried unanimously, that the low bid of C. W. Matthews Contracting Company, Inc., in the amount of $81,654.00 be and the same is hereby accepted.

The City Manager reported that bids had been received for the paving and improving of Silk Lane, Fair Street, Player Avenue, Buie Court, Kennedy Street, North Street, Wilma Street and Cunningham Street. The bid of Crowell Constructors, Inc., in the amount of $151,072.32 was low bid and is the one recommended.

Councilman Kelly offered motion, seconded by Councilman Plummer that the foregoing low bid of Crowell Constructors, Inc., in the amount of $151,072.32, be and it hereby is accepted.

Councilman Plummer suggested that Kennedy Street be given priority under the contract, since the construction of the new Greyhound Bus Station, in this neighborhood, has created considerable additional use. The City Engineer stated that this could be done, and it was so directed.

Upon motion by Councilman Plummer, seconded by Councilman Shaw and carried unanimously, Taxicab Driver Permits were approved for the following named, as recommended by the Chief of Police City Manager and the Taxicab Inspector:

JAMES EDWARD FARLEY TONTO MORRISON ROBERT MELVIN JENKINS

Council heard recommendation for the disapproval of two probationary Taxicab Driver Permits for HAROLD CLODFOWLER, Alias CLODFELTER and JOHN M. DEANS, because of their criminal records. The Taxicab Inspector stated that these individuals had been informed of the City Council Meeting on January 8, 1973, but that they had not been informed of its continuance to this date.

Following some discussion, Councilman George offered motion, seconded by Councilman Godwin that this matter be deferred and reconsidered at the next regular meeting of the Council on January 22, 1973, and that Mr. Clodfelter and Mr. Deans be so advised by the Taxicab Inspector. Following brief discussion, Mayor Lee ruled that since Council had already voted to follow the recommendation of the Taxicab Inspector in this matter, that a reconsideration of the previous motion was in order.

Councilman George then offered motion to reconsider the previous motion in reference to the two denials only. Motion seconded by Councilman Godwin and carried; Councilmen Shaw and Plummer voting no. Mayor Lee then ruled the matter regarding Clodfower and Deans was continued to the next meeting of January 22. The City Attorney was requested to review that portion of the Taxicab Ordinance, dealing with the issuance of probationary Taxicab Driver Permits, and to draw an ordinance eliminating same for consideration at the next regular meeting.

Upon motion by Councilman George, seconded by Councilman Shaw and carried unanimously, Mr. MILES B. AUSTIN was reappointed to the Citizens Advisory Committee for a three year term of office; said term to expire in January, 1976.

Upon motion by Councilman Plummer, seconded by Councilwoman Finch and carried unanimously, Col. ROBERT H. WARD was reappointed to the Citizens Advisory Committee for a three year term of office; said term to expire in January, 1976.

Upon motion by Councilman Godwin, seconded by Councilman George and carried unanimously, Mr. GENE PLUMMER was reappointed to the Board of Trustees N. C. Firemen's Relief Fund for a two year term of office; said term to expire in January, 1975.

Upon motion by Councilman Kelly, seconded by Councilman Shaw and carried unanimously, the following named were appointed to fill vacancies in the Police Department, as recommended by the Civil Service Commission, Chief of Police and City Manager:

ROBERT WILLIAM DAHLMAN CURT WARREN BERTRAND

JAMES SCOTT BURGESS JOHN DENNIS HERRIN

The City Manager reported the following resignation from the Police Department:

GENE A. DENMARK

The resignation was noted.

Upon motion by Councilman Plummer, seconded by Councilman Kelly and carried unanimously, the following named were appointed to fill vacancies in the Fire Department, as recommended by the Civil Service Commission, Fire Chief and City Manager:

ROBERT W. CLARK HAROLD J. COUNTERMAN, JR. THOMAS R. JESTES WILLIAM J. JONES

STANLEY JACOBS JERRY L. MELTON RONALD B. TODD

The City Manager reported the following resignation from the Fire Department:

MARVIN T. BROWN

The resignation was noted.

ON MATTERS OF INTEREST TO THE CITY COUNCIL:

Councilman Kelly inquired about the status of the old building beside Horace Sisk Junior High School - Old Honeycutt Grocery. City Manager Smith stated that this matter was being considered by the Building Inspectors Office at this time.

Councilman George asked for a report from Administration on Turnpike Road and Langdon Street. The City Manager stated that this would be forthcoming shortly.

Councilwoman Finch expressed appreciation to the City Engineer for the study and report on the pedestrian crossings at Market Square.

Councilman Godwin raised question of emergency vehicle use of public streets, and the statutory requirements concerning such vehicles and traffic signals. The City Attorney stated that statutory provisions were that emergency vehicles could proceed through intersections against the light, but must do so with caution, but the action does not absolve the driver of responsibility for his action.

Councilman Godwin also raised question of snow removal from the streets, and suggested the City Manager investigate the possibility of the City using construction company's equipment for this purpose.

A Conference Meeting was set for 7:30 p.m., Tuesday, January 23, 1973, in the Kyle House with the Airport Commission.

Thereafter, all matters of business having been completed, the meeting was adjourned at 11:00 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 22, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Godwin, Finch, Plummer, George, Kelly and Shaw

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
R. A. Muench, Jr., Public Works Commission
Robert Butler, Public Works Commission

Mayor Lee called the meeting to order, and requested those present to observe a moment of silence in memory of the late Lyndon Baines Johnson, former President of the United States of America, whose death occurred in Texas on this date. The Reverend Jerry Daley, Director of the Manor House offered the invocation. Following the invocation, the Mayor led the assembly in the Pledge of Allegiance to the Flag. Mayor Lee welcomed to the meeting members of the Fayetteville Youth Council, and ladies from the Junior Service League.

Approval of the Minutes of the Meeting of January 15, 1973, was deferred until the next Regular Meeting.

Public hearing was held as published on confirming the assessment roll on the paving and other improvement of Skye Drive, between the southeast corner of Keith's lot (Lot #10) and Hull Road. Mayor Lee read into the minutes a certificate from the City Clerk indicating that all property owners had been mailed due and proper notice of this public hearing and the assessment as required.

Council recognized Mr. Julius Nelson, representing Joel and Bernice Fleishman, whose lot abutts Skye Drive. Mr. Nelson opposed the assessment on the grounds that the paving did nothing to improve the value of the Fleishman property. The City Manager reported that appraisals had been made of all of the lots abutting this street, and gave comparisons of the calculated assessment cost, and the appraised value of the paving to the property. Following some discussion, Councilman Shaw offered motion that the Keith property be assessed at $1,000.00; the Kizer property at $1,500.00; the Fayetteville Technical Institute property at $9,839.02; the Fayetteville City School property at $2,415.15, and that we do not assess the Fleishman property at anything. Motion seconded by Councilwoman Finch and approved by the adoption of an ordinance; the title of which appears below by the following vote:

Ayes: Council Members Shaw, Finch, Godwin, George and Kelly
Nays: Councilman Plummer

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF SKYE DRIVE. The above ordinance appears in full context in Ordinance Book 1973 in the office of the City Clerk. No. ONS- 1973-1

No Planning Board matters were presented.

Council recognized Public Works Commissioner Robert H. Butler, on a request for the approval of a bid for a trenching machine.

Councilman Plummer offered motion, seconded by Councilman Shaw that the low bid of Ditch-Witch of North Carolina (Diesel), in the amount of $9,418.95, be and the same is approved for the trenching machine as recommended by Public Works Commission.

Council heard further request from Public Works Commissioner Butler for the approval of an agreement between Mr. Gordon Peebles, Architect, and the Public Works Commission, for architectural services to be rendered for an addition to the Public Works Commission Administration Building. Commissioner Butler stated that the agreement provides for the architects fee to be 6% of the actual construction cost, but not to exceed $18,000. Councilman George offered motion, seconded by Councilman Kelly for the approval of the foregoing agreement as recommended. Motion carried unanimously.

Council heard further request for approval by Public Works Commission to change the downtown Fayetteville street lighting from fluorescent to 400 watt ceramalux. The downtown lighting will be increased from the present 1 to 2 foot-candles to approximately 5.9 foot-candles. The estimated cost for such change is $20,000.00. There will be no additional charge to the City by Public Works Commission for this change, Commissioner Butler stated. The City Manager recommended approval of this street lighting project, but requested the Council to defer action at this time on the Hillsboro Street area in order that he and the Public Works Commissioner Manager could study this matter further, and make recommendation at a later date.

Councilman Kelly offered motion, seconded by Councilman Godwin for the approval of the foregoing street lighting change and carried unanimously.

Mayor Lee requested that Mr. Muench and Mr. Smith get together and make recommendation as to the street lighting on Hillsboro Street, Bass Street, Cashwell Street and Davie Street.

Upon motion by Councilman Plummer, seconded by Councilman George and carried unanimously, a public hearing was set for 8:00 p.m., Monday, February 12, 1973, City Hall Council Chamber on the exchanging of utility easements between the City, through the Public Works Commission, and Estelle and Clyde McDaniel, as recommended by Public Works Commissioner Butler.

Upon motion by Councilman Shaw, seconded by Councilwoman Finch and carried unanimously, the Mayor and City Clerk were authorized and directed to approve an agreement between the City, through the Public Works Commission, and the Seaboard Coastline Railroad Co., granting Public Works Commission the right to install water and sanitary sewer lines across Seaboard Coastline Railroad property on Deep Creek Road.

A joint City Council/Public Works Commission meeting was set for 5:00 p.m., Monday, February 5, 1973 at the Public Works Commission offices.

RESOLUTION ON INVESTMENT OF MUNICIPAL FUNDS: No. R-1973-1

Councilman Shaw introduced the above resolution and moved its adoption, seconded by Councilman Kelly and carried unanimously. A copy of the above resolution is on file in Resolution Book No. R-1973 in the office of the City Clerk.

Council again considered the application of Harold Clodfelter for a Taxi Driver Permit (recommendation had been made by the Taxicab Inspector for disapproval at the last meeting, but continued to this meeting pending notification of the applicant of such continuance) Mr. Clodfelter was recognized in his own behalf, and requested Council's reconsideration of his application because it had been seven years since his conviction. Mr. Thomas B. Hall, Jr., Mr. Clodfelter's employer, and owner of the Yellow Cab Company, was also recognized and spoke in Mr. Clodfelter's behalf. Following some discussion, Councilman George moved to approve the application of Mr. Clodfelter, seconded by Councilman Kelly and carried; Councilman Plummer voting no.

The application for a Taxicab Driver Permit, by John Michael Deans, was also considered. Mr. Deans was not present. Councilman Plummer then offered motion, seconded by Councilman Shaw that the probationary permit of Mr. Deans be, and the same is hereby revoked, as recommended by the Taxicab Inspector. Motion carried unanimously.

Council again considered the awarding of a bid for the improvement of the southeast corner (MacKethan Drug Store) of Market House Square. The City Manager displayed a map indicating the exact nature of the work to be done. There will be no direct cost to the City for this work, he stated, since several groups had subscribed funds for this purpose. The balance of funds to be provided from a Federal grant. Council recognized City Recreation and Parks Department Superintendent Billy Kendall, who stated that bids had been let for this work, and the bid of Hosack and Sons Construction Company, in the amount of $11,400.00 is the bid recommended.

Councilman Shaw then offered motion that the foregoing bid of Hosack be accepted, seconded by Councilman Kelly and carried unanimously.

APPOINTMENTS:

Upon motion by Councilman Shaw, seconded by Councilman Kelly and carried unanimously, Dr. W. C. Brown was appointed to the Citizens Advisory Committee, for a three year term of office; said term to expire in January, 1976.

Mayor Lee informed Council of the resignation of the Reverend Al Bean from the Human Relations Advisory Commission.

Council recognized Mr. Robert H. Butler, a member of the Library Board. Mr. Butler introduced Mr. David Warren, the new Cumberland County Librarian, replacing Mrs. Dorothy Shue who recently retired. Mr. Butler then made request on behalf of the Library Board that Council give preliminary approval to a proposal for landscaping and paving at the Frances Brooks Stein Library on Hay Street. The approximate cost would be $2,600.00, which would not be required of the City until the next fiscal year, inasmuch as it was not proposed to landscape and pave until next spring. Following some discussion, Councilman Shaw offered motion to approve the project on the basis of this years budget contingency fund, but actually expending the funds until next year. Motion seconded by Councilman Plummer. Discussion followed, during which time the City Manager pointed out to Council that the $2,600.00 figure does not cover the entire cost, since specifications must be written and bids let.

Councilman Shaw then offered substitute motion that we use the specifications that have been drawn and request bids on this project in anticipation of beginning the work in March, with the stipulation that, if we have to, we can pay for it out of contingency funds or out of the next budget. Motion seconded by Councilman Plummer.

Councilman Plummer then offered further substitute motion to table this matter until additional information is available, seconded by Councilman George. The motion failed to carry by the following vote:

Ayes: Councilmen Plummer and George
Nays: Council Members Finch, Shaw, Kelly and Godwin

Mayor Lee then called for a vote on Mr. Shaw's preceding motion to approve, using the specifications drawn and letting bids, and this motion carried by the following vote:

Ayes: Council Members Godwin, Finch, George, Kelly and Shaw
Nays: Councilman Plummer

Council recognized City Attorney Rudolph Singleton, who presented for Council consideration, two ordinances regulating the operation of emergency vehicles within the City, with particular emphasis being placed on stop intersections. Following the presentation by Mr. Singleton and lengthy discussion, Councilman Shaw offered motion to postpone action until the next regular meeting of February 12. Motion seconded by Councilwoman Finch and carried unanimously.

Attorney Singleton then presented a proposed ordinance amending Section 72, Chapter 28 of the City Code, regulating Taxicabs, which would require the Taxicab Inspector to first obtain the permission of the Council before issuing probationary Taxicab Operator Permits. Following some discussion, it was decided to take no action at this time on this proposed ordinance.

A RESOLUTION AUTHORIZING THE APPLICATION BE MADE TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR GRANTS FOR THE REDEVELOPMENT OF HOPE PARK AND THE RENOVATION OF LAMON STREET SWIMMING POOL DRESSING FACILITIES No. R-1973-2

Councilman Godwin introduced the foregoing resolution and moved its adoption. The motion was seconded by Councilman Shaw and carried unanimously. A copy of the above resolution is filed in Resolution Book R-1973 in the office of the City Clerk.

The City Manager reported the following resignation from the Police Department:

T. E. BRADLEY. The resignation was noted.

ON MATTERS OF INTEREST TO THE COUNCIL MEMBERS:

Councilman Shaw requested that the preceding proposed ordinance, dealing with Taxicab Driver Permits, be placed on the agenda of the February 12th meeting for further discussion.

Councilman Plummer requested that a study be made by City Engineer of the left turn signal at Bragg Boulevard and West Rowan Street, due to the recent opening of the new bridge on West Rowan Street.

Thereafter, all matters of business having been completed, the meeting was adjourned at 10:00 p. m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

SPECIAL MEETING
FEBRUARY 5, 1973
6:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Godwin, Finch, Plummer, George, Kelly and Shaw

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney

Mayor Lee called this special session to order and directed that the minutes reflect that due and proper notice had been given to all members. The City Manager informed Council that a Municipal Agreement had been drawn by the State Highway Commission on the improvement of a segment of Robeson Street and requested Council's consideration of same:

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA CONSISTING OF THE CONSTRUCTION AND IMPROVEMENT OF ROBESON STREET (U.S. 401 BUSINESS) FROM RAEFORD ROAD TO WHITFIELD STREET - PROJECT W.O. 9.7062005 CUMBERLAND COUNTY R-1973-3

Councilman Plummer introduced the foregoing resolution and moved its adoption. Motion seconded by Councilman Shaw and carried unanimously. A copy of the above resolution is on file in the Office of the City Clerk in Resolution Book 1973. A copy of the Municipal Agreement is also on file in the Office of the City Clerk.

Councilman Shaw introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF A $100,000 LAND ACQUISITION BOND ANTICIPATION NOTE

R-1973-4

BE IT RESOLVED by the City Council of the City of Fayetteville:

Section 1. The City Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $150,000 Land Acquisition Bonds was adopted on October 25, 1971, which ordinance has taken effect.

(b) That none of said bonds has been issued and that a $150,000 note has been issued in anticipation of the receipt of the proceeds of said bonds, which note is dated February 10, 1972, matures February 9, 1973 and bears interest at the rate of 2.72% per annum.

(c) That the holder of said note has consented to accept a new note in the amount of $100,000 and a cash payment in the amount of $50,000 in exchange for said outstanding note, said new note to be dated February 9, 1973, to mature February 8, 1974 and to bear interest at the rate of 3.10% annum.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds, the issuance of a $100,000 negotiable note of the City of Fayetteville, North Carolina, is hereby authorized, which note shall be designated "Land Acquisition Bond Anticipation Note", shall be dated February 9, 1973, shall mature on February 8, 1974, without option of prior payment, shall consist of 1 note of the denomination of $100,000 and shall bear interest at the rate of 3.10% annum, which interest shall be payable at the maturity of the note of which no interest coupons shall be attached. Both the principal of and the interest on said note shall be payable at Branch Banking & Trust Company in the City of Wilson, North Carolina, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. Said note shall be signed by the Mayor and the City Clerk and Treasurer and the corporate seal of the City shall be affixed to said note, and said note shall have endorsed thereon the written approval of the City Attorney. The form of said note and the endoreement to be placed upon the reverse thereof shall be substantially as follows:

No. 1 $100,000

United States of America
State of North Carolina
County of Cumberland

CITY OF FAYETTEVILLE

Land Acquisition Bond Anticipation Note

The City of Fayetteville, a municipal corporation in Cumberland County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 8th day of February, 1974, the principal sum of ONE HUNDRED THOUSAND DOLLARS and to pay interest thereon from the date hereof at the rate of three and ten hundredths per centum (3.10%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable at Branch Banking & Trust Company, in the City of Wilson, North Carolina, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof, both

principal and interest as the same fall due, the full faith and credit of said City of Fayetteville are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of Land Acquisition Bonds duly authorized by an ordinance passed by the City Council of said City on October 25, 1971, which ordinance has taken effect, and this note is issued pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended and the Local Government Act, as amended, and a resolution duly passed by the City Council of said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and Laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this note have happened, exist and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note and all other indebtedness theretofore contracted in the fiscal year in which the indebtedness evidenced by this note was contracted, does not exceed any constitutional or statutory limitation thereon,

IN WITNESS WHEREOF, said City of Fayetteville has caused this note to be signed by its Mayor and its City Clerk and Treasurer, and the corporate seal of the Town to be affixed hereto, all as of the 9th day of February, 1973.

Jackson F. Lee
Mayor

Maurice W. Downs
City Clerk and Treasurer

The issuance of this note is hereby approved.

Rudolph G. Singleton, Jr.
City Attorney

(To be endorsed upon the reverse of notes)

Local Governement Commission
Serial No.....

The issuance of this note has been approved under the provisions of the Local Government Act of North Carolina.

H.E. BOYLES
Secretary, Local Government Commission

By:_____
Designated Assistant

Section 4. The State Treasurer is hereby requested to exchange, par for par, the $100,000 Land Acquisition Bond Anticipation Note dated February 9, 1973 and described in Section 2 of this resolution and a cash payment in the amount of $50,000 for and upon the surrender of the $150,000 Land Acquisition Bond Anticipation Note dated February 10, 1972 and maturing February 9, 1973.

Section 5. The action of the City Attorney is applying to the Local Government Commission for the approval of said note is hereby ratified and confirmed.

Councilman George moved the passage of the foregoing resolution entitled: RESOLUTION PROVIDING FOR THE ISSUANCE OF A $100,000 LAND ACQUISITION BOND ANTICIPATION NOTE" and Councilman Kelly seconded the motion and the resolution was passed by the following vote:

Ayes: Council Members Godwin, Finch, Plummer, George, Kelly and Shaw

Noes: None.

A copy of the foregoing resolution is on file in Resolution Book 1973 in the Office of the City Clerk.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, CALLING FOR A PUBLIC HEARING, APPROVING NEIGHBORHOOD DEVELOPMENT PROGRAM, ANNUAL INCREMENT THEREOF AND FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE ON THE SOUTHEAST NEIGHBORHOOD DEVELOPMENT PROGRAM
N. C. A-7 Resolution No. R-1973-5

Councilman Kelly introduced the foregoing resolution and moved its adoption, and that a public hearing be published for 8:00 p.m., Monday, February 26, 1973, City Hall Council Chamber. Motion seconded by Councilman Godwin and carried unanimously. A copy of the above resolution is on file in the office of the City Clerk in Resolution Book 1973.

Thereafter, all matters of business having been completed, the meeting was adjourned at 6:15 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 12, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members - Finch, Plummer, George, Kelly and Shaw.

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
Monroe Evans, Public Works Commission
R. A. Muench, Jr., Public Works Commission

Absent: Vardell Godwin

Mayor Lee called the meeting to order and the Reverend Tommy Yow, Methodist College, offered the invocation. Mayor Lee led the assembly in the Pledge of Allegiance to the Flag.

Upon motion by Councilman Kelly, seconded by Councilman George and carried unanimously, minutes of the Regular Meeting of January 8, 1973, continued to January 15, 1973, were approved as submitted by the City Clerk.

Upon motion by Councilman George, seconded by Councilwoman Finch and carried unanimously, minutes of the Regular Meeting of January 22, 1973, were approved as submitted by the City Clerk.

Upon motion by Councilman Plummer, seconded by Councilman George and carried unanimously, minutes of the Special Meeting of February 5, 1973, were approved as submitted by the City Clerk.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF WILSON STREET BETWEEN WOODROW STREET AND VIRGINIA AVENUE - No. NS - 1973-2

Public hearing having been published, and there being no opposition present, Councilman Shaw introduced the foregoing ordinance and moved its adoption. Motion seconded by Councilwoman Finch and carried unanimously. A copy of the foregoing ordinance is on file in Ordinance Book 1973, in the office of the City Clerk.

Public hearing had been published on the rezoning of an area on Ramsey Street from R6 Residential District to C1 Local Business District, pursuant to petition. Planning Board recommended denial. Council recognized Mr. Hal Broadfoot, Attorney for the petitioner, Mr. J. P. Butler, owner of B & M Wholesale Electric Company on East Russell Street, who was being required to relocate his business due to the construction of a new correctional center in the Dick Street area. There was no opposition present.

Following brief discussion, Councilman Shaw offered motion for denial of the rezoning. Motion seconded by Councilwoman Finch. Motion was lost by the following vote: For - Council Members Shaw and Finch. Against - Councilmen Plummer, Kelly and George.

Councilman Plummer then offered motion for rezoning the area as petitioned. Motion seconded by Councilman George and carried by the following vote: For - Councilmen Kelly, George and Plummer. Against - Council Members Shaw and Finch. Mayor Lee declared the motion and ordinance carried and approved on first reading, and set the second reading for the next regular meeting on February 26.

Public hearing was held as published on extending the corporate limits of the City to include an area located in the vicinity of Dallas Street, pursuant to petition. There was no opposition present.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY IN THE VICINITY OF DALLAS STREET ANNEXATION NO. 120.

Councilman George introduced the foregoing ordinance and moved its adoption. Motion seconded by Councilman Kelly and carried unanimously. A copy of the foregoing ordinance is on file in Annexation Book 1973, in the office of the City Clerk.

Public hearing had been published for this date and hour on an exchange of easements for utilities purposes between Clyde L. McDaniel and wife, Estelle Jones McDaniel and the City of Fayetteville through its Public Works Commission. There was no opposition present.

RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE A QUITCLAIM DEED TO ESTELLE JONES MCDANIEL AND HUSBAND, CLYDE L. MCDANIEL FOR THE PURPOSE OF RELEASING A UTILITY EASEMENT IN EXCHANGE FOR A NEW UTILITY EASEMENT. Resolution No. 1973-6

Councilman Shaw introduced the foregoing resolution and moved its adoption. Motion seconded by Councilman Kelly and carried unanimously. A copy of the foregoing resolution in on file in Resolution Book 1973, in the office of the City Clerk.

A. RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT ON BUXTON BOULEVARD BETWEEN OLD WILMINGTON ROAD AND ITS DEAD END. RESOLUTION NO. 1973-7

B. RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT ON SESSOMS STREET BETWEEN BUXTON BOULEVARD AND THE NORTHWEST CORNER OF LOT 67, PLAT BOOK 10, PAGE 51. RESOLUTION NO. 1973-8

C. RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT ON MONTGOMERY STREET BETWEEN WRIGHT STREET AND BUXTON BOULEVARD. RESOLUTION NO. 1973-9

D. PRELIMINARY RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION, OF TURNPIKE ROAD BETWEEN BRANSON STREET AND COMMERCE STREET. RESOLUTION NO. 1973-13

E. INITIAL ZONING R6 RESIDENTIAL DISTRICT OF AN AREA LOCATED ON EASTWOOD AVENUE AND THE CAPE FEAR RIVER.

F. REZONING FROM R6 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT OF AN AREA LOCATED AT 217 AND 223 VIRGINIA AVENUE.

G. REZONING FROM R5 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT OF AN AREA LOCATED AT 113 LAMON STREET AND 418 NORTH STREET. (PLANNING BOARD RECOMMENDED P2 PROFESSIONAL DISTRICT)

H. A SPECIAL USE PERMIT OF AN AREA LOCATED AT 2504 RAEFORD ROAD AND AMIGO DRIVE.

Councilwoman Finch introduced the foregoing resolutions A,B,C, and D and moved their adoption, and that public hearings be published on these items and items E,F, G and H, foregoing, for 8:00 p.m., March 12, 1973, City Hall Council Chamber. Motion seconded by Councilman Shaw and carried unanimously. Copies of the resolutions are on file in RESOLUTION BOOK 1973, in the office of the City Clerk.

A. PRELIMINARY RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION OF JASPER STREET BETWEEN MURCHISON ROAD AND TOPEKA STREET. RESOLUTION NO. 1973-10

B. PRELIMINARY RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION OF TOPEKA STREET FROM JASPER STREET EASTWARDLY TO A DEAD END. RESOLUTION NO. 1973-11

Councilman George introduced the foregoing resolutions A and B and moved their adoption, and that public hearings be published for 8:00 p.m., February 26, City Hall Council Chamber. Motion seconded by Councilman Shaw and carried unanimously. Copies of the foregoing resolutions are on file in RESOLUTION BOOK 1973, in the office of the City Clerk.

RESOLUTION TO CLOSE PUBLIC STREETS AND NOTICE OF PUBLIC HEARING - VANN STREET; MCLEAN STREET; HILL (SHUFFORD) STREET; WATSON STREET; MONAGHAN STREET (WEST PORTION); JULIA STREET (EAST PORTION); BROOKSIDE AVENUE; BLUE STREET (PORTION); COEFIELD STREET; SURLES STREET; RALEIGH STREET; AND DURHAM STREET. RESOLUTION NO. 1973-12

Councilman Kelly introduced the foregoing resolution and moved its adoption, and that a public hearing be set for 8:00 p.m., March 12, 1973, City Hall Council Chamber. Motion seconded by Councilman George and carried unanimously. A copy of the foregoing resolution is on file in RESOLUTION BOOK 1973, in the office of the City Clerk.

PLANNING BOARD MATTERS:

Upon motion by Councilman Shaw, seconded by Councilman Plummer and carried unanimously, Preliminary Subdivision Review of Green Valley Estates Subdivision, of an area located on Helen Street and U.S. 401 By-Pass, was given, as recommended by the Planning Board subject to: 1) A utility easement along the Creek. 2) Correction of the common property line along Mintz Pond. 3) The pipeing of the drainage canal prior to the issuance of a Building Permit.

Upon motion by Councilman Plummer, seconded by Councilman Kelly and carried unanimously, Preliminary Subdivision Review of Van Story Hills Section VII, Part B, in the vicinity of Millbrook Road, was approved, as recommended by the Planning Board subject to the granting of a utility easement by the developer and the City Engineers approval.

Upon motion by Councilman Shaw, seconded by Councilman Kelly and carried unanimously, Preliminary Subdivision and Group Development Review of Pamalee Square South (Condominium) project on Pamalee Drive, in the vicinity of Mintz Pond, was approved, as recommended by the Planning Board, and subject to the approval of the City Engineer prior to issuance of a Building Permit.

Upon motion by Councilman Kelly, seconded by Councilman Plummer, and carried unanimously, a revision of Meridian Bay Apartments - an area located adjacent to the proposed Owen Drive Expressway to increase the number of units from 252 to 288, as recommended by the Planning Board, was approved subject to the approval of the drainage plans by the City Engineer.

Upon motion by Councilman Plummer, seconded by Councilman George and carried unanimously, a one inch water and a four inch sanitary sewer connection for Bloom Furniture Company on McPherson Church Road, outside the City, was approved.

Upon motion by Councilman Plummer, seconded by Councilman Kelly and carried unanimously, a sanitary sewer lift station and a six inch sanitary sewer force main was approved for the Carolina Telephone and Telegraph Company Building on Morganton Road, outside the City.

Upon motion by Councilman Plummer, seconded by Councilman George and carried unanimously, preliminary review of the extension of Eastwood Avenue was approved, subject to the approval of the City Engineer.

Upon motion by Councilman Plummer, seconded by Councilman Kelly and carried unanimously, a one inch water connection to a lot on West Jenkins Street and Progress Street was approved only to the mobile home presently occupied on said lot.

Upon motion by Councilman Shaw, seconded by Councilman Plummer and carried unanimously, 2 one inch water connections were approved for lots 8 and 9 in the Frank Raynor Subdivision on Daytona Road, outside the City.

PUBLIC WORKS COMMISSION MATTERS:

Council next recognized Public Works Commissioner Evans on a request for approval and execution by Council of an easement to the State Highway Commission for the new Cliffdale Road Substation property, recently purchased by State Highway Commission and deeded to the City. Commissioner Evans stated that the easement request is necessary for the proposed Owen Drive Expressway construction and will not interfere with the Public Works Commission substation. Councilman Kelly offered motion for approval of the foregoing request and that the Mayor and Clerk be, and they hereby are, authorized and directed to sign such easement for the City.

Council again considered the proposed Emergency Vehicle Ordinances.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 1 (1) OF CHAPTER 20, OF THE CITY CODE DEFINING AN AUTHORIZED EMERGENCY VEHICLE. No. S-1973-1

Councilman Shaw introduced the foregoing ordinance and moved its adoption, seconded by Councilman George and carried unanimously. A copy of the foregoing ordinance is on file in ORDINANCE BOOK 1973, in the office of the City Clerk.

Council recognized Dr. William Barry, Director of Emergency Service for Cumberland County Hospital Authority System, Inc., and Mr. Neal Ray, Director of the Cumberland County Rescue Squad. Dr. Barry requested that Council investigate the availability of federal funds to install radar sensing devices at street intersections throughout the City for the passage through of Emergency Vehicles in safety and that Emergency Vehicles not be required to stop at intersections. Mr. Ray also suggested that Council not enact legislation, which would require rescue squad vehicles to stop at intersections.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 28, CHAPTER 20, OF THE CITY CODE REGULATING THE OPERATING, PARKING AND STANDING OF AUTHORIZED EMERGENCY VEHICLES. No. S-1973-2

Councilman Shaw introduced the foregoing ordinance and moved its adoption, seconded by Councilman George and carried unanimously. A copy of the foregoing ordinance is on file in ORDINANCE BOOK 1973, in the office of the City Clerk.

Council next gave consideration to the installation of sewers in Collier Drive, Wilmington Road, Walker Street, Dean Street, Penny Street, Pear Street and New Bern Street. The City Manager stated that there are drainage problems, dirt streets and no sewers in these areas, but water is present. Public Works Commission Manager Ray Muench advised that this is one of four basins requiring a lift station each, and recommended that this particular area be considered on an all or none basis, and would take about two years to complete.

The area is not included in Urban Revewal. The City Manager stated that petitions are approaching the necessary majority requirements and requested that he be permitted to evaluate such petitions to determine if sufficient signatures can be obtained, rather than Council order the improvements made. Council agreed to the City Manager's foregoing suggestion and asked for a report in four weeks.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH A SUBSTANDARD DWELLING - 124 WALL STREET - O. J. Scarborough, Jr., owner No. NS 1973-3

Councilman Plummer introduced the foregoing ordinance and moved its adoption. Motion seconded by Councilwoman Finch and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH A SUBSTANDARD DWELLING - 407 CAPE FEAR AVENUE - O. J. Scarborough, Jr., owner No. NS 1973-4.

Councilwoman Finch introduced the foregoing ordinance and moved its adoption. Motion seconded by Councilman Plummer and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH A SUBSTANDARD DWELLING - 711 ASHLEY STREET - Mrs. E. M. Leggett, owner. No. NS 1973-5

Councilman Plummer introduced the foregoing ordinance and moved its adoption. Motion seconded by Councilman George and carried unanimously.

Council recognized Mr. Ruth Adell Allison, who stated that she was having difficulty obtaining someone to do the necessary repair work on her dwelling. Councilman Shaw offered motion that Mrs. Allison be granted a 90 day extension. Motion seconded by Councilman George and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH A SUBSTANDARD DWELLING - 412 COOL SPRING STREET - Mr. Joshoa White, Heirs, owners No. NS 1973-6

Councilman Plummer introduced the foregoing ordinance and moved its adoption. Motion seconded by Councilman Kelly and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH A SUBSTANDARD DWELLING - 412 ½ COOL SPRING STREET - Mr. Joshoa White, Heirs, owners. No. NS 1973-7

Councilwoman Finch introduced the foregoing ordinance and moved its adoption. Motion seconded by Councilman Plummer and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH A SUBSTANDARD DWELLING - 806 BARNES STREET - Mrs. Leslie McNeill, owner. No. NS 1973-8

Councilman Plummer introduced the foregoing ordinance and moved its adoption. Motion seconded by Councilman Kelly and carried unanimously. Copies of the foregoing ordinances are on file in ORDINANCE BOOK 1973, in the office of the City Clerk.

Upon motion by Councilman Shaw, seconded by Councilwoman Finch, proposed ordinances by the Airport Commission to impose a fee on each departing passenger for use of Airport facilities, and an amendment to the Airport Budget Ordinance, were postponed until the next regular meeting on February 26. Motion carried unanimously.

RESOLUTION ON INVESTMENT OF MUNICIPAL FUNDS - RESOLUTION No. 1973-14

Councilman Kelly introduced the foregoing resolution and moved its adoption. Motion seconded by Councilman George and carried unanimously.

Upon motion by Councilman Plummer, seconded by Councilman Shaw and carried unanimously, the low bid of Murphy Manufacturing Company, in the amount of $14,234.41, was approved and accepted for one Rescue Vehicle for the Fire Department, subject to the approval of the Governor's Highway Safety Program.

Upon motion by Councilman Plummer, seconded by Councilman Kelly and carried unanimously, the low bid of General Machinery Company, in the amount of $10,250.00, was approved and accepted for one tractor - backhoe - loader for the Street and Sanitation Department.

Upon motion by Councilman Shaw, seconded by Councilman Plummer and carried unanimously, the low bid of Interstate Equipment Company, in the amount of $15,554.00, was approved and accepted for one Street Sweeper for the Street and Sanitation Department.

Upon motion by Councilman Plummer, seconded by Councilman Kelly and carried unanimously, the low bid of Claude W. Rankin and Son, Inc., general insurance, was approved and accepted, in the amount of $2,237.50, the three year premium cost, for their bid for Faithful Performance Bond coverage, in the amount of $50,000. for each employee.

The City Manager reminded Council that at a previous meeting an offer by the State Highway Commission, was discussed, concerning some property in Pope Park, relative to the extension of Grove Street. There are approximately three-quarters (3/4) of an acre involved. At that time, the City Manager continued, he was instructed by Council to attempt to negotiate with State Highway Commission on a property swap basis. State Highway Commission informed him that since they had been compelled to use condemnation procedures for a portion of the property in this area, they did not have property to swap. Therefore, it is recommended that a portion of Pope Park be sold to the State Highway Commission for $2,224.00 and that the Mayor and Clerk be authorized and directed to enter into negotiations for this tract and execute a deed.

Councilman Plummer offered motion, seconded by Councilman Kelly that the Mayor and Clerk be, and they hereby are authorized and directed to execute a deed for the foregoing tract in favor of the State Highway Commission, as recommended. Motion carried unanimously.

Councilman Plummer then offered motion, seconded by Councilman Shaw and carried unanimously, that the Mayor and Clerk be and they hereby are authorized and directed to also execute a drainage easement in favor of the State Highway Commission in connection with the above Grove Street extension matter.

Upon motion by Councilman Shaw, seconded by Councilwoman Finch and carried unanimously, an option was exercised for the acquisition of a lot adjacent to Hope Park on the East side of McIver Street on Silk Lane for $1,200., was approved.

Council heard recommendation from the City Manager that no change be made in the City Code regarding the issuance of probationary Taxicab Driver Permits, as was discussed at the last meeting and continued to this date, inasmuch as this matter could, and would be handled administratively with the the Taxicab Inspector, if and when necessary, if Council approved. Council gave tacit approval of the recommendation and took no action on the proposed ordinance.

Upon motion by Councilman Plummer, seconded by Councilman George and carried unanimously,

Taxicab Driver Permits were approved for the following named as recommended by the Taxicab Inspector, Chief of Police and City Manager:

LEONARD TAYLOR MARVIN LEWIS MCDANIEL DONALD GENE DUDLEY
WILLIE JAMES DAVIS NELSON JONES

Appointments to the Fayetteville Cumberland County Civil Military Commission on Alcoholism and Drug Abuse, The Citizens Advisory Commission and the Human Relations Advisory Commission, were deferred until the next Regular Meeting on February 26.

The City Manager reported the following resignations from the Police Department:

STEVEN D. ENGELKE EUGENE CURRIN

The resignations were noted.

Upon motion by Councilman Plummer, seconded by Councilman Kelly and carried unanimously, the following named were appointed to fill vacancies in the Police Department,as recommended by the Civil Service Commission, Cheif of Police and City Manager,as follows:

JAMES EUGENE DUPE FRANK STEVEN VLASAK, JR. WILLIAM JAMES MALONE

JAMES PATRICK TIERNAN RICHARD ROBERT LOCCHEAD STEVEN ROGER SKIDMORE

and MRS. PAULINE G. OWEN

Council took particular note that with the appointment of Mrs. Owen, this was a first for the City of Fayetteville and its Police Department, inasmuch as Mrs. Owen is the City's first Police Woman. The City Manager stated that Mrs. Owen had been serving in the Bureau of Identification. She is a graduate of Valdosta Georgia State College, where she earned a B.A. in Criminology. She has been employed by the City for approximately one year, and has satisfactorily completed the Civil Service Examination.

The City Manager reported the following resignation from the Fire Department: LARRY R. JOHNSON. The resignation was noted.

Upon motion by Councilman Plummer, seconded by Councilwoman Finch and carried unanimously, the following named were appointed to fill vacancies within the Fire Department, as recommended by the Civil Service Commission, City Manager and Fire Chief, as follows:

THOMAS A. ALLEN RALPH R. MCLAURIN GEORGE G. GREENWAY
ARMOND M. SPINOSA THOMAS E. TROGDON

Council heard recommendation from the Civil Service Commission, Chief of Police and City Manager that the following promotions within the Police Department be approved: From Lieutenant to Captain - RUDOLPH A. STUDER; From Sergeant to Lieutenant - FRED L. TRUITT.

Councilwoman Finch offered motion for approval of the foregoing promotions, as recommended. Motion seconded by Councilman Shaw and carried unanimously.

The City Manager reported that the U. S. Department of Agriculture had been requested to vacate the area located adjacent to the North side of Grove Street,on Fleet Street, in the Street and Sanitation Department lot, so that the City can expand that departments equipment storage facilities. The Department of Agriculture now occupies a metal building at that location under a free lease agreement with the City. The City Manager stated that he was in receipt of a letter from Mr. K. D. Brock, Plant Protection Inspector of the Department of Agriculture, in which he request authorization to move their facilities on the property of the City located at the intersection of Pope and Tillinghast, where a connection can be made to water and sewerage facilities. Council deferred action on this request pending further study to the regular meeting of February 26.

The City Manager reported that due to the impounding of federal funds, the City had lost participation by the Federal Government for the Market House, however, repairing will be started very shortly as directed by Council,at an earlier meeting.

ON MATTERS OF INTEREST TO COUNCIL:

Councilman Shaw inquired about the Flood Plain Ordinance. The City Manager stated that the draft had been completed and would be presented at the next regular meeting on February 26.

Councilman Shaw also inquired about the National Flood Insurance Program. The City Manager stated that he had the application on his desk at this time, and that it would be submitted shortly.

Mayor Lee extended thanks to Mr. Jimmy Jones, Street Department Superintendent and to the employees of the Street Department for their efforts in removal of the anew.

Thereafter, all matters of business having been completed, the meeting was adjourned at 10:30 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 26, 1973

Present: Mayor Jackson F. Lee

Council Members: Vardell Godwin, Marion George, Beth Finch, Glen Kelly, Gene Plummer, Harry Shaw

Others Present: J. Guy Smith, Jr., City Manager
James R. Nance, Sr., Acting City Attorney
Thurman Williams, Public Works Commission

Mayor Lee called the meeting to order, and the Reverend Dawes B. Thomson, Pastor, Vaughn Memorial Presbyterian Church offered the invocation. Following this, Lisa Hamm, Fayetteville Youth Council Member, led the audience in the Pledge of Allegiance to the Flag.

Upon motion by Mr. Kelly, seconded by Mr. Godwin, Minutes of the Regular Meeting of February 12, 1973, were approved as submitted by the City Clerk.

Mayor Lee next recognized and presented service pins to each of the following City Employees for their faithful and loyal service to the City:

Twenty year's service

William Baggett	Recreation Department
Sgt. M. C. Bullard	Police Department
Everlena Burgess	City Buildings
Capt. Love D. Faircloth	Fire Department
Herman Hardee	Street and Sanitation Department
Fireman Robert Holloway	Fire Department
Asst. Chief Wilbur Johnson	Fire Department
Capt Ashley Matthews	Fire Department
Capt. Maynard M. Rock	Fire Department
Lt. Herbert Smith	Fire Department
Thad Williams	Street and Sanitation Department

Twenty -five year's service

Fireman Harold D. Black	Fire Department
Sgt. Worth G. Campbell	Police Department
Sgt. John W. Davis	Police Department
Capt. William A. Davis	Police Department
Capt. John D. Edge	Fire Department
Lt. Elmer T. Garvin	Fire Department
Capt. Archie W. Hair	Fire Department
Capt. John P. Jones	Fire Department
Capt. Oliver Matthews	Fire Department
Capt Joe E. Newsome	Fire Department
Asst. Chief John Purdy	Fire Department
Bill Smith	Street and Sanitation Department
Capt. James R. Smith	Fire Department
Cpl. Charles J. Trulove	Police Department

Thirty year's service

Capt. James E. Melvin	Police Department
Leonard Sander	Recreation Department

Thirty-five year's service

Charles R. Freeman	Cemetery Department

Public hearing was held as continued from the meeting of February 12, 1973, on the rezoning from R6 Residential District to C1 Local Business District of an area on Ramsey Street, which passed on first reading at that meeting. There was no opposition present. Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Kelly for the adoption of an ordinance amending the zoning ordinance as follows:

REZONE FROM R6 RESIDENTIAL DISTRICT to C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED ON THE EAST SIDE OF RAMSEY STREET BETWEEN KENSINGTON CIRCLE AND BROOKWOOD STREET. Ord. # NS 1973-9

The motion carried and the foregoing ordinance was adopted on second reading by the following vote: For - Council Members Godwin, Plummer, George, and Kelly. Against - Council Members Finch and Shaw. A copy of the foregoing ordinance is on file in the office of the City Clerk.

Public hearing was held as published on the paving of Jasper Street from Murchison Road to Topeka Street without a petition. Mayor Lee read into the minutes a certificate from the Clerk that all property owners had received due and property nocice of this public hearing as required by law.

The City Manager stated that the recommendation was for the paving of this street and Topeka Street to a width of 49 feet in conformance with the previously accepted and approved thoroughfare plan. It was further recommended, on both Jasper Street and Topeka Street, that the property abutting these streets be assessed for a 29 foot paving only with the City "picking up the tab" for the difference in widths.

Several persons were recognized in opposition to the proposed 49 foot paving. They were Mrs. Ann Bushrod, Dr. G. L. Butler and a Nick Jeralds. During discussion that followed of the attendent cost, the City Manager stated that he wished the record show that the estimated total cost will be $124,000.00, and the estimated cost of street construction, which will be paid by the property owners in the amount of $56,000.00.

Mr. George then offered motion, seconded by Mr. Plummer to pave the two streets in question, Jasper and Topeka, to a width of 37 feet. Motion failed by the following vote: For - Council Members George and Plummer. Against - Council Members Godwin, Finch, Kelly and Shaw.

FINAL RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION OF JASPER STREET TO A WIDTH OF 49 FEET AND A RIGHT OF WAY OF 66 FEET. Resolution # R 1973-15.

Mr. Shaw introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Godwin and carried by the following vote: For - Council Members Godwin, Finch, Kelly and Shaw. Against - Council Members Plummer and George. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

FINAL RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION OF TOPEKA STREET TO A WIDTH OF 49 FEET AND A RIGHT OF WAY OF 66 FEET. Resolution # R 1973-16

Mr. Shaw introduced the foregoing resolution and moved its adoption, Motion seconded by Mr. Godwin and carried by the following vote: For - Council Members Godwin, Finch, Shaw, Kelly. Against - Council Members Plummer and George. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

Public hearing had been published for this date and hour on the annexation of an area located in Hillendale Subdivision, without a petition under the "old law" procedure. Council recognized Mr. Brad Jones, a resident of the area, who objected himself, and submitted a petition containing 46 signatures of area residents requesting a referendum. There were in addition, approximately 20 persons present in the room who signified their opposition to annexation.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Shaw that this hearing be continued to the next regular meeting on March 12, and that the petition be checked for validity by the City Clerk. Motion carried unanimously.

Public hearing had been published for this date and hour on the annexation of an area located in Pleasant Valley, West of Owen Drive and South of Boone Trail. Attorney Richie Smith, representing proponents on annexation, was recognized. Mr. Norman Hawley a resident was recognized in opposition to the annexation and presented a petition containing 120 signatures in opposition, as well as a petition containing 164 calling for a referendum. A Mr. Bill Cain and a Mr. Conrad Swick, also residents, were recognized in opposition.

Following brief duscussion, Mr. Shaw offered motion to continue this public hearing to the next regular meeting on March 12 and the petition calling for a referendum be checked by the City Clerk for validity.

Council recognized Mr. J. T. Gibson, Chairman of the Fayetteville Redevelopment Commission and Mr. Charles Fairley, Director, who presented statics and a color slide presentation on the South-east Neighborhood Development Program, Second action year, which had been published for a public hearing at this date and hour. Chairman Gibson's request was for adoption of a resolution of approval for this program, and for the execution of an agreement between the Commission and the City.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA APPROVING NEIGHBORHOOD DEVELOPMENT PROGRAM ANNUAL INCREMENT, THEREOF, AND FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE. Resolution # R-1973-17

Mr. Shaw introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Kelly and carried by the following vote. For: Council Members Godwin, Finch, Plummer, Kelly and Shaw. Against: Council Member George. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE FAYETTEVILLE REDEVELOPMENT COMMISSION - SOUTH-EAST NEIGHBORHOOD DEVELOPMENT PROGRAM, N. C. A-7.

Mr. Plummer introduced the foregoing agreement and moved its approval and that the Mayor and Clerk be and they hereby are authorized and directed to sign said agreement for the City. Motion seconded by Mrs. Finch and carried by the following vote. For - Council Members Godwin, Finch, Plummer, Kelly and Shaw. Against - Council Member George. A copy of the foregoing agreement is on file in the office of the City Clerk.

PLANNING BOARD MATTERS:

Council next recognized Planner Ron Hickman, who informed Council that tonight would be his final night before the Council, representing the Joint Planning Board, and extended thanks for the many courtesies extended to him by the Council during his service. He introduced the new program

Director for the Joint Planning Board, Mr. Clifford G. Strassenburg. Mayor Lee extended thanks for himself, and the Council to Mr. Hickman, and stated that his presence would be solely missed, and wished him good luck in his future endeavors. Mayor Lee then welcomed Mr. Strassenburg, and stated that he and the Council were looking forward to a pleasant relationship.

PUBLIC WORKS COMMISSION MATTERS:

Council recognized Public Works Commissioner Thurman Williams on Council's consideration for approval and execution of an agreement between the Board of Cumberland County Commissioners and Public Works Commission for water and sanitary sewer systems in East Fayetteville areas and sanitation sewer collection systems in LaFayette Village, Drake Park, Evergreen Estates, Wilmar Heights and Ashton Forest.

During discussion of the request, and of the proposed agreement, the question arose as to whether the City and Public Works Commission were contracting away connections to water and sewer in accordance to present City policy. Acting City Attorney Nance ruled that on cursory examination, Council was abdicating such authority.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Godwin that this matter be continued for two weeks to the next regular meeting on March 12. Motion carried unanimously.

Council recognized Mrs. I. H. Riddle, owner of a structure at 431 Adams Street, which had been deemed substandard and demolition recommended. Mrs. Riddle requested an extension of time to repair the structure or that the City demolish it at no cost to her.

Following discussion of this matter, and Mrs. Riddle's request, Mr. Plummer offered motion for the adoption of the following ordinance ordering demolition of the structure in accordance with present City policy. Motion seconded by Mr. Kelly and carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE, PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. Ord. # NS 1973-11

A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book 1973.

The City Manager informed Council that at the last Council meeting an ordinance was adopted ordering the demolition of a substandard structure located at 407 Cape Fear Avenue, and owned by Q. J. Scarborough, Jr. The City Manager stated that Mr. Scarborough had written a letter requesting Council to rescind its demolition order and allow him 60 days in which to complete repairs to the structure.

Council recognized Mr. Wilbur Edwards, a resident of Cape Fear Avenue, representing approximately 12 other residents present in the audience, on a request that the demolition order be effected. Mr. Edwards stated that the structure was and had been for a number of years a blight on the neighborhood.

Mr. Kelly then offered motion to deny Mr. Scarborough's request. Motion seconded by Mrs. Finch and carried unanimously.

RESOLUTION ON INVESTMENT OF MUNICIPAL FUNDS. Resolution # R 1973-18

Mrs. Finch introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Plummer and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO IMPOSE A FEE OF $1.00 ON EACH DEPARTING PASSENGER FOR USE OF AIRPORT FACILITIES. Ord. # ~~N~~S 1973-~~10~~ 4

Mr. Plummer introduced the foregoing ordinance and moved its adoption to be effective May 1, 1973, as recommended by the Airport Commission. Motion seconded by Mr. Godwin.

Following brief discussion, Mrs. Finch offered substitute motion to postpone any action on the foregoing ordinance until the end of this fiscal year. Motion seconded by Mr. Shaw. The substitute motion failed by the following vote. For - Council Members Finch and Shaw. Against: Council Members Godwin, Plummer, George, and Kelly.

Mayor Lee then called for a vote on the original motion for adoption, and it carried by the following vote: For - Council Members Godwin, Plummer, George and Kelly. Against - Council Members Finch and Shaw.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, action on a proposed Airport Budget Ordinance amendment was postponed until the next regular meeting on March 12.

Council held discussion of a proposed agreement regarding annexation of a proposed Cross Creek Mall Shopping Center on Morganton Road. The City Manager stated that no action is necessary at this meeting, but a concensus of opinion is needed for final drafting of an agreement. Question was raised and discussed as to whether Council could publish a public hearing on this matter, and annex at a later date. Mr. Nance ruled that it could, and the City Manager was requested to inform the developer that a petition for annexation should be submitted.

The City Manager stated that a request had been received from Col. Hans Larsen, Director of

Civil Defense, that Council adopt a resolution regarding the consideration of providing "Fall Out" protection design features in public buildings hereafter constructed or remodeled in the City. The City Manager recommended adoption of the resolution.

RESOLUTION CONCERNING SHELTERS IN PUBLIC STRUCTURES OF THE CITY OF FAYETTEVILLE. Resolution # 1973-19

A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973. Mr. Plummer introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Godwin and carried unanimously.

The City Manager recommended to Council the adoption of an ordinance which would enable the City to apply for eligibility for flood insurance coverage subsidized by the Department of Housing and Urban Development for certain citizens.

RESOLUTION FOR FLOOD INSURANCE COVERAGE. Resolution # R 1973-20

Mr. Shaw introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Plummer and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

Upon motion by Mrs. Finch, seconded by Mr. Plummer and carried unanimously, the low bid of Laurel Lake Landscape Corporation, in the amount of $1,942.00, was accepted for landacaping of the Frances Brooks Stein Memorial Library on Hay Street, on condition that if this sum must be paid prior to July 1, 1973, it will be paid from the contingency fund.

Upon motion by Mr. Kelly, seconded by Mr. Shaw and carried unanimously, the low bid of Powers-Swain Chevrolet, Inc., was accepted for 8 Police cars. Motion carried unanimously.

The Assistant City Manager reported the receipt of bids for a sanitary landfill compactor. The low bid was submitted by Arrow Equipment Company, in the amount of $56,897.20 (option 2 - 50,000 lb. minimum). The second low bid was submitted by E. F. Craven Co., in the amount of $57,051.44 - also option 2. The bid of E. F. Craven was recommended for acceptance for the following reasons: 1) Arrow did not meet city specifications, 2) their machine would have to be jerry-rigged or adapted to do the job required by the City, and 3) there was no history or experience on their machine to be used as a guide. The Craven machine is a proven model that meets city specifications and the price difference is only $154.24 more, and is the machine recommended. The Assistant City Manager also reported the receipt of bids for a tractor elevating scraper. The low bid was submitted by N. C. Equipment Co., in the amount of $38,350.00 for Option 2 - 11 cu. yards and is the bid recommended.

Mr. Shaw offered motion to follow the foregoing recommendations of the City Manager and the Assistant City Manager and award the bid for the landfill compactor to E. F. Craven for their bid of $57,051.44, and to the N. C. Equipment Co. for the tractor elevating scraper for their bid of $38,350.00. Motion seconded by Mr. Plummer and carried unanimously.

Upon motion by Mr. Kelly, seconded by Mr. Plummer and carried unanimously, Councilman Vardell Godwin was appointed to the Fayetteville, Cumberland County Civil/Military Commission on Alcoholism and Drug Abuse.

An appointment to the Citizens Advisory Committee and an appointment to the Human Relations Advisory Commission were again deferred to a later date.

CITY MANAGER REPORTS:

The City Manager reported that City Engineer Bennett was requested to do a study on the intersection at Country Club Drive and Ramsey Street, the site of several wrecks. No left turning lane exists at the moment at this signalized intersection. We will need a five hour turning movement count, a review of accidents, and permission from the State Highway Commission to install the phase. We are proceeding with this work immediately, and a recommendation will be forthcoming shortly, the City Engineer stated.

Also, the question of repairing the sidewalks along segments of Hay Street has been raised. A good petition has been received, is being checked, and will be brought to Council very shortly.

The City Manager reported the following resignations from the Police Department:

AL POST and LARRY E. PAGE

The City Manager reported the following resignation from the Fire Department:

FRANK G. D. SIMPSON

The City Manager reported that Mr. Simpson had resigned from the Fire Department and is now working in the City Inspection Department as Assistant Plumbing Inspector.

The foregoing resignations were noted by Council.

MATTERS OF INTEREST TO CITY COUNCIL MEMBERS:

Mr. Godwin mentioned the considerable congestion of traffic at the intersection of Hay

and Donaldson Streets. Mayor Lee mentioned the considerable congestion of traffic at the intersection of Bass and Robeson Streets. The City Engineer was requested to check and correct, or alleviate these conditions, if possible.

Mr. Kelly asked about the park site donated by Mr. Sandrock in the vicinity of Roxie Avenue. The City Manager stated that he is awaiting word on the federal grant, but that the City would take title to the property anyway very shortly.

Mayor Lee stated he thought it worthy of mention that our basketball teams had had great success over the past weekend. Fayetteville State University won the CIAA, Methodist College won the Dixie Classic, and Terry Sanford High School won their division of 4A and now go to the State finals, and so did 71st High School.

On a final matter Edward Suarez was recognized on a taxicab driver permit matter. He was referred to the City Manager for information.

Thereafter, all matters of business having been concluded, the meeting was adjourned at 11:10 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 12, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members - Vardell Godwin, Glen Kelly, Beth Finch, Harry Shaw, Marion C. George

Absent: Gene Plummer

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
Ray A. Muench, Public Works Commission
Robert Butler, Public Works Commission

Mayor Lee called the meeting to order and the Reverend W. Parks Smith, Hospital Chaplain Veterans Administration Hospital offered the invocation. Following the invocation, the Mayor called on Miss Betsy Jo McDonald, the reigning Miss Fayetteville to lead the assembly in the Pledge of Allegiance to the Flag. Following the Pledge, Mayor Lee introduced Miss McDonald,and her escort Mrs. Kathryn Zollars to the assembly and presented Miss McDonald with the City's "Sweetheart pin" and extended his personal congratulations, those of the Council and the community, to her, and wished her success in the Miss North Carolina and Miss America contests. Mayor Lee also presented Mrs. Zollars with a pin.

Mayor Lee also recognized Fayetteville Youth Council Members - Bobby Sternlicht, Randy Hooks, and Nancy Rosenbaum, present in the audience to observe Council proceedings.

Mayor Lee also recognized David Newman and Mark Miller present in the audience and stated that this week is Youth Week in North Carolina, as declared by Governor Holshouser, and that these two young men and nineteen others from the community will take part in the observance. David will serve as Governor and Mark will serve as Secretary of Human Resources. Mayor Lee extended congratulations to these young men for their work.

Upon motion by Mr. George, seconded by Mr. Godwin and carried unanimously, Minutes of the Regular Meeting of February 26 were approved as submitted by the City Clerk.

Council again considered the annexation to the City of an area in the Hillendale Subdivision. At the last meeting a petition had been filed by residents in the area requesting a referendum. Mayor Lee read a certificate from the City Clerk stating that the petition had been checked with the records of the Cumberland County Board of Elections, and was a valid petition, containing more than the required 15% of the signatures of qualified voters resident in the area. Nine persons were present in the audience, and stood, and signified their opposition to annexation.

RESOLUTION OF FAYETTEVILLE CITY COUNCIL CALLING FOR REFERENDUM FOR EXTENSION OF FAYETTEVILLE CITY BOUNDARIES TO INCLUDE AN AREA KNOWN AS HILLENDALE SUBDIVISION. Resolution No. 1973-21

Mr. Shaw introduced the foregoing resolution recognizing the petition for referendum and moved its adoption. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

Council again considered the annexation of an area in Pleasant Valley Subdivision off Owen Drive. A petition had been submitted at the last meeting by voters resident in the area calling for a referendum. The Mayor read a certificate from the City Clerk that the petition had been checked with the records of the Cumberland County Board of Elections and was a valid petition, containing more than a minimum of 15% of a total number of voters resident in the area. Council again recognized Attorney Richie Smith, and approximately 20 persons present in the audience in favor of annexation. Council also recognized Mr. William Cain and some 10 persons present in the audience opposed to annexation.

RESOLUTION OF FAYETTEVILLE CITY COUNCIL CALLING FOR REFERENDUM FOR EXTENSION OF FAYETTEVILLE CITY BOUNDARIES TO INCLUDE AN AREA IN PLEASANT VALLEY SUBDIVISION LOCATED WEST OF OWEN DRIVE AND SOUTH OF BOONE TRAIL. Resolution No. 1973-22.

Mr. Shaw introduced the foregoing resolution recognizing the petition calling for a referendum and moved its adoption. Motion seconded by Mr. Godwin and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

A public hearing had been published for this date and hour on granting of a Special Use Permit to construct a parking lot in an R10 Residential District located between 2504 Raeford Road and Amigo Drive. Planning Board recommended approval.

Mr, Don Jessup, the petitioner was recognized. Attorney Larry Thompson was also recognized, representing Amigo Drive and Winterlochen Road residents in opposition. Mr. Thompson also displayed color slides. Approximately 10 persons were present in the audience and were recognized signifying their opposition. Mayor Lee read into the record the receipt of a petition of opposition containing 22 signatures.

Following some discussion, Mr. Shaw offered motion that the petition for the Special Use Permit be and the same is hereby denied. Motion seconded by Mrs. Finch and carried unanimously.

Public hearing had been published for this date and hour on the rezoning from R6 Residential District to P2 Professional District of an area located at 217 - 223 Virginia Avenue, between Morganton Road and Fort Bragg Road. Planning Board recommended denial. Dr. Malcolm Fleishman, petitioner, was recognized. There was no opposition present.

Following some discussion, Mr. Godwin offered motion to follow the recommendation of the Planning Board and deny the petition for rezoning. Motion seconded by Mrs. Finch and carried unanimously.

Public hearing had been published for this date and hour on the paving of a segment of Turnpike Road without a peitition from the property owners. The City Manager provided a brief history for the Council of past events concerning improvements of Turnpike Road. The present right-of-way is about 30 feet and it is one of the oldest streets in town, and has had water and sanitary sewer for a number of years. In 1964 a paving petition from the property owners was received, but was inadequate in that it needed more signatures and frontage. In 1966 Council approved the paving of a segment of this street under the then existing street paving policy of 66 2/3% excepting the properties facing on Vista Drive, which were to be assessed 1/12 of the cost. The improvements were predicated on obtaining the necessary rights-of-way which have been unsuccessful. The City Manager's recommendation was that Turnpike Road, between Branson Street and Commerce Street should be a minimum of 37 feet and 29 feet between Commerce Street and Pierce Street. The estimated assessment based on the present policy (100%) would be $10.00 per linear feet with an estimated cost to property owners of $71,000. (57.3%) and to the City $53,000 (42.7%). If it should be decided to proceed under the former policy of 66 2/3%, except for 1/12 being assessed the property on Vista Drive and the properties facing on Branson Street, the estimated assessment cost would be $6.67, with the property owners total cost being $35,000 - 28% of the total cost by this method, the City would bear a cost of $89,000. or 72%. Mayor Lee read into the minutes a certificate from the City Clerk that all property owners, subject to assessment, had been notified of this public hearing and invited to be present. A Mr. Marvin N. Morrison was recognized on a question of assessment cost and right-of-way. There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF TURNPIKE ROAD FROM BRANSON STREET TO COMMERCE STREET. Resolution No. 1973-23.

Mr. Shaw introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

Public hearing had been published for this date and hour on the initial zoning of an area on Eastwood Avenue and the Cape Fear River to R6 Residential District. The Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AND ZONE INITIALLY R6 RESIDENTIAL DISTRICT AN AREA LOCATED ON EASTWOOD AVENUE AND THE CAPE FEAR RIVER. Ordinance No. NS 1973-12.

Mrs. Finch introduced the foregoing ordinance and moved its adoption, Motion seconded by Mr. George and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS 1973.

Public hearing was held as published on the rezoning of an area located at 111 and 113 Lamon Street and 418 North Street from R5 Residential District to P2 Professional District. Planner Strassenburg stated that the petitioner had requested C1 Local Business District zoning, to construct an office building and florist, but that Planning Board had recommended P2 zoning instead. A Mr. Bob Winters, the petitioner was recognized in his own behalf and requested C1 zoning for 111 and 113 Lamon Street corner, as well as the 418 North Street location,now occupied by the Rogers and Breece Funeral Home garage.

Following brief discussion, Mr. Shaw offered motion to rezone the area in question C1 Local Business District. Motion seconded by Mr. Kelly.

Following further brief discussion, Mayor Lee ruled the motion out of order, since the area had been advertized P2, rather than C1.

Mr. George then offered motion that a public hearing be published for 8:00 p.m., April 9, 1973, City Hall Council Chamber, for the rezoning from R5 Residential District to C1 Local Business District of an area located at 111 Lamon Street, 113 Lamon Street and 418 North Street. Motion seconded by Mr. Godwin and carried unanimously.

A public hearing had been published for this date and hour on the closing of several streets in the Murchison Road Redevelopment Program, as requested by the Fayetteville Redevelopment Commission. However, Mr. Richard Lewis, Counsel for the Commission requested that this hearing be continued to the next regular meeting on March 26.

Mr. Kelly offered motion that the foregoing public hearing be and it hereby is continued to the next regular meeting on March 26, City Hall Council Chamber. Motion seconded by Mr. Shaw and carried unanimously.

There were no Planning Board Matters presented.

ON PUBLIC WORKS COMMISSION MATTERS:

Council recognized Commissioner Robert H. Butler, who again presented for Council's consideration and approval, a proposed agreement between the Board of County Commissioners and Public Works Commission for water and santitary sewer systems in East Fayetteville areas and sanitary sewer collection systems for LaFayette Village, Drake Park, Evergreen Estates, Ashton Forest and Welmar Heights areas.

Following brief discussion, Mr. Shaw offered motion for approval of the contract as requested, and that the Mayor and Clerk be,and they hereby are,authorized and directed to sign said agreement for the City. Motion seconded by Mr. Kelly and carried unanimously. A copy of the agreement is on file in the office of the Public Works Commission Manager. Mayor Lee and several members of the Council voiced their pleasure and satisfaction in the execution of the foregoing contract and of the successful joint efforts between the County and the City in accomplishing the goals set forth in the agreement. Mayor Lee stated in addition,that the Citizens of the community had also made this possible by their approval,at the polls some time ago, of the Public Works Commission sanitary sewer bond. issues.

Commissioner Butler informed Council that a proposed application/agreement had been submitted to the Public Works Commission by the town of Hope Mills for water. The application proposes that the Public Works Commission furnish the entire water supply for Hope Mills. No action is requested or desired on this application at this time, he stated, but was merely submitted for Council's information. This matter will be brought before Council again at a later date.

Council heard request from Commissioner Butler for adoption of a resolution of condemnation for a sanitary sewer line across private property. Commissioner Butler stated that an offer had been rejected by the owners.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR A SANITARY SEWER LINE IN, UPON AND OVER CERTAIN LAND OWNED BY GEROGE SIMPSON CRUMBLEY AND WIFE, DOROTHY B. CRUMBLEY, AND J. MEL THOMPSON, ATTORNEY-IN-FACT FOR J. O. TALLY, TRUSTEES FOR HOME FEDERAL SAVINGS AND LOAN AND HOME FEDERAL SAVINGS AND LOAN ASSOCIATION. Resolution No. 1973-24.

Mr. Shaw introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Godwin and carried unanimously. A copy of the resolution is on file in the office of the City Clerk in Resolution Book 1973.

The City Manager informed Council that a request had been received from Mr. Thomas P. Iuliucci, owner of Lafayette Bowling Lanes that sections 21-36 and 21-37 of the City Code be amended so as to permit males and females under 18 years of age to visit and play pool in facilities operated for profit in bowling establishments whenever the business is open for bowling. The City Manager stated that no action is requested on this matter at this time, but merely to get Council's reaction to the request and to have the City Attorney study these sections of the Code. Following brief discussion the Mayor requested the City Attorney to review these sections of the Code to determine if a clarification is necessary.

RESOLUTION OF THE CITY OF FAYETTEVILLE NORTH CAROLINA ON THE INVESTMENT OF MUNICIPAL FUNDS. Resolution No. 1973-25.

Mr. Kelly introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Godwin and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

Council again considered a proposed Airport Budget Ordinance amendment. The City Manager stated that this amendment was necessary in view of the Airport User Charge Fee action taken by Council at last meeting and would reflect the additional revenues and expenses generated by such user charge.

Following lengthy discussion, Mr. Shaw offered motion that line item 766-56, Legal Expense in the amount of $3,000. for an attorney for airport matters be struck in its entirety. Motion seconded by Mrs. Finch.

Following additional discussion, Mr. George offered motion that the foregoing item be reduced to $1,000. and the budget modified accordingly. Motion seconded by Mr. Godwin and carried unanimously.

AIRPORT BUDGET ORDINANCE AMENDMENT. Ordinance No. NS 1973-13

Mr. Godwin introduced the foregoing ordinance and moved its adoption, as amended. Motion seconded by Mr. George and carried by the following vote: For - Council Members Godwin, Kelly and George. Against - Council Members Finch and Shaw. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS 1973.

The City Manager informed Council that he had received a request from the Fayetteville Presbytery for a driveway easement across City owned property, located on the West side of Devers Street in the vicinity of Vaughn Memorial Presbyterian Church. The City Manager had indicated a tract of land recently acquired by the Fayetteville Presbytery,located between Vaughn Memorial Church and the H. W. Whittington property, on a sketch. This property is bounded on the East along Devers Street by a tract 85 feet wide owned by the City and used to provide parking for recreational activities at

Honeycutt Center and the activity grounds. There is a tract 40 feet wide by 560 feet long on the West side of this tract owned by Mr. Whittington. Devers Street ultimately will need widening on the West side, and the Whittington tract to the South might be considered for purchase for parking, if the sale price is lowered. The City Manager recommended that the Council allow a driveway easement, 20 feet wide across the City owned tract fronting along Devers Street, provided the Presbytery will convey its rights in the use of the western most tract in the area to the City. The City Manager stated that if Council wished to give tacit approval to this recommendation, they could do so tonight, and the City Attorney could be instructed to draw the necessary papers.

Following brief discussion, Mr. Shaw offered motion for the adoption of approval of the foregoing easement, as recommended by the City Manager, and that the Mayor and City Clerk be,and they hereby are,authorized to sign such easement for the City. Motion seconded by Mr. Godwin and carried unanimously.

The City Manager informed Council that a formal request had been received from Mr. H. C. Taylor, Assistant District Engineer North Carolina State Highway Commission, for Mr. D. L. Cooper, District Engineer for the deletion from the state maintenance systems and acceptance onto the City Streets system of Secondary Road 1879 (Broad Street).

Following brief discussion, Mr. Godwin offered motion for the adoption of a resolution accepting Secondary Road 1879 (Broad Street) from the State Maintained systems onto the Street systems of the City of Fayetteville. Motion seconded by Mr. Kelly and carried unanimously.

Upon motion by Mr. Kelly, seconded by Mr. George and carried unanimously, the following named were granted Taxicab Driver Permits as recommended by the Taxicab Inspector, Chief of Police and City Manager:

CARL LOUIS WOODARD DOCK DINGLE
ROBIN FISHBACK JAMES HARVEY DAVIS

Upon motion by Mr. George, seconded by Mr. Godwin and carried unanimously, the following named was appointed to the Citizens Advisory Committee for a three year term of office; said term to expire in January 1976 - REVEREND NEIL YOUNCE.

Several appointments to the Human Relations Advisory Commission were deferred until the next regular meeting.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, the following named was appointed to the Advisory Recreation and Parks Commission to complete the term of office of Mr. John W. Hurley, who resigned and moved away from the City; such term to expire in October 1974.- MILTON E. MAZARICK.

A Special Called Meeting was set for 7:30 p.m., Tuesday, March 13, 1973, in the Council Chamber in the Kyle House, for the purpose of discussing and acting on the proposed Charter revision. The Mayor indicated that this constituted official notice of such meeting.

CITY MANAGER REPORTS:

The City Manager stated that two petitions are being circulated for water and sanitary sewer improvements in the Southeast Fayetteville area. The City Manager also reported that negotiations are nearing completion for rights-of-way for improvement in the University Avenue area. The City Manager also reported that 11 additional feet, over and above the 66 foot right-of-way would be required along a segment of Jasper Street, approved for paving at the last meeting, due to the installation of a turn lane. There was no opposition from the Council on this matter.

The City Manager reported the following resignations from the Police Department: J. D. WHITE and HERMAN L. BEALE. The resignations were noted.

ON MATTERS OF INTEREST TO CITY COUNCIL:

Mr. Godwin suggested that a look be taken at the present City Zoning Ordinance toward revision of several classifications. Planner Strassenburg replied that this was already being done by the Planning Department.

Mayor Lee asked the City Engineer the status of the Robeson Street - Bass Street intersection problem. The City Engineer recommended the placement of two wooden poles with an overhead suspended sign bearing the words - "Do Not Block Intersection", with a stop bar painted on the pavement. Mr. Shaw also suggested crosshatch on the pavement. The City Engineer was requested to make these installations.

Mrs. Finch pointed out that the Code made it an offense to block intersections and suggested that the Police Department enforce this.

Mayor Lee informed the Council that memorial services would be held tomorrow morning at Fort Bragg for the "Golden Knights" killed in the recent airplane crash and requested that the flags at City Hall and at the Kyle House be flown at half-mast until 12 noon. Council unanimously approved the request.

Thereafter, at 10:15 p.m., upon motion made and duly seconded, this meeting was adjourned until 3:30 P. M., on Monday, March 26, 1973, City Hall Council Chamber and the Regular Meeting

scheduled for 8:00 p.m., March 26, 1973, City Hall Council Chamber was canceled.

Maurice W. Downs
City Clerk

SPECIAL MEETING
COUNCIL CHAMBER KYLE HOUSE
MARCH 13, 1973
7:30 P. M.

Present: Mayor Jackson F. Lee

Council Members: Vardell Godwin, Marion George, Beth Finch, Glen Kelly, Gene Plummer, Harry Shaw

Others Present: J. Guy Smith, Jr., City Manager
William G. Thomas, Assistant City Manager
Rudolph G. Singleton, Jr., City Attorney

Mayor Lee called this Special Session to order, all members having received due and proper notice, to consider and act on the proposed revision to the City Charter.

The Mayor and Council then proceeded with a page-by-page review of the proposed revision and initiating several changes in the text.

Following completion of the review, Mr. Plummer offered motion for adoption of the revision, and for submission to the General Assembly in Raleigh. Motion seconded by Mr. Kelly and upon being put to vote carried as follows: For - Council Members Godwin, Finch, Plummer, Lee, Kelly and Shaw. Against - Councilman George.

Thereafter, the meeting was adjourned at 8:30 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR ADJOURNED MEETING
CITY HALL COUNCIL CHAMBER
MARCH 26, 1973
3:30 P. M.

Present: Mayor Jackson F. Lee

Council Members Vardell Godwin, Marion George, Beth Finch, Gene Kelly, Gene Plummer, Harry Shaw

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
Ray A. Muench, Public Works Commission
Monroe E. Evans, Public Works Commission

Mayor Lee called the meeting to order and the Reverend John E. Hedgepeth Northwood Temple Pentecostal Holiness Church offered the invocation. Mitchell Martin, of the Fayetteville Youth Council, led the audience in the Pledge of Allegiance to the Flag. Mayor Lee recognized Fayetteville Youth Council Members - Lisa Hamm and Mitchell Martin, present in the audience to observe Council proceedings.

Upon motion by Mr. George, seconded by Mr. Godwin and carried unanimously, Minutes of the Regular Meeting of March 12, were approved as submitted by the City Clerk.

Upon motion by Mr. Plummer, seconded by Mr. Godwin, Minutes of a Special Meeting of March 13, were corrected to show City Attorney Rudolph G. Singleton, Jr., present at the meeting and then approved unanimously.

Public hearing was held as continued from the meeting of March 12 on the closing of several streets or portions thereof, in the Murchison Road Redevelopment Project as requested by the Fayetteville Redevelopment Commission. Commission's Counsel, Richard M. Lewis, Jr., was present with Mr. Charles Fairley, Director and presented the matter to Council. There was no opposition present.

RESOLUTION AND ORDER CLOSING ALL OR PORTIONS OF THE FOLLOWING STREETS: VANN STREET; MCLEAN STREET; HILL STREET, also known as Shufford Street; WATSON STREET; the west portion of MONAGHAN STREET; the east portion of JULIA STREET; BROOKSIDE AVENUE; a portion of BLUE STREET; COEFIELD STREET; SURLES STREET; RALEIGH STREET and DURHAM STREET. Resolution No. R-1973-26

Mr. Shaw introduced the foregoing resolution and moved its adoption,as recommended by the Fayetteville Redevelopment Commission. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

Mayor Lee informed Council Members of the receipt of a memorandum requesting Council's concurrance in the execution of a contract for the disposition,by sale, of 25 parcels of land in a redevelopment area. Mr. Shaw moved, seconded by Mrs. Finch for the adoption of a resolution of concurrance in the execution of a contract for the sale of aforementioned parcels by approval of the bids as received, as recommended by the Fayetteville Redevelopment Commission. Motion carried unanimously.

ON PLANNING BOARD MATTERS:

Upon motion by Mr. Plummer, seconded by Mrs. Finch and carried unanimously, public hearings were ordered published for 8:00 p.m., Monday, April 23, 1973, City Hall Council Chamber on the following matters:

A. Initial zoning to R6 Residential District of an area located on Dallas Street.

B. Rezoning R10 Residential District to P1 Professional District of an area located on Cain Road and Pamalee Drive.

C. Initial zoning to C1 Local Business District of an area located on Cumberland Road and West Hudson Street.

Upon motion by Mr. George, seconded by Mr. Plummer and carried unanimously, a public hearing was ordered published for 8:00 p.m., Monday April 9, 1973, City Hall Council Chamber on the following item:

D. Special Use Permit to construct a private, non-profit, recreational facility in an R6 & R10 Residential District on Village Drive.

Mayor Lee introduced Mr. Al Mitchell of the Planning Department Staff, replacing Mr. Ron Hickman,as Director of Operations, who presented the following additional Planning Board matters.

Upon motion by Mr. Godwin, seconded by Mr. Plummer and carried unanimously, Plan Revision Review of Alpine Village located on Blanton Road was approved as recommended by the Planning Board; subject to approval by the City Engineer, prior to the issuance of Building Permits.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, Preliminary Subdivision Review of Greenbriar Hills, Section 5, on Tokay Drive, was given approval, as recommended

by the Planning Board; also subject to prior approval by the City Engineer before Building Permits are issued.

Upon motion by Mr. Plummer, seconded by Mr. Kelly and carried unanimously, a request for 800 feet of 12 inch water main from an existing 12 inch main, located on Raeford Road to serve the proposed Bryan Pontiac-Cadillac site, outside the City, was approved as recommended by the Planning Board.

There were no Public Works Commission matters presented.

RESOLUTION APPROVING THE INVESTMENT OF MUNICIPAL FUNDS. Resolution No. R 1973-27.

Mr. Kelly introduced the foregoing resolution and moved its approval, seconded by Mrs. Finch and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

Council received the following recommendations from the Downtown Fayetteville Association, Inc., relative to metered on-street parking: 1) that free parking be continued in the on-street parking area of downtown. 2) that the free parking privilege be limited to two hours per parking space. 3) that violators of this privilege be assessed a fine of $2.00 or more, as Council deems fit.

Following brief discussion, Council deferred action on the foregoing recommendation to the April 9 meeting, and requested meanwhile, that the Chief of Police and City Manager study the matter and make recommendation to Council at that time. The City Manager was also requested to invite a member of the Downtown Fayetteville Association to be present at that meeting.

Council again considered Sections 36 and 37 of Chapter 21 of the City Code, relative to persons under 18 years of age permitted in poolrooms. City Attorney Singleton presented a proposed amending Ordinance, which he had drawn, as directed by Council at the last regular meeting.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 36 AND 37 OF CHAPTER 21 OF THE CITY CODE. Ordinance No. S 1973-3

Mrs. Finch introduced the foregoing ordinance and moved its adoption, motion seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book S 1973.

The City Manager informed Council that bids had been received for fire hose for the Fire Department - 2,000 feet of 3 inch and 1,000 feet of 1½ inch double jacketed, polyester and rubber lined. The City Manager and the Purchasing Agent recommended that the second low bid of Zimmerman - Evans, Inc. be accepted, inasmuch as the City had awarded the bid to Fabric Fire Hose Company - the low bidder, which in 1971, was not consummated in a satisfactory manner to the City.

Mr. Plummer offered motion, seconded by Mr. Kelly that the second low bid of Zimmerman - Evans, Inc. in the amount of $3,893.40 for the 3 inch hose and $813.70 for the 1½ inch hose be, and the same is, hereby accepted. Motion carried unanimously.

The City Manager reported that the U.S. Department of Agriculture, which now occupies a temporary metal building on City property on the North side of Grove Street adjacent to the Street and Sanitation Departments under a Lease Agreement granted some years ago, had been requested to vacate the City's premises in order to allow for expansion of the Street and Sanitation Departments facilities. The USDA had requested permission to relocate on another city property location at the intersection of Pope and Tillinghast Streets. This matter was originally presented at the February 12 meeting and deferred, pending further study by the City Manager. The City Manager reported his study had revealed the Pope and Tillinghast Street area presently zoned R5 Residential District, which would not allow the USDA use without rezoning. They had been informed of this restriction. An attempt had been made to relocate on County owned property, but no site existed which could provide the necessary water and sanitary sewer facilities.

Mr. Faircloth and Mr. Brock of the USDA were present and Mr. Faircloth was recognized and requested the City to rezone the Pope-Tillinghast tract. Following some brief discussion, the City Manager was requested to contact the Planning Department to advertise a public hearing for a Special Use Permit for this purpose.

The City Manager presented a proposed Budget Ordinance Amendment for consideration. This amendment, he explained, would allow changing the 72-73 budget to permit the purchase of a street sweeper, tractor-scraper and a trash compactor from Revenue Sharing Funds, at a cost of $132,000.00.

BUDGET ORDINANCE AMENDMENT. Ordinance No. NS 1973-14

Mr. Plummer introduced the foregoing ordinance and moved its adoption. Motion seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS 1973.

Upon motion by Mr. Plummer, seconded by Mr. Kelly and carried unanimously, the following named was appointed to the Advisory Recreation and Parks Commission to serve the remainder of the term of office of DR. THOMAS MCCUTCHEN, resigned; said term expiring in October 1975 - GEORGE ARMSTRONG.

Upon motion by Mr. George, seconded by Mr. Godwin and carried unanimously, the following named were reappointed to the Human Relations Advisory Commission to serve 2 year terms of office each; said terms expiring in March 1975.- KEN WORMACK, MRS. FREDDIE D. (MARY) MCALLISTER, MRS. THOMAS (JENNETTE) COUNCIL, JAMES DANIEL HIGHSMITH. Five remaining appointments to this Commission were deferred until the next meeting.

Mayor Lee reported receipt of a letter of resignation from MR. GEORGE H. KING, JR., serving on the Board of Adjustment.

CITY MANAGER'S REPORTS

The City Manager reported the following resignation from the Fire Department and the resignation was noted - JAMES A. DUBOIS.

The City Manager gave a report on the status of various street improvement projects. (this was outlined in detail in a written tabulation distributed to the Council Members) There was a general discussion of the projects now under contract and of the projects approved or pending. The City Manager was requested to make a report on the status of Canal Street off Kennedy Street. The City Manager reported the access of needed right-of-way on Temple and University Avenues and of the possible condemnation of one tract in the area, that of A.C. Perry. He requested authorization to negotiate with the Mildred Hunter Heirs. The City Manager was granted such authorization without objection.

Without objection, the Council authorized the City Manager to negotiate with the property owners for the acquisition of right-of-way along Edgar Street.

Without objection, the City Manager was authorized to negotiate for the acquisition of property for right-of-way along Wilma Street and to report back to the Council the results of such negotiation.

City Attorney Singleton was then recognized and introduced to Council, Mr. Ocie Murray, a new associate in his law firm, who will be assisting him, Mr. Singleton, and will be available for telephone consultation in his, Mr. Singleton's absence.

ON MATTERS OF INTEREST TO COUNCIL MEMBERS:

Mr. Plummer asked the status of the left turn signal at the intersection of Ramsey Street and Country Club Drive. The City Engineer reported that the request had been submitted to the State Highway Commission, but no reply received as yet.

Mr. Plummer requested the City Engineer to check the left turn signal on Grove Street at 301 for a malfunction.

Thereafter, all matters of business having been completed, the meeting was adjourned at 4:30 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 9, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members - Vardell Godwin, Beth Finch, Gene Plummer, Marion George, Harry Shaw

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
R. A. Muench, Jr., Public Works Commission
Thurman Williams, Public Works Commission

Absent: Maurice W. Downs, City Clerk

Mayor Lee called the meeting to order and the invocation was given by the Reverend Thomas K. Spence, Pastor, Peace Presbyterian Church. Following this, Mr. Thomas Daniels, President elect of the Fayetteville Jaycees, led the audience in the Pledge of Allegiance to the Flag.

Mayor Lee next recognized and presented service pins to each of the following City Employees for their faithful and loyal service to the City:

FIVE YEAR'S SERVICE

Fireman Wade Barracato - Fire Department
Milton Bluhm, Engineering Department
Fireman Freddie Brown - Fire Department
Louise Bullard - Street and Sanitation Department
Sue Cain - Recreation Department
Albert Felter - Recreation Department
Welton Galbredth - Street and Sanitation Department
Fireman Marion Huggins - Fire Department
Fireman Julius W. Lockamy - Fire Department
Patrolman Neill McAllister - Police Department
Fireman John H. Player - Fire Department
Jerry Potter - Engineering Department
Frank Simpson - Inspection Department
Fireman Gerold Williams - Fire Department

TEN YEAR'S SERVICE

Dorothy Gilmore - Recreation Department
Captain George Hall - Fire Department
Booker T. Mulder - City Buildings
Wilton Tew - Inspection Department
Thomas Wood - Engineering Department

FIFTEEN YEAR'S SERVICE

Detective Eugene Brown - Police Department
Sergeant James Butler - Police Department
Lieutenant Burroughs Edwards - Fire Department
Lieutenant William McDonald - Fire Department
Patrolman Wade Owen - Police Department
Lieutenant John Tally - Fire Department
Lieutenant James Watkins - Fire Department

TWENTY YEAR'S SERVICE

Sergeant M. C. Bullard - Police Department
Fireman Robert Holloway - Fire Department
Howard Powell - Street and Sanitation Department
Thad Williams - Street and Sanitation Department

TWENTY-FIVE YEAR'S SERVICE

Captain Robert Futch - Fire Department
Captain John Morgan - Fire Department

Mayor Lee then recognized members of the Fayetteville Youth Council: L.C. Barbour, Mark Kirby and David Anderson, present in the audience to observe Council proceedings.

Upon motion by Mr. George, seconded by Mr. Plummer and carried unanimously, Minutes of the Regular Adjourned Meeting of March 26, 1973, were approved as submitted by the City Clerk.

Public hearing was held as published on a Special Use Permit to construct a private, non-profit recreational facility in an R6 and R10 Residential District on Village Drive. Planning Board recommended approval based on the following conditions:

1) That all conditions in the zoning ordinance be met and complied with.
2) That a 10 foot planting strip be maintained around the northwest and southwest boundaries of the tract where existing trees exceeding 5 feet in height beyond the surface.
3) That the project be constructed in accordance with the plans presented and as approved.

Mr. Billy Clark was then recognized and displayed a map of the recreational facility. There was no opposition present.

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO AUTHORIZE A SPECIAL USE PERMIT TO CONSTRUCT A PRIVATE, NON-PROFIT RECREATIONAL FACILITY IN AN R6 AND R10 RESIDENTIAL DISTRICT ON VILLAGE DRIVE. Ordinance No. NS 1973-15

Mr. Shaw introduced the foregoing ordinance and moved its adoption. Motion seconded by Mr. Plummer and carried unanimously, subject to the foregoing conditions. A copy of the foregoing ordinance is on file in the Office of the City Clerk in Ordinance Book NS 1973.

Public hearing was held as published on the rezoning of an area from R5Residential District to C1 Local Business District located at 111 Lamon Street, 113 Lamon Street and 418 North Street. Planner Mitchell was recognized and stated that the Planning Board recommended the area be rezoned P2 Professional District, rather than C1 as requested by the petitioner.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 111 LAMON STREET, 113 LAMON STREET, and 418 NORTH STREET. Ordinance No. NS 1973-16

Mr. Shaw introduced the foregoing ordinance and moved its adoption. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the Office of the City Clerk in Ordinance Book NS 1973.

ON PLANNING BOARD MATTERS:

Upon motion by Mrs. Finch, seconded by Mr. Plummer and carried unanimously, public hearings were ordered published for 8:00 p.m., May 14, 1973, City Hall Council Chamber on the following matters:

A. Rezoning R10 Residential District to R6 Residential District of an area located on Alred Lane and Berkshire Road.

B. Rezoning R10 Residential District to P2 Professional District of an area located at 533 and 535 Terry Circle.

C. Rezoning C1 Local Business District to C3 Heavy Commercial District of an area located on Bragg Boulevard between Clark Road and Tally Road.

D. Annexation of an area located on Cliffdale Road.
E. Annexation of an area located on Morganton Road and US 401 By-Pass.
F. Annexation of an area located on North and West of Summertime Road.
G. Annexation of an area located adjacent to Huntington Park.
H. Annexation of an area located on McPherson Church Road.

Mayor Lee informed Council that he had received a letter from the Secretary of the Cumberland County Legislative caucus,requesting that the City Council hold a public hearing on the proposed revision of the City Charter.

Upon motion by Mr. Plummer, seconded by Mr. Kelly and carried unanimously, a public hearing was ordered published for 7:30 p.m., April 16, 1973, City Hall Council Chamber to discuss a proposed Charter revision for the City of Fayetteville. A copy of the proposed Charter revision will be placed in the Office of the City Clerk for public viewing.

Council heard recommendation from the Planning Board for Preliminary Subdivision, group development and Shopping Center review of an area located on US 401 North and Law Road. Planner Al Mitchell was recognized and stated that the Planning Board recommended conditional approval as follows: 1) Corrections be made in the plan to have parking areas conform to setback regulations in the subdivision regulations. 2) The area be rezoned, so that the proposed street will be the boundary between the Commercial and the Residential Districts. 3) That parking areas, internal circulation, and access forms be redesigned to the approval of the Planning Staff. 4) That the plan be amended to reflect the recommendation of the City Engineer's Office, including (a) additional three feet of right-of-way be dedicated on Longview and Law Roads sides of the property for future street widening, and (b) sidewalks be provided throughout the project. The developer has complied with all the conditions of the Planning Board except No. 2, which would have to be rezoned to comply with the proposed plan and the sidewalks have not been provided on the plan directly by the developer.

Following Council discussion, Mr. Shaw offered motion to postpone action on this matter until the next regular meeting. Motion seconded by Mr. Godwin and carried unanimously.

Council heard recommendation from the Planning Board for Preliminary subdivision and Shopping Center review of Westwood Shopping Center located on McPherson Church Road and Morganton Road.

Planner Mitchell explained that the developer, Tri-Player Investments, is requesting

variance to the 15 foot setback regulations for parking bays from the proposed right-of-way of Morganton Road along the North side of the property, and on the other sides, shown on the sketch map, a five foot distance between the right-of-way line, which will come up to the Owen Drive Expressway ramp, is proposed. The City Engineering Department has recommended that when the McPherson Church Road is widened, then the sidewalks would be constructed on the right-of-way at a 50-50 basis, and that Morganton Road sidewalks would not be constructed until the Owen Drive Expressway is finished. The driveway permit request has been reviewed by the City Engineer and is subject to the State Highway Commission's approval of the driveway location.

Mr. Henry Player of Tri-Player Investments, was recognized,and explained the plan and requested that this area be given both preliminary and final subdivision and shopping center approval. There was no opposition present.

Upon motion by Mr. George, seconded by Mr. Plummer and carried unanimously, Preliminary and Final Subdivision, group development and Shopping Center review was given Westwood Shopping Center located on McPherson Church Road and Morganton Road.

Upon motion by Mr. Plummer, seconded by Mr. Godwin and carried unanimously, a request for 250 feet of 6 inch water main and 1 inch water laterial, located at 206 West Hudson Street, outside the City, was approved as recommended by the Planning Board.

PUBLIC WORKS COMMISSION MATTERS:

Council recognized Commissioner Thurman Williams on a request for bids received for electrical distribution substation equipment for four substations including spare substation transformers for 25 KV system and 12.470 KV system. The equipment for each substation consists of one three phase 20,000 KVA transformer; one vacuum voltage regulator; three vacuum circuit breakers; and substation protective relaying panel, containing overcurrent ground differential and pressure relays. Lump sum bids were received for the total equipment. The low bid of General Electric Supply Company was recommended.

Upon motion by Mr. George, seconded by Mr. Shaw and carried unanimously, the low bid of General Electric Supply Company in the amount of $599,061.00, for the above total equipment and spares was approved as recommended by the Public Works Commission.

Mr. Smith reported that at the end of this month the free parking test period will be over. It was extended one time and no report, other than the one given at the last meeting of the recommendations of the Fayetteville Downtown Merchants Association, has been received. Someone in the audience maybe able to give you the results of any other study that may have been done, but I'm not sure.

Mayor Lee then introduced Mr. Wheeler, President of the Downtown Fayetteville Association, and Mr. McCoy, Chairman of the Parking and Traffic Committee.

Mr. McCoy was recognized and stated that the Downtown Fayetteville Association Members wished to thank Council for having the foresight to begin the experiment in the first place. If there is anything that can be done for the downtown is good for the whole County. At the time when the experiment started, November 22, 1972, a street survey was made with Council's corporation, using the meter maids in a system of checking license numbers to see who was parking, when they parked longer than normal shopping time; an hour or two hours. The street survey was Hay, Gillespie, Old, Donaldson, Maxwell, Bow and Franklin Streets, and Ray Avenue. From November 22, 1972 to January 15, 1973, which was the first period during the Christmas shopping season, approximately 5% of the spaces were taken up all day by employees of downtown firms. At the time it began, a letter was sent to all the downtown merchants asking that they cover with their employees that the spaces should be left open for shoppers and that the employees should use what they had been using. If the name of an employee of a store was found, it was turned over to the store manager to see if he could contact the employee and ask him not to park in the spaces, but not all of downtown is merchants, a lot of the people work in offices of some other firms, and those people continue to park. From January 16 to March 14, which is the next two months violations increased about 5% to 10%. The percentage does not sound like much when you are talking about 600 plus parking spaces. 5% is only 30 parking spaces, but 10% is 60, and it shows a trend. At the beginning people respected it, but as time went on, alot of them whom were contacted and asked not to park all day said they had the right to park all day if they wanted to, which they do. We have nothing but persuasion to ask them to move. The bad thing is most of the violations are concentated in the one hundred (100) block and 200 block of Hay Street, and on Donaldson and Old Streets, which is the area right around the Market House west, and on Ray Avenue. Actually we think, that a great number of the spaces are being taken in the first two blocks by other than shoppers, so we gave our recommendation to you. We do not want parking meters because of the psychological distaste, or what ever you want to call it, that most people have of taking money out and putting it in the meters downtown. Some sort of control has to be exercised, so it was recommended that a two hour limit be placed on parking.

Mr. Shaw then asked if there were some places downtown that might require even less time, or a smaller amount of time than two hours; such as the Post Office, or maybe in some of the other sections of town, longer than two hours. Was this taken into consideration?

Mr. McCoy replied that it was not. Actually at the 500 block; up in the area of Sears and Pennys on the side streets, very few people parked there, and there was a pretty good turnover, but where you get down to the core of the downtown, that is where the trouble comes; thats where most of the office buildings and bank buildings are; where people are really not concerned. We did not attempt to notice how many hours, or how long the limits should be on all the places, but nobody can shop in an hour. A woman is just not satisfied with an hour. It takes them three or four, but

we picked two as a medium, because most people can get something done in two hours and come back and feed the meters or can move after two hours, but just an hour is not enough time for parking. All it does is turnover the spaces.

Mr. Kelly asked Mr. McCoy how the spaces were going to be checked for two hours.

Mr. McCoy replied that a recommendation was not made on this, but the old way is marking tires. A lot of people in Government do not think that this is practical, but that is one way of doing it. It is not as objectionable as putting the money in the meter. We want something that limits, but does not involve meters. We would prefer marking the tires, if that is what it takes.

Mrs. Finch asked if the Traffic Section of our Police Department had done any study or made any recommendations about time on the meters in different parts of the City?

Mayor Lee replied that he believed that Mr. Smith had checked with the League of Municipalities on the multiple coin meters in order to give additional time.

Mr. Smith then replied that multiple coin meters are not constitutional,however, some cities use them. The courts usually throw them out. If the solicitor of the courts refuses to take them in, it can not be enforced. The maximum that can be charged for on-street parking is not to exceed ten cents per hour, therefor, 5 cents could be charged for one hour zones, and 10 cents for two hour zones, but have single coin meters.

Mr. Plummer asked Mr. Smith if more meters would have to be bought, or could the ones we have be converted to 10-cent meters.

Mr. Smith replied that ours could be converted at a nominal cost of $3 or $4 per meter. I don't have the exact figure.

Mr. Plummer asked what other cities are doing that have done away with the parking meters; like Raleigh, Charlotte or Greensboro

Mr. Smith replied that he could not.

Mr. Plummer replied that to mark tires at the two hour limit, or even have them towed away would break the employees after a day or two. It would be cruel, but it would be effective, and if you don't have something effective, there is no need to do anything.

Mayor Lee asked Mr. McCoy if he felt that the shopper dislikes dropping a coin in a meter.

Mr. McCoy answered yes, that this is the reason people go to shopping centers so they can park close to the store without having to pay for it, because when they come downtown, they have to fish in their pocket for the right change. Women especially dislike it because they do not like to keep up with time when they are shopping, and they do not like to run back and forth to feed the meter every hour. It interrupts their shopping.

Mr. Kelly asked if there was an increase in business downtown.

Mr. McCoy replied that the first period was the Christmas season, and the reason for the extension was because we felt it did not give a fair picture. I think there is a difference of opinion. A lot of the downtown merchants, out of the areas where the parking is tight; where there has been alot of people parking all day, have not reported an increase in business. In the first two blocks of Hay Street, a lot of people have said their business has been hurt, because people could not find parking spaces. So, I wouldn't say we had a clear opinion either way.

Mrs. Finch suggested that someone be requested to study the possibility of having a type of multi-meter; one hour parking in some sections; two hour meters in other sections and the 10 minute parking for the Post Office and areas where we have had 10 minute parking.

Mr. Plummer suggested that if we are going to meters, and an hour is not long enough, then make them all two hours; ten-cent meters, and increase the fine in proportion from a $1.00 to $2.00 or even maybe $5.00 and enforce the fine. I would like to see that we go to ten-cent meters and make it uniform all over town, and put a fine on it that will hurt.

Mr. Plummer then made a motion that all parking meters on all streets be converted to ten cents; two hour meters, and that the fine for overtime parking be increased from $1.00 to $2.00.

Mr. Smith replied that he thought that there was a limit of $1.00 fine, but that he would check that rate and come back with a recommendation on the fine.

Mr. Godwin then seconded the motion that all parking meters on all streets be converted to ten cents and two hour limit.

During discussion that followed, Mr. Shaw stated that he thought there were some meters in the City that do not need to be two hour meters, and would like to have a recommendation on it from the Police Department, or the City Manager before acting on this particular motion, with the understanding that I do support it.

Mr. Plummer then withdrew his motion.

Mr. Shaw then made a motion to postpone action on this to the next regular meeting until

it is checked out on whether there are meters that are not advantageous to carry the two hour limit, especially the places where people need to stop to run in and out;where there is a great deal of turnover and a limited amount of parking, and there is at least one place like that in Fayetteville, and I am sure there are others too.

Mrs. Finch seconded Mr. Shaw's motion to postpone until the next regular meeting.

Mr. George then replied, I agree with the spirit of Mr. Shaw's motion, however, I am afraid that we may have to take some action,because I believe that the action that we have taken already will expire before our next meeting. I would further be inclined to feel that the Post Office zone, which would certainly be included and the zone in front of this building, City Hall, should be a special zone.

Mr. Smith replied that we could go ahead and resume operation and start working on this. You need to pass an ordinance to change the zones anyway to the two hours; we can do this at the next meeting.

Mayor Lee, in response to Mr. George's question replied that the free parking runs to the end of April, so there is another meeting before this runs out.

Mayor Lee then called for a vote on the motion by Mr. Shaw to postpone action until the next regular meeting and for the City Manager and City Engineer to make recommendations as to zones. The motion carried unanimously.

RESOLUTION APPROVING THE INVESTMENT OF MUNICIPAL FUNDS. Resolution No. R 1973-28

Mr. Kelly introduced the foregoing resolution and moved its adoption, seconded by Mr. Plummer and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

Mayor Lee informed Council Members that he had received a check in the mail: first quarter REVENUE SHARING, for $344,134.00.

Mr. Smith reported the receipt of bids for summer uniform needs for the City of Fayetteville Fire Department. Recommendations were as follows:

1) Castle Uniform Company - trousers, work pants.

2) Sears, Roebuck and Company - white shirts and blue shirts.

Mr. Plummer offered motion to follow recommendations of Administration and accept aforementioned bids of Castle Uniform Company and Sears, Roebuck and Company. Motion seconded by Mr. Kelly and carried unanimously.

Mr. Smith reported the receipt of bids for summer uniform needs for the City of Fayetteville Police Department. Recommendations were as follows:

1) Castle Uniform Company - trousers, caps, shirts (white and blue), belts and raincoats. Meter Officers skirts and hats.

2) Gerber Manufacturing Company - breeches

3) Howard Uniform Company - green shirts, and meter officer shirts

Mr. Kelly offered motion to follow recommendations of Administration and accept aforementioned bids of Castle Uniform Company, Gerber Manufacturing Company, and Howard Uniform Company. Motion seconded by Mr. Plummer and carried unanimously.

City Manager Smith informed Council that a few minor changes had to be made in the Grant Agreement amendment for the Airport Project. 1) that it is a 50-50 basis grant that we are asking for. 2) on acquiring tract 21, this has already been acquired, and we are asking that we be reimbursed ½ the cost.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF AMENDMENT NO. 2 TO GRANT AGREEMENT FOR PROJECT NO. 8-37-0021-01 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF FAYETTEVILLE, NORTH CAROLINA. Resolution No. R 1973-29

Mr. Shaw introduced the foregoing resolution and moved its adoption, and that the Mayor and City Clerk be,and they hereby are, authorized and directed to sign said agreement for the City. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the Office of the City Clerk in Resolution Book 1973.

Upon motion by Mr. Plummer, seconded by Mr. Kelly and carried unanimously, Taxicab Driver Permits were approved for the following named as recommended by the Taxicab Inspector, Chief of Police and City Manager: CHARLES M. BARTLEMUS, JACK FREEMAN BURGE, JAMES HUMPHERY MCQUEEN, WILLIAM HENRY MINCEY, AND CHARLIE JAMES HAYES.

Upon motion by Mr. Shaw, seconded by Mr. Godwin, an appeal by Mr. E. M. Suarez, requesting reconsideration of revocation of his temporary permit was denied. Motion carried unanimously. Mr. Suarez was not present to present his appeal.

City Manager Smith reported that a request had been received from the County Manager for the installation of a storm sewer line to serve the new law enforcement building. A sketch map was displayed showing an 18 inch storm drain necessary for drainage outlets from the new building. The County Manager has requested that this be installed by the City. It is recommended that the City participate by funding the installation of this storm sewer.

Mr. Plummer offered motion, seconded by Mr. Shaw to follow the recommendation of the City Manager and participate by funding the installation of the storm sewer. Motion carried unanimously.

Upon motion by Mr. Shaw, seconded by Mr. Plummer and carried unanimously, the following named was reappointed to the Human Relations Advisory Commission, to serve a two year term of office; said term to expire in March, 1975. - MRS. KENNETH WALKER.

Council heard report from the City Manager on the Budget Ordinance Amendment to provide for Public Works Commission bond payment due before the end of this fiscal year. This budget amendment would allow for this to be paid and would be paid to the City by Public Works Commission and will then be paid by the City for the bond interest and principal. It amounts to $193,000.00.

BUDGET ORDINANCE AMENDMENT. Ordinance No. NS 1973-17

Mr. Godwin introduced the foregoing Budget Ordinance Amendment and moved its adoption. Motion seconded by Mr. Shaw and carried unanimously.

The City Manager reported the following resignation from the Police Department and the resignation was noted - RONALD RILEY.

The City Manager reported that the Pridgen Building on Bow Street was sold last Friday, and that he had just been notified, so the consideration for purchase of this building, by the City, is out.

The City Manager reported that the report of the City Taxicab Inspector had indicated that there was one Certificate of Taxicab Ownership vacancy, due to the death of Darwin B. Burgess.

Mr. Kelly offered motion, seconded by Mr. George, to accept applications for the Certificate of Taxicab Ownership, to fill the vacancy left by Mr. Darwin B. Burgess. Motion carried unanimously.

MATTERS OF INTEREST TO COUNCIL MEMBERS:

Mr. Shaw suggested that the lighting in the Council room should be fixed or new ones put in. Mr. Shaw then offered motion that the City Manager investigate new lighting in the Council room. Mrs. Finch seconded the motion and it carried unanimously.

Mr. Shaw also suggested that firm ground rules be established for the Charter revision public hearing, to be held Monday, April 16, 1973, so that it can be conducted in an orderly manner, so that it will help make a decision rather than confuse the issue.

In response to inquiry, Mayor Lee informed Council that a general format would be sent out to the Council Members, and asked for suggestions from Council after the format was sent out, on the public hearing.

Mr. George informed Council that he had received many complaints about the drainage and flooding within the City, and they had been directed to the City Manager. In response to this, Mr. Smith stated that he and the City Engineer were aware that there was a problem in several places, and hopefully something could be done this summer to correct these problems.

Mr. Plummer asked about the Dean Street-Walker Street drainage pipe. Mr. Smith stated that the people in the area had been contacted, and that two petitions were out, and when they are returned, then it can be determined how many names are needed to have a majority of the people. He also stated that the drain pipe can be put in whenever the people want to buy the pipe and the City will put it in.

Mr. Godwin asked if Council might be able to get a little more information on the Planning Board matters prior to the meetings, particularly on the conditions setforth on the subdivision approvals. Perhaps Council could look at these areas before the meetings. Also be provided with sketch maps from the developer on the proposals.

Mr. Smith stated that he would inform the new Planning Staff of this.

Thereafter, all matters of business having been completed, the meeting was adjourned at 9:30 p.m., upon motion made and duly seconded.

Mary M. Whitener

Mary M. Whitener
Acting City Clerk

SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
APRIL 16, 1973
7:30 P. M.

Present: Mayor Jackson F. Lee

Council Members: Vardell Godwin, Beth Finch, Gene Plummer
Glen Kelly, Marion George and Harry Shaw

Others Present: J. Guy Smith, Jr., City Manager
William G. Thomas, Assistant City Manager
Rudolph G. Singleton, Jr., City Attorney

Mayor Lee called the meeting to order and announced its purpose was to conduct a public hearing on the proposed City Charter revision as requested by the Cumberland County Legislative Caucus. He announced further that no vote of the Council would be taken at this meeting.

He opened the discussion by stating that the present City Charter dates back to 1905, and contains changes and provisions through the 1969 General Assembly. It was felt that a number of portions of the Charter that needed to be changed and updated. The new revision was drawn at the request of the City Council by legal counsel for the N.C. League of Municipalities with the assistance of former City Attorney Harry Stein, and the present City Attorney Rudolph Singleton. Final draft was delivered to the Council on March 9; approved by a majority vote of the Council on March 13, and submitted to the General Assembly on March 14 to comply with an early deadline for local legislation before the General Assembly.

The purpose of this public hearing is to clarify the provisions of the proposed changes, to answer any questions, and to accept any relevent statements which anyone has to make. At the conclusion of this hearing a transcript of this meeting will be handed to the Cumberland County Delegation to the General Assembly for their guidance.

Mayor Lee then proceeded with the summary of the proposed revision, stating that he would pause at the end of each article for comments from the Council Members and questions and statements from the audience.

Following the reading of Article III, question was asked if the Charter made provision for the time and place for City Council Meetings.

Mayor Lee replied that it did, and provided that the Council could meet with other governing bodies, and at a place under their jurisdiction, if it was necessary.

Following the reading of summary of Article V, CITY MANAGER, Mayor Lee recognized Mrs. Thelma Blanton Overby who expressed her opposition to the City Manager having so much power. She gave a brief history of the City and City Government, and also expressed a grievance over the firing of her husband from city employment some time ago.

Mayor Lee recognized Mr. Harvey Beard, Chairman of the Civil Service Commission, on question on specific changes regarding the appointment of the Police and Fire Chiefs.

Mayor Lee stated that the City Manager would have authority under the new Charter to appoint and remove all city department heads except the City Attorney, Tax Collector, and members of the Public Works Commission, subject to approval by the City Council.

Mr. Beard then requested that the record show his opposition to these changes and the Mayor so ordered.

Mr. Ted Rhodes, Secretary of the Civil Service Commission, was recognized and voiced his opposition to the proposal that the City Manager have the power to hire and fire Police and Fire Department personnel.

Mr. Al Post, former Fayetteville Police Officer, asked if a department head would have recourse in firing by the City Manager.

Mayor Lee replied that he would have recourse to the Council, if desired.

Mr. D. D. Shuford, a private citizen, asked what happens to the present Civil Service Commission should the changes be approved by General Assembly.

Mayor Lee stated that this question would be answered later on.

Mr. Shuford then expressed his opposition to all this power being placed in the hands of one man.

Mrs. Louise Jenkins, Fayetteville Poor Peoples Organization, expressed for the record their opposition to power being given to one individual.

Mayor Lee then continued with his summary.

Following summerization of Article VIII, PUBLIC WORKS COMMISSION, Councilman George stated that as the record shows he was opposed to, and voted against the proposed changes to the Charter and the organization and structure of the Public Works Commission was one of his reasons. With an

annual budget of 19 million dollars, he stated he felt the Commission should be increased from the present 3 members to 5.

Mr. Alfonso McCoy asked question if it is necessary that all 3 Public Works Commission members sign Public Works Commission checks.

Mayor Lee replied that the Manager and one Commission member signs checks.

Mr. McCoy offered recommendation that Public Works Commission be increased from 3 to 5 members.

Mayor Lee then reviewed the changes proposed for the Civil Service Commission under Article IX.

Mayor Lee recognized Mr. Ted Rhodes again who extended thanks to the Council for this public hearing. He stated he was 100% in favor of leaving the Civil Service Commission in its present form. He stated he favors the IACP survey and report. He reviewed the present Civil Service Commission examination and certification procedure.

Mr. E.G. Brown, Fayetteville Police Department, raised question under Article 9.6 (c) regarding approval by the City Manager of appointments to or promotions in the Police and Fire Departments and asked if this doesn't create a political situation.

Mayor Lee, Councilman Plummer and City Attorney Singleton referred to 9.6 (b) in reply stating that the provision of this article require that the names of persons successfully passing the tests will be submitted by the Commission to the City Manager and the appropriate Chief.

Mr. Brown then stated that he was of the opinion that the results of the IACP survey of the Police Department should be made public. He also expressed his opposition to the changes proposed in the Charter.

Mr. Al Post recognized and expressed his concern about the change proposed whereby the CSC members would be appointed by City Council.

Mr. Harvey Beard, Chairman of the Civil Service Commission, was again recognized, and presented a formal statement concerning the Civil Service Commission, its policies and functions, and expressing his opposition to the proposed Charter changes.

Mr. Bobby Deaver, an attorney representing members of the Police Department, was recognized, offered comments, and presented a petition bearing 83 signatures opposing any changes in the present Charter. He also cited the opposition expressed at the hearing 2 years ago to the abolishment of the Civil Service Commission.

Mr. Jack W. Rigsbee, Fayetteville Police Department, recognized, offered comments, and expressed his opposition to the abolishment of the Civil Service Commission.

Dr. G. L. Butler, a member of the Civil Service Commission for 10 years recognized, offered general comments and expressed his opposition to the proposed changes to the Civil Service Commission.

Mr. Joe Chandler, an attorney representing Fayetteville Fire Department personnel, recognized offered general comments, and cited various N.C. Constitution personal rights, and presented two petitions of opposition to changing the Civil Service Commission; one petition signed by 83 Fayetteville Firemen and another signed by 190 citizens.

Capt. C. B. Foulk, a retired member of the Fayetteville Police Department recognized in behalf of several members of the Police Department and in his own interest, made general comments, and suggested that if any action is to be taken concerning the Civil Service Commission, it be submitted to a vote of the people.

Sgt. Charles House, Fayetteville Police Department, was recognized, offered general comments, and asked what the present Civil Service Commission was doing wrong that it should be changed as proposed in the Charter revision.

Mayor Lee then stated he would recognize persons who had indicated a desire to speak in favor of the revisions.

Mr. Charles Holt, former Mayor, was recognized, and offered comments and personal views concerning the issues. He recalled the public hearing in December, 1970 during his administration, concerning the abolishment of the Civil Service Commission. In support of the proposed changes to the Civil Service Commission he cited the present method by which the Commission is appointed-by persons by no way representative or responsible to the people of Fayetteville. He stated he saw no danger in the appointment of the Civil Service Commission by the City Council.

Mr. Jack Thompson, Court Solicitor, recognized and offered general comments on the present Civil Service Commission and the proposed changes. He stated that the Police Department under the present system is not directly answerable to the people, but under the proposed changes, they would be. He cited various disadvantages concerning the lengthy certification time and high resignation ratio under the present system, and concluded by stating that under the proposed changes to the Charter the Police Department, as all other City Departments would be the responsibility of the City Manager to administer, and there would be a direct chain of command from the Chief of Police to the City Manager to the City Council.

Mr. Denny Shaffer, former City Councilman was recognized. He offered general comments stating that under the present system the Chief of Police is answerable to 13 persons, which is not effective, but under the proposed change would respond to the City Manager and the City Council. He stated that the present system is outdated and fossilized. He concluded by urging the passage of the proposed changes.

Mr. Robert Butler, former Mayor, was recognized. Mr. Butler stated that he was the first Solicitor of City Recorders Court and also had served as Judge of that Court. He stated that he agreed with Mr. Holt and Mr. Shaffer that under the Council-Manager form of governement we do need to make this change. He urged support of the proposed changes to the Charter.

Dr. Lynn Johnson was recognized and offered general comments in support of the proposed Civil Service Commission changes.

Mr. Robert F. Page, an attorney, was recognized for himself and representing former Mayor Monroe Evans. He read a letter from Mr. Evans supporting the proposed changes in the Civil Service Commission. Mr. Page also offered comments in favor of the proposed changes.

Mr. J. L. Creed, a private citizen recognized and urged City Council to have the General Assembly effect the proposed changes.

Mayor Lee recognized Mrs. Geneva B. Foushee, a private citizen, on a question regarding Sec. 10.9.Determination as to cost of improvements, and apportionment of assessments.

Mayor Lee replied the change was to wording rather than to Council's power.

Attorney Mitchel Gadsden recognized on a question regarding the changes in Article X as to the legality involved.

Mayor Lee replied there was no illigality involved; merely a recodification.

Mrs. Louise Jenkins again recognized on a question as to how long City Council had studied the proposed revisions.

Mayor Lee replied Council received the original draft and had approximately one month to study and add input to it before sending it back for final draft. When it was returned then Council had a period of approximately 5 days for the remaining study before submitting it to General Assembly before deadline on local legislation on March 17.

A Mrs. Felton recognized on question if citizens have the same protection under the new charter as under the old.

Mayor Lee replied in the affirmative and with some additional protections added.

In further response to Mr. Gadsden's question on the changes in Article X on Apportionment of Assessments as relates to subdivisions and the subdividing of property; Mayor Lee requested the City Attorney to read the text. He did so and stated that although the wording was somewhat different the intent was still the same.

Mr. William Bowser recognized on question as to whether or not the City participated the same in the construction of a 29' and a 37' street - that is 1/3.

Mayor Lee replied that it did not and has not for some time, but that the city does absorb the cost of the difference without assessing the property owners.

Mayor Lee recognized Dr. Butler again on a question as to if the proposed changes to the charter provided for an attempt to standardize the assessment fee for improvements.

Mayor Lee replied that the new charter would give Council more flexibility to give relief and to equalize these by four different methods of assessment either the frontage abutting the project, the area of the land served, the value added, the number of lots served or to be served, which is more flexible and Council can make more equitable assessments than it can under the old charter.

Mayor Lee then continued with summary beginning with Article XI.

Mrs. Foushee again recognized on question if in the new charter Council will have any types of maps showing newly proposed streets or throughfares that will go through any developments or subdivisions.

Mayor Lee replied that these things are not normally put into a charter, but rather the charter gives the Council the authority to plan such matters. No change is contemplated in this respect at any rate, he stated.

Mr. McCoy recognized on a request for a reading of Sec. 12.1 of Article XII.

Mayor Lee complied.

Mayor Lee then continued with summary through Article XIII. DRAINAGE.

Mrs. Foushee recognized on request as to what obligation the City assumes in areas where there are drainage problems.

Mayor Lee replied that the City would attempt to alleviate such conditions where possible so as to abate such nuisance.

Mayor Lee then continued with summary of Articles XIV and XV.

Mr. Gadsden again recognized and submitted a petition requesting additional public hearings on the proposed changes to the charter.

Mayor Lee accepted the petition.

Mr. McCoy again recognized on question as to if recreation and cemeteries are affected by the proposed changes.

Mayor Lee replied in the negative.

On a final question Mr. Lester Shaw was recognized and asked how the General Assembly will know how many people expressed oppostion to the charter changes tonight so they can act on it.

Mayor Lee replied that a transcript of the proceedings will be forwarded to them along with the petitions and letters received.

Thereafter, the meeting was adjourned by Mayor Lee at 11:30 p.m.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 23, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Vardell Godwin, Beth Finch, Gene Plummer
Marion George, Glen Kelly and Harry Shaw

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
Ray A. Muench, Public Works Commission
Robert H. Butler, Public Works Commission

Mayor Lee called the meeting to order and the invocation was given by the Reverend John A. Moulton, Assistant Rector, Holy Trinity Episcopal Church. Billy Richardson led the audience in the pledge of Allegiance to the Flag. Mayor Lee introduced Billy as the upcoming youth Mayor of the City, during Youth Week - May 7th through 12th. Mayor Lee also introduced other Youth Council representatives who will serve during Youth Week as follows: Jim Haney - City Manager; Mark Miller - Assistant City Manager; Council Members - Frances Allan, Jim Selton, Rodney Matthews, Debbie Norris, Kevin Renegar, and David Newman. The Youth Council will hold their meeting on Thursday, May 10th at 7:30 p.m.

Mayor Lee then recognized the following named persons who served on various boards and commissions and presented them with framed Certificates of Appreciation: George W. King - Board of Adjustment; Dr. Thomas McCutchen - Advisory Recreation and Parks Commission; Don Garrett and Bob Cellner - Human Relations Advisory Commission; Toussaint Avent and Leonard Sanders - Citizens Advisory Committee.

Upon motion by Mr. Godwin, seconded by Mr. Plummer and carried unanimously, Minutes of the Regular Meeting of April 9 were approved as submitted by the Acting City Clerk.

Upon motion by Mr. Plummer, seconded by Mr. Shaw and carried unanimously, Minutes of the Special Meeting of April 16 were approved as submitted by the City Clerk.

Public hearing had been published for this date and hour on the rezoning from R10 Residential District to P1 Professional District of an area located in the vicinity of Cain Road and Pamalee Drive. Planning Board recommended denial of the petition for rezoning.

Council recognized Mr. Guy Ciampa, representing the American Day Nursery Association, who stated that a Day Nursery Center for approximately 200 children is planned for this site, which is located at the intersection of Cain Road and Pamalee Drive.

Council recognized Mr. Leon Hope, Briarwood Lane; Mr. Reuben Heathcoat, Pamalee Drive; Mr. Darvin Schlegle, Cain Road and Mrs. Nancy Adams, Valencia Drive, residents in the area opposed to the rezoning and to the greatly increased volume of traffic which would be generated by such a center.

Following some discussion, Mr. Plummer offered motion, seconded by Mrs. Finch to follow the foregoing recommendation of the Planning Board and deny the petition for rezoning. Motion carried unanimously.

Public hearing having been published and there being no opposition present, and upon motion by Mr. Plummer, seconded by Mr. Godwin and carried unanimously, the Zoning Ordinance of the City was amended by the adoption of the following Ordinance:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE APPROVING THE INITIAL ZONING TO R6 RESIDENTIAL DISTRICT OF AN AREA LOCATED IN THE VICINITY OF DALLAS STREET. Ordinance No. NS 1973-18. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS 1973.

Public hearing having been published and there being no opposition present, and upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, the City's Zoning Ordinance was amended as follows:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE APPROVING THE INITIAL ZONING TO C1 LOCAL BUSINESS DISTRICT OF AN AREA LOCATED IN THE VICINITY OF CUMBERLAND ROAD AND WEST HUDSON STREET. Ordinance No. NS 1973-19. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS 1973.

Upon motion by Mr. George, seconded by Mr. Kelly and carried unanimously, Public hearings were ordered published for 8:00 p.m., May 14, City Hall Council Chamber, on the following matters:

1) PRELIMINARY RESOLUTION REQUIRING THE RELAYING OF A SIDEWALK PURSUANT TO PETITION ON THE SOUTH SIDE OF HAY STREET IN FRONT OF THE MIRACLE THEATER BUILDING. Resolution No. 1973-30. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

2) On the Annexation of the Cambridge Arms property, pursuant to petition.

PLANNING BOARD MATTERS:

Council again considered Preliminary Subdivision, Group Development, and Shopping Center Review of an area located on U.S. 401 North and Law Road (Planning Board had recommended conditional approval of this development at the meeting of April 9 predicated on rezoning in the area.) Planner Mitchell stated that the developer had not as yet contacted the Planning Department regarding the rezoning.

Following considerable discussion, Mr. Shaw offered motion to postpone action on this matter to the next meeting of the Council, and that the Planning Department contact the developer regarding the rezoning. Motion seconded by Mr. Kelly and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS:

Public Works Commissioner Butler presented a request from Mr. Frank Almendarez, 3603 Clearwater Drive for a one inch water connection to an existing water main in Clearwater Drive in Hillendale Subdivision. This request was approved by Public Works Commission at a prior meeting. The applicant has agreed to discontinue electric service with another supplier and receive service from Public Works Commission, Mr. Butler stated. The location is not contiguous to the City limits.

Mr. Plummer offered motion that the request be granted. Motion seconded by Mr. Kelly and carried unanimously.

Council heard request from Commissioner Butler for preliminary approval of plans for a proposed addition to the Public Works Commission Administration Building and for the advertisement and receipt of bids. The cost of such addition will be $275,460.00 and is to be financed from Public Works Commission's operating revenue. The addition is to be used for administrative offices and it is planned for construction to begin in October.

Mr. Shaw offered motion for approval of the foregoing request as submitted, seconded by Mr. Plummer and carried unanimously.

Mr. Shaw suggested in view of Council's action in approving the water connection for Mr. Almendarez, that some confusion may result in the City's present policy of requiring approval by the Planning Board, and suggested that routine requests for such connections be handled by Public Works Commission only. Public Works Commission Manager Ray Muench concurred in the suggestion that where property has been subdivided and developed and the mains exist, that applications be received by Public Works Commission, but in the case of outside extensions for new developments, such applications be routed through the Planning Board so as to meet inside City criteria. He suggested that the policy could be changed to run the applications for connections to existing mains in developed property directly to the City Council, and applications in new subdivisions and developments be routed through the Planning Board.

Mr. Shaw then offered motion that on routine tap-ons to existing mains in recognized subdivisions that it be no longer necessary to go through the Planning Board, but with all other connections and anything out of the ordinary be sent through the Planning Board. Motion seconded by Mr. Kelly and carried unanimously.

RESOLUTION AUTHORIZING THE INVESTMENT OF MUNICIPAL FUNDS. Resolution No. 1973-31.

Mr. Kelly introduced the foregoing resolution and moved its adoption. Motion seconded by Mrs. Finch and carried unanimously. A copy of the resolution is on file in the office of the City Clerk in Resolution Book 1973.

Council again considered the matter of on-street metered parking and heard recommendations from the Assistant City Manager as follows:

1) Parking Meter Locations: no change to the present meter locations.
2) Parking Time: that all meters be converted to two-hour meters, with the exception of meters on Green Street in front of the Post Office and City Hall, which will have a 12-minute limit.
3) Parking Fees: all meter fees to be ten cents (dime only), with the exception of the 12 minute meters, which will be one cent for 12 minutes.
4) Overtime Parking Fine: no change is recommended to the present $1.00 fine for overtime parking, since the fine is already at the limit set by the statute.
5) Although the Downtown Fayetteville Association has expressed a preference for free parking to continue until the completion of all meter conversion, it is recommended that the metered parking resume on May 1st, utilizing the one hour, five-cent meters, and as parts become available and meters convered, coversion will take place on a block by block - street by street basis.

There was considerable discussion of the matter and of the recommendations and Mr. George suggested that in order to avoid confusion to the general public using the meters, that "warning" tickets be issued prior to the implementation of the two-hour meters.

The City Manager suggested pulling every meter off the street and replaced as dime meters and then issue "warning" tickets.

Mr. Kelly then offered motion, seconded by Mr. Godwin that all meters be taken off and replaced as dime meters, and that "warning" tickets be issued for one week following reinstallation. Motion carried unanimously.

The City Manager reported that the FARE program approved by Council in November, 1972, was intended to allow for the payment of overtime for extra Police patrols to reduce traffic accidents. The funding is 100% by the Governor's Highway Safety Committee, and is to be a 12-month program. Due to this program, the City needs extra Police cars to provide for intensified patrolling for Police Officer extra duty. The Governor's Highway Safety Committee will fund 50% of the cost of three extra vehicles. Bids for these vehicles were received by the City on April 15. LaFayette Ford submitted the low bid meeting specifications, in the amount of $11,043.54, and was the bid recommended.

Mr. Shaw offered motion, seconded by Mr. Godwin to accept the bid of LaFayette Ford as recommended. Motion carried unanimously.

The City Manager reported the receipt of bids for a comfort atation for Rowan Street Park. The low bid was submitted by Super Secure Comfort Stations, in the amount of $6,474.00, and was the bid recommended.

Mr. Godwin offered motion, seconded by Mrs. Finch to accept the bid of Super Secure as recommended. Motion carried unanimously.

The City Manager reported the receipt of bids for construction work at Tokay Tennis Courts. He stated that the City had been approved for a federal grant for assistance in this project. In addition, the City Schools will also participate. At the first bid opening, only one bid was received and it was not opened. It was readvertised, and again only one bid was received, which was opened. The bid was in excess of the City's cost estimate for the work. He recommended that Council reject that bid - proposal A construction - and authorize the re-designing of the project and the writing of new specifications. He indicated that proposals B and C - fencing and lighting system respectively - were satisfactory, but that awarding of these should be held in abeyance pending receipt of a satisfactory bid on the construction part.

Mr. Plummer offered motion to follow the foregoing recommendation of the City Manager. Motion seconded by Mrs. Finch and carried unanimously.

The City Manager reported that Schedule No. 6 - Stop Intersections, and Schedule No. 14 - Yield Intersections, Section 20-106 of the Code had been revised to update these schedules due to the many changes made recently by the creation of new streets, annexations etc. He requested the adoption of an ordinance to adopt new schedules so as to bring them up to date.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AMENDING SECTION 20-106 OF THE CITY CODE - TRAFFIC SCHEDULE NO. 6 - STOP INTERSECTIONS. Ordinance No. NS 1973-20

Mr. Plummer introduced the foregoing ordinance and moved its adoption. Motion seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book 1973.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AMENDING SECTION 20-106 OF THE CITY CODE - TRAFFIC SCHEDULE NO. 14 - YIELD INTERSECTIONS. Ordinance No. NS 1973-21.

Mr. Kelly introduced the foregoing ordinance and moved its adoption. Motion seconded by Mr. Plummer and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book 1973.

Upon motion by Mr. George, seconded by Mr. Plummer and carried unanimously, the following named was appointed to the Board of Adjustment to fill the unexpired term of Mr. GEORGE H. KING, resigned; said term expiring in July 1974 - F. ROYAL LOYD, JR.

Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, the following named were appointed to the Human Relations Advisory Commission for two year terms of office each; said terms to expire in March 1975 - Mr. ROSA B. WILLIAMS and Reverend MAX VESTAL.

DELEGATIONS:

Mr. Leonard Sanders was recognized by the Mayor on a question as to the status of "B" Street, and Adams Street, which was flooded by water during the recent heavy rains. Mr. Sanders stated that a culvert underneath the road was not large enough to carry off the flood waters and had been washed away. The residents in the area had lost several personal posessions during the flooding.

Mr. Sanders requested relief before additional flooding occurs. The City Manager stated that Engineering was now in progress for a new bridge at this location and such plans would be submitted to the Council, hopefully, in the near future.

CITY MANAGER REPORTS:

The City Manager called on City Engineer Bennett for a report on Canal Street. Mr. Bennett stated that Canal Street, which runs off of South Kennedy Street, has only four property owners, including an A & P Store, and requests had been made by the property owners to close this street as a public street. Mr. Bennett suggested that a public hearing be held to this effect, with the City retaining full width for utility easements.

Mr. Shaw offered motion, seconded by Mr. Plummer that such public hearing be published for 8:00 p.m., Monday, May 28, 1973, City Hall Council Chamber. Motion carried unanimously.

The City Manager and the City Attorney submitted a proposed ordinance to the Council amending Section 16 of Chapter 17 of the City Code, which deals with soliciting in private residences, and on

streets and sidewalks by peddlers, hawkers and others. The purpose of this ordinance is a general "tightening up" of the present ordinance. Council received the proposed ordinance without action for study.

Council heard request from the Airport Commission that Council consider authorizing it to enter into a contract with an architect to design a concourse enclosure (the walkway between the terminal building and holding room) for the protection of the general public from weather and jet engine blast. In addition, FAA security has directed that wrought iron fence along the concourse be raised from two feet to a height of five feet to preclude anyone from going over the fence directly to an aircraft. If the project is carried out to completion, the fee would be 12% of construction cost, which is not known at this time. Mayor Lee stated that when this concourse was originally designed, it was supposed to have been designed to have been easily enclosed.

Following brief discussion, Mr. Shaw offered motion to postpone action on this request to the next regular meeting and request Airport Commission to take another look at the original design. Motion seconded by Mr. Godwin and carried unanimously.

The City Manager reported that flooding in Vanstory Street and Simmons Street areas had become quite a problem for the residents. The existing drainage in the area is not sufficient to carry away more than a light rain. He proposed that Council authorize administration to acquire right-of-way on the west end of Simmons Street for the installation of underground drainage at a cost of approximately $6,000.00. The ditch from Hatwood Lane, flowing northwardly to Blounts Creek needs cleaning out. Some of the cross drains and pipes leading into this ditch are covered with debris and some of the catch basins with pipes leading into this ditch have been stopped up for some time. It is proposed to clean these ditches with the City Sanitation Department personnel.

Following brief discussion, Mrs. Finch offered motion that administration be authorized to acquire the necessary rights-of-way as requested at a reasonable figure and to commence cleaning the ditch as proposed. Motion seconded by Mr. Plummer and carried unanimously.

Mayor Lee requested that Council give consideration to the adoption of a Resolution of Appreciation recognizing Dr. L. Stacy Weaver on his retirement as President of Methodist College.

Mr. Plummer offered motion, seconded by Mr. Godwin for adoption of the resolution and for the spreading of same upon the minutes of this meeting. Motion carried unanimously. A copy of the resolution appears below:

RESOLUTION OF APPRECIATION

WHEREAS, Dr. L. Stacy Weaver was the founding President of Methodist College in September of 1957; and

WHEREAS, he has been responsible for the development of Methodist College into one of the outstanding institutions in North Carolina; and

WHEREAS, he has completed fifty years in the educational field; and

WHEREAS, he has served, at the national and state level, on many committees and commissions in education; and

WHEREAS, he has been an outstanding civic leader; and

WHEREAS, he is now retiring.

NOW, THEREFORE, Be it resolved by the Mayor and Council representing all the citizens of Fayetteville, this Resolution of Appreciation is given to

DR. L. STACY WEAVER

for his outstanding contributions to his college, his city and his nation.

By Resolution of the City Council this 23rd day of April, 1973.

Jackson F. Lee
Mayor

Mr. Marion C. George, Jr.
Mayor Pro tem

(SEAL)

Mrs. Beth Finch
Councilwoman

Mr. Wardell Godwin
Councilman

Mr. Glen W. Kelly
Councilman

Mr. Gene Plummer
Councilman

Mr. Harry F. Shaw
Councilman

Mayor Lee suggested further that Council give consideration to the passage of a Resolution of Appreciation recognizing the heroic efforts of Police Officers Albert Tanzilo and R. A. Hamilton

for saving the life of Bobby Warren, owner of the Lobster House Restaurant during the disastrous fire which occurred there early Sunday morning, April 22. Mayor Lee also requested that authorization be contained in the resolution for the writing of letters by him to these officers for placement in their personal files.

Mr. Plummer offered motion, seconded by Mr. Kelly for the passage of such a resolution and for authorizing the Mayor to write the letters. Motion carried unanimously.

MATTERS OF INTEREST TO THE COUNCIL:

Mr. Plummer asked about changing the shirts of the Police Officers from long sleeve to short sleeve for summer use. The City Manager stated that this had already been done.

Mr. Plummer then asked about the status of the traffic signal at the intersection of Ramsey Street and Country Club Drive. City Engineer Bennett replied that the State Highway Commission has scheduled the upgrading of this intersection with a new controler.

City Manager Smith reported that in conformance with Council directive, new fluorescent lighting was planned for the Council Chamber in the near future.

Thereafter, all matters of interest having been completed, the Meeting was adjourned at 10:00 P. M., upon motion made and duly seconded.

Maurice W. Downs

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 14, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members - Vardell Godwin, Beth Finch, Gene Plummer, Marion George and Glen Kelly

Absent: Councilman Harry Shaw

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
Joe Stowe, Public Works Commission

Mayor Lee called the meeting to order and the Reverend William Gattis, Associate Pastor Hay Street United Methodist Church offered the invocation. Following the invocation, Rodney Matthews, new President of the Fayetteville-Cumberland County Youth Council led the audience in the Pledge of Allegiance to the Flag.

Mayor Lee informed Council that he thought it was significant that since May 13 thru 19 is National Police Week, and May 15 National Peace Officers Memorial Day, that he was pleased to recognize a number of our Police Officers who yesterday received their diplomas from the Fayetteville State University course in Criminal Science. Certificates of Achievement were presented to these men as follows: Patrolman Earl D. Britt, Patrolman William Allen Davis, Sergeant Daniel K. Dixon, Patrolman John M. Hall, Patrolman Roger T. Holman, Patrolman Burton E. Hyde, Patrolman Neil C. Mills, Patrolman Sam Pearson, Patrolman Lyle J. Sawyers and Detective Samuel White. Mayor Lee then congratulated them on furthering their education, which, he said, make them better Police Officers and able to serve the Citizens of Fayetteville alot better.

Mayor Lee next recognized Fayetteville Youth Council Members - Mark Kirby, L. C. Barbour, and former Acting Youth Mayor Billy Richardson, present in the audience to observe Council proceedings. L. C. Barbour presented Council copies of the Youth City Council Meeting. Mayor Lee then read the following resolution in recognition of the Youth Council's participation in local government activities to spread upon the minutes of this meeting as follows:

RESOLUTION

WHEREAS, Youth Week of 1973 sponsored by the Fayetteville-Cumberland County Youth Council was highly successful; and

WHEREAS, the success of this activity was largely due to the excellent cooperation and assistance rendered by the officials of the City government; and

WHEREAS, we are empowered to express the sincere appreciation of all the youth participants to the government officials for their assistance.

NOW, THEREFORE, we, the Youth City Council of the City of Fayetteville, North Carolina, do hereby adopt this

RESOLUTION OF APPRECIATION

to all officials of city government for their efforts in making this Youth Week a success, and commend this resolution to all citizens of Fayetteville.

Billy Richardson
Acting Youth Mayor

Mayor Lee recognized L. C. Barbour, one of the Youth Council Members present, and stated that he was instrumental in the Bike - a - thon, recently, to raise money for DARE. He rode 30 miles. Councilman Glen Kelly kicked off the activities.

Upon motion by Mr. Godwin, seconded by Mr. Plummer and carried unanimously, minutes of the Regular Meeting of April 23, 1973, were approved as submitted by the City Clerk.

Public hearing was held as published on the Rezoning from R10 Residential District to R6 Residential District or to a higher classification of an area located at Alden Lane and Berkshire Road. Planning Board recommended approval.

Council recognized Attorney Larry Thompson, representing the petitioner for rezoning, who presented maps to Council and explained its use and presented a petition containing 16 signatures of property owners in favor of the rezoning. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT TO R6 RESIDENTIAL DISTRICT, AN AREA LOCATED AT ALDEN LANE AND BERKSHIRE ROAD. Ordinance No. NS. 1973-22

Mr. George introduced the foregoing ordinance and moved its adoption. Motion seconded by

Mr. Godwin and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book NS 1973.

Public hearing was held as published on the rezoning from R10 Residential District to P2 Professional District or to a higher classification of an area located at 533 and 535 Terry Circle between Owen Drive and Tarwick Avenue.

Council recognized Planner Mitchell who explained the rezoning request, and stated that the adjoining area on Owen Drive was primarily professional offices, but that other sections adjoining this area to be rezoned was single family residential. The Planning Board recommended denial of the request.

Council recognized Mr. Fleet Russ, owner of the house at 535 Terry Circle, who stated that at the Planning Board meeting they asked to have this request revised from P2 to P1, inasmuch as this land is boxed in by P1 on the side next to Owen Drive and in the rear. He stated that it has become less and less desirable for residential use. Mr. Willis Brown, Attorney, representing Mr. Russ and Dr. Hall, who stated that at the Planning Board meeting there was some opposition presented, immediate neighbors, and after talking with them that their opposition was derived out of stores built, which are the other uses of a P2 zoning, but that the adjoining property owners agreed to the P1 zoning, which would be more consistant with the neighborhood. He presented the petition of opposition signed by 19 property owners to Council.

Following Council discussion, Mr. Godwin offered motion to follow the recommendation of the Planning Board and deny the request. Motion seconded by Mrs. Finch. Mayor Lee then called for a vote on the motion and it failed to carry by the following vote: For - Finch and Godwin. Against - Plummer, Kelly and George.

Mr. Plummer then offered motion to rezone the area to P1 Professional District. Motion seconded by Mr. George. Mayor Lee then called for a vote on the motion and it was approved on first reading by a 3 to 2 vote as follows: For - Plummer, Kelly and George. Against - Finch and Godwin.

Public hearing was held as published on the rezoning from C1 Local Business District to C3 Heavy Commercial District or a higher classification of an area located at Bragg Boulevard between Clark Road and Tally Road.

Council recognized Attorney Richard Wiggins, representing Don Clayton leasee of this property for Mrs. Elizabeth Bunce. He stated that this property is bounded by C3 property to the east of Tally Ho Drive going back into Park Drive and C3 to the west of the property. The reason for this request is that he also represents Mr. John Wyatt, who is leasing this property to set up a camper sales lot there.

City Manager Smith was then recognized and stated that unintentionally, there is some parking violation there the way the parking lot is arranged, and if this is voted on favorably, it is suggested that the condition be that they correct this problem. The curbing arrangement does not conform to City policy. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM C1 LOCAL BUSINESS DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT OF AN AREA LOCATED AT BRAGG BOULEVARD BETWEEN CLARK ROAD AND TALLY ROAD. Ordinance No. NS 1973-23

Mr. Plummer introduced the foregoing ordinance and moved its adoption, subject to the approval of the parking plans by the City Engineer. Motion seconded by Mr. Godwin.

Council recognized Mr. Don Clayton who stated that the violation of the parking that is under discussion has to do with the fact that on the east end of the property there is a paved street. He stated that they paved their asphalt up to the street exactly like the Pink Pussy Cat paved theirs across the street, and the City Engineer was informed that when the laws were enforced equally throughout the community that they would be delighted to tear their parking up and fix it. Mr. John Wyatt wants to lease this property for a new dealership that he has for motor coaches. He already has them parked immediately across the street on a temporary basis. The only parking that will occur is mobile coaches just sitting there. Delaying of this to tear up the asphalt would just destroy the whole process of getting this operation in action in this current season. He stated that they would be delighted to conform to the City policy if they aren't singled out when there are numerous others in the City that haven't conformed that the Engineers are aware of.

During discussion that followed, Council requested the City Engineer to review this in the future.

Mayor Lee then called for a vote on the motion to rezone, subject to the approval of the plans and it carried unanimously. A copy of the ordinance in on file in the office of the City Clerk in Ordinance Book NS 1973.

Public hearing was held as published on extending the corporate limits of the City under the "Old Law" G.S. 160-455 thru 451 to include an area adjacent to Westwood Subdivision, South of Cliffdale Road and between the Aberdeen and Rockfish Railroad, and the proposed Owen Drive Expressway. There was no opposition present.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE AN AREA ADJACENT TO WESTWOOD SUBDIVISION, SOUTH OF CLIFFDALE ROAD AND BETWEEN THE ABERDEEN AND ROCKFISH RAILROAD, AND THE PROPOSED OWEN DRIVE EXPRESSWAY. Annexation Ordinance No. 121

Mr. Plummer introduced the foregoing ordinance and moved its adoption, Motion seconded by

Mr. Kelly and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Annexation Ordinance Book 1973.

Public hearing was held as published on extending the corporate limits of the City to include an area designated as Cross Creek Mall located at Morganton Road and US 401 By-Pass, by 100% petition. There was no opposition present.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE AN AREA DESIGNATED AS CROSS CREEK MALL LOCATED AT MORGANTON ROAD AND U.S. 401 BY-PASS. Annexation Ordinance No. 122

Mr. Kelly introduced the foregoing ordinance and moved its adoption, to be effective on October 1, 1973. Motion seconded by Mr. Plummer and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Annexation Ordinance Book 1973.

Public hearing was held as published on extending the corporate limits of the City to include an area located North and West of Summertime Road and in the vicinity of Huntington Park, by 100% petition. There was no opposition present.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE AN AREA NORTH AND WEST OF SUMMERTIME ROAD AND IN THE VICINITY OF HUNTINGTON PARK. Annexation Ordinance No. 123

Mr. Plummer introduced the foregoing ordinance and moved its adoption. Motion seconded by Mr. George and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Annexation Ordinance Book 1973.

Public hearing was held as published on extending the corporate limits of the City to include an area under the "Old Law" G. S. 160-455 thru 451, located adjacent to Huntington Park. There was no opposition present.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE AN AREA ADJACENT TO HUNTINGTON PARK. Annexation Ordinance No. 124

Mr. George introduced the foregoing ordinance and moved its adoption. Motion seconded by Mr. Plummer and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Annexation Ordinance Book 1973.

Public hearing was held as published on extending the corporate limits of the City to include an area designated as Cambridge Arms Apartments and adjacent property located at McPherson Church Road, by 100% petition.

Mr. Smith stated that there was a minor legal technicality, and it is recommended that this matter be continued to the next regular meeting, before action is taken by Council.

Mr. Plummer offered motion, seconded by Mrs. Finch that this public hearing be continued to the next regular meeting of Council on May 28, 1973. Motion carried unanimously.

Public hearing was held as published on the relaying of a sidewalk, pursuant to petition, on and along Hay Street on the South side thereof, beginning at the eastern margin of the M.M. Smith property (Miracle Theatre Building, 325 Hay Street) extending westwardly to the Seaboard Coastline (A&Y) Railroad tract.

Mayor Lee read into the minutes that he had received a Certification from the City Clerk that all property owners had received due and proper notice of the public hearing. There was no opposition present.

A FINAL RESOLUTION REQUIRING THE RELAYING OF A SIDEWALK, PURSUANT TO PETITION, ON AND ALONG HAY STREET ON THE SOUTH SIDE THEREOF. Resolution No. R 1973-32

Mr. Plummer introduced the foregoing resolution and moved its adoption. Motion seconded by Mrs. Finch and carried unanimously. A copy of the resolution is on file in the office of the City Clerk in Resolution Book 1973.

RESOLUTION ORDERING AND DIRECTING THAT A PUBLIC HEARING BE PUBLISHED ON THE CLOSING OF CANAL STREET. Resolution No. R 1973-33

Mr. George introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Plummer and carried unanimously. A copy of the resolution is on file in the office of the City Clerk in Resolution Book 1973.

Upon motion by Mr. Kelly, seconded by Mr. George and carried unanimously, public hearings were ordered published for 8:00 p.m., June 11, 1973, City Hall Council Chamber on the following matters:

1) Rezone R6 Residential District to ClP Shopping Center District of an area located on Laurel Street, Cain Road and Imperial Drive and Rogers Drive.

2) Rezone R6 Residential District to ClP Shopping Center District of an area located on Rogers Drive between Cain Road and Willow Street.

PLANNING BOARD MATTERS:

Council again considered Preliminary Subdivision, Group Development and Shopping Center review of an area located on US 401 North and Law Road (Planning Board had recommended conditional approval on this development, and this matter has been continued from the past two meetings) Planner Mitchell

stated that the developer had shown on this plan additional 3 feet of right-of-way to be dedicated along Longview and Law Roads for future widening,

Mr. Sol Rose was recognized, representing Mr. William Wellons, and stated that there seems to be no need to submit a petition to change the C1P in the corner as shown on the plat. He stated that he prepared the map on which he plotted the description given to him by the Planning Board. There is no need for two petitions, since the area shown on the corner is presently zoned C1P. The owner wants to take some of the land that is now C1P and rezone it to R5A for residential use. The question is whether they need sidewalks on both Longview and Law Roads. They also question the desirability of building those sidewalks prior to the construction of the street. There is still some question, also, on whether Longview or Law Road will be the collector street. The developer also questions the need for sidewalks on the Shopping Center side on the new connecting street between Longview and Law Roads. The developer suggests that he would like for Council to approve it subject to all these conditions, but to leave that one point, about sidewalks negotiable, to be brought back before final approval.

Mr. Joe Stowe, representing Public Works Commission stated that there was one other minor condition - the location and the obtaining of one easement for sanitary sewer line through there.

Mayor Lee then asked question of Mr. Singleton, on whether it was advisable to give preliminary approval, subject to condition of rezoning.

Mr. Singleton stated that he hesitated to advise that we can.

Planner Mitchell stated that there was nothing in the ordinances that prohibits accepting the group development plan, even though the zoning was not correct on it, and that is the only reason it has gone as far as it has to Council level.

Following further discussion, Mr. Rose asked if it would be possible to give Preliminary approval on that portion which is already zoned R5A, so that the owner could start on some portion on the east end.

Mayor Lee stated that he saw no reason why partial approval could not be given.

Mr. Rose stated that his request would be then that they get Preliminary approval on the area east of the C1P zone which is now zoned R5A.

Mr. Kelly then offered motion, seconded by Mr. Plummer for Preliminary and group development review of the area zoned R5A east of the connector street.

During discussion that followed, Mr. Plummer stated that he felt the developers were being penalized by making them put in a 5 foot sidewalk on Law Road and Longview Road.

Mr. Mitchell stated that the condition that hasn't been met yet was the sidewalks in the R5A area, but that the 3 foot easement along the road has been met.

Mr. Plummer then made amendment to his motion that the sidewalks be negotiable.

Following further discussion, Mr. Rose stated that if this, the sidewalks, was going to get it delayed again, then he thinks the owner will agree to put the sidewalks on Law Road and Longview Road and on the east side of the cross street, to be built now to the City Engineer's grade. There is no need to build sidewalks on the west side of the cross street because the shopping center is not going to be built now. It may turn out that the developer will want to put apartments on that side. If the shopping center goes there, the sidewalks would definitely be torn back up, so if we could request approval and build sidewalks on the south side of Longview Drive; North side of Law Road, abutting this property; and on the east side of the new proposed cross street, the developer would approve.

Mayor Lee then called for a vote on the motion, as amended, and with the understanding as outlined above by Mr. Rose, concerning the sidewalks. Motion carried unanimously.

Council gave consideration to Preliminary Condominium review of King George Apartments, located adjacent to King Shopping Center.

Planner Mitchell stated that the request was to change the present King George Apartments into a condominium development, which consist of 50 acres and the present zoning is R6 in the area. The Planning Board recommended approval.

Mr. Plummer offered motion to follow the recommendation of the Planning Board and give Preliminary Condominium review of the King George Apartments. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to Preliminary subdivision and group development review of Mt. Sinai Apartments, located on Murchison Road. Planning Board recommended approval.

Mr. Plummer offered motion, seconded by Mr. George to follow the recommendation of the Planning Board and give preliminary subdivision and group development review of Mr. Sinai Apartments. Motion carried unanimously.

Planner Mitchell stated that the procedures have been changed for reviewing utility extensions, and hookups in accordance with the City Council policy change, and the new memorandum put out by Public Works Commission. He stated that the ones tonight were carry over items that were already in process, and would be carried through to the end.

Upon motion by Mr. Plummer, seconded by Mr. George and carried unanimously, a request for 420 feet of two inch water main extension and one inch connection, located at 1315 James Street, outside the City limits, was approved as recommended by the Planning Board.

Upon motion by Mr. Plummer, seconded by Mr. Godwin and carried unanimously, a request for a one inch water connection, located at 1313 James Street, outside the City limits, was approved as recommended by the Planning Board.

Council next considered a request for a pumping station and an eight inch sanitary sewer force main located in the area of Colony Club and Gardens of Loch Lomand, off Cliffdale Road, outside the City limits.

Mr. Plummer asked about the water system. Planner Mitchell replied that the developer is coming in with a community water system at the present time.

Mr. Godwin asked where the sewer is located; where it was going, and who was going to run the lines to Colony Place, since the pumping station is being requested.

Mr. Stowe, of Public Works Commission replied that there was a new lift station being built there for pumping back into an existing gravity main. The section along Hermitage Place is going to be a force main coming by there. The sewer will be run by the developer of the Colony Club and the Gardens of Loch Lomand.

Mr. Godwin then asked if a pumping station was to be approved before an extension of sewage was approved, and who was going to pay for the force main from Colony Place back to Loch Lomand.

Mr. Stowe stated that the developers of Loch Lomand will pay for the entire force main, and that Loch Lomand owns the sewer system. The City is going to be taking the sewage into the pumping station. He stated that the over flow of sewage will be picked up by Loch Lomand and pumped back into the City. The people living in these sections will be paying for the sewage treatment.

Following further discussion, Mayor Lee stated that this is one reason Council needs Planning Board's matters before the meeting, so that they can be studied and questions answered before hand.

Mr. Godwin stated that he believed that Council needed to know if there is a rate to charge the people for this sewage treatment before action is taken.

Mr. Kelly then offered motion to continue this matter to the next regular meeting. Motion seconded by Mr. Plummer.

Following further discussion, Mayor Lee called for a vote on the motion and it carried unanimously.

Council next considered a request for a one inch water and four inch sewer connection located at U.S. 301 South adjacent to Black and Decker Road, outside the City limits, for mobile home sales.

Following brief discussion, Mr. Plummer offered motion to follow the recommendation of the Planning Board and approve the request. Motion seconded by Mr. Kelly and carried unanimously.

Upon motion by Mr. Godwin, seconded by Mr. Plummer and carried unanimously, a request for a one inch water connection located at 432 Raynor Drive, outside the City limits was approved as recommended by the Planning Board.

Upon motion by Mrs. Finch, seconded by Mr. Plummer and carried unanimously, a request for a one inch water and four inch sewer connection, located on Black and Decker Road, outside the City limits, was approved as recommended by the Planning Board.

PUBLIC WORKS COMMISSION MATTERS:

Council recognized Mr. Stowe, of the Public Works Commission, on a request for approval of bids received for the purchase of a new 12 MGD raw water pump at the Hoffer Water Plant, which is required for one hundred per cent reliability for pumping raw water from the Cape Fear River to the Hoffer Water Plant, and will also serve to supply raw water to a future expansion of the plant.

Upon motion by Mr. Plummer, seconded by Mr. George and carried unanimously, the low bids of Evans, Eller & Associates, Inc., in the amount of $42,200.00, for pump installation; Whitley's Electric Service, Inc., in the amount of $6,997.00, for electrical construction; and Heyward Service Inc., in the amount of $72,545.00, for the pump, were approved as recommended by the Public Works Commission.

Council heard further request from Mr. Stowe for approval and execution of an easement from the City to CP&L across property purchased jointly by CP&L and PWC for a new CP&L switching station and a new 230 KV to 69 KV electric distribution point of power delivery for PWC. The easement is for use of an access road across PWC property to the CP&L switching station. Public Works Commission and Carolina Power and Light Company will split the cost of the construction of the road required into this site.

Upon motion by Mr. Plummer, seconded by Mrs. Finch and carried unanimously, foregoing request for an easement from City to CP&L was approved, and the Mayor and Clerk authorized and directed to sign said easement for the City.

Upon motion by Mrs. Finch, seconded by Mr. Plummer and carried unanimously, an application for a one inch water connection, located at 773 Legion Road, outside the City limits was approved as recommended by Public Works Commission.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, an application for a one inch water connection to an existing water main,located in Heidelberg Drive, outside the City limits, was approved as recommended by Public Works Commission.

Upon motion by Mr. Godwin, seconded by Mr. Plummer and carried unanimously, an application for a one inch water connection, located at 185 Kinlaw Road in Kenwood Subdivision, outside the City limits, was approved as recommended by Public Works Commission.

Council next recognized Mr. Thurman J. Smith, Chairman of the Advisory Recreation and Parks Commission, on a request for the City Council to appropriate funds for the lighting of two tennis courts (E.E. Smith High School and Terry Sanford High School) and one baseball field. He also presented a resolution to Council from the Commission on this request. Mr. Smith stated that there was a need to light these courts because many of the people; the elderly as well as the young, using them during the season are unable to because of the lighting situation. He stated that he understood that there was some money available that could be used for this purpose and hoped Council would see a need to suggest that the department follow up on the lighting of these courts.

City Manager Smith stated that in the budget, that is now pending, there were appropriations made for the Tokay area for six tennis courts, three of which are to be paid for by the City and three by the City School Board system. Due to recent things that have happened, the school has decided that it will be unable to spend money to extend these facilities on City-owned property. By the same token, the question is can the City spend money on school property. However, they all can work out in this manner - the federal government is going to participate 50% in the Tokay project; the City 25%, and the School system 25%. This money is still hanging for this particular purpose. In the new budget we are going to have the funds requested to light the tennis courts at E. E. Smith and Terry Sanford High Schools, owned by the School Board. Since the School Board can not spend money for the Tokay Courts, we are asking that Council consider in the new budget, the schools share for the Tokay courts and let the school light their own tennis courts. There is a need for new lights, and this is what we want to consider. The budget is almost ready to be presented to Council, and would cause problems if this was done now. We can take the same money we were going to spend, and spend it on our property, if they will spend their own money on their property. It all works out about the same.

Following some discussion, Mr. George suggested that this matter be continued until the next regular meeting, so that maybe the details can be worked out by that time. This suggestion was agreeable with Council.

Council heard report from City Manager Smith on a proposed Joint City-County Crime Prevention Bureau Project. He stated that the LEA (Law Enforcement Agency) has a chance to finance for the County and City a Crime Prevention Program of about $90,000.00. If this were to be joint City-County, which seems logical, our local share in the new budget will be $11,000.00; the County's would be $11,000.00. This would enable the County to furnish and pay for two personnel in Crime Prevention Bureau, and the City would have two personnel salaries to pay for. If it is to be joint City-County, it should be operated under one or the other Chief Law Enforcement Officials. In this case, perhaps it should be operated under the supervision of the Fayetteville Chief of Police through the present joint City-County I. D. Bureau. The LEA Director needs to tell the group in Raleigh whether there is some indication that this program could be funded. There is no need for a final decision, but for a tentative decision at this time. The City could still do it if the County did not want to.

Upon motion by Mrs. Finch, seconded by Mr. Plummer,tentative approval was given to funding a Joint City-County Crime Prevention Bureau, in the amount of $11,000.00, to be taken out of next years budget if final approval is given. Motion carried unanimously.

RESOLUTION AUTHORIZING THE INVESTMENT OF MUNICIPAL FUNDS. Resolution No. R 1973-34

Mr. Kelly introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Plummer and carried unanimously. A copy of the resolution is on file in the office of the City Clerk in Resolution Book 1973.

Council heard City Manager Smith on a request by the Tax Department, ordering the Tax Collector to allow a tax lien sale on Monday, June 11, 1973. Law says that it has to be done, and this action needs to be taken in order to authorize it. I believe it has already been published, in anticipation that Council will want to carry on this same policy, as was done last year for the first time.

Upon motion by Mr. Plummer, seconded by Mr. Kelly and carried unanimously, the tax lien sale was ordered.

Council heard report from City Manager on the approval of a parking meter ordinance. Mr. Smith stated that at the last meeting it was indicated that the meters would be converted, or would try to get them converted to two hour meters, except for the15 minute meters. It became so costly to take off the heads to fix them, that they are being repaired in place, and will take approximately two weeks to complete. The ordinance will be enforced when the meters are finished, and "warning tickets" will be given for the first week.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AMENDING SECTIONS 20-89, 20-94 and 20-95.1, ALL OF ARTICLE VIII, ENTITLED "PARKING METERS" OF THE CITY CODE. Ordinance No. S 1973-5

Mr. Plummer introduced the foregoing ordinance and moved its adoption. Motion seconded by Mr. Kelly and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book S 1973.

Council heard request from the City Manager on the closing of Lucerne Street for the purpose of relocating this street further to the west. The Council needs to authorize a quitclaim deed for the portion of Lucerne Street right of way desired by the Church of Jesus Christ Latter Day Saints, with the acceptance of a warranty deed by the City, for the new right of way to be dedicated. Public Works Commission has stated that the cost will be around $500.00. The Church has agreed to pay PWC for the power line relocation and to accomplish the street relocation per city specifications by their own contractor, during the construction of their new Church.

Council recognized Bishop George Gore, Church of Jesus Christ Latter Day Saints, who is requesting the relocation. He stated that they are getting ready to extend their present building.

Upon motion by Mr. Plummer, seconded by Mr. Godwin a quitclaim deed was ordered given to the Church of Jesus Christ Latter Day Saints on property in which the City owns, in exchange for a warranty deed to the City from the Church for property they own. Motion carried unanimously.

Council heard City Manager on a request for City participation for drainage on Cain Road in Scotty Hills Subdivision. The developers have agreed to put in the curbs and gutters at the width that this road is ultimately to obtain on the west side. The developers ask for City participation in putting in the drainage along a portion of Cain Road, which will cost the City approximately $2,000.00. Cain Road is a City street between Pamalee Drive and Bragg Boulevard.

Mr. Godwin offered motion, seconded by Mr. Kelly that the City participate in the drainage along a portion of Cain Road in Scotty Hills Subdivision, as requested. Motion carried unanimously.

Council heard City Manager on a request apparently initiated by the volunteer fire departments of Cumberland County, for the approval of a proposed Mutual Aid Agreement. This would legally allow the volunteer fire departments of Cumberland County to assist the City of Fayetteville, and the City of Fayetteville assist the Cumberland County volunteer fire departments. Fire Chief Bishop sees no problem with this proposal and recommends that Council consider it.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Kelly that the City of Fayetteville enter into a Mutual Aid Agreement with the Cumberland County Volunteer Fire Departments by the adoption of a resolution, and that the Mayor and City Clerk be, and they hereby are authorized and directed to sign said agreement for the City. Motion carried unanimously.

Council heard City Manager Smith on a request by the Fayetteville Redevelopment Commission for the consideration of a Cooperation Agreement for the Cumberland Neighborhood Development Program. In order for the Fayetteville Redevelopment Commission to proceed with the Neighborhood Development plan, involving the proposed Court House in the law enforcement area, this Cooperation Agreement needs to be approved by Council. It indicated that the City would give up title to an alley, which serves part of the building now, and it will be of no value to the City in the future. Also, the City would participate in the normal street work. A commitment has been made by HUD to proceed with the project, one of the last ones they propose to do.

Following brief discussion, Mr. Plummer offered motion to enter into a Cooperation Agreement with Cumberland Redevelopment Commission in this project by the adoption of a resolution. Motion seconded by Mr. Kelly and carried unanimously.

Council heard Assistant City Manager Thomas on a request for bids for two loader-compactor trucks for the Street and Sanitation Department. These trucks are required to meet our immediate and increasing demands for gargage and trash removal service in the City, Mr. Thomas stated.

Upon motion by Mr. Plummer, seconded by Mr. Godwin and carried unanimously, the bids of Roach-Russell, Inc., in the amount of $17,435.00, for one loader compactor; and LaFayette Motor Sales, Inc. in the amount of $13,050.00 for a 50,000 lb. truck, were approved as recommended.

On a request by the Airport Commission for an architectural contract to design a concourse enclosure for the Airport, which was continued from last meeting, Mayor Lee stated that there was a lot of architectural work to be done in order to enclose the concourse to meet the new FAA regulations. The purpose of the enclosure is for public protection from weather and jet blast.

Following discussion, Mr. Plummer offered motion to approve the contract for the Airport Commission, and that the Mayor be authorized and directed to sign said contract for the City. Motion seconded by Mr. Godwin and carried unanimously.

City Manager Smith informed Council that the Cumberland County Joint Planning Board had completed a study of Neighborhood Analysis for Council. This was presented for information only, incase Council wants a Special Meeting later to direct question to the Planning Staff about this study before approving it.

Mr. Godwin offered motion, seconded by Mrs. Finch to accept the Neighborhood Analysis Study prepared by the Planning Board Staff. Motion carried unanimously.

Council next discussed the Solicitation Regulations drawn up by the City Attorney. City Attorney Singleton stated that this new ordinance was presented for Council's study and not presented with any strong recommendations.

Mr. George then moved that this matter be continued until a later date, date indefinite.

Mayor Lee declared that Mr. George's motion was lost for lack of a second.

Mr. Plummer then made a motion that this matter be continued to the next regular meeting. Motion seconded by Mr. Godwin and carried unanimously. Mayor Lee suggested that Council contact Mr. Singleton or Mr. Smith if they have any questions concerning this ordinance.

City Manager Smith informed Council that the City Taxicab Inspector had conducted a public hearing for a Taxicab Certificate vacancy and recommends that the Certificate be awarded to Mr. Robert N. Howard. There were four applications filed with the Taxicab Inspector, for the Taxicab Franchise.

Attorney John Blackwell, representing Mr. Howard, was recognized.

Mr. Carlton Stewart was recognized in his on behalf.

Following some discussion, Mrs. Finch offered motion to follow the recommendation of the Taxicab Inspector and award Mr. ROBERT N. HOWARD the Taxicab Certificate. Motion seconded by Mr. Godwin and carried unanimously.

Upon motion by Mr. Plummer, seconded by Mr. Godwin and carried unanimously, Taxicab Driver Permits were approved for the following named as recommended by the Taxicab Inspector, Chief of Police and City Manager:

ROGER DALE ELLIS HILBERT BURDEN NORMAN LEE APSON CARL EDWARD DOOLEY

ROBERT LEE HINTON RALPH ELLITTE FAIRCLOTH

No action was taken on appointments to the Human Relations Advisory Commission, and Citizens Advisory Commission. Mayor Lee presented for information only that the term of office of Mr. Edward J. David expires in May on the Board of Appeals. Mr. David expressed his desire to serve if reappointed.

Mayor Lee received letter from the Advisory Recreation and Parks Commission Chairman, recommending the replacement of Mrs. Louise Kirby, as a member of the Commission, due to the fact that she has indicated she is unable to attend the meetings. Council accepted her resignation.

CITY MANAGER REPORTS:

City Manager Smith reported the resignations from the Fire Department of: WADE BARRACATO, GERALD E. WILLIAMS and WESLEY W. PACK. The resignations were noted.

City Manager Smith reported resignations from the Police Department of WILLIS C. BROWN, JR., and JOHN SIGALAS. The resignations were noted.

City Manager Smith reported that there is a proposed increase in charges for grave spaces, and cemetery services for Council's study and possible approval, to be brought back next regular meeting for Council discussion and possible action.

City Manager Smith also reported that a Privilege License Ordinance would be brought up again next meeting. It was brought up last year, but failed to carry. It will be brought back with some changes.

City Manager Smith also reported on the status plan. He stated that the City Engineer had prepared two enviromental impact statements in rough form. These would go to Raleigh to the State Highway Commission to be examined to see if it meets federal requirements. Then a public hearing would have to be held, at which time we hope to implement part of the Downtown Circulation Plan, and make application for TOPICS sharing money - 50% - for the whole project, and that this would be implemented by the end of the year.

City Manager Smith reported that a rendering was being prepared for improvements on Russell Street to go under the railroad with two traffic lanes and keep two lanes at the present grade. This would show in perspective how this might be done. Additional information will be furnished on this matter at a later date.

City Manager Smith informed Council that the lighting in the Council Chamber should be installed hopefully by the next meeting.

ON MATTERS ON INTEREST TO CITY COUNCIL MEMBERS:

Mr. Godwin asked Mr. Smith if he would ask Mr. Kendall, Director of the Parks and Recreation Department, to get a list of all the City School facilities that we are presently using in the Parks and Recreation system, and possibly any recommendations or suggestions he might have for further use of our City school units that have recreational facilities on them. He also stated that he wanted to get together with Mr. Smith and Mr. Kendall in reference to the possibility of getting lights at the tennis courts that we own as soon as possible.

Mrs. Finch stated that last year when the Local Government Study Commission was doing its comprehensive study on the needs of Cumberland County, the sanitation subcommittee did an extensive study of the solid waste disposal in this County and came up with a number of good recommendations. Nothing concrete has been done about those recommendations, and requested that the City move in the

direction of doing something. She suggested that maybe Mr. Smith and Mr. Jones could get together and bring back,some suggestions and recommendations,to Council about future solid waste disposal.

Mr. Plummer suggested that a light be put up at the intersection of Hillsboro Street and Windsor Terrace, where one of the City parks is located, which has one basketball goal.

Mr. George asked what happened to the improvement East of 301 - East Collier Drive, which needs a lift station or lift pump over there.

Mr. Smith stated that a few people had been contacted and the petition is still floating around, and they still have not gotten majority to sign the petition. He stated that they ought to be brought back in to take a look at them, and then see what can be done.

Mayor Lee stated that the Planning Board needs to give Council some advance information on the matters that come up. In the form of a sketch or an explanation.

Thereafter, all matters of interest having been completed, the meeting was adjourned at 11:05 p.m., upon motion made and duly seconded.

Mary M. Whitener
Mary M. Whitener
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 28, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members - Vardell Godwin, Beth Finch, Gene Plummer, Marion George, Glen Kelly and Harry Shaw

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
Ray A. Muench, Jr., Public Works Commission
Monroe Evans, Public Works Commission

Mayor Lee called the meeting to order and requested the assembly to observe a moment of silence in observance of Memorial Day. The invocation was offered by Father William Collins, O.M.I. Associate Pastor Saint Patrick Catholic Church. The audience was then led in the Pledge of Allegiance to the Flag by Joe Ratcliff, Adjutant,American Legion Post #3, whom the Mayor had invited to to be present, representing all Service Men and Veterans. Mayor Lee recognized Fayetteville Youth Council representative Mark Kirby present in the audience to observe Council proceedings.

Upon motion by Mr. George, seconded by Mrs. Finch and carried unanimously, Minutes of the Regular meeting of May 14, 1973, were approved, as corrected, as submitted by the Acting City Clerk.

✓ Second reading was held,on a petition, to amend the Zoning Ordinance from R10 Residential District to P1 Professional District of an area located on Terry Circle.

The amending Ordinance passed on first reading at the May 14 Meeting. Mr. Fleet Russ again recognized in favor of the change. There was no opposition present.

Planning Board recommended P2 zoning, however, the petition was submitted by residents in the area requesting P1 zoning, and opposing P2 zoning at the May 14 meeting.

✓ AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS REZONE FROM R10 RESIDENTIAL DISTRICT TO P1 PROFESSIONAL DISTRICT AN AREA LOCATED AT 533 AND 535 TERRY CIRCLE BETWEEN OWEN DRIVE AND TARWICK AVENUE. Ordinance No. NS 1973-24

Mr. Plummer introduced the foregoing ordinance and moved its adoption. Motion seconded by Mr. Kelly and carried on second reading by the following vote: For - Plummer, Kelly, George, and Mayor Lee. Against - Godwin, Finch and Shaw. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book NS 1973.

Council again considered the extention of the corporate limits to include Cambridge Arms Apartments, adjacent property located at McPherson Church Road, this public hearing being continued from the May 14 meeting.

City Manager Smith again requested continuance of this public hearing due to technical complications.

✓ Mr. Plummer offered motion, seconded by Mr. Kelly that this public hearing be and it hereby is further continued to the next regular meeting at 8:00 p.m., Monday, June 11, 1973, City Hall Council Chamber. Motion carried; Mr. Shaw voting no.

Upon motion by Mrs. Finch, seconded by Mr. Plummer and carried unanimously, a public hearing was set for 8:00 p.m., Monday,July 2, 1973, City Hall Council Chamber, on the proposed 1973-74 Budget Ordinance.

PUBLIC WORKS COMMISSION MATTERS:

Council recognized Public Works Commissioner Monroe Evans. Mr. Evans requested that consideration be given to the adoption of a resolution approving an agreement between the Seaboard Coastline Railroad Company and the City of Fayetteville, for the installation and maintenance of a 12 inch gravity flow sanitary sewer main (outfall) from Briarwood Country Club property via Burlington Industries property, to West Mountain Drive to provide for increased requirements in the area.

✓ RESOLUTION OF THE CITY OF FAYETTEVILLE APPROVING AN AGREEMENT BETWEEN THE SEABOARD COASTLINE RAILROAD COMPANY AND THE CITY OF FAYETTEVILLE FOR A UTILITY INSTALLATION. Resolution No. 1973-35

Mr. Plummer introduced the foregoing resolution and moved its adoption authorizing the Mayor and Clerk to execute said agreement for the City. Motion seconded by Mr. Godwin and carried unanimously. A copy of the resolution is on file in the office of the City Clerk in Resolution Book R 1973.

Commissioner Evans again presented an application by American Classic Industries, for sanitary sewer facilities to serve the propozed Woodstream Apartments (202 units) and Gardens of Loch Lomand (280 units) outside the City limits. This matter was deferred from the Meeting of May 14th for additional information. Commissioner Evans stated that American Classic Industries, by Agreement dated January 12, 1973, with the City of Fayetteville through the Public Works Commission for the extension of Sanitary sewer service to Three Colonies Apartments, is limited to a maximum discharge rate for the lift station to be constructed for Three Colonies Apartments of 275 gallons per minute.

The lift station and force main for Three Colonies Apartments have been sized to receive also,the waste discharge from the proposed 482 units in accordance with subject application.

The developer will pay the entire cost of the sanitary sewer collection systems within the proposed projects as well as the lift station and force main construction to permit discharge of the waste from said project into the larger pumping station and facilities at Three Colonies Apartment project.

There will be no sanitary sewer waste from any package treatment plant diverted into the sanitary sewer facility proposed for construction pursuant to their application. Monthly charges for sanitary sewer services will be made.

Following brief discussion, Mr. Shaw offered motion, seconded by Mr. Kelly for approval of the proposed agreement application as recommended, and that the Mayor and Clerk be and they are authorized and directed to sign said agreement for the City. Motion carried unanimously.

Commissioner Evans informed the Council of Commission's consideration and execution of a proposed easement from North Carolina Natural Gas Corporation to Public Works Commission for interceptor sanitary sewer facilities on Gas Company right-of-way. No action was requested of the Council on this matter. It was presented merely for information.

Commissioner Evans presented a proposed Contract/Application for the wholesalesale of water by Public Works Commission to the Town of Hope Mills. Commissioner Evans reminded Council that this Contract had been reviewed previously by this Council and suggestions made incorporated in the final Contract and the Commission recommends passage as written.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Kelly for approval of the foregoing Contract/Application with Hope Mills, and that the Mayor and Clerk be and they hereby are authorized and directed to sign said Contract/Application for the City. Motion carried unanimously.

Upon motion by Mr, Shaw, seconded by Mr. Godwin and carried unanimously, one inch water connections were approved for lots 5 and 6 Black Forest Subdivision on Legion Road, outside the City.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, a one inch water connection was approved for a residence at 185 Kinlaw Dr, in Kenwood Estates, outside the City.

Council heard recommendation from the City Manager that consideration be given to condemnation proceedings for the acquisition of property for Handon Street right-of-way. The City Manager informed Council that this proposal was being presented at this time for input from the Council, and that a resolution could be drawn for adoption at the next regular meeting if desired.

Following brief discussion of the proposal, Mr. Shaw offered motion that the Council not proceed with this matter. Motion seconded by Mr. Plummer and carried unanimously.

Departing from the agenda, Council recognized Mr. John Raper, Chairman of the Historic and Scenic Sites Commission, who presented a progress report to date on the Confederate Arsenal site excavation project in the area of Haymount bounded as follows: on the North by Arsenal Avenue; West by Myrover Street; South by Branson Street, and East by Bradford Avenue. Mr. Raper stated that last summer the first phase of this work had been completed by the State Department of Archives and History and the State Highway Commission. As a result of this study, an Historic report containing in excess of 300 pages had been completed by Mr. C. S. Lewis, a State Fortifications and Arsenals Specialist. Mr. Raper displayed maps of the site, which indicated the extent of the work completed so far, and of that which is proposed for phase II for the development. The plan is to develop elevated walk ways through the location and for the reconstruction of the Arsenal House. It is anticipated that the staff of the City Engineering Department be used for planning. It is also anticipated that the contractor can begin his work in June. Mr. Raper requested that (1) Commission be authorized by Council to take $13,500.00 of the funds remaining in their budget and apply it to this contract, and that (2) those funds of $13,500.00, that are not required for this particular project because of in kind State Assistance from the State Highway Commission, be designed for restoring the Arsenal House.

Following brief discussion, Mr. Plummer offered motion to continue the signing of this Contract to the next regular meeting of the Council to provide further study of the request, and that the Mayor be authorized to write a letter to the State Highway Commission requesting their assistance and permission to do what is proposed by the Commission. Motion seconded by Mrs. Finch and carried unanimously.

Council received Certificate of the Board of Elections on the recent annexation referendum, and ordered that such certification be spread upon the minutes of this meeting. The certification appears below:

CERTIFICATE OF BOARD OF ELECTIONS

We the undersigned Board of Elections of Cumberland County, North Carolina do hereby certify that we met noon on May 21st, 1973 and did canvass the original returns of the Registrars and Judges of Election of Annexation of Pleasant Valley and Hillendale and certify it to be as follows:

PLEASANT VALLEY FOR 84

AGAINST 119

HILLENDALE FOR 0

AGAINST 43

We, therefore, certify that pursuant to such tabulation, we have judicially determined that the annexation of each failed to pass.

CUMBERLAND COUNTY BOARD OF ELECTIONS

A. R. Beebe
Member

J. A. Williams
Member

G. E. Edgerton
Chairman

CITY OF FAYETTEVILLE NORTH CAROLINA RESOLUTION OF INVESTMENT OF MUNICIPAL FUNDS. Resolution No. R 1973-36

Mr. Kelly introduced the foregoing resolution and moved its adoption, seconded by Mr. George and carried unanimously. A copy of the resolution is on file in the office of the City Clerk in Resolution Book 1973.

Upon motion by Mr. Shaw, seconded by Mr. Godwin the bid of Wesco and Associates, Inc., in the amount of $10,411.20, the low bid meeting specifications, was accepted for 30 portable aluminum bleachers for the Recreation Department. Motion carried unanimously.

The City Manager informed Council that bids had been received for the Tokay Tennis Courts. The low bids were recommended with the understanding that the additional funds are to be put in the upcoming budget, carring over present funds - $20,000.00 and these would be in lieu of two lighted tennis courts.

Mr. Plummer offered motion to follow the foregoing recommendation of the City Manager and award the bids to the low bidder: 1) Proposal A - Crowell Construction Co. (Construction) $33,980.00; 2) Proposal B (fencing) - Sears, Roebuck and Company - $4,463.89; 3) Proposal C - F and P Electric Company (lighting) $6,190.00. Motion seconded by Mrs. Finch and carried unanimously.

The Assistant City Manager presented an ordinance amending the City Privilege Tax License Schedule. The purpose of the proposed ordinance, he stated, was to include items not included in the present schedule. License Tax Schedules of Fayetteville were compared with those of Greensboro, Ashville, Charlotte, Raligh, and Winston Salem, and all of the license taxes proposed are permissable by General Statute,

Following brief discussion, Mr. Shaw offered motion that no action be taken, seconded by Mr. George.

Mr. Plummer then offered substitute motion for adoption of the amending ordinance as presented in its entirety. Motion seconded by Mrs. Finch.

Following further discussion, Mayor Lee called for a vote on the substitute motion,for adoption and it carried by the following vote: For - Plummer, Finch, Godwin and Kelly. Against - George and Shaw. The ordinance title appears below:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AMENDING SECTION 17-29 FAYETTEVILLE CITY CODE, ARTICLE II - LICENSE SCHEDULES. Ordinance No. NS 1973-25. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book 1973.

The Assistant City Manager again presented for Council's consideration, a proposed schedule of charges for grave spaces and cemetery services. This matter was deferred from the Meeting of May 14 for additional study.

Following brief discussion, Mr. Kelly offered motion to follow the recommendation of the City Manager and adopt the new schedule of fees as presented; to be effective July 1, 1973. Motion seconded by Mr. Shaw. Following some discussion Mr. Plummer offered motion that the schedule of fees be amended that all grave spaces be set at $65.00. Motion seconded by Mr. Godwin. Mayor Lee called for a vote of the amendment and it failed by the following vote: For - Godwin, Finch and Plummer. Against - George, Kelly, Shaw and Mayor Lee.

Mayor Lee then called for a vote on the motion for adoption and it carried by the following vote: For - Kelly, Shaw, George and Mayor Lee. Against - Godwin, Finch and Plummer. A copy of the new schedule of charges appear below.

PROPOSED INCREASE IN CHARGES FOR GRAVE SPACE
AND CEMETERY SERVICES

Municipal Cemetery		Adult Grave Space (2)	Open and Close Adult Grave Weekdays 8am-5pm (4)	Open and Close Adult Grave Weekends & Holidays 8am-5pm (4)	Infant Grave Space (3)	Open and Close Infant Grave Weekdays 8am-5pm (4)	Open and Close Infant Grave Weekends & Holidays 8am-5pm (4)	Disinterment
No. 1 Grove & Cool Spring St (1)	Present	$50.	$30.	$40.	$10.	$7.50	$7.50	$50.
No. 2 Between Grove & Lamon Sts. (1)								
Old #3 Between Lamon & Gale Sts. (1)								
New #3 Gale Street east of Old #3								
No. 4 Gale Street east of New #3	Proposed	$75.	$45.	$60.	$15.	$10.	$15.	$75.
Mile Branch Cumberland Street (1)	Present	$20.	$12.	$25.	$5.	$5.	$5.	$50.
Brookside Lamon Street								
North Side North Street Extension	Proposed	$30.	$18.	$37.50	$7.50	$7.50	$10.	$75.

NOTES:

1. No lots available from City
2. Lot size 4'x 8'
3. Lot size 3'x 4'
4. There will be an additional charge of $6.00 per hour for any work performed after 5:00 P. M.

Council again considered a proposed ordinance amending Section 16 of Chapter 17 of the City Code - dealing with solicitation regulations.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, AMENDING SECTION 16 OF CHAPTER 17 OF THE CITY CODE. Ordinance No. S 1973-6

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption, as presented, seconded by Mr. Godwin and carried; Mr. George voting no. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book S 1973.

Council again gave consideration to the approval of a new Contract submitted by the Board of County Commissioners for the continuation of the Cumberland County Joint Planning Board and Staff.

Councilman Shaw suggested that the Planning Board be requested to provide copies of the amended Planning Board by-laws to the City Council and that no formal action be taken on this matter. The suggestion was accepted without objection.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, the following named was reappointed to the Board of Appeals for a three year term of office; said term expiring in May, 1976 - EDWARD J. DAVID.

Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, the following named was appointed to the Advisory Recreation and Parks Commission to complete the term of Mrs. Louise Kirby, resigned; said term expiring in October 1974 - JOHN W. (BILL) HURLEY.

CITY MANAGER REPORTS:

Upon motion by Mr. Plummer, seconded by Mr. Godwin and carried unanimously, the following named were appointed to fill vacancies in the Police Department, as recommended by the Civil Service Commission, Chief of Police and City Manager: CHARLES W. BASS BILLY EUGENE STOUT WILLIAM LINDSEY VENABLE, JR. BRIAN PATRICK DANKER HENRY ADAM MASCIA JEFFERY DREW HARRELL JAMES RALPH MORRISON, JR.

Upon motion by Mr. Plummer, seconded by Mr. Godwin and carried unanimously, the following named were appointed to the Fire Department, as recommended by the Civil Service Commission, Chief of Fire and the City Manager - THOMAS CLARK NORMAN PAUL WILLIAM C. HALES ALFRED GEE DANIEL H. HAROLD ROBERT PARE JAMES D. WEST

The City Manager reported the resignation of CHARLES W. SMITH from the Fire Department. The resignation was duly noted.

The City Manager requested a Special Meeting of the Council to set a public hearing date for Neighborhood Development Commission property. A Special Meeting was set for 12:00 noon, Wednesday, June 6, 1973, in the Council Chamber in the Kyle House for this purpose.

City Manager Smith stated that there was a short segment of street off Village Drive in the Tennis Court - Swimming Pool Recreation Facility 29 feet wide, which when completed would bear considerable traffic. He requested authority of the Council to pave this short segment of street to 37 feet with the City picking up the difference in cost.

Mr. Plummer offered motion to follow the foregoing recommendation of the City Manager and City Engineer and approve the paving of the foregoing segment of street to 37 feet. Motion seconded by Mr. Godwin and carried unanimously.

ON MATTERS OF INTEREST TO THE COUNCIL:

Mr. Plummer asked about the left turn light at the Ramsey Street-Country Club Drive intersection. City Engineer Bennett stated that no response had been received as yet from the State Highway Commission on this matter.

Mr. Plummer asked about the paving of the former Breece property lot. The City Manager replied that this is to be considered in the new budget.

On a final matter, Mayor Lee informed Council that he had received,and had available for Council's study, the Enviromental Statement from the Department of Transportation of the Federal Highway Administration, and State Highway Commission on I-95.

Thereafter, all matters of interest having been completed, the meeting was adjourned at 10:05 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

SPECIAL MEETING
COUNCIL CHAMBER KYLE HOUSE
JUNE 6, 1973
12:00 Noon

Present: Mayor Pro tem Marion C. George

Council Members - Vardell Godwin, Beth Finch, Glen Kelly and Harry Shaw

Absent: Mayor Jackson F. Lee

Council Member Gene Plummer

Others Present: J. Guy Smith, Jr., City Manager
William G. Thomas, Assistant City Manager
Charles Fairley, Executive Director Fayetteville Redevelopment Commission

In the absence of Mayor Lee, the Meeting was called to order by Mayor Pro tem George. All members had received prior notice of this meeting. Mr. George stated that the purpose of this meeting was to consider two Neighborhood Development Programs, as requested by the Fayetteville Redevelopment Commission.

Mr. George recognized Mr. Fairley, who requested Council's adoption of two resolutions setting public hearings on these matters on June 25, 1973, 8:00 p.m., City Hall Council Chamber. Mr. Fairley stated that the Planning Board had given their approval to these projects at their Regular Meeting Tuesday evening, June 5, 1973.

RESOLUTION OF THE CITY OF FAYETTEVILLE CALLING FOR A PUBLIC HEARING ON WILMINGTON ROAD DEVELOPMENT PROGRAM. Resolution No. R-1973-37.

Mrs. Finch introduced the foregoing resolution and moved its adoption, setting a public hearing for 8:00 p.m., Monday, June 25, 1973, City Hall Council Chamber. Motion seconded by Mr. Shaw and carried unanimously.

RESOLUTION OF THE CITY OF FAYETTEVILLE CALLING FOR A PUBLIC HEARING ON SOUTHEAST NEIGHBORHOOD DEVELOPMENT PROGRAM. Resolution No. R-1973-38.

Mr. Shaw introduced the foregoing resolution and moved its adoption, setting a public hearing for 8:00 p.m., Monday, June 25, 1973, City Hall Council Chamber. Motion seconded by Mr. Godwin and carried unanimously. Copies of the foregoing resolutions are on file in the office of the City Clerk in Resolution Book 1973.

Thereafter, the meeting was adjourned at 12:05 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

DID RECEIVE
I ~~HAVE RECEIVED~~ DUE AND PROPER~~LY~~ NOTICE OF A SPECIAL MEETING OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA TO BE HELD AT 12:00 O'CLOCK NOON ~~M.~~, THE 6th DAY OF JUNE 19 73, AT THE COUNCIL CHAMBER, IN THE KYLE HOUSE ~~REGULAR MEETING PLACE IN THE CITY HALL~~ ~~IN~~ FAYETTEVILLE, NORTH CAROLINA, AND HEREBY WAIVE FURTHER NOTICE THEREOF.

THIS 11th DAY OF JUNE 19 73.

CITY COUNCILMAN
GENE PLUMMER

THIS 11th DAY OF June 19 73.

CITY COUNCILMAN
JACKSON F. LEE, MAYOR

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 11, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members - Vardell Godwin, Beth Finch, Gene Plummer, Marion George, Glen Kelly and Harry Shaw

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
Thurman Williams, Public Works Commission
Ray A. Muench, Public Works Commission

Mayor Lee called the Meeting to order and the invocation was offered by the Reverend Howard E. Haggler, Pastor,Evans Metropolitan AME Zion Church. The Pledge of Allegiance was led by Mark Kirby of the Fayetteville Youth Council.

Upon motion by Mr. Godwin, seconded by Mr. Plummer and carried unanimously, Minutes of the Regular Meeting of May 28 were approved as submitted by the City Clerk.

Upon motion by Mr. Kelly, seconded by Mr. Shaw and carried unanimously, Minutes of a Special Meeting on June 6 were approved as submitted by the City Clerk.

Upon motion by Mr. Plummer, seconded by Mr. George, public hearing on the annexation of Cambridge Arms Apartments, and adjacent property on McPherson Church Road,was further continued, due to technical difficulties, to the next Regular Meeting on June 25. Motion carried; Mr. Shaw voting against.

Public hearing was held on the rezoning from R6 Residential District to C1P Shopping Center District of an area bound by Laurel Street; Cain Road; Imperial Drive and Rogers Drive. Planning Board recommended approval. Mayor Lee read into the Minutes a memorandum from the Clerk, that a valid petition of opposition to this rezoning had been received and certified.

Council recognized Attorney Robert H. Butler,for the petitioner, Mr. Joe Stout, who presented his client's points for the rezoning.

Council next recognized Mr. William Geimer, Attorney representing residents and tenants in the area opposed to the rezoning. Approximately 35 persons were present in the audience in opposition.

Council recognized Attorney Marland C. Reid, a property owner in the area, who stated that he was neither for nor against the rezoning, but stated that if Council chooses to rezone the Stout property, he requests that his property be rezoned C1P also.

Following lengthy discussion, Mr. Plummer offered motion that the request for rezoning be denied. Motion seconded by Mrs. Finch.

Following further lengthy discussion, Mr. George offered substitute motion that this matter be continued to the next Regular Meeting on June 25, for a decision. Motion seconded by Mr. Shaw, and upon being put to vote carried by the following vote: For - Godwin, George, Kelly and Shaw. Against - Plummer and Finch.

Public hearing was held on the rezoning from R6 Residential District to C1P Shopping Center District of an area located at Rogers Drive between Cain Road and Willow Street immediately adjacent to the foregoing area and being the property owned by Attorney Marland Reid. Planning Board recommended denial. Attorney Reid was again recognized and requested, in view of Council's action on the foregoing zoning matter, that this public hearing be continued also.

Mr. Plummer offered motion that the public hearing on this matter also be continued to the next Regular Meeting on June 25. Motion seconded by Mr. Godwin and carried unanimously.

Upon motion by Mr. Shaw, seconded by Mr. Plummer and carried unanimously, public hearings were ordered published for July 9, 1973, on the following zoning and annexation matters:

A. Rezoning from an R10 Residential District to an R5A Residential District and C1 Local Business District of an area located on River Road.
B. Rezoning from an R6 Residential District to a C1 Local Business District of an area located on Murchison Road between University Avenue and Temple Avenue.
C. Rezoning from R6 Residential District to C1 Local Business District of an area located on Murchison Road between University Avenue and Temple Avenue. (This is a seperate request by the owners of the adjoining lot of the above - B -)
D. Rezoning from R6 Residential District and P2 Professional District to C1 Local Business District of an area located on Murchison Road between Gaddy Avenue and Hood Avenue.
E. Rezoning from R6 Residential District to R5A Residential District located on Springfield Road between Murchison Road and Stackpole Drive.
F. Rezoning from R5 Residential District to C3 Heavy Commercial District of an area located on Cumberland Street and Hillsboro Street.

G. Rezoning from C1P Shopping Center District to R5A Residential District and R5A Residential District to C1P Shopping Center District of an area located on Raleigh Road between Longview Road and Law Road.

H. Rezoning from R5 Residential District to C3 Heavy Commercial District of property located at 406 and 408 Chatham Street.

I. Initial zoning to R5A Residential District of an area adjacent to Westwood Subdivision, South of Cliffdale Road, and between the Aberdeen and Rockfish Railroad and the proposed Owen Drive Expressway.

J. Initial zoning to R15 Residential District of an area located north and west of Summertime Road.

K. Initial zoning to R10 and R15 Residential Districts of an area located adjacent to Huntington Park.

L. A 100% annexation petition of an area located east and west of Rosehill Road.

M. A 100% annexation petition of an area located in the vicinity of Blanton Road, Stansfield Street and Calla Circle.

N. Consideration of annexation under the "Old Law" G.S. 160-445 thru 451 of an area located on Pamalee Drive and Gary Street.

O. A 100% annexation petition of an area located on Sycamore Dairy Road.

P. A 100% annexation petition of an area located at 523 Law Road.

ON PLANNING BOARD MATTERS:

Council heard conditional recommendation from the Planning Board for Preliminary Subdivision Review of Broadell Subdivision, Section 2 - an area located West of Rosehill Road, consisting of 42 lots along Aileen Court and Corrinna Drive off Cochran Drive.

Planner Mitchell stated the subdivision consisted of lots lying along two cul-de-sacs. 1) the Planning Board recommends approval of the Preliminary Plan Revision, which incorporates the variances for the extension of the cul-de-sacs and final Plat approval on the contract; that the developer develop the final building grade for lots 41 - 45, 60-69; that the lot grade be set at 121 feet above mean sea level or higher, and that this elevation be shown on the plat before signatures are affixed. and 2) that no such grade change affect the 40 foot drainage easement to be used by the City at the rear of these lots. This is to promote the flood protection area of the 40 foot easement that the City has secured for the area adjoining Big Cross Creek. The developer has agreed to these conditions.

Following brief discussion, centering around the cul-de-sac design and of the inherent difficulties which the City encounters in such lengthy cul-de-sacs, Mr. Godwin offered motion to return this plat to the Planning Board for redesign and loop the road. Motion seconded by Mr. Plummer and carried unanimously.

Item 4 B was not discussed, nor any action taken on review of Redevelopment Plans for Southeast and Wilmington Road Neighborhoods, inasmuch as a public hearing had been set on these matters for June 25 at an earlier meeting.

Council recognized Attorney Duane Gilliam, who stated that it was his understanding that Planning Board would recommend rezoning R10 and R15 Residential District of his area located adjacent to Huntington Park, for which a public hearing had just been set for July 9. Planner Mitchell confirmed that this was correct and that it should have appeared R10 and R15 on the agenda this evening. Mayor Lee suggested a motion correcting the foregoing error and that this matter be published R10 and R15 initial zoning. Mr. Kelly so moved, seconded by Mr. Shaw and carried unanimously.

ON PUBLIC WORKS COMMISSION MATTERS:

Council recognized Commissioner Thurman Williams on a request that the City Manager be authorized to begin proceedings, including discussion with and subsequent application, to the Local Government Commission for a proposed $5,000,000.00 (five million dollar) bond issue for expansion of the Hoffer Water Plant from 8 MGD to 16 MGD; consisting of 12 million gallons of ground storage facilities for treated water; and trunk water mains in the Fayetteville area. If Council approves proceedings with this bond issue, a bond referendum could be set for February or March 1974, in order to begin in June 1974.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Godwin to authorize the City Manager to begin proceedings on the foregoing bond issue as requested by Public Works Commission. Motion carried unanimously.

Upon motion by Mr. Plummer, seconded by Mr. Kelly and carried unanimously, a one inch water connection to serve an existing residence at 2229 Progress Street, outside the City was approved.

Upon motion by Mr. Plummer, seconded by Mr. Shaw and carried unanimously, a one inch water and a 4 inch sanitary sewer connection to existing mains to serve an existing building at 5334 Bragg Boulevard was approved, outside the City.

Council next gave consideration to a City-County Liaison Committee recommendation regarding an extension of a 16 inch water main along River Road to Cargill, Inc. Mr. Shaw presenting the matter stated that the Committee, consisting of City Manager Smith; Councilman Godwin, County Commissioners Packer and Horne; and Public Works Commission Manager Muench, had met with Cargill representatives, who indicated their need for the increased water supply due to a planned $2,000,000.00 (two million dollar) plant expansion. The cost would be borne 50-50 by Public Works Commission and the County. The Committee recommends Council's support and approval of this extension; subject to final approval by the County and with the understanding that the extension will not be run unless Cargill expands

their plant as agreed.

Following brief discussion, Councilman Shaw offered motion that approval be and is given to the extension of a 16 inch water main along River Road to Cargill, Inc. with the understanding that the final agreement will be worked out and this matter will come back before Council for approval, and that Cargill commence to expand their plant. Motion seconded by Mr. Plummer and carried unanimously.

Council again recognized Mr. John Raper, Chairman of the Historic and Scenic Sites Committee on a request for the use of remaining funds in the Committee's 1972-73 budget for the Arsenal preservation. Mr. Raper cited the various activities of the Committee during the present year and of its plans for the preservation, development and restoration of several sites in the City, such as Cross Creek Park and the Horne House. Mr. Raper said the 1972-73 Arsenal budget of approximately $10,000.00, was set up as approximately 1/3 for Cross Creek Park and 2/3 for Arsenal development. Mr. Raper stated that the contract before Council this evening would obligate the City to a maximum expenditure of $10,800.00. of this amount, at the present time, approximately $4,500.00 is already budgeted for the development of the Arsenal project, and the request in effect is that up to $5,500., if necessary, of the money budgeted for the restoration of the Arsenal House in this years budget, be applied to this years contract. Mr. Raper stated that the Committee believes that those items on page 9 of the contract entitled "Projected Fayetteville Arsenal Budget", $2,700. for grading of the site, and $1,900 for trash removal - a total of $4,600 of the $10,800 cost will be funded by in kind assistance from the State Highway Commission, and a letter requesting such assistance has already gone forth. Specifically, the Committee requests 1) that Council authorize the execution of the contract with Contract Archeology, Inc., for Arsenal development, and 2) that the remaining unexpended funds in our budget for this year be used to execute a contract for the foundation or the roofing for the Arsenal House, and of the appropriation request for 1973-74; continue with the development of Cross Creek Park in the fall, with the advent of cold weather cessation and die back of undergrowth along the banks of the Creek.

Mr. Shaw offered motion to grant committee's foregoing request as outlined by Mr. Raper. Motion seconded by Mrs. Finch.

Following brief discussion, Mr. Plummer offered substitute motion that this matter be continued until approval, in writing by the State Highway Commission, is made. Motion seconded by Mr. George. The motion failed by the following vote: For - Plummer, George, Against - Godwin, Finch Kelly and Shaw. Mayor Lee then called for a vote on the original motion of approval, and it carried by the following vote: For - Shaw, Kelly, Finch and Godwin. Against - George and Plummer.

Council next gave consideration to a recommendation by the City Engineer for the implementation of a new speed limit on a segment of Eastern Boulevard. Council recognized Mr. Adrian Williams, who recited the numerous fatalities which had occurred at the Grove Street/Eastern Boulevard intersection and of the most recent, inwhich his niece was fatally injured and his sister hospitalized with serious injuries. He requested Council and the Chamber of Commerce to resolve its differences with the State Highway Commission over the proposed rerouting of Interstate 95.

Mayor Lee thanked Mr. Williams for his expression of concern.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 8 - SPEED CONTROL. Ordinance No. NS 1973-26

Mr. Shaw introduced the foregoing ordinance and moved its adoption, setting a new speed limit on Eastern Boulevard from Grove Street northwardly to Middle Road overpass of 45 m.p.h.. Motion seconded by Mr. Kelly and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book NS 1973.

CITY OF FAYETTEVILLE, NORTH CAROLINA RESOLUTION ON INVESTMENT OF MUNICIPAL FUNDS. R 1973-39

Mr. Kelly introduced the foregoing resolution and moved its adoption, seconded by Mr. George and carried unanimously.

City Engineer Bennett submitted for consideration by the Council another ordinance amending the speed limit along Ramsey Street from the Seaboard Coastline Railroad underpass bridge to Tokay Drive and recommended its adoption.

AN ORDINANCE OF THE CITY COUNCIL AMENDING SECTION 20-106 OF THE CITY CODE ON TRAFFIC SCHEDULE NO 8 - SPEED CONTROL Ordinance No. NS 1973-27

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously.

City Manager reported the receipt of bids for two vans for the Engineering Department. The low bid meeting specifications was submitted by Patrick Ford, in the amount of $6,840.80 and is the bid recommended. Mr. Plummer offered motion, seconded by Mr. Shaw to follow the foregoing recommendation of the City Manager and award the bid to Patrick Ford, in the amount of $6,840.80. Motion carried unanimously.

On a Street paving matter, City Manager reported that on November 11, 1968, Council ordered a group of streets paved in the vicinity of Edgar Street, pursuant to petition. Edgar Street was included in this petition, but was not ordered paved at that time, because of inadequate right-of-way. Rights-of-way have now been securred and the property owners are now expecting the street to be paved City Manager recommended that the Council order this section of Edgar Street paved and that it will be added to the contract with Crowell Construction, Inc., so that the work can be completed while

construction crews are in the vicinity working on Wilma Street. The contract does provide for such conditions.

PRELIMINARY RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION, OF EDGAR STREET. R - 1973-40.

Mrs. Finch introduced the foregoing resolution setting a public hearing on the paving of Edgar Street and moved its adoption, seconded by Mr. Plummer and carried unanimously. A copy of the resolution is on file in the office of the City Clerk in Resolution Book R 1973.

Upon motion by Mr. Plummer, seconded by Mr. George and carried unanimously, the following named were granted Taxicab Driver Permits as recommended by the City Taxicab Inspector, Chief of Police and the City Manager:

TOMMY LEE ROGERS	LAWRENCE RIVER	ROBERT V. GILLIS	WALTER D. TURNER
	MELVIN R. JOHNSON	DALTON R. CAULEY	

Several appointments to various Boards and Commissions were deferred until the next meeting of the Council.

No delegations were present and no City Manager reports.

ON MATTERS OF INTEREST TO THE COUNCIL:

Mr. Shaw asked about the Council Chamber lights. The City Manager reported that the work was being delayed pending arrival of fixture parts.

Mrs. Finch asked about the report on the solid waste matter. The City Manager replied that the Sanitation Department Superintendent and the Assistant City Manager have met and proposed that we have an area of the City delineated as a pilot project whereby on Wednesdays a truck and crew goes by and picks up papers that are bound and tied. It is planned to implement this system after July 1. The City Manager stated he would have maps and a report on this matter at the next meeting.

Mrs. Finch asked City Manager if, in view of the impending gasoline shortage, he had made recommendations to the City Department heads concerning the curtailment of travel in the use of City vehicles. The City Manager replied that he had not, as yet, but that he intended to immediately.

Mrs. Finch asked City Manager if consideration had been given by him of the use of compact cars. Mr. Smith reported that he had, and that one had already been purchased for the Recreation Department.

On a final matter, a Conference type meeting was set for 7:30 p.m., Thursday, June 14, 1973, in the Council Chamber in the Kyle House for a discussion of the Preliminary Budget.

Thereafter, all matters of interest having been completed, the meeting was adjourned at 10:20 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

SPECIAL MEETING
COUNCIL CHAMBER KYLE HOUSE
JUNE 21, 1973
7:30 P. M.

Present: Mayor Jackson F. Lee

Council Members - Vardell Godwin, Beth Finch, Gene Plummer, Marion George, Harry Shaw and Glen Kelly

Others Present: J. Guy Smith, Jr., City Manager
William G. Thomas, Assistant City Manager

Mayor Lee called this Special Session to order, following motion by Mr. Plummer that this special session be called, to discuss the position of the Chief of Police. Motion seconded by Mr. Shaw and carried unanimously.

Mayor Lee informed Council that notice had been received from the Chief of Police that he desired not to be reappointed at the expiration of his present term of office and desires to be relieved of his duties as Chief of Police effective 8:00 o'clock a.m., Monday, June 25, 1973.

Mayor Lee stated that Council needs to consider at this time the appointment of an acting Chief of Police until a replacement can be named. Meanwhile, the Chief of Police has expressed a desire and willingness to be retained for a period of time as a consultant to the Police Department.

In response to inquiry, the City Manager recommended that the Chief of Police be retained as a consultant to the Police Department to some date to be decided or to the effective date of his retirement on September 1, 1973.

Following brief discussion, Mr. Kelly offered motion that the Chief of Police be retained as a consultant to serve at the pleasure of the City Council. Motion seconded by Mr. Plummer and carried unanimously.

Council heard recommendation from the City Manager that Mr. Hervey Keator, presently Director of the City-County Bureau of Identification, be appointed Acting Chief of Police. The City Manager outlined Mr. Keator's background and experiences in the law enforcement field during his 30 year Army career. The City Manager stated further that Mr. Keator has agreed to serve as acting Chief of Police. He further suggested that a request be made of the County that Mr. Keator be granted leave of absence as Bof ID Director until a Chief of Police is appointed.

Following brief discussion, Mr. Shaw offered motion that Mr. Keator be appointed Acting Chief of Police effective 8:00 o'clock a.m., Monday, June 25, 1973. Motion seconded by Mrs. Finch and carried unanimously.

Mr. Shaw suggested that a public announcement be made that the City Council is open for applicants for the position of Chief of Police. The suggestion was approved, and the City Manager designated as recipient for such applications.

Thereafter, the business at hand for which this special session was convened having been concluded, this special session was adjourned at 7:50 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

COUNCIL MEETING
CITY HALL COUNCIL CHAMBER
JUNE 25, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members - Vardell Godwin, Beth Finch, Marion George, Glen Kelly and Harry Shaw

Absent: Council Member Gene Plummer

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
Monroe Evans, Public Works Commission
Ray A. Muench, Public Works Commission

Mayor Lee called the Meeting to order and the Reverend Roscoe C. Hauser, Jr., Rector, Saint John's Episcopal Church offered the invocation. Scout Alex Arab, Troop 703, Boy Scouts of America, led the assembly in the Pledge of Allegiance to the Flag. Mayor Lee recognized Fayetteville Youth Council Members - Dotty Drake, Zana Arab and Charlene Caid, present in the audience to observe Council proceedings.

Mayor Lee recognized and presented to Mr. Don Garrett, a framed copy of the City's Certificate of Appreciation for his service to the Commission as a member of the Human Relations Advisory Commission.

Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, Minutes of the Regular Meeting of June 11,were approved as submitted by the City Clerk.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, Minutes of the Special Meeting of June 21, were approved as submitted by the City Clerk.

First order of business was the consideration of annexing Cambridge Arms Apartments and adjacent area on McPherson Church Road, as continued from previous meetings. The City Manager requested that Council table this matter indefinitely due to legal difficulties. Mr. Kelly offered motion, seconded by Mrs. Finch that the foregoing matter be tabled indefinitely, as recommended by the City Manager. Motion carried unanimously.

Public hearing was held as continued from the last Regular Meeting on the rezoning of an area bounded by Imperial Street, Laurel Street, Rogers Drive and Cain Road from R6 Residential District to ClP Shopping Center District or to a higher classification, pursuant to petition by the owner, Mr. Joe Stout, Eutaw Shopping Center.

Mr. Kelly requested and received permission of the Council to abstain from discussion and voting in this matter, due to a conflict in interest.

Council recognized Mr, Irvin Baer, Attorney representing Mr. Joe Stout. Mr. Baer stated that in view of the opposition from property owners in the area to this proposed rezoning, that his client desired to present a counter proposal. Mr. Baer displayed a map and explained that they were amending their petition so as to leave the now designated R6 area fronting Cain Road zoned R6 for a distance of 140 feet back from the Cain Road margin; requesting that the southern, or Imperial Drive portion be rezoned from R6 to P2 so as to provide buffer zones between the area proposed ClP and the residential areas along Imperial Drive and Cain Road. The East and Southeast sides are already zoned ClP.

Mr. Bill Geimer, Attorney for the opposition was again recognized and and expressed his client's oppostion to the rezoning. Mrs. Ella Bain Hope, a resident of Forest Hills on Cain Road, was recognized in opposition to the increased traffic problem which would result if the area was rezoned.

In response to inquiry, City Attorney Singleton ruled that the petition of opposition submitted at the last meeting was now invalid in view of the petitioners establishment of a wider buffer zone along Cain Road and this would negate the requirement of a 3/4 vote of the Council to amend the zoning ordinance. Mr. Emil Shutak, a resident in the area,was also recognized in opposition. Mr. Marland Reid co-owner of a tract of land on the North side of Rogers Drive, and also a petitioner for the rezoning, was recognized, stated that he was neither in favor of nor opposed to the rezoning, but requested equal treatment in whatever action Council took on the present matter. He stated that if desired, he would also provide a buffer zone along Cain Road. If the larger area is rezoned, he requested like rezoning of his tract of land and if denied, he would withdraw his petition.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE REZONING R6 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AND ClP SHOPPING CENTER DISTRICT AN AREA ROUGHLY BOUNDED BY ROGERS DRIVE ON THE NORTH; LAURAL STREET ON THE EAST; IMPERIAL STREET ON THE SOUTH AND CAIN ROAD ON THE WEST. Ordinance No. NS 1973-28

Mr. Shaw introduced the foregoing ordinance and moved its adoption. Motion seconded by Mr. Godwin and carried by the following vote: For - Godwon, Shaw and George; Against - Finch; Abstaining Kelly. A copy of the ordinance appears in the office of the City Clerk in ordinance book

1973.

Mr. Marland Reid was again recognized and requested Council's permission to amend his petition for rezoning of the area on the North side of Rogers Drive, so that it extends back from Cain Road the same distance as the larger area just rezoned. Mr. Reid requested C1P and/or P2 zoning for commercial from its now residential apartment use.

Following brief discussion, Mr. Shaw offered motion to deny this rezoning as recommended by the Planning Board. Motion seconded by Mrs. Finch. Mr. Godwin then offered substitute motion for rezoning from R6 Residential to P1 Professional of this area. Motion lost for lack of second. Mayor Lee called for a vote on the motion and it carried by the following vote: For - Shaw, George, and Finch. Against - Godwin. Abstained - Kelly.

Public hearing has held as published on the paving of Edgar Street by order of the Council. Mayor Lee read into the minutes a Certificate from the City Clerk, stating that all property owners affected had been mailed notice of this public hearing. There was no opposition present.

FINAL RESOLUTION ORDERING THE PAVING, WITHOUT A PETITION, OF EDGAR STREET BETWEEN JASPER STREET AND AMYE STREET. Resolution No. R 1973-41.

Mr. George introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Shaw and carried unanimously. A copy of the resolution is on file in the office of the City Clerk in Resolution Book 1973.

A public hearing was held as published on the closing of Canal Street, but retaining it as an easement for utilities. All property owners had been informed by registered motice of this hearing. There was no opposition present.

RESOLUTION OF THE CITY COUNCIL ORDERING THE CLOSING OF CANAL STREET. Resolution No. R 1973-42

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously.

Public hearings were published for this date and hour on approving the Neighborhood Development Program for the Wilmington Road Neighborhood Program and the Southeast Neighborhood Development Program.

Council recognized Mr. Charles Fairley, Executive Director of the Fayetteville Redevelopment Commission, who presented the items. There was no opposition present.

RESOLUTION AUTHORIZING THE FILING OF A NEIGHBORHOOD DEVELOPMENT PROGRAM ANNUAL INCREMENT FOR PROGRAM NC A-7 (SOUTHEAST NDP) Resolution No. R 1973-43.

Mr. Kelly introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Godwin and carried; Mr. George voting no.

RESOLUTION AUTHORIZING THE FILING OF A NEIGHBORHOOD DEVELOPMENT PROGRAM ANNUAL INCREMENT FOR PROGRAM NC A-10 (WILMINGTON ROAD NDP) Resolution No. R 1973-44

Mrs. Finch introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried; Mr. George voting no.

RESOLUTION AUTHORIZING A COOPERATION AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE FAYETTEVILLE REDEVELOPMENT COMMISSION RELATING TO SOUTHEAST NEIGHBORHOOD DEVELOPMENT PROGRAM NC A-7. Resolution No. R 1973-45.

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly and carried; Mr. George voting No.

RESOLUTION AUTHORIZING A COOPERATION AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE FAYETTEVILLE REDEVELOPMENT COMMISSION RELATING TO WILMINGTON ROAD NEIGHBORHOOD DEVELOPMENT PROGRAM NC A-10. Resolution No. R 1973-46.

Mr. Kelly introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried; Mr. George voting no. Copies of the foregoing resolutions are on file in the office of the City Clerk in Resolution Book 1973.

PRELIMINARY RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLLS FOR THE PAVING AND OTHER IMPROVEMENT ON RANDOLPH AVENUE AND ASHEBORO STREET. Resolution No. R 1973-47.

Mr. George introduced the foregoing resolution and moved its adoption setting public hearings for the levying of assessments for street paving on July 23, 1973, City Hall Council Chamber. Motion seconded by Mr. Kelly and carried unanimously. A copy of the resolution is on file in the office of the City Clerk in Resolution Book 1973.

Council next gave reconsideration,at the request of Mr. Bobby Myers AAA Construction Company, of action taken at the last meeting for Preliminary Subdivision Review of Broadell Subdivision Section II, an area located west of Rosehill Road. This matter had been referred back to the Planning Board, due to two cul-de-sacs involved on Corrinna Drive and Aileen Court, with a request to loop theses streets. Mr. Myers, the developer, introduced Mr. John Collie Engineer for the Subdivision.

Mr. Collie gave a detailed background on the development of this subdivision. Following this, the question of the long cul-de-sacs was again discussed with Mr. Collie. He stated that to loop these streets would require the developer to lose two lots at an estimated cost of $2,000.00.

Following some discussion, Mr. George offered motion to refer this matter back to the Planning Board for their recommendation at the next Council Meeting. Motion seconded by Mr. Shaw and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS:

Commissioner Evans recognized and stated an application had been received for outside City utilities connection and extension for a four inch water service lateral with two inch water meters to the existing six inch water main in Raleigh Road and the extension of gravity flow sanitary sewer main from Kenwood Estates with connection for service for a proposed apartment project, located on the East side of Raleigh Road,North of Kenwood Estates. The plans for the project calls for eight buildings with four apartments per building. Morris Jones submitted the application. Planning Staff has reviewed and approved these extensions. Following brief discussion, this matter was deferred to the next meeting pending the preparation of plans for this apartment complex by the Planning Board.

Commissioner Evans presented for Council's consideration and adoption, a proposed Sanitary Sewer Use Ordinance to replace the present ordinance. Commissioner Evans stated that this ordinance had been approved by the North Carolina Department of Water and Air Resources, and the Enviromental Protection Agency, and is a requirement for eligibility for State and Federal grants for major sanitary sewer facilities. Commissioner Evans stated that Public Works Commission was the first to initiate a breakdown of the cost of operations, which would distribute the actual basic cost as a minimum to industries and had been so well received, that a request had been received from those agencies to use this data for national distribution to other communities.

SANITARY SEWER USE ORDINANCE - AN ORDINANCE TO REGULATE, RESTRICT AND LIMIT IN THE INTEREST OF PUBLIC HEALTH AND SAFETY THE DEPOSIT OR DISCHARGE OF CERTAIN SUBSTANCES INTO ANY SANITARY SEWER MAINTAINED BY PUBLIC WORKS COMMISSION AND OWNED, FOR WHICH MAY BECOME THE PROPERTY OF THE CITY OF FAYETTEVILLE AND PROVIDE PENALTY FOR VIOLATIONS THEREOF: IN OR OUT OF THE CITY OF FAYETTEVILLE, COUNTY OF CUMBERLAND, STATE OF NORTH CAROLINA. Ordinance No. NS 1973-29.

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shaw and carried unanimously. A copy of the ordinance is on file in the office of Public Works Commission.

Council heard request from Public Works Commission for approval of their proposed budget for the fiscal year 1973-74. Action was deferred on this request to the Thursday, June 28, 1973 Budget Conference.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, a one inch water connection to an existing main in Legion Road to serve a commercial building, outside the City, was approved.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a one inch water connection to an existing main in the U.S. 301 Service Road, to serve a 50 feet lot owned by Mrs. Virginia McAllister, located approximately 375 feet North of the intersection of Black and Decker Road and U.S. 301 South Service Road, outside the City,was approved.

Council recognized Public Works Commission Manager Ray Muench, who stated that due to his work load at the present time, has resigned as a member of the Executive Committee of EPIC, Inc. Since the bylaws of EPIC require the members of the Executive Committee to be elected from member representatives previously designated by the participating cities and REA co-ops, Public Works Commission, during this same meeting last Friday, took the following actions:

1) Accepted his request to be permitted to resign as a member of the Board of Directors of EPIC, Inc.
2) Designated Public Works Commissioner Monroe Evans to attend the June 26 meeting of the Board of Directors in Raleigh.
3) They recommended to the City Council that Commissioner Evans be designated the member representative of EPIC, Inc. to replace him; and
4) The Commission recommends to the Executive Committee that Commissioner Evans be elected to the Executive Committee to replace him, provided the City Council acts favorably on the foregoing item 3.

Mayor Lee asked Mr. Muench why an appropriation does not appear in the budget for the coming year. Mr. Muench stated that a message does appear in the Public Works Commission budget. EPIC, Inc. is now asking for voluntary assessment in the interium, and the interium is an indefinite period of time pending court action on various court decisions, but Commission's decision last Friday, was that they have consulted with EPIC, Inc. Attorneys, and President and that they have fulfilled the contractual obligations of EPIC, Inc. and the City. At this time, because of a number of unresolved problems, they are not willing to commit or accept a voluntary assessment requested by EPIC until these problems have been resolved to Commission's satisfaction.

Following some discussion of the matter, Mayor Lee asked Mr. Muench if the adoption of a simple resolution by the Council, authorizing Commissioner Evans to attend the EPIC meeting in Raleigh would be sufficient. Commissioner Evans replied that it would.

Following brief discussion, Mr. George offered motion that Commissioner Evans be authorized

to represent City Council at the EPIC Meeting in Raleigh on Tuesday, June 26, 1973, and in the future, until this Council takes further action on this matter. Motion seconded by Mr. Kelly and carried unanimously.

Mayor Lee introduced the newly appointed Acting Chief of Police, Mr. Hervey Keator, who began his new duties today following the resignation, to retire, of Chief L. F. Worrell.

Council next gave consideration to recommendations from the Chief of Police to revoke several Massage Parlor licenses, which are in violation of the City Ordinance governing their operation. In a memorandum, dated May 24th to the Mayor and members of the Council, the City Manager stated that Privilege Licenses for FY-1973-74 are due on July 1, 1973, and that Administration had asked the Chief of Police to inspect all Massage Parlors and recommend to Council which of these were in violation of the ordinance, and subject to license revocation, and if this procedure of inspection and recommendation is approved, that such revocation be considered at this meeting. The Chief of Police had complied with the order contained in a memorandum and had inspected and recommended the revocation of the licenses of: 1) Roman Health Club, on Hay Street; 2) Peggy's Health Club, 720 Bragg Boulevard; 3) Swiss Health Club, 535½ Hay Street; 4) Holiday Health Club, 2819 Bragg Boulevard; and 5) Touch of Magic (Health Club) 520½ Hay Street, all for the following reasons: A) Names of employees have not been filed with the Chief of Police as required by subsection H. B) Proper records have not been kept as required by subsection I. C) Proper hours of operation have not been adhered to as required by Subsection A; and D) Persons of the opposite sex have treated and massaged others in violation of Subsection L.

City Attorney Singleton reviewed for Council's information, the Massage Parlor Ordinance enacted July 24, 1972. Following this, the City Attorney informed Council of the violations by the firms enumerated in the preceeding paragraphs. Each of the aforementioned firms had been notified of their noncompliance with the statute by the Chief of Police, by registered letter dated June 18, 1973. Mr. Singleton stated that although the ordinance does not setforth a "hearing" procedure, he was of the opinion, under due process, each of the firms, should they request a "hearing" are entitled to same. Mr. Singleton stated that he had been informed today by Attorney Sneed High that he, Mr. High, represents all five firms.

Mayor Lee then recognized Attorney Sneed High, who stated that he did represent all five firms, and he was of the opinion that proper notice had not been received in time for the preparation of a defense.

The City Attorney recommended to Council that it consider holding a Special Meeting between now and June 30 to consider the revocation of these licenses; June 30 being the last day of this license year that the licenses are valid.

Following some further discussion by the Attorneys, Mayor Lee excused the two Attorneys so that they could confer on a date for the"hearing." Mayor Lee stated that while the Attorneys were in conference, that Council would continue with the matters at hand.

RESOLUTION OF THE CITY OF FAYETTEVILLE - INVESTMENT OF FUNDS. Resolution No. R 1973-48.

Mr. Kelly introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. George and carried unanimously. A copy of the resolution is on file in the office of the City Clerk in Resolution Book 1973.

Council next considered an interim appropriation ordinance to authorize payment of operating costs for the City until the adoption of the 1973-74 budget appropriation ordinance.

INTERIM APPROPRIATION ORDINANCE. Ordinance No. NS 1973-30.

Mr. Shaw introduced the foregoing ordinance and moved its adoption. Motion seconded by Mrs. Finch and carried unanimously.

Council next gave consideration to a request by the Chief Housing Inspector for the adoption of an ordinance that the City Tax Collector enter a lien, in the amount of $175.00 against property of Leslie McNeill and wife, Katherine McNeill, 806 Barnes Street, for the demolition of a substandard dwelling.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE THAT THE CITY TAX COLLECTOR ENTER A LIEN OF $175.00 AGAINST THE PROPERTY AT 806 BARNES STREET. Ordinance No. NS 1973-32.

Mr. Godwin introduced the foregoing ordinance and moved its adoption at 10:20 o'clock p.m., seconded by Mr. Kelly and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book NS 1973.

Council next gave consideration to a receipt of bids for a programable calculator for the Engineering Department. City Engineer Bennett reported that three bids were received as follows: 1) Wang Model 600 - 6TP, with survey memory - $3,474.00; 2) Hewlett-Packard Model 9810, with printer - $3,150.00; 3) Monroe Model 1880-22 - $3,097.50. The City Engineer recommended purchase of the Wang Model, due to several advantages over the other machines, which warranted the extra cost.

Mrs. Finch offered motion, seconded by Mr. Godwin that the bid of Wang, in the amount of $3,474.00 be accepted, as recommended. Motion carried unanimously.

Appointments to various Boards and Commissions:

Several appointments to the Human Relations Advisory Commission and Citiznes Advisory Commission were deferred again.

Three expiring appointments to the Airport Commission were considered. Mr. Shaw stated that some consideration had been given to increasing the membership of the Airport Commission from 5 to 6, and offered motion for the adoption of an ordinance increasing the Airport membership from 5 to 6, and instructed the City Attorney to draw such an ordinance, and that we have two classes of commissioners of three each . Each of those members be appointed to two year terms, and that tonight we reappoint three members for two years and one new member for 1 year. Motion seconded by Mr. George and carried unanimously. The title of the foregoing ordinance appears below:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, AMENDING CHAPTER 4, AIRCRAFT AND AIRPORTS, ARTICLE 2, AIRPORT COMMISSION, SECTION 4-22, CREATION,QUALIFICATIONS AND TERMS OF MEMBERS. Ordinance No. S 1973-9. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book No. S 1973.

Upon motion by Mr. Godwin, seconded by Mr. Shaw and carried unanimously, the following named were reappointed to the Airport Commission for 2 year terms of office each; said terms to expire in June 1975: RICHARD L. PLAYER, JR.; GILBERT W. RAY; J. BERNARD STEIN.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, the following named was appointed to the Airport Commission for a one year term of office; said term to expire in June, 1974: J. A. HOLLINGSWORTH

Upon motion by Mr. George, seconded by Mr. Godwin and carried unanimously, the following named was reappointed to the Public Works Commission for a three year term of office; said term expiring in June, 1976: ROBERT H. BUTLER.

Upon motion by Mr. Godwin, seconded by Mrs. Finch and carried unanimously, the following named was appointed to the Public Works Commission Retirement Plan for a five year term of office; said term expiring in June, 1978: L. V. BEARD

For a vacancy occurring on the Joint Planning Board, due to the expiring term of MASON HICKS, JR., the following names were placed in nomination - W. A. HATCH and MRS. JOHN CREED, JR. Ballots were cast and submitted to the City Clerk. The vote was - one vote for Mr. Hatch, and four votes for Mrs. Creed. Mayor Lee declared MRS. JOHN CREED, JR. elected to the Joint Planning Board to serve a four year term of office; said term expiring in June, 1977.

The City Attorney and Attorney Sneed High, having returned to the Council Chamber following their conference over a hearing date for the Massage Parlor matter, and having agreed as to such hearing date, the Mayor directed that the minutes reflect that such hearing would be held in this Council Chamber at 8:30 o'clock a.m., on Saturday, June 30, 1973.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE LEVYING, ASSESSING AND IMPOSING THE LICENSE AND PRIVILEGE TAXES FOR THE CITY OF FAYETTEVILLE FOR FISCAL YEAR BEGINNING JULY 1, 1973 and ENDING JUNE 30, 1974. Ordinance No. NS 1973-31.

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book NS 1973.

RESOLUTION OF THE CITY OF FAYETTEVILLE, AUTHORIZING THE CITY MANAGER TO APPLY FOR A SUBGRANT FROM THE NORTH CAROLINA DEPARTMENT NATIONAL AND ECONOMIC RESOURCES FOR THE PURPOSE OF CREATING AN OFFICE OF LEGAL ADVISOR IN THE POLITICAL DEPARTMENT. Resolution No, R 1973-49.

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book NS 1973.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING SECTION 67 OF CHAPTER 20 OF THE CITY CODE - LOADING ZONES. Ordinance No. S 1973-7.

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book S 1973.

City Engineer Bennett presented a request for the firm of Cohen and Green Salvage Company, Inc., on Glidden Street. Mr. Bennett stated that this firm is asking to be permitted to pave the utility and sidewalk space, a portion of the street right-of-way; that portion behind the curb along Glidden Street. Mr. Bennett stated that he supposed that the firm wanted to pave with asphalt a 15 foot strip between his building and the street right-of-way. He is offering a bond to ensure the City that he will remove it upon request by the Council. The bond stated that if the City ever wants to use this space for sidewalk purposes, the sidewalk will be removed by the firm. The City Engineer recommended against the request. The City Manager stated that this was an area about which there had been considerable discussion. The City's policy requires that there be no paving other than standard sidewalks starting at the front line toward the curb. However, this is an industrial area, and the curbs and gutters are vertical curbs and there are some 7 driveways in the area. The owner wishes to pave the section all the way to his building down to the curb line, but the sidewalk

area would be on the grade to be delineated by the City Engineer for a sidewalk to be installed later when Council requires it. The general policy requires concrete sidewalks or nothing and it does not allow asphalt paving in there. This would be a temporary asphalt sidewalk, which the firm would construct. The general policy is good, but not specific. It sometimes presents a problem. Mr. Bennett strongly recommends that Council adhere to the policy. However, the City Manager recommended, in this case, that there is not a precedent being set because of the bond; because of the vertical curbs and because of the particular situation at this time, and in this place, and although Mr. Bennett's recommendations are valid, he stated that in all fairness, he did not believe that the City could impose this policy in all cases and at all times.

Mr. Shaw offered motion, seconded by Mr. Godwin that the request of Cohen and Green be approved, as recommended by the City Manager. Motion carried unanimously.

✓ The City Manager presented for Council's consideration a new agreement with the County Commissioners for the Cumberland County Joint Planning Board. Council decided to consider this agreement at the Budget Session on Thursday evening.

✓ Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the following named were reappointed as indicated opposite their names to serve at the pleasure of the Council:
THURMAN BISHOP, Fire Chief; JOE D. MCCALL, Tax Collector, and MAURICE W. DOWNS, City Clerk.

City Manager requested concurrance of the City Council in the appointment of George McCarthy as City Finance Officer to serve at the pleasure of the City Manager.

✓ Mr. Kelly offered motion, seconded by Mr. Godwin, that Council concur in the appointment of GEORGE MCCARTHY as City Finance Officer by the City Manager to serve at the pleasure of the City Manager with concurrance of the City Council. Motion carried unanimously.

There were no delegations to appear before Council.

CITY MANAGER REPORTS:

The City Manager reported that the Sierra Club and other enviromental agencies have discussed the possiblity of newspaper recycling and other solid waste of the City. The City Manager stated that a plan and sketch map for a newspaper recycling study to be conducted, commencing on July 11 and continuing each Wednesday for a period of six months. A letter of explanation of the program enjoining the cooperation of the residents in the test areas would be mailed. There appears to be advantages to the City in this program. If the City were to become involved, the newspaper recycling would be a regularly scheduled program. Newspapers account for 20% of the solid waste collected daily. If the City recycles newspapers, it could reduce the amount of sanitary landfill area required, and the effort and cost involved in burning the waste newspaper, and at the same time realize a benefit in the form of income derived from the sale of waste newspaper for recycling. Preliminary study indicates that the income and savings, although modest, could more than offset the cost involved. Following a brief discussion, Council gave tacit approval to the implementation of the program as recommended by the Assistant City Manager.

Council recognized Mrs. Jacksie Tyson, of the Fayetteville Beautiful Committee, and stated to Council that the Committee had realized a modest income from newspaper recycling, that they had continuing expenses with rose gardens and other projects and requested Council's financial support whenever possible.

Mr. Smith suggested in response to Mrs. Tyson's request, that pending receipt of reports from the City Manager, relative to the progress of the plan, that perhaps Council could make adjustments in the budgetary appropriations, if there were a profit in the operation.

✓ The City Manager reported that some years ago a group purchased U. S. Flags for display on the downtown streets on Holidays. As these flags wore and became tattered and damaged, they were destroyed. These flags have not been replaced by those groups over the years, and not sufficient number remains for display this July 4th. It is regretable, but time did not premit contacting these groups to order new flags. This will be done, and a recommendation made in the near future.

Mayor Lee stated that in view of Congressional action repealing the authority to collect Airport User Fees, that he had had an ordinance drawn rescinding the ordinance adopted by Council in February imposing such fees.

✓ AN ORDINANCE OF THE CITY OF FAYETTEVILLE, REPEALING SECTION SECTION 29 OF CHAPTER 4 OF THE CITY CODE IMPOSING A FEE OF $1.00 ON EACH DEPARTING PASSENGER FOR USE OF AIRPORT FACILITIES. Ordinance No. S 1973-8

Mr. George introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book S 1973.

MATTERS OF INTEREST TO THE COUNCIL.

Mrs. Finch expressed appreciation to the City Manager for the new lighting in the Council Chamber and requested that he now check into the ventilation system to better remove the accumulation of cigarette smoke.

Mrs. Finch also requested an up-to-date list of all the Boards and Commissions.

Mr. George suggested that the Mayor act as a pretrial referee prior to the Massage Parlor hearings on Saturday.

Mayor Lee stated that much credit should be given to the Recreation and Parks Department for their recent conduct and hosting of the Southeastern Softball Tournament. There were 104 Ballgames over the past weekend, during this tournament, and he presented the trophies. He stated that he received many favorable comments.

Thereafter, all matters of business having been completed, the meeting was adjourned at 11:10 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
SATURDAY, JUNE 30, 1973
8:30 A. M.

Present: Mayor Jackson F. Lee

Council Members Vardell Godwin, Beth Finch, Gene Plummer, Marion George, Glen Kelly, and Harry Shaw.

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
Sneed High, Attorney for the Massage Parlors

Mayor Lee called this Special Session to order, and announced its purpose was to consider the revocation of several Massage Parlor licenses. He called on City Attorney Rudolph Singleton to present the cases. Mr. Singleton requested a few minutes to confer with the witnesses. Mayor Lee stated that during this time, Council would consider any other matter to come before it.

City Manager Smith requested Council's approval of three applicants for vacancies in the Police Department.

Councilman Plummer offered motion, seconded by Mr. Kelly to follow the recommendation of the Civil Service Commission, Chief of Police and the City Manager and approve the following named for appointment to the Fayetteville Police Department: TIMOTHY WAYNE DAVIS JOHN FRANKLIN CONERLY and AUSTIN GILMORE VENCILL. The motion carried unanimously.

Mayor Lee then called on City Attorney Singleton.

Mr. Singleton stated that the purpose of this meeting is a Special called hearing to determine whether or not the licenses of the Roman Health Club, Peggy's Health Club, Swiss Health Club, Holiday Health Club, and Touch of Magic (Health Club), shall be revoked or not. Each of the Council Members had been furnished a copy of the applicable Ordinance Section 17-4.1. Each of the aforementioned health clubs have been cited by the Chief of Police for the following: 1) That the names of the employees have not been filed with the Chief of Police as required by Subsection H. 2) That proper records have not been kept as required by Subsection I. 3) That proper hours of operation have not been adhered to as required by Subsection A. 4) Persons of the opposite sex have treated and massaged others in violation of Subsection L. This hearing was specifically set by agreement of Council from this past Monday nights meeting; this being the 30th day of June, and also the date said licenses expire. It was further agreed that each case should be held separately, and at this time, If agreeable, we will call the first witness from the Office of the Chief of Police.

Mrs. Hope Horner was sworn and identified as an employee in the Office of the Chief of Police as Secretary to the Chief of Police. Mr. Singleton asked Mrs. Horner if the names of the employees of the Roman Health Club had been filed with the Chief of Police, as required. Mrs. Horner replied that they had not. Mr. High, in cross examination, asked Mrs. Horner if she had examined every file in the Office of the Chief of Police since she was employed in October, 1972. Mrs. Horner replied that she had. Mrs. Horner was then excused.

Attorney Singleton stated that Counsel has agreed that in the subsequent four cases to be heard this morning, he will stipulate that the testimony, as to the other four, will be exactly as in the Roman Health Club, that is, that there are no records of the names of employees filed with the Chief of Police as required. The City Attorney then called Mr. William C. Johnson, who was sworn and identified as a Police Officer since July 7, 1972. Mr. Johnson stated that he was single and that pursuant to instructions of the Chief of Police, he had, on Thursday the 17th of August, 1972, gone to the Roman Health Club. He stated he was met by a female employee who asked him neither to register nor for a doctor's certificate, but led him to a room and told him to disrobe. He stated he did so, and shortly she returned alone. She said her name was Kitty and she was from Augsberg, Germany, and that the club closed at 2:00 a.m. in the morning. Mr. Johnson then stated that he was administered a body massage. Mr. Singleton asked if following the body massage he was offered other services. Attorney High objected. Mr. Singleton informed the Mayor that in a hearing of this nature, the Hearing Officer may rule on an objection. The Mayor overruled the objection. Mr. Johnson replying to the City Attorney's question, stated that he was offered additional services, in the form of a five minute special. Mr. High, on cross examination, asked Mr. Johnson how long he was in the Massage Parlor. Mr. Johnson replied 30 minutes. Mr. High asked if he noticed a license on the wall. Mr. Johnson replied that he did not.

Mr. Singleton then called the second witness, who was sworn and identified as F.M. Boone, a Police Officer employed since May 1961. Attorney Singleton asked Mr. Boone if he had had occasion to check the Roman Health Club. Mr. Boone replied that he had on May 30 and 31 and June 15, 1973. Mr. Singleton asked what his investigations revealed, and Officer Boone stated that the attendants did not have health cards and that there was not a register of the names of persons receiving massages. Attorney Singleton asked Mr. Boone if he checked the Roman Health Club for a license. Mr. Boone stated that he did.

Mayor Lee then asked if Council was ready to take action on the license of the Roman Health Club. Attorney Singleton stated that if such license is revoked, that such revocation be effective at 10:00 p.m., June 30, 1973. Attorney High objected on the grounds that it had not been designated as to which licenses of the Roman Health Club was involved, inasmuch as there were various types of licenses for soft drink machines, cracker machines and others. Police Officer Johnson was recalled and stated that Privilege License No. 9599 was issued to the Roman Health Club to operate a Massage Parlor. Attorney Singleton passed a copy of such license to the Mayor. Attorney High offered

objection to this copy, and the Mayor ordered the record to note Mr. High's objection. Attorney Singleton then stated that the Roman Health Club had been cited for four violations of the ordinance, any one of which was sufficient for revocation of the license. Attorney High then entered a motion for dismissal of the charge.

Councilman Plummer then offered motion that Privilege License No. 9599 of the Roman Health Club be revoked effective at 10:00 p.m., June 30, 1973. Motion seconded by Mr. Kelly.

During discussion that followed, Mayor Lee raised the question of the Roman Health Club being notified by registered mail, and of a signed receipt of such. Mr. Singleton stated that the City Manager's Office had mailed the letter and called City Manager Guy Smith. Attorney High objected to the reopening of this case and it was so noted. City Manager Smith was then called and sworn, and stated that the letter of notification was mailed June 20th to the Roman Health Club as substantiated by a registered mail receipt from the Post Office, and received as substantiated by a returned receipt.

Mayor Lee then called for a vote on the motion and it carried by the following vote:

Council Member Shaw - aye; Council Member George - aye; Council Member Plummer - aye; Council Member Finch - aye; Council Member Godwin - aye, and Council Member Kelly - aye.

Attorney Singleton then called the case for Peggy's Health Club, Privilege License No. 9601. City Manager Smith was called and sworn, and testified that a registered letter was sent and a signed receipt for such returned. Attorney High put questions to the City Manager concerning the preparation and mailing of the letters of notice mailed to Peggy's Health Club. Attorney Singleton introduced a copy of the Privilege License No. 9601 issued to Peggy's Health Club, as evidence exhibit No. 3.

Detective Johnson was again called and sworn, and testified that on Tuesday, August 22, 1972, he received a body massage at Peggy's Health Club by a member of the opposite sex and was not asked to register. Officer Johnson stated he was asked if he desired additional services,to which he replied in the negative. Attorney High put several questions to Officer Johnson concerning his investigation of Peggy's Health Club.

Attorney Singleton then called Officer Boone, who was sworn and testified that he investigated Peggy's Health Club in May, 1973, and inquired if the firm had a license and a register. The register did not show the name or type of treatment received. This was at 11:15 p.m. Attorney High asked Officer Boone if he observed a Privilege License issued to Peggy's Health Club. Officer Boone stated that he did. Attorney Singleton then put several questions to Officer Boone concerning the records of Peggy's Health Club and concluded the testimony.

Attorney High then moved for dismissal of the charges.

Councilman Plummer then offered motion that Privilege License No. 9601, Peggy's Health Club, be revoked effective at 10:00 p.m., June 30, 1973. Motion seconded by Councilman Godwin and carried by the following vote: Council Member Shaw - aye; Council Member Kelly - aye; Council Member George - aye; Council Member Plummer - aye; Council Member Finch - aye, and Council Member Godwin - aye.

The case of the Swiss Health Club, Privilege License No. 9598 was next considered.

Attorney Singleton recalled City Manager Smith, who testified that Swiss Health Club held Privilege License No. 9598. A copy of such privilege license was introduced as evidence. Attorney High offered objection to introduction of copies of privilege licenses being entered as evidence and to all testimony by City Manager Smith. City Manager Smith testified that a registered letter of notice was mailed to the Swiss Health Club, and a signed receipt obtained.

Attorney Singleton recalled Officer Johnson,who testified that on Tuesday, August 22, 1972, he received a third massage at the Swiss Health Club, administered by a member of the opposite sex. Officer Johnson testified that the premises of the Swiss Health Club were extremely unsanitary. Attorney Singleton asked Mr. Johnson if he were offered additional services following the massage. Mr. Johnson stated that he was offered a five minute manual relief, which he declined.

Attorney Singleton recalled Officer Boone. Prior to Officer Boone's testimony, Attorney Singleton asked that the record show that Attorney High had been furnished with a Bill of Particulars. Attorney High acknowledged that he had been supplied with copies of statements, and Mayor Lee directed that the record so show. Officer Boone testified that he had made an investigation in May and June, 1973, of the Swiss Health Club, and that his investigation of said health club, revealed no records of any type. Officer Boone stated that in addition, the premises were unsanitary and unkempt.

Attorney High put questions to Officer Boone concerning his investigation of the Swiss Health Club.

Attorney Singleton then concluded the hearing on the Swiss Health Club and submitted that there is evidence of all four violations as alleged. Attorney High moved for dismissal.

Councilman Godwin then offered motion that the Privilege License of the Swiss Health Club No. 9598 be revoked;effective at 10:00 p.m., June 30, 1973. Motion seconded by Councilman Plummer and carried by the following vote:

Council Member Shaw aye; Council Member Kelly aye; Council Member George aye; Council Member Plummer aye; Council Member Finch aye, and Council Member Godwin aye.

Council next gave consideration to the revocation of the Privilege License of the Holiday Health Club. Attorney Singleton recalled City Manager Smith, who testified that the Holiday Health Club had been notified of this hearing by registered letter, and that such registered letter had been received by them as verified by the signed returned receipt. Again Attorney High entered in objection at testimony by City Manager Smith. Attorney Singleton asked that the record also show that there be placed in evidence the stipulation of Mrs. Horner, that there was no record of employee registration in the Office of the Chief of Police. Attorney High also entered an objection to all testimony of Mrs. Horner. Mayor Lee directed that the record reflect Mr. High's objection.

Attorney Singleton recalled Officer Johnson, who testified that on August 23, 1972, he arrived at the Holiday Health Club about 12:05 a. m.; found the front door locked; went around to the back entrance and was admitted. He requested and received a body massage from a member of the opposite sex. He stated he was not required to register his name. Following the body massage, Officer Johnson stated he was asked by the masseuse if he desired a five minute special. He stated he declined the offer.

Attorney High then cross examined Officer Johnson.

Attorney Singleton then recalled Officer Boone, who testified that he investigated the Holiday Health Club on three occasions, on May 30 and 31 and June 15, 1973, and found it open for business after the hour of 10:00 p.m. He testified he requested to see the register. The register did not contain the names and addresses of those receiving treatment.

Attorney High then cross examined Officer Boone. He asked if he had read the Massage Parlor Ordinance. Officer Boone replied that he had. Attorney Singleton stated that this concluded the testimony on the Holiday Health Club, and there is evidence of each violation. Attorney High moved for dismissal.

Councilman Plummer offered motion that Privilege License No. 3531 of the Holiday Health Club be revoked; effective at 10:00 p.m., June 30, 1973. Motion seconded by Councilman Kelly and carried by the following vote:

Council Member Shaw aye; Council Member Kelly aye; Council Member George aye; Council Member Plummer aye; Council Member Finch aye, and Council Member Godwin aye.

Attorney Singleton then presented for consideration of Council, the Touch of Magic (Health Club) Privilege License No. 9698, for revocation. Attorney Singleton again introduced the stipulation that the testimony given by Mrs. Horner, on the records of the Police Department as to the registration of employees of the Touch of Magic. Attorney High also registered opposition to this testimony.

Attorney Singleton again called City Manager Smith, who testified as to the issuance of the license; mailing of the registered letter, and the returned receipt, therefore. The letter and receipt were entered as exhibits one and 2. The Mayor directed the Clerk to enter into the record Attorney High's objection to City Manager Smith's testimony - each question individually.

City Attorney Singleton recalled Officer Boone,who testified that he had investigated the Touch of Magic (Health Club) and found that there was no register in evidence. Attorney Singleton then recalled Officer Johnson, who testified that he had conducted an investigation of the Touch of Magic (Health Club) on Wednesday, August 23, 1972, at approximately 3:00 p.m. He testified he went upstairs in the lobby waiting area and a female attendant met him, and asked him what he wanted. He stated in reply, that he wanted a massage. He received the massage from the female attendant, who said her name was Nancy, and following the massage he redressed and departed. the area. He stated that at no time was he required to sign a register. Following the massage, Officer Johnson said the female attendant asked him if he wished a five minute manual relief with the massage. He declined the offer, he stated. The posted hours of operation were from 11:00 a. m. to 2 a. m., he stated.

Attorney High cross examined Officer Johnson, and asked him if he had ever seen anyone massage anyone after the hour of 10:00 p.m. Officer Johnson replied in the negative. Attorney Singleton then stated that this concluded the hearing on the Touch of Magic (Health Club). Attorney High again moved for dismissal.

Councilman Godwin then offered motion that the Privilege License of the Touch of Magic (Health Club) No. 9698, be revoked; effective at 10:00 p.m., June 30, 1973. Motion seconded by Councilman Plummer and carried by the following vote:

Council Member Shaw aye; Council Member Kelly aye; Council Member George aye; Council Member Plummer aye; Council Member Finch aye; Council Member Godwin aye.

Mayor Lee then summerized the action of the Council today,revoking effective at 10:00 p.m. this day, the Privilege License No. 9599 of the Roman Health Club; Privilege License No. 9601, Peggy's Health Club; Privilege License No. 9598, the Swiss Health Club; the Privilege License No. 9531 of Holiday Health Club, and Privilege License No. 9698, the Touch of Magic (Health Club).

On a final matter, City Manager Smith reported that the FARE Program (Fatal Accident Reduction Effort) a project designed to reduce street and highway vehicular accidents and life loss, would be implemented very shortly.

Thereafter, all matters of interest having been concluded, this Special Session was adjourned at 10:30 a. m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

BUDGET PUBLIC HEARING
CITY HALL COUNCIL CHAMBER
MONDAY, JULY 2, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members Vardell Godwin, Beth Finch, Marion George, Glen Kelly, Harry Shaw.

Absent : Councilman Gene Plummer

Others Present: J. Guy Smith, Jr., City Manager
William G. Thomas, Assistant City Manager
George McCarthy, City Finance Officer

Mayor Lee called this Budget public hearing to order, and stated its purpose was to hear any citizen concerning the Fiscal Year 1973-74 City Budget, and the expenditure of Revenue Sharing Funds for this same period.

Mr. Warren Coolidge, a local Attorney, was recognized. Mr. Coolidge stated he represented a number of individuals and firms interested in Police Department salaries. He presented a petition to Mayor Lee, which he said contained 556 names, requesting an increase in Police Department salaries. He explained the purpose behind his appearance this evening was the submission of the petition and then thanked the Mayor and Council for their consideration. Mayor Lee accepted the petition for Council and thanked Mr. Coolidge for his interest.

No other persons appeared.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, this public hearing was adjourned at 8:10 o'clock p.m.

Maurice W. Downs
City Clerk

SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
MONDAY, JULY 2, 1973
8:10 P. M.

Present: Mayor Jackson F. Lee

Council Members Vardell Godwin, Beth Finch, Marion George, Glen Kelly and Harry Shaw.

Absent : Councilman Gene Plummer

Others Present: J. Guy Smith, Jr., City Manager
William G. Thomas, Assistant City Manager
George McCarthy, City Finance Officer

Following a public hearing on the regular budget and on the expenditure of Revenue Sharing Funds for the Fiscal Year 1973-74, this Special Meeting was called into session by Mayor Lee with the consent of all members present, for the purpose of considering a matter to be presented by Councilman Shaw.

Mr. Shaw reported that the Liaison Committee had met with Commissioners Packer and Horne; Councilman Godwin; Mr. John Swope, FAIDC; Mr. Ray Muench, Public Works Commission; Mr. Heman Clark, County Attorney; and himself, regarding the extension of water to a proposed new industry inside the City in the Russell Street/Blount Street area. A proposed water main extension would be a 12 inch main from West Russell Street to the proposed industrial site between Russell Street and Blount Street on the Seaboard Coastline Railroad. The estimated cost to Public Works Commission would be $16,000.00, with the County paying 50% of this cost. The Commissioners reported that they would take this request back to the full Commission sometime this week.

Mr. Shaw then offered motion that the Council approve 50% ($8,000.00) of the cost of this extension, provided the County paid 50%. Motion seconded by Mr. Kelly.

During discussion that followed, Mr. Shaw stated that this concern would employ 73 persons, of whom, 70 would be local. The firm is a wood products manufacturing company, with an estimated annual payroll of one-half million dollars ($½ Million).

Mayor Lee then called for a vote on the motion and it carried unanimously.

Mr. Kelly asked if there was anything Council could do about the Massage Parlors, and if there was anything Council could do to close those parlors that have been found in violation of the City ordinance. The City Manager replied, that within the next few days, a conference is to be held with the District Attorney on this matter and a decision reached.

The City Manager reported that Mr. Charles Fairley, Executive Director of the Fayetteville Redevelopment Commission had requested a Special Meeting of the Council at some hour on Friday, July 6, to act on the two Neighborhood Development Projects. A Special Meeting was set for 12:00 noon, Friday, July 6, 1973, in the Council Chamber of the Kyle House, pursuant to this request.

The meeting was then adjourned at 8:25 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

I HAVE RECEIVED DUE AND PROPER[redacted] NOTICE OF A SPECIAL MEETING OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA TO BE HELD AT 8:10 O'CLOCK P. M., THE 2nd DAY OF July 1973, AT THE REGULAR MEETING PLACE IN THE COURT ROOM, CITY HALL, FAYETTEVILLE, NORTH CAROLINA, AND HEREBY WAIVE FURTHER NOTICE THEREOF.

THIS 2nd DAY OF July 1973.

CITY COUNCILMAN
GENE PLUMMER

SPECIAL MEETING
COUNCIL CHAMBER - KYLE HOUSE
FRIDAY, JULY 6, 1973
12:00 O'CLOCK NOON

Present: Mayor Jackson F. Lee

Council Members Beth Finch, Marion George, and Glen Kelly.

Absent : Council Members Vardell Godwin, Gene Plummer and Harry Shaw.

Others Present: J. Guy Smith, City Manager
William G. Thomas, Assistant City Manager
Charles Fairley, Fayetteville Redevelopment Commission
Clifford Strassenberg, Planning Department

Mayor Lee called this special session to order and declared a quorum present.

City Manager Smith informed Council that the Redevelopment Commission had requested Council set public hearings for July 23 for Wilmington Road and Southeast Fayetteville Neighborhood Development Programs.

Mr. Charles Fairley was recognized and requested Mr. Strassenberg to give a report from the Planning Board. Mr. Strassenberg reported that Planning Board met this morning, considered the two projects, and adopted resolutions certifying their approval to Council.

RESOLUTION OF THE CITY OF FAYETTEVILLE CALLING FOR PUBLIC HEARING ON WILMINGTON ROAD NEIGHBORHOOD DEVELOPMENT PROGRAM. Resolution No. R 1973-50.

RESOLUTION OF THE CITY OF FAYETTEVILLE CALLING FOR PUBLIC HEARING ON SOUTHEAST NEIGHBORHOOD DEVELOPMENT PROGRAM. Resolution No. R 1973-51.

Councilman Kelly introduced the foregoing resolutions and moved their adoption, setting public hearings on these matter for 8:00 o'clock p. m., July 23, 1973, City Hall Council Chamber. Motion seconded by Councilwoman Finch and carried unanimously. Copies of the foregoing resolutions are on file in the Office of the City Clerk in Resolutions Book R 1973.

On another matter; City Manager Smith reported that a request had been received from Mr. William Clark, Attorney for petitioner, that a public hearing be published for July 23, 1973, on the rezoning from R5A Residential District to P2 Professional District or to a higher classification, of an area located at Village Drive between Friendship Drive and Owen Drive. This matter is being presented at this time and requested now, due to its urgency, and because time would not permit its publication for the 23rd,if the request were delayed until the regular meeting on Monday, July 9th.

Councilman Kelly offered motion to approve the foregoing request and that a public hearing be published for 8:00 o'clock p.m., Monday, July 23, 1973, City Hall Council Chamber. Motion seconded by Councilman George and carried unanimously.

The meeting was then adjourned at 12:03 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 9, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members Beth Finch, Gene Plummer, Marion George, Glen Kelly and Harry Shaw

Absent : Councilman Vardell Godwin

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
Robert H. Butler, Public Works Commission
Joe Stowe, Public Works Commission

Mayor Lee called the meeting to order and the invocation was offered by the Reverend T. J. Fulk, Immanuel Baptist Church. The Pledge of Allegiance was led by Eagle Scout Robert Fields, Troop 763 B.S.A. Following the Pledge of Allegiance, Mayor Lee stated that he had had the pleasure of bestowing the Eagle Scout rank, Scouting's highest honor, on Robert last week. Mayor Lee then presented City Service Pins to the following City Employees:

5 Years Pin

Paul Adams, Engineering Department
Ptl. Roger Holman, Police Department
Robert Lane, Engineering Department
J. B. McLean, Street and Sanitation Department
Ptl. Sam Pearson, Police Department
Wilbur Powell, Cemetery Department
Fireman James Reynolds, Fire Department
Clementine White, Police Department

10 Years Pin

David Autry, Street and Sanitation Department
James Brown, City Buildings
James McDougald, Street and Sanitation Department
Bunyon Williams, Street and Sanitation Department

15 Years Pin

Det. Jesse B. DeVane, Police Department

20 Years Pin

Sgt. Charles House, Police Department

25 Years Pin

Capt. Daniel Johnson, Fire Department
Roy Sills, Street and Sanitation Department

Following the presentation of the pins, these employees were accorded a vigorous round of applause from those present in the Council Chamber.

Mayor Lee recognized the following Fayetteville Youth Council Members present in the audience to observe Council proceedings: David Anderson, Zana Arab and Carrie Carroll.

Upon motion by Mr. Plummer, seconded by Mr. Kelly and carried unanimously, Minutes of the Regular Meeting of June 25; Special Public Hearing on June 30; Special Budget Public Hearing on July 2; Special Meeting of July 2 and Special Meeting of July 6, were approved as submitted by the City Clerk.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to R5A Residential District and C1 Local Business District of an area located on River Road. Planning Board recommended denial. There was no opposition present.

Mr. Shaw offered motion to deny the foregoing petition for rezoning, as recommended by the Planning Board. Motion seconded by Mr. Plummer and carried unanimously.

✓ Public hearing was held as published at this date and hour on the rezoning from R6 Residential District to C1 Local Business District of an area located on Murchison Road between University Avenue and Temple Avenue. Planning Board recommended denial. There was no opposition present.

Mr. Plummer offered motion to deny the foregoing rezoning request, as recommended by the Planning Board. Motion seconded by Mrs. Finch and carried unanimously.

✓ Public hearing was held as published for this date and hour on the rezoning from R6 Residential District to C1 Local Business District of an area located on Murchison Road between University Avenue and Temple Avenue; adjacent to the foregoing area. Planning Board recommended denial. There

was no opposition present.

Mrs. Finch offered motion to deny the foregoing rezoning request, as recommended by the Planning Board. Motion seconded by Mr. Plummer and carried unanimously.

Public hearing was held as published for this date and hour on the rezoning from R6 Residential District and P2 Professional District to C1 Local Business District of an area located on Murchison Road between Gaddy Avenue and Hood Avenue. Planning Board recommended approval. Attorney Cyrus Faircloth was recognized, for the petitioners. There was no opposition present.

Following brief discussion, Mr. Shaw offered motion that the foregoing petition for rezoning be denied, seconded by Mr. Plummer and carried by the following vote: For - Council Members Finch, Plummer, Kelly and Shaw. Against - Councilman George.

Public hearing was held as published for this date and hour on the rezoning from R6 Residential District to R5A Residential District of an area located on Springfield Road between Murchison Road and Stackpole Drive. Planning Board recommended approval. Mr. Bill Maxwell, the developer, was recognized. There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R6 RESIDENTIAL DISTRICT TO R5A RESIDENTIAL DISTRICT AN AREA LOCATED ON SPRINGFIELD ROAD BETWEEN MURCHISON ROAD AND STACKPOLE DRIVE. Ordinance No. NS 1973-33.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously.

Public hearing was held as published for this date and hour on the rezoning from R5 Residential District to C3 Heavy Commercial District of an area located at 418 - 420 - 432 Cumberland Street and 701 Hillsboro Street. Planning Board recommended approval. Attorney John Shaw, representing the petitioner, was recognized. There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT 418 - 420 - 432 CUMBERLAND STREET AND 701 HILLSBORO STREET. Ordinance No. NS 1973-34.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously.

Public hearing was held as published for this date and hour on the rezoning from C1P Shopping Center District to R5A Residential District and R5A Residential District to C1P Shopping Center District of an area located on Raleigh Road between Longview Drive and Law Road. Planner Mitchell stated that Planning Board approves this rezoning and that this is the area which was under dispute on the Group Development Plan previously presented to Council at an earlier meeting. The owners of the property have now appeared before the Planning Board and requested this rezoning. There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM C1P SHOPPING CENTER DISTRICT TO R5A RESIDENTIAL DISTRICT AND R5A RESIDENTIAL DISTRICT TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED ON RALEIGH ROAD BETWEEN LONGVIEW DRIVE AND LAW ROAD. Ordinance No. NS 1973-35.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously.

Public hearing was held as published on the Initial Zoning to R5A Residential District of an area located adjacent to Westwood Subdivision; South of Cliffdale Road, and between the Aberdeen - Rockfish Railroad, and the proposed Owen Drive Expressway. Planning Board recommended approval. Mr. J. W. Pate, developer and a property owner, was recognized. There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R5A RESIDENTIAL DISTRICT OF AN AREA LOCATED ADJACENT TO WESTWOOD SUBDIVISION; SOUTH OF CLIFFDALE ROAD AND BETWEEN THE ABERDEED AND ROCKFISH RAILROAD AND THE PROPOSED OWEN DRIVE EXPRESSWAY. Ordinance No. NS 1973-36

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously.

Public hearing was held as published on the Initial Zoning to R15 Residential District of an area located North and West of Summertime Road. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R15 RESIDENTIAL DISTRICT OF AN AREA LOCATED NORTH AND WEST OF SUMMERTIME ROAD Ord. No. NS 1973-37.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously.

Public hearing was held as published on the Initial Zoning to R10 and R15 Residential Districts of an area located adjacent to Huntington Park. Planning Board recommended approval.

Council recognized Attorney Jim Nance, in opposition to a proposed R6 Residential zoning. Council recognized Attorney Buck Person, representing C. L. Howard, Jr., who requested a readvertisement of this public hearing, to include R6 Residential District zoning.

Council recognized Attorney Richard Wiggins, representing a corporation in Ardmore, Pennsylvania, who in May purchased a portion of the Howard property, which abutts the proposed R15 area, behind K-Mart Shopping Center, for the purpose of constructing a Wholesale Plumbing Supply House. Mr. Wiggins also requested a readvertisement of this matter, in order that the proponents of all zoning might be heard.

Following brief discussion, Mrs. Finch offered motion, seconded by Mr. Plummer that this public hearing be continued and that this matter be referred back to the Planning Board for readvertisement, and for recommendation to an R6 Residential District or higher classification. Motion carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C3 Heavy Commercial District of an area located at 406 and 408 Chatham Street. Planning Board recommended approval. Attorney Robert H. Butler,was recognized, representing Mr. Marion George, owner and petitioner. There was no opposition present. Councilman George requested and received permission from the Mayor to disqualify himself from discussion or voting on this matter.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT 406 - 408 CHATHAM STREET. Ordinance No. NS 1973-38.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried; Mr. George abstaining to vote.

Copies of the foregoing ordinances are on file in the Office of the City Clerk in Ordinance Book NS 1973.

Public hearing had been published for this date and hour on the annexation of an area located East and West of Rosehill Road, pursuant to 100% petition. Council recognized Mr. Ron Hickman, representing the petitioner, who requested a two weeks delay on this matter.

Mr. Plummer offered motion that this public hearing be continued to July 23, seconded by Mr. Kelly and carried unanimously.

Public hearing was held as published for this date and hour on the annexation of an area located in the vicinity of Blanton Road; Stanfield Street and Calla Circle. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE. Annexation Ord. No. 125

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously.

Public hearing was held as published for this date and hour on the annexation of an area located on Pamalee Dirve and Gary Street, under the "Old Law" - G.S. 160-445 et. seq. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE. Annexation Ord. No. 126

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Plummer and carried unanimously.

Public hearing was held as published for this date and hour on the annexation of an area located on Sycamore Dairy Road. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE. Annexation Ord. No. 127

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously.

Public hearing was held as published for this date and hour on the annexation of an an area located at 523 Law Road, pursuant to 100% petition. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE EXTENDING THE CORPORATE LIMITS. Annexation Ord. No. 128

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Plummer and carried unanimously.

Copies of the foregoing Annexation Ordinances are on file in the Office of the City Clerk in Annexation Ordinance Book 1973.

Upon motion by Mr. Kelly, seconded by Mr. George and carried unanimously, public hearings were set for August 13, 1973, on the following zoning matters:

A. Rezoning from R5 Residential District to C1 Local Business District to to a higher classification, of an area located at 806 Hay Street between Woodside Avenue and the CBD Loop.

B. Rezoning from R6 to C3 or to a higher classification, of an area located at 1825 Pamalee Drive between Mintz Pond and Murchison Road.

C. Rezoning from R10 to R6, R5A and R5 or to a higher classification of an area located in the vicinity of Ravenhill Drive, Winding Creek Road and Executive Place.

D. Rezoning from R5 and C3 to P2 or to a higher classification of an area located at 618 - 626 and 628 Machanic Street.

E. Rezoning from R5 to M2 or to a higher classification of an area located at the intersection of Grove Street and North King Street.

The City Manager stated that there was another request for a public hearing for the rezoning from C1P to C1 of an area located on Raeford Road and Cambridge Street. This item was not considered at this time, but was deferred for consideration at the July 23 meeting.

Upon motion by Mr. Shaw, seconded by Mr. Plummer, outside City utility connections for a four inch water service lateral with a 2 inch water meter for a proposed apartment project on Raleigh Road, owned by Mr, Morris Jones, was unanimously approved.

Council again gave consideration to Preliminary Subdivision Review of Broadell Subdivision, Section 11, located West of Rosehill Road. Planner Mitchell reminded Council that this was the area of the Corrinna and Aileen Drives cul-de-sacs. He displayed a map indicating a redesign of the subdivision reducing the number of lots from 42 to 23, and stated that the developer is requesting approval of the revised plan, until such time as the cul-de-sac length policy is resolved by the City Council. The Planning Board recommends approval of the final plat as shown on the revised plat. Planner Mitchell stated that the Planning Board recommends that the Council consider changing the subdivision regulations from the present 400 foot maximum length for cul-de-sacs, to an 800 foot maximum length for a cul-de-sac. This would make the subdivision policies of the City and County conform. Lengthy discussion followed, during which time it was pointed out that the redesign of the plat created two lengthy dead end streets. The possibility of the developer creating a loop road was discussed again.

Mr. Shaw then offered motion to continue this matter to the next meeting of the Council on July 23, seconded by Mr. Plummer and carried unanimously.

Upon motion by Mr. Plummer, seconded by Mr. Shaw and carried unanimously, Preliminary Subdivision Group Development and Shopping Center Review was approved, as recommended by the Planning Board, of an area located on Raleigh Road between Longview Drive and Law Road.

Council next gave consideration to a plan revision review of Village Gate West Apartments of an area located on Village Drive between Owen Drive and Robeson Street. Planning Board recommended denial. Planner Mitchell stated that on February 14, 1972, Council approved a Group Development Plan for this area. The developer is now requesting approval of a plan revision to relocate the tennis courts from the edge of Village Drive to a site further back within the complex, and all of the existing buildings, and two additional driveway entrances from Village Drive.

Attorney William Clark, representing the developer, was recognized and stated to Council that the plan is to permit commercial development in this area.

Following discussion of this matter, Mr. Plummer offered motion, seconded by Mr. Shaw to continue this request for plan revision to the next meeting of the Council on July 23. Motion carried unanimously.

ON PUBLIC WORKS COMMISSION MATTERS:

Council recognized Commissioner Robert Butler, on a request for approval of a contract for the construction of a new, and removal of existing, Cliffdale Road electric distribution substation, and relocation of electric transmission and distribution lines along Cliffdale Road, and that the Mayor and Clerk be authorized to execute the contract documents. The contract recommended for approval was with Aubrey-Silvey Interprises, Inc., in the amount of $70,539.60.

Mr. Shaw offered motion for approval of the Aubrey-Silvey Interprises, Inc, as recommended, in the amount of $70,539.60, and that the Mayor and Clerk be authorized and directed to sign said contract for the City. Motion seconded by Mr. Plummer and carried unanimously.

Council heard further request from Commissioner Butler for the approval of the low bid of North Carolina Equipment Company, in the amount of $13,590.00, for the purchase by Public Works Commission of a Hydraulic Sewer Cleaner unit.

Mr. Plummer offered motion, seconded by Mr. George to accept the foregoing low bid as recommended. Motion carried unanimously.

Council next considered the adoption of a resolution regarding action required for eligibility for flood insurance under the National Flood Insurance Program. City Manager Smith presented the resolution and explained that it would qualify the areas in the community that are prone to flooding, for the emergency flood insurance, pending Council's adoption of a flood Plain Zoning Ordinance, which is near completion. The adoption of this resolution is an intermediate step to qualify some of the citizens for such insurance. This resolution will be filed with City's application, which will be dispatched within the next two days.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA REGARDING ACTION REQUIRED FOR ELIGIBILITY TO THE SALE OF FLOOD INSURANCE UNDER THE NATIONAL FLOOD INSURANCE PROGRAM. Resolution No. R 1973-52.

Mr. Plummer introduced the foregoing resolution and moved its adoption, seconded by Mrs. Finch.

Mr. Shaw asked if there was any recourse from any of the conditions set forth in the resolution, such as, the disapproval of a request by the Building Inspector. The City Manager stated that Council is the implied appeal body.

Mr. Shaw then moved to amend the motion to include the right of recourse by any citizen to their City Council. Motion seconded by Mr. Kelly. Mayor Lee then called for a vote on the amended motion and it carried unanimously.

RESOLUTION ON INVESTMENT OF MUNICIPAL FUNDS. Resolution No. R 1973-53

Mr. George introduced the foregoing resolution and moved its adoption, seconded by Mr. Plummer and carried unanimously. A copy of the resolution is on file in the Office of the City Clerk in Resolution Book 1973.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, AMENDING CITY LICENSE SCHEDULE, PURSUANT TO CHAPTER 17 CITY CODE OF ORDINANCES. Ordinance No. NS 1973-39

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a rebate of overpaid taxes in the amount of $33.98 to Mr. and Mrs. Bryan Bizzell. The City Manager explained that several years ago there appeared to be some confusion on the transfer of title of some property. The property changed hands several times, and in the confusion the original owner had paid some of the taxes, and the new owners were billed again, and paid. The recommendation was that the rebate be made.

Mr. Plummer offered motion, seconded by Mr. George to follow the foregoing recommendation and make the $33.98 rebate to Mr. and Mrs. Bizzell. Motion carried unanimously.

Council next gave consideration to the approval of a contract submitted by the Cumberland County Board of Commissioners for the Cumberland County Joint Planning Board and Staff.

Mr. Shaw offered motion for approval of the contract between the County of Cumberland and the City of Fayetteville for the Joint Planning Board, as recommended. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a request from the Airport Commission for the renewal of a lease for space occupied by a branch of the Southern National Bank in the Airport Terminal. The extension was under the same terms and conditions, at the same rental rate of $155.00 per month.

Mr. Plummer offered motion, seconded by Mr. Kelly and carried unanimously, for the renewal of the lease as recommended.

1973-1974 BUDGET APPROPRIATION ORDINANCE. Ordinance No. NS 1973-40.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously by the following vote: Council Member Lee aye; Council Member Finch aye; Council Member Plummer aye; Council Member George aye; Council Member Kelly aye, and Council Member Shaw aye. A copy of the ordinance is on file in the Office of the City Clerk in Ordinance Book NS 1973.

Council next gave consideration to a request by Public Works Commission for approval of their budget for the fiscal year 1973-74. Mr. George offered motion, seconded by Mr. Kelly for approval of the Public Works Commission Budget, in the amount of $27,436,315.00. Motion carried unanimously.

CITY MANAGER REPORTS:

The City Manager reported the following resignation from the Fire Department: DANIEL M. HARRELL. The resignation was noted.

Several appointments to various Boards and Commissions were again deferred to the next regular meeting.

ON MATTERS OF INTEREST TO THE COUNCIL:

Mr. Plummer inquired about the left turn signal at the Country Club Dirve/ Ramsey Street intersection. City Engineer Bennett replied that State Highway Commission informed him that they are designing a completely new signal system for Ramsey Street, and they do not desire, at this time, to do any partial work.

Mr. Plummer also asked about the change in speed limit signs on Ramsey Street from the Coca Cola Plant to Cumberland Street. City Engineer Bennett replied that Council's action in changing the speed limit along this segment of Ramsey Street requires a concurrance by the State Highway

Commission. This must be received before any change is made, and they have not to date advised the City of such action.

Thereafter, all matters of interest having been completed, the Meeting was adjourned at 10:00 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 23, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members - Vardell Godwin, Beth Finch, Gene Plummer, Marion George, Glen Kelly, and Harry Shaw.

Others Present: J. Guy Smith, Jr., City Manager
Rudolph G. Singleton, Jr., City Attorney
Monroe E. Evans, Public Works Commission
Ray A. Muench, Public Works Commission

Mayor Lee called the meeting to order and the Reverend Robert F. Moore, Pastor, Christ United Methodist Church offered the invocation.

Mayor Lee called on Kevin Spears, local Soap Box Derby Race winner, to lead the assembly in the Pledge of Allegiance to the Flag.

Mayor Lee then recognized Mr. Mason Hicks, former member of of the Joint Planning Board, and presented him with a framed copy of the City's Certificate of Appreciation in recognition of his many years of service to the community as a member of this board. Mayor Lee then recognized Fireman Robert Tart, and presented him with a 15 - year service pin. Mayor Lee then presented a pin to young Kevin Spears; congratulated him on his victory, and wished him luck in the big race at Akron, Ohio. Mayor Lee also displayed Kevin's impressive trophy for the audience to see. Mayor Lee also recognized Fayetteville Youth Council Members - Jan Churchwell; Gail Finch, and Mitchell Martin, present in the audience to observe Council proceedings.

Upon motion by Mrs. Finch, seconded by Mr. Plummer and carried unanimously, Minutes of the Regular Meeting of July 9, 1973, were approved as submitted by the City Clerk.

Public hearing was held as continued from July 9th on the annexation of an area located East and West of Rosehill Road. This hearing was continued at the request of Mr. Ron Hickman, representing Woodbine Development Corporation. Mr. Hickman was again recognized and stated that a throughfare is proposed to bisect the northwestern corner of the 131.74 acre tract. He stated further that he had contacted the City Manager and City Engineer, and that they had stated they will support the relocation of Rosehill Road through this property and will continue in the future to attempt to protect right-of-way when possible. Mr. Hickman requested confirmation from Council that Rosehill Road will be relocated through their tract, and further requested City participation in the development of the throughfare through their property, if and when it is relocated. There was no opposition present.

In response to inquiry, City Attorney Singleton ruled that the City may contract with the developer, but may not commit future Councils. The City Manager recommended that the Council protect the proposed right-of-way. Lengthly discussion followed. Mr. Shaw suggested that since they had not had time to study Mr. Hickman's request, that action be deferred, and that Council only consider the annexation matter at this time. He then offered motion for the adoption of an ordinance to extend the corporate limits of the City to include the foregoing area along the East and West sides of Rosehill Road, pursuant to petition. Motion seconded by Mrs. Finch and carried unanimously. The ordinance appears below:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE EXTENDING THE CORPORATE LIMITS TO INCLUDE AN AREA EAST AND WEST OF ROSEHILL ROAD. Annexation Ordinance No. 129. A copy of the foregoing ordinance is on file in the office of the City Clerk in Annexation Ordinance Book 1973.

Public hearing was held as continued from July 9th on the Initial Zoning to R10 and R15 Residential Districts of an area adjacent to Huntington Park. Mayor Lee stated that this matter was to have been returned to the Planning Board for readvertising before being considered again by City Council. No action was taken.

Public hearing was held on confirmation of the assessment roll on the paving and other improvements of Randolph Avenue between the Wright property and the Johnson property. The Manager read into the minutes a certificate from the City Clerk that all property owners had been mailed a notice of this public hearing. Mr. Ron Hailey, a property owner representing approximately 12 other property owners in the area and present in the audience, was recognized and expressed opposition to: 1) The increase in rate since the original petition was submitted. 2) The length of time in completion of the work, and 3) The segment left unpaved at the west end. He requested that the City Council complete the paving as petitioned for, absorb the cost of such paving, and treat their area as a subdivision, until the single lot at the west end of Randolph Avenue is annexed to the City. Mr. Reece Bullard, another property owner, was recognized and complained that the street right-of-way encroached into his property. The City Manager stated that although the street is shifted toward Mr. Bullard's property at that point, it is still within the 60 foot right-of-way. Concerning the unpaved portion, the City Manager stated that the Lee property was not in the City, but that the two lots opposite were. He recommended that Council authorize the paving of this short segment without a petition, with the City bearing the cost of the lot frontage, outside the City, and assessing the remainder of the cost to the two lots opposite. A public hearing would have to be held to accomplish this.

PRELIMINARY RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION, OF RANDOLPH AVENUE FROM LAW ROAD TO THE WESTERN MARGIN OF LOTS 15 and 16 (WRIGHT and PINER PROPERTIES). Resolution No. 1973-54.

Mr. Shaw introduced the foregoing resolution and moved its adoption, as recommmeded by the City Manager, and that a public hearing be held on the 13th day of August. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book 1973.

The City Manager stated that there is a tract on the East end of Randolph Avenue, on the South side, owned by Mr. Monroe Evans. An appraisal was made before and after the paving, and the appraisal states that there was little tangible benefit accruing to the Evans tract, as a result of the paving. However, administration is of the opinion that there is some benefit to be realized and recommended an assessment for this tract at the rate of $1.00 per linear foot.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF RANDOLPH AVENUE. Ordinance NS.#1973-41.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, including the City Manager's recommendation regarding the Evans property. Motion seconded by Mr. Kelly and carried unanimously at 8:59 p.m.. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS 1973.

Public hearing was held as published for the levying of assessments for the paving of Ashboro Street from Randolph Avenue to Woodclift Subdivision. The Mayor read a certificate from the Clerk stating that all property owners had received written notice of this public hearing. There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF ASHBORO STREET. Ordinance No. NS 1973-42

Mr. Plummer introduced the foregoing ordinance and moved its adoption at 9:01 p.m. Motion seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS 1973.

Public hearing was held as published on the rezoning from R5A Residential District to P2 Professional District or higher, of an area located at Village Drive between Friendship Drive and Owen Drive. Mayor Lee disqualified himself from discussion and voting on this matter, and requested Mayor Pro-tem George to assume the Chair.

Planner Mitchell stated that Planning Board recommended denial of this request. Attorney William Clark representing Valleydoah Corporation, was recognized and stated the reason for this petition for rezoning is for the location of a branch of Cape Fear Bank on the site originally intended for tennis courts, on the original plan. The tennis courts would be relocated further back into the Village Gate West Apartment complex. Mr. Clark stated that regarding their request for plan revision of Village Gate, which is scheduled for discussion later this evening, they will drop their plans for additional driveways on Village Drive. There was no opposition present to the proposed rezoning.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5A RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT VILLAGE DRIVE BETWEEN FRIENDSHIP DRIVE AND OWEN DRIVE. Ordinance No. NS 1973-43

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried. A copy of the foregoing ordinance is on file in the office of the City Clerk in ordinance Book NS 1973.

Mayor Lee then reassumed the Chair from Mayor Pro-tem George.

Council next gave consideration to a request from the Fayetteville Redevelopment Commission for the approval of a cooperation agreement for an urban renewal plan proposed by the LPA, known as Wilmington Road Neighborhood Development Program No. N.C. A-10 and Southeast Fayetteville Neighborhood Development Program No. N.C. A-7, and for the urban renewal plan and feasibility of relocation for Neighborhood Development N.C. A-7 and Southeast Neighborhood Development Program and feasibility of relocation for Neighborhood Development Program No. N.C. A-10 - Wilmington Road Neighborhood Development Program. Council recognized Mr. Charles Fairley, Executive Director of the Fayetteville Redevelopment Commission, who requested the adoption of a resolution approving the foregoing matters.

RESOLUTION OF THE CITY COUNCIL OF FAYETTEVILLE AUTHORIZING EXECUTION OF A COOPERATION AGREEMENT Dated JULY 23, 1973, BETWEEN THE CITY OF FAYETTEVILLE AND THE FAYETTEVILLE REDEVELOPMENT COMMISSION FOR WILMINGTON ROAD NEIGHBORHOOD DEVELOPMENT PROGRAM N.C. A-10. Resolution No. R 1973-54A.

Mr. Plummer introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly and carried; Councilman George voting no.

RESOLUTION OF THE CITY COUNCIL OF FAYETTEVILLE AUTHORIZING THE EXECUTION OF A COOPERATION AGREEMENT dated JULY 23, 1973, BETWEEN THE CITY OF FAYETTEVILLE AND THE FAYETTEVILLE REDEVELOPMENT COMMISSION FOR SOUTHEAST NEIGHBORHOOD DEVELOPMENT PROGRAM N. C. A-7. Resolution No. R 1973-54B.

Mr. Godwin introduced the foregoing resolution and moved its adoption, seconded by Mr. Plummer and carried; Mr. George voting no.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE NORTH CAROLINA APPROVING THE URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR NEIGHBORHOOD DEVELOPMENT PROGRAM # N.C. A-7 Resolution No. R 1973-55.

Mr. Kelly introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried; Mr. George voting no.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE NORTH CAROLINA APPROVING THE URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR NEIGHBORHOOD DEVELOPMENT PROGRAM N.C. A-10. Resolution No. R 1973-56.

Mr. Plummer introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried; Mr. George voting no. Copies of the foregoing resolutions are on file in the office of the City Clerk in Resolution Book 1973.

Upon motion by Mr. Plummer, seconded by Mr. George and carried unanimously, a public hearing was ordered published on the Rezoning from C1P Shopping Center District to C1 Local Business District of an area located on Raeford Road and Cambridge Street, pursuant to petition, for August 13, 1973, City Hall Council Chamber.

PLANNING BOARD MATTERS:

Council again gave consideration to Preliminary Subdivision review of Broadell Subdivision, Section 11, located West of Rosehill Road. Planner Mitchell stated that this matter was referred back to the Planning Board at the last meeting and is the plat involving the two cul-de-sacs of Corrinna Drive and Aileen Drive. The City Manager stated that the request of Council at that time was that the developer loop these two streets rather than leave them as cul-de-sacs of dead end streets. Planner Mitchell stated he had discussed Council's requests with the developer's Engineer, but the situation at present was at an impasse.

Mr. Shaw offered motion that the Council not accept any subdivision review procedures on this area unless the two cul-de-sacs are connected somewhere along their length. Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration of plan revision review of Village Gate West Apartments. Attorney William Clark was again recognized and stated that he did not wish to present this plat at this time. Planner Mitchell stated that the elimination of the two driveway entrances on Village Drive would require a re-hearing before the Planning Board.

Mr. Shaw offered motion that no action be taken on this matter, seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to a utility easement for an 8 inch sanitary sewer connection to T and T Mobile Home Park, located on McArthur Road. Planner Mitchell presented this matter, and stated that although the extension is requested, the proposed Mobile Home Park does not meet the requirements of Chapter 30 of the City Code.

Mr. Shaw offered motion that the requested extension not be allowed, seconded by Mr. Godwin and carried unanimously.

Council recognized Mr. Lindy Lott, developer of the foregoing Mobile Home Park, who was advised to contact the Planning Department concerning this park.

PUBLIC WORKS COMMISSION MATTERS:

Council recognized Commissioner Evans, who stated that item 5A on the agenda, an application for a 2 inch water connection to the existing water main in Camden Road for service to a five-unit Mobile Home Park, outside the City, had not been completed by the Planning Board as yet, and therefore, was not ready for presentation to Council.

Commissioner Evans next presented an application for a one inch water and four inch sanitary sewer connection to existing mains to serve new residence at lot 3 Hillendale Subdivision, outside the City, but he stated that it was not known by Public Works Commission if this lot was contiguous to the City limits. Mr. Shaw offered motion to refer this matter to the Annexation Review Committee, seconded by Mr. George and carried unanimously.

Council heard request from Commissioner Evans for approval of the purchase of a 15,000 GVW truck, utility body and aerial lift device from Power Equipment Company, the low bidder for $16,067.07.

Mr. Plummer offered motion, seconded by Mr. Shaw to accept the foregoing low bidder, as recommended. Motion carried unanimously.

Council next gave consideration to a request that the City install tile in a ditch running along the West side of Mr. Harvey Eason's property on Adams Street, without his being required to participate in the cost. Mr. Eason, nor his Attorney Mr. Ammons, were present.

Mr. Plummer offered motion that the foregoing request be denied, seconded by Mr. Shaw and carried unanimously.

Council next gave consideration for the City of Fayetteville to purchase property owned by Bryan Pontiac-Cadillac Company. The City Manager stated that the property consisted of two tracts on Alexander Street; tract one containing 1.62 acres and tract two consisting of 3.43 acres. These tracts are separated by a dedicated street, which could be withdrawn from the City system, and revert to

the property owners on each side. The City Manager presented proposals on tract one and tract two. The purchase price for tract one being $95,000.00 and the purchase price for tract two being $55,000.00. The Bryan's have agreed to sell both tracts to the City for a total of $141,000.00 with other considerations.

Following brief discussion, Mr. Plummer offered motion to accept proposal B for the purchase of tracts one and two. Motion seconded by Mr. Kelly and carried unanimously.

The City Manager reported the receipt of bids for the annual contract for tires, tubes, re-capping and batteries. He recommended the following:

Passenger tires and tubes be purchased from Corder-Vossler Co., Inc.
Truck tires and tubes - B.F. Goodrich Company
Tractor, Motor grader, Motorcycle tires and tubes - Corder-Vossler Co., Inc.
Re-capping - Corder-Vossler Company, Inc.
Batteries - Corder-Vossler Company and Graham Battery Company.

Mr. Godwin offered motion to accept the low bid recommended by Administration, seconded by Mr. Plummer and carried unanimously.

Upon motion by Mr. Plummer, seconded by Mr. Kelly and carried unanimously, Taxicab Driver Permits were approved for the following named: WILLIAM EDWARD MCNAIR JOHN H. MCNEILL CHARLES EDWARD MCNEILL WILLIAM B. HARDISON CLARENCE L. HINTON

Council next considered a Sunday Beer and Wine Sales Ordinance. City Attorney Singleton presented the matter. Attorney Singleton informed Council that until recently, some confusion had existed on the City's Beer and Wine Sale Ordinance. A recent decision had been handed down by the Court of Appeals against the City of Greensboro. We have all been under the opinion, concurred in by the Attorney General, that the City has recently had no right to regulate Sunday afternoon sale of Beer for those establishments having Class A restaurant status and brown-bagging licenses. In addition, there has been confusion regarding special occasion permits. For these reasons, the Sunday ordinance prohibiting the sale of beer has not recently been enforced.

Mr. Singleton stated he had received a copy of the opinion from the North Carolina Court of Appeals of the case of Hursey vs. The Town of Gibsonville. This opinion modifies a superior court judgment and allows the governing bodies of all Municipalities and Counties in North Carolina to have full power and authority to regulate and prohibit the sale of malt beverages and wine from 1:00 p.m. on each Sunday to 7:00 a.m. on the following Monday. The opinion declares unconstitutional a limitation upon the authority of municipalities and counties regarding their authority to regulate and prohibit sales from establishments having special licenses or permits as being an unreasonable distinction and discriminatory.

The North Carolina General Statutes, which control when in conflict with City ordinances, now prohibit the sale of beer and wine after 1:00 a.m. on Sunday (except during daylight saving time, when the progibition is an hour later, or 2:00 a.m.) and 1:00 p.m. on Sunday. Therefore, unless there is a prohibiting municipal or county ordinance, beer and wine may be lawfully sold between the hours of 1:00 p.m on Sunday and 1:00 a.m. the following Monday (or 2:00 a.m. during daylight saving time).

Thus, under the existing City ordinance the applicable General Statute (GS 18A-33) it is now unlawful within the City of Fayetteville to sell beer and wine between the hours of 1:00 a.m. on Sunday and 7:00 a.m. on the following Monday, except that during daylight saving time the applicable prohibition is 2:00 a.m. on Sunday. In order to bring our ordinance in conformity with the State Statute, I am suggesting that Section 16 of Chapter 5 of the City Code be amended as attached.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 16 OF CHAPTER 5 OF THE CITY CODE. Ordinance No. S 1973-10.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book S 1973.

Council next considered a Sub-grant application for Community Services unit of the Police Department. Council recognized Assistant City Manager William Thomas, who offered recommendation that Council approve a resolution authorizing the City Manager to apply for a sub-grant from the Department of Natural and Economic Resources, State of North Carolina, for second year funding for the Community Services unit of the Police Department. The funds involved are for continuing salary and operation costs, plus the salaries of two additional patrolmen. The cost to be realized by the City amounts to $8,306.00.

A RESOLUTION OF THE CITY OF FAYETTEVILLE APPLYING FOR A SUBGRANT FOR THE COMMUNITY SERVICES UNIT OF THE POLICE DEPARTMENT. Resolution No. R 1973-57.

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly and carried unanimously.

Council next considered the appointment of the City Finance Officer as a member of the Fayetteville Fireman's Relief Fund. The City Manager reported that by state law, duties of the City Treasurer are now imposed upon the City Finance Officer, and State law requires the governing body of the City of Fayetteville to appoint the Treasurer of the City to the Board of Trustees of the Fayetteville

Fireman's Relief Fund.

Mr. Plummer offered motion, seconded by Mr. Kelly that the Finance Officer be appointed to the Fayetteville Fireman's Relief Fund. Motion seconded by Mr. Kelly and carried unanimously.

Appointments to the Human Relations Commission and Citizens Advisory Committee were again deferred.

Upon motion by Mr. Plummer, seconded by Mr. Godwin and carried unanimously, the following named was reappointed as an alternate member of the Board of Adjustments for a period of three years; said term expiring in July, 1976 - JOHN BUIE.

There were no delegations present.

CITY MANAGER REPORTS:

Upon motion by Mr. Plummer, seconded by Mrs. Finch and carried unanimously, the following named were appointed to fill vacancies within the Police Department: PHILIP CANNADY WILLIAM RUSSELL CRANFORD LEX ALLEN WATSON II RAYMOND JOHNSON ORVAL LEE COX, JR. DONALD JOSEPH LIZOTTE.

Upon motion by Mr. Plummer, seconded by Mr. Godwin and carried unanimously, the following named were appointed to fill vacancies within the Fire Department: LESTER M. ANDERSON ROBERT M. BUNDY AUGUSTUS C. JACOBS DANIEL NORTON.

The City Manager reported the resignation, from the Police Department, of the following named: NEIL A. MONROE. The resignation was noted.

The City Manager reported that the Department of Housing and Urban Development has certified the City as being eligible for National Flood Insurance benefits, as a result of Council's action at the last meeting. This means that now local insurance people can give coverage if they like.

ON MATTERS OF INTEREST TO CITY COUNCIL:

Mr. Shaw urged that publicity be given to the Flood Insurance Program, since this protection is needed, and it has not been available in the past. The City Manager indicated that he would do this.

Mr. Shaw then stated that in view of the controversy on I-95, and the fact that the news media has asked each member of the Council to make a statement to them, he thought that rather than just make it to the news media, that perhaps, it should be made to the general public. Mr. Shaw then asked Mr. George to read a statement in his and Mr. George's behalf. Mr. George stated that a question from a Fayetteville Observer reporter was, if he felt now that the Chamber of Commerce had withdrawn its support on the I-95 Committee, concerning the thru-city route, that the City Council should do likewise, that is, should the Council withdraw its support from the thru-city route.

Mr. George reported that he gave the reporter the following statement this afternoon: "I do not recall the City Council having endorsed either or any route for I-95 as implied by your question this morning. I have checked an excerpt from our meeting of November 8, 1971, which substantially supports my recollection as follows: 'Some person or persons allegedly from the I-95 Committee of the Chamber of Commerce, appeared before the City Council and requested endorsement of a court appeal decision, which according to him or them, would be decided in a relatively short time, and that the City Council acting favorably on that request, on the basis of what I have read, and heard, the I-95 Committee of the Chamber of Commerce, as such, does not now exist, and the appeal decision sought has been handed down. On the basis of my recollections of the facts, I'm of the opinion that City Council action is unnecessary'."

Mayor Lee then read the reply that he was going to give Mr. Pharr of the Fayetteville Observer: "The action of the City Council of November, 1971, was to support the appeal of the I-95 Committee. That appeal has now been taken and the public hearing held. Now, the Council should await the review of the North Carolina Department of Transportation and the U. S. Department of Transportation."

Mr. Shaw then stated that he has always felt that City Council should take any stand on this matter, one way or the other, but, he was of the opinion that Council should take a firm stand on the safety of the people as they travel this segment of highway, and that the Highway Department has been remiss in their safety requirements on this segment of highway, and suggested that the State Transportation Board and the Highway Department use its funds and expertise to make this segment of 301, that is now in dispute, the safest segment of highway that they possibly can. This segment of highway was designed by the State; is maintained by the State, and it is their responsibility to make it as safe as possible. The fact that it runs through the City of Fayetteville should make no difference to the Highway Commission. He then offered motion that the City Council go on record, asking the new State Transportation Board to do anything within their power, to make this segment as safe as they possibly can, and that a letter be written to the State Transportation Board to this effect; signed by the Mayor, and endorsed by all of the members of the City Council. Motion seconded by Mr. Plummer and carried unanimously.

Mayor Lee announced the appointments, to the Ad hoc Committee on the Police Chief applications, of Councilmen Plummer and George and himself, to do the initial screening of the applicants for the position of Chief of Police. Council will be informed concerning this at the appropriate time.

Mayor Lee also appointed the following named to the Committee to study the drug situation and report back to Council. Council Members: Finch and Kelly, L. F. Worrell, Mr. William McK. Monroe,

Dr. C. Mason Quick and one other still to be decided. Mayor Lee stated he will Chair this Committee. Hopefully a report will be back to Council shortly.

Thereafter, all matters of business having been completed, the meeting was adjourned at 10:25 p.m., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBERS
AUGUST 13, 1973
8:00 P.M.

Present: Mayor Jackson F. Lee

Council Members - Vardell Godwin, Beth Finch, Gene Plummer, Marion George, Glen Kelly, and Harry Shaw.

Others Present: J,. Guy Smith, City Manager
Ocie F. Murray, Acting City Attorney
Thurman Williams, PWC
Ray Muench, Jr. , PWC

Mayor Lee called meeting to order and the Rev. Randy F. Robbe, Assistant Pastor of St. James Lutheran Church, offered the invocation. Fayetteville Youth Council Member, Larry Fleishman, led the assembly in the Pledge of Allegiance to the Flag. Mayor Lee extended thanks to Rev. Robbe and Larry Fleishman and welcomed Rev. Robbe as a newcomer to the city. Mayor Lee recognized Fayetteville Youth Council Representatives Cary Caroll, Larry Fleishman, and Rob Shaffer.

Mr. George offered motion, seconded by Mr. Godwin for approval of Minutes of the Regular Meeting of July 23, 1973. Motion was carried unanimously.

A public hearing had been published for this date and hour for paving a segment of Randolph Avenue from Law Road to existing paved end of Randolph without petition. Mayor Lee read a certificate from the City Clerk stating that all property owners had received due and proper notice of this hearing. Mr. Robert McCollum, a property owner of corner lot on Randolph Avenue and Law Road was recognized for himself and wife in opposition to the proposed paving. Brief discussion followed:

FINAL RESOLUTION ORDERING THE PAVING WITHOUT A PETITION OF RANDOLPH AVENUE . RESOLUTION NO. R. 1973-58.

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried by the following vote: for: Mr. Shaw, Mr. Godwin, Mr. Kelly; against: Mr. Plummer, Mr. George, and Mrs. Finch. The motion carried with Mayor Lee casting the deciding vote in favor of. The foregoing resolution is filed in the City Clerk's office in Resolution Book #R_1973.

A public hearing had been published for this date and hour on the rezoning from C1P Shopping Center District to C1 Local Business District of an area located at Raeford Road and Cambridge Street. Planning Board recommended denial. Attorney Duane Gilliam, representing the petitioner, was recognized and stated that his client desired to build a resturant at this site. There was no opposition present.

Following brief discussion, Mr. Godwin offered motion to follow recommendation of Planning Board and deny the rezoning, seconded by Mrs. Finch and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C1 Local Business District, or to a higher classification, of an area located at 806 Hay Street between Woodside Avenue and CBD Loop. Planning Board recommended P2 District zoning. There was no opposition present. However, the Mayor stated that he had received a telephone call from a property owner in the area opposed to the rezoning. Mr. James C. Lynch, the petitioner, was recognized.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 806 HAY STREET BETWEEN WOODSIDE AVENUE AND CBD LOOP. ORDINANCE NO. NS 1973-44

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. George, and carried; Council Members, Plummer, and Finch voting against. The foregoing ordinance is on file at the City Clerk's office in Ordinance Book # NS-1973.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to C3 Heavy Commercial District, or to a higher classification, an area located at 1825 Pamalee Drive between Mintz Pond and Murchison Road. Planner Sutton stated that the Planning Board had no recommendations to make on this petition due to double tie votes in favor of and against. There was no opposition present.

Following brief discussion: Mr. Shaw offered motion, seconded by Mr. Plummer, that foregoing petition be denied. Motion carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to R6, R5A and R5 Residential Districts, or to a higher classification, an area located at Ravenhill Drive, Winding Creek Road and Executive Place. Planning Board recommended R6 for Tract NO. 1 and R5A for Tracts 2 and 3 as shown on the map.

Mr. Larry Thompson, the petitioner, was recognized and presented arguements for rezoning.

Dr. Kurt Sachs, of Edgewater Drive and a property owner in Vanstory Hills representing himself and approximately 20 other persons present were recognized in opposition to the rezoning. Attorney

Stacy Weaver, representing property owners in Vanstory Hills, was recognized.

Following brief discussion: Mrs. Finch offered motion that the rezoning be denied, seconded by Mr. Shaw. Council Member Kelly requested and received permission to abstain from voting on this matter.

Mr. Godwin offered substitute motion that the entire area under discussion be rezoned to R6 Residential District. Motion seconded by Mr. Plummer. Mayor Lee called for vote on the substitue motion and it failed by the following vote: for: Council Members Godwin and Plummer, Against: Mr. Shaw, Mrs. Finch, and Mr. George, and Mr. Kelly abstaining.

Mayor Lee called for vote on original motion and it carried by the following vote for: Mrs. Finch, Mr. Shaw, and Mr. George, Against Mr. Plummer and Mr. Godwin, abstaining Mr. Kelly.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District and C3 Heavy Commercial District to P2 Professional District of an area located at 618-626 and 628 Mechanic Street. Planning Board recommends approval. There was no opposition present.

Following brief discussion: Mr. Plummer offered motion to deny the petition for rezoning, seconded by Mr. Shaw and carried unanimously.

A public hearing was held as published for this date and hour on the rezoning from R5 Residential District to M2 Industrial District, of an area located at the intersection of Grove Street and North King Street. Planning Board recommended approval. Mr. Charlie Dawkins was recognized in favor of rezoning. Mrs. Frances Lee, representing herself and other residents in the area recognized in opposition.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. George to deny the foregoing petition for rezoning. Motion carried unanimously.

Council next gave consideration to the setting of public hearings on several rezoning matters and on a petition to close Alton Street as a public thoroughfare.

Attorney Richard Wiggins recognized on a request that his client's petition for rezoning on a area located South of Bragg Blvd. and west of Summertime Road be considered at separate hearings. (Agenda Item 3-B)

Attorney Duane Gilliam again recognized with a request that his client's zoning petition be published for R15 instead of R10 for Summertime Road. (Agenda Item 3-C)

Mr. Shaw then offered motion, seconded by Mr. Kelly that public hearings be set for the following matters at the meeting on Sept. 10, 1973:

A. Amendment of zoning ordinance to permit antique shops as a conditional use in the P2 Professional District.

B. Initial zoning to R10 Residential District or to a higher classification, of an area located at Pamalee Drive and Gary Street.

E. Initial zoning to R10 Residential District of an area located at 523 Law Road.

F. Initial zoning to C3 Heavy Commercial District, or to a higher classification, of an area located on Sycamore Dairy (Yadkin) Road.

G. Initial zoning to R5A Residential District, or to a higher classification, of an area located at Blanton Road, Stansfield Street and Calla Circle.

H. Initial zoning R10 Residential District, or to a higher classification, of an area located on Rosehill Road at Rose's Lake.

I. Rezoning from R10 Residential District to R5 of an area located on Dunn Road.

J. Rezoning C1P Shopping Center District to C1 Local Business District of an area located on Murchison Road between Jasper and Bullock Streets.

K. Rezoning from R6 Residential District to C1 Local Business District of an area located at 2108 Rosehill Road.

L. Closing of Alton Street.

On Mr. Wiggins request for separate hearings, Council, upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, voted to delineate the areas for initial zoning to C3 and R5A, or to a higher classification, of an area located South of Bragg Blvd. and west of Summertime Road and set Public Hearings on both matters for Sept. 10, 1973.

On Mr. Gilliam's request, Mr. Plummer offered motion, seconded by Mr. Godwin to advertise this matter for R15.

Mr. George offered substitute motion on Mr. Gilliam's request that public hearing be set for Sept. 10, on initial zoning to R10 Residential District, or to a higher classification, of an area on Summertime Road. Motion carried, Council Members Godwin and Plummer voting no.

PLANNING BOARD MATTERS:

Upon motion by Mr. Godwin, seconded by Mrs. Finch and carried unanimously, preliminary subdivision and Group Development review was given Berkshire Apartments located on Berkshire Road as recommended by Planning Board.

Council next gave consideration to plan revision review of Village Gate West group development located on Village Drive between Owen Drive and Robeson Street. Planning Board recommended conditional approval of the revised plan subject to the follow condition that a stubout be provided on Turtlepoint Road as requested by City Engineer.

Mr. Shaw offered motion for approval of foregoing plan revision of Village Gate West as recommended by the Planning Board and the stubout provision as requested by City Engineer. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to preliminary subdivision review of W. C. Coleman Mobile Home Park located on Murchison Road between Waddell Drive and Preston Drive. Planning Board recommended approval subject to two conditions: (1) that a plat be prepared, and that 10 feet of additional right-of-way on Murchison Road be dedicated for public use, and (2) that drainage easements within the mobile home park be dedicated to the city.

Mr. Shaw offered motion for preliminary subdivision approval of foregoing mobile home park, subject to the conditions outlined, and that a turn-around be provided at the end of street as recommended by City Manager and to be approved by City Engineer. Motion seconded by Mrs. Finch and carried unanimously.

Council next gave consideration to a utility extension for an 8-inch sanitary sewer connection to T & T Mobile Home Park located on McArthur Road. Attorney Carl Barrington, Jr. was recognized for developer and stated that the mobile home park plans now conforms with Chapter 30 of City Code. This was confirmed in a memorandum to the developer from Al Mitchell, Director Of Operational Planning, Joint Planning Board.

Mr. Plummer offered motion for approval of foregoing sanitary sewer connection as recommended, seconded by Mr. George, and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS:

Council recognized Mr. Thurman Williams, PWC Chairman, on a request for approval of a bid for the trade for a 25,500 pound GVW truck cabin chasis with a corner-mount derrick and a line construction body to be purchased from Utilities Service, Inc. for their bid of $27,618.92

Mr. Plummer offered motion, seconded by Mr. Godwin for approval of foregoing bid as requested. Motion carried unanimously.

Upon motion by Mr. Godwin, seconded by Mr. Plummer and carried unanimously, an application by Mr. Dewey K. Strother for a 4-inch water connection to the existing main in Vineland Drive outside the city to serve a 4 unit apartment building was approved as recommended by PWC.

Council next gave consideration to a request for water and sewer from Mr. Louis A. Benson to serve his new residence under construction at Lot 3, Clearwater Drive, Hillendale Subdivision contiguous to the City Limits.

City Manager informed council that Annexation Study Commissions has recommended to Planning Board and Council that this one lot be annexed although it is usually undesirable to annex one small lot on a street where other properties are outside the city. Under the circumstances in Hillendale, we believe this property should be annexed which would be a point from which expansion can begin. Water and sewer are available to this lot as is true for lots 1, 2, and 4. Lot 4 is being serviced by water and sewer and the owner was not required to annex. Mr. Benson would like to be served, but not annexed until a later area is brought in with all services provided by the city. City Manager recommended that water and sewer be allowed if Mr. Benson would sign annexation petition.

Mr. Plummer offered motion to follow foregoin recommendation of City Manager and grant request for water and sewer to Mr. Benson. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to the relocation of Rosehill Road across a newly annexed area according to the Master Thoroughfare Plan. City Manager informed Council that some of the problems connected with this location still remain to be resolved with developer. The main problem requiring resolution is protection of right-of-way for such relocation in accordance with the Master Thoroughfare Plan. Mr. Ron Hickman was present for the developer and requested a decision on this matter from City Council this evening concerning the relocation plan. City Manager stated that his recommendation was still the same as orginally presented.

Following brief discussion: Mr. Shaw offered motion to follow recommendation of City Manager and request that Rosehill Road be extended according to Master Thoroughfare Plan. Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to the reassignment of the CATV Franchise from American Television and Communication Corp. to American Cablevision of Carolina Inc. This assignment would be to the subsidiary instead of the parent corporation. Council recognized Mr. Stacy Weaver, Jr.

representing Fayettville Cablevision Company and Mr. Dave King, General Manager of Fayetteville Cablevision Company. He stated that the purpose of reassignment is to get the operation under one "umbrella" for administrative and management purposes as well as for tax purposes. Mr. King stated to Council that this same type of reassignment was being taken in many cities in North Carolina. Mr. King stated further that there would be no transfer whatsoever of any of the rights and privileges that are presently enjoyed under the existing franchise to any foreign company.

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF FAYETTEVILLE CONSENTING TO THE ASSIGNMENT OF A FRANCHISE FOR COMMUNICATION ANTENNA TELEVISION SERVICE IN CITY OF FAYETTEVILLE FROM AMERICAN TELEVISION AND COMMUNICATIONS CORP. TO AMERICAN CABLEVISION OF CAROLINA INC. ORD. No. NS-1973-45

A copy of this ordinance is on file at the City Clerk's Office in Ordinance Book No. NS-1973.

Mr. Plummer introduced the foregoing ordinance and moved its adoption. Motion seconded by Mr. George and carried unanimously on first reading.

City Manager reported that he had received request from State Department of Transportation (Former State Highway Commission) that city change the speed limit along Ramsey Street from 35 m.p.h from Rowan Street to SCL Railroad underpass and from 45 m.p.h. from SCL underpass to Tokay Drive to 35 m.p.h. from Rowan Street to Wall Street and 45 m.p.h. from Wall Street to Longview Drive.

Following brief discussion: Mr. Plummer offered motion for the adoption of an ordinance amending traffic schedule #8 Speed Control of city code as requested by State Department of Transportation. Motion seconded by Mrs. Finch and carried unanimously. The ordinance title appears below:

AN ORDINANCE OF CITY COUNCIL AMENDING THE ORDINANCE ON TRAFFIC SCHEDULE #8-SPEED CONTROL. ORDINANCE NO. NS-1973-46.

A copy of foregoing ordinance is on file at the City Clerk's Office in Ordinance Book No. NS-1973.

City Manager reported on a revision to the Planning Board Work Program. The matter was presented in a memorandum from City Manager to Council for information. No action was requested or taken.

Appointments to the Human Relations Advisory Comission and Citizens Advisory Commission were again deferred.

There were no delegations present.

CITY MANAGER REPORTS:

City Manager reported the following resignations from Fire Department: Richard A. White, Peter E. Lavin, and P. Allen Stephens. Resignations were noted.

City Manager reported on the newspaper recyling test. He stated that it was too early to form definite conclusions. At the present time, expenses exceed revenues. He reported further that those who are participating in the program are co-operating by tieing newspapers in bundles and placing them alongside curbs.

City Manager reported that a request had been received from Mrs. Dorothy Hutaff for city participation in piping of storm water from DeVane Street across her property into a large canal located on the east side of property at the existing policy of 50% of cost. A 30-inch diameter pipe is required. City Manager recommended that Council authorize this project with the city bearing 50% of the cost and that the contract be awarded to Crowell Constructors Inc. on the basis of their low bid of $6,023.

Mr. Plummer offered motion for approval of foregoing request and that the city participate in the amount of 50% as recommended. Seconded by Mr. Kelly and carried unanimously.

City Manager reported in a memorandum to Council on other areas with drainage problems in the city. This was presented for information and no action was requested or taken. City Manager reported further that cost data and recommendations on various locations would be reported at a later date.

MATTERS OF INTEREST TO COUNCIL MEMBERS:

Mr. Plummer asked about the parking lot on the former Breece property. City Manager stated that City Engineer was close to the point of receiving bids.

Mrs. Finch asked about Incentive Pay Plan for Police and Fire Departments. City Manager stated that he had plans and studies of two other cities at the present. A report and recommendation would be made shortly.

Mayor recognized and welcomed Mrs. Charlene Edge, secretary to City Clerk, replacing Mrs. Mary Mac Whitener who resigned.

Thereafter, all matters of interst having been completed, the meeting was adjourned at 11:00 p.m., upon motion made and duly seconded

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 27, 1973
8:00 P.M.

Present: Mayor Jackson F. Lee

Council Members: Vardell Godwin, Beth Finch, Gene Plummer, Glen Kelly, Marion George, Harry Shaw

Others Present: J. Guy Smith, City Manager
Rudolph Singleton, City Attorney
Robert Butler, PWC
Ray Muench, PWC

Mayor Lee called meeting to order and Major John Cole, Salvation Army, offered the invocation. The Pledge of Allegiance was led by Mark Kirby of The Fayetteville Youth Council. Mayor Lee recognized the following Youth Council members present to observe Council proceedings - Mark Kirby, L. C. Barbour, and Paul Arne.

Mayor Lee recognized Mr. L. F. (Skinny) Worrell, recently retired Chief of The Fayetteville Police Department, and presented him with a service pin in recognition of 35 years of service to The City of Fayetteville and the community. Mayor Lee commended Chief Worrell for his loyal service as a law enforcement officer. Following the presentation, Chief Worrell was accorded a vigorous round of applause from those assembled in Council Chamber.

Upon motion by Mr. Plummer, seconded by Mr. Godwin, and carried unanimously, Minutes of the Regular Meeting of August 13 were approved as corrected.

There were no public hearings scheduled for this meeting and no public hearings to be set.

PLANNING BOARD MATTERS

Council next gave consideration to an application for a 2-inch water connection to the Adkins Mobile Home Park on Camden Road being the property of J. C. Adkins. Planner Mitchell stated that the Planning Board does not recommend approval of the foregoing application because the proposed park does not meet the necessary code requirements dealing with minimum size, parking, drives, drainage, walk ways, lighting, recreation areas, and buffer zones. Council recognized Mr. Adkins on his application.

Following brief discussion, Mr. Plummer offered motion to follow recommendation of the Planning Board and deny this request. Motion seconded by Mr. Shaw.

Following further discussion, Mrs. Finch offered substitute motion that this matter be continued until Mr. Adkins and the Planning Board have a chance to get together again and go over the deficiencies item by item in an attempt to bring this proposed park into conformity with the code and then make the final decision on it. Motion seconded by Mr. Kelly. Mr. Plummer then withdrew his motion in favor of Mrs. Finch's substitute motion and Mayor Lee declared the substitute motion, the main motion. Mayor Lee then called for vote and the motion carried unanimously.

Council next gave consideration to an application for extension of sanitary sewer facilities to serve Tiffany Pines Subdivision, Section 1 off Rosehill Road and being the property of American Classic Industries, Inc. Planner Mitchell stated the Planning Board recommended approval for this extension subject to the review and approval of street construction plan for the proposed Shaw Road extension by the City Engineer. This street is designated as secondary arterial on the official Master Thoroughfare Plan. Mr. Mitchell then stated that the Planning Board had reviewed the above application and found that the proposed subdivision would meet the standards of the City of Fayetteville except for the proposed Shaw Road extension. The difference is between the proposed construction plan compared with the Thoroughfare Plan requirements: (1) Maximum grade; (2) curb radius; (3) typical street cross-section planning. Mr. Mitchell then gave a history of this property subdivision.

Council recognized Attorney Al Cleveland representing the developer, American Classic. Council also recognized Mr. Jim Kizer, Engineer for Moorman & Little, Inc., the developer's consulting Engineer.

Following some discussion, Mr. Plummer offered motion for approval of the foregoing request for the extension of sanitary sewer facilities, seconded by Mr. Godwin.

Council Member Shaw then offered substitute motion to continue this matter to the next meeting. Motion seconded by Mrs. Finch and carried, Mr. Plummer voting no.

PUBLIC WORKS COMMISSION MATTERS

Council heard recommendation from Commissioner Butler for approval of an application by Bobby Lee McNair for one 1-inch water connection to an existing water main in Progress Street to serve a residence at 2231 Progress Street outside the City.

Mr. Plummer offered motion to follow the foregoing recommendation of PWC and approve the water connection as requested. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to an application by Mr. Diamond John Rattler for one 1-inch water connection to an existing water main to serve a residence at 2232 Progress Street.

Mr. Plummer offered motion to follow recommendation of PWC and approve the foregoing water connection as requested, seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to a second reading of the assignment CATV Franchise Ordinance. Attorney Stacy Weaver, Jr., representing Fayetteville Cablevision, was again recognized in behalf of this request for assignment of the franchise.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CONSENTING TO THE ASSIGNMENT OF A FRANCHISE FOR COMMUNITY ANTENNA TELEVISION SERVICE IN THE CITY OF FAYETTEVILLE. ORD. NO. NS-1973-45

Mr. Godwin reintroduced the foregoing ordinance and moved its adoption and passage on second reading. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration as to whether or not to appeal the decision of the local district judge regarding the Massage Parlor Ordinance. Council recognized City Attorney Rudolph Singleton, who reviewed the events which had transpired since Council public hearing on June 30 of several establishments which were in violation. Wednesday August 1: 20 persons arrested in Massage Parlor raid; Thursday August 2: Massage Parlor crackdown continued by police and sheriff deputies; Saturday August 4: Massage arrests blocked by orders; Thursday August 9: Massage Parlor ruling extended; Monday August 20: Judge rules order unconstitutional; Friday August 24: Next move uncertain in city Massage Parlor cases. Mr. Singleton stated that he understood the council was now awaiting a recommendation by him to appeal the decision. He stated that he had conferred this morning with District Attorney, Jack Thompson, and with Judge Maurice Braswell who wrote the order. Attorney Singleton said he was prepared after reading the order and studying the file to make a recommendation and he so recommended that Council appeal the order for the following reasons; the order in essence sets forth two reasons why the ordinance is unconstitutional (1) The ordinance is at variance with the state law and (2) that the order is unconstitutional. Mr. Singleton stated that he was of the opinion that if Council appeals the judge's order and it is reversed the present ordinance will stand, and if the judge's order is affirmed then the Supreme Court will give concrete guide lines which will enable us to draft an ordinance from another basis which would be constitutional.

Mr. Plummer offered motion to follow the foregoing recommendation of the City Attorney and appeal the order, seconded by Mrs. Finch and carried unanimously.

Council next gave consideration to a request from Mrs. I. H.Riddle, a local citizen, to be forgiven for street assessment interests. The City Manager presented details of the request in a memorandum to City Council.

Following brief discussion, Mr. Shaw offered motion that Mrs. Riddle's request be approved and that the interests be forgiven. Seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to a proposed ordinance prohibiting parking on the south side of Melrose Court. In a memorandum from City Engineer to the City Manager, the City Engineer stated that Melrose Road has a 37 Foot wide pavement and has recently become conjusted due to the overflow of parking from Cape Fear Valley Hospital. Numerous driveways have been constructed to serve medical facilities along the north side of Melrose Road between Owen Drive and Beverly Drive. These medical facilities generate numerous turning movements and parking close into the driveways cause a hazard to vehicles attempting to enter Melrose Road. It is recommended that parking be prohibited at all times on the north side of Melrose Road between Owen Drive and Beverly Drive and that parking be prohibited on the south side 60 feet on each side of driveway entrance center line to Cape Fear Valley Hospital which is located approximately 800 feet from center line of Owen Drive.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, SECTION 20-106 OF CITY CODE, TRAFFIC SHEDULE #11, PARKING PROHIBITED, MELROSE ROAD. ORD. NO. NS-1973-47

Mr. Shaw introduced the foregoing ordinance and moved its adoption as recommended by City Engineer. Motion seconded by Mrs. Finch and carried unanimously.

Council next considered the formation of ad hoc Committee to draft a proposed ordinance controlling erosion or sedimentation. The City Manager, in a memorandum concerning the Sedimentation Pollution Control Act 1973, informed Council that he had talked with Mr. C. D. Shimer, North Carolina Sedimentation Control Commission, Dept. of Natural Resources in Raleigh and discussed the pollution control act to determine the status and schedule of publishing guide lines. Mr. Shimer advised that the state needs as many local governments as possible to assist in sedimentation control. This would be accomplished through local ordinances and enforcement at the local level. He advised that the state would assist and support those local governments which would adopt and enforce ordinances controlling sedimentation. Following brief discussion, Mayor Lee appointed the ad hoe committee consisting of the following: City Manager, City Engineer, City Building Inspector, A member of the Planning Staff, A Local Developer, A Representative from County Government, A Representative from Fayetteville Beautiful, A Representative from Soil Conservation Service and a City Council Member.

The City Manager reported the receipt of bids for a comfort station for the Recreation Dept. The low bid of Super Secure in the amount of $6,474.00 was recommended.

Mr. Shaw offered motion, seconded by Mr. Kelly, to accept the foregoing bid of Super Secure as recommended. Motion carried unanimously.

Council recognized, Mr. Sol Rose, a private citizen and former City Councilman, who presented for Council consideration an alternate route to those already proposed for Interstate 95. Mr. Rose displayed maps indicating the route which lay between the present route and the eastern most route. Mr. Rose stated his investigation had revealed that this particular route had at one time been considered by the State Highway Commission. Mr. Rose stated that this route had five interchanges as opposed to eight for the eastern route, four overhead bridges as opposed to fourteen, and seven miles as compared to seventeen miles. Mr. Rose requested Council to make its own engineering survey of this proposed route and to give it serious study and consideration. Following his presentation, Mr. Rose answered questions put to him by the Council concerning this matter. Mayor Lee then thanked Mr. Rose for his suggestions and proposal.

Council again deferred appointments to the Human Relations Advisory Commission and the Citizens Advisory Commission.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager reported on a proposed railroad underpass on W. Russell Street. He displayed a drawing showing the proposed underpass which would run from Robeson Street on W. to Williams Street on the East and passing beneath the Seaboard Coastline Railroad.

Mr. Shaw offered motion that authorization be and is approved for the employing of a consultant on this matter. Motion seconded by Mr. Kelly and carried unanimously.

City Manager reported that the Langdon Street project had taken considerable time to get finished due to considerable holdups. A meeting had been held with the railroad people about the crossing where there are signal lights. Additional engineering had to be done by the city and changes made in order for railroad to relocate signal lights. Hopefully, bids will be received in approximately a week and contracts awarded by Council in 4 to 5 weeks.

Mayor Lee reported that the ad hoc Drug Study Committee had met on several occasions and offered the following recommendations for funding of the various agencies in this year's budget. The committee recommended that Council fund for this year only, The Joint Committee and the Friendship House (1) the Joint Committee to explore other sources of funds (state, federal, etc.) (a) check with the LEAA as one possible source of funds; (2) The Joint Committee should be more aggressive in seeking funds; (3) The Joint Committee is to report back to City Government and to other agencies and inform them what funds are available and what mechanics must be used to secure these funds; (4) The Joint Committee is to report periodically to the City Manager on its progress and the progress within the area (this is to be more comprehensive than as just a statistical report). In regard to the Friendship House, the committee recommends that they explore the integration of the staff and board to encourage more blacks to seek help.

Mr. Shaw offered motion to follow the foregoing recommendation for this year only that the Joint Committee and Friendship House be funded as part of the budget. Motion seconded by Mr. Kelly and carried unanimously.

MATTERS OF INTEREST TO THE COUNCIL

Mr. George inquired about the status of Jasper and Topeka Streets. The City Manager reported that parcels for securing appraisals were now being secured on these streets as well as on Turnpike Road.

Mr. Kelly asked about the poor condition of street markers in the city. The City Manager reported that these were being repaired and replaced periodically.

Mr. Plummer suggested the recision of two ordinances previously adopted by council: (1) No parking on N. King Street and the other pertaining to prohibition of signs between sidewalks and curbs on city right-of-way inasmuch as neither ordinance was being enforced. The City Manager was requested to secure copies of the ordinances and have them at the next meeting.

Mr. Shaw suggested that the proposed extension of Broadfoot Street across Turnpike Road into Commerce Street be restudied by City Engineer and a new recommendation brought back to Council at next meeting.

Thereafter, all matters of interest having been completed, the meeting was adjourned at 9:45 P.M., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPT. 10, 1973
8:00 P.M.

Present: Mayor Jackson F. Lee

Council Members: Vardell Godwin, Beth Finch, Gene Plummer, Glen Kelly, Marion George, Harry Shaw

Others Present: J. Guy Smith, City Manager
Rudolph Singleton, City Attorney
Monroe Evans, PWC
Joe Stowe, PWC

Mayor Lee called the meeting to order. The invocation was offered by the Rev. David R. Darnell, First Christian Church. The Mayor led the assembly in The Pledge of Allegiance to the Flag.

Mayor Lee recognized the following Youth Council Representatives present to observe Council proceedings: Mark Kirby, Brett Melvin, and Cindy Norris.

Mr. George offered motion for approval of The Minutes of The Regular Meeting of August 27, 1973. Motion seconded by Mr. Plummer and carried unanimously.

The City Manager introduced Mr. Bruce H. Robinson, the new Police Department Legal Advisor.

PUBLIC HEARINGS

A public hearing had been published for this date and hour on amending the zoning ordinance to provide for antique sales as a special use in a P2 Professional District. The purpose is to allow antique sales without outside displays. Planner Mitchell displayed slides of a former residence constructed about 1870 located at 804 Hay Street in which it is proposed to establish an antique shop.

Attorney Richie Smith, Jr. was recognized for the petitioner. There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE TO PROVIDE FOR ANTIQUE SALES AS A SPECIAL USE IN THE P2 PROFESSIONAL DISTRICT. ORD. NO. S 1973-11

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing Ordinance is on file in the City Clerk's Office.

A public hearing had been published for this date and hour on initial zoning to a C3 Heavy Commercial District or to a higher classification of an area located south of Bragg Boulevard and west of Summertime Road. Planning Board recommended denial of C3 zoning and recommended approval of R10 zoning.

Mr. Richard Wiggins was recognized for his client, a Wholesale Plumbing Supply Dealer, in favor of the C3 zoning.

Mr. Duane Gilliam, a property owner in the area, was recognized for himself and others in opposition. Following brief discussion, Mr. Shaw offered motion to continue decision on this matter (Item 3B) until we hear Item 3C only. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to initial zoning R5A Residential District or to a higher classification, of an area located south of Bragg Boulevard and west of Summertime Road. Planning Board recommended denial of R5A, but approved R10 for this area.

Attorney N. H. Person recognized representing his client, Mr. C. L. Howard, Jr., owner of a tract in this area. Mr. Gilliam, a property owner, was again recognized in opposition and requested R15 zoning. Approximately 12 persons were present in the audience also in opposition to R5A and in support of R15. Mr. Jim Nance was recognized representing his daughter, Nancy Lou Thomas, a property owner in the area also in opposition to R5A and in support of R15. Mr. Person was again recognized in rebuttal. Mr. George Herndon, Jr. was recognized as a property owner in the area opposed to R5A and in support of R15. Mr. Richard Wiggins was again recognized in rebuttal.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED SOUTH OF BRAGG BOULEVARD AND WEST OF SUMMERTIME ROAD. ORD. NO. NS-1973-48.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shaw and carried Mr. Kelly voting no. A copy of the foregoing ordinance is on file in the office of the City Clerk.

Council then returned to discussion of Item 3B.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED SOUTH OF BRAGG BOULEVARD AND WEST OF SUMMERTIME ROAD. ORD. NO. NS-1973-49.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried, Council Members Godwin and Shaw voting against. A copy of the foregoing ordinance is on file in the office of the City Clerk.

Council next gave consideration to initial zoning to an R10 Residential District, or to a higher classification, of an area located on Summertime Road which had been advertised for this date and hour. Planning Board recommended R15. There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R15 RESIDENTIAL DISTRICT AN AREA LOCATED EAST OF HUNTINGTON PARK AND IN THE VICINITY OF SUMMERTIME ROAD. ORD. NO. NS-1973-50.

Mr. Plummer introduced the foregoing ordinance and moved its adoption. Seconded by Mr. Shaw and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk.

Council next gave consideration to initial zoning to R10 Residential District, or to a higher classification, of an area located on Pamalee Drive and Gary Street. Planning Board recommended R10. There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON PAMALEE DRIVE AND IN THE VICINITY OF GARY STREET. ORD. NO. NS-1973-51.

Mr. Shaw introduced the foregoing ordinance and moved its adoption. Seconded by Mr. Plummer and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk,

Council next gave consideration to initial zoning to a C3 Heavy Commercial District, or to a higher classification, of an area located on Sycamore Dairy (Yadkin) Road. Planning Board recommended C1P zoning. There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY C1P SHOPPING CENTER DISTRICT AN AREA LOCATED SOUTH OF SYCAMORE DAIRY (YADKIN) ROAD. ORD. NO. NS-1973-52.

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Plummer and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk.

Council next gave consideration to initial zoning to an R10 Residential District, or to a higher classification, of an area located at 523 Law Road. Planning Board recommended R10. There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 523 LAW ROAD. ORD. NO. NS-1973-53.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk.

Council next gave consideration to initial zoning to R5A Residential District, or to a higher classification, of an area located on Blanton Road, Stansfield Street and Calla Circle. Planning Board recommended R5A. Mrs. Katie Bunce, a property owner in this area, was recognized in opposition to R5A and requested R10. Mrs. Thelma Blanton Overby, another property owner in this area, was recognized and requested a readvertising of this matter inasmuch as she was of the opinion the property description was in error. There as a brief discussion on this matter.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED IN THE VICINITY OF BLANTON ROAD, STANSFIELD STREET AND CALLA CIRCLE. ORD. NO. NS-1973-54.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried, Council Members Godwin and Shaw voting against. A copy of the foregoing ordinance is on file in the office of the City Clerk.

Council next gave considetation to initial zoning to an R10 Residential District of an area located on Rosehill Road at Rose's Lake. Planning Board recommended R10. There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED EAST AND WEST OF ROSEHILL ROAD. ORD. NO. NS-1973-55.

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Plummer and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk.

Council next gave consideration to the rezoning from R10 Residential District to R5 Residential District of an area located on Dunn Road, in the vicinity of Garvin Street and Farrell Avenue. Planning Board recommended denial.

Mr. Richie Smith, an Attorney, was recognized representing persons haveing an option on this land. Mr. Smith stated that Attorney Larry Thompson represented the developers but he is out of the country. Mr. Smith stated that developers did not intend to bring this matter before Council tonight for rezoning. Mr. Smith stated they desired to withdraw their petition for rezoning.

Mayor Lee stated that inasmuch as this matter had been advertised for public hearings and since there were people present who desired to be heard that he would recognize them.

Council recognized Mrs. Lou Buie, a property owner in the area, who stated that alot of people would be affected by this rezoning and that if the petitioner was permitted to withdraw his petition that he not be permitted to bring it back earlier than the time prescribed by law. If this is not possible, Mrs. Buie stated, then she and the other property owners present request that Council act on this matter tonight. Mr. Raymond Parker was recognized. Mr. Mack West was recognized in opposition.

Following brief discussion, Mr. Godwin offered motion to deny the foregoing petition for rezoning, seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to a petition for rezoning from C1P Shopping Center District to C1 Local Business District an area located on Murchison Road between Jasper and Bullock Streets. Plannning Board recommended C1 rezoning.

Council recognized Dr. G. L. Butler, the petitioner.

Council also recognized Sgt. Richard Bishop, United States Army, (retired) in opposition.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM C1P SHOPPING CENTER DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 2112 MURCHISON ROAD BETWEEN JASPER STREET AND BULLOCK STREET. ORD. NO. NS-1973-56.

Mr. George introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk.

Council next gave consideration to the rezoning from an R6 Residential District to C1 Local Business District of an area located at 2108 Rosehill Road. Planning Board recommended denial. City Manager reported that Mr. Robert Fulmore, the petitioner, had requested withdrawal of this petition. Mr. Elmer Floyd and Mr. James R. Walker and 6 other property owners present in the audience were recognized in opposition to the rezoning.

Councilman Kelly offered motion to deny the foregoing petition for rezoning, seconded by Mr. George and carried, Councilman Plummer voting against.

Council next gave consideration to a petition for the closing of Alton Street as a public thoroughfare submitted by Harold K. Cohen and John H. Green through their attorney Charles Rose, Jr. Mr. Rose was present and was recognized. There was no opposition present.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ORDERING THE CLOSING OF ALTON STREET AS A PUBLIC THOROUGHFARE. RES. NO. R 1973-59.

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to the setting of several public hearings. City Manager reported that a petition for rezoning and a petition for annexation had been withdrawn by the petitioners. A brief discussion followed concerning whether or not Council should consider the withdrawal of the petitions once they have been before the Planning Board.

Mr. Plummer offered motion, seconded by Mr. Kelly and carried, Mr. Shaw voting no, that public hearings be advertised for October 8, 1973 for the following matters:

A. Consideration of the rezoning from an R10 Residential District to a C1 Local Business District or to a higher classification of an area located between Helen Street and Van Buren Street on the north side of Pamalee Drive.

B. Consideration of a 100% annexation of an area owned by Mount Carmel Pentecostal Holiness Church of an area located between Cumberland Road and West Hudson Street.

C. Consideration of a 100% annexation of an area owned by the Cape Fear Petroleum Company of an area located on the southwest corner of Morganton Road and McPherson Church Road.

Concerning the withdrawal of the petitions for the public hearing, Mr. Godwin offered motion that once a matter has been acted upon by Planning Board that it come before City Council. Motion seconded by Mr. Shaw and carried unanimously.

PLANNING BOARD MATTERS

Council again considered an application for a 2-inch water connection to Adkins Mobile Home Park on Camden Road, owned by Mr. J. C. Adkins. Planner Mitchell stated that he had, in accordance with Council instruction, discussed with Mr. Adkins the various deficiencies. There now remain two deficiencies which can not be met for this park to be fully incompliance with the code.

These two factors being; minimum area and minimum number of units. Mr. Adkins was recognized on his request.

Following brief discussion, Mr. Shaw offered motion that the foregoing request be denied, seconded by Mr. Plummer and carried, Mr. Kelly voting against.

Council again gave consideration to an application for extension of sanitary sewer facilities to serve Tiffany Pines Subdivision, Section 1, off Rosehill Road and being the property of American Classic Industries, Inc. Planner Mitchell reviewed the memorandum sent to Council by Planning Board at the last meeting and stated that Planning Board recommended approval of this extension subject to review and approval of street construction plans for the proposed Shaw Road extension by the City Engineer. Mr. Harold Holshouser reviewed the development of his subdivision and of the street construction as it relates to the Master Thoroughfare Plan. A brief discussion followed: Mr. Godwin offered motion that the application for sanitary and sewer facilities extension to serve the foregoing subdivision be approved. Motion seconded by Mr. Kelly.

Following some further discussion, Mr. Shaw offered substitute motion to encompass the extension of sanitary sewer with the recommendations of the Planning Board concerning the street construction plan. Motion seconded by Mrs. Finch. Motion failed to carry by the following vote: Yes: Mr. Shaw, No: Mr. Godwin, Mrs. Finch. Mr. Plummer, Mr. George, and Mr. Kelly.

Mayor Lee then called for vote on the original motion for approval of the sanitary sewer facilities extension. Motion carried, Mr. Shaw voting against.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the preliminary subdivision review of Clairway Subdivision, Section II, located in an area off Village Drive at Fordham Drive was approved as recommended by the Planning Board.

Upon motion by Mr. Shaw, seconded by Mr. Plummer and carried unanimously, the preliminary group development review of Windtree Apartments located in an area south of Cliffdale Road and west of the proposed Owen Drive Expressway was deferred as recommended by the Planning Board.

Upon motion by Mr. Plummer, seconded by Mr. Kelly and carried unanimously, request for water and sanitary sewer extensions to the proposed Ascot Planned Neighborhood Subdivision, located in an area off Raleigh Road north of College Lakes Subdivision were approved as recommended by the Planning Board.

Following discussion of and action on the foregoing matter, Mr. Shaw offered motion that we have a PND Zone. Motion seconded by Mr. Godwin,

Mr. Plummer offered motion, seconded by Mrs. Finch that we continue this meeting due to the lateness of the hour to Wednesday afternoon. Motion failed by the following vote: Yes: Mr. Plummer and Mrs. Finch; No: Mr. Shaw, Mr. Kelly, Mr. Godwin, and Mr. George.

Councilman George offered substitue motion to Mr. Shaw's original motion seconded by Mr. Kelly that we continue the discussion of PND Zone. Substitute motion carried by the following vote: For: Mr. Kelly, Mr. George, Mrs. Finch, and Mr. Godwin, Against: Mr. Shaw.

Council again gave consideration of the preliminary subdivision revision and final subdivision approval for Broadell Subdivision, Section 11, owned by the Myers Development Company, Inc. Planning Board recommended conditional approval as follows: that the final plat carry a note stating that the building site of the lots shown in yellow (on the map) will be developed to a 121 foot mean sea level elevation.

Mr. Shaw offered motion for approval, seconded by Mr. Kelly and carried unanimously.

There were no Public Works Commission matters presented.

Council next gave consideration to a request from the Cape Fear Optimist Club that the city complete the payment of Tokay ball field lights originally sponsored by the club. The amount outstanding is $3,300.00. City Manager recommended in a memorandum to the Council that the Recreation Department be authorized to pay the $3,300.00 to Westinghouse Electric Supply Company as full and final payment on Tokay ball field lights.

Councilman Godwin offered motion, seconded by Mrs. Finch, that Recreation Department be authorized to pay the above amount as requested and as recommended by the City Manager. Motion carried unanimously.

Council heard recommendation from the City Manager for the purchase of 3 sub compact vehicles; One for the Recreation Department and two for the Police Department, and that two be purchased from Coates Motors (Gremlin Automobiles) at a cost of $2,366.30 each and a volkswagon from Valley Volkswagon at $2,580.91.

Mr. Kelly offered motion for approval of purchase of the foregoing automobiles as recommended by the City Manager. Motion seconded by Mr. Godwin, and carried unanimously.

Council heard recommendation from the City Manager for the purchase of a Massey-Ferguson #40 tractor for the Cemetery Department to be purchased from Cumberland Tractor Company for $5,091.60.

Mr. Kelly offered the motion, seconded by Mr. Shaw for acceptance of the foregoing bid of Cumberland Tractor Company and for the purchase of the tractor for $5,091.60 as recommended by the City Manager. Motion carried unanimously.

Council next gave consideration to the recision of an ordinance prohibiting vehicular parking on North King Street from Lee Street to Grove Street. City Manager stated that this ordinance was nearly unenforceable and that this matter was being brought before Council at the request of Mr. Plummer made at the last meeting.

Mr. George offered motion to continue this matter to the next regular meeting, seconded by Mr. Godwin and carried by the following vote; For: Mr. Kelly, Mr. George, Mr. Godwin; Against: Mr. Shaw and Mrs. Finch.

Council next gave consideration to ordinances requiring the City Building Inspector to correct substandard conditions by the removal of substandard structures.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARD CODE OF THE CITY - 415 BEVIL STREET ORD. NO. NS-1973-57.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE NORTH CAROLINA REQUIRING CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARD CODE OF THE CITY - 415½ BEVIL STREET. ORD. NO. NS-1973-58.

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. Copies of the foregoing ordinances are on file in the office of the City Clerk in Ord. Book No. NS-1973.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, Taxicab Driver permits were approved for the following named as recommended by Taxicab Inspector, Chief of Police, and City Manager: Todd Bankson Drachman, William Dawson Waugh, Peter L. Wagner, Larry Ray Smith, Alvin Timoth McKinney, Willie Stump, Clarence W. Finnie, Jr., George H. Gerald, Sr., Dennis LaVerne Adams, and Joe Ray Walker.

Upon motion by Mr. Godwin, seconded by Mrs. Finch and carried unanimously, the following named were reappointed to the Cumberland Community Action Program as Council Representatives for 1 year terms of office: Mrs. Thomas P. Iuliucci and Mr. William G. Thomas.

Mayor Lee stated that he would make an appointment to the Metropolitan Housing Authority at the next meeting.

Upon motion by Mr. Shaw, seconded by Mr.Kelly and carried unanimously, Mr. L. D. Byrd was appointed to the Human Relations Advisory Committee to complete the term of the Rev. Al Bean, resigned, said term expiring in March 1974.

There were no delegations present.

CITY MANAGER REPORTS

Upon motion by Mr. Kelly, seconded by Mr. Godwin, and carried unanimously, the following named were appointed to the Fire Department as recommended by the Civil Service Commission, Fire Chief, and City Manager: Russell Humphries, Worth B. Hall, Stephen M. Boyette, Stephen N. Horn, Larry E. Parker, and Paul R. Whitney.

The City Manager reported that 20 Police Department applicants would be presented to Council for consideration at the next meeting.

The City Manager reported the following resignations from the Fire Department: Benjamin E. Nichols and John Nance.

The City Manager reported the following resignation from the Police Department: W. A. Newson

The resignations were noted.

Thereafter, all matters of interest having been completed, the meeting was adjourned at 12 midnight, upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPT. 24, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members Present: Vardell Godwin, Beth Finch, Marion George, Glen Kelly, and Harry Shaw

Others Present: William Thomas, Assistant City Manager
Rudolph Singleton, City Attorney
Joe Stowe, PWC
Thurman Williams, PWC

Council Member Absent: Gene Plummer

Others Absent: Guy Smith, City Manager

Mayor Lee called the meeting to order. The invocation was offered by the Rev. Gardner Altman, Calvary Assembly Church. Fayetteville Youth Council Representative L. C. Barbour led the assembly in the Pledge of Allegiance to the Flag.

Mayor Lee also recognized the following Youth Council Representatives present to observe Council proceedings: Mark Kirby and Rodney Matthews.

Council, upon motion by Mr. Godwin, seconded by Mrs. Finch, and carried unanimously approved the Minutes of the Regular Meeting of September 10, 1973.

The first order of business was the consideration of several Public Works Commission Matters. Council recognized Public Works Commissioner Thurman Williams on a request for approval of the amended PWC budget for the fiscal year 1973-74. Commissioner Williams stated that the amendments were necessary to comply with statutory requirements that the electrical system budget be itemized separate and apart from the water and sewer budget. Also provisions had been made for purchase of a right of way clearing machine.

Mr. George offered motion for approval of the amended budget as requested and that the Mayor and City Clerk be and they are hereby authorized and directed to sign said budget for the city. Motion seconded by Mr. Kelly and carried unanimously.

Upon motion by Mr. Shaw, seconded by Mr. Godwin, an application by Mr. R. D. Johnson for one 1-inch water and one 4-inch sanitary sewer connection to existing mains to serve a residence at 114 West Hudson Street outside the city was approved by unanimous vote of the Council.

Upon motion by Mr. Godwin, seconded by Mrs. Finch, and carried unanimously, an application by Mr. James H. Gilbert for a 4-inch sanitary sewer connection to an existing sanitary sewer main to serve a furniture store at 3720 Bragg Boulevard outside the city was approved.

Commissioner Williams informed Council that the City Manager and Public Works Commission Manager had met recently with Mr. Harlan Boyles, Executive Director of the Local Government Commission in Raleigh, regarding a proposed Bond Issue for expansion of the Hoffer Water Plant from 8 to 16 million gallons daily and construction of ground storage facilities for 12 million gallons of treated water. Mr. Boyles indicated there would be no problem of approval of said bond issue by the Local Government Commission and suggested that Public Works Commission and the City of Fayetteville consider a bond issue of $6.5 million rather than 5 million dollars in order to provide for the possibility of increased cost of the project over current estimated cost when bids are received for the work. Any bond funds not needed for the project would not be sold. The Local Government Commission concurred that February 1974 would be the most favorable time for a Bond Referendum. Commissioner Williams stated the PWC requests that the City Manager and City Attorney be authorized to begin prodeedings with the bond attorneys for such bond election in the amount of $6.5 million in February 1974.

Mr. Shaw then offered motion for approval of the foregoing $6.5 million Bond Referendum and that such referendum be held during the first six months of 1974 and that the City Manager and the City Attorney be authorized to begin proceedings with the Bond Attorneys for such bond referendum. Motion seconded by Mr. Kelly and carried unanimously. This concluded PWC Matters and Mr. Williams and Mr. Stowe were excused from the meeting.

Council next recognized Mr. Charles W. Fairley, Executive Director of the Fayetteville Redevelopment Commission, on a request for approval and authorization for the execution of contracts for the disposition of 7 Residential Parcels and 1 Commercial Parcel in the Murchison Road Redevelopment Area. The bidder for the 7 Residential Parcels was Northill Homes of Fayetteville Inc. The bidder for the 1 Commercial Parcel was Mr. Stephen Rogers.

Following brief discussion, Mrs. Finch offered motion that Council concur in the execution of a contract to be signed by the Mayor and City Clerk for the city for the disposition of this land as specified and as requested by the Redevelopment Commission. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration on whether to proceed with the drafting of an ordinance amending the City Zoning Ordinance by adding a Planned Neighborhood District. In a memorandum to the

Council from the City Manager, he stated that there are several area contiguous to the city in addition to potential satellite areas which Council may wish to consider for annexation which may have been zoned by the county as Planned Neighborhood Districts. The developer may have arranged financing and general design on that basis and may feel that he must resist annexation because there is no zone in the city.

If, the City Manager continued, after examining the PND attachment to the memorandum, Council may wish to proceed or if Council has any changes it wishes to make, the City Attorney could be requested to draft a proposed ordinance and proceed with the same steps required for amending the zoning ordinance. The first step would be to send the proposed ordinance to the Planning Board.

He also recommended that Council approve all plans in the same manner that it now makes preliminary and final review decisions of Group Development. He stated he did not believe this approval should be delegated to the Planning Board.

Council then proceeded to discuss this matter at some length with Planner Mitchell from the Planning Department.

Mr. Shaw offered motion that Council proceed on this matter as outlined by the City Manager with the stipulation that Council see the draft of the proposed ordinance, going to the Planning Board prior to its submission to the Planning Board for their approval. Motion seconded by Mr. George with the further stipulation that final decision concerning the implementation of this PND be reserved by the Council for itself and that the recommendation come from the Planning Board as is now followed in all other zoning matters. Mayor Lee then called for a vote on the foregoing motion and it carried unanimously.

Council next gave consideration to a request for the release of interest on a Street Assessment which was improperly assessed against a piece of property located on Thelbert Drive. In a memorandum to the City Manager, the City Engineer stated that in March 1966 an assessment roll for this street was approved by the City Council. An error was made on this assessment roll. The property owner of Lot 5, Block J was not billed until recently. The original assessment was in the proper amount of $353.54 but now has accumulated interest of approximately $155.00. The Tax Collector is, of course, concerned about the $155.00 interest and had asked that City Engineer advise the error originated on the assessment roll.

In a memorandum to the City Council, the City Manager stated that information was that the assessment was made through error in the name of James McNeill who did not own the property. The property is owned by a Mr. Simon Melvin. Bills and notices concerning this assessment were mailed incorrectly to Mr. McNeill who apparently ignored them. The City Manager recommended that the interest be released provided Mr. Melvin pays the principal amount due on this assessment on or before October 30, 1973 and declare his intention to do so. If he does not pay the principal by some given time, Council would need to start over again with a legal procedure to assess the property so that interest will be collected in the future.

Following brief discussion, Mr. George offered motion, seconded by Mr. Shaw for the adoption of a resolution that interest on this matter be forgiven but that Mr. Melvin pays the principal on or before Ocotober 30, 1973 and declare his intention to do so. Motion carried unanimously. The resolution title appears below:

A RESOLUTION O THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DELETING INTEREST ON A PAVING ASSESSMENT AGAINST THE PROPERTY OF MR. SIMON MELVIN ON THELBERT DRIVE. RES. NO. R-1973-60

Council next gave consideration to the approval of bids for the award for the Police and Fire Department winter uniforms. Assistant City Manager, Thomas, presented this matter. Mr. Thomas stated that the recommendation is that the low bidders be approved as indicated by the checkmarks on the bid tabulation with the following exceptions; that the $34.95 bid of Hub Uniform Company for Policemans raincoats rather than the $31.50 bid of Gerber Uniform Company be accepted. Gerber did not meet specifications. It is further recommended by administration, concerning the School Crossing Guard uniforms, that city no longer furnish complete uniforms for these crossing guards, but rather furnish only policeman caps and brightly colored, distinctively marked, safety vests. The recommendation concerning the school crossing guard uniforms was made for reasons of economy, utility and also it follows the practice of many other North Carolina cities. The savings for this year alone, approximately $1600.00, can be applied to other more necessary items of police clothing and uniform equipment. In summary, the City Manager recommended that the bids be awarded as indicated with the exception of the raincoat bid which we award to the high bidder, Hub, and the deletion of all crossing guard police uniform items.

Councilman Shaw asked Mr. Thomas if foul weather gear was included for the school crossing guards. Mr. Thomas replied that it was not.

Following brief discussion, Mr. Godwin offered motion to follow the recommendation of administration on the items so indicated on the bid tabulation but adding back in raincoats, or foul weather gear for the school crossing guards. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to rescinding an ordinance prohibiting parking on both sides of North King Street between Lee and Grove Street. Assistant City Manager, Thomas, stated that this item was continued from the last regular meeting and the ordinance presented tonight, if approved, would rescind the no parking on North King Street between Lee and Grove Street and would result in parking being permitted on both sides of this segment of street.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE #11 PARKING PROHIBITED - NORTH KING STREET-DELETED ORD. NO NS-1973-59

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1973.

Council next gave consideration to a proposed ordinance providing for the installation of 12 minute parking meters on the West side of Green Street in front of the new Wachovia Bank Building. The Assistant City Manager stated that the installation of such 12 minute meters would not set a precedent inasmuchas 12 minute meters now exist in front of the City Hall and the Post Office Building. At the present time, there are no parking meters in front of the Wachovia Building. In response to inquiry from Mrs. Finch, the City Engineer stated that city ordinance now permitted parking along this segment of Green Street from the Horne residence to the Cross Creek Bridge on the west side. During discussion that followed, Mr. Shaw pointed out that vehicular parking is not now permitted in front of the other two banks on Green Street; those being First Citizens Bank and Cape Fear Bank.

Mr. Shaw then offered motion that no action be taken on this matter at this time, seconded by Mrs. Finch and carried unanimously. The City Engineer was requested to bring a recommendation back before Council on the marking of parking spaces at this location now.

Council next gave consideration to the adoption of an ordinance amending the City Code, Traffic Schedule No. 6, "Stop Intersections". The Assistant City Manager stated that the adoption of this ordinance was needed in order to update the "Stop Intersection" schedule.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 6 "STOP INTERSECTIONS" ORD. NO. NS-1973-60.

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin, and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1973.

Council next gave consideration to the adoption of an ordinance prohibiting parking on south side of Person Street from the east curb line of Kennedy Street and running 415 feet eastwardly.

The Assistant City Manager stated that in a memorandum to the City Manager the City Engineer recommended elimination of parking along this segment of Person Street. The request came from the Manager of the A & P Store, and two other businessess at this location, The Family Dollar Store and the Tire Sales and Service Store, were approached and stated that they did not object. This ordinance, if adopted, would eliminate four parking spaces on Person Street, three of which are in front of the A & P and one partially in front of A & P and Family Dollar Store. The remaining portion of this strip of Person Street is taken up with driveways and a fire hydrant on the east end of the suggested no parking area.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #11 "PARKING PROHIBITED" - PERSON STREET ORD. NO. NS-1973-61.

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1973.

Council next gave consideration to the adoption of a resolution requesting the Board of Transportation of North Carolina and the South Carolina Highway Commissioners to take action to extend U.S. Highway 13. The Assistant City Manager presented this matter and stated that in a request received sometime ago it was pointed out that there is a need and demand by tourists and commercial traffic from the Northeastern States of United States for a direct and scenic highway route to the New Orleans, Louisianna area and there is a need to designate such a route by one numeral to save the traveling public time and undue hardships in finding directions to particular points of interest.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE PERTAINING TO U.S. HIGHWAY 13. RES. NO. 1973-61.

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk.

The Assistant City Manager stated that a letter had been received from Mr. Arthur W. Cobb, Chairman of the Trade Development Committee of Fayetteville Area Chamber of Commerce. Mr. Cobb had requested authorization of the Council to turn on the Christmas lights for the Annual Christmas Parade which will take place on the afternoon of November 20, 1973, at 3:30 P.M., the Tuesday preceding Thanksgiving Day. The lights would be on only for the period of the parade and would be turned off immediately thereafter. This request is being made as required by the city code.

Mrs. Finch offered motion for approval of the foregoing request, seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to several appointments to various Boards and Commissions.

One appointment to the Human Relations Advisory Commission and one appointment to the Citizens Advisory Commission were deferred until a later date. The Mayor informed Council that he had reappointed Mr. William D. Sherman to the Fayetteville Metropolitan Housing Authority for a 5 year term of office said term to expire in September 1978.

Council recognized Attorney Snead High who stated that he was present this evening on a substandard building matter in response to a letter received from the City Inspection Department.

Mr. High stated that he represented a client who owned a building located at 1915 Ramsy Street which had construction deficiencies. Mayor Lee informed Attorney High that the Council had no knowledge of this matter and that it was not an agenda item for this meeting. Attorney High thanked the Mayor and Council and informed them that nevertheless he was in the process of negotiating a contract for the repair of the building.

CITY MANAGER REPORTS

Assistant City Manager, Thomas, reported the resignation from the Police Department of Jack Rigsby. Council noted the resignation.

Assistant City Manager, Thomas, reported that there were 11 applicants for appointment to the Police Department who had been certified by the Civil Service Commission, Chief of Police and City Manager.

Upon motion by Mr. Kelly, seconded by Mr. Shaw, and carried unanimously, the following named were appointed to the Police Department as recommended:

LARRY EDWARD PAGE
ROY LEE MATTHEWS
MARLIN MARCELLUS STEWART, JR.
WILLIAM LESTER WARREN
JOSEPH MICHAEL GREEN
SHIRLEY E. TAYBRON
MATTHEW E. KRUKOSKI
JAMES H. MARABLE
HENRY J. WEYHENMEYER
ALFRED POST
TERRY L BOTTOMS

The Council took particular note that four of these eleven Police Department applicants are former Fayetteville Policeman and that 1 is the second female Police Officier appointed to the department.

MATTERS OF INTEREST TO THE COUNCIL

Mr. Shaw reminded Council of the County Governmental Association Meeting scheduled for October 9, 1973 in the County Office Building at 7:00 P.M. He encouraged all Council Members to be present.

Mr. Shaw asked the City Engineer about figures requested on Broadfoot Avenue extended. Mr. Bennett replied that these figures had been furnished to the City Manager. Mr. Shaw requested that this matter be an agenda item for the next meeting.

Mr. Shaw suggested that a Bond Referendum be held to finance building the Russell Street railroad underpass at the same time the referendum is held for the PWC bond matter.

Following brief discussion, Mr. Shaw offered motion that we instruct the City Engineer, along with whatever other help he needs, including the hiring of an consultant, if necessary, to move forward on this project with the possibility of an early bond issue in the Spring tentatively to be run with the PWC bond issue. Motion seconded by Mr. Godwin, and carried unanimously.

Thereafter all matters of business having been completed, the meeting was adjourned at 8:45 P.M., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 8, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Vardell Godwin, Beth Finch, Gene Plummer, Marion George, Glen Kelly, Harry Shaw

Others Present: Guy Smith, City Manager
Rudolph Singleton, City Attorney
Ray Muench, PWC
Robert Butler, PWC

Mayor Lee called the meeting to order. The invocation was offered by the Rev. Ralph Richardson, Campbellton Presbyterian Church. The assembly was led in the Pledge of Allegiance to the Flag by Dr. William Philbrick, Grand Knight of the Cardinal Gibbons Council, Knights of Columbus. Mayor Lee also recognized other members of the Cardinal Gibbons Council: Tom Currie, Deputy Grand Knight, Jesse Frances, Warden, and Bob Rosenfeld, Insurance Representative, and stated the Knights of Columbus traditionally celebrate this day - Columbus Day. Mayor Lee also recognized Youth Council Representatives: Mark Kirby and Rob Shaffer.

Upon motion by Mr. Godwin, and seconded by Mr. Kelly and carried unanimously, the Minutes of the Regular Meeting of September 24, 1973 were approved as submitted by the City Clerk.

Mayor Lee stated that the Council's Steering Committee appointed to select a permanent Chief of Police had been working over the past several weeks reviewing applications for the vacancy created by the retirement of Chief Worrell and recommended to the Council the appointment of Acting Chief of Police Hervey E. Keator and as certified by the Civil Service Commission.

Mr. Plummer offered motion, seconded by Mr.George that Mr. Hervey E. Keator be and he is appointed Chief of Police as certified by the Civil Service Commission to serve at the pleasure of City Council. Motion carried unanimously. Mayor Lee recognized Chief Keator in the audience and extended congratulations to him. He further stated for the news media that he would administer the oath of office to Chief Keator at 10:00 A.M. tomorrow morning in his (Mayor Lee's) office.

PUBLIC HEARINGS

A public hearing had been published for this date and hour on the rezoning from an R10 Residential District to a C1 Local Business District of an area located between Helen Street and Van Buren Street on Pamalee Drive. Planning Board recommended denial. Council recognized Colonel Milton Ingeman representing the residents of Forest Hills (Subdivision) Association in opposition.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Godwin to deny the foregoing petition for rezoning. Motion carried unanimously.

A public hearing had been published for this date and hour on a 100% petition for the extension of the corporate limits of the city to include an area owned by the Mount Carmel Pentecostal Holiness Church between Cumberland Road and West Hudson Street. There were no opposition present.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE. ANNEXATION # 130

MR. George introduced the foregoing ordinance and moved its adoption, seconded by Mr. Plummer and carried unanimously.

A public hearing had been published for this date and hour on the extension of the corporate limits of the city to include an area owned by Cape Fear Petroleum Company located on the Southwest corner of Morganton Road and McPherson Church Road. There was no opposition present.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE. ANNEXATION # 131

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously. Copies of the foregoing ordinances are on file in the office of the City Clerk.

Upon motion by Mrs. Finch, seconded by Mr. Plummer and carried unanimously, public hearings were set for November 12 for the following matters:

A. Rezoning from an R5 Residential District to a C1 Local Business District or to a higher classification of an area located on South Cool Spring Street between Browns Lane and Raymond Street.

B. Rezoning from a C1 Local Business District to an R5A Residential District of an area located at 925 Gillis Street between Murchison Road and Slater Avenue.

C. Rezoning from an R5A Residential District to an M1 Industrial District of an area located south of Waterless Street.

D. Request for a special use permit under section 32-23 (4A) of the Fayetteville Ordinance of an area located at 112 Ruth Street between Morganton Road and Rush Road.

E. Rezoning from an R5A Residential District and a C1 Local Business District to a C1P Planned Commercial District of an area located on Owen Drive between Raeford Road and Cape Fear Valley Hospital.

F. Initial zoning to an R6 Residential District of an area located on Cumberland Road and West Hudson Street.

G. Initial zoning to a C1P Shopping Center District of an area located on the southwest corner of Morganton and McPherson Church Roads.

H. Initial zoning to a C1P Shopping Center District of an area located at the intersection of Morganton Road and the 401 By-Pass.

I. Rezoning from an M1 Industrial Distrist to an R15 Residential District of an area located south of Clark Park between N & S Railroad and the Cape Fear River.

J. Initial zoning to an R6 Residential District, R10 Residential District, R5A Residential District and a C1P Shopping Center District of an area located on Rosehill Road.

K. The annexation of an area located on the north side of Longview Drive pursuant to 100% petition.

L. A petition for the closing of a 25 foot street on the east side of the Seaboard Coast Line Railroad which was dedicated in the subdivision of Alton G, Murchison Property, recorded in Plat Book 11, Page 36.

PLANNING BOARD MATTERS

Upon motion by Mr. Plummer, seconded by Mr. Godwin and carried, Mr. Shaw abstaining, preliminary subdivision review of Kenswick Hills located on the south side of Hwy. 59 between Lake Crest and Eccles Park Subdivision was approved as recommended by the Planning Board.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, preliminary and final subdivision review of the Gregg Sutton Subdivision located on Ellis Street was approved.

There were no PWC Matters presented.

Council recognized Mr. J. T, Gibson, Chairman of the Fayetteville Redevelopment Commission, who gave a progress report on the Southeast Fayetteville Neighborhood Development Program and presented the Mayor with a check for $19,794.33 as a refund of overpayment by the city of inkind contributions. Mayor Lee thanked Mr. Gibson for his report and for the check.

Council next recognized Mr. Andy Smith, representing the Faith Bible Class, of Hay Street United Methodist Church, who presented a request that Council take all necessary steps to have signs posted along US 301 North, the site of several traffic fatalites, for the protection of the traveling public.

Mayor Lee thanked Mr. Smith for his presentation and concern and informed him that he would write a letter acknowledging receipt of his letter/request. As a matter of information to Mr. Smith, Mayor Lee stated that Council had on several occasions in the immediate past and as recently as June 11, Council had reduced the speed limit along this section of highway to 45 m.p.h. in an attempt to promote vehicular safety. Also a letter had been written to the State Highway Commission requesting the installationof signs by the State Highway Commission and this had been acknowledged recently by Mr. N. S. Day, Division of Traffic Engineer. Also on July 11, a letter had been written to Mr. Bruce Lynch, State Board of Transportation, requesting that everything possible be done at this location to promote highway safety. A reply was received on August 13 from Mr. Lynch acknowledging this letter.

Council recognized Mr. Harvey Eason, 531 Adams Street, who again presented a request (this request orginally presented in July) that the city tile a ditch at its expense along the west side of his property. Mr. Eason stated that he had in his possession a petition bearing 100 signatures that this work be done. Mr. Eason informed Council that this ditch constituted, in his opinion, a health problem since it was filled with garbage and debris. Council also recognized Mrs. Eva Eason who stated that the roach problem was bad. Mr. Eason requested that the city tile the ditch approximately 100 feet along the western side of this residence at no cost to him. (In a memorandum dated July 20, 1973 to the City Council, the City Manager stated that he advised Mr. Eason of the city policy which requires the property owner to pay 50% of the cost of such tiling. Mr. Eason stated that he didn't have the money. The recommendation at that time was despite the problems existing the policy for storm drainage should be maintained and that Council had followed this recommendation).

Following brief discussion, Mayor Lee informed Mr. Eason that the city would see that the ditch is cleaned out and do whatever it could additionally to eliminate the problem,

Council next recognized Mrs. Catherine Parker, 1836 Stockton Drive, on a complaint about their family dog being impounded and disposed of. Mrs. Parker acknowledged that her dog had bitten a person and stated that she regretted it. Her complaint however, was due to an apparent misunderstanding with the pound master as to the length of time her dog would be confined before disposition.

Mrs. Parker stated that she hoped this sort of thing didn't happen again.

Mayor Lee informed her that Council would attempt to co-ordinate communications and procedures with the county who actually operates the shelter.

Council next considered the approval of several Taxi Driver Permits. Upon motion by Mr. Plummer, seconded by Mr. Godwin and carried unanimously, a Taxi Driver Permit was approved for Coy M. Carter.

Upon motion by Mr. Plummer, seconded by Mr. George and carried, Council Members Shaw, Finch, and Godwin voting against, Council Members Kelly, George and Plummer voting for, and Mayor Lee breaking the tie with a vote for, a Taxi Driver Permit was approved for John Gerald.

Upon motion by Mr. Plummer, seconded by Mrs. Finch and carried unanimously, a Taxi Driver Permit was not approved for James Randolph Michaux.

Upon motion by Mr. Plummer, seconded by Mr. Godwin and carried, Council Members Finch and Shaw voting against, a Taxi Driver Permit was approved for Leroy Alexander.

Upon motion by Mr. Plummer, seconded by Mr. Godwin, and carried , Council Members Finch and Shaw voting against, A Taxi Driver Permit was approved for Joseph Monroe Tyler.

Council recognized a Mr. Stewart Martin who requested authorization to operate a "haunted house" at 713 Hay Street during Halloween from October 27-November 3. Mr. Martin stated that the activities to be conducted would be primarily for young people and would consist of typical Halloween activities.

Mr. Shaw offered motion, seconded by Mr. Kelly that Mr. Martin's request be granted as requested. Motion carried unanimously.

Council also recognized a Miss Penny Stewart and a friend representing the Beta Sigma Phi Sorority on a request that they also be authorized to operate a "haunted house" on Grove Street during Halloween from October 26-31.

Mr. Plummer offered motion that the foregoing request be approved but that no more requests be granted for the calendar year 1973. Motion seconded by Mrs. Finch.

Mr. Godwin then offered an amendment to the foregoing motion that the City Building Inspector be directed to inspect such haunted house for hazards to public safety and that the closing hours be set for midnight on such activities. Motion seconded by Mr. Plummer. Mayor Lee then asked for vote on the foregoing amendment to the motion and it carried unanimously. Mayor Lee then called for vote on main motion and it carried unanimously.

Council next gave consideration to a recommendation from the City Engineer concerning the Broadfoot Avenue connection to Turnpike Road at Commerce Street intersection. In a memorandum to the City Manager, the City Engineer attached maps showing proposed connection with a drainage system that will solve the problem of the Broadfoot Avenue bowl in the vicinity of Simpson Street. Rights-of-way costs were estimated at $25,000.00. Construction estimate for paving and drainage was 1,400 feet of new streets or a total estimated cost of $69,000.00. The estimated assessment rate would be $16.00 per foot which would necessitate the city absorbing some of the drainage cost. The route would have several meritorious advantages: (1) A direct route between Haymount area to Savoy Heights and Robeson Street area. (2) A by-pass during construction of the CBD Loop from Hay Street to Gillespie Street. (3) Elimination of a serious drainage problem. (4) This route is now practically vacant. (5) The route would provide street access to some land that has probably not developed because of inadequate access. A disadvantage would be the cost and frontage lots for some property owners on Vista Drive and Valley Road. The City Engineer's recommendation was to proceed with engineering and rights-of-way appraisals.

Following brief discussion, Mr. Shaw offered motion, seconded by Mrs. Finch, to proceed with engineering and rights-of-way appraisals for Broadfoot Avenue as recommended. Motion carried unanimously.

Council next gave consideration to the award of bids for construction of sidewalks along a segment of Hay Street. In a memorandum to the City Manager, the City Engineer recommended acceptance of the low bid of Raymond's Concrete Service in the amount of $8,905.75 for the construction of a portion of the sidewalks from the Norfolk-Southern Railroad, eastern side, to the southern margin of the Miracle Theater Building.

Following brief discussion, Mr. Kelly offered motion, seconded by Mr. Godwin, for acceptance of the low bid of Raymond's Concrete Service in the amount of $8,905.75 as recommended. Motion carried unanimously.

Council next gave consideration to three proposed ordinances regarding a Planned Neighborhood District for the city's zoning ordinance. The City Attorney presented this matter. He stated that the City Manager, Mr. Al Mitchell of the Planning Department, and himself had studied the matter and that he had drafted three proposed ordinances which would establish such a district for Council consideration. The first proposed ordinance closely followed that of the county regulation concerning a PND and stated the purpose and description of such a district as is set forth now in Chapter 32 of the city's present zoning ordinance. The second proposed ordinance dealt with (1) burdens, (2) permitted uses, (3) commercial land use standards, (4) administrative procedures. The third proposed ordinance dealt with standards and requirements dealing with (1) minimum development size, (2) community water and sewer, (3) open space standards, (4) residential land use standards.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Godwin to deferr action on this matter until the next regular meeting when the entire Council is present. Motion carried unanimously.

The Mayor at this point directed the acting city clerk to let the records show that Councilman Shaw had been excused from the meeting.

Council next gave consideration to a resolution requesting the State Department of Transportation to accept as a state system street that section of Grove Street between US 301 and North Broad Street.

A RESOLUTION TRANSFERRING A PORTION OF GROVE STREET FROM THE CITY STREET SYSTEM. RES. 1973-62.

Mr. Plummer introduced the foregoing resolution and moved its adoption, seconded by Mr. George, and that the Mayor and City Clerk be and they are authorized and directed to sign said resolution for the city. Motion carried unanimously.

Council next gave consideration to a resolution authorizing the City Finance Department to dispose of records as prescribed by law.

RESOLUTION AUTHORIZING THE DISPOSITION OF MUNICIPAL RECORDS IN THE MANNER PRESCRIBED BY THE MUNICIPAL RECORDS MANUAL RES. NO. R-1973-63.

Mrs. Finch introduced the foregoing resolution and moved its adoption, seconded by Mr. Plummer and carried unanimoulsy, Copies of the foregoing resolutions are on file in the office of the City Clerk.

Council next gave consideration to the adoption of an ordinance approving the Parking Facility Budget for the fiscal year 1974-1974.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE-1973-1974 BUDGET ORDINANCE AMENDMENT-PARKING FACILITY OPERATING BUDGET. ORD. NO. NS-1973-62.

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk.

Three appointments to the Advisory Recreation and Parks Commission were deferred until the next regular meeting. Mayor Lee informed Council that 2 of the 3 members contacted had agreed to serve again.

Mayor Lee then recognized newly appointed Chief of Police, Hervey Keator. Chief Keator expressed thanks to the Council for their vote of confidence this evening and stated that he was very proud and looked forward to the opportunity of serving the community as its new Chief of Police.

There were no City Manager reports.

Mayor Lee then asked the City Attorney to give Council a report on the status of the New Hope Dam. Mr. Singleton stated that on September 28, he went to Washington, DC as did Mr. James Fox, Attorney for New Hanover County, and met along with Congressman Charlie Rose in two meetings. The first with the General Counsel for the Corps of Engineers where they breifed him on existing problems and the second meeting in the office of Mr. Wallace Johnson, who is Assistant US Attorney General for land and natural resources. Mr. Johnson is the Chief Attorney in the Department of Justice. Congressman Charlie Rose was also present in this meeting.

Hopefully, from these two meetings, Mr. Singleton stated, there will be better governmental coordination so that when this matter is next presented in court in Wilmington tomorrow in preparation for an ordered pre trial conference on Wednesday and we will then know more about the status at that time. Mr. Singleton said he felt that these meetings were of benefit and that the matter did have congressional support. Mayor Lee then thanked Mr. Singleton for his report.

MATTERS OF INTEREST TO THE COUNCIL

Councilman Godwin informed the Council Members that the City-County Liaison Committee had met with reference to the extension of water and sewer to a new industry which is considering locating in the Fayetteville area. It is a $5 million plant and will employ 250 employees to start with and a $2 million annual payroll. It is anticipated that this industry will hire some 500 employees in two to five years with a $4 million annual payroll. This industry has requested approval by the City-County for extension of water and sewer service to its location in accordance to present policies. It will cost approximately $200,000.00 for such an extension to this facility.

Mr. Godwin offered motion, seconded by Mr. Plummer, that the city participate in these extensions with the county on a 50-50 cost basis in accordance with the existing policy. Motion carried unanimously.

Mayor Lee then stated that in the upcoming General Election on November 6, one of the issues will be technical changes involving the clean water bond issue. A passage of this issue would

make the city eligible for additional revenue under the clean water bond issue. Mayor Lee urged the Council to work for the passage of this issue.

Thereafter, all matters of interest having been completed, the meeting was adjourned at 10:00 P.M. upon motion made and duly seconded.

Charlene M. Edge

Charlene M. Edge
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 22, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members Present: Vardell Godwin, Beth Finch, Gene Plummer, Marion George, Glen Kelly, Harry Shaw

Others Present: Mr. Guy Smith, City Manager
Mr. R. G. Singleton, City Attorney
Mr. Monroe Evans, PWC
Mr. Joe Stowe, PWC

Mayor Lee called the meeting to order. The invocation was offered by the Rev. Max Vestal, Eutaw United Church of Christ. The Pledge of Allegiance was led by Mr. Don Brandt, a disabled American Veteran and Arrangements Chairman for Veteran's Day. The Mayor reminded the assembly that today was Veteran's Day. Following the invocation and Pledge of Allegiance, Mayor Lee thanked Rev. Vestal and Mr. Brandt and called attention to the fact that Mr. Brandt had led the Veteran's Day ceremonies at the Veteran's Hospital.

Mayor Lee then recognized a number of City Employees and presented them with Service Pins as follows:

FIVE YEAR'S SERVICE:
Earl Britt - Police Department
Jackson L. Chapman - Police Department
William Heintzleman - Police Department
Allen Holmes - Street and Sanitation Department
John McLean - Recreation & Parks Dept.
Haywood M. McIntyre - Recreation & Parks
Neil Mills - Police Dept.
Carolyn Smalls - Recreation & Parks Dept.
Clarence Ware - Police Dept.
Robert F. Waters - Police Dept.

TEN YEAR'S SERVICE:
James R. Gibson - Engineering Dept.
John D. Ray - Street & Sanitation Dept.
James E. Smalls - Street & Sanitation Dept.
Herbert Starling - Fire Dept.
Lonnie Vann - Street & Sanitation Dept.
Paul Warner - Police Dept.

FIFTEEN YEAR'S SERVICE:
Melvin Bowden - Engineering Dept.
Leon Lancaster - Fire Dept.
Layton McLeod - Recreation & Parks Dept.
John W. Tew - Recreation & Parks Dept.

TWENTY YEAR'S SERVICE:
Muriel Ellis - Airport
Gillette Horne - Fire Dept.
Henry Vann - Police Dept.

TWENTY FIVE YEAR'S SERVICE:
David Elliott - Street & Sanitation Dept.
Capt. J. H. Hart - Police Dept.
John Wemyss - Police Dept.

Mayor Lee extended thanks in behalf of himself and the Council to these employees for their outstanding service to the City.

Mayor Lee recognized the following Fayetteville Youth Council Members present in the audience to observe Council proceedings: Mark Kirby, Cindy Morris, and Carrie Carroll.

Upon motion by Mr. George, seconded by Mr. Godwin and carried unanimously, Minutes of the Regular Meeting of October 8, 1973, were approved as submitted by the Acting City Clerk.

Upon motion by Mr. Plummer, seconded by Mr. Kelly and carried unanimously, a public hearing was ordered published for 8:00 P.M., Monday, November 12, 1973, on the following zoning matter: The rezoning from an R10 Residential District to an C1 Local Business District of an area located on Ramsey Street between Hillview and Floyd Avenues.

PLANNING BOARD MATTERS

Council heard conditional approval from the Planning Board for preliminary subdivision review approval of plat of Windtree Apartments located on the south side of Cliffdale Road. The conditions were the following changes requested by the City Engineer: (1) That construction plans of a retaining wall be approved by him before construction of the retaining wall begins, (2) That a 40-foot easement be granted from the center line of the creek running through the property except in areas where the retaining wall was inside of this 40-foot easement where the 40-foot easement would be at the foot of the retaining wall, (3) That a 25-foot radius be given at the entrance of Cliffdale Road on the east side of that entrance.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. George, and carried unanimously, that preliminary subdivision review approval be given plat of Windtree Apartments as recommended.

Council next heard conditional approval by Planning Board of Green Valley Estates subdivision review of preliminary plat for extension approval of Section 4 located on Helen Street. The condition imposed by the Planning Board was a stipulation that the Planning Staff, City Engineer, and the developer meet to discuss location of drainage easements.

Mr. J. W. Pate, representing Lexington Homes, the developer, was recognized.

Following brief discussion, Mr. Godwin offered motion, seconded by Mr. Plummer, and carried unanimously, for approval of Green Valley Estates subdivision Section 4 review of preliminary plat extension of an area located on Helen Street.

Council heard recommendation from the Planning Board for approval of Green Valley Estates, Section 4, Part 2, final plat review of an area located on Helen Street.

Following brief discussion, Mrs. Finch offered motion, seconded by Mr. Plummer for plat approval of Green Valley Estates, Section 4, Part 2, final review, as recommended. Motion carried unanimously.

On a final Planning Board matter, Council heard recommendation from the Planning Board for plat approval of Green Valley Estates, Section 3, review for extension of preliminary approval of an area located on Helen Street,

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Kelly for approval of Green Valley Estates, Section 3, as recommended. Motion carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Commissioner Monroe Evans on a request for approval of the low bid of R, W. Moore Equipment Company in the amount of $26,199.03 for the purchase of two diesel engine tractor backhoes and loaders.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Godwin for approval of the foregoing low bid as recommended. Motion carried unanimously.

As a matter of information to the Council, Commissioner Evans stated that on September 27, the commission had received bids for additions to the present PWC Administration Building. However, the bids received were about $100,000.00 higher than the original estimate. Specifications for the additions are now being reviewed by PWC with the bidders and changes are being made so as to bring the cost more in line with the appropriation for such additions.

This concluded Public Works Commission business and the PWC representatives were excused from the meeting.

Council next recognized Police Chief Hervey Keator who introduced Police Officer William Johnson on a proclaimation by Mayor Lee designating Halloween, Wednesday, October 31, 1973, as "Meet 'N Treat" Night. Officer Johnson explained that traditionally Halloween was celebrated as a evening when parents and children joined together for an evening of family fun. In recent years however, this activity had been marred by reports of tainted treats being given to children. Evidence gathered by the Police Department over recent years indicates that the actual incident of occurence of this sort of thing was not common.

Since any threat to children is of concern to all of us the trick provides an effective means of creating an emotional response among parents and notoriety among the perpetrators.

This year the Police Department is encouraging a "Meet 'N Treat" Night rather than a trick or treat night on Halloween. The purpose is to give neighbors a better opportunity to become acquainted as parents and children together make their Halloween treating rounds. The Police Department is also encouraging all citizens to utilize this occasion as a time to welcome new residents in the community. We believe, Officer Johnson stated, that "Meet 'N Treat" night provides a constructive way to take the trick out of Halloween and will offer the citizens of Fayetteville a positive means to make Halloween a family fun time .

Mayor Lee thanked Officer Johnson and commended him on the program.

Council next gave consideration to a request by Burlington Industries for the improvement of Perry Street which runs between Gillespie Street and Southern Avenue. In a letter to the City Manager, Mr. David Pittman, Manager of Burlington Industries, Inc., stated that their company had a serious problem at Burlington Industries Cumberland Terminal about the wear and tear on their tractor trailers due to the condition of Perry Street which is not paved. He stated that he had discussed this problem with the Street Department Superintendent and the City Engineer as well as Mr. Charlie Dawkins, the former State Highway Commissioner. He stated that his company was very grateful to the City for their work in keeping this street graded and stated they would appreciate very much if the City would look into the possibility of paving Perry Street.

In a memorandum to the City Manager, the City Engineer stated that there is no formally dedicated right-of-way for Perry Street. He stated that they had contacted the 12 property owners and got a verbal agreement from two property owners, both of which wanted to wait and if the other owners would grant right-of-way. They were Burlington Mills and Mr. W. L. Ramsey, who has been deceased about 18 months. Two property owners turned the proposition down. The remaining property owners had various conditions or would not answer at all. He stated that he did not believe it would be practical to proceed with trying to obtain the right-of-way gratuitously and the condition would

remain undesirable with the strip pavement and no drainage. He stated he believed the City should follow through with acquiring right-of-way, installing curb and drainage on an assessment basis and then following up with a request to the Highway Commission to pave. The City Manager stated that this matter was presented to Council tonight for information only and no action was requested at this time.

Following brief discussion, the City Manager was requested to contact the Department of Transportation, representative Mr. Murphy, and discuss this matter with him.

Council next gave consideration to a proposed ordinance prohibiting truck parking on the west side of Union Street. The City Manager stated that complaints had been received about post office private contract mail carriers blocking this street.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE #11 "PARKING PROHIBITED" ON UNION STREET ON THE WEST SIDE THEREOF BETWEEN MASON STREET AND ROWAN STREET. ORD. NO. NS-1973-63

Mr. Plummer introduced the foregoing ordinance and moved its adoption and enforcement. Motion seconded by Mrs. Finch and carried unanimously.

A copy of the foregoing ordinance is on file in the office of the City Clerk.

Council next gave consideration to the award of bids for a 200-KW standby diesel generating set for the Civil Defense Agency. In a memorandum to the Council from Mr. Hans C. Larsen, Director of the Civil Defense Agency, Mr. Larson submitted a bid tabulation for the generating set for emergency broadcast station WFNC for which Cumberland County and the City of Fayetteville have agreed to pay $5,000.00 each with Mr. Victor W. Dawson, Station Owner, paying the balance. Of the bids submitted, Mr. Larson recommended that the low bid of $12,600.00 submitted by Gregory Pool Equipment Company of Raleigh be accepted and that the title to the generating set be in the joint names of the County of Cumberland and the City of Fayetteville with the proviso that should the generator be removed from radio station WFNC that said radio station will be reimbursed their proportionate share of the cost above $10,000.00 plus installation and incidential expenses incurred by said radio station.

The recommendation of the City Manager was that the title to the generating set be in either the name of the county-city or both.

Mr. Shaw then offered motion, seconded by Mr. Kelly to follow the foregoing recommendation of the City Manager and that the bid of Gregory Pool Equipment Company, Raleigh, North Carolina, be accepted in the amount of $12,978.00 for the generating set. Motion carried unanimously.

Council next gave consideration to 3 proposed ordinances which would establish a Planned Neighborhood District under the city's zoning ordinance. (This matter was continued from the last meeting.) City Attorney, Singleton, again briefly reviewed the ordinances for Council's benefit. The City Manager stated that if Council desired to establish such a district, the proposed ordinance could be submitted to the Joint Planning Board for consideration as an amendment to the zoning ordinance and returned to the Council for public hearing.

Following brief discussion, Mr. Kelly offered motion that these proposed ordinances be submitted to the Joint Planning Board for their review and recommendation back to the City Council. Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to a recommendation by the City Manager and the discussion of the acquisition of 29 acres of surplus property belonging to the Veterans Administration. In a memorandum to the Council, the City Manager stated that about a year ago Mr. Homer Forde, Veterans Hospital Administrator, advised the Mayor that he was declaring as surplus about 30 acres of property lying to the east of the developed hospital property and lying adjacent to and north of Clark's Park which is owned by the county and leased to the city.

The City Manager stated he immediately wrote the General Services Administration and asked for proper application forms for acquisition of the property. General Services Administration replied that it had not determined the property to be surplus but had forwarded the request to the Bureau of Outdoor Recreation in Atlanta. Forms and instructions were received from the Bureau of Outdoor Recreation stating that the city would be notified when the property was officially declare surplus.

The City Manager stated that several days ago Bureau of Outdoor Recreation telephoned him and sent a representative to assist the city in applying for the property acquisition. Letters or notices were mailed to other local and state agencies instructing them to notify Bureau of Outdoor Recreation if they had any interest in acquiring this property. The government would require a 6-foot fence installed about 1750 feet long between the Veterans Administration property and this surplus property. The property must be used for recreational parks and the owner must not permit any loud noises which would interfere and inconvience the hospital. The land is densely grown up with underbrush and is quite hilly sloping off to a marshy area.

Council Attorney Heman Clark called and wanted to know if the city was interested in acquiring this tract and indicating that the county oringinally bought the land, gave it to the Veterans Administration and wondered if perhaps the county should not take title to the property since it already owns the adjoining 60 acres which it leases to the city.

A meeting with County Manager, Carter Twine, County Attorney, Heman Clark, and County

Commissioners Luther Packer and E. J. Edge was held and they proposed the following to the city; (1) that the city allow the county to acquire the property in the county's name, (2) the county will lease this tract and the other tract on which the lease will expire in 6 years for a 20 year period, (3) the county will erect the 6-foot fence at its expense at an estimated cost of $4,500.00, (4) the city will develop the park development plan and let the county consider whether to fund the cost or to negotiate a pro rata share of the cost with the city.

The City Manager stated that he and Recreation & Parks Superintendent, Bill Kendall, could see no real problem other than that we would rather the city hold the title to the property. However, the county would bear the initial cost of fence construction and the citizens of Fayetteville would have the use of the property. The property does not lend itself for ballfield and playground development but makes it ideally suited for a natural park.

The City Manager's recommendation was to agree to let the county acquire the property with the mutual benefits outlined in the four proposals.

Mrs. Finch asked about the cost of the lease and the City Manager replied that the county would lease and has leased this property to the city at no charge.

Mr. Godwin stated that he would like to see the city if possible mutually agree with the county to acquire this acreage plus the other acreage for the city.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Shaw that we follow the recommendation of the City Manager and allow the county to acquire this property and the city lease it.

Mr. Godwin offered substitute motion that the city proceed to acquire the 29 acres of property from the Veterans Administration and start negiotation for the additional 60 acres to the river with the county. Motion seconded by Mrs. Finch.

The City Attorney stated that he had old files dating back to 1959 concerning parks policy and restrictions as to what the governmental unit can do from the federal government and suggested that he be permitted to review this file to determine, if possible, the relevancy to this case and report his findings back to the Council.

Mr. Shaw then offered motion to postpone action on this matter until the first meeting of November. Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to the approval of a recommendation for the award of bids for the Street & Sanitation Department. The City Manager recommended the approval of the bid of Lafayette Motor Sales and Inc. in the amount of $13,740.00 for one 50,000 GVW truck.

Mr. Plummer offered motion, seconded by Mr. Kelly for approval of the foregoing recommendation of the City Manager and for the award of the bid to Lafayette Motor Sales, Inc. for their bid of $13,740.00 for one 50,000 GVW truck. Motion carried unanimously.

Council next gave consideration for the approval of several Taxi Driver permits. Upon motion by Mr. Kelly, seconded by Mr. Shaw and carried unanimously, Taxi Driver Permits were approved for the following named as recommended by the Taxi Cab Inspector, Chief of Police, and the City Manager: Franklin Davis, Emmit Lee Johnson, Curtis Ray Goodman, Donald D. Diamond, and James E. Young.

Taxi Cab Driver Permits were not recommended for the following named: Clarence E. Ambrose, Chester Parker, and Jesse Frank Moyers.

Clarence E. Ambrose was not present.

Mr. Shaw offered motion, seconded by Mrs. Finch to follow the recommendation and disapprove the application for a taxi cab driver permit for Mr. Ambrose. Motion carried unanimously.

Mr. Chester Parker was present and recognized in behalf of his application for a taxi cab driver permit. Mr. Parker was questioned concerning his occupation and driving and court record.

Following brief discussion, Mr. Shaw offered motion to follow the recommendation and disapprove a taxi cab driver permit for Chester Parker. Motion seconded by Mr. Godwin.

Mr. George offered substitute motion that a taxi cab driver permit be approved for Mr. Chester Parker. Motion seconded by Mr. Plummer and carried by the following vote: FOR: Mr. Kelly, Mr. George, Mr. Plummer and Mayor Lee. AGAINST: Council Members Godwin, Finch, and Shaw.

Mr. Jesse Frank Moyers was not present in behalf of his application for a taxi cab driver permit.

Mr. Plummer offered motion, seconded by Mr. Shaw to follow the recommendation to disapprove a taxi cab driver permit for Jesse Frank Moyers. Motion carried unanimously.

Council next considered several appointments. No nominations were received for one appointment remaining to the Human Relations Advisory Commission.

No nominations were received for one appointment remaining to the Citizens Advisory Commission.

Upon motion by Mr. Kelly, seconded by Mr. Plummer and carried unanimously, the following named were appointed to the Advisory Recreation & Parks Commission for three year terms of office each said terms expiring in October 1976: William H. Cheshire, William T. Brown, and Thomas Bacote.

Mayor Lee informed Council that he had received a letter of resignation from Mr. Tommy Bradford of the Advisory Recreation & Parks Commission on Friday, October 19. Mayor Lee requested the City Manager to place this on the agenda for the next meeting.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager reported that a Lieutenant vacancy existed in the Fire Department. The recommendation of the Civil Service Commission, Fire Chief, and City Manager was that Mr. Gillette S. Horne be promoted to fill this vacancy.

Mr. Plummer offered motion to follow the recommendation of the Civil Service Commission, Fire Chief, and City Manager and promote Mr. Horne to the rank of Lieutenant in the Fire Department. Motion seconded by Mr. Kelly and carried unanimously.

Mr. Smith reported the following resignation from the Fire Department: Agustus C. Jacobs. Council noted the resignation.

MATTERS OF INTEREST TO THE COUNCIL

Mr. Plummer asked about plans for replacing the bridge on Adams Street. The City Manager replied that a bridge is planned.

Mr. Plummer asked about the paving of the parking lot on the former Breece property on Bow Street across from City Hall. Mr. Smith replied that bids are to be opened for this project on November 7.

Mr. Plummer stated that he had received complaints from Cablevision Customers regarding the blackout at times of several channels. Mayor Lee stated that this was being done because of a Federal Communications Commission regulation and that the cablevision company must follow these regulations.

Thereafter, all matters of business having been completed, the meeting was adjourned at 9:15 P.M., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 12, 1973
8:00 P.M.

Present: Mayor Jackson F. Lee

Council Members Present: Vardell Godwin, Beth Finch, Marion George, Glen Kelly, Harry Shaw

Council Member Absent: Gene Plummer

Others Present: Mr. Guy Smith, City Manager
Mr. Rudolph Singleton, City Attorney
Mr. Thurman Williams, PWC
Mr. R.A. Muench, PWC

Mayor Lee called the meeting to order. The invocation was offered by Chaplain (Major) James P. O'Toole, Senior Catholic Chaplain at Pope Air Force Base. Mark Kirby of the Fayetteville Youth Council led the assembly in the Pledge of Allegiance to the Flag.

Mayor Lee recognized Assistant Fire Chief, John Anson Purdie retired, and presented him with a framed copy of the City's Certificate of Appreciation in recognition of his service with the Fire Dept. after serving for 26 years and 4 months.

Mayor Lee also recognized Mr. Tommy Bradford and presented him with the City's Certificate of Appreciation for his service as a member of the Advisory Recreation and Parks Commission.

Mayor Lee stated that Councilman Plummer was absent this evening because he was in the hospital and Council extended their wishes for a speedy recovery.

Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, The Minutes of the Regular Meeting of the Council of October 22, 1973 were approved as submitted by the City Clerk.

A public hearing had been published for this date and hour on the rezoning of an area located on South Cool Spring Street between Brown's Lane and Raymond Street. Planning Board recommended approval of rezoning to C1. Mrs. Lorina Watson, the petitioner, was recognized. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED ON SOUTH COOL SPRING STREET BETWEEN BROWN'S LANE AND RAYMOND STREET. ORD. NO. NS-1973-64

Mr. George introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried Mrs. Finch voting no. A copy of the foregoing ordinance is on file in the office of the City Clerk.

A public hearing had been published for this date and hour on the rezoning of an area located at 925 Gillis Street between Murchison Road and Slater Avenue. Planning Board recommended R5A. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM C1 LOCAL BUSINESS DISTRICT TO R5A RESIDENTIAL DISTRICT OF AN AREA LOCATED AT 925 GILLIS STREET BETWEEN MURCHISON ROAD AND SLATER AVENUE. ORD. NO. NS-1973-65

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk.

A public hearing had been published for this date and hour on the rezoning of an area located at the south end of Waterless Street from R5A Residential District to M1 Industrial District. Planning Board recommended denial. There was no opposition present.

Mr. Shaw offered motion, seconded by Mrs. Finch to deny the foregoing petition for rezoning. Motion carried unanimously.

A public hearing had been published for this date and hour on a request by the Council on Older Adults for approval of a Special Use Permit under Section 32-23 (4A) of the Fayetteville Ordinance of an area located at 112 Ruth Street between Morganton Road and Rush Road. Planning Board recommended approval. Mrs. Louise Saunders, Executive Secretary of the Council on Older Adults, was recognized in behalf of the petition. Mrs. Saunders stated that this location would be used for the executive offices of the Council. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: APPROVAL OF A SPECIAL USE PERMIT OF AN AREA LOCATED AT 112 RUTH STREET BETWEEN MORGANTON ROAD AND RUSH ROAD. ORD. NO. NS-1973-66

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk.

A public hearing had been published for this date and hour on the rezoning from R5A Residential District and C1 Local Business District to C1P Shopping Center District of an area located on

Owen Drive between Raeford Road and Cape Fear Valley Hospital. Planning Board recommended denial. Mr. Herb Thorp was recognized for the petitioner, The Erwin Company. Mr. Sol Rose was also recognized. Mr. Jim Coates of the Erwin Company was also recognized. There was no opposition present.

Following brief discussion, Mr. Shaw suggested leaving a 100 foot wide strip on the western edge of the area proposed for rezoning as a R5A buffer zone between the area proposed for rezoning and the Residential District area on the western side at David Street.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5A RESIDENTIAL DISTRICT AND C1 LOCAL BUSINESS DISTRICT TO C1P SHOPPING CENTER DISTRICT EXCEPTING A 100 FOOT WIDE CORRIDOR AT THE WESTERN END OF THE AREA PROPOSED FOR REZONING ADJACENT TO DAVID STREET OF AN AREA LOCATED ON OWEN DRIVE BETWEEN RAEFORD ROAD AND CAPE FEAR VALLEY HOSPITAL. ORD. NO. NS-1973-67

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried Mrs. Finch voting no. A copy of the foregoing ordinance is on file in the office of the City Clerk.

A public hearing had been published for this date and hour on the initial zoning of an area located between Cumberland Road and West Hudson Street. Planning Board recommended approval of R6. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R6 RESIDENTIAL DISTRICT OF AN AREA LOCATED BETWEEN CUMBERLAND ROAD AND WEST HUDSON STREET. ORD. NO. NS-1973-68

Mr. George introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk.

A public hearing had been published for this date and hour on the initial zoning of an area located at the southwest corner of Morganton Road and McPherson Church Road. Planning Board recommended C1P Shopping Center District. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY C1P SHOPPING CENTER DISTRICT OF AN AREA LOCATED AT THE SOUTHWEST CORNER OF MORGANTON ROAD AND MCPHERSON CHURCH ROADS. ORD. NO. NS-1973-69

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk.

A public hearing had been published for this date and hour on the initial zoning of an area located between Morganton Road and U.S. 401 By-pass. Planning Board recommended C1P Shopping Center District. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY C1P SHOPPING CENTER DISTRICT OF AN AREA LOCATED BETWEEN MORGANTON ROAD AND U.S. 401 BY-PASS. ORD. NO. NS-1973-70

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. George and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk,

A public hearing had been published for this date and hour on the rezoning from M1 Industrail District to R15 Residential, or to a higher classification, of an area located south of Clark Park between Norfolk Southern Railroad and the Cape Fear River. Planning Board recommended denial of R15 zoning. There was no opposition present.

Mrs. Finch offered motion that the foregoing petition be denied, seconded by Mr. Shaw and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning of an area located on Rosehill Road. Planning Board recommended approval of the initial zoning of all tracts of land except for tract 6 and that a portion of this tract on the north end be omitted from the C1P District and zone R5A Residential District. Mr. Ron Hickman, representing the Woodbine Development Company, Mr. Walter Moorman, a consulting Engineer representing an owner, and Mr. Herb Thorp, representing an owner were recognized. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY TO R6 RESIDENTIAL DISTRICT, R10 RESIDENTIAL DISTRICT, R5A RESIDENTIAL DISTRICT, AND C1P SHOPPING CENTER DISTRICT OF AN AREA LOCATED ON ROSEHILL ROAD. ORD. NO. NS-1973-71

Mr. Shaw introduced the foregoing ordinance and moved its adoption, and that the area be zoned initially as originally proposed by the developer. Motion seconded by Mr. Godwin, and carried Mrs. Finch voting no. A copy of the foregoing ordinance is on file in the office of the City Clerk.

A public hearing had been published for this date and hour on the annexation of an area located on the north side of Longview Drive pursuant to 100% petition. The Annexation Committee and the Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE AN AREA LOCATED ON THE NORTH SIDE OF LONGVIEW DRIVE. ANNEXATION #132

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk.

A public hearing had been published for this date and hour on the rezoning of an area located on Ramsey Street between Hillview and Floyd Streets from R10 Residential District to C1 Local Business District. Planning Board recommended denial.

Mr. Hal Broadfoot was recognized for the developer, Mr. M.T. Taylor. Mr. E.D. Oakes, a Hillview Avenue resident, was recognized in opposition to the rezoning.

Following brief discussion, Mr. Shaw offered motion to follow recommendation of the Planning Board and deny the petition for rezoning. Motion seconded by Mr. Kelly.

Following further discussion, Mr. Godwin offered substitute motion to rezone to C1 that portion of the tract fronting along Ramsey Street and rezone R6, the western portion. The motion was lost for lack of a second.

Mayor Lee then called for vote on the original motion put by Mr. Shaw and it carried, Mr. Godwin voting no.

A public hearing had been published for this date and hour on the annexation to the City of Three Colonies Subdivision on Cliffdale Road pursuant to 100% petition. The Annexation Committee and the Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE THE THREE COLONIES SUBDIVISION ON CLIFFDALE ROAD. ANNEXATION NO. #133

Mr. George introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously.

A public hearing had been published for this date and hour on the closing of a 25 foot lane in the Alton G. Murchison Subdivision pursuant to petition from the Highland Lumber Company. Mr. John Blackwell was recognized, representing Highland Lumber Company, and stated that this 25 foot lane was dedicated at the time the Murchison Plat was recorded in 1946 but the lane had never been used as a public thoroughfare and therefore his client wished to withdraw this dedication and close the lane. Mr. Blackwell stated in addition that he knew of no one who would be adversely affected by the closing of this lane. There was no opposition present.

Councilman Shaw asked the City Engineer if this action in closing this lane would affect the relocation of the Seaboard Coastline tracks. The City Engineer replied that he had not investigated this circumstance. Mr. Blackwell stated that he had mailed the railroad a registered letter notifying them of this petition to close this lane.

Mr. Shaw then offered motion for the continuance of this public hearing to the next regular meeting of the Council on November 26, 1973. Motion seconded by Mr. George and carried unanimously.

Upon motion by Mr. George, seconded by Mr. Kelly, and carried, a public hearing was set for 8:00 P.M., Monday, December 10, 1973, in the City Hall Council Chamber on the levying of assessments for the installation of sanitary sewer mains in the streets in the Fairview Park Subdivision by the unanimous adoption of the following resolution.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE EXTENSION OF SANITARY SEWER SYSTEMS AND OTHER IMPROVEMENTS ON AND IN BRINKLEY STREET, INGRAM STREET, NEVILLE STREET, NORTH STREET, AND THAD STREET. RES. NO. R-1973-64

Upon motion by Mr. George, seconded by Mr. Kelly and carried unanimously, a public hearing was ordered published for 8:00 P.M., Monday, December 10, 1973, in the City Hall Council Chamber for the levying of assessments for the construction of a sidewalk along a segment of Hay Street by the adoption of the following resolution.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE LAYING OF A SIDEWALK AND OTHER IMPROVEMENT ON HAY STREET ON THE SOUTH SIDE THEREOF BETWEEN SCL (A & Y) RAILROAD AND THE MIRACLE THEATRE BUILDING. RES. NO. R-1973-65

Copies of the foregoing resolutions are on file in the office of the City Clerk.

PUBLIC WORKS COMMISSION MATTERS

Council heard request from Public Works Commissioner Thurman Williams for authorization for PWC to proceed with the construction of the addition to the PWC Administration Building based on revised low bids totaling $337,364.00.

Following brief discussion, Mr. Shaw offered motion to follow the recommendation of PWC and to award the bids as indicated for the sum of $337,364.00. Motion seconded by Mr. Godwin and carried unanimously.

Council heard further request from Commissioner Williams for authorization for PWC to advertise and receive bids at the City Hall Door for the proposed thirty-year lease, with option to purchase at the end of thirty years, of certain watershed property for specific use for the erection of a radio transmission tower by Cape Fear Broadcasting Company. Commissioner Williams stated that the commission had considered this matter for the past 6 to 8 weeks and has no objection to the thirty-year lease of said property with option to purchase. The area would be 100 feet square for the radio tower and 3 easement areas for required guy lines, twenty-five feet wide with two being 750 in length and 1 being 610 feet in length. There would be no expansion of the Glenville Lake Water Plant and the area proposed for the radio tower and guy lines is not needed by PWC and the proposed use for a radio tower would not endanger the watershed. The proposed site would be in the vicinity of the old radio station WFLB studio now occupied by Bass Air-Conditioning on Bragg Blvd.

Following some discussion, Mr. Shaw offered motion to postpone action on this request until the next regular meeting of the Council. Seconded by Mr. Godwin and carried unanimously.

Upon motion by Mr. Godwin, seconded by Mrs. Finch, a 4-inch sanitary sewer connection to serve a residence at 3271 Sandhill Drive for Edgar E. Long was unanimously approved.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, a 1-inch water connection for a Mrs. Marilyn Nelson to an existing water main in Cumberland Road for water service to Carolina Fried Chicken establishment at the northwest corner of Owen Drive was approved subject to the owner signing an annexation petition and agreement.

Upon motion by Mr. Godwin, seconded by Mr. George, and carried unanimously, Public Works Commission was authorized to purchase six, 2500 KVA power transformers for $77,694.00

Council heard request from PWC for approval for 1-inch water connection to a location on Legion Road outside the city. Mr. Shaw asked what establishment this connection would serve. Commissioner Williams stated that he did not know.

Mr. George offered motion to defer this matter to the next regular meeting of the Council, seconded by Mr. Godwin and carried unanimously.

Council heard further request from PWC for approval of a 1-inch water and a 4-inch sanitary sewer connection to a proposed commercial building owned by Mr. Dan P. Barker located at McPherson Church Road and Barcelona Drive subject to Planning Board approval.

Following brief discussion, Mr. Shaw offered motion to defer this action on this matter to the next regular meeting of the Council, seconded by Mr. George and carried unanimously.

Council heard further request from PWC for approval of an enroachment agreement on Seaboard Coastline Railroad property for the installation of a water main.

RESOLUTION APPROVING ENROACHMENT ACROSS SEABOARD COASTLINE RAILROAD PROPERTY FOR THE INSTALLATION OF A PWC WATER MAIN. RES. NO. R-1973-66

Mr. Shaw offered motion, seconded by Mr. Godwin for approval of the enroachment agreement and that the Mayor and the City Clerk be authorized to sign said agreement for the city. Motion carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk.

This completed PWC Matters and the PWC representatives were excused from the meeting.

Council next considered two proposed speed control ordinances.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #8-SPEED CONTROL-EASTERN BLVD. ORD. NO. NS-1973-72

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #8-SPEED CONTROL-VILLAGE DRIVE. ORD. NO. NS-1973-73

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk.

The City Manager presented a Memorandum of Understanding regarding the operation of the Joint-City Law Enforcement Ventures (I.D. Bureau Crime Prevention Agency and City-County Bureau of Narcotics.) The Memo of Understanding was recommended by the existing Advisory Board established about a year ago to operate the City-County Narcotics Bureau. The memo suggested that the same board's responsibility be expanded to include the I.D. Bureau and the Crime Prevention Bureau. The County Commissioners will also consider approving the same Memo of Understanding. The Memo provided for the establishment of a Board of Directors for City-County Joint Law Enforcement by the County of Cumberland and the City of Fayetteville; said board to provide advice and guidance to the present and future Joint City-County Law Enforcement efforts. The Memo of Understanding also provided for: (A) Membership on the Board of Directors, (B) Schedule of meetings and election of officers, (C) Responsibilitites of the Board: (1) Fiscal Control, (2) Appointment of Agency

(3) Arbitration, (D) Supervision of Agency Directors.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing Memorandum of Understanding, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing Memo of Understanding is on file in the office of the City Clerk.

The City Manager informed Council that he had received a letter from Mr. Hans C. Larsen, Director of the Fayetteville-Cumberland County Civil Defense Agency, regarding a change of title of this agency. The title Civil Defense has been changed to Civil Preparedness at all levels of government. Similarly the title of Director has been changed to Coordinator at the regional and state levels. In order to conform to the new nation-wide designations the North Carolina Civil Preparedness Coordinator requested that efforts be made at local levels to have the title of each Civil Defense Agency changed to Civil Preparedness Agency and the title Director changed to Coordinator in each case. Mr. Larsen requested that Fayetteville Cumberland County Civil Defense Agency be redesignated Fayetteville Cumberland County Civil Preparedness Agency and that his title as Director be changed to Coordinator to conform to new nation-wide designations. A resolution had been prepared by Mr. Larsen and forwarded to accomplish these purposes.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA REGARDING THE CUMBERLAND COUNTY CIVIL DEFENSE AGENCY AND ITS DIRECTOR. RES. NO. R-1973-67

Mr. Godwin introduced the foregoing resolution and moved its adoption, seconded by Mrs. Finch and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk.

The City Manager presented three bids: two for the Sanitation Dept. for equipment and vehicles and 1 for the Fire Dept. for a pick-up truck and recommended approval of the low bids.

Mr. Godwin offered motion, seconded by Mr. Kelly for approval of the low bid of LaFayette Ford in the amount of $12,993.00 for two trucks for the Sanitation Dept. Motion carried unanimously.

Mr. Godwin offered motion for the approval of Worth Keeter Company in the amount of $12,240.00 for two rear end loading compaction bodies for the Sanitation Dept. Motion seconded by Mr. Kelly and carried unanimously.

Mr. Godwin offered motion for the approval of the low bid of LaFayette Ford in the amount of $2,688.80 for 1 pick-up truck for the Fire Dept. Motion seconded by Mr. Kelly and carried unanimously.

Upon motion by Mr. Kelly, seconded by Mr. Godwin, and carried unanimously, Taxi Cab Driver Permits were approved for the following named as recommended by the Taxi Cab Inspector, Chief of Police, and City Manager:

ROBERT FISHER	LINWOOD EMANUEL
ROBERT L. MCLAURIN	CLARENCE CADMUS HOLMES
CHESTER LEE MCLAUCHLIN	RICHARD E. HOLDER

Taxi Cab Driver Permits had not been recommended for the following named:

JONAH LEE LOFTIN AND WALTER MCKINNON

Mr. Loftin was present and recognized in behalf of his application for a Taxi Cab Driver Permit.

Following Mr. Loftin's appeal in his own behalf and a review of his court record, Mr.Shaw offered motion to follow the recommendation of the Taxi Cab Inspector, Chief of Police, and City Manager and deny his request for a Taxi Cab Driver Permit. Motion seconded by Mrs. Finch and carried unanimously.

Mr. Walter McKinnon was not present in behalf of his application for a Taxi Cab Driver Permit.

Mr. Godwin offered motion, seconded by Mrs. Finch to follow the recommendation of the Taxi Cab Inspector, Chief of Police, and City Manager and deny Mr. McKinnon's application for a Taxi Cab Driver Permit. Motion carried unanimously.

Council next gave consideration to several appointments. The first appointment was for a replacement for Mr. Tommy Bradford to the Advisory Recreation and Parks Commission. Following brief discussion, Mr. George offered motion to delay this appointment to the next regular meeting of the Council, seconded by Mrs. Finch and carried Mr. Kelly and Mrs. Shaw voting no.

Mayor Lee read a letter from Mr. Karl Sloan in which he submitted his resignation from the Planning Board. Mr. Sloan stated his regrets at finding it necessary to resign from his position and expressed his appreciation to the appointing authorities for their confidence in him.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, Mr. John Collie was elected to serve the unexpired term of Mr. Sloan to the Planning Board; said term expiring in June 1975.

Council next gave consideration to an appointment to the Fayetteville School Board Advisory Committee to replace Mr. J.W. Pate, Jr. who had resigned. Following brief discussion, this

appointment was deferred without objection to a later date.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, Sgt. W.D. McCall of the Police Dept. was appointed City Taxi Cab Inspector as recommended by the Chief of Police and the City Manager.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager reported the resignation from the Fire Dept. of Larry E. Parker. Council noted the resignation.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the following named was appointed to the Fire Dept. as recommended by the Fire Chief, Civil Service Commission and the City Manager: Charles B. Robinson.

The City Manager reported the resignation of Mr. Billy L. Kendall, Recreation and Parks Dept. Director, effective December 4. Council accepted the resignation with regret. The City Manager stated that applications for this position were now being solicited and advertised.

The City Manager reported that Mrs. Sarah Armfield Hill and her husband, Dr. Thomas E. Hill, had donated two lots on the Wilmington Road to the city for recreational purposes. These lots are located near a school crossing where some 50 to 100 children wait for a school bus each morning. These lots will be cleared and a street light installed in the near future. Mr. Shaw suggested that a letter of appreciation be written to Dr. and Mrs. Hill for their generous donation.

The City Manager reported bids had been received for the paving of the former Rogers-Breece lot on Bow Street across from City Hall. The low bid of Richardson Constructors Inc. in the amount of $12,417.40 was recommended.

Mr. Shaw offered motion to accept the foregoing low bid as recommended, seconded by Mr. Godwin and carried unanimously.

The City Manager reported that bids had been received for the installation of concrete around the Market House between the curb and the brick wall. The low bid was submitted by Cape Fear Concrete Service in the amount of $803.00

Mr. Shaw offered motion to accept the foregoing low bid as recommended, seconded by Mr. Godwin and carried unanimously.

MATTERS OF INTEREST TO THE COUNCIL

Mr.Godwin asked the City Manager about the status of the bridge or culvert on Adams Street. The City Manager replied that this installation would require a study by the City Engineer before proceeding and that the City Engineer had not as yet had time to begin such study. This would be begun as soon as possible.

Mrs. Finch asked if any sort of energy conservation plan was being developed for the City. The Mayor stated that he would make a report on that later in the meeting.

The City Manager stated that several steps were already being implemented in this direction such as lowering heating thermostats in city buildings to 68 degrees, the use of compact cars (several of which have already been purchased), and a suggestion to replace the present 3-wheel full size motorcycles with Cushman-type scooters for police work. The City Manager requested any suggestions along this line to further implement such procedures.

Mr. Shaw requested that the City Engineer inform the Council and the general public about the plans for the Russell Street Underpass. The City Engineer stated that a contract had been negotiated with Kimley-Horn for a study and that the Engineering firm of Froehling-Robertson had been contacted to begin soil borings. This is due to begin this week, he stated. Kimley-Horn would submit their report within 30 days after receiving the first soil borings report, the City Engineer stated.

Mr. Shaw stated that according to the Fayetteville Redevelopment Commission minutes of their last meeting, the Commission is considering the hiring of an consultant to study the Grant Program for Community development. Mr. Shaw stated that he was of the opinion that such a study should be implemented by the City Council. The City Manager was requested to discuss this development with Mr. Charles Fairley, Executive Director of the Fayetteville Redevelopment Commission.

Mayor Lee informed Council that he had received a very nice letter from former Congressman Alton Lennon in which he expressed his thanks and appreciation for the Resolution of Appreciation given to him by City Council some time ago.

Mayor Lee informed the Council members that the newly elected Council would be sworn in at the December 10, 1973 meeting as required under the new general statutes. Judge Maurice Braswell will administer the oath of office.

Mayor Lee informed Council that he had called a meeting for 11:00 A.M., Thursday, November

15, of representatives from the North Carolina Natural Gas Company, Ray Muench of PWC, the President of the local Fuel Oil Dealers Association and the President of the Gasoline Service Station Owners as a committee to discuss the fuel crisis as to (1) what the city can do, and (2) how we as a city can lead in the fuel crisis.

Thereafter, all matters of business having been completed, the meeting was adjourned at 10:30 P.M., upon motion made and duly seconded.

Maurice W. Downs

CITY CLERK
Maurice Downs

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 26, 1973
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members Present: Vardell Godwin, Beth Finch, Gene Plummer, Marion George, Glen Kelly, Harry Shaw

Others Present: Mr. Guy Smith, City Manager
Mr. Rudolph Singleton, City Attorney
Mr. Robert Butler, PWC
Mr. R.A. Muench, PWC

Mayor Lee called the meeting to order. The invocation was offered by Chaplain (LTC) Stephen M. Wagman, Deputy Post Chaplain, Fort Bragg. Fayetteville Youth Council Member, L.C. Barbour, led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Lee made several special presentations. The first to Police Officer, John M. Hall, Jr., who on November 11, 1973 saved the life of Miss Carol Jackson. The second presentation went to Mr. J. Mel Thompson, long time member and Chairman of the City Board of Education and now retired. The third presentation went to Billy L. Kendall, Superintendent of the Recreation and Parks Dept., who is leaving the employ of the city to accept a position elsewhere. The fourth presentation went to Mr. Karl Sloan, long time member and Chairman of the Joint Planning Board.

Mayor Lee also recognized Fayetteville Youth Council Members: Lisa Hamm and Mark Kirby.

Upon motion by Mr. George, seconded by Mr. Kelly and carried unanimously, the Minutes of the Regular Meeting of November 12, 1973 were approved as presented by the Clerk.

Public hearing was held, as continued from the meeting of November 12, on the closing of a 25 foot lane in the Alton G. Murchison Subdivision pursuant to petition from Highland Lumber Company. Council again recognized Attorney, John Blackwell, for the petitioner. There was no opposition present.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CLOSING A 25 FOOT LANE IN A SUBDIVISION KNOWN AS ALTON G. MURCHISON PROPERTY. RES. NO. R-1973-68.

Mr. Shaw introduced the foregoing resolution and moved its adoption, and that the Mayor and Clerk be authorized to sign said resolution for the City. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk.

Upon motin by Mr. Plummer, seconded by Mrs. Finch and carried unanimously, public hearings were set for 8:00 P.M., Monday, January 14, 1974, in the City Hall Council Chamber on the following zoning matters:

A. The rezoning from R6 Residential District to C3 Heavy Commercial District of an area located at 306 Forsythe Street.
B. The initial zoning to R5A Residential District, or to a higher classification, of an area located on Cliffdale Road between the Evans Property and Windtree Apartments.
C. The rezoning from C1P Shopping Center District and C3 Heavy Commercial District to P2 Professional District of an area off Village Drive in the vicinity of Saxony Place.

PLANNING BOARD MATTERS:

Council gave consideration to preliminary subdivision review of the Gregg Sutton Subdivision, Section II located on Ellis Street at Silk Lane. Planning Board recommended denial of the final plat at this time because the area proposed for final subdivision lies in the right-of-way of the Central Business District Loop Expressway. Mr. Shaw asked Planner Sutton how long the owner of this property would be denied the right to develop it pending acquisition of this property by the Dept. of Transportation. Planner Sutton replied that there appeared to be three alternatives: (1) acquisition of the property by the Dept. of Transportation, (2) acquisition of the property by some other organization, or (3) recording the plat, but indicating on it the Dept. of Transportation right-of-way.

The City Manager suggested to the Council that action on this matter be deferred to the next regular meeting and that he be authorized to contact the property owner about the purchase price and then make recommendation at the next meeting as to whether the City should or should not buy this tract.

Mr. Shaw offered motion, seconded by Mr. Godwin to postpone action on this matter until the next regular meeting of the Council on December 10. Motion carried unanimously.

Council heard recommendation from the Planning Board for conditional approval of preliminary review of Lake Clair Apartments located off Village Drive. The conditional approval was for a 200 foot variance in building distance to public streets. Planner Sutton pointed out that the need for public access through the property was unnecessary as long as the developer, Mr. Billy Clark, supplied additional right-of-way along Edmonton Road to the east and orginating at Ashley School.

This alternative would serve all properties to the east of this planned group development area and thereby eliminate the need for a stub-out. Mr. Clark has agreed to dedicate the additional right-of-way for public use as a condition of approval for this development.

Mr. Shaw offered motion to follow the foregoing recommendation of the Planning Board and give preliminary review approval to Lake Clair Apartments subject to the variance and the right-of-way dedication. Motion seconded by Mr. Godwin and carried unanimously.

Council heard recommendation from the Planning Board for preliminary plat review of the K-Mart Shopping Center Plan located on Owen Drive near Raeford Road subject to the following conditions: (1) in accordance with previous meetings with the staff, the developer has agreed to submit a revised plan indicating these additional items: (a) 15 foot planning areas adjacent to all public right-of-ways, (b) provide six lateral access points to adjoining properties to provide a degree of shopping center continuity for the area, (c) that various separations be shown and provided between parking bays, (d) that sidewalks be provided adjacent to Owen Drive in accord with City standards, (e) that the plan note that future building additions will be submitted for review: (2) The one item not agreed to by the developer, but recommended by the staff is as follows: (a) that curb entrance drives similar to those in the Fayetteville Mall and Bordeaux Shopping Center be provided with unbroken barrier curbs installed for a minimum distance of 120 feet from public right-of-way lines. This request was made to provide sufficient ingress and egress vehicle storage at the two entrance ways. A further conditional approval by the Planning Board was that the Planning Dept. Staff meet further with the developer to agree on the entrances. If this cannot be resolved, the plan should come back before the Planning Board.

Mr. Plummer offered motion for the K-Mart C1P plan review approval as located on Owen Drive near Raeford Road subject to all of the foregoing requirements and to the curb entrances and drainage. Motion seconded by Mr. Godwin and carried unanimously.

Upon motion by Mr. Plummer, seconded by Mr. Kelly and carried unanimoulsy, approval was given to preliminary review of Kingswood Garden Apartments located on Melrose Drive north of Cape Fear Valley Hospital subject to approval by the City Engineer.

Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, review for extension of preliminary approval was given to Briarwood Subdivision located off Village Drive as recommended by the Planning Board.

Upon motion by Mrs. Finch, seconded by Mr. Plummer and carried unanimously, approval was given review of Eutaw Shopping Center Plan Revision located on Bragg Blvd. as recommended by the Planning Board.

Council heard recommendation from the Planning Board for conditional approval of review of Cross Creek Mall Shopping Center Plan Revision for preliminary group development approval located on Morganton Road. The conditional approval was that plan revisions included relocation of the Penny's TBA Store, realignment of the interior service road and more explicit location of additional buildings in the southeast section of the plan. Planner Sutton stated that the Board recommended approval of the plan revisions and noted further that the planning plan for the areas adjacent to the proposed Owen Drive Expressway must still be approved by the City Engineer.

Mrs. Finch offered motion, seconded by Mr. Godwin for conditional approval for Cross Creek Mall Shopping Center Plan Revision for preliminary group development located on Morganton Road as recommended by the Planning Board. Motion carried unanimously.

Upon motion by Mr. Kelly, seconded by Mr. Plummer and carried unanimously, approval was given to a sanitary sewer extension to the Dan T. Barker property at the northwest corner of McPherson Church Road and Barcelona Drive outside the city as recommended by the Planning Board.

Upon motion by Mr. Plummer, seconded by Mr. Godwin and carried unanimously, a sanitary sewer extension to serve a Quick Stop Food Mart near the intersection of Shaw Road and Gregory Street outside the city was approved as recommended by the Planning Board.

Upon motion by Mr. Plummer, seconded by Mrs. Finch and carried unanimously, a water extension was approved to serve Decker Heights subdivision off Legion Road as recommended by the Planning Board.

PUBLIC WORKS COMMISSION MATTERS:

Council recognized Public Works Commissioner, Robert H. Butler, on a request for reconsideration of the letting of bids for the leasing of a portion of the PWC watershed property off Bragg Blvd. for the erection of a radio transmission tower. Discussion of this matter was deferred from last meeting. Commissioner Butler had a map projected showing the proposed site of the tower and the three easements areas and guy lines. Mr. Butler stated that this matter had been discussed again with Mr. Herb Thorp, Attorney, representing Cape Fear Broadcasting Company. Mr. Thorp indicated concurrence with an initial ten year lease with five consecutive renewal options for ten years each. Mr. Thorp also stated that his client would like first refusal to purchase the property if the City indicates it should desire to sell. PWC has no objection to leasing the property, a total of 1½ acres, 64,750 square feet, by public bid with minimum monthly rental to be $150.00. City Attorney Singleton ruled that the City could enter into such a lease agreement; however, the ten-year renewal option would be more than a ten year lease and the general statutes provide that leases for terms of more than ten years shall be treated as a sale of property and maybe executed by following any of the procedures outlined for the sale of property.

There was several questions asked by Council Members concerning the details of such a lease and for more exact location of the proposed tower site, as well as access to the area along Glenville

Lake which was still being considered by Council for recreational purposes.

Attorney Singleton suggested that he, PWC Attorney, and Attorney for Broadcasting Company sit down and actually draw a lease for submission to the Council for consideration.

Following some discussion of the matter, Mayor Lee suggested the preparation of a ground elevation drawing for the radio tower site and the preparation of a proposed easement for presentation at the next regular meeting. This was agreeable and action was deferred without objection until the next regular meeting.

Commissioner Butler again presented for Council's consideration a request for a water connection on Legion Road. This matter had been continued from the last meeting. Commissioner Butler stated that the request was for a 1-inch water connection outside the city to a Modern Gas Company office and a retail furniture building.

Mr. Plummer offered motion, seconded by Mr. Kelly for approval of this extension as requested. Motion carried unanimously.

Upon motion by Mr. Godwin, seconded by Mr. Plummer and carried unanimously, approval was given to an application by Lacy E. Ivey for one 4-inch sanitary sewer connection outside the city to serve a residence at 3254 Sandhill Drive.

Upon motion by Mr. Plummer, seconded by Mr. Kelly and carried unanimously, approval was given to an application by Violet B. Pabst for one 4-inch sanitary sewer connection outside the city to serve a residence at 3258 Sandhill Drive.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, approval was given to the low bid of Power Equipment Co. in the amount of $24,916.04 for the purchase by PWC of a 23,000-pound GVW truck with aerial lift device and utility body.

Council next gave consideration to a petition for the paving of a portion of Temple Avenue between Murchison Road and Drexel Street. The City Manager reported that the residents also wanted water and sanitary sewer services and that all right-of-way had been secured with the exception of one property owner. The City Manager requested that Council authorize the institution of condemnation proceedings for this one remaining tract.

Councilman George offered motion that condemnation be ordered for this remaining tract, preparatory to proceeding with the paving of Temple Avenue. Motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration to the acquisition of a Fire Station site located on Rosehill Road. In a memorandum, the City Manager stated that the 1973-74 budget includes an appropriation of $15,000 for acquisition of two Fire Station sites. Construction of the Rosehill Road Fire Station was planned to begin this fiscal year. A study had been made for a station to be located on the Rosehill Road replacing the No. 3 station now existing near the intersection of Ramsey Street and Hillsboro Street. The location of the proposed new station had been tentatively approved by a representative of the Insurance Service Organization which is the organization responsible for Fayetteville Fire Insurance Rating. A local appraiser was employed to negotiate for a suitable site in the Rosehill Road area. Three sites were desirable from a location standpoint; however, the site owned by Mrs. Carrie Benton in the vicinity of Rosehill Road and U.S. 401 by-pass was recommended for purchase by the City Manager and Fire Chief for the price of $15,000.00

Councilman Plummer offered motion to follow the foregoing recommendation of the City Manager and Fire Chief and purchase the Carrie Benton tract for the Rosehill Road Fire Station. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a request for Sunday sale of beer and wine. In a memorandum dated November 20, 1973 to the members of the City Council, the Mayor stated that a petition had been received from Attorney Henry W. Witcover, containing the signatures of more than 200 people concerning the city ordinance precluding the sale and consumption of wine and malt beverages after 1:00 P.M. on Sundays until 1:00 A.M. on Mondays. They had requested to be heard by City Council on a request that we change our ordinance to allow such sales.

Council recognized Attorney Witcover in behalf of the petitioners. Council also recognized a Willie J. Tillery, owner of Tillery's Barbecue Haven on Chatham Street, in opposition to the ordinance prohibiting beer sales.

Council also recognized a Charles H. Council, 714 Bell Street, who represented himself as a consumer and also requested repeal of the ordinance prohibiting beer sales on Sunday.

Council again recognized Mr. Witcover who requested a reconsideration of the ordinance prohibiting beer sales on Sunday and the repeal thereof.

Council then recognized the Rev. W. Harold Bridges, Pastor the Walstone Baptist Church, in support of the ordinance prohibiting beer sales on Sunday.

Mayor Lee stated that he was in receipt of two petitions in support of the present ordinance. One peition was signed by the Rev. W.L. Owens, Pastor of Village Drive Baptist Church, and the other peition was signed by the church clerk of Village Drive Baptist Church.

The City Attorney reviewed for Council's benefit the legislation regarding the sale of beer and wine in the city.

Council took no action on the petitions for a repeal of the city's beer and wine ordinance.

Council next gave consideration to memorandums from the Fayetteville-Cumberland County Civil Military Commission on Alcoholism and Drug Abuse recommending approval of appointment of civilian members to the commission and to a request for the approval of the Charter and By-Laws. Mayor Lee presented the matters simultaneously and presented the request for the approval of the Charter and By-Laws first. Mayor Lee called Council's attention to Section 2 of Article 3 of the By-Laws dealing with the number of directors. Section 2 of stated that there would be 11 directors in all, 7 civilian and 4 military. Mayor Lee suggested that the 7 civilian directors be appointed as follows: The President of the Youth Council and three to be appointed by the County Commissioners and three to be appointed by the City Council. Regarding Section 3, which deals with the removal and vacancy and members, Mayor Lee suggested that there be specific trend of office and that these be three year staggered terms.

Following brief discussion, Mr. Shaw offered motion that the By-Laws of the Fayetteville-Cumberland County Civil Military Commission on Alcoholism and Drug Abuse be approved subject to the foregoing suggestions of Mayor Lee in those Sections 2 and 3 regarding the number of directors and the removal and vacancy of members. Motion seconded by Mr. Kelly and carried unanimously.

Mr. Shaw then offered motion that the Articles of Incorporation of the Fayetteville-Cumberland County Civil Military Commission on Alcoholism and Drug Abuse be approved as submitted. Motion seconded by Mr. Godwin and carried unanimously.

Regarding the appointments to the foregoing commission, Mayor Lee suggested, and it was agreed without objection, to secure additional information regarding these appointments and consider the making of same at the next regular meeting of the Council on December 10.

Council next gave consideration to a letter from Mr. John A. Martin, County Tax Supervisor, to Mr. J.D. McCall, City Tax Collector, regarding approval of the County Tax Supervisor to accept and process applications from certain property owners filing for present use values(Agricultural, Horticultural, and Forest Land Use) under a ruling by the North Carolina Dept. of Revenue, effective January 1, 1974. Under the ruling every owner of property, other than a governmental unit, who claims exemption from property taxes must file an application for such exemption with the tax supervisor of the county in which the property is situated. If the property is situated inside an incorporated city or town, the owner must also file an application with the city or town unless the city or town has arranged to have the county accept and process applications in its behalf.

Mr. Shaw offered motion, seconded by Mr. Plummer that the County Tax Supervisor be and he hereby is requested to accept and process applications in behalf of the City of Fayetteville relative to the foregoing. Motion carried unanimously.

Council next considered an amendment to the Redevelopment Plan (Murchison Road Redevelopment Area) NCR-90. In a memorandum to the Mayor and members of the Council, Mr. Charles Fairley, Executive Director of the Fayetteville Redevelopment Commission, stated that the redevelopment plan for the Murchison Road Redevelopment area designates definite use for each parcel in the project area. Parcel #I-1 located on the south side of Cumberland Street adjacent to the Central Business District Loop prohibits the use of land for a funeral home. The proposed purchaser of this parcel wishes to construct a funeral home. The parcel has been zoned CIP which permits funeral homes and undertaking establishments. We request amendment to the Redevelopment plan to include funeral homes for this area. The amendment has been approved by the Fayetteville Redevelopment Commission and the Cumberland County Joint Planning Board.

Mr. Godwin offered motion, seconded by Mrs. Finch that the Redevelopment Plan Murchison Road Redevelopment Area NCR-90 be amended as requested by the Fayetteville Redevelopment Commission in the foregoing memorandum. Motion carried unanimously.

Council next gave consideration to a request by the Fayetteville Redevelopment Commission to purchase City property as proposed under the Murchison Road Redevelopment Plan. In a memorandum to the Mayor and members of the Council, the City Manager stated that the tract which the Commission wished to purchase is owned by the City and was acquired many years ago by PWC as part of the water shed property or the Filter Plant property.

This area was part of the Murchison Road Redevelopment Plan acquisition. Appraisals has been made and the Commission has offered $8,500.00 for the property which would be sold for reuse to the City School Board and a funeral establishment. Mr. Fairley advises that PWC foresees no use of the property for its utility present or future needs. The City Manager recommended that the City sell the property to the Fayetteville Redevelopment Commission for the sum offered.

Mrs. Finch offered motion, seconded by Mr. Kelly that thesale of the foregoing tract of land to Fayetteville Redevelopment Commission be and the same is hereby approved for the sum of $8,500.00 Motion carried unanimously.

Council next gave consideration to the adoption of a resolution stating that certain finance records were disposed of as required at the October 8, 1973 meeting.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE THAT THE DISPOSITION OF CERTAIN FINANCE RECORDS WAS PREFORMED. RES. NO. R-1973-69

Mr. Kelly introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to the approval of bids for the Murchison Road Redevelopment Area, Section 2B and Section 3 (Mt. Siani). City Engineer, Bennett, presented this matter. Mr. Bennett stated that the bids provided for street paving in Murchison Road Section 2B (Monagon Street) and in the Mt. Siani Section 3 (Blue Street). This project includes the cleaning out of Cross Creek from west Rowan Street to Murchison Road. This is City's contract #155. The low bid of Cumberland Paving Company in as estimated amount of $153,019.80 was recommended.

Mr. Plummer offered motion, seconded by Mr. George that the low bid of Cumberland Paving Company in the estimated amount of $153,019.80 be approved as recommended. Motion carried unanimously.

Upon motion by Mr. Plummer, seconded by Mr. Godwin and carried unanimously, applications for Taxi Cab Driver Permits for the following named were approved as recommended by the City Taxi Cab Inspector, Chief of Police, and City Manager: EUGENE BARBEE and JAMES ESTON TYNDALL, JR.

Council next gave consideration to several appointments.

Upon motion by Mr. Godwin, seconded by Mr. Plummer and carried unanimously, the following named was appointed to the Advisory Recreation and Parks Commission to complete the term of Mr. Tommy Bradford, resigned, said term expiring in October 1974. MR. AL KULIG.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, the following named was appointed to the Fayetteville School Board Advisory Committee to complete the term of Mr. J.W. Pate, resigned. MRS. TERRI ALLEN. A second appointment to this committee to complete the term of Mr. R.O. McCoy, Jr., resigned, was carried over until the next regular meeting of the Council.

There were no delegations present.

CITY MANAGER'S REPORTS

The City Manager reported to the Council that additional measures were being undertaken toward energy and fuel conservation such as: the elimination of ornamental lighting not necessary for public safety and security, in public buildings such as: the Market House, the Kyle House, and the Green Street Fountain. The curtailment where possible of night time lighting for recreational activities, the pooling of trips for City motor vehicles, the more efficient use of gasoline for police patrols. Sixty-eight degrees temperatures have been established during work hours in the City offices with cutbacks to 64 degrees at night during the week and a reduction to 60 degrees during weekends and on holidays.

MATTERS OF INTEREST TO THE COUNCIL

Mrs. Finch asked for a report on the paper pick-up program. The City Manager reported that the program was a good one in theory but that citizen participation was not sufficient. Collection cost were running approximately $85.00 per week and revenue approximate $45.00 per week. Mrs. Finch asked the City Manager to provide this information to the newspaper for the information of the general public.

Mrs. Finch stated that she would like it known as a matter of public record that it had been a unique pleasure to serve for the past 2½ years with the partner on her left (Councilman Plummer) that she was extremely appreciative of the help he had rendered to her personally and for the humor he had injected during the meetings. Mr. Plummer thanked Mrs. Finch for her kind remarks and in return "willed" her his "Hard Seat" during her next term of office.

Mr. Plummer asked about the progress of the street marker program. City Engineer Bennett replied that gradual progress was being made and should be completed within the next two months.

Mr. Plummer asked about the left turn signal at the intersection of Ramsey Street and Country Club Drive. The City Engineer replied that the Dept. of Transportation has this equipment on order and it should be received in approximately two months.

City Attorney, Singleton, informed the Council that a very severe traffic conjestion problem existed on Morganton Road at Northview Drive caused by traffic proceeding to Vanstory School.

The City Manager acknowledged that the problem existed here and at other locations, and stated that it was the State's policy and not the City's.

Mayor Lee requested the City Engineer and City Manager to study the setting aside of bicycle paths along traveled roads to be used not for recreational purposes but for use of children riding to school.

Mayor Lee reminded Councilman Plummer that the filing dead line for the next Municipal General Election would be sometime in September 1975 and that after a two year absence, he would probably be ready to go again. He then requested that Councilman Plummer adjourn the meeting, which he did, with a resounding whack of the gavel at 10:30 P.M.

Maurice W. Downs
City Clerk

SPECIAL MEETING
OF THE
EXISTING CITY COUNCIL
COUNCIL CHAMBER CITY HALL
DECEMBER 10, 1973
8:00 P.M.

Present: Mayor Jackson F. Lee

Council Members: Vardell Godwin, Beth Finch, Gene Plummer, Marion George, Glen Kelly, Harry Shaw

Mayor Lee called the meeting to order.

Upon motion by Mr. Plummer, seconded by Mr. George, and carried unanimously, Minutes of the Regular Meeting of November 26, 1973 were approved as submitted by the City Clerk.

Mayor Lee called on the City Clerk to give the report from the County Election Board and the Certification of the City Election results. A copy of the report and certification appear below:

CERTIFICATE OF THE BOARD OF ELECTION
CITY OF FAYETTEVILLE MUNICIPAL ELECTION

Fayetteville, North Carolina
November 8, 1973

We, the undersigned Board of Elections of Cumberland County, North Carolina, do hereby certify that we met in the City Hall at Fayetteville at 12:00 noon on Thursday, November 8, 1973 and did canvass the original returns of the Registrars and Judges of Election of the votes cast in the municipal general election for Mayor and City Council held on November 6, 1973, and we do hereby certify that the following are true and correct totals of votes cast for the following candidates in said returns:

FOR MAYOR	TOTAL VOTES RECEIVED
Jack Davis	1741
Jack Lee	7082
FOR COUNCIL	**TOTAL VOTES RECEIVED**
Mrs. Marie Beard	4381
Anthony M. Cestrone	2055
Mrs. Beth Finch	5867
Marion C. George, Jr.	5584
C. Vardell Godwin	4546
Lawrence C. Green	1955
Glen W. Kelly	4388
James S. (Jim) Maloney	3364
Michael C. Moore	1988
Steve Satisky	4025
Harry F. Shaw	5686

We, therefore, certify that pursuant to such tabulation, we have judicially determined that the vote received for candidates for Mayor and City Council resulted in the election of the following:

FOR MAYOR: Jack Lee

FOR CITY COUNCIL: (Six candidates with the highest number of votes)

(1) Mrs. Beth Finch
(2) Harry F. Shaw
(3) Marion C, George, Jr.
(4) C. Vardell Godwin
(5) Glen W. Kelly
(6) Mrs. Marie Beard

Given under our hand and seal this 8th day of November 1973.

CUMBERLAND COUNTY BOARD OF ELECTIONS

G.E. Edgerton — Chairman

D.A. Williams — Member

A.R. Beebe — Member

All matters of business before the existing City Council having been completed, the meeting was adjourned at 8:10 P.M., upon motion by Mr. Plummer, seconded by Mr. Kelly and carried unanimously.

Maurice W. Downs
City Clerk

Councilwoman Marie W. Beard
Councilman Marion C. George, Jr.
Councilwoman Beth D. Finch
Mayor Jackson F. Lee
Councilman Glen W. Kelly
Councilman Vardell C. Godwin
Councilman Harry F. Shaw
Honorable E. Maurice Braswell

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 10, 1973
8:15 P.M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr.Guy Smith, City Manager
Mr. Rudolph Singleton, City Attorney
Mr. Monroe Evans, PWC
Mr. Ray Muench, PWC

Mayor Lee called this first meeting of the new City Council to order. The invocation was offered by the Rev. Leighton McKeithen of Highland Presbyterian Church. SP-4 Raymond S. Flora, 82nd Airborne Trooper, of the year, led the assembly in the Pledge of Allegiance to the Flag.

Mayor Lee recognized special guests present in the audience for the Inauguration Ceremony. They included Mr. Luther Packer, Chairman of the Board of Commissioners for Cumberland County, Mr. E.G. Edge, Immediate Past Chairman of the Board of Commissioners for Cumberland County, Lieutenant General and Mrs. Richard J. Seitz, Fort Bragg, Brigadier General and Mrs. Theodore Creighton, Pope Air Force Base, and members of the Mayor's and Council Member's families.

Mayor Lee then called on the Honorable E. Maurice Braswell, Resident Judge of the Superior Court to administer the oath of office to the new Council Members.

Judge Braswell then administered the oath of office to Mayor Lee.

Mayor Lee then extended thanks to Rev. McKeithen, SP-4 Flora, and the distinguished guests for their presence this evening and offered the following remarks:

"That which has been done in the past is of little importance unless we apply those lessons which have been learned along the way in order to improve our performance in the future. This evening we have again sworn our oaths to serve this city that Fayetteville does not end at some artifical boundary. What we do in our delibrations for the next several years not only affects the residents within the city limits, but can have lasting affects for those who choose our area in which to live and work for the present and for many years to come. Our future is limited only by our imagination and our willingness to commit ourselves to move forward. As we assume our duties, we are faced with a situation in which we have not found ourselves for many years. I refer, of course, to the shortage of energy. That energy upon which we have built the world's greatest culture as we did when we were faced with shortages during war time, I am confident that we will do our upmost voluntarily to make the best of what we have. You and I may be called upon to make certain sacrifices and I also know that we are made of that sterner stuff that will see us through. I would ask that we take the leadership of which we are capable in working for the solutions of these problems that face us in the future. Tonight we start another period in the life of this great city. I would only ask that you give us your encouragement, your support, and your prayers in order that we can better serve." Thank you.

Mayor Lee then announced that the Council would now continue with its organization by election of a Mayor pro tempore. Mr. George nominated Councilwoman Beth Finch for this position. Councilman Shaw then offered motion that nominations be closed and that Mrs.Finch be elected by acclamation vote of the Council. Motion seconded by Mr. Godwin. The votes were then cast and Mayor Lee announced that Mrs.Finch had been elected Mayor pro tempore by unanimous vote. Mrs. Finch abstained to vote. Mrs. Finch the offered the following remarks:

"I did not come with a prepared speech. I am deeply grateful for this honor. It comes on the heels of a November victory which humbled me and I am grateful for that, and for the new role which you have bestowed on me this evening. As I look out and see so many friends tonight, I am grateful for their support and I hope in the coming two years I can justify that support and serve the city as I have tried in the past 2½ years and as conscientiously as I possibly can. Thank you and as my first official act I would like to ask somebody to turn down the thermostat in this Council Chamber in behalf of the energy crisis."

Mayor Lee then extended a welcome to Mrs. Marie Beard, the newest member of the City Council.

Mayor Lee then announced that the new Council would consider the first matter of business on this evening's agenda.

A public hearing had been published for this date and hour on the confirmation of the assessment roll for the laying of a sidewalk on the south side of Hay Street beginning at the eastern margin of the M.M. Smith property (Miracle Theatre Building, 325 Hay Street) and extending westwardly to the Seaboard Coastline (A & Y) Railroad track. The Mayor read into the minutes a certificate from the City Clerk stating that all property owners had been mailed notices of this public hearing. There was no opposition present.

The matter was discussed for several minutes with Mr. Shaw putting forth the suggestions that the City assume more than the normal 50% share of the assessment cost and that the Council amend the present sidewalk paving policy.

Following brief discussion, Mr. Shaw offered motion that this Public Hearing be continued until the next regular meeting of the Council on January 14, 1974. Motion seconded by Mr. Godwin and carried unanimously.

A public hearing had been published for this date and hour on the confirmation of the assessment roll for the extension of sanitary sewer mains and other improvements on and in Brinkley Street, Ingram Street, Neville Street, North Street, and Thad Street in Fairview Park subdivision. Again the Mayor read a certificate from the City Clerk stating that all of the property owners had been mailed notices of this public hearing.

A Mr. C.T. Williams and other residents of Fairview Park were recognized in opposition to the assessment rate. In the opinion of the residents, the rate was too high.

Following a discussion of this matter, Mr. George offered motion to continue this public hearing to the next regular meeting of the City Council on January 14, 1974 and that a committee of the residents get together with a member of the City Administration to discuss this matter further. Motion seconded by Mr. Kelly and carried unanimously.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a public hearing was ordered published for January 14, 1974 by the unanimous adoption of the following resolution:

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF TEMPLE AVE. RES. NO. R-1973-70

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a public hearing was set for January 14, 1974 on the installation of water and sanitary sewer on Temple Avenue by the unanimous adoption of the following resolution:

PRELIMINARY RESOLUTION REQUIRING THE INSTALLATION OF WATER AND SANITARY SEWER, WITHOUT A PETITION, IN TEMPLE AVENUE. RES. NO. R-1973-71

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a public hearing was ordered set for January 14, 1974 on proposed amendments to establish a PND Planned Neighborhood zoning district in the City of Fayetteville zoning ordinance.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a public hearing was set for January 14, 1974 on a petition to lay a sidewalk abutting a portion of the Fayetteville City School Board property, the Teresa C. Berrien School on North Street, by the unanimous adoption of the following resolution:

PRELIMINARY RESOLUTION REQUIRING THE LAYING OF A SIDEWALK PURSUANT TO PETITION ON NORTH STREET. RES. NO. R-1973-72

Copies of the foregoing resolutions are on file in the office of the City Clerk.

PLANNING BOARD MATTERS

Council again considered preliminary subdivision review of the Gregg Sutton Subdivision, Section 2, located on Ellis Street at Silk Lane. Planning Board recommended denial because the area proposed for a final subdivision lies in the right-of-way of the CBD Loop Expressway. In a memorandum to the Mayor and Council, the City Manager had negotiated with the owner for the purchase of the property to protect the future right-of-way of the CBD Loop. The owner asked $15,000.00 for the five lots. A local appraiser had appraised the lots informally and stated that he would not recommend even half the asking price. The City Manager recommended that the Council not acquire these lots at this time for the proposed state system street.

Mr. Shaw offered motion to follow the recommendation of the City Manager and to deny the request to subdivide the property. Motion seconded by Mr. Kelly and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council again considered a request by PWC for authority to let bids for the leasing of certain watershed property on the north side of Bragg Blvd. for the purpose of constructing a radio transmission tower by Cape Fear Broadcasting Company. This matter had been continued from the last meeting. Commissioner Evans informed Council that he had no additional information to report on this matter. City Manager, Smith, informed Council that the Attorneys would like to secure additional information and to report on this matter later in January. City Attorney Singleton, stated that he would also have additional information on this matter to present in January. Council took no action on this matter at this time.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, an application by Mrs. Grace Bryan for a 1-inch water connection to an existing water main for service to a residence at 201 Vineland Street outside the city was approved as recommended by the Public Works Commission.

The City Manager reported to the Council on the current status of the Downtown Circulation Plan. In a memorandum to the Mayor and Council, the City Manager reported that Council had agreed to implement the Downtown Circulation Plan. The estimated cost of the street improvements was to be approximately five million dollars with the city to fund 2½ million from Revenue Sharing or funds made possible by Revenue Sharing and the remaining 2½ million from Topics Funds. Topics (Traffic Operations Plan to Improve Capacity and Safety) is a federal 50% matching grant administered by the state for improvements to certain streets within municipalities. The City

has had several Topics projects funded over the past 4 or 5 years. On December 5, several of the State Traffic Engineers requested a meeting with the City Manager and City Engineer. They announced that they were instructed by the Dept. of Transportation to contact all municipalities with Topics Projects underway or pending and advise them that practically all projects would be recommended to be discontinued. Topics money will still be received by the Dept. of Transportation but will be merged with the Urban Fund and spent by the State for larger projects in Urban areas but not necessarily within the actual city limits. The Urban Fund will be used to fund some of the projects in the Seven Year Plan recently published by the Dept. of Transportation.

The result of all this is that there will be no further Topics project in Fayetteville and therefore no federal or state assistant in the Downtown Circulation Plan. No action was requested by the City Manager on this matter but he did request Council to begin thinking of committing City resources over the next 4 years toward financing the whole project (five million dollars) and if this project is given priority, City Administration should like to begin as soon as possible on letting to contract several sections of the Circulation Plan.

Following brief discussion, Mr. Shaw offered motion that the city proceed with the extension of Mason Street and Franklin Street as the first leg of the Downtown Circulation Plan. Motion seconded by Mrs. Finch and carried unanimously.

Council recognized Mr. J. Bernard Stein, representing the Midtown Revitalization Program of the Chamber of Commerce. Mr. Stein presented to the Council a plan for Midtown Revitalization. He stated that the erosion of the Midtown area as a commercial center of Cumberland County has been going on for a period of years. There have been some token attempts to improve the looks of the Midtown area with lengths of sidewalk canopy on Hay street, but there has as yet been no comprehensive effort to revitalize the area which if it is to take place will take a combined effort on the part of private enterprise and governmental involvement. He reminded Council that the midtown area is the City's strongest tax base. He reminded Council of the visual appearance of the 500 block of Hay Street realizing that a concerted effort was needed. A group of concerned citizens had embarked on a campaign to reverse the direction of the midtown area. He stated that they had contacted the planning and consulting firm of L.B.C. & W OF Columbia, South Carolina to study in detail the midtown area and to propose certain priorities and a 25 year blue print for revitalizing the area. The cost of this venture would be as follows: (1) development of the plan - $80,000.00, (2) first year implementation - $40,000.00, (3) second year implementation- $40,000.00, (4) third year implementation - $40,000.00 or a total of $200,000.00. The first part of the plan would be a series of reconnaissance studies followed by an economic analysis of the area highlighting areas that would justify private investment. A traffic study is also planned. The time scheduled for the development of the plan is twelve to eighteen months. Implementation would require an executive to co-ordinate the effort between the city and county governments and the various merchant groups involved in the area. It would be his job to sell the midtown area to private investment as well as to see the various groups combined to produce the maximum effort which will be needed.

We, from the private sector, as of this date have raised $40,000.00, provided that we secure participation by the County and City Governments. We respectfully request that the County and City Governments provide the balance of the funds on an equal basis; $80,000.00 each, so that this program might be started.

In a memorandum to the Mayor and Council, the City Manager recommended that they appoint a committee to become familiar with this proposal and to report back to Council before any implied commitment is made.

Following some discussion, Mrs. Finch offered motion to follow the City Manager's recommendation and delay any action on this matter until the January meeting. Motion seconded by Mrs. Beard and carried unanimously.

A Conference Meeting was set for 4:00 P.M., Wednesday, December 19, in the Kyle House to discuss this matter further with Mr. Stein and others.

Council recognized Mr. W.W. (Bill) Crowell on a request that Council reconsider its action on April 27, 1971, to participate in costs of the widening of Fairway Drive on the west side of Highland Country Club. Mr. Crowell's specific request was that his firm be paid the sum of $1,423.00, which was the cost of paving between 41 feet and 29 feet pavement including the street intersection with Raeford Road. In a letter to the City Manager from Moorman & Little, dated April 19, 1971, that firm requested city participation in the widening of Fairway Drive as follows: (1) the present Fairway Drive road bed is 20 feet in width. The City Engineer recommended a 41 foot wide street. Participation was requested and the costs of the grating, 6 inch sand clay base, and 2-inch asphalt pavement for the extra work exceeding the city standard 29 foot wide street and (2) after the construction is completed, they requested that the city resurface Fairway Drive in its new 41 foot width. Crowell Constructors, Inc. proceeded with the curbing in this area but will not commence work on the items in which city participation is requested until the Council has acted.

In a memorandum to the Mayor and Council dated December 5, 1973, the City Manager stated that while both the City Manager and City Engineer recommended that the Council approve the participation at the meeting on April 27, 1971, the fact remains that participation was denied by the Council.

Construction proceeded after the request for participation was refused by the Council. Presumsbly payment for the contract work should have been resolved among Moorman & Little Engineers, Highland Country Club, and Crowell Constructors. Without knowing what the financial arrangements were, it would appear that Mr. Crowell could seek relief from Highland Country Club.

The City Manager's recommendation to the Council was, that while the project met city standards, the City Council denied participation. Now over 2½ years later it would set a delicate precedent

for a different Council to reverse a decision by previous Council in this situation. The work should have held up and a request for reconsideration made to the Council at that time. It is therefore recommended that the request be denied.

Council took no action on Mr. Crowell's request.

Council further recognized Mr. Crowell on appointments to the Civil Military Commission on Alcoholism and Drug Abuse and on approval of Charter and By-laws and Articles of Incorporation for that commission. Mayor Lee apprised Mr. Crowell of City Council's action concerning these matters at the November 26 regular meeting of the Council at which Mr. Crowell was not present and further advised him that the Liaison Committee would meet later this week on these matters.

Council next gave consideration to a proposed ordinance which would prohibit parking on both sides of Olive Road.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NC, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE #11 PARKING PROHIBITED-OLIVE ROAD-BOTH SIDES-FROM MORGANTON ROAD SOUTHWARDLY TO SHERMAN DRIVE. ORD. NO. NS-1973-74.

Following brief discussion, Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously.

A copy of the foregoing ordinance is on file in the office of the City Clerk.

Council next gave consideration to a proposed ordinance which would prohibit parking at all times on Fountain Head Lane, on both sides thereof, from the south curb line of Hay Street for a distance of 150 feet southwardly.

Council recognized Mr. Stewart Martin, owner and operator of an Interior Decorator Shop at 717 Hay Street, which is on the corner of Fountain Head Lane and Hay Street in objection to the passage of this proposed ordinance on the grounds that it would leave his customers and employees with no place to park. Mr. Martin suggested instead that other alternatives be considered among them, the alternative of making Fountain Head Lane one way from Hay Street southwardly.

Following considerable discussion of this matter, Mayor Lee offered the suggestion that Mr. Martin discuss this matter with City Engineer Bennett about the alternative suggestions and that Mr. Bennett come back to the Council with a recommendation.

Council next gave consideration to several bids.

Upon motion by Mr. Godwin, seconded by Mrs. Finch, and carried unanimously, the low bid of Cumberland Paving Company in an estimated amount of $76,989.85 was approved for drainage and street construction under city contract number #158-Southeast Fayetteville NCA-7 on portions of Mann and Simmons St.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, the bid for two Three Wheeled Police Vehicles was awarded to the low bidder, Eastern Turf Equipment Company, for their bid $3,975.64 for these two vehicles with trade-ins or $4,775.64 without trade-ins. The City Manager requested and received authorization from the Council to accept this bid with or without the trade-ins at his discretion.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, the low bid of M & O Chevrolet Company was accepted for providing seven new police cars for the Police Dept. M & O's bid was in the amount of $20,639.35.

The City Manager informed Council that he had received a request from the Chief of Police to discontinue specifying that Police cars be painted black and white and to phase into a blue police car for reasons of better trade-in value.

Following brief discussion, Mr. Kelly offered motion to allow the Chief of Police to phase into blue color for police cars. Motion seconded by Mr. Godwin and carried, Mr. Shaw voting no.

Upon motion by Mr.Shaw, seconded by Mr. Kelly and carried unanimously,the low bid of Ormonds Inc. at 89¢ per set of five uniforms (pants, shirts, and smocks) providing for two changes per week and per employee uniform service for city employees.

Upon motion by Mr. Shaw, seconded by Mr. George and carried unanimously, bid for the construction of retaining walls and headwalls at the Seaboard Coastline Railroad at Langdon Street was awarded to Cape Concrete Company.

Council heard a report from Assistant City Manager Thomas, who gave cost figures on the pilot project on recycling paper. The figures indicated that collection cost were exceeding by approximately 50% the revenue which the city was realizing from the sale of this paper. The City Manager recommended discontinance of this project.

Following brief discussion of this matter, Mr. Shaw offered motion to continue the pick-ups of recyclable paper in the pilot project through the end of this calendar year. Seconded by Mr. Godwin and carried unanimously.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously,Taxi Cab Driver Permits were approved for the following named as recommended by the TAXI Cab Inspector, Chief of Police and City Manager: DEWITT S. BULLARD AND DOUGLAS SMITH, JR.

Council next gave consideration to a prpposed sledding ordinance. In a memorandum to the City Manager, the Recreation Dept. recommended the following criteria for setting aside certain public streets in the city for sledding purposes (A) the Recreation Dept. would designate and mark sledding streets when snow and ice conditions were favorable. These streets would be used for sledding in conjunction with school closures. The Recreation Dept. would use marker properly labeling the partially blocked off streets that meet the following standards: (1) sled riding streets are not to block thoroughfares or main traffic roadways, (2) said streets will have limited intersections and side street approaches to be marked or partially blocked. These cannot be main roadways or thoroughfares. (3) that streets are not blocked in such a manner as to restrict resident traffic, sanitation, or public utilities, (4) streets will have a steep slope, sufficient length of run to allow for enjoyment and adequate distance to safely stop. (B) the City, in order to insure safe areas, would enforce the following requirements: (1) sledding streets will be used for sledding purposes for non motorized equipment only. No motorized vehicles will be used for or in assistance to sled riding, (2) no fires would be permitted on city streets and property in accordance with the city code, (3) sledding on streets other than the ones disignated would be in violation of the code.

Following considerable discussion on this matter, Mr. Kelly offered motion, seconded by Mrs. Beard that a sledding ordinance be drawn for consideration by the Council.

Following further discussion, Mrs. Finch offered substitute motion that no action be taken at this time on this matter. Motion seconded by Mr. Shaw and carried by the following vote: FOR: Council Members Finch, Shaw, and Beard; AGAINST: Kelly, George, and Godwin. Mayor Lee cast the deciding vote in favor of the motion.

Council next gave consideration to several appointments to various Boards and Commissions.

An appointment to the Fayetteville Redevelopment Commission was deferred until the next regular meeting of the Council.

Mayor Lee reported the resignation of Mrs. Ruth Walker from the Human Relations Advisory Commission. Action was deferred on the replacement for Mrs. Walker.

The names of Mrs. Florence Cain and Mr. Ray Vallery were submitted to fill a vacancy on the Fayetteville School Board Advisory Committee to replace Mr. R.O. McCoy, Jr. who had resigned. Votes were casts by each member of the Council, tallied by the City Clerk and submitted to the Mayor. Mayor Lee declared that Mrs.Florence Cain had been elected to fill this vacancy.

Upon motion by Mr. Kelly, seconded by Mr. George, and carried unanimously, the regularly scheduled meeting of the Council of December 24 (Christmas Eve) was cancelled.

Thereafter, all matters of business having been completed, the meeting was adjourned at 10:45 P.M., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

SPECIAL MEETING
4:00 P.M.
Wednesday
December 19, 1973
Council Chamer Kyle House

Present: Mayor Jackson F. Lee

Council Members Present: Harry Shaw, Beth Finch, Marie Beard, Glen Kelly

Council Members Absent: Marion George, Vardell Godwin

Others Present:
Mr. Guy Smith, City Manager
Mr. William Thomas, Assistant City Manager
Mr. Robert Bennett, City Engineer
Mr. J. Bernard Stein)
Mr. Billy Clark) ------ Midtown Revitalization Committee
Mr. Luke Wheeler)
Mr. Fred Price)
Mr. Charles Clark, Chamber of Commerce
Mr. E.J. Edge, County Commissioner
Mr. Carter Twine, County Manager

Mayor Lee called this special meeting to order and stated that all members had received due and proper notice. The purpose of this meeting was to further discuss a proposed Midtown Revitalization study and implementation as presented to Council at its last regular meeting. Mayor Lee called on Mr. Bernard Stein.

Mr. Stein reviewed the orginal presentation made at the regular meeting of December 10. He reiterated his request to Council for an appropriation to underwrite this study by the planning and consulting engineer firm of L.B.C. & W. He stated that other cities such as Durham, North Carolina and Columbia, South Carolina have benefited from such revitalization studies in planning, zoning, public transportation, and business district pedestrian malls. He stated that the plan was to form a corporation and hire a director to implement the recommendations to be made in the survey. Mr. Stein stated that the State of South Carolina was participating in such a plan for the revitalization of downtown Columbia, the State's capitol city.

Council next recognized Mr.Billy Clark who provided some information on special tax district legislation.

Council next recognized Mr. Fred Price, past President of the Downtown Fayetteville Association. Mr. Price endorsed the proposed study, particularly in view of the fact that Sears, Belk's, and the Capitol are all planning to move into the new shopping centers from the downtown area. This study is needed now, he stated, since it will take approximately 1 year to complete the study and several years to implement to full completion the recommendation which would be forthcoming in the study.

Council next recognized Mr. Charles Clark, Executive Director of the Fayetteville Chamber of Commerce, who gave the boundaries of the area involved in the revitalization plan as: Rowan Street on the north, Cool Spring Street on the east, Blount Street on the south, and Bragg Blvd. on the west. He stated that within this area there were 872 pieces of property with an assessed tax valuation of $47 million dollars.

At this time, Mr. Shaw asked at what point the city could "get off" if the plan showed no tangible results in an reasonable length of time. Mr. Stein stated that period of time would be approximately 3 years. Mr. Stein also informed Council that the County Commissioners had indicated their willingness to participate in the cost of this survey pending city's approval.

Following a lengthy discussion, Mr. Shaw presented comments by the Planning Board on the

proposed study. The Planning Board stated in an memorandum that the proposed downtown revitalization study is a major planning study which should be carefully co-ordinated with overall planning in the community. The Planning Board is in a unique position to help co-ordinate downtown planning with overall city and county planning. In a co-ordinator role, the Planning Board can help assure that the public and private resources expended for downtown planning and revitalization will have a positive impact within the community as well as downtown. Specifically, the Planning Board sees several potentials for involvement in this study: (1) Study Degsign - The Planning Board should be given an opportunity to review the proposed scope of services, (2) Plan Formation - The Planning Board should be represented on the "steering committee", or whatever group is designated to work with the consultants, to review and help formulate plan recommendations, (3) Related Planning Studies - The Planning Board has done or is doing planning studies that are related to downtown planning and should be reflected in the proposed study. Such current studies include the commercial area study, transit study and the thoroughfare plan updating. Past studies include the population and economy study, neighborhood analysis, 1963 Central Business District plan and various maps, project files and miscellaneous statistical data. Optimum utilization of this material will occur only if the Planning Board is actively involved in the downtown revitalization study.

Mr. Billy Clark was recognized and stated that he would request Mr. Day of L.B.C. & W to contact the Planning Board head to discuss the foregoing matters.

Mr. Stein was again recognized and stated that he would request that L.B.C. & W representatives come up and look at the studies already completed or in the process of completion by the Planning Dept. and then give a revaluation of their proposed recommendations.

Mayor Lee then suggested that Mr. Day and Planning Dept. Director, Cliff Strassenburg, be invited to the next regular meeting of the Council on January 14, 1974, and give their recommendations for possible final action on this matter. Mr. Stein and the other members of the committee then excused themselves from this meeting and council continued with the next item of business.

Council next gave consideration to some bids.

The City Manager stated that bids had been received for city contract number #160. Street construction and improvements - Wilmington Road NCP-NCA-10, Wright Street area. The low bid was submitted by Cumberland Paving Company in the amount of $81,348.45 and was recommended.

Mr. Kelly offered motion, seconded by Mrs. Beard that Cumberland Paving Company be awarded the foregoing bid for $81,348.45 as recommended by the City Manager. Motion carried unanimously.

The City Manager next reported that bids had been received for the demolition of the former passenger terminal building at Grannis Field and that the low bid had been submitted by Bernard Vann of Fayetteville, North Carolina in the amount of $2,989.89 and was recommended.

Mrs. Finch offered motion, seconded by Mrs. Beard to follow the foregoing recommendation of the City Manager and award the bid to Bernard Vann of Fayetteville, North Carolina for $2,989.89. Motion carried unanimously.

The City Manager reported that if there was no objection from the Council, he would authorize Staff Offices of the City to close at 1:00 P.M., on Tuesday, December 24, 1973, (Christmas Eve) for the benefit of City Employees. There was no objection voiced.

At the suggestion of Mayor Lee, action was deferred on the Civil Military Commissions

proposed by-laws and civilian appointments. He informed Council that their recommendations concerning this commission had been submitted to the County Commissioner's for their concurrence.

A special meeting of the City Council was called for 5:00 P.M., Thursday, December 27, 1973, in the Council Chamber in the Kyle House to act on some airport bids which the City Manager stated needed attention before the end of the calendar year.

Mayor Lee recognized Mr. Shaw who stated that the City-County Laision Committee had met to discuss the Clark Park Land Acquisition matter which was presented several weeks ago. Mr. Godwin had also met with this commission. Mr. Shaw stated that the general consensus of opinion of this committee was to recommend to the respective City-County governoring bodies that the City allow the County to acquire the property for park purposes in the County's name, that the County will erect the 6 foot fence at its expense and the County will then lease this tract and the other tract on which the lease will expire in 6 years to the City for a 20 year period.

Following brief discussion, Mr. Kelly offered motion, that the city agree to withdraw its request to acquire this property and allow the county to acquire it in its name, erect a fence, at its expense, and then lease this tract and the other tract to the City for a 20 year period. Motion seconded by Mrs. Finch and carried unanimously.

Thereafter, all matters of business having been completed, the meeting was adjourned at 5:40 P.M., upon motion made and duly seconded.

Maurice W. Downs
City Clerk

SPECIAL MEETING
THURSDAY, DECEMBER 27, 1973
COUNCIL CHAMBER KYLE HOUSE
5:00 P.M.

Present: Mayor Jackson F. Lee

Council Members Present: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. William Thomas, Assistant City Manager

Mayor Lee called this special session to order for the purpose of acting on some airport bids. He called on City Manager, Smith, who presented these items.

The City Manager reported that three bids had been received for the installation of a security fence around the Airport Terminal Building. The low bid was submitted by Williford Hardware in the amount of $4,548.10.

The City Manager reported that three bids had been received for the installation of a security fence around the Airport Runways. The low bid was submitted by Williford Hardware in the amount of $30,434.90. The City Manager stated that both of the foregoing bids are recommended subject to approval by the Airport Commission and the FAA.

Councilman George offered motion that the low bid of Williford Hardware in the amount of $4,548.10 be approved for the installation of fencing around the Airport Terminal Building as recommended subject to approval by the Airport Commission and FAA. Motion seconded by Mrs. Beard and carried unanimously.

Mr. Godwin offered motion that the foregoing bid of Williford Hardware in the amount of $30,434.90 for the installation of fencing around the Airport Runways be approved subject to Airport Commission and FAA approval as recommended. Motion seconded by Mr. George and carried unanimously.

Council next gave reconsideration to the By-laws of the Fayetteville Cumberland County Civil Military Commission on Alcoholism and Drug Abuse. Mayor Lee stated that the recommendation was to approve the By-laws as submitted with the changes in Article 3 concerning members and that the Council consider appointments to this commission at the next regular meeting of January 14, 1974.

Mr. Shaw offered motion, seconded by Mr. George that the By-laws of the Fayetteville Cumberland County Civil Military Commission on Alcoholism and Drug Abuse be approved with the changes in Article 3 as recommended. Motion seconded by Mr. George and carried unanimously.

Thereafter, all matters of business having been completed, the meeting was adjourned at 5:05 P.M., upon motion made and duly seconded.

Maurice W. Downs
City Clerk